

# Agenda – Legislation, Justice and Constitution Committee

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Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 15 September 2025	Committee Clerk
Meeting time: 13.00	0300 200 6565
	<a href="mailto:SeneddLJC@senedd.wales">SeneddLJC@senedd.wales</a>

## Remote

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### Public meeting

(13.00 – 13.35)

#### 1 Introduction, apologies, substitutions and declarations of interest

(13.00)

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

(13.00 – 13.05)

##### Made Negative Resolution Instruments

#### 2.1 SL(6)634 – The Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025

(Pages 1 – 4)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-24-25 – Paper 1 – Draft report

#### 2.2 SL(6)635 – The Amendments to Subordinate Legislation (Miscellaneous Corrections) (Wales) Regulations 2025

(Pages 5 – 7)



[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-24-25 – Paper 2 – Draft report

**2.3 SL(6)638 – The Firefighters’ Pension Scheme (Wales) (Amendment)  
Regulations 2025**

(Pages 8 – 15)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-24-25 – Paper 3 – Draft report

LJC(6)-24-25 – Paper 4 – Welsh Government Report to Senedd Cymru

**2.4 SL(6)643 – The Marketing of Fruit Plant and Propagating Material (Wales)  
(Amendment) Regulations 2025**

(Pages 16 – 17)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-24-25 – Paper 5 – Draft report

**2.5 SL(6)644 – The Education (Student Support) (Wales) (Amendment)  
Regulations 2025**

(Pages 18 – 22)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-24-25 – Paper 6 – Draft report

LJC(6)-24-25 – Paper 7 – Letter from the Cabinet Secretary for Education to the Llywydd, 29 August 2025

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

(13.05 – 13.10)

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

(Pages 23 – 26)

Attached Documents:

LJC(6)-24-25 – Paper 8 – Letter from the Counsel General and Minister for Delivery, 22 July 2025

LJC(6)-24-25 – Paper 9 – Letter to the Cabinet Secretary for Housing and Local Government, 7 July 2025

### **4 Inter-Institutional Relations Agreement**

(13.10 – 13.15)

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

(Pages 27 – 45)

Attached Documents:

LJC(6)-24-25 – Paper 10 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Standing Committee, 14 July 2025

LJC(6)-24-25 – Paper 11 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Standing Committee, 14 July 2025

LJC(6)-24-25 – Paper 12 – Letter from the Cabinet Secretary for Housing and Local Government: Inter-Ministerial Group for Housing, Communities and Local Government, 17 July 2025

LJC(6)-24-25 – Paper 13 – Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip: Inter-Ministerial Group on Justice, 17 July 2025

LJC(6)-24-25 – Paper 14 – Written Statement by the First Minister of Wales: British-Irish Council Summit, 22 July 2025

LJC(6)-24-25 – Paper 15 – Letter from the First Minister of Wales: British-Irish Council Summit, 22 July 2025

LJC(6)-24-25 – Paper 16 – Written Statement by the Cabinet Secretary for Housing and Local Government: Inter-Ministerial Group for Elections and Registration, 7 August 2025

LJC(6)-24-25 – Paper 17 – Letter from the Cabinet Secretary for Housing and Local Government: Inter-Ministerial Group for Elections and Registration, 7 August 2025

LJC(6)-24-25 – Paper 18 – Letter from the Minister for Culture, Skills and Social Partnership: Culture and Creative Industries Inter-Ministerial Group, 12 August 2025

LJC(6)-24-25 – Paper 19 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Group for Environment, Food and Rural Affairs, 22 August 2025

LJC(6)-24-25 – Paper 20 – Letter from the Cabinet Secretary for Economy, Energy and Planning: Inter-Ministerial Group for Business and Industry: 2 September 2025

LJC(6)-24-25 – Paper 21 – Letter from the Cabinet Secretary for Economy, Energy and Planning: Inter-Ministerial Group for Business and Industry: 9 September 2025

LJC(6)-24-25 – Paper 22 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: September Interministerial Group on Net Zero, Energy and Climate Change, 4 September 2025

LJC(6)-24-25 – Paper 23 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: October Interministerial Group on Net Zero, Energy and Climate Change, 4 September 2025

#### **4.2 Correspondence from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip: Budget Cover Transfer to support digital inclusion activity in Wales**

Attached Documents:

LJC(6)-24-25 – Paper 24 – Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, 11 August 2025

## **5 Papers to note**

(13.15 – 13.35)

### **5.1 Correspondence from the Chairs' Forum to Committees: Reviewing Committee Effectiveness in the Sixth Senedd**

(Page 48)

Attached Documents:

LJC(6)-24-25 – Paper 25 – Letter from the Chairs' Forum to Committees, 8 July 2025

### **5.2 Correspondence from the Cabinet Secretary for Economy, Energy and Planning to the Economy, Trade and Rural Affairs Committee: The Data (Use and Access) Bill**

(Pages 49 – 50)

Attached Documents:

LJC(6)-24-25 – Paper 26 – Letter from the Cabinet Secretary for Economy, Energy and Planning to the Economy, Trade and Rural Affairs Committee, 14 July 2025

### **5.3 Correspondence in relation to the UK Government response to the Review of the United Kingdom Internal Market Act 2020 and Public Consultation**

(Pages 51 – 103)

Attached Documents:

LJC(6)-24-25 – Paper 27 – Letter from the Rt Hon Douglas Alexander MP, Minister of State for Trade Policy and Economic Security, 15 July 2025

LJC(6)-24-25 – Paper 28 – UK Government response to the Review of the United Kingdom Internal Market Act 2020 and Public Consultation

LJC(6)-24-25 – Paper 29 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 17 July 2025

LJC(6)-24-25 – Paper 30 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 17 July 2025

**5.4 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. 3) on the Employment Rights Bill**

(Pages 104 – 110)

Attached Documents:

LJC(6)-24-25 – Paper 31 – Welsh Government response, July 2025

**5.5 Correspondence from the Welsh Government: The Welsh Government's response to the Committee's report on the Welsh Government's Legislative Consent Memorandum on the Crime and Policing Bill**

(Pages 111 – 113)

Attached Documents:

LJC(6)-24-25 – Paper 32 – Welsh Government response, July 2025

**5.6 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 Bus Services (No. 2) Bill**

(Pages 114 – 118)

Attached Documents:

LJC(6)-24-25 – Paper 33 – Letter from the Cabinet Secretary for Transport and North Wales, 4 August 2025

**5.7 Correspondence from the Welsh Government: The Welsh Government's response to the Committee's report on the Welsh Government's Legislative Consent Memorandum on the Victims and Courts Bill**

(Pages 119 – 120)

Attached Documents:

LJC(6)-24-25 – Paper 34 – Welsh Government response, August 2025

**5.8 Correspondence from the Welsh Government: The Welsh Government's response to the Committee's report on the Welsh Government's Legislative**

**Consent Memorandum on the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill**

(Pages 121 – 124)

Attached Documents:

LJC(6)-24-25 – Paper 35 – Welsh Government response, August 2025

**5.9 Correspondence from the Minister for Mental Health and Wellbeing: The Welsh Government's response to the Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Mental Health Bill**

(Pages 125 – 133)

Attached Documents:

LJC(6)-24-25 – Paper 36 – Letter from the Minister for Mental Health and Wellbeing, 15 August 2025

**5.10 Correspondence from the Minister for Mental Health and Wellbeing: The Welsh Government's response to the Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Mental Health Bill**

(Pages 134 – 138)

Attached Documents:

LJC(6)-24-25 – Paper 37 – Letter from the Minister for Mental Health and Wellbeing, 2 September 2025

**5.11 Correspondence from the Welsh Government: The Welsh Government's response to the Committee's report on the Welsh Government's Legislative Consent Memorandum on the Absent Voting (Elections in Scotland and Wales) Bill**

(Pages 139 – 143)

Attached Documents:

LJC(6)-24-25 – Paper 38 – Welsh Government response, September 2025

**5.12 Correspondence from the Cabinet Secretary for Economy, Energy and Planning: The Welsh Government's response to the Committee's report on the**

**Welsh Government's Supplementary Legislative Consent Memorandum  
(Memorandum No. 3) on the Planning and Infrastructure Bill**

(Pages 144 – 147)

Attached Documents:

LJC(6)-24-25 – Paper 39 – Letter from the Cabinet Secretary for Economy, Energy and Planning, 3 September 2025

**5.13 Correspondence from the Cabinet Secretary for Economy, Energy and Planning to the Climate Change, Environment and Infrastructure Committee: The Welsh Government's Legislative Consent Memoranda on the Planning and Infrastructure Bill**

(Pages 148 – 150)

Attached Documents:

LJC(6)-24-25 – Paper 40 – Letter from the Cabinet Secretary for Economy, Energy and Planning to the Climate Change, Environment and Infrastructure Committee, 5 September 2025

LJC(6)-24-25 – Paper 41 – Letter from the Cabinet Secretary for Economy, Energy and Planning to the Climate Change, Environment and Infrastructure Committee, 11 August 2025

**5.14 Correspondence in relation to the Homelessness and Social Housing Allocation (Wales) Bill**

(Pages 151 – 164)

Attached Documents:

LJC(6)-24-25 – Paper 42 – Letter from the Local Government and Housing Committee to the Welsh Local Government Association, 18 July 2025

LJC(6)-24-25 – Paper 43 – Letter from the Welsh Local Government Association to the Local Government and Housing Committee, 15 July 2025

LJC(6)-24-25 – Paper 44 – Letter from the Cabinet Secretary for Housing and Local Government, 17 July 2025

LJC(6)-24-25 – Paper 45 – Letter to the Cabinet Secretary for Housing and Local Government, 27 June 2025

**5.15 Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Welsh Government Response to the Independent Water Commission Report**

(Pages 165 – 166)

Attached Documents:

LJC(6)-24-25 – Paper 46 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 21 July 2025

**5.16 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The UK Emissions Trading Scheme (UK ETS) Authority Interim Responses on the expansion of the UK ETS**

(Pages 167 – 168)

[UK Emissions Trading Scheme scope expansion: waste](#)

[UK Emissions Trading Scheme scope expansion: maritime sector](#)

[Integrating greenhouse gas removals in the UK Emissions Trading Scheme](#)

Attached Documents:

LJC(6)-24-25 – Paper 47 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 22 July 2025

**5.17 Correspondence with the Lady Chief Justice of England and Wales: Invitation to provide oral evidence**

(Pages 169 – 170)

Attached Documents:

LJC(6)-24-25 – Paper 48 – Letter from the Lady Chief Justice of England and Wales, 23 July 2025

LJC(6)-24-25 – Paper 49 – Letter to the Lady Chief Justice of England and Wales, 8 July 2025

**5.18 Correspondence from the Minister for Culture, Skills and Social Partnership: Regulations in relation to Part 3 of the Social Partnership and Public Procurement (Wales) Act 2023**

(Page 171)

Attached Documents:

LJC(6)-24-25 – Paper 50 – Letter from the Minister for Culture, Skills and Social Partnership, 30 July 2025

**5.19 Correspondence from the Cabinet Secretary for Health and Social Care: HM Prison Parc**

(Pages 172 – 175)

Attached Documents:

LJC(6)-24-25 – Paper 51 – Letter from the Cabinet Secretary for Health and Social Care, 5 August 2025

LJC(6)-24-25 – Paper 52 – Letter to the Minister for Mental Health and Wellbeing, 8 July 2025

**5.20 Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Preparing for the devolution of justice**

(Pages 176 – 177)

Attached Documents:

LJC(6)-24-25 – Paper 53 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 7 August 2025

**5.21 Correspondence from the Cabinet Secretary for Transport and North Wales: The Bus Services (Wales) Bill**

(Pages 178 – 185)

Attached Documents:

LJC(6)-24-25 – Paper 54 – Letter from the Cabinet Secretary for Transport and North Wales, 8 September 2025

LJC(6)-24-25 – Paper 55 – Letter from the Cabinet Secretary for Transport and North Wales, 13 August 2025

**5.22 Correspondence with the Welsh Government: Legislative Consent Memoranda in the final two terms of the sixth Senedd**

(Pages 186 – 188)

Attached Documents:

LJC(6)-24-25 – Paper 56 – Letter from the Counsel General and Minister for Delivery, 27 August 2025

LJC(6)-24-25 – Paper 57 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 30 July 2025

**5.23 President of the Welsh Tribunals: Annual Report 2024/2025**

(Pages 189 – 209)

Attached Documents:

LJC(6)-24-25 – Paper 58 – Annual Report 2024/2025

LJC(6)-24-25 – Paper 59 – Priorities 2025/2026

**5.24 Written Statement by the Cabinet Secretary for Finance and Welsh Language: Public consultation on Making Changes to the Welsh Tax Acts**

(Pages 210 – 211)

Attached Documents:

LJC(6)-24-25 – Paper 60 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 8 September 2025

**5.25 Correspondence from the Cabinet Secretary for Economy, Energy and Planning: The Trade Act 2021**

(Page 212)

Attached Documents:

LJC(6)-24-25 – Paper 61 – Letter from the Cabinet Secretary for Economy, Energy and Planning, 9 September 2025

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

(13.35)

**Private meeting**

(13.35 – 16.00)

**7 Discussion on correspondence considered in public session**

(13.35 – 13.45)

- 8 Planning (Wales) Bill and Planning (Consequential Provisions) (Wales) Bill: Committee confirmation of approach to scrutiny**  
(13.45 – 14.00) (Pages 213 – 225)

Attached Documents:

LJC(6)-24-25 – Paper 62 – Update on evidence gathering

LJC(6)-24-25 – Paper 63 – Research Service background briefing

- 9 Welsh Government Draft Budget 2026–27: Approach to scrutiny**  
(14.00 – 14.10) (Pages 226 – 231)

Attached Documents:

LJC(6)-24-25 – Paper 64 – Approach to scrutiny

- 10 Homelessness and Social Housing Allocation (Wales) Bill: Draft report**  
(14.10 – 14.35) (Pages 232 – 263)

Attached Documents:

LJC(6)-24-25 – Paper 65 – Draft report

- 11 Legislative Consent Memoranda on the Children's Wellbeing and Schools Bill: Draft report**  
(14.35 – 14.45) (Pages 264 – 284)

Attached Documents:

LJC(6)-24-25 – Paper 66 – Draft report

- 12 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Animal Welfare (Import Of Dogs, Cats And Ferrets) Bill**  
(14.45 – 14.55) (Pages 285 – 288)

Attached Documents:

LJC(6)-24-25 – Paper 67 – Legal Advice Note

LJC(6)-24-25 – Paper 68 – Draft report

**13 Legislative Consent Memorandum on the Pension Schemes Bill**  
(14.55 – 15.10) (Pages 289 – 292)

Attached Documents:

LJC(6)-24-25 – Paper 69 – Legal Advice Note

**14 Supplementary Legislative Consent Memorandum (Memorandum No. 5) on the Mental Health Bill: Draft report**  
(15.10 – 15.20) (Pages 293 – 302)

Attached Documents:

LJC(6)-24-25 – Paper 70 – Legal Advice Note

LJC(6)-24-25 – Paper 71 – Draft report

**15 Legislative Consent Memorandum on the Dogs (Protection of Livestock) (Amendment) Bill: Draft report**  
(15.20 – 15.30) (To Follow)

Attached Documents:

LJC(6)-24-25 – Paper 72 – Draft report

**16 Legislative Consent Memoranda on the Terminally Ill Adults (End of Life) Bill: Draft report**  
(15.30 – 15.40) (Pages 303 – 319)

Attached Documents:

LJC(6)-24-25 – Paper 73 – Legal Advice Note

LJC(6)-24-25 – Paper 74 – Draft report

**17 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Bus Services (No. 2) Bill: Draft report**  
(15.40 – 15.55) (Pages 320 – 340)

Attached Documents:

LJC(6)-24-25 – Paper 75 – Legal Advice Note

LJC(6)-24-25 – Paper 76 – Draft report

**18 Supplementary Legislative Consent Memorandum (Memorandum  
No. 4) on the Planning and Infrastructure Bill**

(15.55 – 16.00)

(Pages 341 – 344)

Attached Documents:

LJC(6)-24-25 – Paper 77 – Legal Advice Note

## **SL(6)634 – The Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025**

### **Background and Purpose**

This Order, alongside the Amendments to Subordinate Legislation (Miscellaneous Corrections) (Wales) Regulations 2025, amend existing subordinate legislation to correct errors identified by the Committee.

This Order makes corrections to four existing orders which relate to different areas of law:

- Part 2 makes an amendment to the Animal Gatherings (Fees) (Wales) Order 2018 (S.I. 2018/645 (W.119));
- Part 3 makes amendments to the Cockle Fishing Management and Permitting (Specified Area) (Wales) Order 2024 (S.I. 2024/767 (W. 112));
- Part 4 makes amendments to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801 (W.110)); and
- Part 5 makes amendments to the Developments of National Significance (Procedure) (Wales) Order 2016 (S.I. 2016/55 (W.25)).

Additionally, the Order also makes two amendments: firstly, to the definition of “minimum landing size” within article 9(7)(b) of The Cockle Fishing Management and Permitting (Specified Area) (Wales) Order 2024, following representation from Natural Resources Wales. Secondly, the Order makes changes to both the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and to the Developments of National Significance (Procedure) (Wales) Order 2016 to ensure consistency in references in the 2012 and 2016 Orders to the body known as the “Natural Resources Body for Wales” (see paragraph 4.2.2 of the Explanatory Memorandum accompanying the Order).

### **Procedure**

Negative.

The Order was made by the Welsh Ministers before it was laid before the Senedd. 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.

### **Technical Scrutiny**

The following six points are 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.**

The Table of Contents appears to be incorrect. It notes that articles “1-3” relate to Part 1 (only article 1 is contained within Part 1). Article 2 is included within Part 2 of the Order. Part 3 refers to articles 4-13 but should instead refer to articles 3-13. Part 4 and Part 5 do not include reference to specific articles of the Order. We think the use of a Table of Contents is a useful addition to an instrument of this nature, which corrects errors in legislation in a range of subject areas, to increase accessibility. However, the errors in the Table of Contents make it more difficult for the reader to navigate the instrument.

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

In article 4, the description of the location for the insertion of the new paragraph (3) in article 1 of the Cockle Fishing Management and Permitting (Specified Areas) (Wales) Order 2024 is incorrect. It is described as “In article 1 ... after paragraph 1(2)” but should state “In article 1... after paragraph (2)” instead.

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

In article 5, the structure of the article is incorrect. The subdivisions following article 5(1) are numbered as (2) to (6), but should instead be numbered (a) to (e). This also occurs in articles 7, 9 and 13 of the Order.

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

Article 9 is structured differently in each language text. In the Welsh text, article 9 substitutes a new paragraph (1) in article 12 of the 2024 Order to achieve the same legal effect as the amendments made by the English text at article 9(1)-(3). Article 9(1)-(3) exists in the English text but only article 9 exists in the Welsh text. This approach has the potential to create confusion if the same articles are divided and numbered differently in both language texts of an instrument.

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

In articles 9 and 10, the Welsh text substitutes the entire paragraph to achieve the same effect of the individual amendments made by the English text of those articles. The amount of text needed to amend to achieve the same legal effect can differ in both language texts. However, if it is thought necessary to substitute a whole paragraph in one language to achieve the same effect as found in the other language text, it would be more consistent to substitute the whole paragraph in both language texts. This would also have avoided the differences in structure of both language texts of article 9 highlighted above. It is unclear whether the Welsh Government



considered substituting the entire paragraphs in both language texts to achieve the necessary legal effect of the amendments made by articles 9 and 10 of the Order.

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

In article 15(2), the Welsh text fails to correctly identify the text for substitution in paragraph (j), in the definition of “TAN 15 Defended Zones” under the heading “Interpretation of Table” in Schedule 5 to the Developments of National Significance (Procedure) (Wales) Order 2016. The Welsh text incorrectly identifies the text for substitution as “Gyfoeth Naturiol” but it should note “Gyfoeth Naturiol Cymru” as found in the existing text of that provision in Schedule 5 to the 2016 Order.

## Merits Scrutiny

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

**7. 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 title of the statutory instrument does not give an indication of the nature or contents of the Welsh statutory instruments that are being corrected. This could raise issues of accessibility in drawing readers’ attention to any Welsh statutory instruments which are being corrected, and that are of particular interest to them. This could be inevitable if the statutory instruments are generally all unrelated when following an omnibus approach to the correction of statutory instruments.

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

The Explanatory Memorandum accompanying the Order highlights a practical enforcement issue that has existed before the corrections made by this Order were made:

*“In relation to the Cockle Fishing Management and Permitting (Specified Area) (Wales) Order 2024, a drafting issue had been identified in the definition of “minimum landing size” that is now addressed by article 7(3) of the Order. This has had some practical implications for enforcement activity. The current wording of the definition limits the ability to take formal enforcement action in cases where undersized cockles are gathered. As a result, enforcement officers have been focusing on providing advice and encouraging the re-distribution of undersized cockles. This approach has been effective to date, and there have been no reported challenges from gatherers. Resolving this matter via the Order is considered an appropriate, and timely, way to deal with this.”*

**9. 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 corrections made by the Order relate to Welsh statutory instruments that were previously reported upon by the Committee. The earliest errors corrected by this Order, in the Cackle Fishing Management and Permitting (Specified Area) (Wales) Order 2024, were reported considered by the Committee in July 2024. The errors in the The Animal Health (Miscellaneous Fees) (Amendment and Revocation) (Wales) Order 2024 were considered by the Committee in November 2024. The errors in the Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2025 were considered by the Committee much more recently, in April 2025.

The Welsh Government should explain:

- Whether the Welsh Government could have made these corrections sooner;
- If the intention is to make corrections via an omnibus statutory instrument on a regular basis, how frequently will such an instrument be made, and how will the Welsh Government ensure that errors do not sit on the statute book for too long?;
- Will the Welsh Government have a mechanism for prioritising correction of those errors causing practical or otherwise more substantial impacts to the relevant legislation?

## Welsh Government response

A Welsh Government response is required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**10 September 2025**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

—

Welsh Parliament

**Pack Page 4**

**Legislation, Justice and Constitution Committee**

## **SL(6)635 – The Amendments to Subordinate Legislation (Miscellaneous Corrections) (Wales) Regulations 2025**

### **Background and Purpose**

The Regulations, alongside the Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025, amend existing subordinate legislation to correct errors identified by the Committee. These instruments have been made in line with commitments given to the Committee by the Counsel General and Minister for Delivery.

The Regulations make corrections to the following regulations:

- The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 [S.I. 2003/3227 (W. 308)];
- The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003 [S.I. 2003/3246 (W. 321)];
- The Nutrition and Health Claims (Wales) Regulations 2007 [S.I. 2007/2611 (W. 222)];
- The Home Energy Efficiency Schemes (Wales) Regulations 2011 [S.I. 2011/656 (W. 94)];
- The Care and Support (Financial Assessment) (Wales) Regulations 2015 [S.I. 2015/1844 (W. 272)];
- The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 [S.I. 2021/77 (W. 20)];
- The Building Control Profession (Charges) (Wales) Regulations 2023 [S.I. 2023/1303 (W. 233)];
- The Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024 [S.I. 2024/28 (W. 11)];
- The National Health Service Joint Commissioning Committee (Wales) Regulations 2024 [S.I. 2024/135 (W. 29)]; and
- The Bread and Flour (Wales) Regulations 2025 [S.I. 2025/88 (W. 22)].

### **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 two 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 Part 4, in regulation 4, the Welsh Government has not addressed reporting points 4 and 5 of the Committee's [report](#) on the Nutrition and Health Claims (Wales) (Amendment) Regulations 2024. The Welsh Government confirmed that it did not intend to make these corrections in its [response](#) to the Committee's report.

However, as a result, the modifications made to section 37 of the Food Safety Act 1990 by the Schedule to the Nutrition and Health Claims (Wales) Regulations 2007 are not entirely successful due to the remaining references to "subsection (1)(c)" and to the "sheriff" in section 37(2) and (4) respectively of that Act.

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

In Part 10, in regulation 12(a), amendments are made to paragraph 4(5) of Schedule 2 to the National Health Service Joint Commissioning Committee (Wales) Regulations 2024, in response to reporting point 6 of the Committee's [report](#) on those Regulations. This means that the terms "NHS Trust" and "Special Health Authority" in paragraph 4(5)(b) and (c) of Schedule 2 to those Regulations will have the same meaning as found in the new definition of "health service body". Therefore, they will include NHS Trusts and Special Health Authorities established by the Secretary of State under the National Health Service Act 2006 as well as those established by the Welsh Ministers under the National Health Service (Wales) Act 2006. However, in paragraph 6(b) and (c) of Schedule 2 to those Regulations the meaning of "NHS Trust" and "Special Health Authority" will be limited to those established by the Welsh Ministers under the National Health Service (Wales) Act 2006.

Could the Welsh Government confirm that this is deliberate, and both "NHS trust" and a "Special Health Authority" are intended to have a broader meaning including those established by the Secretary of State under the National Health Service Act 2006 in paragraph 4(5) of Schedule 2 to the National Health Service Joint Commissioning Committee (Wales) Regulations 2024?

## Merits Scrutiny

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

### **3. 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 title of the statutory instrument does not give an indication of the nature or contents of the Welsh statutory instruments that are being corrected. This could raise issues of accessibility in drawing readers' attention to any Welsh statutory instruments which are being corrected, and that are of particular interest to them. This could be inevitable if the statutory instruments are generally all unrelated when following an omnibus approach to the correction of statutory instruments.

**4. 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.**

A number of the corrections made by the Regulations relate to Welsh statutory instruments that were reported upon by the Committee at the end of 2023 and at the beginning of 2024. Therefore, these errors have been present in the text of the legislation for quite a long period of time (e.g. regulations 7, 8 and 9).

The Welsh Government should explain:

- i) Why there has been such a delay before making these corrections; and
- ii) If the Welsh Government's intention is to make corrections via an omnibus statutory instrument on a regular basis, how frequently will such an instrument be made, and how will the Welsh Government ensure that errors do not sit on the statute book for too long.

**5. 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.**

In relation to the preamble, whilst there are some benefits to splitting the enabling powers into separate paragraphs, there are also some drawbacks, particularly the resulting lengthy preamble which includes some repetition (e.g. section 16(1)(f) of the Food Safety Act 1990 is cited in two separate paragraphs, and references to advice from the Food Standards Agency and consultation under Article 9 of Regulation (EC) No 178/2002 are also repeated). A potential alternative may be to put the enabling powers in a schedule, however, this would not necessarily improve accessibility. As such, it may be that a lengthy and repetitive preamble is the inevitable consequence of an "omnibus" statutory instrument.

## Welsh Government response

A Welsh Government response is required.

### Legal Advisers

Legislation, Justice and Constitution Committee

10 September 2025



# Agenda Item 2.3

## **SL(6)638 – The Firefighters’ Pension Scheme (Wales) (Amendment) Regulations 2025**

### **Background and Purpose**

These Regulations amend the Firefighters’ Pension Scheme (Wales) Regulations 2015 (“the 2015 Regulations”) which set out the Firefighters’ Pension Scheme (Wales) 2015 (“the 2015 Pension Scheme”).

These Regulations come into force on 1 September 2025 and do not have retrospective effect.

Regulations 3, 4 and 9 amend the 2015 Pension Scheme to make provision in respect of scheme members’ entitlements during periods of parental bereavement leave.

Regulations 5, 6, 7, 8, 9, 10 and 11 amend the 2015 Pension Scheme to provide for new member contribution rates and a new mechanism by which members’ contribution rates are determined from 1 September 2025.

Regulation 6 inserts regulation 119A into the 2015 Regulations which introduces a new mechanism whereby members’ contribution rates within the 2015 Pension Scheme are determined based on a tier structure rather than pensionable pay range. This new mechanism defines scheme member roles for the purpose of members’ contribution rates and provides that these roles will fall within 1 of 5 tiers, against which members’ contribution rates will be determined from 1 September 2025. The updated mechanism makes clear that regardless of role, retained and volunteer firefighters will always remain within tier 1 when determining applicable member contribution rates. For the purpose of new regulation 119A only, the definition of regular firefighter does not include the roles of crew manager, watch manager, station manager, group manager, area manager, assistant chief fire officer, deputy chief fire officer or chief fire officer.

Since regulations 5, 6, 7, 8, 9, 10 and 11 involve a change to a protected element of the scheme constituted by the 2015 Regulations (as defined in section 22(5) of the Public Service Pensions Act 2013), the Welsh Ministers have consulted such persons (or representatives of such persons) as appear to the Welsh Ministers likely to be affected by these Regulations, with a view to reaching agreement. The Welsh Ministers have also laid a report before Senedd Cymru.

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

In regulation 6, in the new regulation 119A(5), in the English text, the definitions are listed according to the order in which they appear in the table found in regulation 119A(2). However, the definitions are listed according to Welsh alphabetical order in the Welsh text of regulation 119A(5). Definitions are usually listed in alphabetical order in both language texts although it is also possible to list definitions in conceptual order or some other logical order – see WLW 4.15(1). But it would make more sense for the lists of definitions to be ordered by using the same approach in both language texts of regulation 119A(5).

## Merits Scrutiny

The following points are 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.**

In the second paragraph of the preamble, it notes that in accordance with section 21(1) of the Public Service Pensions Act 2013 (“the 2013 Act”), the Welsh Ministers have consulted “the representatives of such persons” as appear to them likely to be affected by regulations 3, 4 and 9 of these Regulations. However, the requirement is to consult “**such persons (or representatives of such persons)**” as correctly noted in paragraph 5.1 of the Explanatory Memorandum. The same requirement is also correctly noted in the following paragraph of the preamble in relation to the separate consultation under section 22(2)(a) of the 2013 Act.

### **3. 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.**

Under section 21(2) of the 2013 Act, the Welsh Ministers as the responsible authority are required to publish a statement, and to keep it up-to date, indicating the persons they would normally expect to consult under section 21(1) before making scheme regulations. However, there is no mention of such a statement or where it has been published in the accompanying Explanatory Memorandum or in these Regulations. Could the Welsh Government explain whether such an up-to-date statement was used for this consultation, where it is published, and why it is not mentioned anywhere in the EM or Regulations?

### **4. 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.**



In the second and third paragraphs of the preamble, it notes that regulation 9 of these Regulations was consulted upon under both sections 21(1) and 22(2)(a) of the 2013 Act. In addition, in the fourth paragraph of the preamble, it notes that a report has been laid before the Senedd in respect of regulation 9 in accordance with section 22(2)(b) of the 2013 Act. However, section 22(7) notes that where section 22 applies there is no requirement to consult under section 21(1) of the 2013 Act. In which case, should it only refer to regulation 9(b)(i) of these Regulations in the second paragraph of the preamble, and to regulation 9(a) and (b)(ii) of these Regulations in the third and fourth paragraphs of the preamble?

**5. 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.**

In regulation 6, in the new regulation 119A(5) that is inserted in the Firefighters' Pension Scheme (Wales) Regulations 2015, the definitions of "retained firefighter" and "volunteer firefighter" for regulation 119A are both superfluous. They only refer the reader to the existing definitions of the same terms in regulation 3 (interpretation) which apply to the whole of the 2015 Regulations, including when those terms are used in any new amendments such as regulation 119A.

**6. 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.**

In regulation 6, in the new regulation 119A(5), in the definition of "crew manager", in paragraph (a), it refers to a crew manager role set out in the "'Fire and Rescue Services Rolemaps" issued by the National Joint Council for Local Authority Fire and Rescue Services **in September 2005**". However, in regulation 3 of the 2015 Regulations, in the definition of "role", it refers to a document of the same name that was issued by the National Joint Council for Local Authority Fire and Rescue Services **in August 2005**. In addition, there is no footnote to accompany the reference to the "Fire and Rescue Services Rolemaps" in the new definition of "crew manager" in regulation 119A(5) noting where that document may be obtained or its publication details, to clearly identify the document. Therefore, there is uncertainty as to whether the document "Fire and Rescue Services Rolemaps" referred to in the definition of "crew manager" in the new regulation 119A(5) is the same document that is referred to in the existing definition of "role" in regulation 3 or an updated later issue of the same document. The same problem occurs in the definitions of "watch manager", "station manager", "group manager" and "area manager" in the new regulation 119A(5) which also refer to the "Fire and Rescue Services Rolemaps" issued in September 2005.

## Welsh Government response

A Welsh Government response is required.

### Legal Advisers

Legislation, Justice and Constitution Committee

22 August 2025



# **Report to Senedd Cymru in respect of proposed changes to the employee contribution mechanism and rates in the Firefighters' Pension Scheme (Wales) Regulations 2015**

## **Introduction**

1. This report is laid before Senedd Cymru in accordance with section 22(2)(b) of the Public Service Pensions Act 2013 ("the 2013 Act").
2. Occupational pensions are a reserved matter. However, the Welsh Ministers have functions in the 2013 Act and other enactments as the "responsible authority" for firefighters' pensions (only). This means that they are responsible for making and amending the firefighters' schemes.
3. The purpose of the proposed Firefighters' Pension Scheme (Wales) (Amendment) Regulations 2025 is to amend the Firefighters' Pension Scheme (Wales) Regulations 2015 ("the 2015 Regulations") which established the 2015 Firefighters Scheme ("the 2015 scheme").
4. The proposed regulations make amendments regarding parental bereavement leave and pay, scheme members' contribution rates and the mechanism by which those rates are determined. Member contribution rates are a protected element under the 2013 Act which means that the enhanced procedure in section 22 of the 2013 Act applies to proposals to change them.
5. The Welsh Ministers have consulted persons or representatives of those persons who appear likely to be affected by the regulations if they were made with a view to reaching agreement with them, in accordance with section 22 of the 2013 Act. Having carried out this process, we now lay this report before Senedd Cymru.
6. The report under section 22(2)(b) of the 2013 Act must set out why the responsible authority proposes to make the regulations, having regard to the desirability of not making a change to the protected elements of a scheme under section 1 within the protected period (ie, before March 2040).

## **Background to proposed amendment / policy objective**

7. HM Treasury requires most public sector pension schemes to achieve a set member contribution "yield", meaning the overall proportion of annual pensionable pay which employees pay as contributions to the scheme. This is to contain the cost of pension benefits to the public purse. The target yield for all firefighters' schemes in the UK is 13.2%.
8. Changes are required to the current employee contribution rate structure as the Government Actuary's Department ("GAD") identified at the last valuation exercise that the yield achieved by the scheme was slightly lower than required, at just under 13.0%. Therefore, the contribution rate structure needs to change to achieve the 13.2% contribution yield at the next valuation exercise. There would be no other way of increasing the yield so as to meet the Treasury's requirements.
9. Additionally, the Firefighters' Pension Scheme (Wales) (Amendment) Regulations 2025 propose changes to the mechanism to determine contribution

rates. Currently these are determined by salary band on a progressive basis, with higher earners paying progressively higher rates. The problem with this approach is that successive annual pay awards undermine the system by moving firefighters into higher bands over time, making the rates less progressive and placing an arguably undue burden on the lowest earners. For example, there are now no firefighters in the lowest salary band as increases in pay since the bands were set have taken all of them out of it. This approach also means that firefighters have no long-term certainty about what they are required to contribute, and risk having some of a pay award consumed by an increase in pension contributions if that award takes them into a higher band. To address this, the proposed regulations would change the system to one based on grade<sup>1</sup> (or “role”), with more senior staff paying higher rates. An individual’s contribution rate would not, therefore, change unless a role change resulted in them being taken into a different tier (referred to as contribution band in the consultation).

## Consultation

10. In accordance with section 22(2)(a) of the 2013 Act, the Welsh Ministers consulted persons, or representatives of such persons, who appear likely to be affected by the proposed regulations with a view to reaching agreement with them. The consultation set out possible principles for changing contribution rates and included a range of possible changes to the current structure to achieve the target contribution yield. A link to the Consultation together with the Summary of Responses can be found [here](#) for more information.

10. The consultation was issued from 12 November 2024 and remained open for twelve weeks until 4 February 2025. The Welsh Government received 18 responses to the consultation. Those 18 responses came from the following:

- Three from Fire and Rescue Authorities in Wales
- One from a trade union representing firefighters.
- One from the Firefighters’ Pension Scheme Advisory Board for Wales (“SABW”)
- 13 from individuals

11. The majority of respondents accepted that rates needed to change to meet the required yield and agreed that member contribution rates should be based on grade rather than by salary band. Respondents felt that basing calculations on grade would be more easily understood by firefighters and had the added benefit of being future proofed. However, concerns were raised that the contribution rates set out in the illustrative example within the consultation document, showed that there would be a significant increase in contribution rates between the tiers, particularly for higher paid scheme members, which could potentially be seen as unfair. In turn, this could potentially create “cliff edges” which would discourage career progression.

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<sup>1</sup> “Grade” is the term commonly used in the Fire and Rescue Service to refer to the hierarchy based on seniority of position (and to what used to be called “rank”) – Firefighter, Crew Manager, Watch Manager and so on and was the term used in the consultation on these proposals. Strictly speaking these are “roles” as set out in the National Joint Council’s “Grey Book” of UK-wide terms and conditions, so the draft regulations use the term “role” instead.

12. In order to satisfy the requirements set out under section 22 of the 2013 Act, the Welsh Government engaged with members of SABW, which represents all employers and all recognised firefighters’ trade unions to discuss how to achieve an equitable increase in contribution rates, and meet the target yield. Officials made clear throughout those discussions that the Welsh Government had no preference about exactly what the contribution rates should be, provided that the result achieved the target yield. Rather, the Welsh Government was guided by what the employers and representative bodies believed to be equitable and easy to administer, and commissioned further work from the Government Actuary’s Department (“GAD”) in light of that.

13. Following discussions with the SABW, members confirmed that they were content that the grade based structure was the most appropriate for the firefighters’ pension scheme in Wales, but felt that further work was needed to calculate contribution rates which were equitable across all grades while still achieving the target yield. The Welsh Government subsequently commissioned GAD to produce a series of revised calculations which applied a more gradual increase in contribution rates across all grades. Agreement was reached with all but one member of the SABW. In the circumstances, it was not possible to achieve complete agreement as there was an irreconcilable difference of view between this member and the rest of SABW about one of the rates proposed. Nonetheless, the Welsh Government believes that all possible steps were taken to reach agreement.

14. The Welsh Government has therefore proceeded to draft the Firefighters’ Pension Scheme (Wales) (Amendment) Regulations 2025 which amend the 2015 Regulations to provide that members’ contribution rates within the 2015 Scheme are determined based on a grade-based structure rather than pensionable pay range. The new contribution rates outlined below will be applicable from 1 September 2025.

<b>Tier</b>	<b>Grade / Role</b>	<b>New rate</b>	<b>Change from current rate</b>
1	Firefighter, and all staff working the Retained Duty System <sup>2</sup>	13.00%	+0.10%
2	Crew Manager / Watch Manager	13.20%	+0.30%
3	Station Manager / Group Manager	13.70%	+0.20%
4	Area Manager	14.20%	+0.70%
5	Assistant Chief Fire Officer / Deputy Chief Fire Officer / Chief Fire Officer	14.50%	+0.00%

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<sup>2</sup> “On-call” firefighters and all staff working the retained duty system do not work regular shifts; most are paid only for the incidents they attend and for training time, plus a modest annual “retaining fee”. They thus earn significantly less than their wholetime counterparts.

15. The proposed regulations would also make amendments to the 2015 Regulations to provide that parental bereavement leave is to be treated like other authorised absence from work, such as maternity leave. These changes are wholly beneficial to scheme members, but are not subject to the enhanced procedure under section 22 of the 2013 Act and were therefore consulted on in line with section 21 of the 2013 Act.

### **Conclusion**

16. Senedd Cymru is invited to note the proposed changes to the 2015 Regulations in respect of the employee contribution rates, the mechanism by which those rates are determined and the actions undertaken by the Welsh Government to ensure compliance with section 22 of the 2013 Act.

# Agenda Item 2.4

## **SL(6)643 – The Marketing of Fruit Plant and Propagating Material (Wales) (Amendment) Regulations 2025**

### **Background and Purpose**

These Regulations amend the Marketing of Fruit Plant and Propagating Material (Wales) Regulations 2017 (“the Fruit Marketing Regulations”), which aim to control the quality of fruit plants (for fruit production) and fruit propagating material on the market. The Fruit Marketing Regulations do this through setting production standards for that material to ensure it meets minimum standards for plant health and quality as well as varietal identity standards where appropriate. A supplier may only market such plant material if the supplier is registered and the plant material meets the standards.

These Regulations aim to ensure that categorisations of pests and requirements for the places of production are up-to-date and consistent with developments in the ongoing assessment of risk. These Regulations update requirements for new Regulated Non-Quarantine Pests (‘RNQPs’), for example by adding and removing certain pests as RNQPs as read in Commission Implementing Directive 2014/98/EU.

They also make other technical and corrective amendments, such as inserting a definition of “marketing” to provide clarity over what activities are covered by the Fruit Marketing Regulations, and inserting a requirement that supplier documents moving with fruit plants of the CAC grade must state if the variety is genetically modified.

The Explanatory Memorandum explains that the Regulations are appropriate to maintain equivalence with EU requirements “so that trade can continue uninterrupted”. Equivalent amending legislation has been made in relation to England and Scotland. Northern Ireland is already subject to these arrangements under EU law.

### **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**

One 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 6 amends paragraph 4(2)(b) of Schedule 5 to the Fruit Marketing Regulations to replace the existing word “*variety*” with the word “*species*”. The Explanatory Memorandum indicates that this is a minor correction to correct the use of an incorrect term.

As a result, paragraph 4(2)(b) of Schedule 5 as amended will state that a rootstock not belonging to a variety may be certified as pre-basic material if, along with meeting other requirements in sub-paragraph (2), it has been verified by an inspector as being true to the description of its species in accordance with paragraph 7 of that Schedule.

However, paragraph 7 requires the inspector to verify the trueness of pre-basic mother plants and pre-basic material to the description of their variety, in accordance with paragraph 5(2) and (3) of Schedule 5. Likewise, sub-paragraphs (2) and (3) of paragraph 5 of Schedule 5 only refer to an inspector establishing the trueness of pre-basic mother plant to the description of its variety by the observation of the expression of the characteristics of the variety, not species.

As such, the Welsh Government is asked to clarify the operation of the amended paragraph 4(2)(b), given that paragraphs 5(2) and (3), and 7, (which are linked to paragraph 4(2)(b) in the way described above) refer to “*variety*”, rather than “*species*”.

By way of completeness, it is noted that the term “*species*” is used in other provisions of the Fruit Marketing Regulations, for example in paragraph 15(2)(a) of Schedule 5.

### **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**

**4 September 2025**



# Agenda Item 2.5

## **SL(6)644 – The Education (Student Support) (Wales) (Amendment) Regulations 2025**

### **Background and Purpose**

These Regulations amend the Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”). They describe the courses to be designated by the 2018 Regulations and provide for a maximum tuition fee loan, up to £9,535, to eligible students on those affected courses.

The Regulations are required as a result of a review carried out by the Student Loans Company of franchised courses uploaded by higher education providers (and delivered by private institutions in England) to its Courses Management Service (CMS) system. These courses are described on CMS as being designated for the purpose of attracting statutory student support for Welsh students. Designation enables financial support to be paid to students and higher education providers.

The review found that some courses have been designated for financial support from the UK Government but not from the Welsh Government. Providers of these courses are charging the maximum tuition fee in England but without these Regulations Welsh students are only entitled to a maximum tuition fee loan of £6,355 compared with the full rate of £9,535. For part-time students, the reduced tuition fee loan for those studying in England is £4,765 loan, compared with the full rate of £7,145. The Regulations are therefore necessary to enable students beginning or continuing a course with a course start date between the 1 September and the 31 December 2025 to be eligible for support, including provision of the maximum tuition fee loan, up to £9,535.

The Explanatory Memorandum states that the Regulations ensure no students on affected courses are disadvantaged by circumstances outside their control.

### **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 three points are identified for reporting under Standing Order 21.3 in respect of this instrument.

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

These Regulations were made on 27 August 2025, laid on 29 August 2025 and came into force on 31 August 2025. Section 11A(4) of the Statutory Instruments Act 1946 applies in the event that a statutory instrument that is subject to the negative procedure 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 that the 21 day requirement has not been observed.

The Cabinet Secretary for Education Lynne Neagle MS wrote to the Llywydd on 29 August 2025 (“the Cabinet Secretary’s Letter”) and stated that:

*The Regulations will come into force before 21 days have elapsed. The Regulations must be in force before 1 September (the first day of the academic year) to enable students beginning or continuing a course with a course start date between the 1 September and the 31 December to be eligible for adequate tuition fee support. These Regulations ensure no students on affected courses are disadvantaged by circumstances outside their control.*

**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**

It is noted from the Explanatory Memorandum to the Regulations (“the EM”) and the Cabinet Secretary’s Letter that the amendments made by these Regulations are necessary as a result of a review carried out by the Student Loans Company of franchised courses uploaded by higher education providers, and delivered by private institutions in England, to its Courses Management Service system. This review identified that not all the courses had been designated by Welsh Ministers. However, neither the EM nor the Cabinet Secretary’s Letter provide any information as to when this review was concluded; when the Welsh Government became aware of the findings; nor an explanation as to why any length of time between the conclusion of the review and the making of the Regulations was required. The Committee would therefore be grateful if the Welsh Government would provide this and any other relevant information.

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

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

*Given the urgent nature of these changes, a consultation has not been carried out.*



## Welsh Government response

A Welsh Government response is required in relation to the second reporting point only.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**8 September 2025**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament **Pack Page 20**

**Legislation, Justice and Constitution Committee**



Ein cyf/Our ref MA-VH-2017-25

Elin Jones MS  
Llywydd  
Senedd Cymru  
Cardiff Bay  
CARDIFF  
CF99 1SN

29 August 2025

Dear Elin,

### **The Education (Student Support) (Wales) (Amendment) Regulations 2025**

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument will come into force on 31 August 2025, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Education (Student Support) (Wales) (Amendment) Regulations 2025 (“the Regulations”) will amend the Education (Student Support) (Wales) Regulations 2018 (“the 2018 Regulations”). Student support regulations, made under section 22 of the Teaching and Higher Education Act 1998, underpin the system of financial support for students ordinarily resident in Wales undertaking courses of higher education.

The Student Loans Company (“SLC”), which provides the Student Finance Wales service on behalf of the Welsh Ministers, reviewed franchised courses uploaded by higher education providers, and delivered by private institutions in England, to its Courses Management Service system. These courses are described as being designated for the purpose of attracting statutory student support for Welsh students. Designation enables financial support to be paid to students and higher education providers. SLC’s review found that not all the courses had been designated by Welsh Ministers. Therefore, a Welsh student is not entitled to receive support in connection with those courses.

The 2018 Regulations make provision for both automatic designation (courses in categories that are designated by the 2018 Regulations with no further action required) and specific designation (which requires the Welsh Ministers to make a further decision to designate specific courses, under the Regulations).

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

Bae Caerdydd • Cardiff Bay  
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CF99 1SN

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[Correspondence.Lynne.Neagle@gov.wales](mailto:Correspondence.Lynne.Neagle@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.

Whilst the Welsh Ministers have the power to specifically designate the affected courses and so provide financial support to those students who are eligible under the 2018 Regulations, this would only provide for a small tuition fee loan. For full-time undergraduate students, this is a maximum of £6,355 compared with the full rate of £9,535. For part-time students, the reduced loan for those studying in England is £4,765, compared with the full rate of £7,145. Providers of affected courses are charging up to the maximum tuition fee permissible in England. Should a specific designation be made, a Welsh student on one of the affected courses would face a shortfall in meeting their tuition fee obligation for the 2025/26 academic year in the absence of any further intervention.

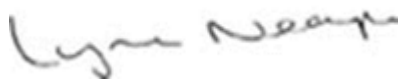
Welsh students on courses that are automatically designated by the 2018 Regulations are eligible for the maximum tuition fee loan of up to £9,535.

The Regulations amend the 2018 Regulations to enable the affected courses to be automatically designated and provide for the maximum tuition fee loan to eligible students. The 2025 Regulations will apply only to academic years starting on or after 1 September 2025, provided the course begins before 1 January 2026. This means that courses which begin during the period 1 September to 31 December are captured, as well as courses which are continuing into their second or subsequent years during that period.

The Regulations will come into force before 21 days have elapsed. The Regulations must be in force before 1 September (the first day of the academic year) to enable students beginning or continuing a course with a course start date between the 1 September and the 31 December to be eligible for adequate tuition fee support. These Regulations ensure no students on affected courses are disadvantaged by circumstances outside their control.

I am copying this letter to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, 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,



**Lynne Neagle AS/MS**

Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

Mike Hedges, Chair  
Legislation, Justice and Constitution  
Committee  
Tŷ Hywel  
Senedd  
CF99 1NA

22 July 2025

Dear Mike,

### **The Senedd Cymru (Representation of the People) Order 2025**

You wrote on 7 July to the Cabinet Secretary for Housing and Local Government regarding The Senedd Cymru (Representation of the People) Order 2025. As the Cabinet member responsible for the Legislative Programme, I am responding on behalf of the Government.

The Order has been redrafted as a single instrument which reflects modern drafting practices, is more concise than its predecessor Orders and employs suitable and modern terminology. Very importantly, the Order has been made bilingually for the first time, meaning the rules for the elections to our Parliament are written in the two official languages of our nation for the first time. Our electoral reform principles of accessibility, equity, improving citizen experience, participation, simplicity, and integrity have been at the forefront of the work of consolidating and modernising the Order.

The extensive consultation and developmental work undertaken has resulted in an excellent piece of legislation. Neither the Reform Bill Committee nor the Legislation, Justice and Constitution Committee identified any issues with the explanatory material, and there was no challenge to the policy that underpins the Order in either their initial reports or in subsequent correspondence. I am therefore very disappointed that rather than focusing on the merits of the Order, the Legislation, Justice and Constitution Committee used their scrutiny as an opportunity to consider wider electoral policy. Automatic Voter Registration is a separate matter, and the First Minister outlined the Government's position during First Minister's Questions on 8 July.

I strongly reject the assertion in your letter that the Welsh Government mishandled the drafting of the Order. Your letter referred to errors that the Committee identified in the draft Order but, as you are aware, these are not errors. They are points identified for reporting under Standing Order 21.2 that the Committee brought to the Government's attention and the Government responded appropriately. The Government agreed with 20 of the 36

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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.

technical reporting points and the proposed changes to the Order were set out in the Government response that was made available to Senedd Members via the Plenary agenda. However, we did not agree with the remaining 16 technical reporting points.

Due to the extensive and complex nature of the Order, there was always the potential for reporting points, and I reject any notion that the number of amendments is considerable given the size of the Order, which is over 800 pages in length and almost 270,000 words in aggregate across both languages.

During the debate on this Order, you noted that ‘the Welsh Government has previously given a commitment to the Senedd that 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’. These amendments are very minor in nature, and they do not change the meaning or legal effect of any of the provisions being amended. Even taken as whole, the effect of the amendments do not substantially change the Order and the Order would remain fit for purpose without these changes. I am therefore content that the use of the correction process is appropriate.

The Legislation, Justice and Constitution Committee plays an important role in the legislative scrutiny process, and Members of the Senedd rely on the advice that it provides. I am concerned that the Committee’s focus on minor drafting and typographical points, and minor inconsistencies between the English and Welsh texts diminishes its wider and more important scrutiny role and had a detrimental impact on the quality of the debate on this Order as this, rather than the content of the Order, was the focus of proceedings.

I am also extremely concerned about some of the regrettable language used at points during the scrutiny process and in correspondence with the Cabinet Secretary for Housing and Local Government which I do not feel is an appropriate form of expressing views.

The Welsh Government is keen to continue to work collaboratively with the Senedd and the Legislation, Justice and Constitution Committee and I would welcome a meeting with you and the Llywydd to consider how we can work together to improve the scrutiny process. In the UK Parliament for example, the Joint Committee for Statutory Instruments undertakes pre-scrutiny of some statutory instruments which provides the Government and the legislature with an opportunity to identify and resolve these minor points before the legislature formally considers the item. If we were to adopt a similar process, this would have a significant impact on the quality of scrutiny and debate in the Senedd on subordinate legislation.

I have copied this letter to the Rt Hon Eluned Morgan MS, First Minister of Wales, Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Jayne Bryant MS, Cabinet Secretary for Housing and Local Government, and the Rt Hon Elin Jones MS, Llywydd.

Yours sincerely,



**Julie James AS/MS**

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

Pack Page 24

Jayne Bryant MS

Cabinet Secretary for Housing and Local Government

7 July 2025

Dear Jayne

### The Senedd Cymru (Representation of the People) Order 2025

At our meeting this afternoon, the Committee considered your reply, dated 30 June 2025, to our letter of 18 June relating to The Senedd Cymru (Representation of the People) Order 2025 (the Conduct Order).

Given your intention to seek the Senedd's approval for the draft Conduct Order tomorrow, the Committee wished to write with urgency to again express its frustration and its concern with the responses you have provided, both to the Committee's original report on the draft Order and the letters we subsequently wrote to you.

First, on the errors the Committee has identified in the draft Conduct Order, we are disappointed you have not taken the opportunity to fully accept and recognise the Welsh Government's mishandling of the drafting of the Order which, without the work of the Senedd, would leave the Order in a condition that is not fit for purpose.

You state in your most recent letter that the Committee "can be assured that the Order underwent a rigorous checking process". We are not convinced that the current checking system is working. We urge the Welsh Government to review its processes as a priority and accordingly put in place a system to ensure that future subordinate legislation does not come in front of the Senedd and the Committee in the condition we have seen with the draft Conduct Order.

Secondly, in my letter of 18 June I put forward the Committee's request for clarification on the Welsh Government's intentions regarding Automatic Voter Registration. The Committee is disappointed that your response does not make it clear whether or not the Welsh Government will be bringing forward the necessary subordinate legislation that will enable the implementation of Automatic Voter

Registration in time for the Senedd Election in May 2026. Subject to the Electoral Commission deeming the pilot to be successful, what timescale will you be working to in order to introduce the relevant subordinate legislation?

The Committee asks that you reflect on these matters when preparing for your contribution to the Senedd on 8 July when you will ask Members of the Senedd to approve the draft Conduct Order. The Committee would also welcome a formal written response.

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

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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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**TITLE**            **Inter-Ministerial Standing Committee – 26 June 2025**

**DATE**            **14 July 2025**

**BY**                **Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs**

I represented the Welsh Government at the ninth meeting of the Inter-Ministerial Standing Committee on 26 June 2025.

The meeting was chaired by the Scottish Government Deputy First Minister and Cabinet Secretary for Economy and Gaelic, Kate Forbes MSP. A joint [communiqué](#) will be published on .gov.uk in due course. The agenda enabled discussion of a range of issues including the industrial strategies; the statutory review of the UK Internal Market Act (2020); and the Sewel Convention and UK Legislation.

I welcomed the publication of the UK Government’s industrial strategy and the positive engagement that took place during its development. I also highlighted the need to work together on cross-UK implementation, to maximise its effectiveness, as elements of the strategy strongly align with regional and sector strengths across Wales. In addition, I offered the Welsh Government’s assistance in engaging with Welsh small and medium-sized enterprises (SMEs), trade bodies and the steel industry, and noted that it is important for central and local governments to collaborate in areas such as Investment Zones, Freeports, and AI Growth Zones. I noted that the Spending Review created opportunities for Wales in transport, defence spending, and city and growth deals. In this context, I emphasised that aligning our approaches and working in strong partnership would help to ensure that efforts aren’t duplicated and that the benefits are maximised.

As part of the discussion relating to the statutory review of the UK Internal Market Act 2020, I welcomed the UK Government’s engagement with the Welsh Government during the review. I outlined how the constructive suggestions made by the Welsh Government during the review were intended to bring Common Frameworks to the fore, ensure the effectiveness of devolved policy-making is protected, and maintain the smooth functioning of the UK internal market.

In the discussion on the Sewel Convention and UK Legislation, I reiterated that putting Sewel on a formalised statutory footing would offer the greatest protection for the legislative authority of the devolved legislatures. I hope that the proposed Memorandum of Understanding (MoU) can provide an opportunity to take a step in the right direction on this, through giving a collectively agreed firmer underpinning to the practical operation of the Sewel Convention. In commenting in the meeting, I emphasised that the MoU should promote transparency at an early stage, enabling devolved legislatures to apply appropriate scrutiny to proposed bills. I look forward to further discussions with the UK Government and the other devolved governments on this over the coming months.

The Welsh Government is due to chair the next Inter-Ministerial Standing Committee, which is currently expected to take place in September 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



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Ein cyf/Our ref – PO/HIDCC/0347/25

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

14 July 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement, and further to my letter of 24 June, to draw to your attention a [Written Ministerial Statement](#) summarising discussions at the most recent meeting of the Inter-Ministerial Standing Committee ('IMSC').

I have copied this letter to the Chairs of the Finance Committee, the Economy, Trade and Rural Affairs Committee, and the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

Yours sincerely,

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

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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.

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Eich cyf/Your ref PO/JB/363/2025  
Ein cyf/Our ref PO/JB/363/2025

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

SeneddLJC@senedd.wales

17 July 2025

Dear Mike,

**Inter-Institutional Relations Agreement: Outcome of the Inter-ministerial Group (IMG) for Housing, Communities and Local Government**

In accordance with the inter-institutional relations agreement, the fourth meeting of the Interministerial Group (IMG) for Housing, Communities and Local Government was held on 04 June 2025. I attended on behalf of the Welsh Government along with my colleague the Cabinet Secretary for Economy, Energy and Planning (CSEEP) as the agenda items covered parts of both our portfolios.

Angela Rayner MP, Deputy Prime Minister of the United Kingdom and Secretary of State for Housing, Communities and Local Government attended for UK Government and chaired the meeting. A joint meeting communique was published following the meeting and contains full details of other attendees. The communique was agreed by Ministers and can be found [here](#).

The Chair opened proceedings by welcoming attendees to the fourth meeting of the Inter-Ministerial Group, noting it was the first meeting to be in person, and the first since the change of government at UK level following the 2024 general election.

We discussed the UK Government's response to the Grenfell Inquiry Phase 2 report including plans for a single regulator and a Chief Construction Advisor. I gave an update on our response to the Phase 2 report and progress on remediation. CSEEP then introduced a discussion on workforce issues relating to capacity, competency and resilience of key professions in the building control and fire safety sectors.

We also discussed construction product reform and regulation, and CSEEP recognised the need for collaboration on proposed reforms to ensure effective and consistent implementation across the sector. Ways of working between the UK Government and the

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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.

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Devolved Governments was also discussed. The CSEEP and I recognised the benefits of sharing best practice, particularly in relation to raising industry competence.

We acknowledged the positive working relationship between officials across the areas of building safety and agreed for this official level engagement to continue.

It was agreed that the Northern Ireland Executive would lead on preparations for the next meeting of the IMG and officials would now work together to identify a suitable date and agenda items.

I have copied this letter to the Chair of the Local Government and Housing Committee and the Cabinet Secretary for Economy, Energy and Planning, Rebecca Evans MS.

Yours sincerely,

A handwritten signature in black ink that reads "Jayne Bryant". The signature is written in a cursive style with a large, stylized 'J' and 'B'.

**Jayne Bryant AS/MS**

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

Jane Hutt AS/MS  
Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y  
Trefnydd a'r Prif Chwip  
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip



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Welsh Government

Mike Hedges MS  
Chair of the Legislation, Justice  
and Constitution Committee  
[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

17 July 2025

Dear Mike,

I am writing to you in accordance with the Inter-Institutional Relations Agreement, to inform you that the third meeting, and the first under the current UK Government, of the Inter-Ministerial Group on Justice took place on 3 July.

I attended this hybrid meeting virtually, representing the Welsh Government on behalf of the Counsel General and Minister for Delivery.

The meeting was chaired in London by Lord Ponsonby, Parliamentary Under-Secretary of State and Lord in Waiting (Government Whip), with in-person representation from Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs for the Scottish Government. Naomi Long, Minister of Justice, attended online on behalf of the Northern Ireland Executive.

A communiqué summarising the business of the meeting will be published on the [.gov.uk website](https://www.gov.uk) in due course. The agenda facilitated discussions on a range of issues, including prison capacity, court caseloads and legal aid.

During the discussion on prison capacity, I expressed support for the publication of David Gauke's Sentencing Review, particularly its emphasis on reducing reoffending and addressing the root causes of crime. I reaffirmed the Welsh Government's views on minimising the use of short-term custodial sentences, noting concerns regarding their limited efficacy and wide-ranging impact on offenders.

Additionally, I reiterated the Welsh Government's support of any efforts aimed at reducing the women's prison population and noted our desire to establish a Residential Women's Centre in Wales. I advocated for collaborative engagement with the UK Government to assess the potential implications for devolved services before any legislative changes are implemented. I also emphasised the necessity of sufficient investment in probation services and relevant third sector organisations to ensure effective implementation of these reforms.

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The conversation on court caseloads primarily focussed on Sir Brian Leveson's Independent Review of the Criminal Courts Part 1, which has now been published. I highlighted that present circumstances and proposed reforms could further diminish public confidence in the justice system. It is anticipated that magistrates may assume significantly greater responsibilities; therefore, it is crucial to evaluate the long-term sustainability and efficiency of a criminal justice system reliant on unpaid volunteers, as well as to ensure diversity within the magistracy.

I also stressed that the diversity of perspectives inherent in the jury system is an asset not to be overlooked, as losing it could increase the risk of miscarriages of justice. Furthermore, I suggested it would be beneficial to understand the potential impact of the Review's recommendations on courts adopting less adversarial, and more problem-solving approaches. Such cases often involve frequent court attendance and multiple hearings, increasing the burden on courts and support services, albeit within a more rehabilitative context.

Regarding legal aid, I welcomed the increase in fees for immigration cases, recognising the critical shortage of available advice for asylum seekers and refugees. I emphasised the importance of ensuring that hybrid models for providing legal aid preserve access to in-person advice, which remains essential for many individuals, particularly those who are vulnerable or uncomfortable using digital platforms.

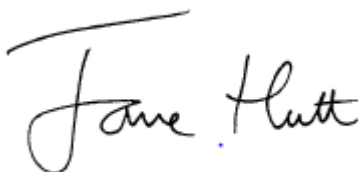
I also referenced a recent online initiative led by the Solicitors Regulation Authority in partnership with The Law Society and the Access to Justice Foundation, noting its potential applicability to other areas of civil law. Additionally, I highlighted the Welsh Government's support of any pilot projects taking place in Wales.

Finally, I proposed the inclusion of an agenda item addressing miscarriages of justice, especially in view of the expanded use of technology and insights gained from the Post Office experience. I also welcomed an idea that had been put forward to have a future agenda item on tackling violence against women and girls.

The Welsh Government is due to chair the next Inter-Ministerial Group on Justice, which is currently expected to take place in Wales in November 2025.

I am copying this letter to the Counsel General and Minister for Delivery.

Yours sincerely,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a horizontal line above the first name.

**Jane Hutt AS/MS**

Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y Trefnydd a'r Prif Chwip  
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip



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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE**        **British-Irish Council Summit in Northern Ireland**

**DATE**        **22 July 2025**

**BY**            **Eluned Morgan MS, First Minister**

I attended the 43<sup>rd</sup> meeting of the British-Irish Council on 12 and 13 June, which was hosted by the Northern Ireland Executive in Newcastle, County Down. The theme of this summit was 'The Role of AI in Reform and Transformation'. The meeting was co-chaired by First Minister Michelle O'Neill MLA and deputy First Minister Emma Little-Pengelly MLA. A joint Communiqué was issued after the meeting, which is available [here](#).

The Council reflected upon the strategies adopted by each of the British-Irish Council's Member Administrations for utilising artificial intelligence (AI) technologies to drive public sector reform and enhance the delivery of public services across these islands. The discussion explored both the potential advantages and challenges associated with the broader integration of AI in public administration.

I outlined the Welsh Government's progress in adopting and integrating AI across public services. This includes the use of AI technology by our Data Science. I also highlighted the positive impact of AI in our health service, particularly in diagnostics, where AI and automation have contributed to a 13% increase in the detection of prostate cancer.

I emphasised the ethical responsibilities that governments across these islands share in deploying AI, including the need to uphold fair work standards and protect jobs in the face of increasing automation. I reaffirmed that the Welsh Government's approach to AI is firmly grounded in our commitment to Social Partnership, ensuring that technological progress supports the well-being of workers and communities. In this context, I highlighted the guidance developed by Wales' Workforce Partnership Council on the ethical and responsible use of AI across public sector workplaces.

This statement is being issued during recess to keep Members informed. Should Members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.



Ein cyf/Our ref: PO/FM/0337/25

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee  
Welsh Parliament  
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22 July 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement, to notify you that I attended the 43<sup>rd</sup> British-Irish Council Summit, hosted by the Northern Ireland Executive in County Down, which took place on 12 and 13 of June.

I would like to draw your attention to my [Written Statement](#) and to the BIC [communiqué](#) summarising the outcomes of the Summit.

The Summit theme was '*The Role of AI in Reform and Transformation*'. I shared the Welsh Government's experience and commitment to harnessing AI technologies for public sector reform and transformation in Wales, including highlighting guidance developed by Wales' Workforce Partnership Council.

Whilst at the Summit, I also had the opportunity to hold bilateral meetings with a number of leaders from the Council's other member administrations.

I have copied this letter to the Climate Change, Environment, and Infrastructure Committee, the Economy, Trade and Rural Affairs Committee, the Finance Committee, and the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

Yours sincerely,

**Eluned Morgan**

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>Inter-Ministerial Group for Elections and Registration (IMG Elections)</b>
<b>DATE</b>	<b>7 August 2025</b>
<b>BY</b>	<b>Jayne Bryant MS, Cabinet Secretary for Housing and Local Government</b>

In accordance with the inter-institutional relations agreement, I can report to Members that I represented the Welsh Government at an Inter-Ministerial Group for Elections and Registration meeting on 30 June 2025.

The meeting was held in hybrid format and I chaired and hosted the meeting on this occasion. In attendance were Rushanara Ali MP, Minister for Homelessness and Democracy in the Ministry of Housing, Communities and Local Government (in-person) and Fleur Anderson MP, Parliamentary Under-Secretary of State for Northern Ireland (online), and Jamie Hepburn MSP, Scottish Minister for Parliamentary Business (in-person).

This meeting was an opportunity to hear an update from the UK Government on electoral reform plans and the work underway in Scotland ahead of elections next year, as well as giving an update on the Welsh Government's ongoing work on electoral reform. We also discussed inter-governmental work on security in relation to elections, democratic engagement and progress toward allowing online absent vote applications for devolved elections.

Immediately prior to the meeting of the Inter-Ministerial Group, we heard from organisations funded by the Welsh Government's Democratic Engagement Grant about how they had used their funding to promote understanding and participation. The organisations were Cardiff Council, ElectHer, The Politics Project, Scouts Cymru and Swansea MAD.

A joint communiqué relating to this meeting was issued on 4 August 2025 [Interministerial Group for Elections and Registration Communiqué: 30 June 2025 - GOV.UK](#)

We will continue to work together with meetings planned to take place on a quarterly basis. I will keep Members updated.

This statement is being issued during recess to keep Members informed. Should Members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.

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



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Ein cyf/Our ref DC/JB/00597/25

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

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

7 August 2025

Dear Mike,

Further to my letter of 11 June regarding the 30 June meeting of the Interministerial Group on Elections and Registration, I have issued a Written Ministerial Statement summarising the discussions at the meeting, with a link to the agreed Communiqué. It has been published at: [Interministerial Group for Elections and Registration Communiqué: 30 June 2025 - GOV.UK](#)

Yours sincerely,

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

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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.

Jack Sargeant AS/MS  
Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol  
Minister for Culture, Skills and Social Partnership



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Welsh Government

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Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee  
Welsh Parliament  
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[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

12 August 2025

Dear Mike,

In accordance with the inter-institutional relations agreement, I am writing to report on the latest meeting of the Culture and Creative Industries Inter-Ministerial Group (IMG) held on 16 July 2025.

The meeting was chaired by the UK Government Secretary of State for Culture, Media and Sport, the Rt Hon Lisa Nandy MP. Gordon Lyons MLA, Minister for Communities and Dr Caoimhe Archibald, Minister for the Economy attended for the Northern Ireland Executive and Angus Robertson MSP, Cabinet Secretary for Constitution, External Affairs and Culture, attended for the Scottish Government. I represented the Welsh Government at this virtual meeting.

The discussion covered the need for more regular engagement at official level, Creative Industries Sector Plan, the impact of AI on the creative industries, the BBC Charter Review and international activity including Creative Europe. During the meeting I stressed the importance of engagement with the nations on cross-UK activity, raised concerns regarding the use of the Internal Market Act to spend in areas of devolved competence in Wales, the need to support our sectors to embrace the benefits of AI whilst also providing adequate protections and highlighted the need for reasonable timescales in which to review the BBC Charter Renewal draft Terms of Reference.

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

I have copied this letter to the Chairs of the Economy, Trade and Rural Affairs Committee, and the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

Yours sincerely,

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

**Jack Sargeant AS/MS**

Minister for Culture, Skills and Social Partnership

Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol

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: HID-PO-408-25

Mike Hedges MS  
Chair - Legislation, Justice and Constitution Committee

22 August 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to let you know that the Inter-Ministerial Group for Environment, Food and Rural Affairs will be held on 8 September. I will be representing the Welsh Government and chairing the meeting.

The meeting is expected to focus on water quality, the EU-UK Common Understanding Agreement, Fishing and Coastal Growth Fund, and the Sustainable Farming Scheme. After the meeting I will update you on discussions and a communique will be issued.

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

Yours sincerely,

**Huw Irranca-Davies AS/MS**

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

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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.

**Rebecca Evans AS/MS**  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Llywodraeth Cymru  
Welsh Government

Our ref: RE/PO/428/2025

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

02 September 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to notify you of the Inter-Ministerial Group for Business and Industry (IMG) and the meeting which will take place on 9 September 2025.

The IMG will be chaired by Scottish Government's Minister for Business and Employment, Richard Lochhead MSP. Liz Lalley, Director of Economic Strategy and Green Growth, will represent the Welsh Government at the meeting as I will be attending another Ministerial event.

The discussion will focus on the implementation of the UKG Industrial Strategy and provide the opportunity for a discussion about skills and a presentation from Skills England.

I have copied this letter to the Chairs of the Finance Committee and the Economy, Trade and Rural Affairs Committee.

I will provide an update after the meeting.

Yours sincerely,

**Rebecca Evans AS/MS**  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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**Rebecca Evans AS/MS**  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Llywodraeth Cymru  
Welsh Government

Our ref: RE/PO/439/2025

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

10 September 2025

Dear Mike,

Further to my letter dated 2 September and in accordance with the inter-institutional relation agreement, I am writing to notify you the Inter-Ministerial Group for Business and Industry due to take place on 9 September was postponed.

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

I have copied this letter to the Chairs of the Finance Committee and the Economy, Trade and Rural Affairs Committee.

Yours sincerely,

**Rebecca Evans AS/MS**  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: HID/PO/431/25

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee

Llŷr Gruffydd MS  
Chair  
Climate Change, Environment and Infrastructure Committee

4 September 2025

Dear Mike, Llŷr,

I am writing in accordance with the Inter-Institutional Relations Agreement to notify you of a meeting of the Interministerial Group on Net Zero, Energy and Climate Change, which will take place virtually on 9 September 2025. I anticipate the discussion will focus on heat decarbonisation in buildings. Given the meeting's focus on housing, the Cabinet Secretary for Housing and Local Government will be representing the Welsh Government at this meeting.

Please accept my apologies for the short notice provided. The timing of the meeting was confirmed this week. I will provide an update to you after the meeting.

Yours sincerely,

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

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**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: HID/PO/432/25

Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee

Llŷr Gruffydd MS  
Chair  
Climate Change, Environment and Infrastructure Committee

4 September 2025

Dear Mike, Llŷr,

I am writing in accordance with the Inter-Institutional Relations Agreement to notify you of a meeting of the Interministerial Group on Net Zero, Energy and Climate Change, which will take place on the 21 October 2025 in Edinburgh. I anticipate the discussion will focus on the Climate Change Committee's advice on the UK's Seventh Carbon Budget.

I will provide an update to you after the meeting.

Yours sincerely,

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

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# Agenda Item 4.2

Jane Hutt MS  
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y Trefnydd a'r Prif Chwip



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/JH/1886/25

Mike Hedges MS  
Legislation, Justice and Constitution Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
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11 August 2025

Dear Mike,

In accordance with the inter-institutional relations agreement, I am writing to notify you that a Budget Cover Transfer between UK Government, Department for Science, Innovation and Technology (DSIT) and Welsh Government, to support digital inclusion activity in Wales has been agreed.

The funding is made up of £185,418 (revenue) and £254,950 (capital) which will further our work aligned to the Digital Strategy for Wales, Mission Two, and the Well-being of Future Generations Act National Indicator, Status of digital inclusion.

The funding is for Financial Year 2025-2026 only.

- Welsh Government will share learnings and best practice for how the funding is used to support digital inclusion with UK Government and devolved Governments.
- Welsh Government will continue to be in open, engaged, dialogue with UK Government and devolved Governments on approaches to tackling digital exclusion and work aligned to the Minimum Digital Living Standard (MDLS).

I have also copied this letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS and the chairs of the Social Justice Committee, Health and Social Care Committee, Economy, Trade, and Rural Affairs Committee, Local Government and Housing Committee, Children, Young People and Education Committee and the Climate Change, Environment, and Infrastructure Committee

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

Yours sincerely,

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal stroke above the first letter 'J'.

**Jane Hutt AS/MS**

Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y Trefnydd a'r Prif Chwip

Senedd Committees

Via e-mail

8 July 2025

**Consultation: Reviewing Committee Effectiveness in the Sixth Senedd**

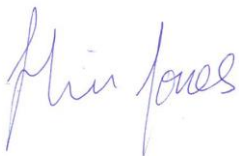
Dear Chair,

You will be aware that the Chairs' Forum is currently considering how committees have operated during the Sixth Senedd. The aim of this work is to identify whether committee procedures and practices can be improved to ensure the scrutiny function is as effective as possible, and to use this information to inform the Seventh Senedd. The Forum is keen to consider wider cultural issues around the operation of Senedd committees, as well as practical matters such as size and function.

The Future Senedd Committee has also made a [number of recommendations](#) to the Forum about the committee system and considerations for the Seventh Senedd, and these have been factored into our work on this matter.

The Forum has launched a [consultation](#), and we would be grateful for the views of individual Committees on the questions in the [consultation document](#), and any reflections that you may consider relevant by **12 September 2025**.

Yours sincerely,




Elin Jones MS/AS

Chair

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





**Senedd Cymru**  
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**Pack Page 48**

**Welsh Parliament**  
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 0300 200 7403



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

14 July 2025

Dear Andrew,

The Economy, Trade and Rural Affairs Committee report on the Legislative Consent Memoranda for the Data (Use and Access) Bill included a recommendation for the Welsh Government to provide regular updates on its discussions with the UK Government on EU Data Adequacy and any implications the Bill may have on trade until the UK's adequacy status beyond December 2025 is secured.

In response, the Welsh Government gave a commitment to provide updates on these matters to the Committee as part of general Ministerial scrutiny meetings and, at other times, as and when there is anything significant to report.

I am writing to update the Committee that, on 24 June 2025, the European Commission announced it had adopted a six-month extension to the existing EU data adequacy decisions for the UK until 27 December 2025.

The extension was initially proposed by the European Commission in March 2025 to allow for the Data (Use and Access) Bill to pass through the UK Parliament with Royal Assent received on 19 June 2025. The European Commission is now assessing whether the UK's new legal framework continues to provide an adequate level of protection for personal data. Based on this assessment, the European Commission has indicated it will decide whether to renew the EU data adequacy decisions for the UK.

Whilst this assessment is ongoing, the Welsh Government will continue to engage with the UK Government in relation to the EU's data adequacy decisions for the UK through the appropriate inter-governmental channels.

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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.

I trust the Committee will find this update useful.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca". The script is cursive and fluid.

**Rebecca Evans AS/MS**

Cabinet Secretary for Economy, Energy and Planning

Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

cc.

Chair, Culture, Communication, Welsh Language, Sport and International Relations  
Committee

Chair, Legislation, Justice and Constitution Committee

Mike Hedges MS  
Chair – Legislation and Justice Committee  
Senedd Cymru

**Our ref: MCB2025/03540**  
**Your ref:**

15 July 2025

By email: [seneddLJC@senedd.Wales](mailto:seneddLJC@senedd.Wales)

Dear Mike,

I am pleased to inform you that the UK government published its response to the review of the United Kingdom Internal Market Act 2020 and public consultation on 15 July 2025, a copy of which is enclosed.

The review was launched on 23 January 2025, with its scope expanded beyond what the law requires, to help determine how the operation of the Act can be improved. The review is now complete, well ahead of the statutory deadline of December 2025.

During the review, the government conducted a ten-week public consultation, which closed on 3 April 2025. We have engaged extensively with the devolved governments throughout as well as with a wide range of stakeholders, with more than half of the 85 responses received being from the business community. I am grateful for your Committee's response to the consultation.

It is clear that business stakeholders value a well-functioning internal market and want to see more collaborative working between governments in the UK, together with stronger communication and engagement with those stakeholders who could be affected by governments' policy decisions. The message that the UK government has heard loud and clear is that businesses – wherever they are based - need certainty that they can trade freely within the UK, unencumbered by unnecessary disruption resulting from poorly managed regulatory difference between the nations. Businesses also require clarity and certainty to take informed planning decisions and make confident investment decisions for the future.

I have been explicit about the need for businesses to have certainty, which is why the review has not considered repeal of the Act or any of its provisions, and why our starting position was that we were not minded to weaken the protections provided by the Act's Market Access Principles. Many business stakeholders have told us that the Act and these principles provide important protections for our producers, service providers and qualified professionals. We have listened to those views and are not changing the Market Access Principles.

Providing business with certainty comes not just from the legal framework, but also from the way in which the UK's four governments are seen to be working together. I believe that we must support innovation that addresses the needs of local people, and that we should do so in a way that promotes economic growth. This means more actively managing regulatory difference within the UK, with all governments discussing, designing and implementing policy in a joined-up way.

The UK government pledged to explore improvements in the way the Act's provisions operate, recognising the concerns that have been raised about how the UK internal market had been managed to date. That is why the government's response describes how to manage the UK internal market in a more transparent, proportionate, and pragmatic way, fostering open policy discussions between the UK government and devolved governments, with greater clarity and engagement with businesses and other stakeholders.

Specifically, the UK government will:

- implement UK Internal Market Act exclusions that have been agreed by all governments within a Common Framework;
- alongside economic impacts, now consider in particular environmental protection and public health in UK Internal Market Act exclusions, thereby ensuring a balance of factors is considered;
- establish a Minimum Economic Impact process for considering smaller exclusions, and implement them where all governments agree the exclusion has an economic impact of less than £10 million a year;
- implement a "reserve" exclusions process where it has not been possible for all four governments to reach agreement on an exclusion;
- work with the devolved governments to agree processes for how all four governments engage with businesses and other stakeholders on matters being discussed in Common Frameworks; and
- work with the devolved governments to agree a process for all four governments to jointly refer UK internal market matters for advice to the Office for the Internal Market.

I am confident these measures meet the key requests of many stakeholders, allowing the UK's four governments to move forward together in managing the internal market in a way that delivers growth, jobs, and opportunities across our country.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Douglas Alexander', written in a cursive style.

**The Rt Hon Douglas Alexander MP**  
Minister of State for Trade Policy and Economic Security  
Department for Business and Trade

UK INTERNAL MARKET ACT 2020

**UK Government response to the  
Review of the United Kingdom Internal  
Market Act 2020 and Public  
Consultation**

15<sup>th</sup> July 2025



UK INTERNAL MARKET ACT 2020

**UK Government response to the  
Review of the United Kingdom Internal  
Market Act 2020 and Public  
Consultation**

15<sup>th</sup> July 2025

**Presented to Parliament, the Scottish Parliament, Senedd Cymru, and the  
Northern Ireland Assembly pursuant to Sections 13(2), 22(2), and 44(1) of the  
UK Internal Market Act 2020**



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ISBN 978-1-5286-5844-1

E03390337 07/25

Printed on paper containing 40% recycled fibre content minimum

Printed in the UK by HH Associates Ltd. on behalf of the Controller of His Majesty's Stationery Office

## Ministerial Foreword

A well-functioning UK internal market is vital to delivering the government's ambition to improve economic growth for the benefit of businesses and people in all parts of our country. Latest figures show that trade between the four nations of the UK is valued at £129bn, and that it is particularly important to the economies of Scotland, Wales, and Northern Ireland.

This is why we launched the statutory review of the UK Internal Market Act in January 2025, expanding the scope of that review beyond what the law requires, and why I committed to completing this review by summer 2025 - well ahead of the December statutory deadline.

I would like to convey my heartfelt thanks to everyone who took the time to send a written response and to join the stakeholder roundtable discussions that we held during March. We have engaged with a wide variety of stakeholders, hearing a broad range of views - with more than half of all responses coming from the business community. It is clear that stakeholders value a well-functioning internal market and want to see more collaborative working between governments in the UK, together with stronger communication and engagement with those stakeholders who could be affected by governments' policy decisions.

The message that I have heard loud and clear is that our businesses – wherever they are based – need certainty that they can trade freely within the UK, unencumbered by unnecessary disruption resulting from poorly managed regulatory difference between the nations of the UK. Businesses also require clarity and certainty to take informed planning decisions and make confident investment decisions for the future. That certainty comes, not just from the legal framework of course, but also through the way in which the UK's four governments are seen to be working together.

We must support innovation which addresses the needs of local people. But we should do so in a way that promotes economic growth in a context which recognises that regulation can also be a force for good in better public policy outcomes. This means more actively managing regulatory difference within the UK, with all governments discussing, designing and, where there are clear benefits, implementing policy in a joined-up way.

I have been explicit about the need for businesses to have certainty, which is why the review has not considered repeal of the Act or any of its provisions, and why our starting position was not to weaken the protections provided by the Act's Market Access Principles. Many business stakeholders have told us that the Act and these principles provide important protections for our producers, service providers and qualified professionals. We have listened to those views and are therefore not changing the Market Access Principles.

Instead, we pledged to explore improvements in the way the Act's provisions operate. I recognise the very real concerns that have been raised about how the UK internal market has been managed to date. That is why this report describes how we

plan to facilitate a more transparent, proportionate, and pragmatic framework, fostering open policy discussions between UK government and devolved governments, with greater clarity for and engagement with businesses and other stakeholders. This will provide the certainty that is so vital for business, driving economic growth for the benefit of everyone, whilst also enabling devolved governments to address the needs of their communities.

As a result, the UK government commits to introducing the following key changes:

- a. To implement all UK Internal Market Act exclusions where they are agreed by all governments in a Common Framework;
- b. Alongside economic impacts, we will now consider in particular environmental protection and public health in UK Internal Market Act exclusions, thereby ensuring a balance of factors is considered; and
- c. To implement a streamlined process to consider proposed exclusions that have minimum economic impact.

The UK government will also work with devolved governments to ensure that businesses and the Office for the Internal Market are more involved in discussions concerning the management of the UK internal market.

These measures meet the key requests of many stakeholders, allowing governments, businesses and other stakeholders to move forward together in managing the internal market in a way that delivers growth, jobs, and opportunities across our country.

*The Rt Hon Douglas Alexander MP*

*Minister of State for Trade Policy and Economic Security and Minister at the Cabinet Office.*

## Executive Summary

The UK government is committed to ensuring a well-functioning UK internal market, underpinned by a framework that supports businesses to trade unencumbered by unnecessary costs and other barriers. This benefits both businesses and consumers across the UK. Equally, we want to respect the devolution settlements introduced under the last Labour government, enabling the devolved governments in Scotland, Wales and Northern Ireland to design and implement policies that meet needs of people locally.

That is why we seized the opportunity to bring forward and expand the scope of the review of the UK Internal Market Act beyond what was required in law. We also launched a public consultation on 23 January 2025 as we were keen to hear views from stakeholders about how to improve the operation and management of the UK internal market.

We received 85 responses to the consultation, with 48 submitted online and 37 by email (see breakdown of responses at Annex A). The responses represent a broad range of stakeholders including business and business representative bodies (BROs), devolved governments, academia, and non-governmental organisations. Business and BROs together accounted for over half of the total number of responses received.

Overall, there is broad recognition of the need for a secure framework to support a well-functioning UK internal market, with a range of views about how this could best be achieved. There is general support for the UK Internal Market Act's Market Access Principles of mutual recognition and non-discrimination, with responses recognising the important role they play in facilitating the smooth trade of goods and provision of services across the UK. Businesses and BROs are particularly vocal about the need to avoid barriers to free trade and the consultation showed clearly that the protections provided by the Market Access Principles are an important way to achieve this.

What is also clear is that a broad range of stakeholders want to see the four governments within the UK working together more effectively. This means having joined up policy discussions and considering the business and wider impacts before making decisions. For example, governments were able to coordinate the implementation of the recent ban on the sale of disposable vapes across the UK.<sup>1</sup> Stakeholders want to see the UK government and devolved governments working this way more consistently in future.

The majority of respondents do not want repeal or major reform of the Act, although many did assert the importance of innovation addressing local needs. Respondents also want to see improvements in the way that exclusions from the Market Access Principles are considered and agreed. We have thought carefully about how to improve the processes to address these concerns. As a result, we describe in this

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<sup>1</sup> <https://www.gov.uk/guidance/single-use-vapes-ban>

report how the exclusions process will work better in future, and we also commit to consider evidence on environmental protection and public health impacts in relation to any proposed new exclusion (see Annex B).

Stakeholders were broadly satisfied with the current functions conferred on the Competition and Markets Authority (CMA) and the way in which the Office for the Internal Market (OIM) is carrying them out. We will therefore not be making any changes to these arrangements. However, there is broad consensus on governments making better use of the expertise and added value that the OIM can bring to inform policy thinking. We therefore describe in this report how the OIM will have a more active role in Common Framework discussions.

The total package of measures is as follows. The UK government will:

- implement UK Internal Market Act exclusions that have been agreed by all governments within a Common Framework;
- alongside economic impacts, now consider in particular environmental protection and public health in UK Internal Market Act exclusions, thereby ensuring a balance of factors is considered;
- establish a Minimum Economic Impact process for considering smaller exclusions, and implement them where all governments agree the exclusion has an economic impact of less than £10 million a year;
- implement a “reserve” exclusions process where it has not been possible for all four governments to reach agreement on an exclusion;
- work with the devolved governments to agree processes for how all four governments engage with businesses and other stakeholders on matters being discussed in Common Frameworks; and
- work with the devolved governments to agree a process for all four governments to jointly refer UK internal market matters for advice to the Office for the Internal Market.

This builds on other measures announced last December, which were well received by devolved governments and stakeholders. We believe that, by working together with the devolved governments to plan and, where possible, coordinate delivery; by jointly engaging better with stakeholders likely to be affected by new policies; by bringing more clarity and being more proportionate in the way exclusions are considered; and by making optimal use of the independent insight and expertise of the OIM, we are addressing the key concerns that have emerged during this review.

In particular, by firmly establishing Common Frameworks as the principal place for intra-governmental policy discussion, we aspire to see genuine collaborative working between the four governments in the best interests of our country and its citizens, effectively moving the UK Internal Market Act into the background, only operating to underpin an efficient and effective UK internal market.

## Background to the UK internal market and introduction of the UK Internal Market Act 2020

1. The UK internal market is the trading space that exists between the four nations of the UK. It has existed for hundreds of years. However, for many decades the operation of the UK internal market was largely set by the UK's membership of the European Union.
2. The UK's departure from the EU in January 2020 saw hundreds of regulatory powers return to the UK. Many of those powers were in areas of devolved competence, so creating the potential for differing regulations to emerge across the UK in how goods can be sold, services provided or professional qualifications recognised.
3. The UK Internal Market Act, introduced at the end of 2020, provides protections to ensure that the emergence of differing regulations within the UK does not introduce any unnecessary barriers to the continued free trading of goods and services across the whole of the UK – or disadvantage any worker from using their qualifications to work in any part of the UK.
4. The Act does this by establishing the “Market Access Principles”. These principles mean the producer of a good or provider of a service need only comply with regulations in the part of the UK they are based in, to continue to be able to trade freely across the rest of the UK. This has provided the framework for intra-UK trading for the past four and half years.
5. We made clear in the consultation document that this review would not lead to a repeal of the Act or any part of it, and that we were not minded to weaken the protections offered by the Market Access Principles.

### The launch of the UK Internal Market Act Review and consultation

6. Through conducting this review, we have taken the opportunity to seek a much broader view from stakeholders than we are required to in law, about how the provisions of the UK Internal Market Act have been used to manage the performance of the UK internal market after EU exit.
7. We made clear this government's view that Common Frameworks provide the principal place for the four governments within the UK to engage in policy discussions and matters relating to the management of the UK internal market, and that the UK Internal Market Act itself should sit in the background, only operating to underpin an efficient and effective internal market.
8. We recognised that there had been concerns about how the UK internal market had been managed under the previous UK government. We welcomed views on

improvements that could be introduced that would lead to better collaborative working between the four governments within the UK, and greater clarity on process and better engagement with stakeholders - particularly businesses.

9. We also sought views on what improvements could be made to how proposals for new exclusions from the scope of the UK Internal Market Act should be considered, taking into account factors such as evidence criteria, economic impacts and wider policy issues. This too was in recognition of criticisms of how proposals had been managed to date.
10. Through the consultation responses and stakeholder roundtable discussions, we secured valuable feedback on how Common Frameworks are perceived to have performed and their interaction with the UK Internal Market Act.

## Review of the use of Parts 1 and 2 statutory powers

11. As also required by the Act, we have reviewed the use of the Parts 1 and 2 amendment powers and assessed the impact and effectiveness of their use. These provide for a UK government Secretary of State to add, amend or remove any items presently listed on the goods and services exclusions Schedules and to amend certain provisions of the Act.

## Review of arrangements for carrying out Part 4 functions

12. As required under the Act, we have also undertaken a review of the arrangements for carrying out the independent monitoring and reporting functions under Part 4 of the UK Internal Market Act. These are presently delivered by the CMA through the OIM. We have concluded there should be no change to the delivery of these functions.
13. We would like to thank all participants in the consultation and review, whose feedback has been invaluable for identifying, designing, and making the changes to the operation of the UK Internal Market Act detailed in this document.

## Management of the UK internal market and operation of the UK Internal Market Act

14. Common Frameworks are agreements between the UK government and the devolved governments in Scotland, Wales and Northern Ireland. They establish structures for regular engagement to discuss, make decisions, and resolve disputes about developments in policy areas that are within devolved competence. They provide ways to work in areas where continuing a high level of coordination makes sense, despite powers being devolved, and to ensure any changes to policy in these areas are well-managed UK-wide.
15. Consultation responses revealed a good level of support for the Common Frameworks programme, recognising the value it brings to joined up discussion between the UK government and devolved governments. Stakeholders commented that seeing the four governments within the UK working together provides more certainty for business, which can lead to positive impacts on business confidence.
16. Responses also recognised the importance of Common Frameworks as a place for the four governments within the UK to meet and consider approaches to regulation and the management of regulatory divergence across the UK, and so actively support the effective performance of the UK internal market. The UK government's restated commitment to Common Frameworks was welcomed in numerous consultation responses and discussions.
17. The consultation also showed that, while business and other stakeholders value Common Frameworks for ensuring joined up governmental discussion, some respondents felt that Common Frameworks had underperformed; that governments can lose sight of the stakeholders impacted; and that, to an outsider, Common Frameworks can be seen as "talking shops" or opaque.
18. There was a view from a range of stakeholders that Common Frameworks need to operate with more clarity, with government policy delivery programmes communicating more effectively with their external stakeholders about upcoming areas of discussion. Stakeholders want their views to be considered within Common Frameworks discussions, and for this to take place in a clear and transparent way. One stakeholder said:

"The Common Framework system could be improved to make it more transparent to business. From a business perspective there is little insight or communication as to what potential upcoming legislation is being considered and on what is being discussed. The mechanisms for inter-government dialogue seem unclear to businesses. There appears to be no direct way for businesses or their representatives to input into these discussions or provide their views."

19. More broadly, consultation responses contained a number of comments and suggested improvements that stakeholders would like to see in how Common Frameworks operate. These include:
- a. Common Frameworks not operating with sufficient transparency. Stakeholders feel that Common Frameworks can be perceived as UK government and devolved governments operating behind closed doors;
  - b. decisions taken in Common Frameworks not being communicated or understood well by affected stakeholders, including businesses;
  - c. governments failing to adequately engage or consider the views of businesses in the development and implementation of policies;
  - d. the unintended impacts that decisions reached in a Common Framework can have further up or down the supply chain;
  - e. governments failing to bring policy issues to other governments sufficiently early;
  - f. a lack of understanding about the relationship between Common Frameworks and the UK Internal Market Act (UKIM Act); and
  - g. non-governmental stakeholders wanting more involvement both of themselves and the OIM in Common Frameworks discussions.
20. While Common Frameworks provide a good place for inter-governmental discussion, the decisions taken through Common Frameworks set the regulatory framework through which our businesses, traders and service providers operate across the UK. It is therefore essential that Common Frameworks operate effectively, including taking into account representations by stakeholders.

## Managing the UK Internal Market through Common Frameworks

21. We are committed to the Common Frameworks programme, as affirmed last December. That is why we are establishing Common Frameworks as the principal place where UK government and devolved governments come together to discuss matters related to the management of the UK internal market in the areas that Common Frameworks cover. A list of Common Frameworks where the UK Internal Market is relevant is attached at Annex C. We will continue to work collaboratively with the devolved governments to ensure Common Frameworks' full implementation and success.
22. All governments in the UK place high value on Common Frameworks as a space in which they can hold positive and constructive discussions with one another and assess the opportunities and challenges of developing policy in areas of devolved competence. Common Frameworks operate in a consensual way and therefore provide the right space for the consideration of internal market matters.
23. However, we recognise and agree with stakeholders' concerns around the lack of clarity about how Common Frameworks operate. **We will therefore work with the devolved governments to improve transparency and communication**

**around the Common Frameworks programme overall and via individual frameworks themselves.** This will result in improved engagement with business and other stakeholders who, as a result, should feel more informed and involved. This in turn should lead to better decision-making by governments and improved clarity for businesses to support investment and growth.

24. We also agree with the views expressed by respondents who would like to see a more involved role for the OIM within Common Framework discussions. **We will work with the devolved governments to agree a process for all governments to make a joint referral for advice to the OIM where potential UKIM impacts are identified in Common Framework discussions.**

## Bringing Common Frameworks to the fore

25. The UK government has been clear that Common Frameworks should be the principal place through which the four governments within the UK discuss and collaborate on new ideas and policies in the areas they cover, and to consider the impact these may have on the internal market. The UKIM Act should sit in the background as a tool for all governments within the UK to manage instances of divergence which might cause unnecessary cost and trade barriers – enabling free movement of goods and services and supporting people to work and do business.
26. The UK government believes that, within Common Framework discussions, all governments should be seeking opportunities to align their approaches where appropriate and, as a minimum, look to achieve interoperability of policy across the different parts of the UK. This approach has been successful recently with the ban of sale of single-use vapes. The ability of governments to work together on this policy issue was commented on positively by stakeholders, who were clear they would like to see more of this between governments, noting that it provides them with certainty and boosts business confidence.
27. We recognise, however, there will remain cases where a government may propose a policy approach which they believe can only be successfully implemented by securing an exclusion from the UKIM Act's Market Access Principles. This could be as a result of needing to address a particular localised policy need or to pilot an innovative approach to a policy challenge that has the potential to deliver wider UK benefits.
28. As part of its commitment to the Common Frameworks programme, **the UK government confirms it will discuss proposed UKIM exclusions in Common Framework meetings, and will implement all exclusions that have been agreed by all governments through a Common Framework. UK government intends to use Common Framework meetings to ensure interoperable policy solutions across the UK, as far as that is reasonably possible, but also to seek to reach agreement with all governments where an exclusion is suitable and necessary.**

29. Beyond that, we will provide full clarity on how the process will operate. This will include timescales for considering exclusion proposals, which should lead to governments reaching decisions more quickly. This is important to minimise periods of uncertainty for businesses. A proposed Common Frameworks exclusions process is set out at Annex B.
30. In cases where it is not possible for all four governments within the UK to reach agreement within a Common Framework on supporting an exclusion, the proposing government (including where that is UK government) could choose to initiate the “reserve” exclusion process. This reserve process would also apply where a policy is not covered by a Common Framework and will ensure that there is always a clear route for any government to propose an exclusion from the UKIM Act. Details on the “reserve” exclusions process can be found at Annex B.
31. This clear foregrounding of Common Frameworks through all governments considering and, where appropriate, agreeing UKIM Act exclusions, coupled with improvements to the efficiency and effectiveness of Common Frameworks’ operation, should drive better, more timely outcomes that are informed by business and other stakeholder engagement. We look forward to working with the devolved governments, the business and wider stakeholder community to manage the UK internal market effectively in this way.

## A more proportionate approach to the UK Internal Market Act

32. We have listened to the concerns of devolved governments and stakeholders about the previous UK government's management of the UK internal market exclusions process. We heard criticisms about:

- a. exclusion proposals only being assessed against economic impacts;
- b. a lack of clarity about how decisions were taken in response to exclusions proposals;
- c. a lack of transparency about the operation of the exclusions process; and
- d. stakeholder concern at UK government and devolved governments treating exclusions discussions as a means to pursue political arguments rather than considering the best interests of business and other stakeholders.

We also heard business representative groups in Scotland and Wales expressing their support for a more proportionate regime that better supports devolved governments legislating for local needs.

33. There were however strong arguments put forward by both business groups and animal welfare charities about the need to keep any intra-UK regulatory divergence to an absolute minimum, citing the impact that divergence has on both business costs, certainty, and supply chain performance.

34. We agree that the operation of the UKIM Act needs to be more proportionate. We think the best way to do so is to make the process and criteria for exclusions from the UKIM Act more proportionate. We will therefore implement the following measures described below:

### Broadening the factors to be assessed by governments when considering a proposed exclusion

35. We heard very clearly the concerns raised by a broad range of stakeholders that viewing proposals purely through an economic lens can lead to unbalanced decision making. With those comments in mind, we have decided to broaden the range of factors that the four governments within the UK - separately and when working together in Common Frameworks - should consider and address for any proposed exclusion. We will now consider alongside economic factors:

- a. **environmental protection impacts/benefits; and**
- b. **public health impacts/benefits**

36. Considering these factors alongside direct and indirect economic impacts or benefits will ensure balanced consideration and a more rounded evidence base to inform any final decisions. The UK government is committing to basing its decision about whether or not to agree a proposed exclusion on the balance of these factors, and we encourage devolved governments to do the same. This will

mean that, where all four governments can agree that the balance of these factors points towards an exclusion, that exclusion will be implemented.

37. Environmental and public health matters are key devolved policy areas that may have an interaction with the UKIM Act. We believe that, by taking those into account in the consideration of a UKIM Act exclusion, we will ensure the right balance between encouraging innovation and solutions that meet local needs; and preserving the integrity of the UK internal market. We encourage devolved governments also to consider environmental protection and public health factors in any exclusion proposal.

## Exclusions that have Minimum Economic Impact

38. In our consultation, we asked for views about whether all proposed exclusions should follow the same process of consideration regardless of the size of their economic impact. This followed the UK government confirming its agreement to an exclusion to enable the ban on the sale of rodent glue traps in Scotland. This decision was taken on the basis that UK sales were valued at less than £10m per year. The economic impact of the ban on the UK internal market would therefore be minimal.

39. Consideration of this specific exclusion proposal raised questions about the appropriateness of requiring detailed, fully evidenced proposals for exclusions in areas which represent minimal economic activity. Responses on this point in general showed there is support for UK government running a lighter touch exclusions process where there is clear evidence to show minimal economic impacts on the UK internal market.

40. **We are therefore introducing a new Minimum Economic Impact (MEI) exclusion process** which will involve the following:

- a. The proposing government would need to reasonably and proportionally demonstrate that the economic impact of an exclusion in the policy area in question would be no greater than £10m per year in terms of Equivalent Annual Net Direct Costs to Business (EANDCB)<sup>2</sup>;
- b. All other governments would need to be satisfied that this had been sufficiently demonstrated and so had no objections to this exclusion; and
- c. If agreed, UK government will commit to implement the exclusion in law as soon as practically possible.

41. This new process ensures a more reasonable approach to the consideration of such proposals. It will also lead to quicker decision-making between governments, so providing greater certainty and clarity for affected stakeholders.

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<sup>2</sup> The EANDCB is an estimate of the average annual net direct costs to business in each year that the measure is in force. It is calculated as the present value of the net direct cost to business divided by the sum of the discount factors appropriate for the length of time the measure is in force. The discount rate used is determined by the HM Treasury Green Book.

42. However, to address concerns also expressed by a number of consultation respondents regarding the potential impact of cumulative divergence as a result of multiple MEI exclusions being agreed in the same area, we are also introducing the following safeguards:

- a. UK government will monitor total cumulative divergence agreed under the streamlined MEI process and trigger a notification to ministers in all governments where a threshold of £50 million is met in a defined policy or sectoral area. Governments may object to further proposals for MEI exclusions in that area once the threshold has been reached – the exclusion proposal would then be considered under the relevant Common Framework, or the reserve process if there is no Common Framework in place;
- b. Monitoring will also consider whether there are disproportionate impacts on specific sectors and/or localities; and
- c. The exclusions agreed under this MEI process will be reviewed at three-year intervals.

43. Details of how the MEI process will work is set out at Annex B. The UK government will also implement in legislation at the earliest opportunity the Scottish government's proposal for an exclusion for the ban on sale of rodent glue traps. This will be the first example of a Minimum Economic Impact exclusion.

## The effectiveness of the UK Internal Market Act's Market Access Principles in managing the UK internal market for goods, services and professional qualifications

44. We broadened the scope of the review beyond that required by law, as we believed it was important to invite a range of views relating to how the UK Internal Market Act and its Market Access Principles can best support the UK internal market. In this section we set out the key findings from this part of the consultation together with the government's conclusions.

### How the UK internal market for goods, services and recognition of professional qualifications is best supported by the UK Internal Market Act

45. In launching our consultation, we were clear that the government will not be repealing the Act and that we were not minded to weaken the protections provided by the Act's Market Access Principles. This is because the Act and the Market Access Principles provide important protections that can, when necessary, facilitate the free movement and trade in goods, provision of services and practice of professions across the UK. The Act also contains important protections for Northern Ireland's place in the UK internal market and customs territory.

46. It is clear from a large number of responses that these protections are highly valued, particularly by businesses and business representative organisations, but also from a variety of other stakeholders. As well as recognising the importance of retaining the Market Access Principles, many business and business representative organisations indicated that repeal of the Market Access Principles would result in economic damage, especially concerning access into the English market from other nations. Example of such responses are:

"(We) are strong supporters of the principle of the Internal Market Act. A clear and stable regulatory environment across the whole of the UK is critical to ensure that food and drink businesses can strategically and financially plan for the long term"

"..our members definitely crave certainty for businesses. We are supportive of the principle of the internal market act."

"UKIMA is important. It matters because the UK internal market underpins economic growth and investment stability." Adding that if "we have divergent regulations, all that will do is increase costs and reduce competitiveness".

47. There were responses that also noted the need to respect the devolution settlements introduced by the last Labour government:

“The (name redacted) is a passionate supporter of the value of the devolution settlements across the United Kingdom. In supporting devolution, we recognise that there will inevitably be consequential regulatory divergence.”

48. We agree with this view. The government remains wholly committed to the devolution settlements. We have set out above how we will work with the devolved governments more openly and collaboratively, principally through the jointly owned Common Frameworks.

49. We are satisfied that responses to the consultation confirm that the Act’s Market Access Principles not only deliver important protections for our businesses and traders, but that those protections are welcomed by the key stakeholders that would be most affected should those protections not be in place.

## Impact of differing regulations on supply chains

50. There was a recognition among many respondents about the impact that differing regulations can have on supply chain performance. The consultation asked whether impacts later down the supply chain are more straightforward to address. There was some support for this view, but responses revealed concerns about impacts of differing regulations on any part of a business or sector supply chain. There were also concerns raised about unintended impacts being felt by suppliers as a result of decisions taken in Common Frameworks, and that these impacts could be felt earlier or later in the supply chain. Examples of responses received include:

“...generally it is more straightforward for businesses to address differing regulations that take effect later in the supply process, such as at the retail level, rather than earlier like product standards.”

“A regulation that takes effect later in the supply chain might still result in changes earlier in the supply chain. For example, the foods High in Fat, Salts and Sugars case study found that some manufacturers covered by the regulation (but not all) chose to change the formulation of their products in order to ensure that their products could still be offered on promotion by retailers. The regulation did not mandate these changes, but producers chose to respond in this manner. A similar causal chain could apply in other sectors in relation to other regulations”

“Most businesses operate across the four nations— very few operate exclusively in one. The UKIMA protects supply chains and makes sure that businesses can operate efficiently across the UK.”

“The economies and supply chains of Scotland, England, Wales and Northern Ireland are closely interconnected, and it is important that no barriers to trade emerge between the constituent countries of the UK”

51. Such views satisfy the UK government that the case for maintaining the protections provided by the Act is compelling. Nevertheless, as set out elsewhere in this report, we will make improvements to the way in which Common

Frameworks operate and how the four governments within the UK work with one another and involve stakeholders in policy discussions.

## Getting the right balance between the potential for local regulatory innovations in sectors and UK-wide alignment

52. We want to enable innovation, particularly where that supports economic growth. From our consultation, it is clear that stakeholders agree. They particularly support devolved governments' ability to launch local innovative initiatives. We are also supportive of this, which is in line with our ongoing commitment to devolution.

53. Common Frameworks are the right place to discuss the potential for policy innovation. Discussions might explore how a local need could be met and where there are opportunities for wider UK alignment and roll-out. Our approach should ensure that we foster an environment that enables successful initiatives, such as the Welsh government's charge on single use carrier bags, to provide UK-wide benefits.

## The operation of the Market Access Principles for goods, services and professional qualifications to date

54. There were many responses in support of the Act's Market Access Principles. Many stakeholders clearly like the certainty these bring to businesses trading across the UK, facilitating barrier-free trade. Examples of support for the Market Access Principles include:

"The UKIM Act is a necessary underpinning for the operation of the UK Internal Market in a world where the Windsor Framework creates one regulatory dynamic whereas the UK being in its own regulatory space for many areas after Brexit creates another. Having a clear statutory underpinning of the two main market access levers of mutual recognition and non-discrimination is vital."

"... content with the principles as set out, with regard to the definitions of 'mutual recognition' and 'non-discrimination'."

"So far, the IMA's Market Access Principles have operated well, and they represent a fair mechanism to ensure that products made available to UK in as equitable a manner as possible."

"From a business perspective, these principles provide relative levels of certainty around product access and supply across the devolved nations and promote an economically sustainable single market."

55. However, this support was often accompanied by views expressing the need for the Act's provisions to be more effectively considered earlier in policy discussions. A number of respondents also noted that inter-governmental policy

discussions should seek alignment rather than pursue different approaches. Comments representing these caveated views include:

“...while we appreciate the complexity of the UK internal market, we would welcome additional clarity of the criteria required and timing of the use of the Act. In addition to a first principle of alignment wherever possible.”

“...the Act has created some uncertainty in policymaking. At the moment the Act provokes significant debate on whether a policy is applicable to the internal market principles which creates a level of uncertainty about whether a policy will be enacted, whether an exclusion is required, or whether and under what terms an exclusion may be granted. In short, we believe the Internal Market Act has worked reasonably well when governments agree, but there have been significant challenges when there is disagreement.”

56. There was also some concern raised about the potential impact of allowing further exclusions without appropriate checks and balances. The measures we have set out in Annex B shows how we will address this concern.

# Statutory Review of the use of the UK Internal Market Act's Part 1 and 2 amendment powers

57. Parts 1 and 2 of the UK Internal Market Act provide the power for the Secretary of State to amend certain provisions in these Parts of the Act, such as to add, vary or remove what is meant by a legitimate aim in Parts 1 and 2 and the scope of the non-discrimination principle in Part 1. They also provide the power to add, vary, or remove exclusions from the Market Access Principles for goods and services respectively.

58. As required by the Act, the Secretary of State has conducted a review of the use of the Parts 1 and 2 amendment powers.

59. As part of the review process, the Secretary of State consulted stakeholders, as well as Scottish Ministers, Welsh Ministers, and the Department for the Economy in Northern Ireland as required by the Act. As part of the public consultation, the Government asked the following two questions:

**What are your views on the use that has been made of the Part 1 amendment powers – for example the exclusion for single-use plastics?** In particular, we would welcome views on whether the changes have had or will have a positive or negative impact and whether they have been effective.

**What are your views on the use that has been made of the Part 2 amendment powers – for example, removing exclusions for certain services?** In particular, we would welcome views on whether the changes have had or will have a positive or negative impact and whether they have been effective.

## Part 1

60. At the time of publication of this report, since the UK Internal Market Act came into force, there has been no use of the power to add, vary or remove provisions relating to what type of statutory provision is within the scope of the non-discrimination principle. There has also been no use of the power to add, vary or remove a legitimate aim in relation to indirect discrimination.

61. However, there has been one use of the power to amend the Schedule 1 list of exclusions from the Market Access Principles. In November 2021, the Scottish government proposed an exclusion from the Market Access Principles for certain single-use plastic (SUP) items. This was the first exclusion to be proposed following the introduction of the UK Internal Market Act. The UK government implemented an exclusion using the powers in Part 1. The government has also committed to using this power again to amend Schedule 1 in respect of implementing an exclusion for the sale of rodent glue traps.

62. In the consultation, we received a number of representations from businesses, environmental groups, and academics on this issue. The SUP exclusion was frequently noted as an example of governments working well together. However, some respondents criticised the lack of transparency and clarity around how exclusion decisions were reached, and a business representative organisation expressed concern about the impact of regulatory divergence in Scotland as a result of this exclusion. Our improvements concerning exclusions detailed elsewhere in this review document are designed to address these concerns.
63. As required by the Act, the government has considered the OIM report concerning the impact of restrictions on the sale of SUP items on the operation of the UK internal market<sup>3</sup>. The OIM highlighted that governments had collaborated well, including through Common Frameworks, so that regulations governing individual products have mostly been introduced in different UK nations at broadly similar times. This has meant that suppliers across supply chains and the nations have largely adapted simultaneously.
64. The OIM also noted that the cost of complying with SUP regulations has for some businesses been significant – but this was not an issue with the use of the Part 1 powers, as the additional costs of complying with any internal market differences due to an exclusion have been relatively small. This is because the scope of most SUP regulations to date are aligned. The OIM further noted that this has enabled most businesses which trade across the UK to adopt a uniform approach. This ensures their products/services comply with SUP regulations in all nations, rather than the business tailoring different approaches depending on the specific SUP regulations in each nation. The OIM study highlighted that businesses stated the differences in SUP regulations that had emerged from the exclusion (at the time of publication in February 2025) had not significantly hindered or contributed to product or process innovation.
65. We note that the OIM recommended that governments provide relevant trade associations and businesses with clear guidance on SUP regulatory changes, and how to comply with them, at the earliest opportunity. This would help these businesses to plan for their transition to alternative products. We agree with this recommendation, and have detailed our proposals to improve engagement from all governments with businesses in paragraph 23.
66. Therefore, having assessed the consultation responses and the OIM’s report, the government believes the use of this power has delivered an effective outcome. This is because the government assesses the impact has been that different governments have been able to enact different legislation, yet that has not resulted in a significant adverse impact on the integrity of the UK internal market. However, the government believes that improvements should be made to the

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<sup>3</sup> <https://www.gov.uk/government/publications/report-on-the-impact-of-restrictions-on-the-sale-of-single-use-plastics-on-the-operation-of-the-uk-internal-market>

process of considering exclusions between governments that leads to the use of this power, as highlighted elsewhere in this document.

## Part 2

67. At the time of publication of this report, since the UK Internal Market Act came into force, there has been no use of the power to add, vary or remove a legitimate aim in relation to indirect discrimination.

68. However, there has been one use of the power to amend the Schedule 2 list of exclusions from the Market Access Principles. This was used to make changes to the schedule following a public consultation on services exclusions. Specifically:

- a. adding new exclusions from the mutual recognition principle to Part 1 of Schedule 2, for gas, electricity, water and waste; qualifications-awarding services and heat networks;
- b. removing existing exclusions for financial services, postal services, electronic communications services, services of temporary work agencies, and services of a statutory auditor from the relevant parts of Schedule 2; and
- c. amending the scope of the exclusions for social services in Parts 1 and 2 of Schedule 2.

69. Consultation responses on this issue were limited. The removal of financial services and services of a professional auditor was welcomed by one professional body. A business representative organisation noted it is important to consider the effect of any use of the power on SMEs particularly located in border regions. Other respondents noted issues concerning the operation of the exclusions process generally, which is covered in the section concerning Part 1 and elsewhere in this document. The government has assessed that the impact of these changes has been limited, and has not led to any significant adverse impact on the functioning of the internal market.

# Statutory Review of the arrangements for the provision of independent advice on and monitoring of the UK internal market

## Background

70. Part 4 of the United Kingdom Internal Market Act 2020 (the Act) sets out the arrangements for the provision of independent advice on, and monitoring of, the UK internal market. The Act confers a range of functions on the Competition and Markets Authority (CMA), an independent non-ministerial UK government department, which it performs through the Office for the Internal Market (OIM). The OIM supports and reports on the effective operation of the UK internal market, makes assessments and provides expert and independent advice to the UK government and devolved governments on how specific legislation, rules and regulations impact the UK internal market.
71. The OIM was established in September 2021. The OIM is a distinct function within the CMA and has a 7-member appointed panel and a Chair. The OIM has dedicated staffing within the CMA, as well as access to the CMA's advisory professions, such as economists, lawyers, and finance and business advisory professionals. The OIM can form task groups comprising OIM panel members to carry out functions conferred on the CMA under Part 4, such as providing advice on a particular matter that is relevant to the UK internal market.

## The Review

72. As required by the Act, the Secretary of State has conducted a review of the arrangements for carrying out of the functions set out in Part 4 of the Act and which are presently delivered by the Office for the Internal Market. More information on the review requirements, as well as the functions in Part 4, are set out in Annex E.
73. As part of the review process, the Secretary of State consulted stakeholders, as well as Scottish Ministers, Welsh Ministers, and the Department for the Economy in Northern Ireland as required by the Act. As part of the public consultation, the government asked the following two questions:

**How can the Office for the Internal Market best support the UK internal market through its role in providing independent monitoring and advice?**

**What are your views on whether the current arrangements in Part 4 relating to the use of the Office for the Internal Market task groups are appropriate for securing the most effective and efficient performance of the CMA's Part 4 functions?**

## The role of the Office for the Internal Market

74. In carrying out the review, the Secretary of State has reached the conclusion that the current arrangements for the way the functions in Part 4 are carried out are appropriate for the purpose of securing the most effective and efficient performance of those functions. The Secretary of State is also of the view that there should be no changes made to the statutory functions of the OIM and that the OIM is delivering fully effectively all the tasks required of it or authorised by the CMA under the Act and, in doing so, providing the independent expertise and insight needed to inform the effective management and operation of the UK internal market. In other words, the government believes the current statutory role of the OIM continues to be suitable and no changes to the statutory functions are required.
75. However, the UK government does want to see the OIM build on the good progress it has made in establishing its strong reputation for excellence in monitoring and reporting on the UK internal market, and in applying its expertise to inform the understanding of the performance and health of the UK internal market. In particular, we will take steps to work with the devolved governments to ensure that the OIM's independent expertise is engaged and considered earlier and in a more structured and consistent way within policy discussions to inform better decision making.
76. Consultation responses show this would be well received by a range of stakeholders, who are keen to see the four governments sharing or working from shared evidence and research that can lead to more joined up discussion around the impacts of different regulatory approaches. This is consistent with a wider theme from the consultation that stakeholder confidence, particularly among businesses, would be boosted by seeing the governments working better together.

## The Office for the Internal Market's work

### Statutory reporting and policy specific projects

77. The OIM has produced three annual reports on the condition of the UK internal market. It has also published a periodic report in 2023 assessing the effectiveness of Parts 1 to 3 of the UK Internal Market Act; and conducted detailed research into issues concerning the UK internal market - particularly the regulations concerning single-use plastics (SUP) and the sale of horticultural peat. Detailed case studies for these two projects are set out at Annex D.
78. The OIM's work in relation to both of these issues provides strong examples of the value of the OIM, showcasing its ability to:
- a. undertake research in response to a referral by one of the governments within the UK (as was the case for the horticultural peat project), and

- b. initiate its own research as a result of monitoring live UK internal market policy issues, where a need for further detailed expert analysis has been identified (the SUP project).

79. The reports delivered by the OIM for these two projects were well received by governments, business and other stakeholders. One stakeholder observed that the OIM's report on horticultural peat was "*thorough and provided a balanced assessment...*". The SUP project in particular demonstrates the work that the OIM can engage the OIM panel to deliver, including through project scoping, background research, identifying key areas of focus, and engaging with governments and other stakeholders effectively ahead of delivering its conclusions. A key aspect of the OIM's successful track record for delivering useful reports is the fact that it is required to act even-handedly, and secures strong, constructive engagement from the four governments within the UK.

### Intra-UK trade data

80. The OIM has carried out data strategy work to advocate for better quality data on trade within the UK. Specifically, it published the Data Strategy Roadmap in 2023, which it updated in May 2024 and June 2025. This is significantly adding to our knowledge of intra-UK trade flows and its importance to the performance of the UK economy and its constituent parts. This should help the governments within the UK to take better informed decisions on policies intended to deliver economic and other benefits for people across the UK.

81. In delivering this work, the OIM has engaged very effectively with a broad range of interested parties and stakeholders, including from governments, academia and statistical experts, showcasing experimental data sets and seeking feedback. This work has clearly supported the OIM's ability to carry out its monitoring and reporting responsibilities in a better way and, in a relatively short period of time, we have seen a move away from a reliance on 2015 trade data to datasets from 2020 with the expectation of regular annual data production in future years. We look forward to this work being further developed so that in future years everyone can benefit from the production of consistent, regular datasets monitoring trade and other relevant indicators of the UK internal market.

### Online function for reporting UK internal market issues

82. The OIM has a reporting function where anyone can report a difficulty concerning trade within the UK internal market. There has not been much feedback on its use to date and therefore a full assessment of this function is not possible; however, the government believes it is important this function remains available to businesses across the UK.

### Regulatory Developments Dashboard

83. Since the launch of this review, the OIM has introduced its interactive Regulatory Developments Dashboard. This enables users to explore data, view trends and review the potential intra-UK regulatory differences that the OIM is tracking. This development was welcomed by stakeholders and is seen as a positive step in

meeting views expressed by some stakeholders that the OIM could be more proactive about how it shares the information it collects. It also provided a further clear demonstration of how the OIM is meeting its monitoring and reporting responsibilities. A major business representative organisation said, “[We] would like to advise that regular updates of the dashboard would be needed in order for it to be a useful tool”.

### Further consultation feedback

84. In addition to the feedback referred to elsewhere in this report, stakeholders have also reported positively on their experience of direct engagement with the OIM, whether this is where the OIM has contacted them as part of one of its research projects or where stakeholders have contacted the OIM to seek advice in response to specific internal market issues. Stakeholder experience is that the OIM has been clear, responsive and helpful.
85. Some stakeholders would like to see an expansion to the statutory functions conferred on the CMA and performed by the OIM. Suggestions included:
- a. giving the OIM arbitration or decision-making powers, for example to determine whether a proposed exclusion from the Act’s Market Access Principles should be agreed; and
  - b. the OIM operating a regulatory divergence notifications system (similar to the European Union’s Technical Regulation Information System), through which the OIM could alert business to potential areas of divergence and allow a set period during which to respond with comments/concerns.
86. Some stakeholders questioned the ability of the OIM to provide timely advice in a fast-paced policy environment.
87. Additionally, although there was generally positive feedback on the OIM, there were also views expressed that reveal a lack of familiarity about what the OIM does and about its effectiveness in making its services known to the business community. Notwithstanding this, the OIM’s independent expertise is recognised by business and other stakeholder communities. One large multinational consumer goods corporation voiced its endorsement of an independent OIM, stating, “...the degree of impartiality associated with exercise of these provisions by the OIM must be preserved”.
88. Overall, this confirms the value of an independent OIM providing its expert advice about the operation of the internal market. We are therefore satisfied that its independent status provides the appropriate degree of separation needed to inform the policy discussions and considerations between the four governments, whilst also making its services and expertise accessible to business and other stakeholders.
89. Similarly, we think it is the role of government to notify businesses and other stakeholders of any proposed or developing regulatory changes, and that there is

scope for the four governments within the UK to do so more effectively. That would then offer the potential for the OIM to enhance the content it captures on its regulatory divergence dashboard such that it becomes an established tool that brings together the regulatory plans and proposals of the four governments into one place.

90. We recognise the concerns that have been raised about the agility and flexibility of the OIM to respond to urgent requests and agree that the OIM should take steps to address this. The OIM is also alive to this need and, in response, is already considering research models to support the delivery of shorter form reports that would address specific sector or policy issues. Recent initiatives by the OIM, such as undertaking a SUP research project and launching an interactive regulatory divergence dashboard, demonstrate how the OIM is becoming more proactive. The interactive regulatory divergence dashboard provides an excellent example of the value the OIM can bring to understanding the suite of policy areas being monitored, and how it is doing so in a timely and accessible format.

## Potential alternative models for monitoring and reporting on the UK internal market

91. A requirement of this review is to carry out an assessment of alternative models for the carrying out of the Part 4 functions conferred on the OIM. In considering this, we have looked at the following options:

- a. Establishing a stand-alone body to perform Part 4 functions combined with independent arbitration or decision-making functions concerning the UK internal market. This could include, for example, a role in using reporting and monitoring expertise for arbitrating on the application of the Market Access Principles to particular policies; or deciding the merits of a proposed exclusion from the Market Access Principles.

We do not see this as a suitable option as we believe that matters concerning management of the internal market are fundamentally for governments. Instead, we believe that Common Frameworks are the primary fora for the governments within the UK to meet and have discussions about the implications for the UK internal market of the policies being developed. We are also concerned that any expansion in the scope and role of the OIM or a successor body could result in significant costs for the public purse as well as delays setting up a new body or new systems.

- b. Abolishing the OIM and bringing all statutory monitoring and reporting functions in-house within the UK government.

We do not see this as a viable option. The independent status of the OIM has been fundamental to its success and its ability to manage relations with each of the governments within the UK. Bringing the monitoring and reporting

capability in-house within the UK government could create perceptions of an immediate imbalance between the governments regarding data ownership, reasons why data is being gathered, and how the data could be used. Creating this sort of tension would work against the overall aims of the review, which is for all the governments within the UK to work together more effectively and collaboratively. The present model for carrying out these functions through the OIM supports this ambition. Any move to change how these functions are carried out would be a significant backward step from the excellent progress the OIM has made in the way it manages relations with all the governments.

92. Beyond these two options, it is also relevant to highlight the commitments made in the 2024 Command Paper [Safeguarding the Union](#) in relation to the role of the OIM and Northern Ireland's place within the UK internal market. Given the UK government's commitment to the Windsor Framework, we do not intend to introduce any changes in the area.<sup>4</sup>

## Conclusions

93. The Secretary of State has concluded that the current arrangements for carrying out of the functions in Part 4 are appropriate for the purpose of securing the most effective and efficient performance of those functions. The Secretary of State is also content that there should be no changes made to the statutory functions of the OIM and that the OIM is delivering fully effectively all the tasks required of it by the CMA under the Act. In doing so, the OIM is providing the independent expertise and insight needed to inform the effective management and operation of the UK internal market.

94. We have concluded that there should be no changes made to the statutory functions of the OIM. This decision recognises not only the very effective way in which the OIM has carried out the Part 4 functions to date, and the further initiatives it has taken to further cement its reputation in doing so, but also the importance of keeping this role separate and independent of the four governments of the UK, which is clearly highly valued by all the governments as well as stakeholders.

95. We have also concluded that the OIM's role should remain as an advisory body and not be expanded to include any arbitration or decision-making functions. This recognises the importance of ensuring that the management of the UK internal market rests with governments accountable to their respective legislatures. Further, we are conscious that any change to the OIM's role has the potential to impact on perceptions of its independence should any government not agree with any decisions taken by an OIM if it were to have those additional powers. This has the potential to impact on the trust that has built up through the OIM's good work to date. We are also of the view that the OIM's expertise should remain

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<sup>4</sup> As part of its general monitoring role in relation to the UK internal market, the OIM also captures and reports on trade data relating to Northern Ireland.

focused on internal market economic impacts, and that it remains the responsibility of governments to factor in wider issues, such as environmental protection and public health, as part of their policy deliberations. Beyond this point of principle, it is worth noting that any expansion of scope for the OIM would represent significant resourcing challenges for both the OIM and the CMA, which ultimately would have to be met by funds from the public purse. There is no compelling case for spending public money in this way.

## Annex A: Who responded to the consultation

A breakdown of respondents to the consultation by email and online survey on GOV.UK is as follows.

Table 1: Breakdown of respondents to the consultation

<b>Respondents</b>	<b>Number of respondents</b>
<b>Business</b>	<b>28</b>
<b>Business Representative Organisation</b>	<b>23</b>
<b>Academia</b>	<b>10</b>
<b>Government</b>	<b>2</b>
<b>Parliamentary</b>	<b>2</b>
<b>Special interest groups</b>	<b>16</b>
<b>Independent bodies</b>	<b>1</b>
<b>Didn't say</b>	<b>3</b>

## Annex B: Reformed process for the proposal and consideration of exclusions

1. Exclusions shall be proposed in writing to all relevant Ministers in UK government and devolved governments, who shall confirm receipt of the proposal. The proposal will be considered by one or more of the following three processes.

### Minimum Economic Impact exclusions

2. If a government proposing the exclusion believes the total economic impact of the exclusion would be less than £10 million per year in terms of Equivalent Annual Net Direct Costs to Business (EANDCB), they should provide evidence in support of their assessment alongside their proposal
3. In cases where there are significant challenges in determining the size of the economic impact, alternative measures such as estimates of market size or business turnover could be provided.
4. Proposals should also evidence:
  - a. there are no disproportionate impacts on some locations or businesses that would limit their ability to operate across the UKIM and/or limit the operation of the UKIM; and
  - b. that businesses and/or consumers would have easily accessible alternatives to the product or service affected by the exclusion, or would not be significantly disadvantaged by not having access to the product or service.
5. An assessment of the evidence should be made within six weeks of the ministerial correspondence proposing the exclusion.
6. At the end of that six-week period, if all governments have agreed the proposal meets the threshold for an MEI exclusion, the UK government will begin the process of implementing the exclusion, or write to the devolved governments explaining why this is not the case.
7. In the event that one or more government objects to the case for an MEI exclusion, and the proposing government is unable to produce further evidence or other information that addresses those governments' concerns, the exclusion will then be considered under the relevant Common Framework, or under the reserve exclusions process if there is no relevant Common Framework in place.
8. UK government will also implement the following safeguards for the MEI exclusions process:
  - a. UK government will monitor total cumulative divergence agreed under the streamlined MEI process and trigger a notification to ministers in all governments where a threshold of £50 million is met in a defined policy or sectoral area. Governments may object to further proposals for MEI exclusions in that area once the threshold has been reached – the exclusion

- proposal would then be considered under the relevant Common Framework, or the reserve process if there is no Common Framework in place;
- b. Monitoring will also consider whether there are disproportionate impacts on specific sectors and/or localities; and
  - c. The exclusions agreed under this MEI process will be reviewed at three-year intervals.

## Common Frameworks exclusions – proposed process

9. Whenever any party is proposing an amendment to Schedules 1 or 2 of the Act by a Common Framework:
  - a. Once all avenues to explore similar policy approaches have been pursued within the Common Framework, the exclusion-seeking party should set out the scope and rationale for the proposed exclusion; and provide evidence – including input from affected businesses and any OIM evidence that has been sought.
  - b. Consideration of the proposal, associated evidence and potential impact should be taken forward consistent with the established processes as set out in the relevant Common Framework. Exclusion proposals will consider evidence in particular of the following:
    - i. direct and indirect economic impacts (including costs to businesses);
    - ii. environmental protection; and
    - iii. public health.
10. It is recognised that all parties will have their own processes for considering policy proposals, before seeking to formally agree the position within the relevant Common Frameworks. It is also recognised that substantive policy change to an exclusion proposal that occurs during discussions may require further / new agreement between parties.
11. Where policy divergence has been agreed by all governments through a Common Framework, this should be confirmed in the relevant Common Framework. This includes any agreement to create or amend an exclusion to the UKIM Act Market Access Principles.
12. Evidence of the final position of each party regarding any exclusion, and the fact that an agreement has been reached, should be recorded in all cases. This could take the form of an exchange of letters between appropriate UK government and devolved government ministers.
13. Parties remain able to engage the dispute resolution mechanism within the appropriate Common Framework, if desired. The need for seeking an exclusion does not automatically mean there is a dispute to resolve.
14. The UK government will commit to implement all exclusions that have been formally agreed by all governments within a Common Framework.

## Reserve Exclusions Process

15. The reserve exclusions process shall apply in the following circumstances:
  - where a proposed exclusion is not covered by a Common Framework or is not eligible for the MEI process;
  - where agreement to an exclusion is not reached in a Common Framework; or
  - where agreement to an exclusion is not reached within the MEI process.
16. In these circumstances, a party may write to the relevant UK government minister, copying all relevant devolved government ministers, indicating they wish to propose an exclusion via the reserve process.
17. Exclusion proposals under this process will be acknowledged in writing by the relevant UK government minister within one month, and should receive a published, ministerial response from UK government within six months of the proposal being made. If a decision has not been reached in this timeframe – for example, if the evidence provided is insufficient to make a decision - the response should explain why this has not been possible and commit to a new timeframe. This should be published to extend transparency to businesses and Common Frameworks.
18. Exclusion decisions under the reserve process will consider evidence in particular of the following:
  - direct and indirect economic impact (including costs to businesses);
  - environmental protection; and
  - public health.

## Finalising an exclusion

19. Under section 10 or section 18 of the UK Internal Market Act 2020, amendments to the schedules containing exclusions from the application of the Market Access Principles require the approval of both Houses of the UK Parliament through the affirmative resolution procedure. Where agreement to such an exclusion is reached within a Common Framework, through the MEI process, or through the reserve process, the Secretary of State for the UK government department named in the Framework is responsible for ensuring that a draft statutory instrument is put before the UK Parliament.

## Annex C: Common Frameworks with UK Internal Market relevance

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### *Framework*

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**Hazardous substances: planning framework**

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**Animal health and welfare**

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**Radioactive substances**

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**Fertiliser regulations**

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**Plant varieties and seeds**

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**Food and feed safety and hygiene**

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**Plant health**

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**Chemicals and pesticides**

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**Nutrition labelling and compositional standards**

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**Fisheries management and support**

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**Late payment**

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**Organic production**

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**Agricultural support**

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**Blood safety and quality**

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**Food compositional standards and labelling**

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**Organs, tissues and cells (apart from embryos and gametes)**

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**Air quality**

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**Integrated pollution prevention and control: developing and setting of Best Available Techniques (BAT)**

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**Ozone depleting substances and fluorinated-greenhouse gases**

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**Resources and waste**

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**Zootech**

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**Services**

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**Mutual recognition of professional qualifications**

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**Specified quantities and packaged food legislation**

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# Annex D: OIM Research Case Studies

## OIM Case Study 1 - Horticultural Peat Research Project

### Defra request under s34(1) UK Internal Market Act 2020

1. On 2 August 2022 the Secretary of State for Environment, Food and Rural Affairs (Defra) wrote to the Chair of the OIM Panel to request a report under section 34 UKIMA on proposed regulatory provisions to ban the sale of peat and peat-containing products by the end of 2024, whilst exempting the sale of peat within the ornamental and edible horticulture sectors. These proposed regulatory provisions fell within scope of UKIMA as a relevant requirement for the purposes of the Market Access Principles.
2. The Secretary of State had concluded that there would be benefit in requesting a section 34 report due to the internal market impact of pursuing a ban on peat in England, where no ban was in place in the other nations. The request noted that the report should be completed within 26 weeks of the request being accepted, in accordance with the OIM's operational guidance.

### Process to consider request

3. Although the Panel Chair was in place when the request was received, the OIM Panel was not yet appointed. The OIM considered the request in accordance with its prioritisation principles, published in its operational guidance.
4. The decision to accept the request was made by the OIM's Senior Director, alongside another executive member of CMA staff and a CMA non-executive. This approach, known as SD+2, had been agreed by the CMA Board as an appropriate mechanism for decision making in internal market functions.

### Project scope

5. The project scope was informed by two practical considerations:
  - The commitment to complete the report within 26 weeks of the request being accepted.
  - Availability of delivery resources within the OIM team and access to economic and legal advice.
6. The exemptions to the proposed regulations shaped the decision on scoping. The proposal for a retail ban on peat by the end of 2024, with bans in other peat-using sectors on a longer timescale, indicated the focus should be on domestic use of peat. Retail sales by volume were more than double those of the commercial sector and the retail ban would happen sooner. This meant that any internal market effects would be apparent in the retail sector first, indicating that should be the area of focus for the section 34 report.

7. Although the decision was to focus the report on the retail sales ban, scoping for the project acknowledged the usefulness of looking across the supply chains and speaking with a wider range of stakeholders, including in peat extraction and growing media processing. As there was overlap between the retail supply chain and the supply chain for agricultural use, it was anticipated this would provide some insights into trade effects on the agricultural sector.
8. Engagement with stakeholders throughout the supply chain was important to examine economic incentives in the sector to understand factors such as how products were sold, the significance of products in retail ranges, the availability of alternative input materials, and the price sensitivity of consumers. Consumer attitudes were considered to be particularly important in this case, as consumers were likely to have a strong influence on how swiftly retailers moved to peat-free products.

### **Stakeholder engagement**

9. The OIM engaged with stakeholders across the value chain. The team spoke with peat extractors, processors and retailers, working with the retail trade body to identify contacts. Larger retailers (supermarkets, DIY outlets, garden centre chains) were generally easier to engage with. The retail sector also includes many smaller independent garden centres which were more challenging to involve in the project, given their more limited resources to engage with governmental enquiries. Nevertheless, a trade association was able to connect us with a number of smaller retailers, whose views were important.
10. The OIM commissioned a telephone survey of consumers who had purchased growing media in the 12 months to November 2022. In total 182 interviews were completed.
11. The project aimed for a geographic spread of stakeholder engagement but the sector footprint across the four nations is variable. For example, there is considerable extraction and processing of peat in Scotland and Northern Ireland, a small amount of extraction in England and none in Wales.
12. A significant amount of the 26 week timescale was spent on stakeholder engagement.

### **Government engagement**

13. The Defra policy team played an important role in helping the OIM team make some initial, influential, contacts within the industry. This proved especially helpful when initial approaches to some of the larger growing media producers did not produce responses.
14. The devolved governments were kept informed, including sharing headline conclusions, as Defra's regulation would impact on the largest retail market for peat in the UK (which was a key market for businesses based in Scotland and

Northern Ireland). The report noted the policy positions of the devolved governments and considered the likelihood that retailers in England might rely on the Market Access Principles to obtain peat-based growing media from elsewhere in the UK once the ban was in place. The report concluded there were limited incentives to do so.

15. Engagement was important to ensure the devolved governments felt confident about the OIM's process to prepare a section 34 report, to build the relationship and raise awareness of the ability to request a report.

### **Governance and report sign off**

16. As the OIM Panel had not yet been appointed, during the course of writing the report the project team was supported by the OIM Advisory Group (OAG). This temporary group (disbanded on the appointment of the OIM Panel) comprised CMA Competition Panel members with familiarity with the policy landscape across the UK. The OAG provided advice and guidance in a similar manner to the way the OIM Panel functions.
17. The final report was shared with the CMA Board and signed off through the CMA's standard 'Senior Director +2' process in January 2023. (This process consists of a Senior Director considering the report alongside two others, in this case the Executive Director with responsibility for the OIM and the Chair of the OIM Panel). The report was sent to the Defra Secretary of State on 2 February 2023. UKIMA gives the requesting authority up to 15 days to review a section 34 report.
18. Following Defra's review, the report was sent to the devolved governments. They had two days to review the report before publication. The report was published on 21 February 2023.

## OIM Case Study 2: Single-Use Plastics Research Project

### Introduction

1. Over the past decade, Governments across all four nations in the UK have been taking action to regulate single-use plastic (SUP) products for environmental reasons. On 29 July 2024, the Office for the Internal Market (OIM) launched an own initiative project to review the effects of SUP regulations, with a specific focus on the functioning of the UK internal market. Following its review, the OIM published its SUP [report](#) on 12 February 2025.
2. The review was the first-of-its-kind by the OIM. The OIM was able to focus on delivering and landing the SUP project while sustaining good relationships with external stakeholders including the four governments and a range of businesses.

### How was the work scoped initially

3. The key aims of the project were scoped following a period of background research on SUP regulations across the UK. This enabled the project team to develop a number of key areas of focus to explore, for example:
  - a. how businesses (large and SMEs) have responded to differences in SUP regulations across the UK nations and the factors influencing their decisions;
  - b. any UK internal market effects (as opposed to the policy impact of SUP regulations themselves).
4. As part of the scoping process, it was agreed that the OIM would undertake a backward and forward-looking study exploring potential cumulative effects of regulatory difference/alignment on the UK internal market. The time period in scope was from 2011 (the earliest SUP restriction, i.e. the plastic bag charge introduced by the Welsh Government) onwards and considered the restrictions announced for the future (eg the plasticated wet wipes ban, the ban on single use vapes across the UK and Phase 2 of the Welsh Government's single-use plastic ban which includes carrier bags, polystyrene lids and oxo-degradable products).
5. Given that sustainability goals are long term, it was anticipated that policy teams and businesses would have a view on the direction of travel for other future potential regulations. The study aimed to capture these and consider any broader connections to wider Extended Producer Responsibilities.
6. The project started with a broad project scope including all SUP products that have current or proposed restrictions, including price restrictions. This allowed the project team to reach out to a wide range of stakeholders while retaining flexibility to narrow the scope.
7. To develop a rich evidence base for the report, the OIM planned to engage with businesses at all stages of the supply chain, including manufacturers, wholesalers, distributors and retailers.

### The sectors focused on

8. The project aimed to develop sector-specific insights in relation to SUP items and the impact of differing national regulatory restrictions on businesses. The project considered a range of products at different levels of the supply chain.
9. The OIM was able to gather a rich evidence base of qualitative information including over 40 direct interviews, online questionnaire responses, direct submissions and other forms of engagement.
10. The OIM identified that SUP bans can have varying impacts on different sectors and on businesses within the same sector. The OIM was told that a ban can have a smaller impact in some parts of the supply chain; for example, for larger retailers where SUP product costs are not a significant proportion of their costs. Conversely, the OIM was told that a ban often has a bigger impact on small and medium sized enterprises (SMEs), who frequently have less knowledge of upcoming regulatory changes, although the OIM also heard that some smaller SMEs in the food-to-go sector have avoided these costs by continuing to use cheaper banned SUP items.
11. The stakeholder engagement indicated that SUP providers of all sizes and in all sectors that trade across the UK tend to see the UK as a unified market, with some going further and regarding the EU and UK as a single market. Almost all businesses told us that they have a strong preference for working to a single set of regulations at least across the UK, with some also preferring alignment with EU regulations.

### **How was the OIM Panel engaged**

12. In addition to providing thoughts on SUP as a potential topic for a report under section 33 UKIMA, the project team provided the OIM Panel with regular presentations and oral updates on the SUP project at OIM Panel meetings during the project, the Panel operating as a standing task group in accordance with the [CMA's Board Guidance on Task Groups](#).
13. Additionally, at the start of the project, a smaller group of OIM Panel Members were convened as 'critical friends' to provide ongoing advice and expertise on the emerging key findings. These 'critical friends' were engaged with to discuss early findings and core themes as well as connect the project team with external stakeholders.
14. The OIM Panel was provided with the draft report for comment before the report was provided to an OIM SD+2 decision making group (which included the Senior Director of OIM plus a CMA Executive and non-Executive Director) as part of our governance arrangements for sign off and publication.

### **How the governments were engaged**

15. The engagement with the governments was a key part of the SUP project. Early engagement with the governments identified a number of questions that they would find useful for the SUP project to explore. In addition, post-launch, there

were meetings with the policy teams and constitutional teams from the four governments which enabled the OIM to provide updates and to share key findings. The OIM organised a valuable 'putback' process before the SUP report was published to allow the governments to comment and to clarify any factual inaccuracies.

16. The OIM also sought feedback from the governments post-publication. The feedback was positive and included feedback that: the conclusions and recommendations in the SUP report provided a useful resource to refer to for policy development; the working relationship between the OIM and the governments was good; and the report identified findings that were not picked up in previous economic impact assessments.

## **Conclusion**

17. The report shone a light on how businesses have adjusted to restrictions on single-use plastic items, often adopting a single set of standards that enabled them to comply with all national regulations simultaneously. The report also found that the four governments are working effectively together, having considered lessons learned from the introduction of previous SUP regulations.
18. To support policymakers across the UK to manage future regulatory differences between nations, the report set out practical recommendations, drawing on the insights and stakeholder feedback obtained through the study.

# Annex E: Statutory Review

## Review of the use of Parts 1 and 2 amendment powers

### Part 1

1. Under section 13 of the United Kingdom Internal Market Act 2020 the Secretary of State is required to carry out a review of any use that has been made of the Part 1 amendment powers (conferred by sections 6(5), 8(7) and 10(2) of the Act).
2. During the permitted period the Secretary of State must—
  - a. carry out a review of any use that has been made of the Part 1 amendment powers,
  - b. prepare a report of the review, and
  - c. lay a copy of the report before Parliament.
3. In carrying out the review the Secretary of State must—
  - a. consult the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland,
  - b. consider any relevant reports made, or advice given, by the Competition and Markets Authority under Part 4, and
  - c. assess the impact and effectiveness of any changes made under the Part 1 amendment powers.
4. The permitted period is the period beginning with the third anniversary of the passing of this Act and ending with the fifth anniversary.
5. If any Part 1 amendment power has not been used by the time the review is carried out, this section has effect—
  - a. as if the report required by 2. above, so far as relating to that power, is a report containing—
    - i. a statement to the effect that the power has not been used since it came into force, and
    - ii. such other information relating to that statement as the Secretary of State considers it appropriate to give, and
  - b. as if the requirements of subsection (3) did not apply in relation to that power.

### Part 2

6. Under Section 22 of the Act of the United Kingdom Internal Market Act 2020 the Secretary of State is required to review any use that has been made of the Part 2 amendment powers (conferred by sections 18(2) and 21(8) of the Act).
7. During the permitted period the Secretary of State must
  - a. carry out a review of any use that has been made of the Part 2 amendment powers,
  - b. prepare a report of the review, and

- c. lay a copy of the report before Parliament.
8. In carrying out the review the Secretary of State must—
    - a. consult the Scottish Ministers, the Welsh Ministers and the Department for the Economy in Northern Ireland,
    - b. consider any relevant reports made, or advice given, by the Competition and Markets Authority under Part 4, and
    - c. assess the impact and effectiveness of any changes made under the Part 2 amendment powers.
  9. The permitted period is the period beginning with the third anniversary of the passing of this Act and ending with the fifth anniversary.
  10. If either of the Part 2 amendment powers has not been used by the time the review is carried out, this section has effect—
    - a. as if the report required by subsection 7. above, so far as relating to that power, is a report containing—
      - i. a statement to the effect that the power has not been used since it came into force, and
      - ii. such other information relating to that statement as the Secretary of State considers it appropriate to give, and
    - b. as if the requirements of subsection (3) did not apply in relation to that power.

## Part 4 review - statutory requirements

11. Under Section 44 of the United Kingdom Internal Market Act 2020 (the Act), the Secretary of State is required to carry out a review of the appropriateness of the arrangements made for carrying out of the Competition and Markets Authority's (CMA) functions in Part 4 of the Act, for the purpose of securing the most effective and efficient performance of those functions. The arrangements are those set out in:
  - a. section 32(1) of the Act, which enable the CMA to authorise an Office for the Internal Market (OIM) task group (constituted under Schedule 4 to the Enterprise and Regulatory Reform Act 2013) to carry out the CMA's functions; and
  - b. Schedule 3 of the Act, which amended Schedule 4 of the Enterprise and Regulatory Reform Act 2013 to make provision for the Office for the Internal Market within the CMA. These include arrangements relating to the OIM, such as the appointment and role of OIM panel members, including its Chair, and the constitution, membership and procedures of OIM task groups.
  - c. Any arrangements made under or in connection with section 32(1) and the amendments made by Schedule 3.
12. The Part 4 functions are summarised in Table 2 below.

13. The CMA has issued guidance under section 39(1) of the Act on the operation of its UK internal market functions.<sup>5</sup> There is a Code of Conduct<sup>6</sup> relating to the OIM. The purpose of this is to enable the OIM panel Chair and OIM panel members to help the OIM to (a) establish and maintain a reputation for fairness, independence, integrity, rigorous analysis, careful handling of sensitive information, and efficient use of public money; and (b) fulfil its duty to act even-handedly in relation to the relevant national authorities, as required under section 31(4) of the Act.
14. In undertaking the review, the Secretary of State is required to assess, among other things:
- a. the way in which the Part 4 functions have been carried out by the CMA through the Office for the Internal Market task groups; and
  - b. any advantages or disadvantages of continuing with the arrangements referred to in paragraph 1(a)-(c), as compared with other possible ways of providing for the Part 4 functions to be carried out (including possible arrangements not involving the CMA).
15. The Secretary of State must prepare a report of the review.

#### Procedural requirements relating to the Part 4 review

16. In carrying out the review, the Secretary of State is required to consult the Scottish Ministers, the Welsh Ministers and a Northern Ireland Department. The Secretary of State must also send them a draft of the proposed report of the review, inviting representations as to the content of the report and then consider those representations and decide whether to alter the report in light of them. No further consultation is required, although the Secretary of State is free to do so if the Secretary of State thinks fit.
17. Once finalised, the Secretary of State must lay a copy of the report before the UK Parliament, the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly.
18. A summary of the CMA's main functions under Part 4 of the UK Internal Market Act 2020 is set out in Table 2.

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<sup>5</sup> <https://www.gov.uk/government/publications/guidance-on-the-operation-of-the-cmas-uk-internal-market-functions/guidance-on-the-operation-of-the-cmas-uk-internal-market-functions>

<sup>6</sup> <https://www.gov.uk/government/publications/oim-code-of-conduct/>

Table 2: the CMA's main functions under Part 4 of the UK Internal Market Act 2020

Provision	Description
Sections 31(1) to 31(3)	<p>The <b>CMA's objective in carrying out its functions:</b></p> <ul style="list-style-type: none"> <li>• to support, through the application of economic and other technical expertise, the effective operation of the internal market in the United Kingdom (with particular reference to the purposes of Parts 1, 2 and 3)</li> <li>• this objective includes, in particular, supporting the operation of the internal market in the interests of all parts of the UK and in the interests of consumers of goods and services, and other classes of persons with an interest in its operation</li> </ul>
Section 31(6)	<p><b>General function:</b></p> <ul style="list-style-type: none"> <li>• the CMA may give information or advice to the Secretary of State on matters relating to its functions under Part 4 of the UK Internal Market Act</li> </ul>
Section 33	<p><b>Monitoring and reporting on the operation of the internal market</b></p> <ul style="list-style-type: none"> <li>• the CMA may <b>undertake reviews</b> on any matter it considers relevant to assessing or promoting the effective operation of the internal market and the provisions of Parts 1 to 3 of the UK Internal Market Act. The CMA may receive and consider proposals for undertaking these reviews and may prepare and publish a report on these reviews. (Subsections (1) to (3))</li> <li>• the CMA must <b>prepare annual reports</b> on the operation of the internal market and developments as to the effectiveness of the operation of the internal market. (See, in particular, subsections (5) and (8))</li> <li>• the CMA must <b>prepare 5-yearly reports</b> covering specific issues, including the effectiveness of the operation of Parts 1 to 3 of the UK Internal Market Act and the interaction between the operation of those Parts and common framework agreements. Annual and 5-yearly reports must be laid before the UK Parliament, the Scottish Parliament, Senedd Cymru and the Northern Ireland Assembly. (See, in particular, subsections (6) and (8))</li> </ul>
Section 34	<p><b>Advice on proposed regulatory provisions on request</b></p> <ul style="list-style-type: none"> <li>• subject to certain conditions and other requirements in section 34 being met, the CMA may, at the request of a relevant national authority (meaning the Secretary of State, the Scottish ministers, the Welsh ministers or a Northern Ireland department) give advice or provide a report to that authority in relation to a proposed regulatory provision.</li> </ul>

<b>Provision</b>	<b>Description</b>
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The advice given or the report prepared may consider, among other things, the potential economic effects of a proposed regulatory provision on the effective operation of the internal market.

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<b>Section 35</b>	<b>Provision of report on request after a regulatory provision is passed or made</b>
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- subject to certain requirements in section 35 being met, the CMA may at the request of a relevant national authority (see above) provide a report to that authority in relation to the impact on the effective operation of the internal market of a regulatory provision that has been passed or made

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<b>Section 36</b>	<b>Report on request on provision considered to have detrimental effects</b>
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- subject to the requirements of section 36 being met, the CMA may, at the request of a relevant national authority (see above), provide a report to the authority on the economic impact of a regulatory provision that has passed or been made where the requesting authority considers that the operation of the regulatory provision is, or may come to be, detrimental to the effective operation of the internal market in the United Kingdom

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<b>Section 39</b>	<b>General advice and information with regard to the exercise of the CMA's functions</b>
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- the CMA must prepare and publish general advice and information about how it expects to approach the exercise of its functions under sections 33 to 36

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<b>Sections 41 to 43</b>	<b>Information-gathering powers</b>
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- the CMA has powers to gather information in relation to the exercise of certain of its functions, including under sections 33, 34, 35 and 36 of the UK Internal Market Act. These are powers to enforce these provisions

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Llywodraeth Cymru  
Welsh Government

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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE** Outcome of the UK Government review of the Internal Market Act 2020

**DATE** 17 July 2025

**BY** Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary  
for Climate Change and Rural Affairs

The UK Government has announced the [outcome of its review of the Internal Market Act 2020](#) (“the Act”) and has laid a report in the Senedd, which is available [here](#).

The review builds on [previous commitments made by the UK Government](#) in December 2024, which included a recommitment to the principles of the Common Frameworks. The UK Government will make the following additional changes to the operation of the Act.

“The UK Government will:

- *implement UK Internal Market Act exclusions that have been agreed by all governments within a Common Framework;*
- *alongside economic impacts, consider in particular environmental protection and public health in UK Internal Market Act exclusions, thereby ensuring a balance of factors is considered;*
- *establish a Minimum Economic Impact process for considering smaller exclusions, and implement them where all governments agree the exclusion has an economic impact of less than £10 million a year;*
- *implement a “reserve” exclusions process where it has not been possible for all four governments to reach agreement on an exclusion;*
- *work with the devolved governments to agree processes for how all four governments engage with businesses and other stakeholders on matters being discussed in Common Frameworks; and*
- *work with the devolved governments to agree a process for all four governments to jointly refer UK internal market matters for advice to the Office for the Internal Market.”*

The Welsh Government is committed to our economic mission of sustainable growth and jobs. Wales’ economy is reliant on smooth functioning of the UK internal market and we are committed to playing our part in supporting and strengthening it. We need an approach to

governing the UK internal market which works with the grain of devolution and respects our democratic mandate.

The commitments made by the UK Government following the review are a good start towards this goal. We particularly welcome the commitment to implement any exclusions agreed via Common Frameworks, which should improve the functioning of the UK internal market. The Common Frameworks operate on a clear [set of principles](#) which fully respect devolution and include dispute resolution mechanisms.

However, it is our long-standing and consistent view that the Act should be repealed and replaced with a system, underpinned by legislation, designed around the Common Frameworks and which maintains the safeguards necessary to support the Windsor Framework.

Despite this, we have engaged constructively with the UK Government throughout the review to put forward proposals to reduce the impact of the Act on the effectiveness of devolved policy and legislation. The Act must operate in the interests of all four nations.

We will now work with the UK Government on some of the detail associated with these commitments, in particular to help ensure the 'reserve' exclusions process is objective and transparent in the same way as the Common Frameworks processes.

We will continue to make the case for statutory changes to the Act to prevent its misuse and improve its functioning alongside the devolution settlements. The non-statutory commitments made by the UK Government are welcome, but they do not prevent the misuse of the Act by future UK Governments to enforce English policy preferences in affected devolved policy. Legislative reform is advocated for by academia, the Senedd's Legislation, Justice and Constitution Committee, and the Welsh Government.

We will also continue to pursue the issue of the use of Financial Assistance Powers which were not included within the scope of this review. These powers are unrelated to the functioning of the UK internal market and undermine a fundamental aspect of devolution. There are established mechanisms for the UK Government to invest in Wales without recourse to these powers.

Notwithstanding these concerns, I welcome the changes being made by the UK Government as a positive step in the right direction. We will work together with the UK Government and other devolved governments to support the further clarification and implementation of the proposed changes.

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0355/25

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

17 July 2025

Dear Mike,

Further to our correspondence earlier this year, I am writing to you following the UK Government announcement of the outcome of its review of the United Kingdom Internal Market Act 2020 (UKIMA).

The UK Government has laid their report in the Senedd [here](#) and issued a statement [here](#).

My [Written Statement](#) to the Senedd in response to the review is attached to this letter.

In summary, the changes being made by the UK Government, both immediately preceding the review and now at its conclusion, are a welcome step in the right direction to address our shared concerns with UKIMA. But we believe this should be the beginning of an ongoing process to improve the governance of the UK internal market, not the end.

I am now keen for my officials to work with their UK Government counterparts to refine, clarify and implement the proposals. We need to make these work whilst continuing to make the case for longer-term legislative change.

Yours sincerely,

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

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

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

# Agenda Item 5.4

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## **The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Employment Rights Bill**

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

**July 2025**

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The Employment Rights Bill ("the Bill") was introduced in the House of Commons on 10 October 2024. Certain elements of the Bill require the legislative consent of the Senedd, and on 5 December 2024, the Welsh Government laid a Legislative Consent Memorandum for the Bill before the Senedd. This was followed by supplementary LCMs in respect of certain UK Government amendments to the Bill, laid on 19 December 2024, 1 April 2025 and 8 July 2025.

On 26 March 2025, the Legislation, Justice and Constitution Committee ('LJCC') published a report on Memorandum No. 1 (laid on 5 December) and Memorandum No. 2 (laid on 19 December). The Welsh Government responded to the LJCC on 30 April 2025.

On 19 June 2025, the LJCC published a report on Memorandum No. 3 (laid on 1 April).

## Responses to recommendations

This response addresses the five conclusions and eight recommendations of the Report and uses the clause numbering in the version of the Bill brought from the House of Commons to the House of Lords.

**LJCC Conclusion 1 – We agree with the Welsh Government’s assessment, as set out in Memorandum No. 3, of the provisions within the Bill which require the consent of the Senedd in accordance with Standing Order 29; but this is subject to our views set out in conclusion 2:**

No response required.

**LJCC Conclusion 2 – We believe that clause 151 of the Bill as brought from the Commons contains provision which requires the consent of the Senedd in accordance with Standing Order 29.**

### Welsh Government response

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Please see the response to Recommendation 1.

**LJCC Conclusion 3 – We consider it is unsatisfactory to use UK legislation to enable the creation of a new devolved statutory body, and that as a matter of principle, such policy proposals should be reserved for inclusion in primary legislation introduced to the Senedd.**

### Welsh Government response

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Please see the response to Recommendation 3.

**LJCC Conclusion 4 – It does not appear to us to be a satisfactory position that the Welsh Ministers are taking powers without first undertaking an initial assessment of the potential financial implications of exercising those powers, and without obtaining commitments from the UK Government on the provision of financial support.**

### Welsh Government response

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Please see the response to Recommendation 6.

**LJCC Conclusion 5 – We believe that, in the interests of transparency, Memorandum No. 3 ought to have provided clarity on the fact the Welsh Government sought provision for Wales in the Bill in the form of amendment NC37.**

### Welsh Government response

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As set out in Memorandum No. 3, the UK Government tabled amendments to the Employment Rights Bill enabling the creation of a Social Care Negotiation Body for Wales. These amendments were tabled at the Welsh Government's request and followed dialogue held at both official and ministerial level. This includes the meetings between Welsh Ministers including the Counsel General, and the Parliamentary Under-Secretary of State for Employment Rights, Competition and Markets, Justin Madders MP, and the Minister of State for Care, Stephen Kinnock MP, which are referenced at paragraph 13 of Memorandum No. 3. In addition, there has been interministerial correspondence between the Minister for Culture, Skills and Social Partnership, the Minister for Children and Social Care, and their UK Government counterparts.

**LJCC Recommendation 1 – The Minister should outline whether he considers that clause 151 of the Bill includes provision which requires the consent of the Senedd.**

**Welsh Government response**

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Response: Accept

The Welsh Government appreciates the Committee's consideration of this matter and the conclusion that clause 151 contains provision which requires the consent of the Senedd in accordance with Standing Order 29. On reflection, the Welsh Government agrees with the Committee's conclusion, and we laid an SLCM in respect of clause 151 on 8 July 2025.

**LJCC Recommendation 2 – The Minister should provide information about the discussions he has had with the UK Government about clause 151 and accordingly the UK Government's view on how it intends or could exercise the powers in devolved areas.**

**Welsh Government response**

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Response: Accept

The Welsh Government has maintained frequent and regular engagement with the UK Government on the Employment Rights Bill, at both official and ministerial levels. These discussions have covered the Bill in its entirety, including specific provisions such as those relating to the Social Care Negotiation Body, as well as UK Government amendments. The UK Government has indicated it would approach the use of clause 151 cautiously and respectfully and that it would not seek to use it to override Senedd legislation unnecessarily or inappropriately.

**LJCC Recommendation 3 – The Minister should provide the Welsh Government’s assessment of whether the Senedd would have the legislative competence to introduce a Bill into the Senedd containing provision to create a Social Care Negotiating Body for Wales, or a body with similar purposes.**

**Welsh Government response**

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Response: Reject

The Welsh Government does not share and publish its legal advice relating to matters of legislative competence. However, to assist the Committee, the Welsh Government considers that it would not be possible to provide a definitive legal position on this topic without first developing relevant draft provisions and undertaking a full legislative competence analysis of them. This process would require very considerable resource which would be disproportionate in the circumstances and could not be completed before the Employment Rights Bill completed its passage through Parliament. Further, if the decision was made not to have Wales included in the social care provisions of the Employment Rights Bill and it was later concluded that the Senedd could not adequately replicate those provisions, the delay involved would mean that the chance to take advantage of the Employment Rights Bill would have been lost. This would mean that the social care workforce in Wales would be significantly disadvantaged in not being within scope of the social care provisions of the Employment Rights Bill. We share the objectives of the Employment Rights Bill, and it is pragmatic in the interests of speed, efficiency and delivering tangible benefits to the social care workforce without delay, to seek provision through the UK Bill. The Scottish Government has reached a similar conclusion in its approach.

**LJCC Recommendation 4 – The Minister should explain why he considers it appropriate that a Social Care Negotiating Body for Wales may be created via subordinate legislation.**

**Welsh Government response**

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Response: Accept

The same policy rationale that underpinned our support for the consent requirement applies here. That is, we strongly support the creation of the Body, we believe it is essential for Wales, and we took the pragmatic decision to use the framework provided by the Employment Rights Bill. Given the limited recent history of sectoral collective bargaining anywhere in the UK, the Social Care

Negotiating Body and Fair Pay Agreements represent a wholly new model. Since we are entering uncharted territory, it is essential that we retain the flexibility as to the timing of the establishment of the Social Care Negotiating Body. For this reason, secondary legislation is more appropriate than primary legislation, as it allows us to more effectively involve stakeholders before and during the establishment of the Social Care Negotiating Body.

**LJCC Recommendation 5 – The Minister should provide details of the consideration being given to sharing draft amendments to remove the consent mechanism in amendment NC37 with members of the House of Lords, for the purposes of tabling those amendments to the Bill.**

**Welsh Government response**

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Response: Accept

The Welsh Government is not pursuing a non-Government amendment in the House of Lords to remove the consent requirement. As explained in evidence provided to the Health and Social Care Committee, while we remain of the view that the requirement is neither necessary or justified, and that the approach should not be repeated elsewhere, we feel we have exhausted all reasonable avenues to challenge it. This has included sustained engagement with UK Government through Ministerial correspondence, Ministerial-level meetings and numerous discussions at official level. We remain of the view that the policy rationale for extending the Employment Rights Bill provisions to Wales, specifically in relation to the establishment of a Social Care Negotiating Body, is compelling. The UK Government remains firm in their position that the consent requirement is necessary to safeguard the employment rights reservation. While we do not share their view, we have reluctantly accepted the consent requirement given the prospect of the social care sector in England and Scotland proceeding with stronger pay, terms and conditions than those in Wales.

**LJCC Recommendation 6 – The Welsh Government should explain why it has not conducted an initial assessment of the potential financial implications of exercising the powers in amendment NC37.**

**Welsh Government response**

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Response: Accept

We believe that any detailed analysis of the potential impact of establishing the Social Care Negotiating Body will be better informed by the consultation and

engagement we have committed to undertake with the sector in Wales prior to laying any regulations. Given the speed at which the Employment Rights Bill has progressed, and the fact that we have not been in control of that timetable, there was simply no opportunity to carry out a full impact assessment before needing to decide whether to seek the extension of the relevant provisions to Wales. We have acted pragmatically to ensure the social care workforce in Wales is not left behind, and disadvantaged compared to England and Scotland.

**LJCC Recommendation 7 – The Welsh Government should confirm the Senedd procedure to which subordinate legislation to be made in the exercise of the powers contained in the provisions set out in Memorandum No. 3 are to be subject.**

**Welsh Government response**

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Response: Accept

All the powers of the Welsh Ministers to make subordinate legislation dealt with in Memorandum No. 3 are contained within Chapter 2 of Part 3 of the Bill ('the Social Care Chapter').

Clause 50 (Regulations under this Chapter) makes provision about the procedure to which regulations made using powers in the Social Care Chapter are to be subject. Clause 50(2) provides that regulations under section 43 (Power to ratify agreements) are subject to the "negative resolution procedure". Clause 50(3) provides that regulations under any other provision of Chapter 2 of Part 3 are subject to the "affirmative resolution procedure".

For completeness, clause 153(5)(b) provides that any regulations made by the Welsh Ministers under the Bill which are subject to the "negative resolution procedure" are subject to annulment in pursuance of a resolution of the Senedd. Clause 153(6)(b) provides that any regulations made by the Welsh Ministers under the Bill which are subject to the "affirmative resolution procedure" may not be made unless a draft of the regulations has been laid before and approved by a resolution of the Senedd.

**LJCC Recommendation 8 – The Welsh Government should seek the Bill's amendment to include a duty to consult before powers under amendment NC37 may be exercised.**

**Welsh Government response**

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Response: Reject

It is a longstanding practice for Welsh Ministers to consult on draft regulations prior to making them. In line with this, we are committed to consulting and engaging with the sector and other stakeholders on the detail of the Social Care Negotiating Body. We have already been using our existing social partnership structures, including the Social Care Fair Work Forum, to keep stakeholders informed of progress. Stakeholders represented on the Forum are broadly supportive of the approach. We will continue to do so as the work develops. We also commit to undertaking a formal consultation before laying regulations to establish the Social Care Negotiating Body.

## **The Welsh Government's Legislative Consent Memorandum on the Crime and Policing Bill**

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

**July 2025**

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In June 2025, the Legislation, Justice and Constitution Committee ("the Committee") submitted its report on the Welsh Government's Legislative Consent Memorandum ("the LCM") on the Crime and Policing Bill. The report includes 3 recommendations. This is the Welsh Government's response to those recommendations.

### **Introduction**

The Crime and Policing Bill ("the Bill") was introduced in the UK Parliament, the House of Commons, on 25 February 2025.

The UK Government's stated policy objectives for the Bill are to:

- Tackle the epidemic of serious violence, child sexual abuse and violence against women and girls that stains our society.
- Protect the public and our town centres from antisocial behaviour, retail crime and shop theft.
- Equip the police and others with the powers they need to combat antisocial behaviour, crime and terrorism.
- Rebuild public confidence in policing and the wider criminal justice system.

The Welsh Government is committed to delivering these important objectives and I laid an LCM on 28 March 2025 to this effect. It is welcome to see that the Committee agrees with the Welsh Government's assessment, as set out in the LCM, of the provisions within the Bill which require the consent of the Senedd in accordance with Standing Order 29.

I thank the members of the Legislation, Justice and Constitution Committee for their report on the Welsh Government's LCM on the Crime and Policing Bill. I have set out my response to the Report's individual recommendations below.

## **Response to the 3 recommendations**

### **Recommendation 1**

#### **The Committee recommends that:**

**The Cabinet Secretary should provide more clarity about why she considers that it is “in Wales’ best interests” to include provision within the legislative competence of the Senedd in this Bill, introduced to the UK Parliament, and not in a Bill to be considered by the Senedd.**

---

Response: Accept

In my view, it is appropriate to deal with these provisions in a UK Bill as they cover both devolved and reserved matters and our inclusion in this UK legislation enables policy objectives to be most effectively achieved.

Being part of this Bill ensures the people in Wales are being protected from serious violence and antisocial behaviour.

The Bill largely makes provision in reserved areas and interfaces with the wider criminal justice system. Not all the provisions for which the LCM has been laid would necessarily be within the competence of the Senedd. An LCM is though appropriate as they have regard to devolved areas, for instance by conferring reserved functions on devolved Welsh authorities.

Financial Implications: There are no financial implications to this Bill as this time.

### **Recommendation 2**

#### **The Committee recommends that:**

**The Cabinet Secretary should set out the Welsh Government’s position in respect of the I-LEAP provisions in clauses 127 to 129 of the Bill as introduced, and the preferred outcome of the Welsh Government’s engagement with the UK Government in respect of these clauses**

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Response: Accept

The Welsh Government’s position in respect of the I-LEAP provisions in clauses 127 – 129 of the Bill as introduced is captured in the Supplementary Legislative Consent Memorandum laid on 2 July.

Financial Implications: There are no financial implications to this Bill as this time.

### **Recommendation 3**

**The Committee recommends that:**

**The Cabinet Secretary should provide further information to explain why the Welsh Government has not been able to reach agreement with the UK Government to date on clauses 127 to 129 of the Bill.**

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Response: Accept

As above, agreement has now been reached with the UK Government, regarding clauses 127-129 of the Bill.

Financial Implications: There are no financial implications to this Bill as this time.

# Agenda Item 5.6

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



Llywodraeth Cymru  
Welsh Government

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4 August 2025

Dear Mike,

Thank you for the Legislation, Justice and Constitution Committee's report on the Supplementary Legislative Consent Memorandum for the Bus Services (No. 2) Bill, laid on 2 July. 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.

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

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

**August 2025**

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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 23 May 2025, I laid a Supplementary Legislative Consent Memorandum for the Bill ('the LCM2') before the Senedd. On 7 July, the Legislation, Justice and Constitution Committee ('LJCC') published a report ('the Report') on the LCM2.

To note, on 15 July, I laid a supplementary LCM ('the LCM3') in respect of amendments made to the clauses in the Bill that apply to Wales. This is referred to in my response to the Committee below.

### **Responses to recommendations**

**Conclusion 1. We agree with the Welsh Government's assessment, as set out in Memorandum No. 2, that clause 22(6)(b)(i) and clauses 33 to 36 require the consent of the Senedd in accordance with Standing Order 29. We do not agree with the Welsh Government's assessment that the Senedd's consent should be sought for clause 22(6)(b)(ii).**

Many thanks to the Committee for its consideration of the supplementary LCM. I am pleased that the Committee is largely in agreement with the Welsh Government's analysis of the provisions in the Bill which require the consent of the Senedd.

I agree with the Committee that clause 22(6)(b)(ii), added to the Bill at Report stage, does not require consent. The supplementary LCM should have been more specific in relation to the appropriate sub-paragraph.

**Conclusion 2. We continue to hold the view that the Senedd's consent should be sought for clause 26 of the Bill (clause 22 of the Bill as introduced to the UK Parliament).**

Clause 26 (previously clause 19 as introduced and clause 22 as amended at Grand Committee stage) relating to information obtained under Statistics of Trade Act 1947 inserts new sections 9A, 9B and 9C into the Statistics of Trade Act 1947 ("STA

1947"). The provision enables the Secretary of State to publish data on "relevant local services" without the operator's consent. The relevant services are any services with one or more stops in England.

Whilst I recognise that this provision could apply to cross-border services, I do not think that the provision meets the test set out in Standing Order 29.1 in that it does not have regard to devolved matters. In my view, the provision will have no material impact upon the delivery of devolved policies or legislation. It relates to bus services in England and has no more than a consequential impact on cross-border services. For this reason, I have decided not to lay an LCM for clause 26.

**Recommendation 1. The Cabinet Secretary should explain why the Senedd's consent is not being sought for clause 24(4) of the Bill.**

Clause 24(2) and (3) amend sections 6 and 6I of the 1985 Act to enable the Secretary of State (SoS) to make regulations about the provision of registration information by the applicant to the Traffic Commissioner (TC) and other prescribed persons. It also enables the SoS to make regulations about the manner and form of the information to be provided. The amendments also require franchising authorities to provide information similar to registration information.

My understanding of the intent behind these provisions is to ensure that, going forward, there is more consistency in the information which must be provided by applicants, regardless of whether an area is TC-administered, or an Enhanced Partnership Area, or a franchising area.

We have noted that the UK Government had indicated in their explanatory notes on 30 April that an LCM might be required for sub-clause 24(4) because of the potential impact on devolved matters. However, whilst I recognise that cross-border services might have fallen within the scope of the sub-clause, I am not of the view that the provision satisfied the test set out in Standing Order 29.1 in that it did not have regard to devolved matters. The provision would have had no material impact upon the delivery of devolved policies or legislation. For this reason, I decided not to lay an LCM in relation to sub-clause 24(4).

Following agreement between DfT and the Welsh Government, clause 24 was amended at Report stage (July) to clarify the original intention to only apply these provisions to English bus services. The clause now states that information to which this provision applies can only relate to services with one or more stops in England and only on the parts of a cross-border service that is within England.

**Recommendation 2. The Cabinet Secretary should provide an update to the Senedd as soon as possible on the discussions he has had with the UK Government about clauses 33 to 36.**

The discussions with the UK Government have been mostly successful, in that, although we continue to differ in our views relating to where competence lies in relation to clauses 33 to 36, we have found a compromise that significantly reduces the potential for encroachment of the Senedd's powers.

The recent supplementary LCM laid on 15 July sets out amendments to the UK Bill which impact devolved services.

With regard to the provisions referred to in recommendation 2, the Committee may want to note the following –

- Clause 33 (Safeguarding duty: drivers of school services) – this will no longer apply to school services for which the Senedd has legislated or will legislate in future – in practice, this will include services for which the Welsh Ministers, Welsh local authorities or governing bodies of schools in Wales are responsible.
- Clause 34 (Training about crime and anti-social behaviour) – this will no longer apply to local bus services in Wales for which the Senedd has legislated or will legislate in future. This will ensure that the provision does not apply to services secured by the Welsh Ministers under the Bus Services (Wales) Bill.
- Clauses 35 and 36 (Training about disability) – The training of bus drivers and other front-line staff is within the Senedd's competence because it has regard to devolved matters. Though we are of the view that the same outcome could be delivered through provisions in a Senedd Bill, I do not believe these clauses need necessarily have a significant impact on the delivery of bus services under the proposed new model, nor do I think the provisions will prevent us from ensuring the appropriate training is provided to drivers on Welsh local bus services.

**Conclusion 3. In his letter to the Llywydd on 25 March 2025, the Cabinet Secretary committed to laying a supplementary legislative consent memorandum listing the clauses in the Bill as introduced to the UK Parliament that make provision in relation to Wales and which were not included in the original Memorandum. We are unclear why Memorandum No. 2 was then not laid until 23 May 2025. This approach to the legislative consent process is disrespectful to the Senedd and an unwelcome situation which should not be repeated.**

I regret the delays to the laying of the LCMs during the passage of the UK Bill. I understand the difficulties these delays have caused, and that Senedd Committees have been afforded less time to scrutinise. This has been due to the many challenges brought by having our own Bus Services (Wales) Bill and the UK Bill progressing through their respective parliaments simultaneously. I also felt we needed to prioritise overcoming the differences in competence analysis in a way that ensured bus services in Wales, including those crossing the border, are delivered in the best interests of passengers.

I would like to reassure the Senedd that the approach was in no way intended to be disrespectful and we will seek to ensure this delay is not repeated.

## **The Welsh Government's Legislative Consent Memorandum on the Victims and Courts Bill**

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

**August 2025**

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In July 2025, the Legislation, Justice and Constitution Committee ("the Committee") submitted its report on the Welsh Government's Legislative Consent Memorandum ("the LCM") on the Victims and Courts Bill ("the Bill").

The report agreed with our assessment and made no recommendations.

This is the Welsh Government's response.

### **Introduction**

The Bill was introduced in the UK Parliament, the House of Commons, on 7 May 2025.

The UK Government's stated policy objectives for the Bill are to:

- a) Provide new powers for judges to punish offenders who refuse to attend sentencing, including a range of prison sanctions on top of additional years on their sentence.
- b) Automatically restrict parental responsibility for offenders sentenced for a serious sexual abuse offence against their own child.
- c) Strengthen the powers of the Victims' Commissioner to increase scrutiny of the systems which support victims.
- d) Provide victims with certainty about the routes available to receive information about their offender's release.

The Welsh Government is committed to delivering these important objectives and I laid an LCM on 20 May 2025 to this effect.

## **Response to the report**

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

I thank the members of the Committee for their assessment of the Welsh Government's LCM for this Bill.

## **The Welsh Government's Legislative Consent Memorandum on the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill**

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

**August 2025**

---

In July 2025 the Legislation, Justice and Constitution Committee submitted its report on the Animal Welfare (Import of Dogs, Cats and Ferrets) Bill. The report includes two conclusions and four recommendations. This is the Welsh Government response to that report.

### **Introduction**

The Animal Welfare (Import of Dogs, Cats and Ferrets) Bill ("the Bill") was introduced in the House of Commons on 16 October 2024. The Bill is a Private Members' Bill, introduced by Dr Danny Chambers MP and is supported by the Department for Environment, Food and Rural Affairs. The Bill makes provision to restrict the commercial importation and non-commercial movement of dogs, cats and ferrets into the United Kingdom from third countries on animal welfare grounds. The Bill completed its passage through the House of Commons on 4 July 2025 and received its First Reading in the House of Lords on 7 July.

Legislative consent is required as the Bill makes provision with regard to devolved matters in so far as it applies to Wales, notably, animal welfare. A Legislative Consent Memorandum (LCM) was laid before the Senedd on 21 May 2025. On 7 July 2025, the Legislation, Justice and Constitution Committee (LJCC) agreed its report on the LCM. The Report contained two conclusions and four recommendations.

With thanks to the members of the LJCC for their report on the Bill, I have set out my response to the Report's individual conclusions and recommendations below.

### **Responses to recommendations**

#### **Conclusion 1**

The Committee concludes:

"We agree with the Welsh Government's assessment, as set out in the Memorandum, of the provisions within the Bill which require the consent of the Senedd in accordance with Standing Order 29; but this is subject to our views set out in conclusion 2."

Response: The Welsh Government notes this conclusion.

## **Conclusion 2**

The Committee concludes:

“We believe that clause 8(3) of the Bill as introduced contains provision which requires the consent of the Senedd in accordance with Standing Order 29.”

Response: The Welsh Government acknowledges this conclusion and by way of response directs the LJCC to the related responses to recommendations 1 and 3 below.

## **Recommendation 1**

The Committee recommends:

“The Cabinet Secretary should explain why the Welsh Government believes that clause 8(3) of the Bill, which relates to the commencement of the Bill’s other provisions which require consent, amounts to non-operative provision which does not require the consent of the Senedd.”

Response: Agree

Upon further consideration and analysis, we have laid a supplementary Legislative Consent Memorandum in relation to clause 8(3) of the Bill in so far as it has regard to devolved matters.

Financial Implications: None.

## **Recommendation 2**

The Committee recommends:

“The Cabinet Secretary should explain why, in accordance with the Welsh Government’s principles on UK legislation in devolved areas, the creation of a concurrent power in this Bill represents an exceptional case for which the Welsh Ministers are content with its inclusion, and for which the Senedd should provide its consent.”

Response: Agree.

The inclusion of a concurrent power in this Bill is appropriate and exceptional due to the operational and practical benefits of a GB-wide approach, including a uniformed approach to export and import controls at borders.

A fragmented approach could create unnecessary complexity for animal keepers, transporters, and enforcement agencies, particularly where cross-border movement is involved. A GB-wide approach best ensures cross-border consistency, aids effective enforcement, prevents loopholes, provides legal clarity and avoids confusion.

Animal health and welfare powers are devolved to Wales. However, in certain circumstances there are benefits in working collaboratively with the UK Government. I am content with the inclusion of this power as it enables coordinated implementation and retains the ability to act independently where needed. The Secretary of State must obtain the consent of the Welsh Ministers before making relevant regulations under the Bill which could be made by Welsh Ministers.

Financial Implications: None.

### **Recommendation 3**

The Committee recommends:

“The Cabinet Secretary should set out the Welsh Government’s position in respect of the commencement power in the Bill, making specific regard to the absence of a requirement for the UK Government to seek the consent of the Welsh Ministers before commencing the Bill’s provisions.”

Response: Agree.

My officials have worked closely with their DEFRA counterparts on the development of the Bill. They will continue to work closely with DEFRA with regard to commencement of provisions and wider implementation of the Bill.

This is now the third time seeking to pass this Bill, which first formed part of the Animal Welfare (Kept Animals) Bill and secondly appeared as a Private Members’ Bill under the last UK (Conservative) Government.

Whilst I recognise a consent mechanism for the Welsh Ministers would be preferable, I have committed to not seeking any amendments to this Bill to secure its passage through Parliament. My priority is to see this important Bill finally realised.

Financial Implications: None.

### **Recommendation 4**

The Committee recommends:

“The Cabinet Secretary should set out the Senedd procedure or procedures to which regulations made by the Welsh Ministers under clause 1 are to be subject.”

Response: Agree.

The procedure for making regulations under clause 1 of the Bill is provided for in clause 4, namely subsections (3) and (4). Regulations made by the Welsh Ministers under clause 1 will be subject to the Senedd’s affirmative procedure, except for where they only contain provision on fees in relation to permit applications, where they will be subject to the Senedd’s negative procedure.

Financial Implications: None.

Sarah Murphy AS/MS  
Y Gweinidog Iechyd Meddwl a Llesiant  
Minister for Mental Health and Wellbeing

Agenda Item 5.9

Llywodraeth Cymru  
Welsh Government

Our ref: MA/SM/1676/25

Mike Hedges MS,  
Chair,  
Legislation, Justice & Constitution Committee  
Senedd

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

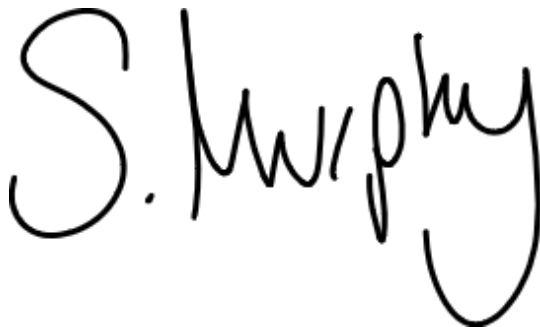
15 August 2025

Dear Mike,

Thank you for your report on the Legislative Consent Memorandum for the Mental Health Bill received in June.

Please find attached the Welsh Government's response to these recommendations.

Yours sincerely,



**Sarah Murphy AS/MS**  
Minister for Mental Health and Wellbeing

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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.

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## **The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Mental Health Bill**

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

**August 2025**

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In June 2025, the Legislation, Justice and Constitution Committee submitted its report on the Welsh Government's Legislative Consent Memoranda for the Mental Health Bill. The report includes three conclusions and five recommendations. This is the Welsh Government's response to those recommendations.

The Mental Health Bill ("the Bill") was introduced in the House of Lords on 6 November 2024.

The UK Government's stated policy objectives are to modernise mental health legislation to give patients greater choice, autonomy, enhanced rights and support; and ensure everyone is treated with dignity and respect throughout treatment. The Bill also includes measures to improve the care and support of people with a learning disability and autistic people, reducing reliance on hospital-based care.

It contains a number of amendments to the Mental Health Act 1983 ("the Act"). The measures in this Bill are generally intended to strengthen the voice of patients subject to the Act. They add statutory weight to patients' rights to be involved in planning for their care, and to inform choices regarding the treatment they receive. The reforms will increase the scrutiny of detention to ensure it is only used when, and as long, as necessary. The Bill also seeks to limit the use of the Act to detain people with a learning disability and autistic people.

The Act provides the legal framework for the detention and compulsory treatment of individuals with mental disorders who may pose a risk to themselves or others. The primary focus of recent reforms to the Act has been Parts 2 and 3, which address civil patients (patients who are liable to be detained in hospital and who are not subject to the Act as a consequence of any involvement with the criminal justice system) and offenders with mental disorders, respectively. Over two thirds of those detained under the Act are civil patients (under Part 2).

The last major amendment to the Act took place in 2007, introducing Community Treatment Orders (CTOs), Independent Mental Health Advocates (IMHAs), and modified detention criteria. Part 3 governs the treatment of offenders with relevant mental disorders, divided into restricted and unrestricted patients. Restricted patients, who pose a public safety risk, are under stricter controls by the Secretary of State for Justice, whereas unrestricted patients are treated similarly to civil patients, with fewer restrictions.

The latest reforms, which are being put forward in the Bill introduced into Parliament in 2024, are based on the findings of the 2018 Independent Review of the Act, led by Professor Sir Simon Wessely. The review highlighted significant problems with the Act's application and culture, and it made 154 recommendations. The Westminster government accepted most of these recommendations and, following consultations and pre-legislative scrutiny, a draft Bill was introduced in 2022 and revised and introduced in 2024 to incorporate changes on the basis of the feedback received.

Given that the Act covers both **reserved and devolved areas**, there are well established partnership arrangements in Wales which support the safe operation of the Act, particularly where there is an interface between the justice system and the health system in Wales. The reformed Act, once the amendments come into force, will build on those established arrangements to ensure that its implementation is carried out smoothly and effectively.

In Wales, the Mental Health (Wales) Measure 2010 ("the Measure") is a unique piece of legislation designed to provide a legal framework to improve mental health services. Implementation of the services required by the Measure began, on a phased basis, in January 2012 and includes improved access to mental health services within primary care; care and treatment plans and care coordinators for everyone receiving secondary mental health services; self-referral back into mental health services for adults discharged from secondary mental health services; and extending the availability of independent mental health advocacy. The Measure aimed to improve access to support in primary care but also to strengthen the rights of people accessing mental health services, but who are not subject to the Act.

The Measure is primarily aimed at supporting earlier intervention and preventing escalation to more specialised services or detention under the Act.

The Act is primary legislation in England and Wales that governs the assessment, treatment and rights of individuals for people with a mental health disorder. The Act includes both reserved and devolved areas, and the interface between both –

for instance between the criminal justice system and health services – means that a UK Bill is the appropriate mechanism to deliver these policy changes.

Given the mix of reserved and devolved areas in the Act and in this Bill, legislating on a Wales-only basis in a Senedd Bill would not be able to deliver the same policy intent, with coverage across the justice and health systems in one piece of legislation, as this UK Bill does. Where the Bill makes provisions that have regard to devolved matters, the consent of the Senedd has been sought.

The Measure is Wales-only legislation and aims to set out how services need to work together to provide mental health support in the community. The Act is largely about compulsory powers and admission to, or discharge from, hospital.

## **Recommendation 1**

### **The committee recommends**

**The Minister should clarify why the Welsh Government is not seeking consent for the amendment tabled by the UK Government to clause 52 of the Bill as amended in Committee.**

Response: Accept

Consent is not being sought in relation to the amendment to clause 52 of the Bill as amended in Committee as it is amending the UK Parliamentary procedure applicable to regulations made by the Secretary of State under that provision and does not have regard to devolved matters. However, consent is being sought in relation to the substantive power in that provision for the Secretary of State to make consequential provision to primary legislation, which includes Acts of the Senedd, as set out in the LCM (in respect of clause 51 as it was at introduction) laid on 21 November 2024.

Financial Implications - None

## **Recommendation 2**

### **The committee recommends**

**The Minister should seek the Senedd's consent to the amendment tabled by the UK Government to clause 52 of the Bill as amended in Committee.**

Response: Reject

Please see the response to recommendation 1 above – I am of the view that the amendment to clause 52 of the Bill as amended in Committee does not have regard to devolved matters.

Financial Implications - None

## **Recommendation 3**

### **The committee recommends**

**The Minister should clarify why the Welsh Government is not seeking consent for the amendments tabled by the UK Government to clauses 30, 36 and 50 of the Bill as amended in Committee.**

Response: Accept

Consent is not being sought in relation to the amendment to clause 30 of the Bill as amended in Committee as it is a technical amendment updating a cross-reference to provisions relating to the Secretary of State's powers which does not have regard to devolved matters.

Consent is not being sought in relation to the amendment to clause 36 of the Bill as amended in Committee as it is moving provision relating to the prescribed procedures applicable to certain Secretary of State's powers from previous clause 50 into clause 36, the substantive provision of which (in so far as it has regard to devolved matters) is subject to an LCM (in respect of clause 35 as it was at introduction), laid on 21 November 2024 .

Upon further consideration and analysis, a further SLCM will be laid in due course in relation to the amendment to clause 50 of the Bill as amended in Committee in so far as that amendment has regard to devolved matters (i.e. removal of the prescribed Senedd procedure in respect of the now removed Welsh Ministers' regulation-making power under clause 18).

Furthermore, the amendments to clauses 30, 36 and 50 as amended in Committee are consequential on the substantive amendments to clause 18 for which consent is being sought.

Financial Implications - None

## **Recommendation 4**

### **The committee recommends**

**The Minister should seek the Senedd's consent for the amendments tabled by the UK Government to clauses 30, 36 and 50 of the Bill as amended in Committee.**

Response: Reject in part (clauses 30 and 36), accept in part (clause 50)

Please see the response to recommendation 3 above – I am of the view that the amendments to clauses 30 and 36 of the Bill as amended in Committee do not have regard to devolved matters. A further SLCM will be laid in due course in relation to the amendment to clause 50.

Financial Implications - None

## **Recommendation 5**

### **The committee recommends**

**The Welsh Government should provide more detailed information outlining why it believes the consent of the Senedd is not required for each of clauses 33, 47 and 48 of the Bill as introduced.**

Response: Accept

I refer the committee to my response to Recommendations 1 and 2 of their report on the Legislative Consent Memorandum and Supplementary Legislative Consent Memorandum (No.2). As outlined in that response, I am of the view that the above clauses do not have regard to devolved matters and as such the consent of the Senedd is not sought in relation to these clauses.

Consent is not sought in relation to clause 33 of the Bill as introduced as it enables the placing of conditions amounting to a deprivation of liberty on a patient as part of a conditional discharge where the patient no longer requires detention in hospital but there are continuing high risks of harm to the public that cannot otherwise be safely managed in the community. The clause is considered to have more than a loose or consequential connection to reserved matters.

Consent is not sought in relation to clause 47 of the Bill as introduced as it amends the Bail Act 1976 to prevent the remand of an adult defendant for their own protection where the sole concern is their mental health. The clause is considered to have more than a loose or consequential connection to reserved matters.

Consent is not sought in relation to clause 48 of the Bill as introduced as it makes provision in relation to the powers of courts in the Crown Dependencies to deal with offenders suffering from complex mental health needs and about transfers of offenders between the Crown Dependencies and England and Wales. The clause is considered to have more than a loose or consequential connection to reserved matters, extends otherwise than only to England and Wales, and parts of the clause apply otherwise than in relation to Wales.

Financial Implications - None

## **Conclusion 1**

**The committee concluded that**

**Subject to recommendations 2 and 4, we agree with the Welsh Government's assessment, as set out in Memorandum No. 3, of the provisions within the Bill which require the consent of the Senedd in accordance with Standing Order 29.**

Response: I note the Committee's agreement with our assessment.

Financial Implications - None

## **Conclusion 2**

**The committee concluded that**

**We consider that the way to achieve outcomes that are in the best interest of Wales is to legislate by means of a Welsh Government Bill in the Senedd.**

Response: I refer the committee to my response to Recommendations 4 and 6 of their report on Supplementary Legislative Consent Memorandum (No.2) and I will reiterate some of the key points here. Given the mix of reserved and devolved areas in the Act and in this Bill, legislating on a Wales-only basis in a Senedd Bill would not be able to deliver the same policy intent, with coverage across the justice and health systems in one piece of legislation, as this UK Bill does. Where the Bill makes provisions that have regard to devolved matters, the consent of the Senedd has been sought.

As set out previously, the interrelationship between reserved matters and devolved matters is closely intertwined in many of the Bill's clauses.

The Act is primary legislation in England and Wales that governs the assessment, treatment and rights of individuals for people with a mental health disorder. The Act safeguards some of our most vulnerable people, and with frequent cross-

border activity, it is vital that individuals have the same rights and safeguards in England and Wales.

Financial Implications - None

### **Conclusion 3**

#### **The committee concluded that**

**We consider that the Welsh Government has piggybacked on legislation designed for England and it is unclear to us how this approach respects devolution.**

Response: The provisions in this Bill are the result of close working between the administrations in England and Wales over a number of years. Stakeholders in both countries have been involved in developing and testing the policy direction of the Bill's content. Likewise, where Government amendments have been made to the Bill, the Welsh Government has been consulted every time to ensure that they work for Wales equally as effectively as they will do in England.

I consider taking provisions in this UK Bill to be in the best interest of Wales, in line with our Principles on UK Legislation in devolved areas. Legislating on a Wales-only basis in a Senedd Bill, given the mix of reserved and devolved areas in the Act and in this Bill, would not be able to deliver the same policy intent, with coverage across the justice and health systems in one piece of legislation, as this UK Bill does. Where the Bill makes provisions that have regard to devolved matters, the consent of the Senedd has been sought.

Financial Implications - None

# Agenda Item 5.10

Sarah Murphy AS/MS  
Y Gweinidog Iechyd Meddwl a Llesiant  
Minister for Mental Health and Wellbeing



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/SM/1676/25

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

2 September 2025

Dear Mike,

Thank you for your report on the Legislative Consent Memorandum for the Mental Health Bill received in June.

Please find attached the Welsh Government's response to these recommendations.

Yours sincerely,

**Sarah Murphy AS/MS**  
Y Gweinidog Iechyd Meddwl a Llesiant  
Minister for Mental Health and Wellbeing

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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.

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## **The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Mental Health Bill**

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

**September 2025**

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In July 2025, the Legislation, Justice and Constitution Committee submitted its report on the Welsh Government's Legislative Consent Memoranda for the Mental Health Bill. The report includes one conclusion and two recommendations. This is the Welsh Government's response to those recommendations.

The Mental Health Bill ("the Bill") was introduced in the House of Lords on 6 November 2024.

The UK Government's stated policy objectives are to modernise mental health legislation to give patients greater choice, autonomy, enhanced rights and support; and ensure everyone is treated with dignity and respect throughout treatment. The Bill also includes measures to improve the care and support of people with a learning disability and autistic people, reducing reliance on hospital-based care.

It contains a number of amendments to the Mental Health Act 1983 ("the Act"). The measures in this Bill are generally intended to strengthen the voice of patients subject to the Act. They add statutory weight to patients' rights to be involved in planning for their care, and to inform choices regarding the treatment they receive. The reforms will increase the scrutiny of detention to ensure it is only used when, and as long, as necessary. The Bill also seeks to limit the use of the Act to detain people with a learning disability and autistic people.

The Act provides the legal framework for the detention and compulsory treatment of individuals with mental disorders who may pose a risk to themselves or others. The primary focus of recent reforms to the Act has been Parts 2 and 3, which address civil patients (patients who are liable to be detained in hospital and who are not subject to the Act as a consequence of any involvement with the criminal justice system) and offenders with mental disorders, respectively. Over two thirds of those detained under the Act are civil patients (under Part 2).

The last major amendment to the Act took place in 2007, introducing Community Treatment Orders (CTOs), Independent Mental Health Advocates

(IMHAs), and modified detention criteria. Part 3 governs the treatment of offenders with relevant mental disorders, divided into restricted and unrestricted patients. Restricted patients, who pose a public safety risk, are under stricter controls by the Secretary of State for Justice, whereas unrestricted patients are treated similarly to civil patients, with fewer restrictions.

The latest reforms, which are being put forward in the Bill introduced into Parliament in 2024, are based on the findings of the 2018 Independent Review of the Act, led by Professor Sir Simon Wessely. The review highlighted significant problems with the Act's application and culture, and it made 154 recommendations. The Westminster government accepted most of these recommendations and, following consultations and pre-legislative scrutiny, a draft Bill was introduced in 2022 and revised and introduced in 2024 to incorporate changes on the basis of the feedback received.

Given that the Act covers both **reserved and devolved areas**, there are well established partnership arrangements in Wales which support the safe operation of the Act, particularly where there is an interface between the justice system and the health system in Wales. The reformed Act, once the amendments come into force, will build on those established arrangements to ensure that its implementation is carried out smoothly and effectively.

In Wales, the Mental Health (Wales) Measure 2010 ("the Measure") is a unique piece of legislation designed to provide a legal framework to improve mental health services. Implementation of the services required by the Measure began, on a phased basis, in January 2012 and includes improved access to mental health services within primary care; care and treatment plans and care coordinators for everyone receiving secondary mental health services; self-referral back into mental health services for adults discharged from secondary mental health services; and extending the availability of independent mental health advocacy. The Measure aimed to improve access to support in primary care but also to strengthen the rights of people accessing mental health services, but who are not subject to the Act.

The Measure is primarily aimed at supporting earlier intervention and preventing escalation to more specialised services or detention under the Act.

The Act is primary legislation in England and Wales that governs the assessment, treatment and rights of individuals for people with a mental health disorder. The Act includes both reserved and devolved areas, and the interface between both – for instance between the criminal justice system and health services – means that a UK Bill is the appropriate mechanism to deliver these policy changes.

Given the mix of reserved and devolved areas in the Act and in this Bill, legislating on a Wales-only basis in a Senedd Bill would not be able to deliver the same policy intent, with coverage across the justice and health systems in one piece of legislation, as this UK Bill does. Where the Bill makes provisions that have regard to devolved matters, the consent of the Senedd has been sought.

The Measure is Wales-only legislation and aims to set out how services need to work together to provide mental health support in the community. The Act is largely about compulsory powers and admission to, or discharge from, hospital.

## **Recommendation 1**

### **The committee recommends**

**The Minister should provide a commentary on whether the amendments referred to in Memorandum No. 4 were agreed to or not, and accordingly whether there were any unexpected outcomes.**

Response: Accept

I can confirm that the amendments referred to in Memorandum no.4 were agreed to in Parliament and that there were not any unexpected outcomes for the UK Government.

The latest version of the Bill as amended in Public Bill Committee is available here: [Mental Health Bill \[HL\]](#).

Financial Implications - None

## **Recommendation 2**

### **The committee recommends**

**The Minister should explain why the Bill creates concurrent powers that are not subject to relevant consent mechanisms and associated 'carve outs' from the Government of Wales Act 2006.**

Response: Accept

Whilst it is the Welsh Government's preferred position that concurrent powers are subject to relevant consent mechanisms and associated 'carve outs' from the Government of Wales Act 2006. The concurrent powers in this Bill relate to consequential amendment-making powers and I consider the risks flowing from

the possibility of the Secretary of State exercising these functions for Wales to be minor and acceptable.

Financial Implications - None

## **Conclusion 1**

**The committee concluded that**

**We agree with the Welsh Government's assessment of the provisions within the Bill as set out in Memorandum No. 4 that require the consent of the Senedd in accordance with Standing Order 29.**

Response: We note that the Committee's assessment accords with our own.

Financial Implications - None

## **The Welsh Government's Legislative Consent Memorandum on the Absent Voting (Elections in Scotland and Wales) Bill**

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

**September 2025**

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#### **Summary**

In July 2025, Legislation, Justice and Constitution Committee submitted its report on the Welsh Government's Legislative Consent Memorandum on the Absent Voting (Elections in Scotland and Wales) Bill ("the Bill"), a Private Member's Bill. The report includes 4 recommendations. This is the Welsh Government's response to those recommendations.

The Bill introduces provisions regarding absent voting for local government elections in Wales and Scotland, as well as elections to the Senedd Cymru and the Scottish Parliament.

While the administration of Senedd and local elections is generally devolved, Schedule 7A of the Government of Wales Act 2006 (GoWA) explicitly reserves any digital service provided by a UK Minister for elector registration. Consequently, this reservation necessitates that the Bill grants Welsh Ministers designated powers to enact secondary legislation concerning access to the Online Absent Vote Application (OAVA) system via the UK Digital Service (UKDS) for both Senedd and local government elections.

This Bill intends to empower the Welsh and Scottish Ministers to establish regulations permitting online applications for postal and proxy votes in devolved elections via OAVA. Additionally, it provides powers for both Governments to introduce secondary legislation to require identity verification for absent voting applications. Identity checks will be conducted upfront at the point of application, requiring applicants to provide their National Insurance number or alternative documentation if necessary.

Furthermore, the Bill standardises renewal cycles for postal voting. Following changes introduced by the Elections Act 2022—for UK Parliament elections—postal voters must now reapply every three years, rather than refreshing their signature every five years. This Bill will harmonise renewal cycles for devolved elections with those reserved to the UK Parliament.

## Responses to recommendations

Recommendation 1 - The Committee recommends that the Cabinet Secretary should confirm the scrutiny procedure to be applied to the making of regulations under clause 1 of the Bill.

### Welsh Government response: Accept

The Welsh Government recognises that while the Legislative Consent Memorandum outlined the procedure associated with making regulations under clause 3 of the Bill; however, it did not specify the procedure relevant to regulations made under clause 1 or its intention for the instrument as a whole.

Regulations enacted pursuant to section 53(1) of the Representation of the People Act 1983 (“RPA 1983”), in conjunction with the new paragraph 5ZB of Schedule 2 to the RPA 1983 (as introduced by clause 1(3) of the Bill), will be subject to the negative procedure under section 53(10B) of the RPA 1983.

Section 53(9)(b) of the RPA 1983 sets out that the power to make regulations under section 53 of the RPA 1983, so far as it is exercisable by a Minister of the Crown to make provision about a “UK digital service” (defined in section 53(11) of the RPA 1983 as a digital service provided by a Minister of the Crown for the registration of electors) in relation to “elections in Wales” (defined in section 53(11) of the RPA 1983 as a Senedd election or a local government election in Wales), is exercisable by the Welsh Ministers concurrently with that Minister. Such power is not exercisable by the Welsh Ministers without the agreement of a Minister of the Crown (section 53(10A) of the RPA 1983) and statutory instruments made by the Welsh Ministers containing such regulations are subject to annulment in pursuance of a resolution of the Senedd (section 53(10B) of the RPA 1983).

Regulations made under section 53(1) of the RPA 1983, together with paragraph 1(2) and (5A) (as amended by clause 1(2) of the Bill) of Schedule 2, will be subject to the draft affirmative procedure as prescribed by section 201(2) of the RPA 1983.

It is currently intended that a single statutory instrument will address all aspects of absent voting. This will include online absent voting applications made via the UKDS and other requirements for all types of absent voting applications—utilising section 53(1) of the RPA 1983 alongside various provisions of Schedule 2 (with some provisions subject to the negative procedure and others to the affirmative procedure), as well as the powers conferred by section 13 and the new section 13B (as introduced by clause 3 of the Bill) of the Government of Wales Act 2006 (both subject to the affirmative procedure). The intention is to use section 40 of the Legislation (Wales) Act 2019 to consolidate legislation, which would otherwise be

subject to different procedures, into a single instrument governed by the draft affirmative procedure.

**Recommendation 2** - The Committee recommends that the Cabinet Secretary should explain why, in accordance with the Welsh Government's principles on UK legislation in devolved areas, the creation of concurrent powers in this Bill represents an exceptional case for which the Welsh Ministers are content with their inclusion, and for which the Senedd should provide its consent.

**Welsh Government response: Accept**

The Welsh Government acknowledges the principle that concurrent powers should only be created in exceptional circumstances. In this instance, the creation of concurrent powers within the Bill is necessary due to the unique intersection of reserved and devolved responsibilities.

As we have previously set out, the OAVA system is integrated into the UKDS. The operation of this system sits under the general reservation in the Government of Wales Act 2006, Schedule 7A of "Any digital service provided by a Minister of the Crown for the registration of electors".

Further to the system being reliant on the UKDS, the processing of absent vote applications for reserved and devolved elections will be taken forward under a single application process. This will greatly simplify the application process for voters and the administrative burden for electoral teams.

It is therefore appropriate that these powers exist concurrently between Welsh and UK Ministers. As will also be the case for Scottish and UK Ministers in respect of devolved elections in Scotland.

Also, as set out in paragraph 9 above, the existing power in the RPA 1983 to make regulations which make provision about a UK digital service in relation to elections in Wales (which include local government elections in Wales and Senedd elections) may be exercised by a Minister of the Crown and the Welsh Ministers concurrently. So concurrent powers are already in place and the concurrent powers in the new Section 13B of CoWA reflect the existing position.

**Recommendation 3 - The Committee recommends that the Cabinet Secretary should confirm whether discussions have taken place with the UK Government seeking the relevant 'carve outs' from the Government of Wales Act 2006 as regards the consent requirements in Schedule 7B to that Act.**

**Welsh Government response: Accept**

The proposed extension of the OAVA system to devolved elections is the consequence of extensive discussions between officials and Ministers in the Welsh, Scottish and UK Governments. It would be unnecessary and inappropriate to suggest a 'carve-out' in this instance. The UKDS, and the OAVA system specifically, are operated by Ministers of the Crown in service of UK-wide elections.

A single online application process allows voters to apply for an absent vote more efficiently and helps to reduce confusion. Any modifications to this online process may affect elections not only in reserved elections in Wales, but also in England and Scotland. Therefore, it is considered appropriate to have consent mechanisms in place for these circumstances.

Also, as set out in paragraph 9 above, the existing power in the RPA 1983 to make regulations which make provision about a "UK digital service" in relation to elections in Wales (which include local government elections in Wales and Senedd elections) is not exercisable by the Welsh Ministers without the agreement of a Minister of the Crown. So consent requirements are already in place and the consent provision in the new Section 13B of GoWA reflects the existing position.

**Recommendation 4 - The Committee recommends that the Cabinet Secretary should confirm whether she sought the addition to the Bill of a consenting role for the Welsh Ministers before the commencement power in the Bill may be exercised by the Secretary of State.**

**Welsh Government response: Accept**

Both the Welsh and Scottish Governments have taken responsibility for the progress of the legislation in this area and that the UK Government have been supporting this legislation on our behalf.

As such the responsibility for the initial drafting of the instrument for the commencement power will be undertaken by the Welsh and Scottish Governments in line with our own secondary legislation. This draft will then be agreed with the UK Government who will take it forward on our behalf.

The implementation timings around all associated legislation will be agreed in advance and with consideration to the wider delivery timetable for the system. As such it has not been necessary to introduce a formal consenting role in this specific circumstance.

# Agenda Item 5.12

Rebecca Evans AS/MS  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA-RE-1882-25

Mike Hedges MS  
Chair of the Legislation, Justice and Constitution Committee  
Senedd Cymru  
SeneddLJC@senedd.wales

3 September 2025

Dear Mike,

Thank you for the Legislation, Justice and Constitution Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Planning and Infrastructure Bill (July 2025).

Please find attached my response to the report.

Yours sincerely,

**Rebecca Evans AS/MS**  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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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.

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## **The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Planning and Infrastructure Bill**

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

**3 September 2025**

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In July 2025, the Legislation, Justice and Constitution Committee submitted a report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Planning and Infrastructure Bill (the Bill).

This report includes 2 recommendations and 2 conclusions. This is the Welsh Government's response to those recommendations and conclusions.

The Legislation, Justice and Constitution Committee issued a report in response to the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No.3) on the Bill. The report included 2 recommendations and 2 conclusions.

I thank the members of the Legislation, Justice and Constitution Committee for their report and I have set out my response to the recommendations and conclusions below.

### **Response to the conclusions**

#### **Conclusion 1**

**We agree with the Welsh Government's assessment, as set out in Memorandum No. 3, of amendments made to the Bill which require the consent of the Senedd in accordance with Standing Order 29.**

Response

I welcome the Committee's agreement of the Welsh Government's assessment of amendments made to the Bill which require the consent of the Senedd, in accordance with Standing Order 29.

## Conclusion 2

**Given the months of engagement between the two governments ahead of the Bill's introduction, it is disappointing that the Bill was introduced to the UK Parliament containing provisions of concern to the Welsh Government.**

Response

I agree that it would have been desirable for all issues to have been addressed prior to introduction. As outlined in my response to your report in May, we were able to influence the drafting and changes were made prior to introduction. However, it was not until the final draft was tabled that formal analysis could be undertaken and the issues raised in the Legislative Consent Memorandum identified. This meant that, unfortunately, some matters were not able to be resolved prior to the introduction of the Bill. The ongoing engagement between officials has ensured that amendments to the drafting resolved those issues without any unintended consequences. This has resulted in a number of Government amendments which have addressed two out of the three areas of concern, and work is continuing on the third to ensure the Bill works for Wales.

## Response to the recommendations

### Recommendation 1

**The Committee recommends that:**

**The Cabinet Secretary should confirm whether the Welsh Government asked the UK Government to include provision in the Bill that would transfer to the Welsh Ministers the rule and regulation-making powers conferred by the Transport and Works Act 1992 to enable the regulation-making power in clause 34 of the Bill as introduced (now clause 38) to be delegated to the Welsh Ministers to act in devolved areas.**

Response: Accept

My response to the Committee, dated 9 June 2025, provides commentary on the reasons why the provisions in clause 34 of the Bill as introduced (now clause 38) are considered appropriate. For these reasons the delegation of the regulation making power in clause 34 of the Bill as introduced (now clause 38) was not sought from the UK Government.

Financial Implications – None

## **Recommendation 2**

### **The Committee recommends that:**

**Given the Cabinet Secretary is not in control of the Bill's progress through the UK Parliament, both in terms of the timescales for the remaining stages and the final text of the Bill that the UK Parliament may pass, we believe the Cabinet Secretary should provide clarity on how the Welsh Government proposes to handle a situation whereby the final text of the Bill is not approved by the UK Parliament by the time the planning Consolidation Bills reach Detailed Committee Consideration in the Senedd.**

Response: Accept

Based on the current progress of the Planning and Infrastructure Bill through Parliament, we continue to anticipate there will not be an issue with the timings of the Bills. However, if this were to occur and amendments were required to the Planning (Wales) Bill or Planning (Consequential Provisions) (Wales) Bill there are three potential ways this could be dealt with: firstly, by utilising the Detailed Senedd Consideration Stage the Business Committee has recently timetabled; secondly, by the UK Parliament amending its Bill; thirdly utilising a proposed power within the Planning (Consequential Provisions)(Wales) Bill that enables regulations to be made that would allow further provision to be made in connection with the principal Act and would therefore enable any necessary changes from the Planning and Infrastructure Bill to be made. The use of the power would of course be subject the Bill being passed by the Senedd.

Financial Implications – None



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA-RE-1879-25

Llyr Gruffydd MS  
Chair of the Climate Change, Environment and Infrastructure Committee

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

5 September 2025

Dear Llyr,

I wrote to you on 11 August following the Climate Change, Environment and Infrastructure Committee's report on the Legislative Consent Memorandums for the Planning and Infrastructure Bill.

In that report you raised concern over the proposed amendments to the pre-application process for Nationally Significant Infrastructure Projects (NSIPs) and felt it difficult to reach a judgement as you have not seen the UK Government's guidance. The UK Government is currently undertaking a consultation on streamlining infrastructure planning. This includes proposed guidance on consultation and engagement following the removal of statutory pre-application consultation requirements for NSIPs. I encourage all stakeholders to participate in the consultation process.

[Consultation on streamlining infrastructure planning - GOV.UK](#)

I have also copied this letter to Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee as these matters may also be of interest to that Committee.

Yours sincerely,

**Rebecca Evans AS/MS**  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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

Rebecca Evans AS/MS  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA-RE-1879-25

Llyr Gruffydd MS  
Chair of the Climate Change, Environment and Infrastructure Committee  
Senedd Cymru  
SeneddClimate@senedd.wales

Cc: Mike Hedges MS  
Chair of the Legislation, Justice and Constitution Committee  
Senedd Cymru  
SeneddLJC@senedd.wales

11 August 2025

Dear Llyr,

Thank you for the Climate Change, Environment and Infrastructure Committee's report on the Legislative Consent Memorandums<sup>1</sup> for the Planning and Infrastructure Bill. I have set out below my position with regards to the matters raised in the report.

### NSIP pre-application

I understand the concerns raised by the Committee and the stakeholders who have written to you in relation to the proposed amendments to the pre-application process for NSIPs.

Pre-application engagement with all stakeholders is a vital part of consenting, ensuring that our developments are shaped in a way that takes account of the needs of communities and our environment. The legislation I laid to implement the Infrastructure (Wales) Act 2024, shows my commitment to having a robust system which ensures local communities and other stakeholders are fully engaged on developments at all stages of the process.

The relevant provisions within the Planning and Infrastructure Bill relate to the process for NSIPs under the Planning Act 2008 and are not within the legislative competence of the Senedd. However, where a development is in Wales, we want to ensure the process is equally front loaded. Given the potential for negative effects, I wrote to the UK Government on these amendments seeking reassurance on pre-application engagement. Matthew Pennycook MP, Minister for Housing and Planning, responded on 2 June 2025. This letter provides the rationale for the change and confirms front-loaded engagement and consultation remains central to their approach, which is also reflected in their written statement: <https://questions-statements.parliament.uk/written-statements/detail/2025-04-23/hcws594>.

<sup>1</sup> Legislative Consent Memorandum and supplementary Legislative Consent Memorandum (No.2).

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

Although we have taken a different mechanism in Wales to ensure pre-application engagement results in quality applications, I am reassured that all stakeholders will continue to influence applications at an early stage. On this basis, I am content to support the provision.

### **NRF cross border issues**

I am aware of the concerns raised by stakeholders about the potential cross border implications of the NRF. My officials are working with UK Government officials to consider amendments to the Bill to mitigate this.

### **HRA territorial extent**

My officials have raised the issue of the territorial application of Schedule 4 with UK Government who have advised this was an omission. They have confirmed that they will amend the next iteration of the Explanatory Notes for Schedule 4 to make clear that, as with the other provisions in Part 3, the territorial extent of the Schedule is England and Wales, but it applies to England only.

I have also copied this letter to Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee, as these matters may also be of interest to that Committee.

Yours sincerely,

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

### **Rebecca Evans AS/MS**

Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

18 July 2025

**Homelessness and Social Housing Allocation (Wales) Bill**

Dear Cllr Lewis,

Thank you for your letter of 15 July, which we discussed at our meeting yesterday. Members considered your request for local authority elected members to present oral evidence on the Homelessness and Social Housing Allocation (Wales) Bill, however I'm afraid we are unable to facilitate this due to time constraints.

We have a tight timetable for undertaking our scrutiny of the Bill in order to meet the reporting deadline set by the Business Committee. As such, our final oral evidence session with the Cabinet Secretary for Housing and Local Government has been confirmed for our next meeting on 18 September. This session cannot be deferred due to the time constraints mentioned and other legislative commitments.

Members noted that you are supportive of the views expressed by the local authority representatives on 26 June but we appreciate the implications of the Bill on local authorities and, as such, we would be happy to receive written information from you. The Committee's public consultation closed on 20 June, however we will be able to accept a written response from you. Should you wish to submit written evidence, we would be grateful if this be sent to the Committee Clerk by Friday 1 August.

Yours sincerely



John Griffiths MS

Chair

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



**Dr Chris Llewelyn**

Prif Weithredwr / Chief Executive

**Cymdeithas Llywodraeth Leol Cymru  
Welsh Local Government Association**

Un Rhodfa'r Gamlas

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Ein Cyf / Our Ref:

Dyddiad / Date: 15<sup>th</sup> July 2025

Ebost / Email: naomi.alleyne@wlga.gov.uk

Mr John Griffiths MS  
Chair of Local Government and Housing Committee  
Welsh Parliament  
Cardiff Bay

Via email

Dear John,

**Request to provide additional evidence to the Local Government and Housing Committee as part of Stage 1 scrutiny of the Homelessness and Social Housing Allocation (Wales) Bill**

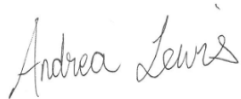
I recently met with Housing Cabinet Members across Wales to discuss the Homelessness and Social Housing Allocation (Wales) Bill and members shared a number of significant concerns about aspects and some specific proposals in the Bill.

Given local authorities hold the statutory duty on homelessness, and the biggest impact of the Bill in terms of implications for public sector bodies will be councils, members felt the need to seek another opportunity for local authority elected members to share their views with the Committee. We are aware that council officers provided evidence on 26<sup>th</sup> June, and we are supportive of the views and feedback they provided. However, the Committee has also received evidence from a number of other stakeholders and interested parties on the Bill, and we feel another evidence session for local government to share views at a political level, also reflecting on some of the views that have been expressed, would be helpful and reflect the critical role councils play and will play should the Bill be enacted. We would be happy to provide some additional written evidence, supported by case studies to exemplify our concerns, in advance of another session for consideration by members of the Committee.

You will be aware this is not a request that we have made before which hopefully reflects the seriousness with which members attach to this issue, and we would very much appreciate if you could consider this request positively. We appreciate it may not be possible to arrange a session prior to the summer recess but we hope that this could be arranged sometime in the Autumn, prior to the Committee finalising its scrutiny of the Bill.

I look forward to hearing from you.

Yours sincerely



Cllr Andrea Lewis

**WLGA Spokesperson for Housing and Deputy Leader of Swansea Council**

Cc: Jayne Bryant, Cabinet Secretary for Housing and Local Government  
Chairs of Finance Committee and Legislation, Justice and Constitution Committee



Mike Hedges MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd Cymru  
Cardiff  
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17 July 2025

Dear Mike,

Thank you for your letter of 27 June following my oral evidence to the Legislation, Justice and Constitution Committee's scrutiny session of the Homelessness and Social Housing Allocation (Wales) Bill. I am writing to provide you with the further information requested by the Committee.

I offered to provide the Committee with a note on the Welsh Government's intentions in relation to applying the duty to "ask and act" to primary care. This is attached at annex A.

### **Definition of "threatened with homelessness" and possession notices**

Thank you for drawing my attention to the evidence given to the Local Government and Housing Committee relating to the definition of "threatened with homelessness" and whether section 1(2)(a) of the Bill is broad enough to capture a range of possession notices, such as a serious rent arrears notice or breach of contract notice.

New section 55(4)(a) of the Housing (Wales) Act 2014 ("2014 Act") is intended to capture notices that require a person to give up occupation of their accommodation, whether fault-based or not. "Notice" in new section 55(4)(a) of the 2014 Act includes not only notices that may be served in relation to occupation contracts under the Renting Homes (Wales) Act 2016 ("2016 Act") but also notices that require a person to give up occupation of their accommodation, whatever the underlying arrangements. For example, it includes notices ending arrangements where a person resides with a landlord (which fall outside the definition of "occupation contracts" for the purposes of the 2016 Act) and it includes notices for possession served under Schedule 10 to the Local Government and Housing Act 1989 to end a long lease.

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**Back Page 154**  
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.

New sections 55(4)(b) and (c) of the 2014 Act, on the other hand, deal with scenarios where a person may be required to give up occupying their accommodation. Under section 55(4)(b), a person is “threatened with homelessness” if an application to the court has been made for a possession order. And under section 55(4)(c), a person is threatened with homelessness if it is likely that the person will become homeless within 6 months.

In relation to notices under the 2016 Act that do not of themselves require a person to give up occupation (e.g. a serious rent arrears notice), neither new section 55(4)(a) nor (b) of the 2014 Act will apply. Instead, under new section 55(4)(c) of that Act, a local housing authority would need to assess whether it is likely that the person will become homeless within 6 months, and if a notice has been served under the 2016 Act, that would be a relevant consideration for that purpose.

I am therefore of the view that new section 55(4)(a) when considered together with paragraphs (b) and (c) of that section meet the policy intention. They allow not only people who are required to leave their homes to access help under the Act, but also those who may be required to leave their homes in the near future.

### **Duty to “ask and act”**

In your letter you reference use of the term “considers” in relation to the proposed duty to “ask and act”, querying whether “has reason to believe” may be language better aligned to the 2014 Act.

Within the context of new section 94A of the 2014 Act, I do not believe that there would be a significant difference in meaning had we used “has reason to believe” instead of “considers”. The reason for using “considers” in this provision is for consistency with the language of section 213B of the Housing Act 1996, as (broadly) the same bodies will be subject to the duty to “ask and act” under new section 94A of the 2014 Act in relation to Wales and the duty to refer under section 213B of the Housing Act 1996 (“the 1996 Act”) in relation to England. There is, therefore, value in using the same language in both provisions.

You also note evidence suggesting that the duty on specific public authorities to “consider” in new section 94A(5)(b) and (c) could be stronger, and a duty “to provide” would be more robust from an enforcement perspective.

The duty in section 94A(5)(b) requires more than consideration of whether to take steps. Under that section, if a specified public authority considers that there are any other steps it could reasonably take to help the person secure or retain accommodation, it must take those steps. This allows the specified public authority to decide what steps might be appropriate to take. This is important as the actions required in relation to an individual will need to be considered on a case-by-case basis and the specified public authorities are best placed to make the assessment as to what steps should be taken (if any) in relation to a particular individual.

The duty in section 94(5)(c) is a duty to consider whether the specified public authority’s opinion that a person is homeless or threatened with homelessness affects the exercise of its functions in relation to the person. Again, how functions should be exercised in relation to an individual who may be homeless or threatened with homelessness will need to be assessed on a case-by-case basis and so, again, prescribing the particular things that should be provided or done in particular scenarios under this section would not be appropriate. The specified public authorities themselves are best placed to make this assessment and guidance will be provided to assist these considerations.

## **The deliberate manipulation test**

You also note that section 167A(2) of the Housing Act 1996, as inserted by section 36 of the Bill, inserts a deliberate manipulation test and suggests that new section 167A(2)(b)(ii) does not require the individual to have had any intent to deliberately manipulate the system. You refer to evidence provided to the Local Government and Housing Committee which queries whether the new test is too broad or sufficiently different to the intentionality test being removed by section 10 of the Bill.

The new deliberate manipulation test and the existing intentionality test are different in two distinct ways. The first difference is that the tests operate on different legislative systems. The test that is in section 77 of the 2014 Act is about entitlement to help for homeless persons under that Act, and removing that test meets the policy intention of not denying homelessness assistance to persons who may be intentionally homeless. New section 167A of the 1996 Act, on the other hand, is about entitlement to an allocation of social housing and the provision seeks to prevent persons from doing things or failing to do things for the purpose of improving their chances of being allocated social housing. No such test currently exists.

The second difference is that, although the tests appear similar, the test in new section 167A of the 1996 Act is narrower than the test in section 77 of the 2014 Act. New section 167A(2)(a) and (b)(ii) of the 1996 Act provide that a person is trying to manipulate the housing system if the person did something or failed to do something that led to them ceasing to occupy their accommodation and before doing that thing (or not doing it) they had advice that was intended to enable them to stay in their home. In other words, persons who are properly informed as to the potential consequences of their actions (or inactions) can be trying to manipulate the housing system, but persons who do something (or fail to do something) without being fully informed of the consequences of doing that thing (or not doing it) would not be trying to manipulate the system. This is in contrast to the test in section 77 of the 2014 Act, where a person could be intentionally homeless if they did something (or didn't do something) that led to them being homeless – regardless of whether they fully understood the consequences of their actions (or omissions).

I am of the view that the test in new section 167A meets the policy intention and sufficiently describes the acts or omissions that are intended to amount to trying to manipulate the housing allocation system (guidance will be an important tool in setting out further detail). I am content that the provision is not too broad; it is narrower than the test in section 77 of the 2014 Act that is being removed by the Bill.

### **“Shall” vs “Must”**

You also note that Schedule 1 to the Bill provides that local housing authorities in Wales "shall" have regard to guidance and provides that regulations made by the Welsh Ministers "shall" be made by Welsh statutory instrument and query why this term is used instead of "must".

Section 169 of the 1996 Act uses "shall" and the amendments to that section made by paragraphs 5(b) and 6(b) of the Schedule to the Bill use "shall" to be consistent with the language of that section (see also paragraph 7:30(2) of *Writing Laws for Wales*, which states that when amending existing legislation, it may be appropriate to use "shall" in text that will be inserted near to existing provisions that already use "shall" in the same way).

I hope this additional information aids your ongoing scrutiny of the Bill and I thank the Committee for your work on this Bill.

I am copying this letter to the Local Government and Housing Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Jayne Bryant". The signature is written in a cursive style with a large, stylized 'J' and 'B'.

**Jayne Bryant AS/MS**

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

## Annex A

### Briefing paper in relation to applying the duty to “ask and act” to primary care contractors.

#### Overview

The list of specified bodies within the Homelessness and Social Housing Allocation (Wales) Bill includes a Local Health Board, but only in relation to individuals to whom it provides or arranges health care services that are not primary care contracted services (or where, in limited circumstances, Local Health Boards provide such services under the ‘managed practices’ approach). Services not within the remit of the Bill are General Medical Services (GMS), General Dental Services (GDS), Optometry Services and Community Pharmacy Services. These services are all contracted with Local Health Boards and operate as private businesses.

That said, there is a far wider provision of services outside of hospital or secondary care settings and whilst the contracted functions are outside of the remit, there are a number of services included in the wider umbrella of Primary and Community Care which are within scope as they are delivered by Health Boards. This includes services delivered by nurses, midwives and Allied Health Professionals (AHPs) who **work within multi-professional primary care clusters to deliver health and social care**. The inclusion of the Local Health Board means the duty will apply to, amongst others, urgent and emergency care, inpatient care and mental health and substance use services.

Primary Care contracted services are not included in the Bill because they are not public bodies and NHS Wales has a different, contractual based relationship with this element of health services. We do, however recognise the important role primary care services play in homelessness, and work is underway with health services to meet our policy objectives outside of the legislation.

#### Primary care focused work

*The Welsh Government has set out a requirement for health boards to develop strategic plans that articulate their approach to reduce inequity and improve the lived experience of vulnerable people (letter attached at annex b).* This includes the development of Inclusion Health Services to meet the needs of people traditionally excluded from mainstream services, which includes patients who are homeless or at risk of homelessness. [Planning support and resources](#) have been developed to support health boards to lead this work through community focused cluster planning and delivery of health and care that is inclusive of the needs of the most vulnerable individuals.

Resources include a [‘Blueprint for needs-based Services for Inclusion Health’](#) to assist GP practices to plan services to address the inequalities in health often seen by patients experiencing homelessness.

The Blueprint is informed by [NICE guidelines](#) which promote equitable access to primary care services. Emphasis is placed on the importance of integrated care which includes making a referral (with consent) to housing services.

Training and education are fundamental to changing systems and culture. Public Health Wales and the Strategic Programme for primary care have developed a programme of work to include inclusion health and homelessness in GP training schemes. Delivered by GPs, third sector organisations and people with lived experience of homelessness, the training is underpinned by evidence, data and approaches to identify and support people who present as homeless or at risk of homelessness. This includes making referrals to the local housing authority and other support services to prevent the escalation of poor outcomes.

The [Directed Supplementary Service – Homeless Scheme](#) can be used by health boards to strengthen local care arrangements through commissioning enhanced care from GPs, who ‘opt-in’ to provide this service. This is a requirement to develop and produce an up-to-

date register within the practice to identify people affected by homelessness, a requirement to liaise with local statutory services and homelessness agencies and where appropriate, the development of joint protocols, and links with local urgent and emergency care units.

We consider this renewed focus on inclusion health in both secondary and primary care delivers on the policy intention to ensure people at risk of homelessness or experiencing homelessness are identified and referred to the local housing authority and relevant support services earlier.

## Annex B

Cyfarwyddwr Cyffredinol Grŵp Iechyd, Gofal Cymdeithasol a'r  
Blynyddoedd Cynnar / Prif Weithredwr GIG Cymru



Director General Health, Social Care & Early Years Group /  
NHS Wales Chief Executive

Llywodraeth Cymru  
Welsh Government

To: NHS Wales Health Board Chief Executives

Our Ref: JP/RD/SB

26 March 2025

Dear Colleagues

### **Guidance for the development of local Inclusion Service models**

A Healthier Wales has an ambition to build a society in which people's physical and mental wellbeing is maximised and in which choices and behaviours that benefit future health are understood.

The national milestone on healthy life expectancy is to increase the healthy life expectancy of adults and narrow the gap in healthy life expectancy between the least and the most deprived by at least 15% by 2050. However, inequalities in life expectancy and mortality remain wide and for the most vulnerable in our society life expectancy is significantly reduced and many years are lived in poor health.

Through our focus on understanding and improving health for communities it is important that we understand the needs of our most vulnerable citizens and that all services work together to plan seamless solutions that are tailored to individual needs. These developments should be proportionate to the scale and complexity of local needs.

Strategic plans must clearly articulate the approach to reducing inequity and improving the lived experience of vulnerable people to satisfy the Duty of Quality and Equity [The Duty of Quality in healthcare | GOV.WALES](#)

Under the IMTP / NHS Wales Technical Planning Guidance 2025/28 NHS organisations are expected to develop plans demonstrating:

- Clear and strong board level commitment to prevention and tackling health inequalities based on the 5 ways of working in the Well-being for Future Generations Act (long-term, prevention, collaboration, integration and involvement) and on Value in Health interventions.
- Developing Inclusion Health Services to meet the needs of vulnerable groups.

Resources have been developed to support Health Boards to lead this work, encouraging and supporting local collaboration to build community focused Cluster planning and delivery of health and care that is inclusive of the needs of the most vulnerable individuals.

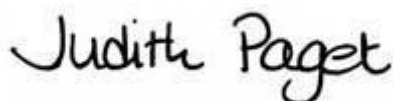
[Planning Support and Resources - Primary Care One](#)

These include: -

1. Inclusion Health Planning Tool
2. Inclusion Service Development Guidance
3. Examples of good practice

The Maturity Matrix for Cluster Working also describes how this work can be developed. More effective service provision for vulnerable groups will improve outcomes, reduce inequity and make more effective use of resources. These are key priorities for public services in Wales. Progress will be monitored through Integrated Quality Planning and Delivery and Regional Partnership Board reviews.

Yours Sincerely

A handwritten signature in black ink that reads "Judith Paget". The signature is written in a cursive, slightly slanted style.

Judith Paget CBE

Jayne Bryant MS  
Cabinet Secretary for Housing and Local Government

27 June 2025

Dear Jayne

**Homelessness and Social Housing Allocation (Wales) Bill**

Thank you for attending the Committee's meeting on 23 June 2025 to discuss the Homelessness and Social Housing Allocation (Wales) Bill. Thank you also for agreeing to provide the Committee with a note on the Welsh Government's intentions in relation to applying the duty to ask and act to primary care.

The Committee has some additional questions to put to you which we were unable to ask during the session. We would be grateful to receive a response to the questions in the Annex by 17 July 2025.

I am copying this letter to the Local Government and Housing Committee.

Yours sincerely,



Mike Hedges  
Chair

**Question 1.** Section 1 amends the meaning of “threatened with homelessness”. New section 55(4)(a) of the *Housing (Wales) Act 2014* (as inserted by section 1(2) of the Bill) provides that a person will be threatened with homelessness if “a person has received written notice requiring the person to give up occupation of the person’s accommodation”. Evidence given to the [Local Government and Housing Committee](#) by a panel of legal practitioners has suggested that this would not apply to some possession notices, such as a serious rent arrears notice or breach of contract notice, and the language should be assessed to ensure it is as inclusive as it is intended to be. Are you of the view that new section 55(4)(a) of the 2014 Act as drafted meets your policy intention and if so, how? Can you confirm your understanding of whether the new provision covers notices other than “no fault” eviction notices under section 173 of the *Renting Homes (Wales) Act 2016*?

**Question 2.** Section 21 of the Bill introduces the “ask and act” duty using new sections 94A and 94B which are being inserted into the 2014 Act. The duty applies if a specified public authority “considers” that a person in Wales in relation to whom the authority exercises functions is or may be homeless or threatened with homelessness. In evidence to the Local Government and Housing Committee, legal practitioners highlighted that more suitable language might be “has reason to believe” as this is the language used in the 2014 Act in relation to local authorities’ duties. It has also been suggested in evidence that the duty on specific public authorities to “consider” in new section 94A((5)(b) and (c) could be stronger, and a duty “to provide” would be more robust from an enforcement perspective. Do you consider that the term “consider” is appropriate to use in section 21? Could other language be used instead to ensure consistency with the 2014 Act?

**Question 3.** New section 167A(2) of the *Housing Act 1996*, as inserted by section 36 of the Bill, inserts a deliberate manipulation test. However, new section 167A(2)(b)(ii) does not require the individual to have had any intent to deliberately manipulate the system. Legal practitioners giving evidence to the Local Government and Housing Committee have queried whether the new test is too broad and questioned whether the new test is any different to the intentionality test being removed by section 10 of the Bill. Do you have any concerns that there may be unintended consequences from the way new section 167A(2)(b)(ii) has been drafted, or that its drafting may not meet your policy intention?

**Question 4.** Schedule 1 to the Bill provides that local housing authorities in Wales “shall” have regard to guidance, and provides that regulations made by the Welsh Ministers “shall” be made by Welsh statutory instrument. Paragraph 3.14 of the Welsh Government’s own [Writing Laws for Wales](#) guidance it states that Welsh legislation should not use “shall” in the English language text, and notes that provisions imposing obligations should use “must”, as “shall” is ambiguous. Why does the Bill use “shall” instead of “must”?



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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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**TITLE** Welsh Government Response to the Independent Water Commission Report

**DATE** 21 July 2025

**BY** Huw Irranca-Davies, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Today I welcome the publication of the [Independent Water Commission's report](#) to the UK and Welsh Governments on the future of the water. I extend my sincere thanks to Sir Jon Cunliffe and the Commission for its extensive engagement and the collaborative approach it has taken throughout the last nine months. Sir Jon has led the Commission and demonstrated how our two governments can work together to meet the needs of the public, consumers, investors and the natural world.

I recognise the depth of engagement and the careful consideration given to the unique context of Wales, particularly the cultural significance of water, our distinct environmental landscape, the distinct legislative framework in Wales, including the Well-being of Future Generations Act. The report reflects a clear understanding of the values and priorities that matter to the people of Wales and reflecting the views of the sector in Wales.

I welcome the consideration the Commission has given to economic regulation and how to make it work better for customers, investors and the environment. It is particularly welcome that the Commission has identified distinctive ways forward for Wales and for England, recognising the different opportunities and challenges in each country.

Working closely with the UK Government, I intend to progress the Commission's recommendation for a separate, independent economic regulator for Wales. I will want to engage widely on this proposition and draw in expertise to build arrangements which provide a clear, certain regulatory environment which provides value to the public, confidence for investors and sees our environment thrive. I look forward to progressing this alongside the UK Government progressing the recommendation for England to establish a new, integrated regulator.

This is a once in a generation opportunity to reset arrangements created before devolution and is about more than institutional change. There is a golden thread about clarity and direction through the recommendations. With a new National Water Strategy for Wales providing a clear articulation of the policy priorities, more effective planning at system level, stronger environmental regulation and a greater focus on delivering balanced solutions at catchment level.

The Welsh Government will now take time to review the Commission's findings in full, working with the UK Government to get the cross-border cooperation we need to truly reform our water industry for this and future generations. We are committed to giving each recommendation the careful consideration it deserves, ensuring that any future actions align with our principles of sustainable management of natural resources, where water is one of our most precious assets.

The UK Government have today indicated they will publish a White Paper in the autumn. The Welsh Government is looking forward to working collaboratively and constructively with the UK Government as the White Paper progresses, building on the spirit of cooperation that has characterised this process so far.

Once again, we thank the Commission for its work and for the detailed and constructive forward-looking dialogue about the future of water in Wales.

This statement is being issued during recess to keep Members informed. Should Members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.

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

Llywodraeth Cymru  
Welsh Government

Ein cyf / our ref: PO-369-25

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

22 July 2025

Dear Mike,

I am writing to inform you the UK Emissions Trading Scheme (UK ETS) Authority – formed of the Welsh Government, UK Government, Scottish Government, and Northern Ireland Executive – yesterday published two interim Authority Responses on the expansion of the UK ETS to waste incineration and domestic maritime and a main authority response on greenhouse gas removals (GGRs).

In May 2024, the Authority published a consultation which sought views on the details of bringing energy from waste (EfW) and waste incineration into the scope of the UK ETS. Yesterday's interim Authority Response sets out the introduction and scope of a voluntary Monitoring, Reporting and Verification (MRV) period starting on 1 January 2026. This voluntary period will collect essential data for the UK ETS Authority and enable industry to prepare for cost exposure ahead of a move to full inclusion in the scheme. A further response to outstanding elements of the consultation will be published when the Authority has assessed the data from the voluntary MRV period to develop a policy which ensures Local Authorities are protected from bearing the full costs and ensures the carbon price is apportioned on all polluters in the waste chain. This approach would seek to incentivise decarbonisation rather than pass costs through the waste chain and on to Local Authorities. The second interim Authority Response published yesterday follows a consultation published in November 2024 that sought views on the details of including the domestic maritime sector in the scheme. Yesterday's response confirms that the UK ETS will apply to all emissions from all domestic voyages (within UK ports) for vessels over 5000 Gross Tonnage. It also informs stakeholders that maritime will be in-scope of the UK ETS from 1 July 2026, giving stakeholders a year to prepare for inclusion. A further response to outstanding elements of the consultation will be published in due course, once the Authority has developed final policy positions for the scope of the scheme.

The final response on integrating Greenhouse Gas Removals (GGRs) into the scheme follows a consultation published in May 2024. The consultation sought views on high-level

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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.

proposals including: principles for policy design when integrating GGRs into the UK ETS (including engineered removals and woodland removals); cap policy options; allowance design for GGRs; permanence of carbon storage; and pathways to integration. The response confirms most elements of the consultation, providing important stakeholder certainty on our approach to the UK ETS cap, allowance design and timeframes. However, it does not include a decision on inclusion of woodland removals. This decision has been delayed to allow further time for consideration of wider policy interactions and to gather stakeholder views on the new evidence published yesterday, that assesses the potential impact of woodland inclusion. I will provide an update to the Senedd on this as it becomes available.

The responses on waste incineration and EfW alongside domestic maritime are interim responses, intended to give clarity to stakeholders about the next steps in including these sectors in the UK ETS. These will be followed by full Authority Responses, which will be published prior to legislation being laid that will enact these changes. The Senedd, along with other UK Parliaments, will have the opportunity to scrutinise plans once they are finalised. The Authority Response on GGRs is the first step towards integrating engineered GGRs into the UK ETS. Given the complexity of the proposals, further technical consultation is planned to gather invaluable evidence on the details of the mechanics of integration. I will update the Senedd as this work progresses.

The publication of these responses marks a vital next step in developing effective proposals for expansion of the UK ETS, increasing the level of emissions that will come under the scheme and helping to shape the future of the UK ETS in a way that supports Wales' long-term net zero ambitions and broader decarbonisation strategy.

Yours sincerely,



**Huw Irranca-Davies AS/MS**

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig  
Cabinet Secretary for Climate Change & Rural Affairs



Arglwyddes Brif  
Ustus Cymru a Lloegr

The Lady Chief Justice  
of England & Wales

Y GWIR ANRHYDEDDUS, Y FARWNES CARR O WALTON-ON-THE-HILL  
THE RT HON. THE BARONESS CARR OF WALTON-ON-THE-HILL

**Mike Hedges MS**  
Chair, Legislation Justice and Constitution Committee

By email only

23 July 2025

Dear Chair,

### Invitation to provide oral evidence

Thank you for your letter dated 8 July 2025 inviting me to provide oral evidence to the Legislation, Justice and Constitution Committee on 2 February 2026. I am pleased to accept the invitation.

I welcome the opportunity to contribute to the Committee's important work and to discuss, in particular, the operation of the judiciary in Wales, the court estate in Wales, and my priorities as Lady Chief Justice of England and Wales.

I look forward to meeting you next year. The offer of assistance from the clerks to the Committee in making the necessary arrangements is much appreciated.

Yours sincerely,

Baroness Carr of Walton-on-the-Hill,  
CJ

THE RT HON THE BARONESS CARR OF WALTON-ON-THE-HILL

Y Llysoedd Barn Brenhinol, Strand, Llundain, WC2A 2LL  
The Royal Courts of Justice, Strand, London, WC2A 2LL  
Rhif Ffon/ Tel No: 020 7947 6776 | Swyddfa Breifat/ Private Office: LCJPrivateOffice@judiciary.uk  
<https://www.judiciary.uk>

The Right Honourable the Baroness Carr of Walton-on-the-Hill  
Lady Chief Justice of England and Wales

8 July 2025

Dear Lady Chief Justice

### Invitation to provide oral evidence

As you may be aware, the Legislation, Justice and Constitution Committee is responsible for considering matters in relation to justice in Wales.

I understand that you will be undertaking one of your regular visits to Wales in February 2026, and as such I would like to invite you to attend a meeting of the Committee in the Senedd on the afternoon of 2 February to provide oral evidence about matters relevant to its constitution and justice remit. I anticipate the Committee will wish in particular to discuss the operation of the judiciary in Wales, the court estate in Wales, and your priorities as Lady Chief Justice.

I would be grateful if you could confirm your attendance; the clerks to the Committee will assist in making the necessary arrangements.

Yours sincerely,



Mike Hedges

Chair

Jack Sargeant AS/MS  
Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol  
Minister for Culture, Skills and Social Partnership

Llywodraeth Cymru  
Welsh Government

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

30 July 2025

Dear Mike,

I'm writing to notify you that the Welsh Government has drafted Regulations in relation to Part 3 of the Social Partnership and Public Procurement (Wales) Act 2023 (SPPP Act). These Regulations were made available for public consultation on 22 July 2025, with a 12 week period for comment. The return date for responses is 14 October 2025.

The consultation documents are available here:

<https://www.llyw.cymru/caffael-cyhoeddus-cymdeithasol-gyfrifol>  
<https://www.gov.wales/socially-responsible-public-procurement>

As this is the first use of the regulation making powers in the SPPP Act, we wished to inform the Legislation, Justice and Constitution Committee that a consultation has been launched for the public to consider these draft Regulations.

Yours sincerely,



**Jack Sargeant AS/MS**  
Minister for Culture, Skills and Social Partnership  
Y Gweinidog Diwylliant, Sgiliau a Phartneriaeth Gymdeithasol

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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 MS  
Chair  
Legislation, Justice and Constitution Committee  
Senedd

[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

5 August 2025

Dear Mike,

Thank you for your letter of 8 July following the Legislation, Justice and Constitution Committee's and the Equality and Social Justice Committee's visit to Parc Prison. I am responding to your questions as they are part of my portfolio responsibilities.

As Cabinet Secretary, I set the strategic direction for health and care services in Wales and hold the Welsh NHS to account. Operational decisions relating to the planning and delivery of emergency ambulance services, are the responsibility of the Welsh Ambulance Services University NHS Trust in line with commissioning intentions set of it by the NHS Wales Joint Commissioning Committee. This includes ensuring equitable access to emergency ambulance services. I expect people in prisons to receive a response based on their clinical need in an appropriate timeframe to support optimal outcomes.

The Welsh Ambulance Service aims to respond to all 999 calls as quickly as possible, in order of clinical priority, but there are times when high levels of demand or delays elsewhere in the system can mean there is not always an ambulance available immediately to dispatch to a 999 call. This can lead to some other calls waiting longer than we would normally expect.

On 30 June, I [announced](#) the ambulance service will trial changes to its clinical response model from 1 July. These changes are designed to save more lives and improve people's outcomes following a cardiac arrest, a serious illness, incident or accident.

The new model also sees the introduction of a rapid clinical screening process for 999 calls, which is undertaken by a senior paramedic or nurse and takes place immediately after the initial assessment by a 999 call handler. The introduction of a screening process enables a more tailored approach to an individual's need based on their presenting condition. It will also help to ensure that vital emergency ambulance resources are available respond to people most in need.

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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.

Further to these changes, on 16 July, I [announced](#) additional changes to the emergency ambulance performance framework to ensure an outcome-focused approach across all contacts with the Welsh Ambulance Service. This aligns to our overarching strategy for urgent and emergency care in Wales, to enable the right care, in the right place, first time.

The ongoing high level of ambulance patient handover delays at emergency departments is impacting on the ability of the Welsh Ambulance Service to respond to 999 calls in the community. My expectation is that health boards deliver the [Ambulance Patient Handover Guidance](#) – this is one of the five priorities ('enabling actions') for urgent and emergency care in the NHS planning framework for 2025/2026.

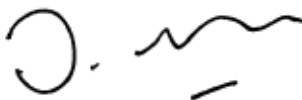
To support delivery of the evolving ambulance response model, which is predicated on greater ambulance availability through improved patient flow, we have set up a new clinically-lead National Handover Taskforce. The taskforce will identify and oversee action to improve handover performance, learning from UK wide and international best practice.

Encouragingly, we have already seen local strategies to improve ambulance patient handover performance coming to fruition over recent weeks, which has supported improved ambulance responsiveness. In the Cwm Taf Morgannwg University Health Board area, there were 33% fewer ambulance hours lost, and 69% fewer patients delayed more than an hour when compared to June 2024. The 15-minute handover performance was 47% and we expect to see this improve. The approach behind initial successes will be shared with all health boards.

The committee may wish to direct its specific questions about ambulance response times to calls from Parc Prison to the Welsh Ambulance Services University NHS Trust.

Regarding prescribing matters, prison pharmacies are expected to comply with professional standards for [medicines optimisation in secure environments](#), as described by the Royal Pharmaceutical Society. All prisons in Wales are subject to an external review against these standards. Health boards have prepared action plans in response to the findings of the external review and are working to implement recommendations.

Yours sincerely,



**Jeremy Miles AS/MS**

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

Sarah Murphy MS

Minister for Mental Health and Wellbeing

8 July 2025

Dear Sarah

**HMP/YOI Parc**

You may be aware that members of the Legislation, Justice and Constitution Committee and the Equality and Social Justice Committee visited Parc Prison in June 2025, following a previous visit by the Legislation, Justice and Constitution Committee in December 2024.

During the visit, Members were told by senior leaders at the prison about issues relating to disproportionately lengthy ambulance response times to calls from the prison, and also issues relating to the continuity of healthcare provided to prisoners that have experienced multiple prison transfers. In respect of this latter issue, Members were told that some prisoners had experienced medication that was previously prescribed to them at one Welsh prison being withdrawn during their admission to another prison due to different approaches by health boards, with associated impacts on their health and wellbeing.

Members agreed to bring these issues to your attention. I would be grateful to receive a response addressing these points by 10 September 2025.

I am copying this letter to the Chair of the Health and Social Care Committee and the Chair of the Equality and Social Justice Committee.

Yours sincerely,

Mike Hedges

Mike Hedges  
Chair



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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE**        **Preparing for the devolution of justice**

**DATE**        **7 August 2025**

**BY**            **Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs**

Today I wish to provide Members with an update on recent discussions with the UK Government regarding the devolution of justice to Wales.

We continue to support the devolution of justice in its entirety, as recommended by the Commission on Justice in Wales. As outlined in our 2022 publication [Delivering Justice for Wales](#), a change of this scale requires a phased approach. More recently, this phased approach was of course also endorsed by the Independent Commission on the Constitutional Future of Wales.

I recently met with the Lord Chancellor to discuss progressing the UK Government's manifesto commitments on youth justice and probation. This is an important opportunity to improve the justice system in Wales and marked a significant step towards strengthening collaboration between two Governments that share the same values.

In relation to youth justice, it was agreed that officials in both governments would work together to explore options where responsibilities in the youth justice system could be realigned. This included strategic oversight, partnership and governance arrangements and funding of youth justice services as starting points. We also agreed to explore formalising the governance through which UK and Welsh Governments engage.

We are also discussing the potential for the Welsh Government to work with HM Prison and Probation Service to adopt a Memorandum of Understanding on probation, similar to the model in place in Greater Manchester.

These areas of discussion do not reflect the limits of our ambitions; they reflect starting points and we would expect further discussions to follow.

Recent months have seen the publication of the Independent Sentencing Review, and Part 1 of the Independent Review of Criminal Courts.

Our proposed reforms to probation would support this, by giving greater local flexibility in tailoring services to the needs of individuals under probation supervision.

We also continue to work closely with trade unions in preparing for devolution and draw from academic and professional expertise in youth justice and probation. I understand that members of the probation group which has advised the Welsh Government on these matters will shortly be briefing members of the House of Lords on their work to set out a model for the operation of a devolved service.

We expect these discussions to progress over the coming weeks, and I will keep members informed.

This statement is being issued during recess to keep Members informed. Should Members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.



Llywodraeth Cymru  
Welsh Government

Our ref - MA-KSNWT-2000-25

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

8 September 2025

Dear Mike

Thank you for your Report on the Bus Services (Wales) Bill. Please see below my responses to the recommendations and conclusions set out in your report.

**Recommendation 1: The Cabinet Secretary should respond to the conclusions and recommendations we make in this report at least two working days before the Stage 1 general principles debate takes place.**

**Response - Accept**

**Conclusion 1: We note the Cabinet Secretary's comments in respect of the Bill's impact on human rights but believe that, as a matter of good practice, an Explanatory Memorandum should always include a commentary on the consideration given to such implications.**

The Welsh Government's assessment of the impact of the Bill on human rights is included in the integrated impact assessment. I believe this is sufficient or we risk duplication and increasing unnecessarily the amount of accompanying documentation associated with legislation.

**Conclusion 2: We note that Chapter 9 of the EM sets out details of a series of impact assessments which have been completed on the Bill by the Welsh Government as part of its Integrated Impact Assessment. We further note that, on 21 May 2025, the Welsh Government published its justice system impact**

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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.

**identification assessment. We are disappointed that this assessment was not published until nearly two months after the Bill was introduced to the Senedd, as its availability may have assisted the Senedd's scrutiny of the Bill.**

The team did endeavour to publish the justice system impact assessment as soon as possible. However, I note the Committee's comment.

**Recommendation 2: Given the Cabinet Secretary's statement that he is confident that all necessary changes have been made to existing primary legislation to enable the Bill to operate efficiently, we believe he should provide clarity as to why further consequential amendments in respect of other existing powers are also needed.**

#### **Response - Accept**

I am happy to provide further clarity on the need for consequential amendments. Key changes to existing legislation have been set out in the Bill. These are namely around the removal of registration requirements, the restricting of the Welsh Ministers' general power to secure the provision of public passenger transport services, the removal of local authorities' duty to secure local bus services, and the lifting of restrictions on the creation of municipal bus companies.

However, it has taken time to assess the full impact of the Bill on existing legislation and identify all of the consequential provisions needed for the effective implementation of our Bill. I am hoping to table most, if not all, of the necessary consequential amendments to existing legislation at stage 2. As I mentioned in my evidence on 12 May, this should include amendments to provisions on quality partnerships, quality contract agreements and joint ticketing schemes. We will take this opportunity to tidy up the statute book and remove some provisions which are no-longer relevant in Wales. The consequential amendments will also include amendments to repeal existing provisions on the provision of information and other matters to ensure we do not retain legislation that over-laps provisions in the Bill.

**Recommendation 3: The Cabinet Secretary should clarify why section 6 and 8 of the Bill do not contain a specific requirement for the Welsh Minister to consult English local authorities when an English authority may be affected by a cross-border service.**

#### **Response – Accept**

I am happy to provide further clarification on why English local authorities are not explicitly mentioned in these provisions.

I am confident that sections 6(4)(g) and 8(4)(g) place an implicit duty on the Welsh Ministers to consult relevant English local authorities on cross-border services that directly impact the people, communities and services in their areas, where it is appropriate to do so. I believe this is the appropriate and proportionate way of ensuring they have a say in the development of the Plan. In practice, we will aim to include the relevant English authorities in discussions about any cross-border services that is expected to cross into their area. On a more strategic level, Welsh Government officials will continue to engage with Department for Transport officials to ensure proper support and engagement is available where needed to support cross-border services.

**Recommendation 4: To avoid the potential for any uncertainty amongst stakeholders, the Cabinet Secretary should confirm what factors will be used to determine whether a revision to the Welsh Bus Network Plan is minor and give examples if possible of how those factors will be used to make that judgement. The Cabinet Secretary should also consider including these factors on the face of the Bill.**

## Response – Accept in principle

I am happy to outline the types of factors that will be used to determine whether a revision to the Welsh Network Plan merely has a “minor” effect on the provision of local bus services. Each case will be assessed individually and the weight given to any factors will vary. However, the following list, which is not intended to be in any order of importance, provides an overview of the type of factors and examples of how they may be significant:

- i. The impact on connectivity – for example, the impact on passengers’ ability to reach and leave key destinations such as recreational, retail, medical and educational hubs. This would also apply in relation to enabling passengers to link effectively with other transport modes, including active travel and rail.
- ii. The impact on passengers - number of people, how and how often they are impacted – this is not to say that a change to a busy service in a city would have more weighting than a rural service. A proportionate view in relation to this factor would be required.
- iii. The amount of time the revision will be in place. There is already provision in the Bill relating to revisions that do not exceed 14 days, however, this factor may have a bearing on the effect of a revision depending on consideration of other matters, including those above. For example, a revision may last three weeks at a popular ‘summer season’ tourist destination. If the revision occurs over the winter this may have no more than a minor effect on bus services, but if it was required in the summer the effect would be more than minor.

I cannot accept the Committee’s recommendation to include these on the face of the Bill because an assessment relating to each specific circumstance will have to be made on a case-by-case basis. I do not think it would be in the interests of a dynamic network to limit consideration to those factors listed above when additional reasons for revisions to the Plan may emerge in the future.

In making revisions to services it should be noted that bus networks are a flexible mode of public transport and it is expected that TfW will keep the bus network under constant review to ensure capacity, frequency and accessibility are well matched to demand and services are optimally allocated to suit the needs of customers and ensure an efficient use of resources across the network and take account of changing travel demand.

Following a recommendation by the CCEI Committee, I have committed to drafting an advice note on the delivery and management of the Wales Network Plan. I will, on the back of the Committee’s recommendation, ensure that TfW consider these in more detail in the advice note.

**Recommendation 5: If the Welsh Ministers are intending to prescribe terms that must be included in local bus service contracts, the Cabinet Secretary should clarify why these terms could not have been set out on the face of the Bill, with an accompanying Henry VIII power (subject to the Senedd approval procedure) to amend that list of terms if needs be.**

## Response - Accept

I am happy to clarify why these terms have not been set out on the face of the Bill.

I have directed TfW to develop an early draft template contract, which they have done, and we are currently scrutinising, to inform discussions with stakeholders over the appropriate terms, including potential incentives and penalties, that will support a fair and effective franchised network.

From this work and the information we've collected from the WCPP project, it is clear that there will need to be at least two, but possibly more, iterations of local bus service contracts to support the various packages and markets across Wales. The evidence we've gathered from our engagement programme and presented to the Committee during stage 1 clearly indicate that the contracts need to be reactive and flexible to reflect each unique set of circumstances. The regulation making power ensures that terms we deem, with time and experience, are beneficial to have across all contracts, or all contracts of a particular type, can be added as required. The Senedd will be able to undertake a proportionate level of scrutiny of the regulations when they are available.

This will help to ensure that SMEs are protected and supported under the new system. By placing these terms in regulations subject to the Senedd annulment procedure we are ensuring a more dynamic approach to the delivery of franchised services.

**Recommendation 6: The Cabinet Secretary should clarify why further conditions that must be attached to a local bus service permit could not have been included on the face of the Bill, with an accompanying Henry VIII power (subject to the Senedd approval procedure) to amend that list of conditions if needs be.**

### **Response - Accept**

I have directed TfW to establish an effective process for administering and delivering permits. Based on the evidence presented to the Committee I have asked officials to work with TfW and key stakeholders, including public, private and third sector industry partners, to develop a guide clarifying the procedures and conditions associated with issuing and maintaining local bus service permits.

Ensuring the Bill maintains flexibility will help future-proof the legislation for the long-term. For example, during transition into the new system we may need to permit certain services that cross from de-regulated areas into areas subject to the new franchised model. To ensure fairness and continuity, during the transition period we may want to limit the conditions applied to the permits. This is subject to on-going consideration, but it does mean that the regulations need to take these into account. If required, future amendments to the regulations will be informed by practical implementation and public policy.

Similar to Recommendation 5, I am of the view that setting out the conditions in regulations rather than on the face of the Bill will ensure flexibility and adaptability in relation to services which we don't yet know about, and we will need to keep that list under review and may need to amend it from time to time to reflect changes in the way bus services are delivered. I am confident that this Bill currently enables the Senedd to undertake a proportionate level of scrutiny of any prescribed conditions which must be attached to permits.

**Conclusion 3: The Welsh Government will be well aware of the good legislative practice, and a practice which the Committee has long advocated, that governments should not seek delegated powers where there is no intention to use them. Once delegated, the powers will be available to all future governments; as such, a future government may exercise them in a way that does not deliver the intention of the government that sought them and the Senedd which approved them. We acknowledge that, if exercised, this power would be subject to Senedd scrutiny and approval. Nonetheless, we consider the seeking of such powers to be particularly bad practice when included in primary legislation that this Welsh Government has little opportunity to implement given the Sixth Senedd will dissolve in seven months' time ahead of the next Senedd General Election.**

Whilst I agree with the Committee's reasoned argument as to why governments should not seek delegated powers where there is no intention to use them, in the case of delivering this once in a generation change to public transport I am of the view that we must understand the practical implications of developing a dynamic bus network in a wholly new model of delivery. The Bill and its supporting regulations have been designed in such a way to be effective for many years into the future. The scope of the potential changes to section 15(3) is somewhat limited, but maybe very necessary for the continued safe and effective delivery of the permitting regime. For example, the Welsh Government may potentially need to make appropriate changes to subsection 15(3) should a future UK government decide to amend the legislation around the PSV operator's licence using their reserved powers. It would be remiss of us not to make provision in this regard given that permitting is a core supporting part of the new delivery model.

I believe the requirement to seek Senedd approval is proportionate to ensure any potential changes to this subsection, and others we have stated we have no intention to utilise in the short term, are scrutinised appropriately.

**Recommendation 7: The Cabinet Secretary should clarify why section 23 of the Bill does not specify the default upper limit penalty amount with an accompanying Henry VIII power (subject to the Senedd approval procedure) that would enable that amount to be amended.**

#### **Response – Accept**

I am happy to clarify the policy behind the setting of the section 23 penalty.

The default upper limit is set out in the Bill as £550, see subsections 23(9)(a)(ii) and 23(9)(b)(ii). The regulation making powers provide the flexibility needed to set a different amount in light of inflation or any other mitigating factors.

By requiring regulations under section 23(9)(a)(i) and (b)(i) to be subject to the Senedd approval procedure, the effect is essentially the same as the Committee has proposed in relation to the scrutiny of any regulations by the Senedd in the future.

The provisions as drafted are similar to sanctions for similar breaches under existing legislation, namely section 155 of the Transport Act 2000. We have kept with established provisions because the industry is familiar with them. It also helps to make things a little more consistent for those delivering cross-border services.

**Recommendation 8: The Cabinet Secretary should explain why details about an appeals process that will be available to current and former operators who are required to provide information to the Welsh Ministers is not set out on the face of the Bill.**

#### **Response – Accept**

I recognise that appeals mechanisms would normally be on the face of the Bill, but the purpose and scope of these provisions potentially require taking a more flexible approach, though retaining the requirement for appropriate approval by the Senedd.

The provisions under section 25(5)(a) require the Welsh Ministers to put in place a procedure to allow operators and former operators to appeal notices requiring them to provide specified information. This has been included to ensure there is an opportunity for those served with a notice to appeal before the section 30 enforcement provisions are applied.

We recognise that some operators, in particular SME operators, may not have access to the information and data that we are requesting. Requests for information during the Covid pandemic demonstrated that not all operators hold the same breadth of information and where information is held, the manner and time in which it is held is widely inconsistent. This subsection provides an additional useful step to enable to us to understand the circumstances of each operator, so that, particularly in the transition into franchising, we can apply these provisions proportionately and fairly.

As we move from transition into business as usual the grounds for appeal may vary because the information and our expectations of operators going forward, will be more uniformed across Wales.

**Recommendation 9: The Cabinet Secretary should explain why sections 27 and 28 of the Bill do not contain more detail about the information to be provided to the Welsh Ministers and why, instead, such detail is being left to regulations.**

**Response - Accept**

I am happy to explain the reasons why there is no more detail regarding the information and data that needs to be provided to the Welsh Ministers by operators and former operators. We have included a comprehensive list of the type of matters which may be specified in regulations under subsections 27(4) and 28(3). However, we know that information, both what is required by the public and the way we will need to provide it may change significantly and at pace over the lifetime of this legislation.

**Recommendation 10: The Cabinet Secretary should clarify why section 30 of the Bill does not specify the default penalty amount with an accompanying Henry VIII power (subject to the Senedd approval procedure) that would enable that amount to be amended.**

**Response - Accept**

I am happy to clarify for the Committee policy behind the setting of the section 30 penalty.

The default upper limit is set out in the Bill as £550, see subsections 30(9)(a)(ii) and 30(9)(b)(ii). As with section 23, the regulation making powers provide the flexibility needed to set a different amount in light of inflation or any other mitigating factors.

As with section 23, I believe the requirement to follow the approval procedure in relation to any future regulations under subsections 30(9)(a)(i) and (b)(i) will essentially have the same effect as the alternative proposal put forward by the Committee.

**Recommendation 11: The Cabinet Secretary should clarify why the regulation making power in section 35(3) may need to be exercised in order to ensure “sufficient clarity”.**

**Response - Accept**

I am happy to clarify way section 35(3) may need to be exercised to ensure “sufficient clarity”.

Arrangements made under the Bill for the provision of local bus services will take a range of different forms, reflecting the services involved, and the context and transport needs, in each case. As a result, regulations made under section 35 may need to make specific provision for how the application of TUPE will work in a particular context, that is, it will not be enough simply to provide that certain types of arrangements made under the Bill will result in a TUPE

transfer being treated as taking place, more will be needed in order to ensure TUPE works in the context in question. This need is reflected in section 35(3).

**Conclusion 4: We remain unclear how expressly referring to franchising on the face of the Bill would hinder the Welsh Government's policy intent.**

To clarify, I am not concerned that referring to franchising hinders our policy intent, however, I am not of the view that it is legally necessary or helpful to refer to it on the face of the Bill. As explained by the accompanying official at the evidence session in May, there is no existing legal definition of franchising, so including it may in fact create uncertainty and have the opposite effect to that wanted by Committee. The processes and provisions to enable the mechanism for achieving franchising is clear in the Bill, in that the Welsh Ministers will enter into bus service contracts with operators. I believe the reference to local bus service contracts is more accessible and easier to understand than the term "franchising".

I agree with the principle of supporting accessibility. To most, the term "contract" is clear and, therefore, more easily accessible. However, there may be some in the bus sector, who have been using the term "franchising" who would appreciate the clarification of including it in the accompanying documentation. I'm of the view that this would be more effective than amending the Bill. I have asked officials to amend the Explanatory Memorandum accordingly in the normal course of the process at stage 2.

I want to thank the Committee for their time and if you have any further questions, please let me know.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Skates', with a large, stylized flourish extending to the right.

**Ken Skates AS/MS**

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

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref:KS/PO/398/2025

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

13 August 2025

Dear Mike

I wanted to write and thank you for your Stage 1 report on the Bus Services (Wales) Bill. I greatly welcome the Committee's work on this; the process has been a valuable exercise to test the Bill and wider aspects of our bus reform strategy.

I will be in touch in the coming weeks with my response to the Committee's recommendations and conclusions, but if you have any further questions in the meantime, please let me know.

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

27 August 2025

Dear Mike,

Thank you for your letter of 30 July to the Deputy First Minister. I have overall responsibility for the Welsh Government's response to the UK legislative programme so your letter has been passed to me to reply.

In your letter you asked for further details of any UK Government bills that have yet to be introduced to the UK Parliament which may contain devolved provision and therefore require an LCM under Standing Order 29. In addition, you asked for information regarding any UK Government bills that the Welsh Government is currently collaborating on or where there is an expectation such collaboration may take place.

Over the course of the last year, we have seen a significant improvement in intergovernmental working on UK legislation which is strongly welcomed, and which has improved the basis for the effective operation of the legislative consent process. There are instances however, where timescales can be uncertain or compressed and available information may be somewhat limited or subject to confidentiality requirements.

In this context, I understand that my officials have regular contact with the clerks supporting your committee – which I am supportive of – and I will ask my officials to share latest information on UK legislation as part of those discussions. I hope that this will be useful in assisting the planning of work falling to your committee.

Yours sincerely,

**Julie James AS/MS**

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

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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.

Huw Irranca-Davies MS

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

30 July 2025

Dear Huw

## Legislative Consent Memoranda in the final terms of the Sixth Senedd

At our meeting on 7 July 2025, the Committee looked ahead to its business in the final two terms of the Sixth Senedd. In particular, this consideration included the scheduling of work related to the scrutiny of Bills introduced or soon to be introduced to the Senedd.

In our discussions, we were also mindful of the volume of legislative consent memoranda that have been laid in the Sixth Senedd to date.

We recognise that, while you do not always receive advance notice of the UK Government's intention to legislate in devolved areas, there has been collaboration on some UK Government Bills in the Sixth Senedd, for example the Mental Health Bill.

We have noted that, in its most recent report on the implementation of Law Commission proposals, the Welsh Government said at paragraph 13:

*"The UK Government has announced an intention to bring forward further draft legislation and enact further Law Commission recommendations relating to enfranchisement, right to manage and commonhold recommendations, in late 2025. We are working together with UK Government to ensure that these important further reforms will also be applied to Wales."*

This would appear to suggest that a UK Government Bill may make provision on issues that have regard to devolved matters.

We also noted that some UK Government Bills arising from the last King's Speech have yet to be introduced, and we do not yet know if they will make provision that has regard to devolved matters. The date of the next King's Speech is also yet to be announced.

We further noted that you were due to discuss the UK Government's Legislative Programme at a meeting of the Inter-Ministerial Standing Committee on 26 June 2025, and the Committee will consider your subsequent Written Statement on the outcomes at our meeting on 15 September 2025.

In order to assist with our forward work planning it would be helpful if you could provide information about any UK Government Bills that have yet to be introduced to the UK Parliament which you anticipate may engage Standing Order 29, such that a legislative consent memorandum will be required. In providing this information, it would also be helpful if you could identify any UK Government Bills that the Welsh Government is currently collaborating on or where there is an expectation that such collaboration will take place.

We would be grateful to receive this information by Wednesday 10 September 2025.

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



# **President of Welsh Tribunals Sixth Annual Report 1 April 2024 – 31 March 2025**

August 2025



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# 1 Introduction

- 1.1 The President of Welsh Tribunals is established under section 60 of the Wales Act 2017 which imposes on the office holder an express obligation to represent the views of members of the Welsh Tribunals to the Welsh Ministers and to the Senedd. This is done in part by the production of an Annual Report presented to the First Minister and Presiding Officer of the Senedd. This is the Report for the financial year April 2024 to March 2025. It is the Sixth Annual Report produced by the President of Welsh Tribunals.
- 1.2 The relevant Welsh Tribunals operate in devolved areas in Wales and are set out in section 59 of the 2017 Act as amended. They are (with the acronyms I shall use in this Report):
  - (a) Tribiwnlys Tir Amaethyddol Cymru/the Agricultural Land Tribunal for Wales (“ALTW”);
  - (b) Tribiwnlys Adolygu Iechyd Meddwl Cymru/the Mental Health Review Tribunal for Wales (“MHRTW”);
  - (c) Tribiwnlys Eiddo Preswyl Cymru/the Residential Property Tribunal Wales (comprising three constituent tribunals: rent assessment committees constituted in accordance with Schedule 10 to the Rent Act 1977, a leasehold valuation tribunal and a residential property tribunal) (“RPTW”);
  - (d) Tribiwnlys Addysg Cymru/the Education Tribunal for Wales (which also manages the jurisdictions of tribunals relating to the registration of school inspectors and nursery education inspectors) (“ETW”);
  - (e) Panel Dyfarnu Cymru/the Adjudication Panel for Wales (“APW”); and
  - (f) Tribiwnlys y Gymraeg/the Welsh Language Tribunal (“WLT”).
- 1.3 As explained in my last (the Fifth) Annual Report, the following tribunals operate in Wales but are not included in section 59, and do not fall under my remit.
  - (a) Non-devolved tribunals which form part of the system of tribunals which operate across England & Wales reformed by the Tribunals, Courts and Enforcement Act 2007, such as those which adjudicate upon social security benefits and child support, immigration and asylum, and employment. These are administered by His Majesty’s Court and Tribunal Service (“HMCTS”), and their judiciary is headed by the Senior President of Tribunals. In this Report, I shall refer to them as “the HMCTS tribunals”.
  - (b) Tribunals which operate in devolved areas in Wales, but not under the President of Welsh Tribunals. For example, the Valuation Tribunal for Wales which has its own legal, judicial and administrative structures; and tribunals which determine school admission and exclusion appeals which are administered by local education authorities without any overarching structures.
- 1.4 The Welsh Tribunals are supported by the Welsh Tribunals Unit (“the WTU”), part of the Welsh Government public service, but operating as independently as it can practicably be, independence which is encouraged and supported by the Welsh Government. The WTU is made up of about 35 members of staff who are located across Wales.

## 2 The Office of President of Welsh Tribunals

- 2.1 In my last Report, I set out the nature and role of the President of Welsh Tribunals, which is worth repeating here.
- 2.2 As I have indicated, the office of President of Welsh Tribunals was created by the Wales Act 2017, a UK statute. Although the role is restricted to devolved tribunals dealing with devolved subject matter, the post is expressly not a devolved Welsh authority for the purposes of the Government of Wales Act 2006.
- 2.3 The 2017 Act does not comprehensively define the powers and duties of the President; but it is implicit in section 60 that the President is the most senior judge within the Welsh Tribunals and, in addition to the duties expressly referred to in the Act, he or she exercises a supervisory role over each of those tribunals. In addition to tribunal-specific meetings, I meet the Judicial Leads of the Welsh Tribunals and the senior members of the WTU every quarter to discuss issues that cut across tribunal boundaries.
- 2.4 The express duties of the President prescribed by section 60 are limited to representing the views of members of the Welsh Tribunals to the Welsh Ministers and to other members of the Senedd as described above; and to maintaining appropriate arrangements for the training, guidance and welfare of members of the Welsh Tribunals within the resources made available by the Welsh Ministers. In pursuance of these powers, the President can (for example) issue Guidance Notes to tribunal members. For example, I recently issued an Interim Grievance Policy and Guidance on Conflicts of Interest.
- 2.5 In exercising these wider supervisory powers, the President is also required by section 60(4) to have regard to the need for proceedings before Welsh Tribunals to be fair and handled quickly and efficiently; for members to be appropriately expert in the subject matter or law applied in their tribunals; and for the need “to develop innovative methods of resolving disputes that are of a type that may be brought before those tribunals”.
- 2.6 I also regard the role of the President in construing and thereby developing the law in the devolved areas to be important. The President does not have any express statutory power to sit – and, to date, has not sat – in any Welsh Tribunal; but I have been appointed a Judge of the Administrative Appeals Chamber of the Upper Tribunal (an HMCTS tribunal, and so part of the reserved tribunal system) to hear appeals from the Welsh Tribunals. I have consequently, for example, heard appeals in Wales from the ETW on the interpretation of the new Additional Learning Needs regime introduced by the Additional Learning Needs and Education Tribunal (Wales) Act 2018. Where appeals proceed further, if I have not sat on the first appeal, I am also able to sit in the Court of Appeal (Civil Division).

- 2.7 As President of Welsh Tribunals, I sit on a number of bodies which concern the wider justice system in Wales (such as the Judges' Council Committee on Wales chaired by the Lady Chief Justice, the Executive Board of the Law Council for Wales, the Welsh Advisory Committee of the Law Commission, and the Lord Chancellor's Standing Committee on the Welsh Language) and the tribunals systems across the UK (such as the Tribunal Judiciary Executive Board, the Administrative Justice Council and the Transparency and Open Justice Board). These bodies meet regularly and enable me as President of Welsh Tribunals to keep up to date with developments in the wider justice system in Wales and the tribunals systems in all four home jurisdictions, and to influence those developments.
- 2.8 As in the previous year, I identified several areas that I considered warranted prioritisation in the year 2024-25 namely tribunal reform, judicial training, inclusion and diversity and the Welsh language. I attach the document I published at the beginning of the year in which I set out these priorities and the steps I proposed to take in pursuit of them (Appendix). I review these priority areas below (paragraphs 5-8).

### 3 Workload

3.1 The number of applications received by Welsh Tribunals in the financial year 2024-25 are set out below, with figures for 2020-21, 2021-22, 2022-23 and 2023-24 for comparison purposes.

**Table 1: Number of applications per tribunal**

<b>Tribunal</b>	<b>Financial Year 2020-21</b>	<b>Financial Year 2021-22</b>	<b>Financial Year 2022-23</b>	<b>Financial Year 2023-24</b>	<b>Financial Year 2024-25</b>
ALTW	13	20	28	17	13
MHRTW	1790	1840	1747	1798	1825
RPTW	106	113	182	184	118
ETW*	116	151	90	108	134
APW	4	10	3	6	6
WLT	13	3	1	2	3

\* Formerly the Special Education Needs Tribunal Wales, renamed from 1 September 2021 by the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

3.2 Further information about the nature of the work undertaken and the membership of each tribunal is set out in their respective annual reports, which are published on the website of each tribunal.

## 4 Financial Overview

### **Budget Allocations and Expenditure Financial Year 2024-25**

- 4.1 The budget allocated to the Welsh Tribunals covers both judicial and administrative running costs. The allocation for financial year 2024-25 was £4,302,000. Actual expenditure, however, exceeded these allocations, with total spending amounting to £6,093,455 exceeding the budget by £1,791,455. However, for the reasons set out immediately below, these figures do not present a true picture of financial performance.

### **Budget Recalibration**

- 4.2 In recent years, the amount allocated to Welsh Tribunals in the budget has not reflected the actual or reasonable operating costs of the tribunals. In financial year 2024-25, a full recalibration of the Welsh Tribunals' budget was undertaken by the Welsh Government with support from the Welsh Tribunals. This strategic exercise, which I welcomed, was necessary and designed to ensure that financial allocations more accurately reflected the reasonably estimated operational demands and evolving caseloads across the tribunals. The recalibration process involved a detailed analysis of historical expenditure, projected activity levels and resource requirements, with the object of establishing a more realistic, sustainable and responsive budget. The budget allocation for financial year 2025-26 has consequently been set at £6,048,000. Whilst that is slightly less than the total spend by Welsh Tribunals in 2024-25, I consider it to be a fair and realistic budget against which the financial performance of the tribunals can appropriately be measured.

### **The Need for IT Investment**

- 4.3 There is a critical and urgent need for dedicated financial support to develop and implement a modern IT system for the Welsh Tribunals. The current infrastructure is increasingly outdated, and it lacks the functionality required to support efficient case management, digital hearings and data reporting. Indeed, it falls a long way short. Some tribunals continue to operate without any effective computer system at all, but on a paper-based system of spreadsheets etc. Investment in a fit-for-purpose IT platform is essential to ensure that our tribunals can operate effectively, securely and in line with contemporary standards of digital justice delivery.
- 4.4 I am pleased to report that the Welsh Government has recently accepted this need, and approved our bid for the necessary capital expenditure on a new case management system for all our tribunals. I am grateful to the Welsh Government for finding the funds for this essential and urgent capital expenditure and look forward to appropriate support in the form of sufficient funds to ensure that the new system is rolled out and operational quickly, and serviced properly and effectively.

## **Pay Rates**

- 4.5 As described in paragraphs 4.6-4.8 of last year's Report, due to differential pay awards, from 1 April 2023, judicial officer holders ("JOHs") in HMCTS tribunals were paid 2% more than those in the Welsh Tribunals; although the First Minister had assured me that the Welsh Government was committed to returning to pay rate parity as soon as the budgetary position in Wales allowed. The disparity had an adverse effect on the Welsh Tribunals, particularly resulting in a reluctance in JOHs to sit in our tribunals in circumstances in which they also had appointments in the HMCTS tribunals and could do (often identical) work there for more money.
- 4.6 I am pleased to report that, from 1 April 2024, pay rate parity returned as the result of a pay award for Welsh Tribunal JOHs which was 2% higher than that awarded to HMCTS tribunals. This return to parity reflects the professionalism, expertise and commitment of the judiciary in Wales; as well as supporting the recruitment and retention of Welsh Tribunal JOHs. It was greatly appreciated and, to an extent, assisted in encouraging JOHs to sit in our tribunals and, thus, the listing of cases.
- 4.7 In addition, the Welsh Government has confirmed that the Welsh Tribunals will be included in the forthcoming major review of public service, which includes all JOHs, by the Senior Salaries Review Body ("the SSRB"). This is a welcome and important development, offering an opportunity to consider judicial remuneration and conditions of service in a more comprehensive and evidence-based manner. The Welsh Tribunals have been invited to engage with the review process by representation on the SSRB Advisory and Evidence Group, and I intend to engage fully with the process to ensure that relevant evidence in respect of Welsh Tribunals JOHs is submitted to the SSRB.

## **Continuing Disparities in Terms and Conditions**

- 4.8 Despite the progress made in achieving pay rate parity with HMCTS tribunals, material disparities remain in the broader terms and conditions of service which result in (amongst other things) differentials in pay, e.g. in payment for preparation and writing up time. These disparities arise between the Welsh Tribunals and the HMCTS tribunals, but also to an extent between Welsh Tribunals inter se.
- 4.9 These inconsistencies continue to give rise to concerns regarding equity and fairness, and are liable to have an adverse impact on morale and long-term workforce planning. Addressing these disparities remains a priority; and work on identifying disparities, and discussions on whether and how such disparities should be addressed, are ongoing. The Ministry of Justice is in the process of conducting an exercise on such disparities between HMCTS tribunal JOHs inter se, in a long-running and sophisticated exercise, which we continue to view with interest.

## **Closing Observation**

- 4.10 The Welsh Tribunals continue to exercise prudent financial management and remain committed to transparency and accountability. The recalibration of the budget, and closer working with the Welsh Government administration on matters of budget, are welcome developments.

## 5 Tribunal Reform

- 5.1 In my last Report, I described the Welsh Government's proposals for reform of devolved tribunals in Wales, which build on work and recommendations of both the Commission on Justice in Wales and the Law Commission.
- 5.2 In paragraphs 8.2 and 8.3 of that Report, I summarised the purposes and proposed main planks of the reforms proposed in Welsh Government's White Paper, "A New Tribunal System for Wales: A modern system for Wales's devolved tribunals", published in January 2024.
- 5.3 The express purposes of the proposed measures are as follows:
- (a) to put in place a clearer, simpler, more effective and coherent tribunal system that is focused on access to justice and the needs of tribunal users;
  - (b) to lay a solid foundation for future changes to the justice system of Wales; and
  - (c) to protect judicial independence, including by giving greater structural independence to the administration of justice.
- 5.4 In line with those aims, the main planks of the suggested reforms are as follows.
- (a) The creation of a unified tribunals system for devolved tribunals in Wales, comprising a first-tier tribunal (of which the current tribunals would form distinct chambers) and an Appeal Tribunal for Wales which would hear appeals from the first-tier tribunal. It is proposed to bring into that system both the Valuation Tribunal for Wales and both school admission and exclusion appeals, although not necessarily immediately. The challenge is to create a unified, flexible and robust tribunal structure capable of absorbing both the jurisdictions of existing devolved tribunals and appeal processes arising from future legislation and/or further devolution of the justice system.
  - (b) A statutory duty to uphold judicial independence applying to those with responsibility for the administration of justice as that applies to the reformed tribunal system in Wales, i.e. the relevant Ministers and, possibly, also the members of the Senedd.
  - (c) The enhancement and clarification of office and role of President of Welsh Tribunals by reference to specific statutory powers and duties such as that of presiding in the Appeal Tribunal for Wales hearings, overseeing complaints against tribunal members and determining complaints against senior tribunal judiciary, and chairing the proposed Tribunal Procedure Committee for Wales (which would be responsible for the rules of all tribunals within the proposed reformed system).
  - (d) Members will continue to be selected by way of a Judicial Appointment Commission exercise; but the formality of appointments will be simplified. The Lord Chancellor will have no role. Members will generally be formally appointed by the President of Welsh Tribunals, although senior judges will be appointed by the Welsh Ministers. The President of Welsh Tribunals will become a devolved appointment.
  - (e) The structural separation of the operational and administrative functions of the new tribunal system from executive functions of the Welsh Government, by the creation of a Welsh Government Sponsored Body or a Non-Ministerial Department into which the functions of the WTU would be placed, with the Chair being either a Welsh Government appointment or the President of Welsh Tribunals ex officio.

- 5.5 My views on the desirability, the benefits and, indeed, the necessity of tribunal reform in Wales remain unchanged; and I remain a strong supporter of the reforms that were set out in the White Paper. In my view, such reforms are vital to the progress of an efficient and effective justice system in Wales.
- 5.6 As indicated above, the reform programme requires primary legislation, and, at the time of my last Report, although the precise timing of that legislation had not been confirmed, it was hoped that it would be introduced in the current Senedd, at some point in 2025, coming into effect in 2026. Whilst always making it clear that any Tribunals Bill (like any legislation) would be subject to available Senedd time, successive Welsh First Ministers and Counsels General have made clear to me their commitment and the commitment of their Government to tribunal reform and their understanding of its benefits for the justice system and people of Wales.
- 5.7 Therefore, even when the Welsh Government's legislative programme for the fourth year of the current Senedd was announced in July 2024 without reference to a Tribunals Bill, I remained optimistic that a Bill would be introduced during the Senedd's final year.
- 5.8 However, on 29 April 2025, the Counsel General and Minister for Delivery set out the Welsh Government's legislative programme for the remainder of the current Senedd and a Tribunals Bill was not included in it. As a result, we now know that a Tribunals Bill will not be introduced before the 2026 Senedd elections.
- 5.9 Like most of those involved in tribunals in Wales, I am disappointed. However, that disappointment is mitigated to an extent in several ways.
- 5.10 First, the Counsel General has confirmed the Welsh Government's continuing commitment to the reform programme; and, as confirmed in my regular meetings with the Counsel General and with Welsh Government's Justice Policy Team, I am pleased that, even in the absence of an agreed Bill timetable, preparatory work for a Bill has continued with the intention of having the Bill ready for introduction by the next Government after the 2026 elections.
- 5.11 Second, although legislation is critical to the tribunal reform programme, also vital to the success of that programme will be its implementation – the transition of the functions and administration of the devolved tribunals (including any new jurisdictions that may come into the reformed system as part of the tribunal reform programme) whilst ensuring that ongoing tribunal business proceeds as usual particularly if, as is likely, the reform programme coincides with a period of increased demand for hearings and appeals. I am pleased to say that the WTU, the Valuation Tribunal Wales and Welsh Government officials are continuing to work together to map out provisional implementation work.
- 5.12 Third, as indicated above (paragraph 4.4), our bid for the necessary capital expenditure on a new case management system for all our tribunals has been approved, so that work on ensuring that an operational system is commissioned and made available to our tribunals can begin promptly.

- 5.13 Fourth, we have been proceeding on the basis that reconsideration of some aspects of our tribunals that require review would take place as part of the tribunal reform programme. Now that implementation of any tribunal reform programme has been delayed to 2027 (and, probably, 2028) at the earliest, I am reviewing that list to identify matters that should be progressed sooner than the implementation of any general tribunal reform programme. One example are members' terms and conditions referred to above which, it is arguable, are not fair as between members in our different Welsh Tribunals or when compared with those of the HMCTS tribunals. These are matters which I am now taking up with the Welsh Government.
- 5.14 I will continue to encourage and support preparatory work for the tribunal programme, so that, whatever the composition of the Senedd after the 2026 election, the Bill will be ready for consideration by the new Government, and we will be ready to implement the Bill when passed.

## 6 Judicial Training

- 6.1 As indicated above, I have an express statutory obligation to maintain appropriate arrangements for the training of Welsh Tribunal members within the resources made available by the Welsh Government.
- 6.2 Judicial training is a particular challenge for us because (i) compared with the HMCTS tribunals, our tribunals are small and do not have the same capacity for achieving discounts per member as a result of size, and (ii) the Judicial College has no remit in respect of training the members of devolved tribunals, and therefore we do not have the same access to its facilities as do the HMCTS tribunals and their members. Indeed, in terms of attendance at Judicial College conferences, we generally have access only in the rare circumstances of HMCTS tribunals not filling all the conference places.
- 6.3 The training provided by each Welsh Tribunal has traditionally comprised annual training of usually one or two consecutive days, with additional training on (e.g.) any new statutory provisions that change the tribunal's work and require specific training prior to implementation. The MHRTW additionally has four annual workshops of which members are expected to attend one, namely two face-to-face in South Wales, one in North Wales and a mop-up remote workshop for those who cannot attend any of those that are face-to-face. For most of the tribunals, the annual conference is face-to-face, and a rare and valuable opportunity for the members to meet and discuss issues informally as well as in a formal training context. In my first year as President, I attended the annual training conference of each Welsh Tribunal.
- 6.4 I have taken steps to address these training issues.
- 6.4.1 I have appointed a Training Lead Judge to consider different modes of training, including how we might best deliver some training remotely and in other novel ways, with a view to increasing the training we are able to give to members within the training budget.
- 6.4.2 As presaged in my last report, we have established a common feedback system from training sessions, and have analysed the information produced which has assisted with identifying training needs. This has informed the content of tribunal training sessions.
- 6.4.3 In respect of savings available because of size, we have looked at putting on our jurisdictional conferences at the same venue on the same day with some success: last year, the ETW and the APW held their conferences on the same day at the same venue and shared some of the sessions that had mutually relevant content. Generally, integration of training is difficult because of the differences in the work with which each of our tribunals deals; but we are looking at having shared sessions on subjects which are cross-jurisdictional (such as "judge craft", and taking evidence from vulnerable witnesses).

6.4.4 In respect of the Judicial College, I have met the Director; and the College is willing to assist us as much as it can, given the restrictions on its statutory role/remit. It has agreed that, even where there are no places on a course for our members, it may be possible for senior members of our tribunals to attend a conference as an observer and thereby gain knowledge (and materials) that will assist with our own training. Our two salaried tribunal judges in MHRTW have consequently attended a Judicial College mental health law course on that basis and been able to feed some of the learning into the MHRTW training sessions.

6.5 These are useful beginnings. However, there is much further work to be done, e.g. regarding the form of training we provide. This will be pursued in the forthcoming year.

## 7 Inclusion and Diversity

- 7.1 In my list of Priorities for 2024-25, I said I would “establish, on an anonymised basis, data on the composition of the Welsh Tribunals JOHs in terms of relevant characteristics (e.g. gender, racial background, professional expertise/experience and social background)”; and then “identify any concerns about that composition including its effect on the ability to have diverse panels and steps taken to address those concerns”.
- 7.2 Putting together an appropriate questionnaire for Welsh Tribunals JOHs to complete has been challenging, but we have now completed that substantive exercise. We are in the process of digitalising the questionnaire and circulating it to all JOHs for completion.
- 7.3 It is hoped that we will be able to analyse the data resulting from this exercise later this year.

## 8 The Welsh Language

- 8.1 I set out our legal obligations in respect of use of the Welsh language in our tribunals in my last Report. These remain unchanged.
- 8.2 The ALTW, ETW, MHRTW and RPTW are all listed in Schedule 6 of the Welsh Language (Wales) Measure 2011, and so are subject to the duties and standards set out in the Welsh Language Standards (No 4) Regulations 2016. The APW was included within Schedule 6 of the Measure by the Welsh Language Standards (No 1, No 2, No 4, No 6 and No 7) Regulations (Amendment) Regulations 2025, which came into force on 28 March 2025, but is not yet subject to a Welsh Language Standards Compliance Notice.
- 8.3 The tribunals which fall within the Measure are only required to comply with the Service Delivery Standards set out in Schedule 1 to the Regulations, the Policy Making Standards set out in Schedule 2 (the requirement to consider the impact of new policies on the Welsh Language), and the Record Keeping Standards set out in Schedule 4 (in the case of the Welsh Tribunals, the keeping of records of complaints relating to the Welsh Language). None is subject to the standards set out in the other Schedules, namely the Promotion Standards or the Operational Standards. Whilst the WLT, the APW and the President of Welsh Tribunals are not formally governed by the Measure or Regulations, acknowledging the spirit of the scheme, they each voluntarily comply with the same standards.
- 8.4 Over the past year, I have prioritised promoting the use of the Welsh language. As part of this effort, we have reviewed our forms and conducted a survey to assess the Welsh language skills within the tribunal JOHs. This year, we aim to build on this progress, further embedding Welsh language use into our everyday operations and making it a standard practice.
- 8.5 Whilst each tribunal can provide both administrative services and hearings in the Welsh language, the use of the language in our tribunals is very small as can be seen from the table below.

**Table 2: Hearings held in the Welsh language**

Tribunal	Financial Year 2020-21	Financial Year 2021-22	Financial Year 2022-23	Financial Year 2023-24	Financial Year 2024-25
ALTW	0	0	0	0	0
MHRTW	5	3	3	9	8
RPTW	0	0	0	0	0
ETW*	1	0	3	1	6
APW	0	0	0	0	0
WLT	1	0	2	2	1

\* Formerly the Special Education Needs Tribunal Wales, renamed from 1 September 2021 by the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

- 8.6 As can be seen from Table 2 above, I am pleased to report an increase in the use of the Welsh Language in the ETW. This appears to have been a positive result of changes to the application forms.
- 8.7 Over the past year, we have conducted a data-gathering exercise with a view to identifying any barriers to Welsh speakers using the Welsh language in tribunal hearings. The data collected have been very few, i.e. very few applicants have responded to the question. However, the answers provided appear to highlight a preference within this group to communicate in English, citing various reasons for this choice, including better fluency, confidence and comprehension in that language. Some are fluent Welsh speakers but find professional terminology easier in English. Others have partners who propose attending the hearing, but who are not proficient in Welsh. Several respondents say that they have recently moved from England or have only a basic understanding of Welsh, making English their preferred language for communication. The common theme appears to be that applicants are more “comfortable” using the English language both in their dealings with the tribunal (in applications, correspondence etc) and in hearings. No specific barrier to the use of the Welsh language appears from the returns.
- 8.8 We will continue to collect and analyse the data obtained from this exercise. We will also continue to make clear that the option is not binary as between the English and Welsh languages; and that we are both ready and able to constitute a truly bilingual panel for any case, in which any participant may use the English or the Welsh language interchangeably at any point in the hearing. This, we hope, will encourage those who are not confident or highly proficient in the Welsh language, or whose vocabulary does not extend to technical terms, to choose to use the language insofar as they are capable and comfortable in doing so.

## 9 Retirements and Appointments

- 9.1 Several Judicial Leads have left their posts this year, either to move to other judicial posts or to retirement: Claire Sharp (APW), Carolyn Kirby OBE (MHRTW), Richard Payne (RPTW) and Iwan Jenkins (WLT). We are grateful for their very considerable contribution and commitment, both to their own tribunals and to the Welsh Tribunals and the justice system in Wales more generally. Each served several years; but I would like particularly to mention Carolyn Kirby who, on 4 April 2025, retired as President of the MHRTW after over 25 years in that post. I extend our heartfelt thanks for her substantial – indeed, unprecedented – contribution.
- 9.2 We welcomed their successors, each selected following an open Judicial Appointments Commission (“JAC”) process: Meleri Tudur (APW) appointed 1 April 2024, Trefor Lloyd (RPTW) appointed 15 October 2024, and Betsan Criddle (WLT) appointed 24 October 2024. Each has already made their mark, and I look forward to working with them in the future. The post of President of MHRTW is currently the subject of a JAC competition, and we hope that an appointment will be made before the Summer.
- 9.3 In addition, the following JOH appointments were made in the year:
- ALTW:** Three Lay Members were appointed 6 June 2024; and two Deputy Chairs were appointed 4 March 2025 following JAC exercises.
- APW:** Edell Fitzpatrick was appointed Deputy President on 1 April 2024.
- MHRTW:** Two Salaried Judges were appointed on 1 May 2024, Richard Payne (formerly President of RPTW) and Christine Butcher, following a JAC exercise. A Medical Deputy, Gaynor Jones, was appointed in January 2024, and three Medical Members were appointed on 26 March 2025, following Expressions of Interest exercises.
- RPTW:** Three Professional Members were appointed on 2 April 2024, following a JAC exercise; and five Legal Members were appointed on 12 June 2024 following a cross-ticketing exercise with the First-tier Tribunal (an HMCTS tribunal). The post of Deputy is currently the subject of a JAC competition with an expected outcome in the Summer.
- WLT:** There is an ongoing JAC exercise for Lay Members, with an expected outcome in the Summer.

# 10 Concluding Observations

- 10.1 Over and above dealing with applications that have come before our tribunals, efficiently and effectively, this year has been dominated by preparation for the tribunal reform programme; and putting the accountability of the Welsh Tribunals on a firmer foundation. Despite the disappointment in respect of the former, we have continued to build sound foundations for our tribunals which will hold us in good stead in the future especially when, as I hope and expect, a Tribunal Reform Bill will be brought forward. We will continue to prepare for that.
- 10.2 I would like to thank the Welsh Ministers, and particularly Counsels General Mick Antoniw MS and Julie James MS and the First Minister the Rt Hon Eluned Morgan, Baroness Morgan of Ely MS, for their continued support for the Welsh Tribunals. We continue to have active, regular and positive engagement with both the Welsh Government Ministers and officials, which is of considerable benefit to the Welsh Tribunal system and those we serve. I greatly appreciate that support and look forward to working with them over the next twelve months.
- 10.3 I must also thank the tribunal JOHs, particularly the Judicial Leads who have day-to-day judicial management over their respective jurisdictions – and to all the staff in the WTU who continue to work under challenging conditions. All are committed to improving the systems under which we work, and to serving the individual applicants who have recourse to our tribunals. We owe them all a debt of gratitude.
- 10.4 I look forward to the year ahead, in the hope and expectation that it will be another year of progress and improvement in our service to the devolved justice system in Wales.



**The Rt Hon Sir Gary Hickinbottom**

President of Welsh Tribunals

July 2025

# Appendix: Priorities 2024-2025

Ref	Activity	PWT/JL/ TL/WTU
<b>Priority A – Tribunal Reform</b>		
A1	Full engagement with and support of the Tribunal Reform Policy Team at each step of the tribunal reform programme including implementation.	PWT
A2	Engagement with the Judicial Leads (JLs) at key stages within the tribunal reform process, including ensuring updates on tribunal reform are communicated by the Tribunal Reform Policy Team at JL meetings.	PWT
A3	Communicate with all tribunal members/users on the progress of the Bill at key stages.	PW /JL/ WTU
A4	Identify differences in current working practices and T&Cs between Welsh Tribunals Judicial Office Holders (JOHs) judges/members, and between HMCTS/Welsh Tribunals JOHs, with a view to ensuring such differences can be addressed as part of the Tribunal Reform Programme.	PWT/WTU
A5	Engage with other parts of the judicial and justice system in Wales to ensure that the Welsh Tribunals' JOHs are appropriately recognised within those systems.	PWT
A7	Liaising with Tribunal Reform Policy Team, and preparing for the coordination and eventual consolidation of the Welsh Tribunals as part of the implementation phase on the reform programme.	PWT/JL/ WTU
<b>Priority B – Judicial Training</b>		
B1	Following review of feedback from the training sessions 2023-24 by the Training Lead (TL), identify judicial training needs for each tribunal, and how training to meet those needs will be delivered (e.g. (i) face-to-face, (ii) on line and (iii) written or recorded form) with a view to ensuring that JOHs are appropriately trained for their posts and the training given is best value for money.	PWT/TL/JL
B2	Publish the yearly costs of judicial training for each tribunal in the Annual Reports.	JL/WTU
<b>Priority C – Inclusion, Diversity, and the Welsh Language</b>		
C1	Establish, on an anonymised basis, data on the composition of the Welsh Tribunals JOHs in terms of relevant characteristics (e.g. gender, racial background, professional expertise/experience, and social background).	PWT/JL/ WTU
C2	Identify any concerns about that composition including its effect on the ability to have diverse tribunal panels, and steps that may be taken to address those concerns.	PWT/WTU
C3	Monitor data obtained from claimants as to language preferences (and why Welsh-speaking claimants choose to use the English language in conducting proceedings before Welsh Tribunals); and, on the basis of those data, identify improvements that can be made to promote the use of the Welsh language in our tribunals.	PWT/WTU

**PWT – President of Welsh Tribunals**

**JL – Judicial Leads**

**WTU – Welsh Tribunals Unit**

**PRESIDENT OF WELSH TRIBUNALS PRIORITIES**

**2025/2026**

Ref.	Activity	PWT / JL / WTU
<b>Priority A – Tribunal Reform</b>		
A1	Ongoing Engagement with Welsh Government (WG): Maintain regular engagement with and support of the WG Bill team to ensure alignment and progress on legislative reform	PWT
A2	Pre-Legislative Action: Identify and advance priority areas that cannot wait for the implementation of any Tribunal Reform Bill, working closely with WG officials to implement interim solutions	PWT / JL / WTU
A3	Judicial Policy Alignment: Review judicial policies and guidance, including assessment of judicial policies and guidance in HMCTS tribunals to determine which can be adopted or adapted for use in the Welsh Tribunals pending the Bill's enactment	PWT
A4	Resource and Process Review: Conduct a comprehensive review of operational processes in the light of current resources to improve effectiveness and efficiency and ensure alignment with budget	PWT / WTU
<b>Priority B – Judicial Training</b>		
B1	Review of Delivery of Training: Review of how training meeting needs might be delivered with a view to ensuring that JOHs are appropriately trained for their posts and the training given is best value for money	PWT / JL / WTU
B2	Digital Competency Development: Explore and implement additional training opportunities for the judiciary, with a particular focus on enhancing digital skills and technological proficiency	PWT / JL / WTU
<b>Priority C – Inclusion and Diversity</b>		
C1	Data Collection and Analysis: Complete delivery on the commitment to gather anonymised data on the composition of Welsh Tribunals' Judicial Office Holders (JOHs), focusing on characteristics such as gender, racial background, professional expertise, and social background; and identifying and addressing any concerns to which those data give rise	PWT / WTU

**PWT – President of Welsh Tribunals**

**JL – Judicial Leads**

**WTU – Welsh Tribunals Unit**



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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE**            **Public consultation on Making Changes to the Welsh Tax Acts**

**DATE**            **08 September 2025**

**BY**                **Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language**

I am pleased to announce today the launch of a [public consultation](#) on making changes to the Welsh Tax Acts<sup>1</sup>.

In this consultation, the views are sought of the public, individual lawyers and tax advisers with an interest in constitutional and taxation matters (especially in how changes are made to the rules that apply to taxes), and professional bodies whose members have similar interests.

The consultation closes on Friday 28 November. Consideration of the responses will help in meeting the statutory duty placed on the Welsh Ministers under section 6 of the Welsh Tax Acts etc. (Power to Modify) 2022 to publish the conclusions of a review of the operation and effect of this Act by 8 September 2026. That review must include an assessment of alternative legislative mechanisms for making changes to the Welsh Tax Acts and regulations made under any of those Acts, and the responses to this consultation and engagement work by my officials will help in reaching those conclusions.

The outcome of this consultation will complement work being undertaken to prepare a consultation on potential provisions for inclusion in a Tax Maintenance Bill. Together, they will enable the next Welsh Government and Senedd to work towards finding the right approach to make changes to our Welsh Tax Acts.

This statement is being issued during recess to keep Members informed. Should Members wish me to make a further statement or to answer questions on this when the Senedd returns I would be happy to do so.

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<sup>1</sup> The Tax Collection and Management (Wales) Act 2016, the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 and the Landfill Disposals Tax (Wales) Acts 2017.

Rebecca Evans AS/MS  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA/RE/00924/25

Mike Hedges MS  
Chair of Legislation, Justice and Constitution Committee  
[SeneddLJC@assembly.wales](mailto:SeneddLJC@assembly.wales)

09 September 2025

Dear Mike,

I am writing to inform you that the UK government has written to me setting out its intention to extend Section 2 of the Trade Act 2021.

Section 2(1) of the Trade Act enables the UK government to implement international trade agreements that the UK signs with countries who previously had an international trade agreement with the EU before 31 January 2020. These are often referred to as the UK's trade continuity agreements.

The power under Section 2(1) was subject to a 'sunset' clause which would be activated on 31 December 2025; however, the UK government will use the power under Section 2(10)(b) of the Trade Act to postpone the sunset for a period of five years. With several key negotiations still taking place, the UK government believes that these powers will allow it to implement and maintain key agreements with our international trading partners.

The Welsh Government initially laid a legislative consent memorandum (LCM) stating our view that it was appropriate to deal with the issue covered by Section 2 in a UK bill.

However, as the Trade Act does contain devolved powers which were consented to in 2020, I believe that it is important the Senedd is made aware of the UK government's intention to postpone the sunset of those powers so that they will be available for use by Welsh Ministers (and the other UK governments) for a further 5 years. With the current degree of uncertainty in international trade, it is difficult to clearly identify in which areas powers will be needed for future agreements; therefore, I feel that the extension of the powers is prudent.

While the UK government has provided written assurance that the powers in section 2(1) will not normally be used in areas of devolved competence without our consent, and never without consultation, I have written to the UK government to make clear our expectation that this will continue to be the case for the duration of the five-year extension.

Yours sincerely,

**Rebecca Evans AS/MS**  
Cabinet Secretary for Economy, Energy and Planning  
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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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.

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# Agenda Item 9

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# Agenda Item 17

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