

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 7 July 2025	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 14.00)

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

**2 Instruments that raise no reporting issues under Standing Order
21.2 or 21.3**

(13.30 – 13.35)

(Pages 1 – 2)

Attached Documents:

LJC(6)–22–25 – Paper 1 – Draft report

Made Negative Resolution Instruments

2.1 SL(6)628 – The Building (Amendment) (Wales) Regulations 2025

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

(13.35 – 13.40)

Made Negative Resolution Instruments



3.1 SL(6)626 – The Vehicle Emissions Trading Schemes (Amendment) Order 2025
(Pages 3 – 4)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-22-25 – Paper 2 – Draft report

**3.2 SL(6)627 – The Environmental Protection (Single-use Vapes) (Wales)
(Amendment) Regulations 2025**

(Pages 5 – 9)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-22-25 – Paper 3 – Draft report

LJC(6)-22-25 – Paper 4 – Letter from Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Llywydd, 18 June 2025

**3.3 SL(6)631 – The Education (Student Finance) (Miscellaneous Amendments)
(No. 2) (Wales) Regulations 2025**

(Pages 10 – 11)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-22-25 – Paper 5 – Draft report

**3.4 SL(6)623 – The Infrastructure Consent (Examination and Decision)
(Procedure) (Wales) Regulations 2025**

(Pages 12 – 18)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-22-25 – Paper 6 – Draft report

LJC(6)-22-25 – Paper 7 – Written Statement by Cabinet Secretary for Economy, Energy and Planning, 18 June 2025

3.5 SL(6)624 – The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025

(Pages 19 – 24)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-22-25 – Paper 8 – Draft report

LJC(6)-22-25 – Paper 9 – Written Statement by Cabinet Secretary for Economy, Energy and Planning, 18 June 2025

3.6 SL(6)625 – The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025

(Pages 25 – 32)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-22-25 – Paper 10 – Draft report

LJC(6)-22-25 – Paper 11 – Written Statement by Cabinet Secretary for Economy, Energy and Planning, 18 June 2025

Affirmative Resolution Instruments

3.7 SL(6)621 – The Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025

(Pages 33 – 37)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-22-25 – Paper 12 – Draft report

LJC(6)-22-25 – Paper 13 – Written Statement by Cabinet Secretary for Economy, Energy and Planning, 18 June 2025

3.8 SL(6)622 – The Infrastructure Consent (Fees) (Wales) Regulations 2025

(Pages 38 – 43)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-22-25 – Paper 14 – Draft report

LJC(6)-22-25 – Paper 15 – Written Statement by Cabinet Secretary for Economy, Energy and Planning, 18 June 2025

3.9 SL(6)630 – The Welsh Elections Financial Assistance Scheme (Disabled Candidates) Regulations 2025

(Pages 44 – 45)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-22-25 – Paper 16 – Draft report

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

(13.40 – 13.45)

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

(Pages 46 – 49)

Attached Documents:

LJC(6)-22-25 – Paper 17 – Letter from Cabinet Secretary for Housing and Local Government, 30 June 2025

LJC(6)-22-25 – Paper 18 – Letter to the Cabinet Secretary for Housing and Local Government, 18 June 2025

5 Instruments that raise issues to be reported to the Senedd under Standing Order 21.7 – previously considered

(13.45 – 13.50)

5.1 SL(6)617 – Code of Practice on the exercise of social services functions in relation to Part 4 (direct payments and choice of accommodation) and Part 5

(charging and financial assessment) of the Social Services and Well-being (Wales) Act 2014

(Pages 50 – 62)

Attached Documents:

LJC(6)-22-25 – Paper 19 – Report

LJC(6)-22-25 – Paper 20 – Welsh Government response

6 Inter-Institutional Relations Agreement

(13.50 – 13.55)

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

(Pages 63 – 64)

Attached Documents:

LJC(6)-22-25 – Paper 21 – Written Statement by the Cabinet Secretary for Economy, Energy and Planning: Inter-Ministerial Group for Business and Industry, 1 July 2025

LJC(6)-22-25 – Paper 22 – Letter from the Cabinet Secretary for Transport and North Wales: Inter-Ministerial Group on Transport, 2 July 2025

7 Papers to note

(13.55 – 14.00)

7.1 Correspondence from the Cabinet Secretary for Health and Social Care: The Welsh Government's Legislative Consent Memorandum on the Terminally Ill Adults (End of Life) Bill

(Pages 65 – 67)

Attached Documents:

LJC(6)-22-25 – Paper 23 – Letter from the Cabinet Secretary for Health and Social Care, 30 June 2025

LJC(6)-22-25 – Paper 24 – Letter to the Cabinet Secretary for Health and Social Care, 19 May 2025

**7.2 Correspondence from the Welsh Government: The Welsh Government's
Legislative Consent Memorandum on the Bus Services (No. 2) Bill**

(Pages 68 – 74)

Attached Documents:

LJC(6)-22-25 – Paper 25 – Letter from the Cabinet Secretary for Transport
and North Wales, 2 July 2025

LJC(6)-22-25 – Paper 26 – Letter from the First Minister of Wales, 2 July 2025

LJC(6)-22-25 – Paper 27 – Letter to the First Minister of Wales, 9 May 2025

**7.3 Correspondence from the Equality and Social Justice Committee: Criminal
Justice session with Lord Timpson**

(Page 75)

Attached Documents:

LJC(6)-22-25 – Paper 28 – Letter from the Equality and Social Justice
Committee, 3 July 2025

**7.4 Correspondence from the Welsh Government: The Welsh Government's
response to the Committee's report on the Welsh Government's
Supplementary Legislative Consent Memorandum (Memorandum No. 2) on
the Tobacco and Vapes Bill**

(Page 76)

Attached Documents:

LJC(6)-22-25 – Paper 29 – Welsh Government response, 3 July 2025

**8 Motion under Standing Order 17.42 (vi) and (ix) to resolve to
exclude the public from the remainder of the meeting**

(14.00)

Private meeting

(14.00 – 15.30)

- 9 Legislative Consent Memorandum on the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill: Draft report**
(14.00 – 14.10) (Pages 77 – 84)
- Attached Documents:
LJC(6)-22-25 – Paper 30 – Draft report
- 10 Legislative Consent Memorandum on the Sustainable Aviation Fuel Bill**
(14.10 – 14.20) (Pages 85 – 91)
- Attached Documents:
LJC(6)-22-25 – Paper 31 – Legal Advice Note
- 11 Legislative Consent Memorandum on the Victims and Courts Bill: Draft report**
(14.20 – 14.30) (Pages 92 – 95)
- Attached Documents:
LJC(6)-22-25 – Paper 32 – Draft report
- 12 Legislative Consent Memorandum on the Absent Voting (Elections in Scotland and Wales) Bill**
(14.30 – 14.40) (Pages 96 – 100)
- Attached Documents:
LJC(6)-22-25 – Paper 33 – Legal Advice Note
- 13 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Planning and Infrastructure Bill**
(14.40 – 14.50) (Pages 101 – 106)
- Attached Documents:
LJC(6)-22-25 – Paper 34 – Legal Advice Note

14 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Children's Wellbeing and School Bill

(14.50 – 15.00)

(Pages 107 – 110)

Attached Documents:

LJC(6)-22-25 – Paper 35 – Legal Advice Note

15 Forward Work Planning: Legacy Report

(15.00 – 15.30)

(Pages 111 – 119)

Attached Documents:

LJC(6)-22-25 – Paper 36 – Forward Look including legacy work

Statutory Instruments with Clear Reports 07 July 2025

SL(6)628 – The Building (Amendment)(Wales) Regulations 2025

Procedure: Made Negative

These Regulations amend the Building Regulations 2010 (“the Building Regulations”). The Building Regulations impose requirements for building work and set out procedures for supervision of that work.

Regulation 6(1)(c) and paragraph B4(1) of Schedule 1 to the Building Regulations currently requires the external walls of any existing building over 15 metres in height, which undergoes a material change of use, adequately resists the spread of fire. These Regulations broaden the scope of that requirement so that in future it will apply to any building over 11 metres in height.

Regulation 7(2) of the Building Regulations applies to a “relevant building”. A relevant building is currently one with a floor at 18 metres or more above ground level that contains one or more dwellings, an institution, or a room for residential purposes (but excluding hostels, hotels or a boarding house). Regulation 7(2) requires all building materials which become part of an external wall, or specified attachment to the wall of a relevant building are of a minimum European Classification A2-s1, d0 or A1, classified in accordance with BS EN 13501-1:2018 entitled “Fire classification of construction products and building elements. Classification using test data from reaction to fire tests”. These Regulations extend the scope of the requirement so that it will in future also apply to hostels, hotels and boarding houses above 18 metres. These Regulations also prohibit the use of any relevant metal composite material in an external wall or a specified attachment to the wall of a relevant building. They exempt fibre optic cables and components of solar shading devices from this requirement and extend the exemption already in place for insulation and waterproofing materials used below ground level, to permit use of those materials up to 300 mm above ground level.

These Regulations make transitional provision so that the changes introduced by them will not apply to work if a building notice, or an initial notice has been given to, or full plans deposited with a local authority before the day these Regulations come into force and the work has either started by that day or starts within 6 months beginning with that date.



Parent Act: Building Act 1984

Date Made: 17 June 2025

Date Laid: 19 June 2025

Coming into force date: 20 December 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

SL(6)626 – The Vehicle Emissions Trading Schemes (Amendment) Order 2025

Background and Purpose

As part of the transition to zero emission vehicles (“ZEVs”), the Vehicle Emissions Trading Schemes Order 2023 (“the 2023 Order”) established four Great Britain wide trading schemes to limit both the numbers of new non-ZEVs which may be registered in Great Britain, and the CO₂ emissions from such vehicles.

This Order amends the 2023 Order and the Vehicle Emissions Trading Schemes (Amendment) Order 2024 (“the 2024 Order”).

The 2023 Order and the 2024 Order revoked and saved provisions in Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting CO₂ emission performance standards for new passenger cars and for new light commercial vehicles (“the Regulation”). Provisions for the Regulation may still be exercised for monitoring and compliance purposes for prior years.

The Regulation is assimilated law that sets annual specific CO₂ emissions targets for manufacturers registering new cars and light commercial vehicles in the UK. Targets are calculated on the mass of the manufacturer’s fleet of vehicles, in accordance with a three-part formula found in Annex I of the Regulation. If a manufacturer exceeds their target, they are liable to pay an excess emissions premium. Manufacturers’ specific CO₂ emissions targets from the Regulation inform the CO₂ baselines for the 2023 Order.

The Explanatory Memorandum (“the EM”) explains that this Order reconciles a discrepancy that has been identified in the approach of the Department for Transport (“DfT”) to use some EU values for the specific CO₂ emissions targets as the scope of the Regulation only permits UK values to be used when calculating the relevant targets, contrary to the policy intention and the interpretation put forward in guidance. This Order enables manufacturers to receive the higher specific CO₂ emissions target from either the EU-derived approach (as previously communicated by DfT) or a UK-derived approach (as strictly read from the Regulation).

Once monitoring and compliance is complete for 2021-2023 in the UK and 2024 in Northern Ireland, the Regulation as it regulates CO₂ emissions will no longer apply. This Order *“therefore delivers an interim measure to correct the discrepancy in target setting for the 2021-2023 and 2024 compliance years, before the CO₂-reduction obligations in Regulation (EU) 2019/631 are fully replaced from 2025 onwards”*.

Procedure

Negative.



This Order in Council was made by His Majesty before being laid before Senedd Cymru, the United Kingdom Parliament, the Scottish Parliament and the Northern Ireland Assembly.

The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd. The other three legislatures can also annul the Order, in accordance with the rules for annulment that apply to each of those legislatures.

Technical Scrutiny

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

1. Standing Order 21.2(ix) – that it is not made or to be made in both English and Welsh

The Order has been laid before Senedd Cymru, the United Kingdom Parliament, the Northern Ireland Assembly and the Scottish Parliament. The Order has been made in English only. The Welsh Government's Explanatory Memorandum states as follows (at paragraph 2.2):

"As this instrument will be subject to UK, Scottish and Northern Irish Parliamentary scrutiny, it is not considered reasonably practicable for this instrument to be made or laid bilingually."

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

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.

We note the following extract from the Explanatory Memorandum (at paragraph 2.3):

"Alongside the consultation, the UK Government and Devolved Governments jointly commissioned the Climate Change Committee ("CCC") for advice on this instrument in accordance with section 48 of the Climate Change Act 2008. This advice was published by the CCC on their website. [Letter: Advice on zero-emissions vehicle \(ZEV\) mandate and carbon dioxide regulations for new cars - Climate Change Committee.](#)"

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

27 June 2025



SL(6)627 – The Environmental Protection (Single-use Vapes) (Wales) (Amendment) (Wales) Regulations 2025

Background and Purpose

The Environmental Protection (Single-use Vapes) (Wales) Regulations 2024 came into force on 1st June 2025 and prohibit the supply of single-use vapes in Wales. They aim to address the environmental damage caused by inappropriate disposal of single-use vapes (“the 2024 Regulations”).

Regulation 10 of the 2024 Regulations includes a power for enforcement officers, who are appointed by a local authority, to seize single-use vapes that contravene the regulations and then retain them for listed specific purposes, such as to test the vape or to make it available as evidence. Regulation 12 of the 2024 Regulations gives the Welsh Ministers a power to direct that any single-use vapes seized by enforcement enforcers are disposed of as waste.

In error, the enforcement officers power to retain seized single-use vapes set out in regulation 10 does not extend to retention of them in order that they can be disposed of as waste, pursuant to a direction from the Welsh Ministers. These Regulations amend regulation 10 of the 2024 Regulations to extend the reach of the power to permit retention for that purpose.

Procedure

Negative.

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(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**

These Regulations are made under powers in section 140(1) of the Environmental Protection Act 1990. The power enables the Welsh Ministers to specify and then regulate the possession, use or storage of a substance or article *if* the Welsh Ministers consider it is



appropriate in order to prevent that substance or article from causing either environmental pollution or harm to human, animal or plant health.

The exercise of the section 140(1) power is therefore conditional upon the Welsh Ministers reaching that view. The introductory words of the Regulations set out below refer to this condition:

"The Welsh Ministers-

(a) consider it appropriate to make these Regulations for the purpose of preventing the articles specified in them from causing pollution of the environment and harm to the health of animals;"

These words are intended to confirm the Welsh Ministers are satisfied in relation to the condition in section 140(1). The wording refers to "*articles specified*" in these Regulations. However no articles are specified in these Regulations, the regulated articles, single-use vapes, are specified in the 2024 Regulations.

In our view, in order to satisfy section 140(1) of the Environmental Protection Act 1990 the introductory words of these Regulations should refer to "*articles specified in regulation 3 & 4 of the the Environmental Protection (Single-use Vapes)(Wales) Regulations 2024*".

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

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.

These Regulations were made on 17 June 2025, laid on 18 June 2025 and come into force on 19 June 2025. Section 11A(4) of the Statutory Instruments Act 1946 applies in the event a negative resolution SI is not laid at least 21 calendar days before it comes into force. It provides that the Welsh Government must notify the Llywydd and explain the 21 day requirement has not been observed.

The Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs Huw Irranca-Davies MS wrote to the Llywydd on 18 June 2025 and stated the following:

"The 2024 Regulations came into force on 1 June 2025. Therefore, not adhering to the 21- day convention will ensure the 2024 Regulations are corrected as soon as is practicably possible, ensuring that the ban created by the 2024 Regulations is given its full effect in the soonest possible time."

Welsh Government response

A Welsh Government response is required.



Legal Advisers
Legislation, Justice and Constitution Committee
1 July 2025



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: MA/HIDCC/01188/25

Elin Jones MS
Llywydd
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

18 June 2025

Dear Elin,

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument, the Environmental Protection (Single-use Vapes) (Wales) (Amendment) Regulations 2025, will come into force on 19 June, less than 21 days after it has been laid. A copy of the instrument and the accompanying Explanatory Memorandum are attached for your information.

The Environmental Protection (Single-use Vapes) (Wales) (Amendment) Regulations 2025 (“the amending Regulations”) amend the Environmental Protection (Single-use Vapes) (Wales) Regulations 2024 (“the 2024 Regulations”). The amending Regulations will confer a new power, to allow local authority enforcement officers who have seized single-use vapes (and their components), to retain them for the purposes of disposing them as waste as directed under Regulation 12 of the 2024 Regulations.

The amendment is required because at present, the 2024 Regulations allow the Welsh Ministers to direct local authority regulators to dispose of single-use vapes as waste, but local authority enforcement officers lack the ability to retain single-use vapes, that they have seized, to comply with such a direction.

The amendment does not alter the policy (nor its impact) in any significant way nor how it is applied in each situation.

The 2024 Regulations came into force on 1 June 2025. Therefore, not adhering to the 21-day convention will ensure the 2024 Regulations are corrected as soon as is practicably possible, ensuring that the ban created by the 2024 Regulations is given its full effect in the soonest possible time.

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

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I am copying this letter to Jane Hutt MS, Cabinet Secretary for Social Justice, Chief Whip and Trefnydd, Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee, Matthew Richards, Interim Director of Senedd Business, Bethan Davies, Head of Chamber and Committee Services, Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name 'Huw Irranca-Davies'.

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

Agenda Item 3.3

SL(6)631 – The Education (Student Finance) (Miscellaneous Amendments) (No. 2) (Wales) Regulations 2025

Background and Purpose

Currently, existing student support and fee protection legislation relating to certain categories of eligible students, namely:

- (i) protected Ukrainian nationals, and
- (ii) persons granted leave to enter leave to enter or remain as a protected partner and their children,

only require a person to have been *granted* the relevant form of leave in order to be eligible for student support and/or fee protections - there is no requirement that the person *have* the relevant form of leave at that time.

These Regulations rectify this historic error by amending the relevant student support and fee protection legislation. As a result of the changes, only those who fall within the relevant eligibility and who have extant leave to enter or remain in the United Kingdom will be eligible for student support and/or fee protections (provided all other relevant criteria are met).

Procedure

Negative.

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

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

Merits Scrutiny

The following point is 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**



The date on which these Regulations were laid before Senedd Cymru is stated in the instrument as "24 June 2024" [*emphasis added*], which appears to be an error. We ask the Welsh Government to confirm that this is the case.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

1 July 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

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Agenda Item 3.4

SL(6)623 – The Infrastructure Consent (Examination and Decision) (Procedure) (Wales) Regulations 2025

Background and Purpose

The Infrastructure (Wales) Act 2024 (“the 2024 Act”) establishes a unified application and consenting process to enable the making and consideration of applications for infrastructure consent. The process broadly applies to significant infrastructure projects that are energy, transport, waste and water projects.

These Regulations make provision additional to that in the 2024 Act about pre-application requirements and applying for infrastructure consent. They deal with the examination procedure which follows an application, and, in particular, they make further provision in relation to an examining authority, preparation for and the examination of applications and post-examination processes.

Procedure

Negative.

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 16 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 defines “application” as “an application for infrastructure consent made under section 32 of the 2024 Act and includes any agreed variation”. However, “agreed variation” is not defined and there is no information as to what constitutes an agreed variation and who needs to agree to it in the Regulations. If this information is set out in the Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations then this should be specifically referenced in the definition of “application”.

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

In regulation 2(1), there is a definition of “land” for these Regulations. However, there is another definition of “the land” in paragraph 3 of Schedule 2. Therefore, the definition of “land”



in regulation 2(1) should alert the reader to this fact, possibly by using a phrase such as “, other than in Schedule 2,”.

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

In regulation 6(2), there is a difference between the English and Welsh text. In the English text, it notes “any change of or to the examining authority” but the meaning given by the Welsh text is “any change to the examining authority”.

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

In regulation 6(3), there is a difference between the English and Welsh text. In the English text, it notes “The person who is the examining authority or the chair of the panel who is the examining authority...”. But the meaning given by the Welsh text is “The person who performs the role of the examining authority or the chair of the panel who performs the role of the examining authority...”. This gives the potential for confusion not only between the two texts, but also in the Welsh text could lead to ambiguity regarding the application of the regulation.

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

Regulation 11(4)(b) refers the reader to “regulation 24(2)” but it does not identify the Regulations in which that regulation is found. It should also state “of the 2025 Compulsory Acquisition Regulations” afterwards to complete that reference.

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

Regulation 14(5) imposes requirements regarding the display of a notice for applications relating to “linear development”. The Regulations do not provide a meaning for this term and therefore it is unclear on the face of the Regulations what a “linear development” is.

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

In regulations 15(1) and 26(1)(a), “an inquiry” is used without a previous reference to “a local inquiry”. Elsewhere it always refers to “a local inquiry” on the first occasion in a provision before using phrases such as “an inquiry” or “the inquiry” when referring back to that local inquiry. The Committee assumes that regulations 15(1) and 26(1)(a) should refer to “local inquiry” but clarification is requested.

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

In regulation 15(2), there is a difference between the English and Welsh text. In the English text, it notes that “The examining authority may require the person to prepare a written



statement of that evidence.” But in the Welsh text the meaning of “may” has been expressed by using “gall” which only suggests the possibility of the examining authority requiring such a written statement – “The examining authority might require...”. However, the use of “may” in this provision appears to be conferring discretionary legal power on the examining authority to require a written statement. In which case the Style Guide of the Welsh Government’s Legislative Translation Unit notes that either “caiff” or “caniateir” are the appropriate choice in this context in the Welsh text of legislation.

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

In regulation 17, there is a difference in the numbering of the English and Welsh text. In the English text, the provision is numbered as regulation “17”, but in the Welsh text it is incorrectly numbered as regulation “17-(1)” even though there is no paragraph (2) in that regulation.

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

Regulations 20 and 21 permit the making of “closing submissions” in relation to hearings and local inquiries respectively. “Closing submissions” is defined for the purpose of regulation 20 but not for regulation 21. It is therefore not clear whether “closing submissions” is intended to have the same meaning in regulation 21 as it does in regulation 20.

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

Regulation 25 requires the examining authority to give notice of the name of any assessor, solicitor or barrister appointed to assist them. Regulation 25(2) states that notice must be given of the matters in relation to which any assessor has been appointed to assist, but there is no similar requirement in relation to any barrister or solicitor who has been appointed.

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

In regulation 27(6), there is a difference between the English and Welsh text. In the English text, it states that the notice “must specify” the purposes of the meeting etc. But the meaning given by the Welsh text is that the notice “must note” the purposes of the meeting etc. This is because the Welsh text has used “nodi” to express the meaning of “specify” but “pennu” is the word standardised for “specify” by the Glossary of the Welsh Government’s Legislative Translation Unit.

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



In regulation 28(11)(a), there is a difference between the English and Welsh text. In the English text, the cross-reference refers to “paragraph (7)” but in the Welsh text it incorrectly refers to “paragraph (11)”.

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

In regulation 33, it notes that “they must send to the interested parties... a written statement” after referring earlier in that regulation to both “the examining authority” and “the Welsh Ministers”. However, it appears to be placing an obligation on “the examining authority” by using a plural pronoun rather than on “the Welsh Ministers” which is confusing for the reader as to the meaning of the regulation. In this regard, plural pronouns have been used throughout these Regulations when referring to “the examining authority” although the Welsh Government’s drafting guidelines recommend using a singular pronoun “it” rather than a plural pronoun “they” when referring to public bodies such as a local authority, a tribunal or a committee.

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

In regulation 34(1)(b), the reference is incomplete as it refers to “section 60(3)(a)” without identifying the Act in which that section is found. In regulation 35, the references to other provisions also found in section 60 identify the Act by noting “of the 2024 Act”. Therefore, it is also an inconsistent approach to the description of references found in the same Act. Similarly, paragraphs 1(d) and (e) and 2(a) and (b) of Schedule 2 to the Regulations refer to various sections, but no Act is specified in relation to these sections. It is assumed that they are reference to provisions of the 2024 Act but this should be explicitly stated.

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

In Schedule 1, in paragraph 3(b), the amendment to regulation 3(3) of the Planning (National Security Directions and Appointed Representatives) (Wales) Regulations 2006 does not make sense. The existing sub-paragraphs in regulation 3(3) of the 2006 Regulations are numbered (a) to (c). Therefore, it does not make sense to insert a new sub-paragraph numbered as (i) which includes a description of another amendment to be inserted “after sub-paragraph (c)”. It appears that paragraph 3(b) of Schedule 1 should state “in paragraph (3), after sub-paragraph (c) insert-” followed by the text of the new sub-paragraph (d).

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

2 July 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 16**

Legislation, Justice and Constitution Committee



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Infrastructure (Wales) Act 2024 – Laying of statutory instruments**

DATE **18 June 2025**

BY **Rebecca Evans MS, Cabinet Secretary for Economy, Energy and Planning**

The Welsh Government is committed to accelerating decision making for large scale infrastructure projects, whilst also ensuring that our communities have appropriate opportunities to fully engage in the process and our environment is protected.

To help deliver this ambition, yesterday, I laid five pieces of legislation for the implementation of the consenting process set out by the Infrastructure (Wales) Act 2024. The Act establishes a new process for consenting of significant infrastructure projects in Wales, including energy, waste, water and transport projects.

The regulations set out the detail underpinning the provisions provided in the Act and have been informed by our consultation and engagement with stakeholders. They are designed to work together to ensure the new infrastructure consenting process meets the needs of all stakeholders in Wales.

[The Infrastructure \(Wales\) Act 2024 \(Commencement No. 1\) Order 2025](#) commences provisions within the Act.

[The Infrastructure Consent \(Pre-Application and Application Procedure and Transitional Provisions\) \(Wales\) Regulations 2025](#) make provision for pre-application procedures to be undertaken on a proposed significant infrastructure project and set out how the Welsh Ministers will process an application submitted to them.

[The Infrastructure Consent \(Examination and Decision\) \(Procedure\) \(Wales\) Regulations 2025](#) make provision for the procedure for examination of infrastructure applications by the examining authority and decision-making processes to be undertaken on those applications. [The Infrastructure Consent \(Fees\) \(Wales\) Regulations 2025](#) allow for public authorities to charge fees to applicants for their functions in determining applications for infrastructure consent.

[The Infrastructure Consent \(Compulsory Acquisition\) \(Wales\) Regulations 2025](#)

make provision for additional procedures for allowing the compulsory acquisition of land or rights over land as part of an infrastructure consent order.

[The Infrastructure Consent \(Miscellaneous Provisions\) \(Wales\) Regulations 2025](#) make provision for matters outside of the main process but are essential to ensure the Infrastructure Act and new consenting process are appropriately implemented.

SL(6)624 – The Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025

Background and Purpose

The *Infrastructure (Wales) Act 2024* (the “**2024 Act**”) created a unified consenting regime for major infrastructure projects in Wales.

The *Infrastructure Consent (Compulsory Acquisition) (Wales) Regulations 2025* (the “**Regulations**”) are part of a suite of regulations that implement and provide details of the processes required under the 2024 Act.

In particular, these Regulations make provision for procedures where the infrastructure consent order will authorise compulsory acquisition of land or rights over land.

The matters specified and the requirements set out in these Regulations are not relevant to all applications, and are in addition to any requirements contained in other regulations that implement the 2024 Act (such as the *Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025*).

Throughout the application process, these Regulations impose additional requirements to give various notices to persons with an interest in the land to which the compulsory acquisition request relates. During pre-application, where additional persons are identified, the submission of the application is extended to enable consultation with those persons. There are also additional requirements that an application for infrastructure consent must contain.

Procedure

Negative

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 8 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**



"Additional interested person" is defined in regulation 3 as "an interested person who has **not** been given written notice in accordance with regulation 5, 7 or 16".

Under regulation 5, an applicant must give notice of the proposed application to an interested person. If additional interested persons are identified after such notices have been given, those additional interested persons must also be given a notice under regulation 7.

As drafted, it appears logical to define an 'additional interested person' as a person who has not been given a written notice under regulation 5.

However, a person under regulation 7 will have been given a written notice (albeit at a later date). We therefore query whether it is logical and necessary to refer to regulation 7 in the definition.

It is also unclear whether the reference to regulation 16 should instead be a reference to regulation 15 (which expressly refers to 'additional interested persons').

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

These Regulations makes numerous references to 'replacement land'. For example, if a planning application made under the 2024 Act includes a compulsory acquisition request, applicants may be required to submit a plan identifying, inter alia, any 'replacement land'.

Whilst this term is defined in the 2024 Act, it is not defined in these Regulations.

In our view, consideration should be given to including a definition in regulation 3, cross-referencing to the relevant definition in the 2024 Act (as is done for numerous other terms in the Regulations, such as 'land' and 'the prospective purchaser'). Alternatively, cross-referencing footnotes would also promote accessibility and provide certainty.

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

There are numerous instances in the instrument where the drafting omits certain words.

In regulation 8(2), the reference is incomplete as it refers the reader to "in (1)", but it should be correctly described as "in **paragraph** (1)". This also occurs in regulation 15(4) where it notes "in accordance with (2)" but it should note "in accordance with **paragraph** (2)". In addition, it occurs in regulation 30(c), where it notes "in (b)" but it should note "in **paragraph** (b)".

Further, in regulation 10(1), the reference to "section 38(2)" is incomplete as it does not note the Act where that section is found. It should note "section 38(2) **of the 2024 Act**" to complete the meaning of the reference.

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



In regulation 19(1)(b), there is a difference between the English and Welsh text. In the English text, it notes "*all land interests*" but the meaning given by the Welsh text is "*everyone with an interest in the land*". Therefore, the meaning of the phrase is unclear in this provision.

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

In regulations 19(2)(l) and 20(5)(l), there is a difference between the English and Welsh text. In the English text, it notes in both places, "*the details of how representations **can** be made*" but the meaning given by the Welsh text is "*the details of how representations **may** be made*". Therefore, the English text only suggests the details of a possible way of making representations, but the meaning of the Welsh text is the details of the way you are legally permitted to make representations.

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

In regulation 20(6), it refers to the Welsh Ministers being treated as "*complying with the relevant paragraph*" in connection with steps taken to replace defaced notices.

This drafting is not particularly helpful to the reader when referring to compliance with legal requirements as it is unclear which paragraph this is referencing. It would be more appropriate to refer the reader to the specific numbered paragraph which sets out the requirements.

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

In regulation 21(3), there is a difference between the English and Welsh text. In the English text, it notes "*specified in any notice*" but the meaning given by the Welsh text is "*noted in any notice*." This is because the Welsh text has used "*nodir*" rather than "*pennir*" to express the meaning of "*specified*". But "*pennu*" is the standardised word for "*specify*" in the Glossary of the Welsh Government's Legislative Translation Unit.

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

In certain circumstances, a compulsory acquisition notice must include a 'general vesting declaration statement'. The contents of such statement is prescribed under regulation 30.

Certain terms are used in regulation 30 which are defined in the *Compulsory Purchase (Vesting Declarations) Act 1981* (such as "*land*" and "*tenancy*"). In addition, the term "*long tenancy that is due to expire*" in regulation 30(f) is very similar to the term "*long tenancy which is about to expire*" defined by section 2 of the 1981 Act.

We would be grateful for confirmation whether these terms are intended to bear the same meaning in regulation 30 as found in the 1981 Act.



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

02 July 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 22**

Legislation, Justice and Constitution Committee



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Infrastructure (Wales) Act 2024 – Laying of statutory instruments**

DATE **18 June 2025**

BY **Rebecca Evans MS, Cabinet Secretary for Economy, Energy and Planning**

The Welsh Government is committed to accelerating decision making for large scale infrastructure projects, whilst also ensuring that our communities have appropriate opportunities to fully engage in the process and our environment is protected.

To help deliver this ambition, yesterday, I laid five pieces of legislation for the implementation of the consenting process set out by the Infrastructure (Wales) Act 2024. The Act establishes a new process for consenting of significant infrastructure projects in Wales, including energy, waste, water and transport projects.

The regulations set out the detail underpinning the provisions provided in the Act and have been informed by our consultation and engagement with stakeholders. They are designed to work together to ensure the new infrastructure consenting process meets the needs of all stakeholders in Wales.

[The Infrastructure \(Wales\) Act 2024 \(Commencement No. 1\) Order 2025](#) commences provisions within the Act.

[The Infrastructure Consent \(Pre-Application and Application Procedure and Transitional Provisions\) \(Wales\) Regulations 2025](#) make provision for pre-application procedures to be undertaken on a proposed significant infrastructure project and set out how the Welsh Ministers will process an application submitted to them.

[The Infrastructure Consent \(Examination and Decision\) \(Procedure\) \(Wales\) Regulations 2025](#) make provision for the procedure for examination of infrastructure applications by the examining authority and decision-making processes to be undertaken on those applications. [The Infrastructure Consent \(Fees\) \(Wales\) Regulations 2025](#) allow for public authorities to charge fees to applicants for their functions in determining applications for infrastructure consent.

[The Infrastructure Consent \(Compulsory Acquisition\) \(Wales\) Regulations 2025](#)

make provision for additional procedures for allowing the compulsory acquisition of land or rights over land as part of an infrastructure consent order.

[The Infrastructure Consent \(Miscellaneous Provisions\) \(Wales\) Regulations 2025](#) make provision for matters outside of the main process but are essential to ensure the Infrastructure Act and new consenting process are appropriately implemented.

SL(6)625 – The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025

Background and Purpose

The Infrastructure (Wales) Act 2024 (“the 2024 Act”) creates a unified consenting regime for major infrastructure projects in Wales, both on land and in the territorial sea. These Regulations are part of a suite of regulations that implement and provide details of the processes required under the 2024 Act.

These Regulations make provision for pre-application processes and procedures, and the manner in which applications for infrastructure consent are to be dealt with by the Welsh Ministers in respect of any development which is, or forms part of, a significant infrastructure project.

The Regulations include provision in relation to, among other things, notice, and acceptance of notice, of proposed development, pre-application consultation and publicity, information to be contained in notices, general requirements for applications, validating an application, consulting statutory consultees and other persons, local impact reports, marine impact reports, and the procedure in respect of variation of applications.

The Schedule to the Regulations also sets out the consultees who must be consulted before the grant of infrastructure consent according to the type of development being applied for.

Procedure

Negative.

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

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

The preamble lists one of the enabling powers as section 132(2) of the 2024 Act. However, section 141(3) and (4)(k) of the 2024 Act requires that statutory instruments containing



regulations made under section 132 are subject to the affirmative procedure. This instrument instead follows the negative procedure.

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

In regulation 2(1), in the definition of “EIA development” and “the EIA Regulations” there are references to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and the Marine Works (Environmental Impact Assessment) Regulations 2007. However, these SIs have been defined as “the Planning EIA Regulations” and “the Marine EIA Regulations” respectively in these Regulations. Therefore, those defined terms should have been used when referring to those instruments. This has been done when referring to other defined legislation such as the Infrastructure (Wales) Act 2024 which is referred to as “the 2024 Act” in the definition and throughout these Regulations.

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

The definition of “environmental statement” in regulation 2(1) includes a reference to “the Marine Regulations”. However, this has not been defined in the regulations and instead appears to be referring to “the Marine EIA Regulations” which has been defined.

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

In regulation 2(1), the definition of “significant infrastructure project” states that it has the meaning in “Part 1” of the 2024 Act. However, it is unclear if this should instead refer to “section 1” as is the case in the same definition in regulation 2 of the Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025.

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

Regulation 10(a)(i), (iii), (iv), (v) and (vii) require an applicant to give notice to certain categories of persons “considered appropriate by the applicant”. This includes any planning authority, community council, Member of the Senedd, Member of the House of Commons, or any other person considered appropriate by the applicant. Although the applicant “must” give notice to anyone in the list of persons “considered appropriate by the applicant” this gives a wide discretion to the applicant to not consider any of these persons “appropriate” and appears to undermine the requirement to give notice. Whilst we appreciate that 10(a)(vii) provides a catch all category in much the same way as regulation 8(h), for example, the requirements as drafted in 10(a)(i), (ii) (iv) and (v) may result in none of those persons receiving notice at the discretion of the application before an application is submitted.

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



Regulation 10(a) requires a notice to be published “for at least 7 days” in one or more newspapers, at least one appropriate fishing journal, and Lloyd’s list, before the application is submitted. In contrast, regulation 26 approaches the publication of notices where an application is accepted differently. Regulation 26(4) provides that a newspaper notice needs to be for “a minimum period of one week” commencing within 5 working days beginning with the day after the application is accepted as valid. Likewise, there is a requirement to publish in a fishing journal for “a minimum period of one week”. However, there is no timescale listed for the notice to be published in Lloyd’s list, unlike in regulation 10(a). It is unclear therefore, how long a notice would need to be published in Lloyd’s List under regulation 26(4)(b).

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

In regulation 11(f), in the Welsh text, the meaning of the term “issued” has been expressed as “cyhoeddi” but in the opening words of regulation 11 the same term has been expressed as “dyroddi”. Also, “cyhoeddi” has also been used to express the meaning of “published” in regulation 11(e). Therefore, the terminology of the Welsh text is inconsistent when referring to the issuing of notices in regulation 11. “Dyroddi” is the standardised word recommended for “issue” by the Glossary of the Welsh Government’s Legislative Translation Unit.

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

In regulation 14(1), the words “in accordance with section 29(4) of the 2024 Act” are superfluous. The definition of “notice of acceptance” in regulation 2(1) notes that it is a notice given under section 29(4) of the 2024 Act.

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

In regulation 17(2) there is a difference between the English and the Welsh text. In the Welsh text, the chapter details are noted in brackets immediately after the second reference to the Energy Act 2004 at the end of the provision. However, they are not noted in the English text.

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

In regulation 19(a), there is a difference between the English and Welsh text. In the English text, it begins with “securing” but there is no corresponding phrase to convey that meaning in the Welsh text.

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

In regulation 24(f), the words “under regulation 2(1) of the Marine EIA Regulations” are superfluous because the definition of regulated activity in regulation 2(1) of these



Regulations notes that “regulated activity” (“gweithgaredd a reoleiddir”) has the meaning given in regulation 2(1) of the Marine EIA Regulations.

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

Regulation 26(3) which relates to the publication of notices, states that “Where a notice is, without any fault, removed, obscured or defaced before the period of 42 days has elapsed, the requirement will be treated as having been complied with if reasonable steps are taken to protect the notice and, where required, to replace it”. This appears to be inconsistent with the approach in regulation 7(3) which states that “Where the site notice is, without any fault of the applicant, removed, obscured, or defaced before the period of 42 days has elapsed, the applicant will be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps to protect the site notice and if need be, replace it”. The drafting in 7(3) seems much clearer as to its intention. The provision in 26(3) appears to only provide protection for the notice in circumstances “without any fault”. In cases where the notice is simply removed, it will be difficult to ascertain whether that was with, or without, fault, and therefore whether the provisions of 26(3) would apply. If a notice was obviously deliberately and maliciously defaced, 7(3) would require reasonable steps be taken for it to be protected/replaced. Conversely, 26(3) would not appear to require protection/replacement if the notice was defaced with “fault” by a person. However, it would if it could be proved that it was defaced without fault. This appears to be an inconsistent approach for provisions which are both designed, on their face, to ensure that site notices can be viewed by persons at the site.

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

In regulation 26(5), there is a difference between the English and Welsh text. In the English text it notes “beginning the day after” but the meaning given by the Welsh text is “beginning with” the day after. In addition, the descriptions of the beginning of periods of time vary in the English text as elsewhere in these Regulations it usually notes “beginning with the day” except in this provision and in the opening words of regulation 32(1) where “beginning the day” has been used. The Welsh text varies because in regulations 4 and 11(f) “sy’n dechrau drannoeth” has been used to convey “beginning with the day” but “sy’n dechrau â thrannoeth” has been used elsewhere such as in regulations 27 and 31.

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

In regulation 27(3), there is an incorrect reference to “paragraph 12 of these Regulations”. However, there is no paragraph (12) in regulation 27, and it appears to be referring instead to regulation 12. In addition, the words “of these Regulations” are also superfluous.

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



In regulation 28(c)(iii), there is a reference to “paragraph (1)(c)(ii) of this regulation”. Regulation 28 does not contain a paragraph (1). If it is referring to regulation 28(c)(ii) it should be described as sub-paragraph (ii).

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

In regulation 29(2)(a), there is a difference between the English and the Welsh text. In the Welsh text, there is a conjunction meaning “and” at the end of regulation 29(2)(a), to show the relationship between sub-paragraphs (a) and (b). However, there is no “and” in the corresponding place in the English text.

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

In Part 7, there is a difference between the English and the Welsh text. In the English text, in the heading of that Part, it notes “Part 7”, but the meaning given by the Welsh text is “Part 1”.

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

In regulation 32(3)(b), the reference to “regulation 7 of the Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025” does not appear to be correct. It is unclear if it should refer the reader to regulation 8 or some other provision in these Regulations.

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

In the Schedule, in paragraph (g), in Column 2, paragraph (iii), there is a difference between the English and Welsh text. In the English text, it notes “the grass surface of a playing pitch **on a playing field** with...” but the meaning given by the Welsh text is “the grass surface of a playing pitch with...”. There is an additional significance to this difference because “playing field” is a term defined for paragraph (g) by the Interpretation of Table.

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

In the Schedule, in the Interpretation of table, in paragraph (b), there is a difference between the English and Welsh text. In the English text, in the paragraph beginning with “Reference to the height of development” it notes “the highest part of the surface adjacent to it” at the end of the paragraph. However, the meaning given by the Welsh text is “the highest part of the surface **immediately** adjacent to it”. In this regard, the English text is inconsistent because it does use the phrase “immediately adjacent” earlier in the same paragraph.

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



In the Schedule, in the Interpretation of Table, in paragraph (f), the term “airport” is given the same meaning as in section 82(1) of the Airports Act 1986. However, it is also defined with that meaning in section 143(1) of the 2024 Act. It is unclear why “airport” has not been defined by reference to the 2024 Act, unlike definitions such as “harbour authority”.

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

In the Schedule, in the Interpretation of Table, there is a difference between the English and Welsh text in the numbering of the paragraphs. In the English text, the definition of “Distribution Network Operators” appears in paragraph (g), but in the Welsh text, there is no paragraph (g), so that the definition appears in paragraph (f) immediately after the definition of “airport”.

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

2 July 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 30**

Legislation, Justice and Constitution Committee



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Infrastructure (Wales) Act 2024 – Laying of statutory instruments**

DATE **18 June 2025**

BY **Rebecca Evans MS, Cabinet Secretary for Economy, Energy and Planning**

The Welsh Government is committed to accelerating decision making for large scale infrastructure projects, whilst also ensuring that our communities have appropriate opportunities to fully engage in the process and our environment is protected.

To help deliver this ambition, yesterday, I laid five pieces of legislation for the implementation of the consenting process set out by the Infrastructure (Wales) Act 2024. The Act establishes a new process for consenting of significant infrastructure projects in Wales, including energy, waste, water and transport projects.

The regulations set out the detail underpinning the provisions provided in the Act and have been informed by our consultation and engagement with stakeholders. They are designed to work together to ensure the new infrastructure consenting process meets the needs of all stakeholders in Wales.

[The Infrastructure \(Wales\) Act 2024 \(Commencement No. 1\) Order 2025](#) commences provisions within the Act.

[The Infrastructure Consent \(Pre-Application and Application Procedure and Transitional Provisions\) \(Wales\) Regulations 2025](#) make provision for pre-application procedures to be undertaken on a proposed significant infrastructure project and set out how the Welsh Ministers will process an application submitted to them.

[The Infrastructure Consent \(Examination and Decision\) \(Procedure\) \(Wales\) Regulations 2025](#) make provision for the procedure for examination of infrastructure applications by the examining authority and decision-making processes to be undertaken on those applications. [The Infrastructure Consent \(Fees\) \(Wales\) Regulations 2025](#) allow for public authorities to charge fees to applicants for their functions in determining applications for infrastructure consent.

[The Infrastructure Consent \(Compulsory Acquisition\) \(Wales\) Regulations 2025](#)

make provision for additional procedures for allowing the compulsory acquisition of land or rights over land as part of an infrastructure consent order.

[The Infrastructure Consent \(Miscellaneous Provisions\) \(Wales\) Regulations 2025](#) make provision for matters outside of the main process but are essential to ensure the Infrastructure Act and new consenting process are appropriately implemented.

SL(6)621 – The Infrastructure Consent (Miscellaneous Provisions) (Wales) Regulations 2025

Background and Purpose

The Infrastructure (Wales) Act 2024 (“the 2024 Act”) establishes a unified application and consenting process to enable the making and consideration of applications for infrastructure consent. The process broadly applies to significant infrastructure projects that are energy, transport, waste and water projects.

These Regulations make provision for miscellaneous matters that ensure the purpose of the 2024 Act is appropriately implemented. The matters specified and the requirements set out in these Regulations are in addition to any contained in other regulations that implement the 2024 Act.

The Regulations make provision in respect of requests for directions to be given under the 2024 Act, obtaining information about land interests, disapplying requirements of the 2024 Act, annual reports and statutory consultees, requests for pre-application services, pre-application meetings, registers of pre-application services and applications for infrastructure consent, and removing consent requirements and deeming consents. They also list the projects that may be directed to be significant infrastructure projects.

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(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In regulation 2, there is a difference between the English and Welsh text. In the Welsh text, there is an additional unnumbered paragraph at the end of the regulation which states that any other expressions used in these Regulations and in the 2024 Act have the same meaning as in the 2024 Act.

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



In regulation 2, in the definition of “applicant”, it should explain to the reader that the definition does not apply to regulation 7 as a different definition has been given to the term “applicant” for that regulation.

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

In regulation 6(2)(b), there is a difference between the English and Welsh text. In the English text, it notes that “they give notice... to the developer”. But it could be argued that the meaning given by the Welsh text is “that they inform...the developer” because “rhoi gwybod” rather than “rhoi hysbysiad” has been used to express the phrase “give notice”. In addition, it means that it is inconsistent with the Welsh text of regulation 6(4) and other provisions of these Regulations.

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

In regulation 10(3), there is a difference between the English and Welsh text. In the English text, it states that “The notice of acceptance must **specify** the date...”. But it could be argued that the meaning given by the Welsh text is “The notice of acceptance must note the date...” because “nodi” rather than “pennu” has been used to express the word “specify”.

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

In regulation 11(1)(e) and (2)(d), in the Welsh text, there is an inconsistent approach in the meaning given to “may” when stating “advice on any pre-application consultation that **may** be carried out”. In regulation 11(1)(e), in the Welsh text, it notes “y **caniateir** ei gynnal” which means that there is legal discretion or permission to carry out a pre-application consultation. However, in regulation 11(2)(d), in the Welsh text, it notes “y **gellir** ei gynnal” which means that there is only a possibility of carrying out a pre-application consultation.

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

In Schedule 1, in paragraphs 21 and 22, in the Welsh text, there is an inconsistency in how the term “plant” is expressed. In paragraph 21, it is noted as “**gwaith**” on each occasion in the corresponding terms in the Welsh text. But in paragraph 22 it is expressed by using “safle” in “**safle** trin dŵr gwastraff” (“waste water treatment plant”) followed by a later use of “gwaith” where “plant” occurs on its own. As a result, it suggests to the reader of the Welsh text that “plant” has a different meaning on a single occasion in paragraph 22 although the English text uses the same word in all of the corresponding places.

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



In Schedule 1, in paragraph 27, several of the definitions are defined by given them the same meaning as in the 2024 Act. However, the terms “waste water” and “wind generating station” are defined by using descriptions that are identical to those found in sections 14(5) and 2(2) respectively of the 2024 Act. Could the Welsh Government explain why they adopted this inconsistent approach and did not expressly state that the definitions of “waste water” and “wind generating station” have the same meaning as in those sections of the 2024 Act?

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

In Schedule 1, in paragraph 27, in the Welsh text, the term “generating station” is defined as “gorsaf gynhyrchu” where a form of “cynhyrchu” is used to express the meaning of “generating”. However, in the terms “solar generating station” and “wind generating station”, the word “ynni” meaning “power” or “energy” rather than “cynhyrchu” has been used to express “generating”. Could the Welsh Government explain why they have not used “cynhyrchu” in the Welsh terms for “solar generating station” and “wind generating station” as found in “gorsaf gynhyrchu” (“generating station”)?

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

2 July 2025





Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Infrastructure (Wales) Act 2024 – Laying of statutory instruments**

DATE **18 June 2025**

BY **Rebecca Evans MS, Cabinet Secretary for Economy, Energy and Planning**

The Welsh Government is committed to accelerating decision making for large scale infrastructure projects, whilst also ensuring that our communities have appropriate opportunities to fully engage in the process and our environment is protected.

To help deliver this ambition, yesterday, I laid five pieces of legislation for the implementation of the consenting process set out by the Infrastructure (Wales) Act 2024. The Act establishes a new process for consenting of significant infrastructure projects in Wales, including energy, waste, water and transport projects.

The regulations set out the detail underpinning the provisions provided in the Act and have been informed by our consultation and engagement with stakeholders. They are designed to work together to ensure the new infrastructure consenting process meets the needs of all stakeholders in Wales.

[The Infrastructure \(Wales\) Act 2024 \(Commencement No. 1\) Order 2025](#) commences provisions within the Act.

[The Infrastructure Consent \(Pre-Application and Application Procedure and Transitional Provisions\) \(Wales\) Regulations 2025](#) make provision for pre-application procedures to be undertaken on a proposed significant infrastructure project and set out how the Welsh Ministers will process an application submitted to them.

[The Infrastructure Consent \(Examination and Decision\) \(Procedure\) \(Wales\) Regulations 2025](#) make provision for the procedure for examination of infrastructure applications by the examining authority and decision-making processes to be undertaken on those applications. [The Infrastructure Consent \(Fees\) \(Wales\) Regulations 2025](#) allow for public authorities to charge fees to applicants for their functions in determining applications for infrastructure consent.

[The Infrastructure Consent \(Compulsory Acquisition\) \(Wales\) Regulations 2025](#)

make provision for additional procedures for allowing the compulsory acquisition of land or rights over land as part of an infrastructure consent order.

[The Infrastructure Consent \(Miscellaneous Provisions\) \(Wales\) Regulations 2025](#) make provision for matters outside of the main process but are essential to ensure the Infrastructure Act and new consenting process are appropriately implemented.

Agenda Item 3.8

SL(6)622 – The Infrastructure Consent (Fees) (Wales) Regulations 2025

Background and Purpose

The Infrastructure (Wales) Act 2024 (“the 2024 Act”) establishes a unified application and consenting process to enable making and consideration of applications for infrastructure consent. The process applies to the significant infrastructure projects that are specified in Part 1 of the 2024 Act. Broadly, they are energy, transport, waste and water projects.

Part 2 of the 2024 Act contains the requirement for infrastructure consent. Part 3 of the 2024 Act makes provision about applying for infrastructure consent.

Part 4 of the 2024 Act contains provision about appointing an authority to examine applications for infrastructure consent (“the examining authority”) and about particular aspects of the examination process. Part 5 of the 2024 Act contains provisions about deciding applications for infrastructure consent.

The Act enables the Welsh Ministers to make provision for or in connection with the charging of fees by specified public authorities for the performance of an infrastructure consent function and the provision of an infrastructure consent service (as defined in section 124 of the Act).

These Regulations make provision in relation to the following—

- fees for pre-application services provided by the Welsh Ministers (regulation 3),
- fees for pre-application services provided by planning authorities (regulation 4),
- fees for pre-application services provided by Natural Resources Wales (regulation 5),
- fees for obtaining information about interests in land (regulation 6),
- fees for exercising powers of entry to survey land (regulation 7),
- fees for giving notice of proposed application (regulation 8),
- fees for making an application (regulation 9),
- fees for a local impact report (regulation 10),
- fees for a marine impact report (regulation 11),
- refund of unspent fees (regulation 12),
- fees payable to specified public authorities and relevant planning authorities for providing services other than pre-application services (regulation 13), and
- fees payable to relevant authorities for applications for removing consent requirement and deeming consents (regulation 14).



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 ten 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 2(1), is it necessary to include a definition of “financial year” because a definition of that term will be implied in these Regulations by virtue of Schedule 1 to the Legislation (Wales) Act 2019?

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

In regulation 3(3)(d) and (7)(b), there are several references to “the relevant pre-application services”. However, in regulation 3(4)(b), it refers to “the relevant services” rather than “the relevant pre-application services”. In addition, the term “Pre-application services” has been defined as having a particular meaning by regulation 2(1) of these Regulations. As a result, the drafting is inconsistent, and it could be argued that “the relevant pre-application services” has a narrower meaning in regulation 3 compared with “the relevant services”. The same varying between the terms “the relevant pre-application services” and “the relevant services” also occurs in several places in regulations 4 and 5 of these Regulations.

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

In regulations 3(6) and 4(6), there is a difference between the English and Welsh text. In the English text, it notes “21 days beginning the day after the date”. However, the meaning given by the Welsh text is “21 days beginning **on** the day after the date”. Both language texts are equivalent in meaning where the same phrase is used in regulations 4(8) and 5(8).

The Welsh Government may also wish to consider the consistency of the drafting of the English text when describing the beginning of periods of time because “beginning the day”, “beginning on the day” and “beginning with the day” are all used in various provisions in these Regulations such as regulations 3(9), 5(6) and (8), 13(5) and 14(6).

As a result, it is unclear if this is done intentionally because there is any difference in meaning or inconsistent drafting (see also the Welsh Government’s drafting guidelines about describing the beginning of periods of time which generally recommends “beginning with [the day]” in WLW 8.3).



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

In regulations 3(9), 4(8) and 5(8), it notes that “the fee will be administered by [an] invoice payable...”. In addition, in regulation 14(3), it notes that “the relevant authority will provide the applicant...”. However, it is unclear whether “will” in these provisions is placing a legal obligation to act in a particular manner or being used as a future tense. In this regard, the Welsh Government’s drafting guidelines state that the use of “will” should be avoided if imposing obligations, and that a phrase such as “must” or “is to be” should be used in that context, or the present indicative for declaratory provisions (see WLW 3.14 (4) and (5)).

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

In regulation 5(9)(b), there is a difference between the English and Welsh text. In the English text it notes “withhold the services” but the meaning given by the Welsh text is “withhold the **relevant pre-application** services”.

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

In regulation 7(1), it refers to “section 126(1) **of the Act**” where it appears to be referring to the Infrastructure (Wales) Act 2024. However, the Infrastructure (Wales) Act 2024 has been defined for these Regulations as “the 2024 Act” which is used in an earlier reference in regulation 7(1).

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

In regulation 10(2)(a) and (b), there are references to “section 34(2)(a) or (b)” but these references are incomplete as they do not note that the section is found in the 2024 Act. This also occurs in regulation 11(2)(a) and (b) in relation to references to “section 34(2)(b)” and “section 37(b)”.

In addition, there is further confusion concerning the reference to “section 37(b)” as there is no such section in the 2024 Act. Therefore, it is unclear as to whether it is referring to a different section in that Act.

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

In regulation 13(5), there is an incorrect cross-reference to “the notice referred to in **paragraph (5)**”. However, it appears that it should refer the reader to paragraph (4) of regulation 13.

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



In regulation 13(7), the term “relevant planning authority” is defined for regulation 13. However, the same term is also used in several other places such as regulations 4 and 10 of these Regulations. Therefore, the term will only have that defined meaning in regulation 13 but it has not been defined with a meaning for regulations 4 and 10 of these Regulations.

In addition, a different definition of the same term is also given by section 123 of the 2024 Act for Part 7 of that Act. As a result, the meaning of the term “relevant planning authority” is unclear in regulations 4 and 10 of these Regulations.

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

The reference in the italic headnote on pages 1 and 4 should be consistent with that found in the second paragraph of the preamble noting the statutory requirement for the instrument to be laid in draft before the Senedd. However, the italic headnote refers to “section 141(3) and 141(4)(h) of the Infrastructure (Wales) Act 2024” but the second paragraph of the preamble only refers to “section 141(3)” of that Act.

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

2 July 2025





Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Infrastructure (Wales) Act 2024 – Laying of statutory instruments**

DATE **18 June 2025**

BY **Rebecca Evans MS, Cabinet Secretary for Economy, Energy and Planning**

The Welsh Government is committed to accelerating decision making for large scale infrastructure projects, whilst also ensuring that our communities have appropriate opportunities to fully engage in the process and our environment is protected.

To help deliver this ambition, yesterday, I laid five pieces of legislation for the implementation of the consenting process set out by the Infrastructure (Wales) Act 2024. The Act establishes a new process for consenting of significant infrastructure projects in Wales, including energy, waste, water and transport projects.

The regulations set out the detail underpinning the provisions provided in the Act and have been informed by our consultation and engagement with stakeholders. They are designed to work together to ensure the new infrastructure consenting process meets the needs of all stakeholders in Wales.

[The Infrastructure \(Wales\) Act 2024 \(Commencement No. 1\) Order 2025](#) commences provisions within the Act.

[The Infrastructure Consent \(Pre-Application and Application Procedure and Transitional Provisions\) \(Wales\) Regulations 2025](#) make provision for pre-application procedures to be undertaken on a proposed significant infrastructure project and set out how the Welsh Ministers will process an application submitted to them.

[The Infrastructure Consent \(Examination and Decision\) \(Procedure\) \(Wales\) Regulations 2025](#) make provision for the procedure for examination of infrastructure applications by the examining authority and decision-making processes to be undertaken on those applications. [The Infrastructure Consent \(Fees\) \(Wales\) Regulations 2025](#) allow for public authorities to charge fees to applicants for their functions in determining applications for infrastructure consent.

[The Infrastructure Consent \(Compulsory Acquisition\) \(Wales\) Regulations 2025](#)

make provision for additional procedures for allowing the compulsory acquisition of land or rights over land as part of an infrastructure consent order.

[The Infrastructure Consent \(Miscellaneous Provisions\) \(Wales\) Regulations 2025](#) make provision for matters outside of the main process but are essential to ensure the Infrastructure Act and new consenting process are appropriately implemented.

Agenda Item 3.9

SL(6)630 – The Welsh Elections Financial Assistance Scheme (Disabled Candidates) Regulations 2025

Background and Purpose

These Regulations make provision in relation to the Welsh Ministers' duty to provide for a scheme of financial assistance to help disabled candidates in Welsh elections overcome barriers to their participation in those elections that are connected with their disability.

The Regulations provide details about the establishment and operation of the scheme, eligibility criteria, the functions of the scheme operator, the nature of the support or adjustments that may be provided under the scheme, the application and assessment process, the circumstances where repayment of support may be recovered and record keeping and reporting requirements. They also make consequential amendments to primary and secondary legislation in order give full effect to the scheme.

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

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 12 deals with the payment of financial assistance for approved support or adjustments under the financial assistance scheme. Regulation 12(4)(a) places a duty on the scheme operator to ensure that no payments are made unless it is satisfied that the person claiming has properly incurred or will properly incur the cost for the approved support. However, it does not make reference to approved adjustments which are also permitted under the financial assistance scheme. The Welsh Government is asked to explain why approved adjustments are not included in regulation 12(4)(a).

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

2 July 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

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Agenda Item 4.1

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



Llywodraeth Cymru
Welsh Government

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

30 June 2025

Dear Mike,

Thank you for your letter of 18 June relating to our response to your report on the Senedd Cymru (Representation of the People) Order 2025 (the Order).

Your letter addresses the procedures undertaken prior to the Order being laid before the Senedd. As was noted by the Committee, the Order is extraordinarily large, and this is the first time it has been produced bilingually. You can be assured that the Order underwent a rigorous checking process, though, due to the extensive and complex nature of the Order, there is always the potential for human error. The discrepancies identified between the English and Welsh were not substantive, and I am grateful to the Committee for overseeing careful and close consideration of the Order.

On your specific concern in relation to the intention to amend the minor errors identified prior to the Order being made, I am satisfied that using the correction process in this instance is not unreasonable or inappropriate.

Each and every amendment has been carefully considered. The amendments are very minor, and none of them substantively change the Order in any way or change its underpinning intention. Also, none of the amendments change the meaning or legal effect of any of the provisions that will be amended. As such, I am satisfied that the corrections, taken in their entirety, do not substantially change the Order.

You also referred to amendments that will be made to the Welsh text version of the Order to insert modified defined terms into rule 2(2) of the Election Petition Rules 1960. I can assure the Committee that the entire text of all the definitions will be noted in English, as they appear in the English text version of the Order. I apologise if this was not fully understood from our response.

On the separate issue you raise on automatic voter registration, pilots are currently underway in four local authorities in Wales and will conclude in September. As required by the Regulations passed by the Senedd, the Electoral Commission will provide an evaluation

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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.

report to Welsh Ministers on the pilot models by the end of the year. This will be followed by a thorough consideration of the report to inform the additional secondary legislation, training, and comprehensive system changes required for further roll out. I will update the Senedd in due course.

I trust this addresses the Committee's concerns and look forward to the Senedd's consideration of the Order on 8 July.

I am copying this letter to Rt Hon Eluned Morgan MS, First Minister of Wales, Julie James MS, Counsel General and Minister for Delivery and the Rt Hon Elin Jones MS, Llywydd.

Yours sincerely

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

Jayne Bryant AS/MS

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

18 June 2025

Dear Jayne

The Senedd Cymru (Representation of the People) Order 2025

At our meeting on 16 June 2025, the Committee considered your reply, dated 12 June 2025, to our letter of 4 June, and the Welsh Government's formal response to our report on The Senedd Cymru (Representation of the People) Order 2025 (the Conduct Order).

While the Committee welcomes the Government's detailed response to the points raised in the Committee's report, our letter to you asked for clarity on the process which led to the Conduct Order being laid before the Senedd containing the errors and inconsistencies we identified. Such clarity is not provided in your letter of reply to the Committee. This is disappointing.

In our letter to you the Committee acknowledged that the Conduct Order is large, but nonetheless expressed concern at the high number of defective drafting issues and instances where the English and Welsh language texts do not match. The Committee is now similarly concerned that you are proposing to address more than 20 points raised in our report via the correction prior to making process.

In a letter to the Committee in June 2024, the previous Counsel General said corrections would only be made to an instrument after its approval by the Senedd and prior to being signed into law by a Welsh Minister "when the error in question is very minor". The previous Counsel General also told the Committee that "there is the further safeguard that the instrument can only be made if it is approved (in the knowledge of the proposed correction) by the Senedd". On this matter, we acknowledge that you have drawn the proposed corrections to the attention of the Senedd.

However, while each error identified by the Committee and which you propose to correct prior to making may be “minor”, correcting more than 20 errors in an instrument after it has been approved by the Senedd is perhaps an unreasonable and inappropriate use of the correction prior to making process.

The previous Counsel General told the Committee that the Welsh Government’s view is that “a correction that substantively changes an instrument in any way (let alone changes the underpinning policy intention of that instrument), is not one which can be dealt with on making”. The Committee is unclear whether you have considered whether the total sum of each proposed correction amounts to substantially changing the instrument. Your statement that you “do not believe that any of the matters reported on by the Committee give rise to any issues that compromise the overall integrity of Order” is a different assessment as to whether the instrument scrutinised and approved by the Senedd is deemed to have been substantially changed before being signed into law.

Furthermore, having considered your proposed corrections, we also have concerns that some of them will not address the errors and issues we identified in our report. For example, in the Welsh version of the Conduct Order, it appears that the entire text of all the definitions need to be noted in English in rule 2(2) of the Election Petition Rules 1960 rather than only the defined terms themselves. Therefore, the Committee is unclear if the proposed changes to paragraph 2(1) of Schedule 9 to the Order are correct as they only change the defined terms rather than the entire definitions.

In your letter you confirm that the Senedd will be asked to consider the Order as laid on 8 July. The Committee would therefore welcome an urgent response to these matters.

In responding to the matters raised above, the Committee would also welcome clarification on the Welsh Government’s intentions regarding Automatic Voter Registration. The Committee is aware that a statement was due to be made to the Senedd this week.

I am copying this letter to the Rt Hon Eluned Morgan MS, First Minister of Wales, Julie James MS, Counsel General and Minister for Delivery, and the Rt Hon Elin Jones MS, Llywydd.

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

Agenda Item 5.1

SL(6)617 – Code of Practice on the exercise of social services functions in relation to Part 4 (direct payments and choice of accommodation) and Part 5 (charging and financial assessment) of the Social Services and Well-being (Wales) Act 2014

Background and Purpose

This Code of Practice (“the Code”) is issued under section 145 of the Social Services and Well-being (Wales) Act 2014 (“the Act”). Local authorities, when exercising their social services functions, must act in accordance with the requirements contained in the Code.

The Code has been revised to add a recently introduced financial recognition scheme to the list of forms of capital that should be fully disregarded in the financial assessment for charging for all forms of care and support.

The scheme was introduced in the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025.

The financial recognition scheme to be added to the Code is the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme.

Producing a revised Code also presents an opportunity to add reference to amending charging and financial assessment regulations that have come into effect since the previous revision. To this effect, the Care and Support (Charging) (Wales) (Amendment) Regulations 2024 and the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025 have been referenced in the revised Code as appropriate. These revisions have been made to ensure clarity and completeness as the regulations amend principal regulations already referred to in the Code.

Procedure

Draft negative

A draft of the code must be laid before the Senedd. If, within 40 days (excluding any time when the Senedd is dissolved or is in recess for more than 4 days) of the draft being laid, the Senedd resolves not to approve the draft code then the Welsh Ministers must not issue the code.

If no such resolution is made, the Welsh Ministers must issue the code (in the form of the draft) and the code comes into force on a day specified in an order made by the Welsh Ministers.



Scrutiny under Standing Order 21.7

The following 30 points are identified for reporting under Standing Order 21.7 in respect of this code.

1. Section 146(1) of the Act states - "Before issuing or revising a code under section 145, the Welsh Ministers must consult such persons as they think fit on a draft of the code (or revised code)."

The following is noted at paragraphs 5.1 and 5.2 of the Explanatory Memorandum:

As the revised Code includes a single additional disregard which is already implemented by regulation, the revision to the Code does not reflect a change in Welsh Government policy and a formal public consultation has not been undertaken in this instance.

Revisions to the Code are merely technical adjustments to ensure the Code accurately reflects the appropriate amending regulations and identifies the additional financial recognition scheme identified above.

The Welsh Government is asked to explain how it considers that the decision not to undertake a consultation in relation to this revised Code is compliant with section 146(1) of the Act.

2. Defined terms are used inconsistently throughout the Code:
 - i. In paragraphs 1.8 and 1.9, the Social Services and Well-being (Wales) Act 2014 is referred to by its full title. But it has already been defined as "the Act" which has been used in the other paragraphs.
 - ii. In paragraph 9.2, in the English text, "deferred payment agreement" is defined as "DPA". In Annex D, in the English text, there is a varying between using the defined term "DPA" and "deferred payment agreement".
 - iii. In places, "agreement" is used when it appears to be referring to a "DPA", such as in paragraphs 8.1, 9.1, 9.3 and 9.5 of Annex D. Further, "agreement" is used in the headings above paragraphs 10.1 and 11.1 of Annex D.
 - iv. In Annex D, in paragraph 2.1, in the English text, the abbreviation "DPAs" is used as a plural noun of the defined term "DPA". However, in the Code there is a varying in the English text between using "DPAs" as the plural noun or repeating the words in full.
 - v. In Annex D, in paragraph 2.1, the Care and Support (Deferred Payment) (Wales) Regulations 2015 is defined as "the Deferred Payment Regulations". In Annex F, in paragraph 5.1, in the English text,



it refers to “the Deferred Payment Regulations 2015”. There is a difference between the English and Welsh text, as the Welsh text uses the defined term.

3. In paragraph 1.5, it states that a requirement is expressed as “**must**” or “**must not**” in bold in the Code, and guidance where the local authorities have discretion is expressed as “**may**” or “**should/should not**” in bold. In places, those words are used in relation to local authorities but are not formatted in bold, therefore, it is unclear whether this is deliberate and that the words are not intended to have the meaning noted in paragraph 1.5.

In other places, phrases such as “will need to” and “can” are used in relation to local authorities where it is unclear as to how they differ from “must” and “may”. For example, in paragraph 4.1 – “In line with the requirements of the Act, the regulations and this Code, authorities need to decide...” and in paragraph 5.3 – “However, a local authority can assess the income or capital of a couple but only where...”.

There are other examples which could potentially cause confusion; the use of “nor must” in paragraph 5.6, in the English text, with the “must” formatted in bold, - “...nor **must** authorities seek payment of a contribution or a reimbursement towards such costs...” and in Annex C, in paragraph 4.1, in the English text, where only the word “must” is formatted in bold as opposed to “must not” - “...a local authority **must** not set arbitrary amounts or ceilings for particular types of accommodation...”.

4. There is a difference between the numbering of the English and Welsh text after paragraph 1.9. In the English text, the subsequent paragraphs under the heading “Advocacy” are incorrectly numbered as paragraphs 1.7 and 1.8 but in the Welsh text they are correctly numbered as paragraphs 1.10 and 1.11.
5. In paragraph 3.4, in the opening words before the bullet points, it refers to “the Act, the regulations and this Code...”. However, the phrase “the regulations” has not been defined with a meaning. Therefore, it is unclear as to which regulations are being referred to. This occurs elsewhere in the Code, such as paragraphs 4.1 and 5.6. Further, paragraphs 2.1 and 3.6, refer to “this Code, and the regulations to which it refers...” which qualifies the meaning of “the regulations” in a different manner.
6. In paragraph 5.1, in the English text, the title of the SI is incorrect in the list of amending instruments where it refers to “the Care and Support (Charging) and (Financial Assessment) (Miscellaneous Amendments) (Wales) Regulations 2022”. If it is referring to SI 2022/99 (W. 35), the correct title is “the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2022”.
7. In paragraph 7.2, it notes “This requirement was introduced in 2011 by Ministers”. However, it appears that it should refer to “the Welsh Ministers”.



8. In paragraph 9.1, there is a difference between the English and Welsh text. In the English text, it refers to "Annexes A and B of this Code" but in the Welsh text the words "of this Code" are missing from the meaning of the reference.
9. In Annex A, in paragraph 2.28(g), there is a difference between the numbering of the English and Welsh text. In the English text, there is a paragraph "(xv)" but in the Welsh text the same provision is numbered as "(vx)".
10. In Annex A, in paragraph 2.28(g)(xxix), the new financial recognition scheme added to the Code is worded as follows:

Any payment made to A by the Ministry of Defence under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme

Although this wording appears in the Care and Support (Financial Assessment) (Wales) Regulations 2015, "A" is defined for the purposes of those regulations. Using "A" in the Code could cause confusion, because "A" is not defined in the Code.
11. In Annex A, in paragraph 2.33(g), there is a difference between the English and Welsh text. In the English text, it refers to "Any payment of arrears of contributions by a local authority..." but the meaning given by the Welsh text is "Any arrears of contributions held by a local authority...".
12. In Annex B, in paragraph 3.12(g) it reads "Grant made under a Housing Act which is to be used by the person to purchase a home or pay for repairs to make the home habitable.". The Welsh Government is asked to confirm whether it considers that "Housing Act" is sufficiently clear to identify the relevant legislation in order to establish whether a grant was made under a "Housing Act".
13. In Annex B, in paragraph 2.6(b), in the English text, it notes "any periodic sum" but in the Welsh text "periodic" has been expressed by using the phrase "o bryd i'w gilydd". It could be argued that "o bryd i'w gilydd" suggests "occasionally" or "from time to time" and that a word such as "cyfnodol" would be a more appropriate choice to express the meaning of "periodic" in Welsh.
14. In Annex B, in paragraph 2.6, there is a difference between the numbering of the English and Welsh text. In the English text, there is a paragraph (d) – "any holiday pay...", but in the Welsh text the same provision is numbered as "(b)".
15. In Annex B, in paragraph 2.20(e), there is a difference between the English and Welsh text. In the English text, there is a conjunction "and" at the end of that provision to show the relationship between sub-paragraphs (a) to (f) but there is no conjunction in the corresponding Welsh text.



16. In Annex C, in paragraph 2.1, in the second bullet point, there is a difference between the English and Welsh text. In the English text, it notes "cost the local authority more..." but the meaning given by the Welsh text is "cost the authority more".
17. In Annex C, in paragraph 6.1, there is a difference between the English and Welsh text. In the English text, it notes that a local authority must "set out in writing that it is unable to meet that choice and provide its reason(s) for this." But the meaning given by the Welsh text is that a local authority must "set out in writing that it is unable to meet that choice".
18. In Annex C, in paragraph 10.1, there is a difference between the English and Welsh text. In the English text, it notes that local authorities should also have a role in facilitating access "to financial information and advice...", but the meaning given by the Welsh text is "to information and advice...".
19. In Annex D, the heading of paragraph 2.1 reads "Who to offer deferred payments to" and paragraph 5.3 of the same Annex states "those eligible for a deferred payment...", the Welsh Government is asked to confirm whether they are referring to deferred payment agreements, and if the text should be amended to be clearer.
20. In Annex D, in the bullet points below paragraph 4.3(e), it states - "where a spouse or dependent relative (as defined in the Financial Assessment Regulations)..." and "...becomes a dependent relative (as defined in the Financial Assessment Regulations)". However, "dependent relative" is not defined in the Care and Support (Financial Assessment) (Wales) Regulations 2015, therefore it is unclear what "dependent relative" means.
21. In Annex D, in paragraph 5.5, in the final sentence, there is a difference between the English and Welsh text. In the English text, it notes "The local authority should advise..." but the meaning given by the Welsh text is that "The local authority should note...". Earlier in that paragraph the word "cynghori" rather than "nodi" has been used to express the meaning of "advise", so it means that the Welsh text is also inconsistent.
22. In Annex D, in paragraph 6.1(b), there is a difference between the English and Welsh text. In the English text, it notes "lessor amount" when it appears to mean a "lesser amount" which is the meaning given by the Welsh text.
23. In Annex D, in paragraph 7.3, there is a difference between the English and Welsh text. In the English text, it notes "this **must** be entirely at the decision of the person..." but there is no corresponding phrase to express the meaning of "entirely at" in the



Welsh text. It does lead to a slight difference in meaning and emphasis between both language texts.

24. In Annex D, in paragraph 10.4(c), there is a difference between the English and Welsh text. In the English text, it notes "and specify what notice should be given" but there is no phrase in the Welsh text to convey the meaning of "specify".
25. In Annex E, in paragraph 2.1, there is a difference between the English and Welsh text. In the English text, it refers to regulation 3 of "the Review Regulations" but the meaning given by the Welsh text is regulation 3 of "the Regulations".
26. In Annex E, in paragraph 2.25, there is a difference between the English and Welsh text. In the English text, it notes "Local authorities **must** designate appropriate officers of the authority..." but the meaning given by the Welsh text is "Local authorities **must** designate appropriate officers...".
27. In Annex F, in paragraph 1.3, there is a difference between the English and Welsh text. In the English text, it refers to "a person's deliberate non-payment" but the meaning given by the Welsh text is "a person's deliberate decision not to pay". Therefore, there is slight difference in meaning and emphasis between the language texts.
28. In Annex F, in paragraph 3.1, it states that, "if an invoice was issued giving 30 days to pay, the payment becomes due on day 30...". Does the Welsh Government consider that this drafting is sufficiently clear as to how the period of time is calculated in order to correctly identify "day 30"? In addition, in the Welsh text, the meaning of "issued" in those words has been expressed by using a word meaning "sent" which could lead to a difference in interpretation as to when the period of time begins.
29. In Annex F, in paragraph 9.2, in the English text, it states that "Where a local authority believes that derivation may have occurred...", it appears the word "derivation" should read "deprivation", as that is the meaning given by the Welsh text.
30. In Annex F, in paragraph 16.1, there is a difference between the English and Welsh text. In the English text, it notes "or prejudicing the interests of" where those words appear to refer to "someone who may wish to bring a claim against that person". However, the meaning given by the Welsh text is "or prejudicing the interests of that person". Therefore, the meaning of the Welsh text is "or prejudicing the interest of" the person who has transferred or sold their assets, rather than the "someone who may wish to bring a claim" against that person.



Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 16 June 2025 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—
Welsh Parliament **Pack Page 56**

Legislation, Justice and Constitution Committee

Government Response: Code of Practice on the exercise of social services functions in relation to Part 4 (direct payments and choice of accommodation) and Part 5 (charging and financial assessment) of the Social Services and Well-being (Wales) Act 2014

The Government thanks the Committee and acknowledges the reporting points raised. Although the majority of these are editorial points that do not change the operation or effect of the Code there are certain matters that require clarification and correction. For this reason, the Government will be withdrawing the draft revised Code of Practice to allow time for the relevant matters to be carefully considered and for a further corrected draft to be prepared for re-laying before the Senedd in September.

The following are responses to the scrutiny points raised:

Scrutiny point 1: Section 146(1) of the Social Services and Well-being (Wales) Act 2014 states - "Before issuing or revising a code under section 145, the Welsh Ministers must consult such persons as they think fit on a draft of the code (or revised code)."

Consideration has been given to this provision and the Welsh Ministers do not think fit to consult any persons on this occasion given the extent to which the proposal is seeking to revise the existing Code.

The main revision entails adding a recently introduced financial recognition scheme to the list of forms of capital that should be fully disregarded in the financial assessment for charging for all forms of care and support. The financial recognition scheme is a newly introduced scheme and given that the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025, which amend the Care and Support (Financial Assessment) (Wales) Regulations 2015 to add the new scheme to the list of capital to be disregarded, came into force on 7 April 2025, the revision to the Code will reflect the law currently in force. Local authorities are thus in a neutral position. Beneficiaries of the financial recognition scheme are unlikely to object to the revision to the Code as evidently, they are benefiting from the capital being disregarded.

Given this reasoning, as well as seeking to avoid stakeholder consultation fatigue in such a circumstance as this, the Welsh Ministers do not think fit to consult any persons in this instance.

Scrutiny point 2: It is agreed that there is a lack of consistent use of defined terms as referred to in the report although the Welsh Government does not consider this to have legal significance to the operation of the Code. Prior to re-laying the draft revised Code, using the same numbering as set out in the report for ease of reference, the following changes will be made to the English text:

- i. In paragraphs 1.8 and 1.9, the Social Services and Well-being (Wales) Act 2014 will be referred to as "*the Act*" as defined.

- ii. In Annex D, in the English text, references to “*deferred payment agreement*” will be amended to “DPA” as defined at paragraph 9.2 of the draft revised Code.
- iii. Annex D is titled “*Deferred Payment Agreements*” and references to “*agreement*” are made in the context of information relating to Deferred Payment Agreements only. Nevertheless, prior to re-laying the draft revised Code, use of “*agreement*”, such as in paragraphs 8.1, 9.1, 9.3 and 9.5 of Annex D and in the headings above paragraphs 10.1 and 11.1 of Annex D, will be substituted with the defined term “DPA”.
- iv. Interchangeable use of “DPAs”, as the plural of the defined term “DPA” and “*deferred payment agreements*” does not, in the view of the Welsh Government, create ambiguity that affects the operation of the Code as both have the same meaning. Prior to re-laying the draft revised Code however, all references to “*deferred payment agreements*” will be substituted with “DPAs” for consistency.
- v. Prior to re-laying the Code, “2015” will be omitted from paragraph 5.1 of Annex F to the English text of the draft revised Code.

The equivalent changes will be made to the Welsh text of the draft revised Code as appropriate prior to re-laying.

Scrutiny point 3: The type of font used does not change the meaning of the word even where bold is used in certain places for emphasis. For consistency, prior to re-laying the draft revised Code, the Welsh Government will consider removing paragraph 1.5 and the bold font on words “*must*”, “*must not*”, “*may*” and “*should/should not*” and a consistent approach will be adopted for both the English and Welsh texts.

Scrutiny point 4: The numbering in the English text does not affect the operation of the Code. For correctness, prior to re-laying the English text of the draft revised Code, numbers 1.7 and 1.8 will be substituted with 1.10 and 1.11 respectively (or such numbering required in consideration of any subsequent changes to paragraphing).

Scrutiny point 5: In paragraph 3.4, in the opening words before the bullet points, the words “*the Act, the regulations and this Code...*” will be substituted with “*the Act, the regulations made under Parts 4 and 5 of the Act and this Code...*”. Likewise, consideration will be given to the references to regulations in paragraphs 4.1, 2.1 and 3.6 and wording will be provided to limit the scope of the reference to those regulations made under the relevant Parts of the Act as appropriate. In paragraph 5.6, the reference to “regulations” relates specifically to the Care and Support (Charging) (Wales) Regulations 2015 and therefore, the draft revised Code will be revised prior to re-laying to specify this.

The Welsh Government is of the view that most instances highlighted where reference to “regulations” is made in the draft revised Code are made in the context of introductory or high-level narratives where specifically naming regulations is not required. Further detail in relation to specific applicable regulations is provided where relevant elsewhere in the Code.

Scrutiny point 6: Prior to re-laying the English text of the draft revised Code, in para 5.1, “*the Care and Support (Charging) and (Financial Assessment) (Miscellaneous Amendments) (Wales) Regulations 2022*” will be substituted with “*the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2022*”.

Scrutiny point 7: In the context that the words “*the Ministers*” are used at paragraph 7.2 of the English text of the draft revised Code, the Welsh Government does not think there can be any ambiguity as to which Ministers are being referred. Prior to re-laying, to be precise, “Welsh” will be added prior to “Ministers” and the equivalent wording will be used in the Welsh text.

Scrutiny point 8: The omission of the words “*of this Code*” in the Welsh text does not create ambiguity as to which Annexes are being referred to. The regulations identified at paragraph 9.1 of the draft revised Code do not contain Annexes. For consistency between the texts however, prior to re-laying the Welsh text of the draft revised Code, paragraph 9.1 will be amended to reflect the English text with the Welsh equivalent of “*of this Code*” being added as appropriate.

Scrutiny point 9: The numbering in the Welsh text does not affect the operation of the Code. For correctness, the provision currently numbered “(vx)” in paragraph 2.28(g) of Annex A to the Welsh text of the draft revised Code will be substituted with “(xv)”.

Scrutiny point 10: The Welsh Government is of the view that the risk of confusion being caused by use of the wording of the Care and Support (Financial Assessment) (Wales) Regulations 2015, i.e. referring to “A” as the person to whom a payment is made under the relevant financial recognition scheme, is negligible, particularly given the context in which it is used. To eliminate the nominal risk, prior to re-laying the draft revised Code, in Annex A, paragraph 2.28(g)(xxiv), the following words: “*Any payment made to A by the Ministry of Defence under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme*” will be substituted with “*The Ministry of Defence Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme*”.

Scrutiny point 11: In Annex A, paragraph 2.33(g) of the Welsh text of the draft revised Code, the intention was to express “*payment*” by using “*a delir*” (paid). The word used in the draft Welsh text contains a typographical error resulting in “*a ddelir*” being used. Prior to re-laying the Welsh text of the draft revised Code, “*a ddelir*” will be substituted with “*a delir*” so that the Welsh text is equivalent to the English text.

Scrutiny point 12: The Welsh Government notes that the report refers to a matter in Annex B of the draft revised Code, although it appears that this should refer to Annex A.

Prior to re-laying the English text of the draft revised Code, the words “*Grant made under a Housing Act which is to be used by the person to purchase a home or pay for repairs to make the home habitable*” at paragraph 3.12(g) of Annex A will be substituted with “*Grant made under section 129 of the Housing Act 1988 which is to*”

be used by the person to purchase a home or pay for repairs to make the home habitable". The equivalent change will be made to the Welsh text of the draft revised Code.

Scrutiny point 13: In Annex B, in paragraph 2.6(b), prior to re-laying the Welsh text of the draft revised Code, "*o bryd i'w gilydd*" will be substituted with "*cyfnodol*" as appropriate in the context of the text.

Scrutiny point 14: The numbering in the Welsh text does not affect the operation of the Code. For correctness, the provision currently numbered "*(b)*" in paragraph 2.6 of Annex B to the Welsh text of the draft revised Code will be substituted with "*(d)*".

Scrutiny point 15: The relevant conjunction will be added to the end of sub-paragraph 2.20(e) in the Welsh text of the draft revised Code prior to re-laying so that it is equivalent to the English text.

Scrutiny point 16: The Welsh Government is of the view that references to "local authority"/ "local authorities" and "authority"/ "authorities" interchangeably is unlikely to cause ambiguity in the contexts in which they are used in the draft revised Code. Prior to re-laying however, to eliminate any nominal risk of confusion, all references to "authority" and "authorities" will be changed to "local authority" and "local authorities" respectively in both texts.

Scrutiny point 17: In Annex C, in paragraph 6.1, prior to re-laying the draft revised Code, the Welsh text will be amended by adding "*a rhoi ei reswm/resymau dros hyn*" at the end of the relevant sentence to express the meaning "*and provide its reason(s) for this*" so that the Welsh text is equivalent to the English text.

Scrutiny point 18: In Annex C, in paragraph 10.1, prior to re-laying the draft revised Code, the Welsh text will be amended by adding the word "*ariannol*" after "*wybodaeth a chyngor*" to express the meaning of "*financial information and advice*" so that the Welsh text is equivalent to the English text.

Scrutiny point 19: In Annex D of the English text, the heading of paragraph 2.1 will be changed to "*To whom DPAs are to be offered*". In paragraph 5.3 of Annex D to the draft revised Code where "*those eligible for a deferred payment...*" is provided, "*deferred payment...*" will be substituted with "*DPA...*" clarifying that reference is being made to deferred payment agreements. The equivalent changes will be made to the Welsh text.

Scrutiny point 20: In Annex D, in the bullet points below paragraph 4.3(e), the words "*where a spouse or dependent relative (as defined in the Financial Assessment Regulations)...*" and "*...becomes a dependent relative (as defined in the Financial Assessment Regulations)*" will be substituted with "*where a spouse or qualifying relative (as defined in the Financial Assessment Regulations)...*" and "*...becomes a qualifying relative (as defined in the Financial Assessment Regulations)*" respectively prior to re-laying the draft revised Code. The term

“qualifying relative” is defined in Schedule 2 to the Care and Support (Financial Assessment) (Wales) Regulations 2015. The equivalent changes will be made to the Welsh text of the draft revised Code.

Scrutiny point 21: The verb “advise” is used in paragraph 5.5 of Annex D to the draft revised Code in two different ways. The first use refers to an obligation that the local authority should give advice or guidance to people in relation to considering how they intend to use, maintain and insure their property, and the second use of the verb relates to the local authority giving official information, i.e. specifying if it intends to place any conditions on how the property is used etc. whilst it is the subject of any Deferred Payment Agreement. The Welsh Government is of the view that the vocabulary used in the Welsh text is therefore consistent with the different uses of the word “advise” in the English text.

Scrutiny point 22: Prior to re-laying the draft revised Code, in paragraph 6.1(b) of Annex D to the English text, “*lessor amount*” will be substituted with “*lesser amount*”.

Scrutiny point 23: Although paragraph 7.3 of Annex D to the Welsh text of the draft revised Code does not expressly include the equivalent of the words “*entirely at*” as used in the English text, the Welsh Government does not agree that this changes the meaning between both texts. There is a slight difference in emphasis between the texts and therefore, prior to re-laying the Welsh text of the draft revised Code, the words “*yn llwyr*” will be inserted after “*yw hwn*” to express the meaning of “*entirely [at]*”.

Scrutiny point 24: The Welsh text of the draft revised Code at paragraph 10.4(c) of Annex D has been summarised, and the Welsh Government submits that the meaning of the Welsh text is equivalent to the English text. Prior to re-laying however, the Welsh text will be revised for precision. The words “*gan gynnwys y broses o derfynu'r cytundeb a chanlyniadau hynny, a pha rybudd y dylid ei roi*” will be substituted with “*- dylai hyn esbonio'r broses o derfynu'r cytundeb a chanlyniadau hynny, a phennu pa rybudd y dylid ei roi*”.

Scrutiny point 25: Prior to re-laying, paragraph 2.1 of Annex E to the Welsh text of the draft revised Code will be amended to read “*Rheoliadau Adolygu*” where appropriate to correspond with the English text.

Scrutiny point 26: Prior to re-laying the draft revised Code, at paragraph 2.25 of Annex E to the Welsh text, the words “*yn yr awdurdod*” will be inserted after “*prïodol*” to express the meaning of “*of the authority*” so that the Welsh text is equivalent to the English text.

Scrutiny point 27: At paragraph 1.3 of Annex F, the addition of “*penderfyniad*” to the Welsh text of the draft revised Code is a matter of style to enable the sentence to flow. As the “*non-payment*” being referred to in the English text is “*deliberate*”, the Welsh Government proposes to change the English text to correspond to the Welsh text i.e. substitute “*non-payment*” with “*decision not to pay*”.

Scrutiny point 28: Prior to re-laying the draft revised Code, paragraph 3.1 of Annex F to the English text will be revised to clarify the example timeframe for debt accrual. The words:

“if an invoice was issued giving 30 days to pay, the payment becomes due on day 30 and a debt accrues if this is not met”

will be substituted with:

“if an invoice was issued where payment is due on or before 30 calendar days from date of invoice, payment of the invoice becomes overdue at 31 calendar days from date of invoice, and a debt will accrue from that day”.

The Welsh text will be revised to correspond to the English text. In addition, the word “*anfon*” will be replaced with “*dyrodd*” to correspond to “issue” in the English text.

Scrutiny point 29: Prior to re-laying, “*derivation*” in paragraph 9.2 in Annex F to the English text of the draft revised Code will be substituted with “*deprivation*” in line with the Welsh text.

Scrutiny point 30: Paragraph 16.1 of Annex F to the Welsh text of the draft revised Code will be revised prior to re-laying to correspond to the English text. The words “*...neu effeithio ar fuddiannau'r person hwnnw*” will be substituted with “*...neu effeithio ar fuddiannau rhywun sydd am hawlio yn erbyn y person hwnnw*”.

Formatting, typographical and stylistic corrections will also be addressed prior to re-laying the draft revised Code.

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE **Inter-Ministerial Group for Business and Industry**

DATE **01 July 2025**

BY **Rebecca Evans MS, Cabinet Secretary for Economy, Energy and Planning**

I represented the Welsh Government at the Business and Industry Inter-Ministerial Group on 6 May, which I chaired. This was the second meeting of the re-established Inter-Ministerial Group.

The meeting was attended by Sarah Jones MP, Minister for Industry, UKG, Caoimhe Archibald, Minister for the Economy, Northern Ireland Executive and a senior official from Scottish Government. A communique regarding this meeting will be published on the [UK Government website](#).

Discussions focused on the recently published Industrial Strategy and Place-based Economic Growth and updates were provided on economic plans across the four nations.

I highlighted the importance of continued collaboration around the Industrial Strategy and discussion took place on place-based economic growth and how this can be supported across the UK.

Scotland will be chairing the next Business and Industry Inter-Ministerial Group in line with rotating chair arrangements.



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

SeneddLJC@senedd.wales

01 July 2025

Dear Mike

Inter-Ministerial Group - Transport

I am writing in accordance with the inter-institutional relations agreement to notify you that the Transport Inter-Ministerial Group, which was due to place on 25th June 2025, was postponed.

I will notify you once a new date has been confirmed.

I have copied this letter to the Chair of Climate Change, Environment, and Infrastructure Committee.

Yours sincerely

Ken Skates AS/MS
Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru
Cabinet Secretary for Transport and North Wales

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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.



Llywodraeth Cymru
Welsh Government

Mike Hedges
Legislation, Justice and Constitution Committee

Welsh Parliament
Cardiff Bay,
Cardiff,
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SeneddLJC@senedd.wales

30 June 2025

Dear Mike,

I am writing further to your letter of 19 May 2025 regarding the Legislative Consent Memorandum on the Terminally Ill Adults (End of Life) Bill.

Our assessment of the Bill in line with the test in Standing Order 29 of the Senedd's Standing Orders (SO29) concluded that the consent of Senedd Cymru is required in respect of clauses 37, 39, 45, 47, 50 and 54. We concluded that the test in SO29 was not met in respect of the other clauses raised in your letter. We are unable to disclose the details of our assessment as to do so would waive legal professional privilege.

This Bill seeks to allow adults who are terminally ill, subject to safeguards and protections, to request and be provided with assistance to end their own life. The primary mechanism through which the Bill achieves this is via amendments to the Suicide Act 1961, which concerns the criminal law restriction on the Senedd's legislative competence in Schedule 7B to the Government of Wales Act 2006.

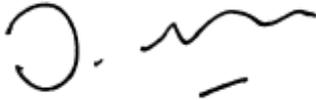
Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Welsh Ministers have a discretionary power under clause 42 of the Bill (previously clause 39) to make provision by regulations about voluntary assisted dying services in Wales within devolved areas. Should the power be exercised, the regulations would set out any devolved delivery arrangements for the provision of assistance to a person to end their own life. In the Legislative Consent Memorandum, it was stated that the consent of Senedd Cymru is required in respect of that clause. A draft of the regulations would also need to be laid before, and approved by a resolution of, Senedd Cymru.

Yours sincerely,



Jeremy Miles AS/MS

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care

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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.

Jeremy Miles MS
Cabinet Secretary for Health and Social Care

19 May 2025

Dear Jeremy

Legislative Consent Memorandum: Terminally Ill Adults (End of Life) Bill

The Committee considered the above legislative consent memorandum at its meeting on 12 May 2025.

In the Memorandum, you state that the consent of Senedd Cymru is required in respect of clauses 37, 39, 45, 47, 50 and 54.

We recognise that the Bill amends the criminal and civil law to provide that anyone assisting another person to end their own life will not incur either criminal or civil liability, and those provisions relate to reserved matters.

However, the Bill also creates a regulatory framework within which assistance can lawfully be provided to another to end their own life, and that framework would be delivered largely in an NHS setting. This being the case, we would be grateful if you explain why consent is not required for clauses 1 to 28, 31 to 36, 38, 40 to 44, 46, 48, 49 and 51 to 53.

The Committee would be grateful to receive a response by Wednesday 4 June 2025.

I am copying this letter to Peter Fox MS, Chair of the Health and Social Care Committee.

Yours sincerely,



Mike Hedges
Chair

Agenda Item 7.2

Ken Skates AS/MS
Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru
Cabinet Secretary for Transport and North Wales



Llywodraeth Cymru
Welsh Government

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

SeneddLJC@senedd.wales

02 July 2025

Dear Mike,

Thank you for the Legislation, Justice and Constitution Committee's report on the Legislative Consent Memorandum for the Bus Services (No. 2) Bill, laid on 9 May. Please find enclosed my response to the issues raised in the report.

Yours sincerely,

Ken Skates AS/MS

Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru
Cabinet Secretary for Transport and North Wales

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The Welsh Government's Legislative Consent Memorandum on the Bus Services (No.2) Bill

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

July 2025

Summary

The Bus Services (No. 2) Bill ("the Bill") was introduced in the House of Lords on 17 December 2024. Certain elements of the Bill require the legislative consent of the Senedd, and on 11 March 2024, I laid a Legislative Consent Memorandum for the Bill ('the LCM') before the Senedd. On 9 May, the Legislation, Justice and Constitution Committee ('LJCC') published a report ('the Report') on the LCM.

To note, on 23 May, I laid a supplementary LCM ('the SLCM') in respect of further clauses in the Bill that apply to Wales. This is referred to in my response to the Committee below.

This report will respond to the recommendations raised by the committee's report of May 2025.

The response first considers the conclusions and recommendations made by the Committee relating specifically to the UK Government's Bus Services (No. 2) Bill, then considers the conclusion and recommendation relating to the assessment of the impact of that Bill on the Bus Services (Wales) Bill.

LJCC Conclusion 1. We agree with the Welsh Government’s assessment, as set out in the Memorandum, of the provision within the Bill which requires the consent of the Senedd in accordance with Standing Order 29; but this is subject to our views set out in conclusion 2.

Many thanks to the Committee for its consideration of the LCM. I am pleased that the Committee agrees with the Welsh Government’s analysis of the provision in the Bill which requires the consent of the Senedd.

LJCC conclusion 2. We consider that clauses 22, 26, 27, 28, and 29 of the Bill contain provision that has regard to devolved matters and, as such, the Senedd’s consent should be sought for these clauses.

I agree with the Committee’s view that the clauses listed contain provision that has regard to devolved matters. On 23 May I laid a supplementary LCM in relation to (as amended in the House of Lords):

Clause 22(6)(b) - Local government bus companies

Clause 33 (previously clause 26) - Safeguarding duty: drivers of school services

Clause 34 (previously clause 27) - Training about crime and anti-social behaviour

Clause 35 (previously clause 28) - Training about disability

Clause 36 (previously clause 29) - Training about disability: further provisions

LJCC conclusion 3. Standing Order 29 places obligations on the Welsh Government to bring forward legislative consent memoranda when the requirements of that standing order are met. Given that it is the Welsh Government that is accountable to the Senedd, the Welsh Government should not rely on a UK Government assessment of whether the consent of the Senedd should be sought for a Bill (or provisions within a Bill) introduced to the UK Parliament.

I’d like to assure Committee members that, whilst we considered it, at no point did we rely on the UK Government’s competence assessment in relation to any of the provisions in the Bill. Officials had several discussions with policy leads in the Department for Transport and attended two stakeholder engagement workshops during the development of the Bill. However, as I noted in my letter to the Llywydd in March, the Bill was developed at pace, therefore we were not given the opportunity to consider the clauses prior to their inclusion in the Bill.

We conducted a comprehensive competence assessment of the provisions as early as possible in the process.

LJCC recommendation 1. For Bills introduced to the UK Parliament that fall within his remit and responsibilities, the Cabinet Secretary should ensure that Welsh Government officials undertake the assessment of whether a Bill's provisions have regard to devolved matters and therefore engage Standing Order 29, rather than relying on an analysis of legislative competence carried out by the UK Government.

Welsh Government response: Agreed.

I refer the Committee to my response to conclusion 3 above.

LJCC recommendation 2. The First Minister should ensure that the Welsh Government undertakes the assessment of whether a Bill introduced to the UK Parliament has regard to devolved matters and therefore whether or not it engages Standing Order 29, rather than relying on an analysis of legislative competence carried out by the UK Government.

Welsh Government response: Agreed.

I refer the Committee to my response to conclusion 3 above.

Assessment of impact on the Bus Services (Wales) Bill

LJCC conclusion 4. We agree with the Llywydd that omitting some relevant provisions from the Memorandum may have an impact on the Senedd's ability to effectively scrutinise the Bus Services (Wales) Bill during its early stages.

I appreciate the Committee's concerns at the time this report was drafted. I hope that in the intervening period the Committee feels the Senedd has been provided with further information and assurance during the constructive discussions at the Stage 1 scrutiny sessions on the Bus Services (Wales) Bill.

LJCC recommendation 3. The Cabinet Secretary should explain, in the supplementary legislative consent memorandum due to be laid before the Senedd, whether and how the Bill impacts on the Welsh Government's own Bus Services (Wales) Bill.

Welsh Government response: Agreed

The Supplementary LCM, laid on 23 May, stated that we were in discussion with Department for Transport about whether amendments should be made in relation to these provisions, their application in Wales and their potential impact on the future delivery of the Bus Services (Wales) Bill. We have now completed those substantive discussions. Amendments to the UK Bill have been laid in Parliament. I will lay a supplementary LCM on these shortly.



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

02 July 2025

Dear Mike,

I am writing in response to your letter of 9 May drawing my attention to the Committee's report on the Legislative Consent Memorandum on the Bus Services (No. 2) Bill ("UK Bus Bill").

Thank you to the Committee for the report and your consideration of the LCM and of the wider potential implications of the UK Bill on our own Bus Services (Wales) Bill.

You have drawn my attention specifically to recommendation 2 of your report –

Recommendation 2. The First Minister should ensure that the Welsh Government undertakes the assessment of whether a Bill introduced to the UK Parliament has regards to devolved matters and therefore whether or not it engages Standing Order 29, rather than relying on an analysis of legislative competence carried out by the UK Government.

I agree with the Committee's recommendation. To reassure the Committee, the Welsh Government always undertakes its own thorough assessments of whether Parliamentary Bills engage Standing Order 29. In relation to the UK Bus Bill, I refer you to the Cabinet Secretary for Transport and North Wales's response to the Committee's report.

I am confident that a comprehensive competence assessment of the provisions was conducted in this case, as it is in relation to every Parliamentary Bill.

Eluned Morgan

Bae Caerdydd • Cardiff Bay
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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.

Rt Hon Eluned Morgan MS
First Minister of Wales

9 May 2025

Dear Eluned,

The Welsh Government's Legislative Consent Memorandum on the Bus Services (No. 2) Bill

The Committee has today laid its report on the Welsh Government's Legislative Consent Memorandum on the Bus Services (No. 2) Bill.

The Committee agreed to write to you to draw your attention specifically to recommendation 2 in our report. That recommendation is:

Recommendation 2. The First Minister should ensure that the Welsh Government undertakes the assessment of whether a Bill introduced to the UK Parliament has regards to devolved matters and therefore whether or not it engages Standing Order 29, rather than relying on an analysis of legislative competence carried out by the UK Government.

Further detail about the context to this recommendation may be found in Chapter 2 of our report.

This letter is copied to Ken Skates MS, the Cabinet Secretary for Transport and North Wales.

Yours sincerely,



Mike Hedges
Chair

Mike Hedges MS

Chair of the Legislation, Justice and the Constitution Committee

Peter Fox MS

Chair of the Health and Social Care Committee

03 July 2025

Dear Mike and Peter

Criminal Justice session with Lord Timpson

Further to our previous correspondence I am pleased that Lord Timpson has confirmed his availability for a re-arranged session on criminal justice with the Equality and Social Justice Committee on Monday 14 July.

The session will be in hybrid format although in person attendance is preferred. The session is expected to commence at 14:00 and draw to a close around 15:30. Please note that these timings are still approximate. Confirmation of the exact timings of the meeting will be provided in due course.

We previously invited a member of each committee to attend these sessions, given your remits and longstanding interest in this issue. Please note that the invitation still stands should you or a representative of the Committee wish to attend the sessions under Standing Order 17.49.

If this would be of interest to you or any of your Members, I would be grateful if you could please confirm by Wednesday 10 July if possible, so that practical arrangements can be made.

I look forward to hearing from you.

Yours sincerely,



Jenny Rathbone MS

Chair, Equality and Social Justice Committee

Agenda Item 7.4

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No.2) on the Tobacco and Vapes Bill

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

July 2025

On 4 April 2025, the Welsh Government laid a Supplementary Legislative Consent Memorandum. The Legislation, Justice and Constitution Committee submitted its report on the Welsh Government's legislative Consent Memorandum on the Tobacco and Vapes Bill on 23 May 2025. The report includes 1 conclusion. This is the Welsh Government's response to the conclusion.

Response to Conclusion

Conclusion 1. We continue to agree with the Welsh Government's assessment (as set out in the Memorandum and Memorandum No. 2) of the provisions within the Bill (and amendments to those provisions) which require the consent of the Senedd in accordance with Standing Order 29.

Welsh Government response:

I note the Committee's view that it continues to agree with the Welsh Government's assessment as set out in the Legislative Consent Memoranda.

Should the UK Government table further amendments at committee stage in relation to Wales, the amendments will be reviewed in line with t SO29.2, and further amendments may require another supplementary LCM.

Financial Implications: None.

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Agenda Item 11

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

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Agenda Item 12

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

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