

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: 12 January 2026 | Committee Clerk |
| Meeting time: 13.30 | 0300 200 6565 |
| | SeneddLJC@senedd.wales |

Remote

Public meeting

(13.30 – 14.05)

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

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

Affirmative Resolution Instruments

**2.1 SL(6)691 – The Council Tax Reduction Schemes (Prescribed Requirements
and Default Scheme) (Miscellaneous Amendments) (Wales) Regulations 2026**
(Pages 1 – 5)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–01–26 – Paper 1 – Draft report

LJC(6)–01–26 – Paper 2 – Written Statement by the Cabinet Secretary for
Finance and Welsh Language, 9 December 2025



2.2 SL(6)692 – The Non–Domestic Rating (Provision of Information About Changes of Circumstances) (Wales) Regulations 2026

(Pages 6 – 8)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–01–26 – Paper 3 – Draft report

2.3 SL(6)693 – The Council Tax (Discounts, Disregards and Exemptions) (Wales) Regulations 2026

(Pages 9 – 12)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–01–26 – Paper 4 – Draft report

3 Instruments that raise issues to be reported to the Senedd under Standing Order 21.7

(13.35 – 13.40)

3.1 SL(6)688 – School Organisation Code

(Pages 13 – 17)

[Code](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–01–26 – Paper 5 – Draft report

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

(13.40 – 13.45)

4.1 SL(6)651 – The Senedd Cymru (Disqualification) Order 2025

(Pages 18 – 19)

Attached Documents:

LJC(6)-01-26 – Paper 6 – Written Statement by the Cabinet Secretary for Housing and Local Government, 15 December 2025

LJC(6)-01-26 – Paper 7 – Letter from the Cabinet Secretary for Housing and Local Government, 15 December 2025

4.2 SL(6)682 – The Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations 2025

(Pages 20 – 22)

Attached Documents:

LJC(6)-01-26 – Paper 8 – Report

LJC(6)-01-26 – Paper 9 – Welsh Government response

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

(13.45 – 13.50)

5.1 SL(6)684 – Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services

(Pages 23 – 29)

Attached Documents:

LJC(6)-01-26 – Paper 10 – Report

LJC(6)-01-26 – Paper 11 – Welsh Government response

6 Inter-Institutional Relations Agreement

(13.50 – 13.55)

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

(Pages 30 – 35)

Attached Documents:

LJC(6)-01-26 – Paper 12 – Letter from the Counsel General and Minister for Delivery: Inter-Ministerial Group on Justice, 17 December 2025

LJC(6)-01-26 – Paper 13 – Letter from the Cabinet Secretary for Economy, Energy and Planning: Inter-Ministerial Group for Trade, 22 December 2025

LJC(6)-01-26 – Paper 14 – Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip: Inter-Ministerial Group for Work and Pensions, 5 January 2026

LJC(6)-01-26 – Paper 15 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Standing Committee, 8 January 2026

6.2 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Plant Varieties Act (Amendment) Regulations 2026

(Pages 36 – 37)

Attached Documents:

LJC(6)-01-26 – Paper 16 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 15 December 2025

6.3 Written Statement and correspondence from the Cabinet Secretary for Finance and Welsh Language: The Procurement Act 2023 (Commencement No. 4) Regulations 2025

(Pages 38 – 40)

Attached Documents:

LJC(6)-01-26 – Paper 17 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 17 December 2025

LJC(6)-01-26 – Paper 18 – Letter from the Cabinet Secretary for Finance and Welsh Language, 17 December 2025

6.4 Written Statement by the Cabinet Secretary for Economy, Energy and Planning: The Infrastructure (Wales) Act 2024 (Consequential Amendments) Order 2025

(Page 41)

Attached Documents:

LJC(6)-01-26 – Paper 19 – Written Statement by the Cabinet Secretary for Economy, Energy and Planning, 18 December 2025

6.5 Correspondence from the Cabinet Secretary for Finance and Welsh Language: The Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026

(Pages 42 – 43)

Attached Documents:

LJC(6)-01-26 – Paper 20 – Letter from the Cabinet Secretary for Finance and Welsh Language, 18 December 2025

7 Papers to note

(13.55 – 14.05)

7.1 Correspondence from the Counsel General and Minister for Delivery to the Llywydd: Welsh Statutory Instruments

(Page 44)

Attached Documents:

LJC(6)-01-26 – Paper 21 – Letter from the Counsel General and Minister for Delivery to the Llywydd, 11 December 2025

7.2 Correspondence from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip: The Welsh Government response to the Committee's report on the British Sign Language (Wales) Bill

(Pages 45 – 46)

Attached Documents:

LJC(6)-01-26 – Paper 22 – Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, 15 December 2025

7.3 Correspondence from the Counsel General and Minister for Delivery: The Welsh Ministers' determination on the numbering and classification of subordinate legislation not made by Welsh statutory instrument

(Pages 47 – 51)

Attached Documents:

LJC(6)-01-26 – Paper 23 – Letter from the Counsel General and Minister for Delivery, 15 December 2025

7.4 Correspondence from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip: The Welsh Government's response to the Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Crime and Policing Bill

(Pages 52 – 53)

Attached Documents:

LJC(6)-01-26 – Paper 24 – Welsh Government response, December 2025

7.5 Written Statement by the Cabinet Secretary for Housing and Local Government: Implementation of Leasehold and Freehold Reform Act 2024: freehold estate management charges

(Page 54)

Attached Documents:

LJC(6)-01-26 – Paper 25 – Written Statement by the Cabinet Secretary for Housing and Local Government, 18 December 2025

7.6 Correspondence from the Cabinet Secretary for Housing and Local Government: The Welsh Government's responses to Committees' reports on the Building Safety (Wales) Bill

(Pages 55 – 98)

Attached Documents:

LJC(6)-01-26 – Paper 26 – Letter from the Cabinet Secretary for Housing and Local Government, 19 December 2025

LJC(6)-01-26 – Paper 27 – Letter from the Cabinet Secretary for Housing and Local Government to the Finance Committee, 19 December 2025

LJC(6)-01-26 – Paper 28 – Letter from the Cabinet Secretary for Housing and

Local Government to the Local Government and Housing Committee, 19
December 2025

**7.7 Correspondence from the Counsel General and Minister for Delivery: Review
of the United Kingdom Internal Market Act 2020**

(Pages 99 – 120)

Attached Documents:

LJC(6)-01-26 – Paper 29 – Letter from the Counsel General and Minister for
Delivery, 5 January 2026

LJC(6)-01-26 – Paper 30 – Letter to the Counsel General and Minister for
Delivery, 11 November 2025

**7.8 Correspondence from the Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs: The Welsh Government's responses to
Committees' reports on the Prohibition of Greyhound Racing (Wales) Bill**

(Pages 121 – 130)

Attached Documents:

LJC(6)-01-26 – Paper 31 – Letter from the Deputy First Minister and Cabinet
Secretary for Climate Change and Rural Affairs, 5 January 2026

LJC(6)-01-26 – Paper 32 – Letter from the Deputy First Minister and Cabinet
Secretary for Climate Change and Rural Affairs to the Culture,
Communications, Welsh Language, Sport and International Relations
Committee, 5 January 2026

**7.9 Written Statement by the Counsel General and Minister for Delivery: The
Mental Health Review Tribunal for Wales (Membership) Bill**

(Pages 131 – 134)

Attached Documents:

LJC(6)-01-26 – Paper 33 – Written Statement by the Counsel General and
Minister for Delivery, 5 January 2026

LJC(6)-01-26 – Paper 34 – Written Statement by the Counsel General and
Minister for Delivery, 6 January 2026

**7.10 British–Irish Parliamentary Assembly: UK–EU Defence and Security
Cooperation Post–Brexit Final Report**

(Pages 135 – 165)

Attached Documents:

LJC(6)–01–26 – Paper 35 – UK–EU Defence and Security Cooperation Post–Brexit Final Report, October 2025

**7.11 Written Statement by the Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs: The Government of Wales Act 2006
(Devolved Welsh Authorities) (Amendment) Order 2025**

(Page 166)

Attached Documents:

LJC(6)–01–26 – Paper 36 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 8 January 2026

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

(14.05)

Private meeting

(14.05 – 14.30)

**9 Supplementary Legislative Consent Memorandum (Memorandum
No. 3) on the Terminally Ill Adults (End of Life) Bill**

(14.05 – 14.15)

(Pages 167 – 200)

Attached Documents:

LJC(6)–01–26 – Paper 37 – Legal Advice Note

LJC(6)–01–26 – Paper 38 – Draft letter

10 International Agreements: Draft report

(14.15 – 14.20)

(Pages 201 – 208)

Attached Documents:

LJC(6)-01-26 – Paper 39 – Draft report

11 Forward Work Planning

(14.20 – 14.30)

(Pages 209 – 214)

Attached Documents:

LJC(6)-01-26 – Paper 40 – Forward Work Programme paper

SL(6)691 – The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Miscellaneous Amendments) (Wales) Regulations 2026

Background and Purpose

Council Tax Reduction Schemes (CTRS) are the mechanism by which local authorities in Wales provide support to low-income households in meeting their council tax liability.

These Regulations make amendments to the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (referred to collectively as “the 2013 CTRS Regulations”). It uprates certain figures used to calculate an applicant’s entitlement to a reduction under a CTRS, and the subsequent level of reduction.

In addition to uprating the financial figures, these Regulations make technical, presentational and consequential amendments to the 2013 CTRS Regulations designed to ensure CTRS reflect changes to related social security benefits and other systems and remain “*fit-for-purpose*”, as explained in the Explanatory Memorandum.

The Cabinet Secretary for Finance and Welsh Language, Mark Drakeford MS, issued a [Written Statement](#) in relation to these Regulations on 9 December 2025.

Procedure

Draft Affirmative.

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

Technical Scrutiny

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

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

In regulation 6(1)(c), in the new sub-paragraph (s)(iii), there is a difference between the English and Welsh texts. In the English text, in the words before sub-paragraphs (aa) to (dd) it notes “*has-*”, but the meaning given by the Welsh text is “*satisfies one of the following criteria-*”. Therefore, the Welsh text has used the same phrase which was used earlier at the beginning of the new sub-paragraph (r)(iv) (which is also inserted by regulation 6(1)(c)),



which does not occur in the English text. The same difference also occurs in regulation 17(1)(c), in the new paragraph (s)(iii).

In addition, in the new paragraph (s)(iii), inserted by regulation 17(1)(c), the phrase “a person” is repeated at the beginning of each of paragraphs (aa) to (dd), unlike in the English text. This does not occur in the Welsh text of the new sub-paragraph (s)(iii), inserted by regulation 6(1)(c).

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

In regulation 8(a)(i), the amount identified for amendment in sub-paragraph (1), in column (2) of the Table in paragraph 1 of Schedule 2 to the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013, is incorrect. The amount is identified as “£244.00” but the amount noted in the existing text of the Table in that provision is “£244.40”.

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

In regulation 15(a), in the Welsh text, it is noted that the new sub-paragraphs (3) and (4) are to be inserted “after sub-paragraph **(3)**”. This should read “after sub-paragraph **(2)**”, as occurs in the English text.

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

In regulation 25(a)(i), the Welsh text fails to correctly identify the amount for amendment in sub-paragraph (1) in column (2) of the Table in paragraph 1 of Schedule 2 to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013. The Welsh text notes “£244.40” as the amount (as does the English text), but a different amount of “£244.00” is noted in the existing Welsh text of that provision.

This appears to be due to a historical error made to the Welsh text by regulation 20(a)(i) of the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Miscellaneous Amendments) (Wales) Regulations 2025 (SI 2025/59 (W. 17)) (“the 2025 Regulations”) which incorrectly inserted “£244.00” rather than “£244.40” into the Welsh text in sub-paragraph (1) in column (2) of the Table in paragraph 1 of Schedule 2 to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013. “£244.40” was inserted into the English text.

The Welsh Government is also asked to clarify whether this historical discrepancy between the English and Welsh texts of that provision is likely to have had a practical impact on calculations to an applicant’s entitlement to a reduction under a CTRS since the 2025 Regulations came into force.



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

In regulation 26(b), there is a difference between the English and Welsh text. In the English text, it notes that the new amount is “£87.**88**” but the new amount in the Welsh text is “87.**99**”. This means that the English and Welsh texts insert different amounts into column (2) of the Table in paragraph 3(1) of Schedule 3 to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013.

Merits Scrutiny

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

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

Paragraph 2.1 of the Explanatory Memorandum explains as follows:

“This instrument has been prepared outside the new software for Welsh statutory instruments; it may be the case that minor formatting improvements need to be made during the registration process if this legislation is approved by the Senedd and made by the Welsh Ministers.”

Welsh Government response

A Welsh Government response is required in relation to the technical reporting points only.

Legal Advisers

Legislation, Justice and Constitution Committee

18 December 2025

Welsh Government response:

Technical Scrutiny point 1: The wording used in the Welsh text was a deliberate choice as a result of the use of positive and negative statements in the sub-paragraphs. Paragraph 2.7(4) of Writing Laws for Wales confirms that this approach should be taken.

We agree that “person” should not be repeated in the Welsh text and we will ensure that the Regulations are corrected as set out below prior to making.

Technical Scrutiny point 2, 3 and 5: The Welsh Government agree with these reporting points and will ensure that the Regulations are corrected as set out below prior to making.

Technical Scrutiny point 4: The Welsh Government agree with the first point and will ensure that the Regulations are corrected as set out below prior to making.



In relation to the second point, the Welsh Government does not consider that the historical discrepancy would have led to any practical effect on the calculations of an applicant's entitlement to a reduction. The error is within the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 which apply, in default, where an authority has not made a scheme for the relevant financial year. All authorities in Wales made a scheme in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 in the relevant financial year so this error would have had no effect.

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

| CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING | CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING |
|--|---|
| Rheoliadau Cynlluniau Gostyngiadau'r Dreth Gyngor (Gofynion Rhagnodedig a'r Cynllun Diofyn) (Diwygiadau Amrywiol) (Cymru) 2026 | The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Miscellaneous Amendments) (Wales) Regulations 2026 |
| In regulation 8(a)(i), the figure of "£244.00" will be corrected to read "£244.40". | In regulation 8(a)(i), the figure of "£244.00" will be corrected to read "£244.40". |
| In regulation 15, the reference to "ar ôl is-baragraff (3)" will be corrected to read "ar ôl is-baragraff (2)". | |
| In regulation 17(1)(c), the word "person" will be removed from each of the paragraphs (aa) to (dd) in new paragraph (s)(iii). | |
| In regulation 25(a)(i), the existing paragraph (i) will be amended to read: "(1) yn is-baragraff (1)— (aa) yn y testun Saesneg, yn lle "£244.40" rhodder "£256.00"; (bb) yn y testun Cymraeg, yn lle "£244.00" rhodder "£256.00";". | In regulation 25(a)(i), the existing paragraph (i) will be amended to read: "(i) in sub-paragraph (1)— (aa) in the English language text, for "£244.40" substitute "£256.00"; (bb) in the Welsh language text, for "£244.00" substitute "£256.00";". |
| In regulation 26(b), the figure of "£87.99" will be corrected to read "£87.88". | |
| Minor typographical issues and cross referencing in the Explanatory Note will also be corrected. | |





Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

| | |
|--------------|---|
| TITLE | The Laying of the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Miscellaneous Amendments) (Wales) Regulations 2026 |
| DATE | 09 December 2025 |
| BY | Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language |

Today, I have laid the draft Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Miscellaneous Amendments) (Wales) Regulations 2026 before the Senedd.

Subject to the approval of the Senedd, these Regulations will uprate the financial figures in the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 and the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013. This ensures the scheme remains in place for the 2026–27 financial year and is uprated to reflect changes in the cost of living, maintaining support for over 256,000 low-income households across Wales.

The Regulations also incorporate recent welfare system changes, including provisions for new neonatal care and pay arrangements, and extend the rule allowing a Universal Credit claim to satisfy the Habitual Residence Test for housing benefit purposes to the Council Tax Reduction Scheme.

Further amendments will ensure displaced persons from Israel, the West Bank, the Gaza Strip, or East Jerusalem are eligible to apply for a council tax reduction.

In addition, the Regulations guarantee that no applicant living in Wales is disadvantaged because they have received a payment under the LGBT Veterans Redress Scheme or the Miscarriage of Justice Compensation Scheme.

I look forward to the debate on the Regulations early next year.

Agenda Item 2.2

SL(6)692 – The Non-Domestic Rating (Provision of Information About Changes of Circumstances) (Wales) Regulations 2026

Background and Purpose

These Regulations impose a duty on a person (“P”) to provide information to billing authorities when P becomes the ratepayer of a hereditament or when certain changes occur in relation to the occupation of a hereditament for which P is the ratepayer (the “notifiable information duty”). The Regulations also provide for a system of penalties for failure to comply with that duty and procedures for reviewing and appealing penalties.

Regulation 3 provides that P must notify the relevant billing authority of the following changes, together with the date on which they occurred—

- When there is a change in the identity of P. This means that P must notify the billing authority that P is the new ratepayer for the hereditament;
- When P becomes the occupier and the hereditament was unoccupied immediately prior to the change. This means that P must notify the billing authority if P occupies the previously unoccupied hereditament (whether or not P was already the ratepayer as the owner of the unoccupied hereditament);
- When a person ceases to be the occupier and the hereditament is unoccupied immediately following the change. This means that where P is the owner of the unoccupied hereditament (whether or not P was already the ratepayer as the previous occupier), P must notify the billing authority that it is no longer occupied. P must comply with the notifiable information duty within 60 days of the relevant change taking place.

Regulation 4 makes provision about the imposition of financial penalties. Where P or a previous ratepayer fails to comply with the notifiable information duty within the time specified, a civil penalty of £500 may be imposed on that person. Where that person knowingly or recklessly makes a false statement while purporting to comply with the notifiable information duty, they will be liable on summary conviction to a fine not exceeding level 3 on the standard scale. This regulation also deals with matters in relation to the recovery of the civil penalty.

Regulation 5 makes provision about the information which must be contained in a notice imposing such penalties (a “penalty notice”).

Regulations 6 to 8 set out the procedures for the review and service of penalty notices, including the requirement that billing authorities must serve a further penalty notice where the penalty amount has been reduced or remitted in full.



Regulation 9 makes provision about appealing against a penalty notice or further penalty notice.

Regulation 10 amends the Non-Domestic Rating (Demand Notices) (Wales) Regulations 2017 in relation to the prescribed information which must be contained in a demand notice issued to a ratepayer. The amendments will require demand notices to include information reminding ratepayers of the notifiable information duty.

Regulation 11 amends the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023 to ensure that relevant provisions of those Regulations apply in relation to appeals brought against penalty notices under these Regulations, apart from the amendment in regulation 11(3)(b), which ensures that a billing authority may be included as a party to an appeal brought under certain provisions in Schedule 9 to the Local Government Finance Act 1988.

Procedure

Draft affirmative.

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

Technical Scrutiny

The following 2 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

Regulation 4(6)(b) states that a claim to recover a penalty must not be made “if a review is made under regulation 6(2)”. Should it refer to a review being required or requested, as opposed to “made”?

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

In regulation 7(a), there is a difference between the English and Welsh text. In the English text, it notes “the amount of the revised penalty amount” but the meaning given by the Welsh text is “the revised penalty amount”.

Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.



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

Regulation 4(4) requires that any sum received by a billing authority by way of a penalty under regulation 4(1) must be paid into the Welsh Consolidated fund.

- 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.**

Paragraph 2 of the Explanatory Memorandum explains as follows:

“This instrument has been prepared outside the new software for Welsh statutory instruments; it may be the case that minor formatting improvements need to be made during the registration process if this legislation is approved by the Senedd and made by the Welsh Ministers.”

Welsh Government response

A Welsh Government response is required for reporting points 1 and 2.

Legal Advisers

Legislation, Justice and Constitution Committee

6 January 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Pack Page 8

Legislation, Justice and Constitution Committee

SL(6)693 – The Council Tax (Discounts, Disregards and Exemptions) (Wales) Regulations 2026

Background and Purpose

The current system of council tax discounts, disregards and exemptions is set out in the Local Government Finance Act 1992 and subordinate legislation made under that Act.

These Regulations are intended to be a consolidating instrument which restates and amends existing provisions as well as making further provisions.

These Regulations will revoke and replace the following statutory instruments in their application to Wales.

- The Council Tax (Discount Disregards) Order 1992;
- The Council Tax (Additional Provisions for Discount Disregards) Regulations 1992;
- The Council Tax (Exempt Dwellings) Order 1992; and
- The Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998.

Part 1 contains general and interpretation provisions.

Part 2 prescribes the amount of a council tax discount in relation to occupancy and particular classes of unoccupied dwellings. In particular they prescribe the amount of a discount where there is a single occupant of a dwelling, the amount of a discount where all occupants of a dwelling are disregarded (for which see Part 3), and particular dwelling related discounts.

Part 3 prescribes classes of persons who are disregarded for the purposes of a council tax discount under Part 2.

Part 4 prescribes exceptions (for some classes of persons who are disregarded for the purposes of a council tax discount) from being jointly and severally liable for council tax.

Part 5 prescribes exemptions from the liability to pay council tax in relation to particular classes of dwellings.

Part 6 introduces Schedule 4 which makes provision for consequential amendments and revocations.

Schedule 1 makes further provision for job-related dwellings.

Schedules 2 and 3 make further provision in relation to students and prescribed educational establishments.

Schedule 4 contains amendments and revocations which are consequential on these



Regulations.

Procedure

Draft affirmative.

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

Technical Scrutiny

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

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

Regulation 1(3) defines “billing authority” for the purposes of “paragraph (2)” of these Regulations. This term is not used in paragraph (2). However, it is used in the definition of “council tax reduction scheme” in regulation 1(3) and in regulation 29, Class A, paragraph (6) and Class C, paragraph (4). As such, it is unclear where the definition of “billing authority” in regulation 1(3) is intended to apply.

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

In regulation 1(3), in the definition of “billing authority”, the title of the Local Government Finance Act 1992 is noted in full, but is defined in regulation 2 as “the 1992 Act” for these Regulations. This should have been used in the definition of “billing authority” as has been done in the definition of “council tax reduction scheme” in regulation 1(3).

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

In regulation 2, “leave to enter or remain” has been defined for these Regulations. However, it is unclear if the term that should be defined is “leave to enter or remain in the United Kingdom” as this is the phrase that has been used throughout the Regulations. The definition in the English text is also different from that found in the Welsh text, which has been given the meaning “leave to enter or remain in the United Kingdom”.

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

In regulation 2, in the definition of “leave to enter or remain” in paragraph (a)(ii), there is a difference between the English and Welsh text. The English text notes “thought right to allow P”, whilst the meaning of the Welsh text is “thought right to allow that person”. The Welsh text does not use the term “P” which was defined in the opening words of the definition of “leave



to enter or remain". This is also inconsistent with the other provisions in that definition where "P" has been used in the Welsh text.

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

In Schedule 4, in paragraph 2(2)(b) to (d), the amendments to the definitions in regulation 1(2) of the Council Tax (Administration and Enforcement) Regulations 1992 are described as being made "as it applies in relation to Wales". It is unclear if repeating this statement is necessary because there is an existing application provision in regulation 1(4) of these Regulations. It may also be argued that the enabling powers already limit the Welsh Ministers so that any amendments will only apply in relation to Wales. It could potentially be confusing to a reader because this will also be true of the other amendments made by Schedule 4, although not expressly noted. For example, in paragraph 1(4) of Schedule 4, an amendment is made to omit paragraph 1(1)(b)(iii) from Schedule 1 to the Council Tax (Discount Disregards) Order 1992. However, this provision only exists in Schedule 1 "as it applies in relation to Wales" but this is not expressly stated in that amendment. As such, there does appear to be an inconsistent approach.

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

In Schedule 11, paragraph 4, the amendments do not identify where the paragraphs are found in the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013. This should note that the paragraphs are found in the Schedule to the 2013 Regulations. Previous amending instruments have included a phrase such as "in the scheme set out in the Schedule to..." to identify the location for amendment.

Merits Scrutiny

The following point is 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.

Paragraph 2.1 of the Explanatory Memorandum (Matters of special interest to the Legislation, Justice and Constitution Committee) states as follows:

"2.1 This instrument has been prepared outside the new software for Welsh statutory instruments; it may be the case that minor formatting improvements need to be made during the registration process if this legislation is approved by the Senedd and made by the Welsh Ministers."



Welsh Government response

A Welsh Government response is required in respect of reporting points 1-6.

Legal Advisers

Legislation, Justice and Constitution Committee

7 January 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 12**

Legislation, Justice and Constitution Committee

SL(6)688 – The School Organisation Code

Background and Purpose

The School Organisation Code is issued under sections 38 and 39 of the School Standards and Organisation (Wales) Act 2013 (“the Act”). It is the third edition of the Code and it will come into force on 9 February 2026 and supersede the second edition of the Code published in 2018.

Section 38 of the Act provides that the Welsh Ministers must issue a code on school organisation. The Code may impose requirements and may also include guidelines setting out aims, objectives and other matters.

The Welsh Ministers, local authorities, governing bodies of maintained schools, the Commission for Tertiary Education and Research and any other person proposing a school reorganisation must act in accordance with the requirements in the code and must have regard to the guidelines in the Code when exercising any functions under Part 3 of the Act.

Procedure

Draft negative

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

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

Scrutiny under Standing Order 21.7

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

1. In the Welsh text of the Code, there is a varying between the use of “dyroddi” or “cyhoeddi” to express the meaning of “issue” where the context appears to be the same. On the front sheet of the document, “Date of Issue” is expressed as “Dyddiad cyhoeddi” but in the first paragraph under the heading “Summary of changes in the third edition of the Code” on page 5 “issue” is expressed using both “dyroddi” and “cyhoeddi” in the same context. In footnotes 1 and 2 on page 5, “issue” is expressed by using grammatical forms of both “dyroddi” and “cyhoeddi” when referring to the issue of notices by the Welsh Language Commissioner. Later in paragraph 8.2, the Welsh text also varies between “rhoi” and “dyroddi” when referring to the “issue” of a direction. In addition, in



paragraph 5.17, "issue" in relation to a decision is expressed by using a form of "cyhoeddi" but in paragraph 5.31 it is expressed by using a form of "cyflwyno" (which is more commonly used for "serve") in the same context. This problem occurs throughout the Welsh text of the Code.

2. On page 9, in paragraph 1, in the English text, after the reference to section 2, it notes the heading for that section "(changes which require proposals)". However, in the Welsh text, the words in parentheses differ slightly from the heading of section 2 as it notes "newidiadau sy'n gofyn am gynigion" rather than "newidiadau y mae angen cynigion ar eu cyfer".
3. In paragraph 1.42, there is a difference between the English and Welsh text. In the English text, it notes "the reason for proposing discontinuance of the school" but the meaning given by the Welsh text is "the reason for discontinuance of the school".
4. In paragraph 1.45, in the eighth bullet point, there is a difference between the English and Welsh text. In the English text, it notes "promote access to the availability of Welsh-medium courses" but the meaning given by the Welsh text is "promote access to Welsh-medium courses". In addition, there is another slight difference in that bullet point where it notes "the sustainability or enhancement of Welsh-medium provision" in the English text, but the meaning given by the Welsh text is "the sustainability and enhancement of Welsh-medium provision".
5. In paragraph 2.7, in the Welsh text, the choice of term for "premises" varies between the words "safle" and "premises" in the same context. At the beginning of that paragraph, in the first bullet point, "premises of a school" and "premises of the school" are expressed as "mangre ysgol" and "mangre'r ysgol". But later in paragraph 2.7, "school premises" and "school's premises" are both expressed as "safle ysgol". Therefore, the Welsh text is inconsistent when referring to "premises" in the same context. In addition, the reader will be unable to distinguish between "site" and "premises" in the Welsh text because "safle" is also used to express "site" elsewhere in the Code. "Mangre" is the standardised word for "premises" in the Glossary of the Welsh Government's Legislative Translation Unit.
6. In the second paragraph numbered 3.16, at the end of the second bullet point, it notes "the terms 'merger' or 'amalgamation' might be used" in the English text. However, in the Welsh text, a single word "uno" has been noted which is capable of expressing both of the words "merger" and "amalgamation". However, should it also note "cyfuno" in the Welsh text for "amalgamation", if there is any potential difference in meaning or emphasis in the choice of words in the English text?



7. In paragraph 3.22, there is an inconsistency in the choice of word to express "register" in the Welsh text. In the third bullet point, "registered" is expressed by using the more literal "cofrestru" but in the final bullet point "to register" is expressed by using "nodi".
8. In paragraph 3.23, in the opening words before the bullet points, there is a difference between the English and Welsh text. In the English text, it notes "the following information for the new school **must** also be included" but the meaning given by the Welsh text is "the following information **must** also be included".
9. In paragraph 3.36, there is a difference between the English and Welsh text. In the English text, it notes "children and young people's participation standards for Wales" but the meaning given by the Welsh text is "children and young people's participation **national** standards for Wales".
10. In paragraph 4.3, there are a few differences between the English and Welsh text. In the English text, in the second bullet point, it notes "any existing school" but the meaning given by the Welsh text is "any school". In addition, in the English text, in the fourth bullet point, it notes "and staff members" but the meaning given by the Welsh text is "and school staff".
11. In paragraph 5.1, in the first bullet point, there is a difference between the English and Welsh text. In the English text, it notes "see paragraphs **5.24 to 5.27**" but the meaning given by the Welsh text is "see paragraphs **5.25 to 5.28**".
12. Paragraph 5.17 relates to proposals that requires approval by a local authority. If a proposal is subject to the approval of a local authority, paragraph 5.17 provides that the local authority must issue its decision within 16 weeks beginning with the end of the objection period. This reflects section 51(8) of the 2013 Act. However paragraph 5.17 goes on to provide that a failure to comply with that time limit does not affect the validity of any decision reached and this appears to directly cut across section 51(8) of the 2013 Act, and across the will of the Senedd expressed therein. Whilst we note that under section 38(3) of the Act the Code may impose requirements, we do not consider that can extend to changing the effect of the primary legislation. In the event a local authority made a decision after the time period set out in section 51(8) has expired, what power do you consider they would they be exercising in making that decision?
13. In paragraph 5.28, in the final sentence, there is a difference between the English and Welsh text. In the English text, it notes "whether or not contested school organisation proposals" but the meaning given by the Welsh text is "whether or not school organisation proposals".



14. In paragraph 6.9, there is a difference between the English and Welsh text. In the English text, it notes "by the substitution of a later date" but the meaning given by the Welsh text is "by the specification of a later date".
15. In paragraph 7.7, there is a difference between the English and Welsh text. In the English text, it notes "The possible closure of such schools" but the meaning given by the Welsh text is "The closure of such schools". In addition, it could be argued that "dyroddi" rather than "cyhoeddi" is the appropriate word to express the meaning of "issuing" in relation to statutory notice of closure in the Welsh text.
16. In paragraph 9.7, there is a reference to "section 63A(1) of the 2023 Act". Should this reference be to the School Standards and Organisation (Wales) Act 2013?
17. In Annex B, in the Examples of statutory notices, in the Welsh text, "insert" has generally been expressed by using "nodwch". However, in the first notice "mewnosodwch" is used on a single occasion and in the second notice "rhowch" has been used on a few occasions for "insert". Should a consistent approach be adopted in the choice of term for "insert" throughout the notices in the Welsh text?
18. In Annex B, in the Example of a statutory notice to establish a new community or voluntary school, in the paragraph beginning "In the case of proposals to establish a new voluntary school...", there is a difference between the English and Welsh text. In the English text, it notes "if the proposals are to be implemented by both" but the meaning given by the Welsh text is "if the proposals are to be implemented by both parties". However, later in the same paragraph it notes "the extent to which they are to be implemented by each such body" in both language texts. Therefore, in the Welsh text, it should note "both bodies" rather than "both parties" to be consistent if it is viewed necessary to provide an additional word to complete the meaning of the sentence. Otherwise, it should simply note "by both" as was done earlier in the Welsh text of paragraph 4.7 of the Code.
19. In Annex B, in the Example of a statutory notice to make a regulated alteration to a maintained community, foundation, voluntary or nursery school, there is a difference between the English and Welsh text. In the English text, in the first paragraph, the title is noted correctly of "the School Standards and Organisation (Wales) Act 2013". However, in the Welsh text, the title is noted incorrectly because "(Cymru)" is missing from the name of that Act.
20. In Annex C, there is a difference between the English and Welsh text. In the English text, in the penultimate bullet point under the heading "Welsh language impact assessment" it notes "and any specific language enhancement" but the meaning given by the Welsh text is "any language enhancement".



21. In Annex D, in the fifth paragraph, there is a difference between the English and Welsh text. At the beginning of that paragraph, in the English text, it notes "Where a school with a designated Church in Wales or Roman Catholic religious character..." but the meaning given by the Welsh text is "Where a school with a Church in Wales or Roman Catholic religious character". It is noted correctly later in the last sentence of that paragraph in the Welsh text where the meaning of "designated" is included for the phrase "a designated religious character".

Government response

A Welsh Government response is required to all reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

7 January 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Welsh Parliament

Legislation, Justice and Constitution Committee

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WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Making of the Senedd Cymru (Disqualification) Order 2025**

DATE **15 December 2025**

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

Members will wish to be aware that the Senedd Cymru (Disqualification) Order 2025, which was agreed by the Senedd on 21 October, was made by the Privy Council on 12 November and came into force on 13 November.

The Order can be found at the following link: [The Senedd Cymru \(Disqualification\) Order 2025](#)

The Senedd Cymru (Disqualification) Order 2025 lists offices and memberships of bodies that disqualify their holders from being a Member of the Senedd (but not from being a candidate to be a Member of the Senedd). The offices are described in the Schedule to the Order.

Additional disqualifying offices, together with categories of person disqualified from being a Member, or a candidate to be a Member, of the Senedd, are prescribed by section 16 of, and Schedule 1A to, the Government of Wales Act 2006. The Order should be read with those provisions.

This Order will revoke and replace the Senedd Cymru (Disqualification) Order 2020 with effect from an election at which the poll is held on or after 6 April 2026.

The Electoral Commission will be taking into account the Senedd Cymru (Disqualification) Order 2025 in its guidance to candidates prior to the May 2026 Senedd elections. It will however also be important that all political parties take steps to ensure that their prospective candidates are fully aware of the Order.

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



Llywodraeth Cymru
Welsh Government

Ref: PO/JP/653/2025
Ein cyf/Our ref: MA/JP/2081/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
SeneddLJC@senedd.wales

15 December 2025

Dear Mike,

I am pleased to inform you that the Senedd Cymru (Disqualification) Order 2025, which was agreed by the Senedd on 21 October, was made by the Privy Council on 12 November and came into force on 13 November.

A copy of the Order can be found on the legislation.gov.uk website at the attached address: [The Senedd Cymru \(Disqualification\) Order 2025](#).

The Senedd Cymru (Disqualification) Order 2025 designates offices the holders of which are disqualified from being a Member of the Senedd (but not from being a candidate to be a Member of the Senedd). The offices are described in the Schedule to the Order.

This Order will revoke and replace the Senedd Cymru (Disqualification) Order 2020 with effect from an election at which the poll is held on or after 6 April 2026.

Additional disqualifying offices, together with categories of person disqualified from being a Member, or a candidate to be a Member, of the Senedd, are prescribed by section 16 of, and Schedule 1A to, the Government of Wales Act 2006.

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.

Agenda Item 4.2

SL(6)682 – The Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations 2025

Background and Purpose

These Regulations make provision in relation to reviews of decisions made, and notices and directions given, by the Commission for Tertiary Education and Research (“the Commission”) under sections 45 and 78 of the Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”).

Regulations 3 and 4 set out the procedure to be followed when applying for a review.

Regulation 5 specifies the recommendations that may be made by the decision reviewer and the grounds for those recommendations.

Regulations 6 to 8 deal with the powers and duties of the decision reviewer, the applicant and the Commission during the review process.

Regulation 9 requires the Commission to respond to a recommendation in which the decision reviewer recommends it to reconsider its decision, notice or direction.

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

These Regulations do not define “the applicant”, therefore it is not clear on the face of these Regulations who may apply for a review.



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

Regulation 5(b) provides that the decision reviewer may recommend that the Commission should reconsider its “decision” in four specified circumstances. Does regulation 5(b) apply to decisions, notices and directions, or only decisions? The same is asked in relation to the reference to “decision” in regulation 5(b)(iv).

If regulation 5(b) and regulation 5(b)(iv) apply to decisions, notices and directions, it is asked why it is not specified in the same way as regulation 5(a), which refers to a “decision, notice or direction”? If regulation 5(a) and (b) applies to Commission decisions, notices and directions, the different use of terms in paragraphs (a) and (b) could cause confusion and potentially lead to incorrect interpretation.

Merits Scrutiny

The following point is 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 Regulations specify section 79(3) and (4) of the 2022 Act as the powers under which the Welsh Ministers make these Regulations, however the Explanatory Memorandum states that these Regulations are made “*pursuant to sections 79(3), 79(4) and 143(2)(a) of the 2022 Act*”.

The Welsh Government is asked why section 143(2)(a) is listed in the Explanatory Memorandum, but not in the Regulations themselves?

Welsh Government response

A Welsh Government response is required to all reporting points.

Committee Consideration

The Committee considered the instrument at its meeting on 15 December 2025 and reports to the Senedd in line with the reporting points above.



Government Response: The Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations 2025

Technical Scrutiny point 1: The “applicant” in these Regulations simply means the person making the application for a review under sections 45 and 78 of the Tertiary Education and Research (Wales) Act 2022, so there is no need to define the term beyond its ordinary meaning. These Regulations only deal with the procedure to be followed when dealing with a review and the possible outcomes, and do not seek to provide for who may apply for such a review. That is provided for in sections 45 and 78 of the Act, to which regulation 3 refers.

Technical Scrutiny point 2: The Regulations follow the language used in the relevant provisions of the Tertiary Education and Research (Wales) Act 2022. Section 79(1) refers to “decisions” made under both section 45 and section 78. Section 45 is concerned with, and refers to, registration decisions. Section 78 is concerned with, and refers only to, a notice or direction. In regulation 5(a) we have used “the decision, notice or direction” to reflect that (and we have used the same or similar wording in regulations 3(b), 4(a) and 9(a)).

Regulation 5(b) uses “its decision”, which encompasses Commission decisions under section 45 and decisions in respect of notices or directions under section 78. All three ‘types’ of decision are what the reviewer can review under section 79.

We acknowledge that it would have been clearer for the reader of regulation 5(b) to have referred to “the decision, notice or direction”. However, we do not consider that, when reading the provision in the context of the Regulations, there is a real risk of an incorrect interpretation, especially considering that regulation 5 must be read alongside regulation 9(a). Paragraph 9(a) is clear that a recommendation from the reviewer (under regulation 5) applies to registration decisions and decisions on notices and directions, as the duty to reconsider (on receipt of a recommendation) applies to a “decision, notice or direction”.

Merit Scrutiny point 1: We can confirm the only relevant enabling power is section 79(3) and (4) of the Tertiary Education and Research (Wales) Act 2022. The reference to section 143(2)(a) of that Act in the Explanatory Memorandum is incorrect and an amended version of the Explanatory Memorandum has been laid to correct this.

SL(6)684 – Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services

Background and Purpose

The Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services 2026 ('Code of Practice') sets out the requirements and guidelines which local authorities must act in accordance with when exercising their social services functions in relation to quality assurance and performance management, escalating concerns and closure of regulated services under the Social Services and Well-being (Wales) Act 2014 ('the 2014 Act').

The Code of Practice also constitutes guidance under section 169 of the 2014 Act and guidance under section 2 of the National Health Service (Wales) Act 2006 ('the 2006 Act').

To ensure this Code of Practice has comparable force in relation to Local Health Boards and NHS trusts in Wales, the Welsh Ministers will direct Local Health Boards and NHS trusts in Wales under powers set out in the 2006 Act to exercise their functions in accordance with the requirements contained within this Code of Practice when exercising their respective functions.

Procedure

Draft negative

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

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

Scrutiny under Standing Order 21.7

The following 20 points are identified for reporting under Standing Order 21.7 in respect of this code.

1. In paragraph 1.2, the term "the 2009 Guidance" has been used twice when appearing to refer to the statutory guidance first referred to in paragraph 1.1, Escalating Concerns with, and Closures of Care Homes Providing Services for Adults issued in 2009. However, that guidance was not defined as "the 2009 Guidance" in paragraph 1.1 of the Code and the full title of that guidance has also been used in paragraph 1.2. Should the title of that



guidance be defined as “the 2009 Guidance” in paragraph 1.1 and used consistently on each occasion in paragraph 1.2?

2. In paragraph 1.3, there is an incomplete reference to “1.2(b)” but it should note “paragraph 1.2(b)” (see the cross-reference in paragraph 5.17 for a correct example).
3. In paragraphs 1.4 and 1.5, there are references to the Social Services and Well-being (Wales) Act 2014 and to the National Health Service (Wales) Act 2006. However, these Acts have already been defined as “the 2014 Act” and “the 2006 Act” respectively in the opening words of the preamble of the Code. Therefore, the definitions should have been used in paragraphs 1.4 and 1.5 of the Code.
4. In paragraph 1.6, the reference to “section 147” is incomplete because it does not identify the Act in which that section is found. Other references to sections have correctly included the title of the relevant Act afterwards.
5. In paragraph 1.14, in the final sentence, there is a difference between the English and Welsh text. In the English text, it notes “appropriate monitoring mechanisms” but the meaning given by the Welsh text is “appropriate monitoring and evaluation mechanisms”.
6. In paragraph 3.1, in the final bullet point, it refers to a “registered service provider” and this term is used on approximately 5 occasions in the Code. Elsewhere, there are numerous references to “service provider” in the Code. However, the term “service provider” has been defined by the Glossary as meaning a person or organisation registered by Care Inspectorate Wales to provide a regulated care and support service under section 6 of the 2016 Act. Therefore, the defined term “service provider” should be used on each occasion if there is no difference in meaning between a “registered service provider” and a “service provider” in the Code. In addition, it could also be argued that the words “registered under the 2016 Act” in the third bullet point of paragraph 3.1 are superfluous after the words “service provider” due to the definition.
7. In paragraph 3.4, in the first sentence, there is a difference between the English and Welsh text. In the English text, it notes “Registered service providers” but the meaning given by the Welsh text is “Registered providers”. In addition, there is also a greater significance to the choice of term in both language texts because “service provider” has been defined by the Glossary of this Code.
8. In paragraph 3.5, in the second sentence, there is a difference between the English and Welsh text. In the English text, it notes “for the well-being of the people of Wales” but it could be argued that the meaning given by the Welsh text is “for the welfare of the people of Wales”. This is because “llesiant” rather than “lles” is the term normally used for “well-being” in the Welsh text of legislation and has been used consistently elsewhere in this Code. In addition, the word “lles” is also used later in paragraph 3.5 to convey the meaning of “welfare”. Therefore, the reader of the Welsh text will be unable to distinguish between “well-being” and “welfare” in paragraph 3.5 of the Code.



9. In paragraphs 4.15, 5.13 and 7.11, there are references to “the Registered Manager”. However, this term has not been defined with a meaning by the Glossary or other provisions of the Code. Therefore, it has no clear meaning in the Code.
10. In paragraphs 4.17 and 5.18, there is a difference between the English and Welsh text. In the English text of both of these paragraphs it notes “process flowchart” but there is no word or phrase to convey the meaning of “flowchart” in the Welsh text. In other provisions such as paragraphs 6.9 and 7.1 and the Annexes, the word “siart lif” has been used to correctly convey the meaning of “flowchart” in the Welsh text.
11. In paragraph 5.26, it refers to “registered social care workers or managers”. However, these terms have not been defined with a meaning by the Glossary of the Code unlike the term “registered nurse” in that paragraph. Is there any reason why those terms have not been defined in the Code?
12. In paragraph 6.3, in the first sentence, there is a difference between the English and Welsh text. In the English text, it notes “the desired outcomes or performance” but the meaning given by the Welsh text is “the desired outcomes or standards”.
13. In paragraph 6.7, in the second sentence, there is a difference between the English and Welsh text. In the English text, it notes “arranged by other commissioning bodies” but the meaning given by the Welsh text is “arranged by external commissioning bodies”.
14. In paragraph 7.5, in the second sentence, there is a difference between the English and Welsh text. In the English text, it notes “example procedures and plans for responding to the closure” but the meaning given by the Welsh text is “example procedures and plans for the closure”.
15. In paragraph 7.8, in the first sentence, there is an inconsistency in the choice of word to convey the meaning of “identified” in the Welsh text. In paragraph 7.7 and elsewhere in the Code, “nodi” has been used to express the meaning of “identified” in a similar context but “canfod” has been used in paragraph 7.8.
16. In paragraph 7.9, in the first sentence, there is a difference between the English and Welsh text. In the English text, it notes “must assess a carer’s needs” but the meaning given by the Welsh text is “must assess an unpaid carer’s needs”.
17. In Annex A, on page 25, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the second box down in the centre which has a beige background, it notes in bold “Contract performance management meeting with service provider”. But the meaning given by the Welsh text is “Contract performance management meeting with provider”. The same difference of meaning also occurs in the first sentence immediately after those words in the same box. As already mentioned, “service provider” is a term that is defined by the Glossary of the Code.
18. In Annex A, on page 25, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the fourth box down in the centre which has a beige



background, it notes "risks, breaches in required standards and agreed actions". But the meaning given by the Welsh text is "the areas of improvement and agreed actions". In addition, the formatting of this box is quite different in both language texts in the flow chart.

19. In Annex C, on page 27, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the box at the bottom of the page which has a pink background, in the second line, it notes "(see also Regulated Care and Support Services – Closure Flowchart...)". But the meaning given by the Welsh text is "(see also Regulated Care Services – Closure Flowchart...)".

20. In Annex D, on page 30, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the box at the bottom of the page which has a light blue background, it notes "Regulated Service Closure Team". But the meaning given by the Welsh text is "Regulated Service Team".

Government response

A Welsh Government response is required to the reporting points.

Committee Consideration

The Committee considered the instrument at its meeting on 15 December 2025 and reports to the Senedd in line with the reporting points above.



Government Response: Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services 2026

The Welsh Government acknowledges and accepts the matters raised. While the points require corrections to be made to the Code, these are minor drafting points that do not affect or alter the operation or legal effect of the Code itself.

In light of this, the Government proposes to the Committee that the corrections detailed below are made in response to the points raised prior to issue of the Code. The Government considers this approach to be pragmatic and proportionate; ensuring that the Code is published accurately without unnecessary delay.

- Scrutiny point 1** The statutory guidance Escalating Concerns with, and Closures of Care Homes Providing Services for Adults will be defined as “*the 2009 Guidance*” in paragraph 1.1 and reference to the full title in paragraph 1.2 replaced with “*the 2009 Guidance*”.
- Scrutiny point 2** The reference to “1.2(b)” in paragraph 1.3 will be amended to say, “*paragraph 1.2(b)*”.
- Scrutiny point 3** Reference in paragraph 1.4 to “*the Social Services and Well-being (Wales) Act 2014*” and the reference to “*the National Health Service (Wales) Act 2006*” in paragraph 1.5 will be replaced with “*the 2014 Act*” and “*the 2006 Act*” respectively.
- Scrutiny point 4** Reference in paragraph 1.6 to “*section 147*” will be amended to say, “*section 147 of the 2014 Act*”.
- Scrutiny point 5** In the final sentence of paragraph 1.14 in the Welsh text, the words “*a gwerthuso*” will be deleted.
- Scrutiny point 6** Paragraph 3.1 will be amended to replace the reference to “*registered service provider*” with “*service provider*”. Other references in the Code to “*registered service provider*” will be amended to “*service provider*”. The words “*registered under the 2016 Act*” in the third bullet point of paragraph 3.1 will be deleted.
- Scrutiny point 7** In the first sentence of paragraph 3.4 in the Welsh text, the words “*ddarparwyr cofrestredig*” will be changed to

“ddarparwyr gwasanaethau” to reflect the revised English text which will read *“Service providers”*.

- Scrutiny point 8** In the second sentence of paragraph 3.5 in the Welsh text, the words *“er lles”* will be amended to *“er llesiant”*.
- Scrutiny point 9** A definition of *“registered manager”* will be added to the Glossary to clarify the meaning of the term.
- Scrutiny point 10** The term *“siart lif”* (“flowchart”) will be added to paragraphs 4.17 and 5.18 of the Welsh text to convey the same meaning as the English text.
- Scrutiny point 11** A definition of *“registered social care worker”* will be added to the Glossary to clarify the meaning of this term.
- Scrutiny point 12** In the first sentence of paragraph 6.3 of the Welsh text, the word *“safonau”* will be changed to *“perfformiad”* to correspond to the English text.
- Scrutiny point 13** In the second sentence of paragraph 6.7 in the Welsh text, the words *“gan gorff comisiynu allanol”* will be changed to *“gan gyrff comisiynu eraill”* to correspond to the English text.
- Scrutiny point 14** In the second sentence of paragraph 7.5 of the Welsh text, the words *“ar gyfer cau”* will be changed to *“ar gyfer ymateb i gau”* to correspond to the English text.
- Scrutiny point 15** In the first sentence of paragraph 7.8 in the Welsh text, the word *“canfod”* will be replaced by *“nodi”* for consistency.
- Scrutiny point 16** In the first sentence of paragraph 7.9 of the Welsh text, the word *“di-dâl”* will be deleted so that the text corresponds to the English text.
- Scrutiny point 17** In the Welsh text, in Annex A, on page 25, in the flowchart, in the second box down in the centre which has a beige background, the word *“gwasanaeth”* will be added after *“darparwr”* in two places, to correspond to the English term *“service provider”*.

Scrutiny point 18

In the Welsh text, in Annex A, on page 25, in the flow chart, in the fourth box down in the centre which has a beige background, the text will be amended so that it corresponds to the English text "*risks, breaches in required standards and agreed actions*". The formatting of the box will be amended to ensure consistency between the text in both languages.

Scrutiny point 19

In Annex C, on page 27, in the flow chart, in the box at the bottom of the page, the words "*a Chymorth*" will be added to the Welsh text to correspond to the English text.

Scrutiny point 20

In Annex D, on page 30, in the flow chart, in the box at the bottom of the page which has a light blue background, the word "*Cau*" will be added after "*Tim*" in the Welsh text so that it expresses the same meaning as the English term "Closure Team".

Minor formatting and editorial issues will also be corrected prior to issuing the Code of Practice.

Agenda Item 6.1

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



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair of the Legislation, Justice
and Constitution Committee
SeneddLJC@senedd.wales

17 December 2025

Dear Mike,

I am writing to you in accordance with the Inter-Institutional Relations Agreement, to inform you that the fourth meeting, and the second under the current UK Government, of the Inter-Ministerial Group on Justice took place online, on Thursday 11 December.

The meeting was hosted by the Welsh Government and I served as chair for the session. Jake Richards MP, Minister for Sentencing, Youth Justice and International Justice attended for the UK Government. Angela Constance MSP, Cabinet Secretary for Justice and Home Affairs, represented Scotland, and Naomi Long, Minister of Justice, joined from the Northern Ireland Executive.

The Cabinet Secretary for Social Justice, Trefnydd and Chief Whip was also present, as issues relating to the agenda item on violence against women and girls fall within her portfolio.

A communiqué summarising the proceedings of the meeting will be published on the [.gov.uk](https://www.gov.uk) website in due course. The agenda facilitated substantive discussions on several topics, including digital innovation and strategy, violence against women and girls, and court caseloads. Additionally, two supplementary papers addressing prison capacity and legal aid were circulated for informational purposes, providing further context for thorough consideration of the issues highlighted above.

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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.

During the discussion on digital innovation and strategy, I identified my hope that new technology will be able to help with the drafting of legislation, including consequential amendments. I also expressed my support for the roll-out of the Transcribe Justice pilot to Wales in January 2026 whilst confirming the need for human checking of the accuracy of its output. I cautioned that the increasing reliance on technology in the justice system must always be seen against the background of the Post Office miscarriages of justice.

As the minister responsible for violence against women, domestic violence and sexual violence (VAWDASV), the Cabinet Secretary provided an update on the position in Wales, highlighting limitations in devolved powers and the need for close collaboration with UK departments and the police through the Blueprint Approach. The Cabinet Secretary advised that a summit was held in September to address women and girls' safety, and that the national advisor was reappointed. The Cabinet Secretary confirmed that the Welsh Government's VAWDASV strategy is under review, with updates to address technology and online harms and confirmed that the Welsh Government is awaiting the UK Government's own violence against women and girls strategy. She confirmed that ongoing collaboration between the two governments is essential particularly given the announcement of the abolition of Police and Crime Commissioners in Wales. Finally, the Cabinet Secretary confirmed that she is waiting for the UK Government's response to recommendations from Part 2 of the Angiolini inquiry into sexually motivated crimes.

Under this item, I raised concerns about women within the criminal justice system in Wales, noting that there are no female prisons in Wales, and I queried progress with the Women's Residential Centre in Swansea.

During the conversation on court caseloads I stressed the need for improved and meaningful engagement from the UK Government before such announcements are made, making the point that court backlogs in Wales are significantly lower than they are in England and therefore the rationale for removal of the right to elect trial by jury identified by the UK Government is not valid for Wales. I expressed reservations about the direction indicated in the initial response to Part 1 of the Leveson report, noting a continued need for discussion on Welsh-specific issues arising, and also highlighted that our courts across Wales need critical investment in repairs and maintenance.

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

Yours sincerely,



Julie James AS/MS

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

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



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair of Legislation, Justice and Constitution Committee

SeneddLJC@assembly.wales

22 December 2025

Dear Mike

I am writing to inform you, in line with the inter-institutional relations agreement, that a meeting of the Inter-Ministerial Group for Trade is scheduled for 8 January 2026.

The meeting will be the first chaired by Sir Chris Bryant, Minister of State (Minister for Trade) and the agenda will cover an update of the trade policy programme, a review of the IMG and discussions on the UK-US Economic Prosperity Deal.

I will update you further following the meeting.

Rebecca

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

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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



Llywodraeth Cymru
Welsh Government

Our ref: JH/PO/002/26

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
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5 January 2026

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to notify you that the 4 Nations Inter-Ministerial Group (IMG) on Work and Pensions will meet on 19 January 2026.

This will be the second meeting of the 4 Nations DWP IMG which I will chair. The Minister for Culture, Skills & Social Partnership, Jack Sargeant MS, will also be in attendance, and we will both represent the Welsh Government at this in-person meeting.

I anticipate the meeting will provide an opportunity to discuss matters of mutual interest regarding employability support for disabled people and for young people.

I have copied this letter to the Chair of the Equality and Social Justice Committee.

Yours sincerely,

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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Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Inter-Ministerial Standing Committee – 20 November 2025

DATE 08 January 2026

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

I chaired and represented the Welsh Government at the Inter-Ministerial Standing Committee (IMSC) held on 20 November 2025.

A joint [communiqué](#) was published following the meeting and contains full details of other attendees. Items on the agenda included: international affairs; community cohesion; and a range of live issues including the upcoming UK Budget and UK Legislation.

In opening the meeting, I noted the significance for the four governments individually and collectively of the UK Covid-19 Inquiry Report for Modules 2/2A/2B/2C, which was due to be published later that day.

In the discussions I highlighted the importance of continued engagement on international affairs, as well as the imperative to secure a just and lasting peace in Gaza / Israel and to support humanitarian actions. On community cohesion I welcomed proposals for greater cross-government working, including the establishment of a ministerial forum on community cohesion.

During the discussions on a range of live issues, I highlighted Welsh Government's key priorities for the upcoming UK Budget, and subsequently we have welcomed a series of key announcements in the UK Budget which will benefit people across Wales, alongside significant new investments creating new jobs and boosting our economy.

Finally, on legislation, I welcomed the continued adherence of the UK Government to the Sewel Convention since summer 2024 as well as the ongoing work to develop a Memorandum of Understanding on the Sewel Convention. I also emphasised the importance of ensuring that the timetabling of legislation in the UK Parliament takes into account timings related to the Senedd and Scottish Parliament elections in May 2026.

The next meeting of the Inter-Ministerial Standing Committee is expected to be in early 2026, with the UK Government scheduled to chair that meeting.

This statement is being issued during recess in order 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 HIDCC 1447 25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
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SeneddLJC@senedd.wales

15 December 2025

Dear Mike,

The Plant Varieties Act (Amendment) Regulations 2026

I wish to inform the Committee of the intention to consent to the UK Government making and laying the Plant Varieties Act (Amendment) Regulations 2026 (“the Regulations”). The Regulations will be made using powers in section 14 of the Retained EU Law (Revocation and Reform) Act 2023.

The Regulations amend the definition of “small farmer” in section 9(10) of the Plant Varieties Act 1997 (“the 1997 Act”) to provide a clearer definition in line with the policy intention and to remove the potential for confusion in its interpretation. The definition of “small farmer” is connected to the exception in section 9(4) and the payment of equitable remuneration to the holders of plant breeders’ rights (a form of intellectual property). The policy intention was and is for the element of the “small farmer” exception in section 9(10)(b) to apply to the sum of varieties grown in an area, not to each variety grown in an area. This will ensure the intended payments are made to the holders of plant breeders’ rights, supporting innovation and investment in plant breeding.

In accordance with standing order 30A, I consider the Regulations to be a relevant statutory instrument, as they make provision in relation to Wales by amending primary legislation within the legislative competence of the Senedd Cymru. A statutory instrument consent memorandum will therefore be laid within three working days of the Regulations being laid before the UK Parliament.

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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.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made in Wales, on this occasion, it is considered appropriate for the Secretary of State to legislate on a Wales, England, Scotland and Northern Ireland wide basis. Plant Breeders Rights are administered by the 'Controller' of the Plant Variety Rights Office. The Controller is appointed by Welsh, UK, Scottish and Northern Ireland Ministers. Officials from each Government work under the provisional UK Common Framework on Plant Varieties and Seeds. The provision the Regulations amend in the 1997 Act extends to Wales, England, Scotland and Northern Ireland, the policy underpinning the Regulations is aligned across their respective Governments and this method of amendment ensures the timely alignment of the plant breeders' rights regime across their territories.

Though the Regulations will not be made bilingually, I note the 1997 Act itself was not made bilingually.

The Regulations will be laid before the UK Parliament on 20 January.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Huw', with a horizontal line underneath.

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



WRITTEN STATEMENT

BY

THE WELSH GOVERNMENT

TITLE **The Procurement Act 2023 (Commencement No. 4) Regulations 2025**

DATE **16 December 2025**

BY **Mark Drakeford AS/MS, Cabinet Secretary for Finance and Welsh Language**

Members of the Senedd will wish to be aware that consent has been given to the UK Government's statutory instrument (UKSI), titled *The Procurement Act 2023 (Commencement No. 4) Regulations 2025*.

The purpose of these Regulations is to commence sections 69 (fully) and 71 of the Procurement Act 2023, in order to require the publication of payments compliance notices and contract performance notices under the Procurement Act 2023. These Regulations will bring into force section 69 (in respect of a procurement regulated by the Welsh Ministers) from 1 April 2026, and section 71 from 1 January 2026.

These Regulations bring into force provisions of the Procurement Act 2023 which apply to procurements regulated by the Welsh Ministers. As only a Minister of the Crown holds the power to commence provisions of the Act, the Welsh Ministers' consent is required under section 127(3). Consent was therefore provided to enable the relevant commencement provisions to take effect for Wales.

The Regulations are available here: [The Procurement Act 2023 \(Commencement No. 4\) Regulations 2025](#)

Mark Drakeford AS/MS
Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
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17 December 2025

Dear Mike

Consent to the making of the Procurement Act 2023 (Commencement No. 4) Regulations 2025

I refer to my letter to you of 11 December 2025. I am writing to inform the Committee I have now given my consent to the Parliamentary Secretary to the Cabinet Office to make the Procurement Act 2023 (Commencement No. 4) Regulations 2025.

I have laid a Written Statement in this regard which can be found at: [The Procurement Act 2023 \(Commencement No. 4\) Regulations 2025](#)

In order to continue to implement the new procurement regime under the Procurement Act 2023 (the Act), Commencement Regulations need to be laid under section 127 of the Act to bring into force sections 69 (Payments compliance notices) and 71 (Assessment of contract performance). UK Government will make these Commencement Regulations in accordance with section 127(3) of the Act and therefore require the consent of the Welsh Ministers.

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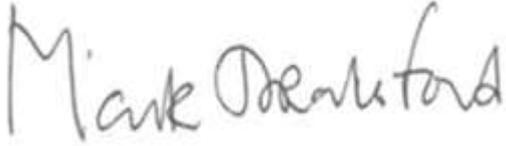
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

The Welsh Ministers have consented to these Commencement Regulations to require the publication of the payments compliance notice and contract performance notice under the Act.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style and is enclosed within a thin black rectangular border.

Mark Drakeford AS/MS

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE **The Infrastructure (Wales) Act 2024 (Consequential Amendments) Order 2025**

DATE **18 December 2025**

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

On 28 October I published a [Written Statement](#) informing Members that the Secretary of State for Wales had laid a draft of the Infrastructure (Wales) Act 2024 (Consequential Amendments) Order 2025 before the UK Parliament.

That Order has now been approved by both Houses of Parliament and was [made by the Secretary of State](#) on 15 December 2025.



Llywodraeth Cymru
Welsh Government

Our ref: MA/MDFWL/3098/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
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18 December 2025

Dear Mike

I wish to inform the Committee of the intention to consent to the laying and making of The Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026.

The majority of this UK Statutory Instrument (UKSI) is giving effect to the international agreement "The Comprehensive Economic and Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of India 2025 (UK-India CETA)," and does not require WM's consent. However, there is a small element of the UKSI that relates to transitional provisions that amend a current UKSI known as The Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024. This element does require WM's consent.

Welsh Ministers will make separate regulations to give effect to the international agreements for Contracts covered by the Procurement Act 2023 for Wales. We expect to lay "The Procurement Act 2023 (Specified International Agreements) (Amendment)(Wales) Regulations 2026" on 10 February 2026.

The UKSI intersect with devolved policy and will apply to Wales. The Regulations extend to Northern Ireland, England, and Wales. The UKSI is subject to the affirmative procedure and is due to be laid before Parliament on 19 January 2026.

Welsh Ministers do not have the legislative powers to amend the Commencement and transitional provisions relating to the previous regime included in the Regulations. Consent is required for the UK Government to legislate in this devolved area. This will ensure that contracts covered by the previous regime continue to comply with the UK's international obligations under the UK-India Comprehensive Economic and Trade Agreement (CETA).

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Providing consent is therefore consistent with our Principles on UK Legislation in devolved areas: it ensures that the required legislative provision is made to the commencement and transitional provisions in the Procurement Act 2023 and enables our policy objectives to be achieved.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style with a large initial 'M'.

Mark Drakeford AS/MS

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language

Agenda Item 7.1

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/CG/2213/25

Rt. Hon. Elin Jones MS
Llywydd

Llywydd@senedd.wales

11 Rhagfyr 2025

Annwyl Elin,

WELSH STATUTORY INSTRUMENTS

Further to my letter of 25 November, The National Archives have advised their final testing of the design for Welsh statutory instruments has shown that the Helvetica typeface does not fully support all the Welsh diacritics.

I have therefore chosen "Arimo" which is similar to Helvetica but importantly can produce all the necessary diacritics.

This week I anticipate you will see the first Welsh statutory instruments being laid before the Senedd, and these will use the Arimo typeface.

Yn gywir,

Julie James AS/MS

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

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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

Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref: British Sign Language
(Wales) Bill
Ein cyf/Our ref: JH/PO/651/25

Mike Hedges MS
Legislation, Justice and Constitution
Committee

15 December 2025

Dear Mike,

British Sign Language (Wales) Bill

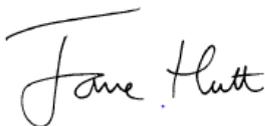
Thank you for the Legislation, Justice and Constitution Committee Report published on 4 December regarding the British Sign Language (Wales) Bill as part of stage 1 scrutiny.

I am grateful to the Committee for its considered stage 1 scrutiny.

Alongside the Member in charge of the Bill, I have carefully considered the Committee's report.

Please see my response in Annex 1 to the set of recommendations in advance of the Stage 1 General Principles Debate.

Yours sincerely,



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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Annex 1: Response to Legislation, Justice and Constitution Committee’s report on the British Sign Language (Wales) Bill – December 2025

| |
|---|
| <p>Recommendation 1. The Member in charge should table an amendment to the Bill to require that the statutory guidance issued under section 3, and any future revisions to it, are laid before the Senedd.</p> |
| <p>Reject Welsh Government agrees with Equality and Social Justice committee that the Member in Charge of the Bill should bring forward amendments to consult on the content of the BSL guidance prior to its publication and to publish the BSL guidance within a similar timescale to the national BSL strategy.</p> |
| <p>Recommendation 2. The Member in charge should consider the merits of specifying a minimum and maximum number of members that should sit on the panel</p> |
| <p>Accept Welsh Government will support the Member in Charge to consider the merits of specifying a minimum and maximum number of members for the BSL panel and to ensure any approach maintains inclusivity and flexibility, while providing clarity on the panel’s composition for the future.</p> |
| <p>Recommendation 3. For clarity, the Member in charge should table an amendment to section 8(1)(c) to reflect the full names of the specified Welsh NHS Trusts by reference to their corresponding establishment orders.</p> |
| <p>Accept Welsh Government supports the Member in Charge tabling an amendment to section 8(1)(c) to reflect the full names of the specified Welsh NHS Trusts by reference to their corresponding establishment orders, in line with the Committee’s recommendation.</p> |

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

Agenda Item 7.3



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/CG/2813/25

Mike Hedges MS, Chair
Legislation, Justice and Constitution Committee

15 December 2025

Annwyl Mike

I am writing to inform you that the First Minister, as one of the Welsh Ministers and in accordance with section 37Z of the Legislation (Wales) Act 2019, has made the determination on the numbering and classification of Welsh subordinate legislation not made by Welsh statutory instrument.

The determination will come into effect on 1 January 2026.

I attach a copy of the determination for your information, given the Committee's responsibility towards the scrutiny of subordinate legislation, and wider interest in the Government's work to improve the accessibility of Welsh law.

Yn gywir,

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.

The Welsh Ministers' determination on the numbering and classification of subordinate legislation not made by Welsh statutory instrument

1. This determination is made by the Welsh Ministers under section 37Z of the Legislation (Wales) Act 2019.
2. It relates to Welsh subordinate instruments, within the meaning given by section 3(2) of the Legislation (Wales) Act 2019, containing only subordinate legislation—
 - a. that is made by the Welsh Ministers, and
 - b. that is *not* required to be made by Welsh statutory instrument;(referred to in the determination as “NWSIs” or an “NWSI”).
3. It sets out the requirements for the numbering and classification of NWSIs, and includes additional information regarding the publication and retention of NWSIs.
4. It applies to NWSIs made on or after 1 January 2026.

Numbering

5. Each NWSI that is made is to be:
 - a. allocated to a series of NWSIs for the calendar year in which it is made;
 - b. numbered within that series –
 - i. consecutively (starting with number 1), and
 - ii. as nearly as may be in the order in which such NSWIs are made.

Classification

6. Each NWSI made must be—
 - a. classified in accordance with the subject matter of the NWSI, and
 - b. allocated a subject heading based on that subject matter.
7. The subject headings used for NWSIs are to be based on the subject headings used for Welsh statutory instruments that are determined and held by the SI Registrar on behalf of the King's Printer for Wales. If a suitable subject heading

is not held by the SI Registrar, a new subject heading will be determined by the Welsh Ministers at the time of making the NWSI.

8. More than one subject heading may be used for NWSIs and a sub-heading (related to the main heading) may also be used.
9. The suffix “Wales” is not to be used in subject headings for NWSIs.

Publication

10. Each NWSI made must include:
 - a. the prefix “NWSI” (“NOSC”), the calendar year of the series of NWSIs to which the NWSI has been allocated, followed by “No.” (“Rhif”) and the number assigned to it (for example “NWSI 2026 No. 1” / “NOSC 2026 Rhif 1”);
 - b. the subject heading or headings allocated to it.
11. This information should be recorded in a prominent position on the NWSI, most usually on the first page. But if the NWSI includes:
 - a. a banner, the number should be placed beneath the banner but above the subject heading and title of the NWSI;
 - b. a header, there is no requirement for the number and subject heading to appear in each page of the header.
12. Each NWSI made must be published as soon as practicable after it has been made on the Welsh Government’s website.
13. A record of the NWSI should also be made in the Welsh Government’s publications archive.

Guidance on publishing on the Welsh Government’s website

14. When publishing a NWSI to the Welsh Government’s website:
 - a. the number of the NWSI should be included in the website’s page title to support search engine location;
 - b. the NWSI should be tagged as ‘legislation’ to support search engine location and website retention policies;
 - c. the webpage should contain a brief description of the content of the NWSI.
15. Where practical as part of the ‘related’ section of the webpage for each NWSI, the following information should be provided:

- a. a link to the enabling power for the NWSI;
- b. links to any related NWSIs made under that enabling power or otherwise.

16. If the legislation revokes an existing NWSI:

- a. this should be explained in the “details” section of the webpage for the NWSI and the full title and number of the revoked or replaced NWSI should be provided, together with information about where the original NWSI can be accessed or obtained;
- b. the revoked NWSI should be retained in the publications archive.

17. An NWSI that is in force should remain available on the Welsh Government’s website.

18. An NWSI that is no longer in force should remain accessible through the Welsh Government’s publications archive.

Record keeping

19. A central register of NWSI subject headings must be held, recording:

- a. the subject headings that NWSIs have been classified under; and
- b. for each subject heading, whether this is the same subject heading used to classify Welsh statutory instruments or whether it is a subject heading adopted by the Welsh Ministers for NWSIs only (and if so, the date the subject heading was first adopted).

20. A central register of NWSIs made must be held, recording:

- a. the title of each NWSI;
- b. the date the NWSI was made;
- c. the number allocated to the NWSI for the relevant series for each calendar year;
- d. the URL for the webpage on which the NWSI has been published.

Further information

For further information about the operation of this determination or to register an instrument, contact the Welsh Government’s [Legislative Codes Office](#).

Making of the determination

This determination was made by the First Minister, one of the Welsh Ministers on 10 December 2025.

Agenda Item 7.4

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

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

December 2025

In November 2025, the Legislation, Justice and Constitution Committee ("the Committee") submitted its report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) ("the SLCM No.2") on the Crime and Policing Bill. The report included a recommendation.

This is the Welsh Government's response to the recommendation.

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.

On 2 July 2025, I laid an SLCM (No. 2) in respect of amendments to the Bill tabled for consideration at Commons Report Stage.

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 SLCM (No. 2) on the Crime and Policing Bill. I have set out my response to the Report's individual recommendation below.

Responses to recommendations

Recommendation 1

The Committee recommends that:

The Cabinet Secretary should provide further details about the Welsh Government's engagement with the UK Government in respect of the Bill during the period of its development, including when this engagement started.

Welsh Government response:

Some provisions in the current Bill were previously part of the Criminal Justice Bill, which did not complete its passage through Parliament due to the announcement and subsequent dissolution for the July 2024 General Election.

The Welsh Government has engaged with the UK Government, at both Ministerial and official levels, regarding the Bill prior to its introduction.

On 6 December 2024, I received a confidential letter from the former Policing Minister outlining the measures within the Bill that the UK Government expected to apply in Wales.

A draft of the Bill was shared in confidence on 29 January 2025, prior to the Bill being introduced on 25 February 2025.

The engagement has included regular meetings between various officials within UK Government and Welsh Government prior and during the Bill's passage.



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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| TITLE | Implementation of Leasehold and Freehold Reform Act 2024: freehold estate management charges |
| DATE | 18 December 2025 |
| BY | Jayne Bryant MS, Cabinet Secretary for Housing and Local Government |

This statement continues my regular series of updates to Members about the implementation of the Leasehold and Freehold Reform Act 2024.

The 2024 Act brings significant new rights and protections for those homeowners on privately managed estates who pay estate management charges. Until now these homeowners could face unclear and sometimes excessive bills for works, with no recourse to gather more information or to challenge charges. Once fully implemented Part 5 of the 2024 Act will:

- Allow homeowners to challenge the reasonableness of charges for the first time;
- Require estate managers to provide information about the services that are being paid for via charges;
- Allow homeowners to apply to a tribunal for a substitute manager to be appointed in cases of management failure;
- Where an estate manager intends to require payment of administration charges, require details of these charges to be published beforehand.

The distribution of powers to make the subordinate legislation necessary to switch on this Part of the Act means that both the Welsh and UK Governments are responsible for consulting on different elements of the regime. A significant proportion of these powers are exercisable by UK Ministers only, but those relating to the need to publish a schedule of administration charges are exercisable by the Welsh Ministers in relation to Wales. We have worked together with UK counterparts to ensure our consultations in this area are available at the same time so that homeowners can access the proposals simultaneously, and encourage homeowners and other stakeholders with an interest in this area to complete both my consultation on publication of administration charges and the UK Government consultation on the wider regime.

The consultation on administration charges is available [here](#). The UK Government consultation on the wider regime is available [here](#).

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

Agenda Item 7.6


Llywodraeth Cymru
Welsh Government

Our Ref: JB/2722/25

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

19 December 2025

Dear Mike,

I am grateful to the Legislation, Justice and Constitution Committee for its consideration of the Building Safety (Wales) Bill.

I have set out my responses in the table below and am pleased to note that I have accepted, or accepted in principle, all of the Committee's recommendations.

I trust this response will help to inform further scrutiny of the Bill and I look forward to continuing to work with Committee Members as we proceed through the Senedd's legislative process.

I am copying this letter to the Chair of the Local Government and Housing Committee and Chair of the Finance Committee.

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.

| Recommendation | Government Response | Comments |
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| <p>Recommendation 1: The Welsh Government should clarify whether the implementation of the proposals for local authorities to work collaboratively in their role as building safety authorities in three groups to mirror the footprint of the fire and rescue authorities will require amendments to the Building Safety (Wales) Bill, namely:</p> <p>i. If the Welsh Government intends to table amendments to the Bill to give effect to these proposals, the Cabinet Secretary should clarify what those amendments are likely to be and the intended purpose and effect of each of those amendments.</p> <p>ii. If the Welsh Government does not intend to table amendments to the Bill to give effect to these proposals, the Cabinet Secretary should set out the governance arrangements under which it intends to establish the proposed collaborative structures, and the Senedd's role in considering and approving those governance arrangements.</p> | Accept | <p>Save for the amendment to section 100 set out below, I can confirm that amendments to achieve the preferred model are unnecessary.</p> <p>Under section 101(1)(b) of the Local Government Act 1972, local authorities already have the power to delegate non-executive functions to one another. This provides a ready-made mechanism for enabling the preferred model of concentrating building safety authority functions in a small group of local authorities that mirror the fire and rescue authority areas. I have tabled an amendment to section 100 of the Bill, which provides that functions of a building safety authority are not to be those of the local authority's executive, and this will ensure that the power set out in section 101(1)(b) of the 1972 Act can be used by local authorities in this context.</p> <p>If it not possible to achieve this through mutual consent, the Welsh Ministers have a power to direct the delegation of functions under section 102 of the Bill. To further facilitate this, I have tabled a Stage 2 amendment to section 102 that would enable the Welsh Ministers to direct multiple building safety</p> |

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| | | <p>authorities to arrange to delegate functions to one of their number rather than rely on multiple directions to achieve the same effect.</p> <p>I will, however, consider whether there is any other amendment that could be brought forward to further facilitate the implementation of a preferred delivery model, without losing the flexibility provided for in the Bill currently.</p> |
| <p>Recommendation 2: At the earliest opportunity, the Welsh Government should commission the Law Commission to scope the potential for the consolidation and codification of housing law in Wales.</p> | <p>Accept in principle</p> | <p>The Welsh Government supports the consolidation and codification of housing law in Wales, and work is underway to consider some of the practical implications of this. The Law Commission can and indeed has provided valuable insights into the process of consolidation, but their involvement is not always the most appropriate way forward for a scoping exercise. Future consolidation projects, and the precursor phase of scoping, will be a matter for the next Government as it develops its programme to improve the accessibility of Welsh law.</p> |
| <p>Recommendation 3: The Welsh Government should table amendments to the Bill to ensure that there are active duties on the government to consult with residents in relation to the development of guidance and secondary legislation, where relevant and appropriate.</p> | <p>Accept in principle</p> | <p>I accept it would be beneficial to amend the Bill to reflect the importance of consultation and engagement with residents. To that end, I have tabled a Stage 2 amendment that would require the Welsh Ministers to publish a strategy setting how and on what matters, including regulations and</p> |

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| | | guidance, they will consult and otherwise engage with residents. |
| Recommendation 4: The Welsh Government should table amendments to section 5 of the Bill to place a duty on the Welsh Government to consult relevant stakeholders during the development of the regulations, including residents, before laying the regulations subject to the approval procedure. | Accept in principle | <p>I accept the recommendation to place a duty to consult relevant stakeholders during the development of regulations under section 5.</p> <p>I also accept it would be beneficial to amend the Bill to reflect the importance of consultation and engagement with residents. This will be addressed by the Stage 2 amendment described in relation to recommendation 3. That amendment will require the Welsh Ministers to publish a strategy setting how and on what matters, including regulations and guidance, it will consult and otherwise engage residents.</p> |
| Recommendation 5: The Welsh Government should table an amendment to section 6 of the Bill to include the definition of “storey” by which categories of regulated buildings will be defined. | Accept in principle | I accept the Committee’s points about tabling an amendment to section 6 of the Bill to include a definition of “storey”. I have asked my officials to consider what such an amendment may look like. |
| Recommendation 6: The Welsh Government should table amendments to section 14 of the Bill to limit the scope of the regulation-making power to the matters set out in sections 14(2)(a) and 14(2)(b). | Accept in principle | I note the Committee’s points about the potential broad application of section 14 and I plan to bring forward an amendment to limit the powers to some degree. |

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| <p>Recommendation 7: The Welsh Government should table amendments to section 16 of the Bill to limit the scope of the regulation-making power to the matters set out in sections 16(2)(a), 16(2)(b)(i) and 16(2)(c).</p> | <p>Accept in principle</p> | <p>I accept the Committee's points about the broad powers in section 16 and will consider where these powers can be limited, with a view to bringing forward an amendment to limit to some degree the scope of the regulation-making powers. This is in addition to the work being undertaken to consider applying additional scrutiny requirements to draft regulations under section 16.</p> |
| <p>Recommendation 8: The Welsh Government should table amendments to section 16 of the Bill to ensure that any powers given to the Welsh Ministers to amend primary legislation in respect of crucial definitions set out in the Bill (such as those relating to the description of "building") are subject to an enhanced approval procedure, such as one that requires a draft of the regulations to be consulted on before being laid for scrutiny purposes.</p> | <p>Accept</p> | <p>I will table an amendment to section 16 in response to this recommendation.</p> |
| <p>Recommendation 9: In its response to this report, and taking into account its response to recommendations 7, 8 and 9, the Welsh Government should set out:</p> <ul style="list-style-type: none"> i. any occasion whereby two or more powers in the Bill could potentially be used for the same purpose; and ii. why each individual Henry VIII power in the Bill is necessary and distinct from the other regulation-making powers in the Bill (Henry VIII or otherwise). | <p>Accept</p> | <p>In response to recommendations 6 and 7, I plan to table amendments to limit, to some extent, the scope of sections 14 and 16. As recommendation 9 asks for the information requested in points (i) and (ii) to take into account the responses to earlier recommendations I am not able to respond fully to this recommendation at this stage, as the detail of the limitations of scope are still being considered. I will write to you with an update when the</p> |

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| | | <p>amendments as a result of recommendations 6 and 7 are tabled.</p> <p>When I wrote to you on 30 October I set out why each of the Henry VIII powers currently in the Bill is necessary, reasonable and proportionate. When I write to you, once the amendments as a result of recommendations 6 and 7 are tabled, I will provide an updated version of this analysis.</p> |
| <p>Recommendation 10: The Welsh Government should table an amendment to section 19(3) of the Bill to place a duty on the Welsh Ministers to make regulations about the process by which building safety authorities register buildings under 19(1).</p> | Accept | <p>I will table an amendment to section 19(3) to reflect this recommendation, together with similar amendments to sections 23(3) and 57(2) to ensure consistency of approach across the Bill.</p> |
| <p>Recommendation 11: The Welsh Government should table an amendment to section 27 of the Bill to subject the powers in sub-section (2) to an enhanced approval procedure, which retains the Welsh Government's requirement to consult on the regulations, and also provides the Senedd with the opportunity to scrutinise draft regulations and an explanatory document before being approved by the Senedd.</p> | Accept | <p>I will table an amendment in respect of regulations under section 27(2) to reflect this recommendation.</p> |
| <p>Recommendation 12: The Welsh Government should confirm that a full and robust assessment has been made of the guidance that duty holders will require to discharge their duties in the Bill effectively, in consultation with relevant persons and anticipated duty holders, and that this assessment has</p> | Accept | <p>Assessments of what guidance might be required for duty holders to discharge their duties under the Bill effectively have been made throughout the development of the Bill. Further consideration will be given to this, working in close collaboration with all relevant persons, as part of implementation. As a</p> |

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| concluded that only guidance relating to fire safety risks should be mandatory as specified in section 98(2). | | result of this ongoing review, I have tabled a Stage 2 amendment that would require the Welsh Ministers to issue guidance to the enforcing authorities and am considering tabling other amendments that signify a stronger expectation that guidance must be issued where it is appropriate to do. |
| Recommendation 13: The Welsh Government should keep under review throughout the scrutiny process whether additional guidance should be made mandatory in the Bill to reflect changes made to the Bill and/or any changes to how the Bill will be implemented (for example, how local authorities work together to discharge their duties as building safety authorities). | Accept | As above, we are continually assessing what guidance will be required or needs to be made mandatory and will continue to do so in the light of any changes made to the Bill and/or any changes to how the Bill will be implemented. |

| Conclusion | Government Response |
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| Conclusion 1: We note the Cabinet Secretary's comments in respect of the Bill's impact on Convention 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 | I am satisfied that the provisions of the Bill comply with the European Convention on Human Rights. The Welsh Government carries out a full Human Rights assessment before introduction of any bills as part of its thorough assessment of legislative competence. The full suite of impact assessments is also published on the Welsh Government website. |
| Conclusion 2: The Welsh Government should have created a building safety regime solely via Welsh legislation, rather than by a hybrid of UK legislation making provision for Wales alongside this Bill. | At the time the Legislative Consent Memoranda were laid in respect of what is now the Building Safety Act 2022, the reasons for taking the approach were explained to the Senedd. We remain of the view that the most effective way for amendments to be |

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| | <p>made, to the design and construction phase regime and the regulation of the building control profession, was through amendments to the Building Act 1984. Since the 2022 Act was passed, the Committee will be aware that various suites of regulations have been made by the Welsh Ministers to implement the design and construction phase reforms, as well as the new regulatory regime for the building control profession. This implementation work is ongoing with further regulations due to be made shortly.</p> |
| <p>Conclusion 3: The Welsh Government should have carried out a consultation on a draft of the Building Safety (Wales) Bill before its introduction to the Senedd.</p> | <p>We consulted on a very substantial and detailed White Paper. The Bill reflects the results of that consultation, and our subsequent engagement with stakeholders.</p> <p>If we had also consulted on a draft Bill, we would not have had time to legislate in the current Senedd. Eight years since the Grenfell Tower fire, taking extra time to consult on a draft Bill would be very hard to justify.</p> |
| <p>Conclusion 4: The sheer extent of the powers given to the Welsh Ministers in the Bill, combined with the extent of the practical workings of the Bill that have been left to regulations to establish, places the balance of power inappropriately in favour of the executive.</p> | <p>I accept that there are a significant number of delegated powers in the Bill. However, I am satisfied an appropriate and proportionate balance has been struck between what is on the face of the Bill and what will be set out in regulations. Delegated powers are included where the nature of those provisions will be too detailed or technical to be on the face of the Bill, or where they may be needed to enable the regime to adapt or take into account unforeseen scenarios and future developments e.g. in building design.</p> |

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| <p>Conclusion 5: Sections 14 and 16 of the Bill represent an unacceptable delegation of regulation-making powers to the Welsh Ministers.</p> | <p>As noted in my responses to recommendations 6 and 7, I will consider whether there is scope to limit the regulation-making powers to some extent.</p> |
| <p>Conclusion 6: The Cabinet Secretary has not made an adequate case for the inclusion of section 16(2)(b)(ii) in the Bill.</p> | <p>I note the Committee's conclusion and have asked my officials to consider this matter as part of considerations of limiting section 16, as outlined in recommendation 7.</p> |



Our Ref: JB/2722/25

Peredur Owen Griffiths MS
Chair Finance Committee
Senedd Cymru
Cardiff
CF99 1SN

19 December 2025

Dear Peredur,

I am grateful to the Finance Committee for its consideration of the Building Safety (Wales) Bill and the conclusion that the Committee welcomes the overall aims of the Bill. I am sorry to learn that you have concerns about the financial implications as presented in the Regulatory Impact Assessment. I am, of course, anxious to reassure the Committee, and will provide appropriate information to enable you to assess the financial impact of specific elements of the Bill.

I have set out my response to your recommendations below.

Recommendation 1. The Committee recommends that the Cabinet Secretary undertakes a comprehensive revision of the Regulatory Impact Assessment accompanying the Bill, so that it includes:

- a breakdown of costs and benefits by individual provisions;
- a detailed account of the costing methodology used; and
- details of the specific activities individual bodies will undertake,

and for this to be reflected in a revised Regulatory Impact Assessment, after Stage 2.

Response: Accept

In revising the Regulatory Impact Assessment after Stage 2 I will take account of the Committee's specific requests for information. However, as we discussed when I gave evidence to the Committee, the new building safety regime will consist of a package of measures. Attempting to assign benefits to individual provisions would be little more than guesswork and, therefore, not value adding.

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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.

Recommendation 2. The Committee recommends that the Cabinet Secretary makes clear in the Regulatory Impact Assessment where key supporting documentation such as the Cost and Benefits Model reports are published and publishes any other associated information, such as the Excel Model referenced in the Cost Model report as soon as practicable.

Response: Accept

I will make clear where key supporting documents are published.

Recommendation 3. The Committee recommends that the Welsh Government publishes a detailed account of how any implementation funding already allocated for the Bill has been used to date, including a breakdown of activities undertaken, the amounts allocated, and how these relate to the delivery of the Bill.

Response: Accept

Details of the way in which the funding allocated has been used will not be available until the end of current financial year. To reduce the administrative burden on local authorities, I am not requiring detailed information to be provided on the use of the funding, but I would be happy to provide examples of how authorities have used the funding once the grant claims have been made.

In the meantime, I have asked officials to prepare and submit to the Committee in January, information on what funding has been allocated and to whom, along with information about the type of activities that the funding can be used to deliver.

Recommendation 4. The Committee recommends that the Cabinet Secretary clarifies the funding available to local authorities for the implementation of the Bill, including confirmation of whether the funding is additional to existing allocations and sufficient to meet the new statutory responsibilities.

Response: Accept in Principle

I have established a costs workstream with local authorities and the WLGA to review and update the cost assumptions relating to Building Safety Authorities included in the Regulatory Impact Assessment. I will provide an update on the work of this group, in the new year.

I am committed to ensuring that delivery partners are appropriately funded to be able to discharge all their duties effectively. Our agreement with local government, the Strategic Partnership Agreement, sets out our approach to funding, including in relation to new responsibilities.

However, decisions on long term funding will ultimately be for the next government to take.

Recommendation 5. The Committee recommends that the Cabinet Secretary provides further detail on the cost implications for residents and explains how it intends to support residents who may face financial burdens as a result of the Bill, including outlining any financial assistance, mitigation measures, or protections for leaseholders and tenants.

Response: Accept

I recognise the pressures on household budgets and the wider cost of living on residents. This is why we have built a proportionate approach with ongoing consultation to ensure the regime is both effective and affordable for all residents.

The Bill does not alter existing lease arrangements on the cost of works needed to manage building safety risks. Who pays for those works will depend on what each individual lease says. There are protections in place for leaseholders under the Landlord and Tenant Act 1985, which requires that any costs passed on via service charges must be reasonably incurred and for services or works to be of a reasonable standard. Leaseholders have the right to challenge any unreasonable charges.

The Bill amends the Landlord and Tenant Act 1985 to ensure that generally costs relating to enforcement of the regime (excluding enforcement of duties of residents and owners of residential units) and costs incurred as a result of negligence, cannot be passed on to leaseholders as service charges.

Further, I have introduced a Stage 2 amendment that requires landlords, if they are an accountable person, to investigate other funding options for building safety works before claiming costs back through the service charge. Landlords would be required to consider other funding streams before passing on the costs of works via service charges to residents or leaseholders. If a grant or funds are available, the accountable person would then be required to take reasonable steps to obtain them and deduct them from costs that may be charged via service charges.

The upcoming draft UK Commonhold and Leasehold Reform Bill, which is due to be published by the end of the year, is expected to include important reforms for leasehold homeowners in Wales. We are continuing to work with the UK Government on legislative reforms to improve protections and provide additional rights to leaseholders in Wales.

Additionally, officials are currently analysing the responses to our joint consultation on 'Strengthening leaseholder protections over charges and services', which included detailed proposals for implementation of service charge transparency measures in the Leasehold and Freehold Reform Act 2024.

We will continue to engage with leaseholder and resident groups about the cost implications as we develop regulations under the Bill, to ensure the regime is fair and practical.

Recommendation 6. The Committee recommends that the Cabinet Secretary provides details of discussions held with delivery partners for the Bill regarding operational costs of the new statutory framework, and any additional financial implications identified as a result of those discussions.

Response: Accept

We are working with local authorities and fire and rescue authorities to better understand the costs of the Bill. This work will inform the revisions to the Regulatory Impact Assessment after Stage 2 and will continue as we begin to develop the necessary regulations under the Bill. I will write to the Committee with an update on the discussions that have taken place in the costs workstream, in the New Year.

Recommendation 7. The Committee recommends that the Cabinet Secretary quantifies and publishes the actual costs and benefits arising from the Bill as part of the post-implementation review, and confirms the proposed timescales for the review.

Response: Accept

In the revised Regulatory Impact Assessment, I will clarify plans for the post-implementation review.

I am grateful to the Finance Committee for its recommendations, and I hope you are assured of my commitment to continue to robustly assess the costs of this Bill, alongside its significant benefits. I trust this response will help to inform further scrutiny of the Bill and I look forward to continuing to work with Committee Members as we proceed through the Senedd's legislative process.

I am copying this letter to the Chair of the Local Government and Housing Committee and Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely

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

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

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



Llywodraeth Cymru
Welsh Government

Our Ref: JB/2722/25

John Griffiths MS
Chair Local Government and Housing Committee
Senedd Cymru
Cardiff
CF99 1SN

19 December 2025

Dear John,

I am grateful to the Local Government and Housing Committee for its consideration of the Building Safety (Wales) Bill and the Committee's recommendation that the Senedd agrees to the general principles of the Bill. I also note the concerns raised in evidence provided to the Committee during Stage 1 and look forward to working in partnership to address them.

I have set out my responses in the table below and am pleased to note that I have accepted the majority of your recommendations.

I trust this response will help to inform further scrutiny of the Bill and I look forward to continuing to work with Committee Members as we proceed through the Senedd's legislative process.

I am copying this letter to the Chair of the Finance Committee and Chair of the Legislation, Justice and Constitution Committee.

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.

| Recommendation | Government Response | Comments |
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| <p>Recommendation 1: We recommend that the Senedd agrees to the general principles of the Building Safety (Wales) Bill but notes that significant concerns were raised in evidence provided to the Committee in respect of various aspects of the Bill, which the Welsh Government should address urgently.</p> | Noted | <p>I am grateful to the Committee for its consideration of the Bill and its recommendation that the Senedd agrees the general principles of the Bill, which it did on 9 December. However, I also note the concerns raised in evidence and commit to working in partnership to address them.</p> |
| <p>Recommendation 2: The Welsh Government should consult on and publish its building safety workforce plan as soon as possible. The plan should provide baseline data on current capacity for the undertaking of structural and fire risk assessments by competent persons and the undertaking of regulatory functions by the Building Safety and Fire Safety Authorities. It should include details of how and when progress in workforce development will be reviewed</p> | Accept in principle | <p>I agree with the Committee that the development of a workforce plan should be based on information on current skills capacity. We have established a workstream with a specific focus on local authority workforce capacity to resource the new building safety regime. Consultation with local authorities, WLGA and industry bodies underpins our approach.</p> <p>The workforce plan will focus on issues around recruitment, retention and skills development. The plan will feed into investment in skills and apprenticeship training under the new regime, so that we have a cohesive approach to workforce planning with clear milestones for development and review.</p> <p>Fire safety authorities will have similar functions under the Bill to those they have now under the</p> |

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| | | <p>Regulatory Reform (Fire Safety) Order 2005 (“FSO”). So, the Bill should not create the need for significant numbers of extra staff.</p> <p>Structural risk assessors and fire risk assessors are largely employed in the private sector, including by small businesses and as sole traders. We will continue to work with the fire safety sector and with the UK and other devolved governments to develop an agreed framework for fire risk assessor competence.</p> |
| Recommendation 3: The Welsh Government should undertake further work to ensure the additional resource requirements that will result from the Bill are fully understood. | Accept | Officials are working with local authorities and fire and rescue authorities to better understand the costs of the Bill. This work will inform the revisions to the RIA after Stage 2. |
| Recommendation 4: The Welsh Government should ensure that local authority landlords and housing associations receive such additional funding as is required to be able to discharge duties effectively | Accept in principle | <p>Officials will continue to liaise with local authorities and housing associations in preparation for implementation of the Bill and during the development of regulations made under it. This will include consideration of the cost implications of duties and how these might be funded.</p> <p>Decisions on long term funding will be for a future Government.</p> |

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| <p>Recommendation 5: The Welsh Government should re-consider whether the fees that may be charged in accordance with the Bill for exercising regulatory functions should provide for full cost recovery. If not, the Welsh Government should clarify to the Senedd and those on whom regulatory duties are placed how any differences between the cost of exercising regulatory duties and the fees that may be charged are to be funded.</p> | <p>Accept in principle</p> | <p>If standard fee levels are kept reasonable and proportionate, it is unlikely that they could cover the full cost of regulating the regime. This is because only a relatively small proportion of buildings included within the new safety regime will be subject to such fees.</p> <p>Our agreement with local government, the Strategic Partnership Agreement, sets out the approach to funding, including in relation to new responsibilities. In accordance with that Agreement, there has been a commitment to ensuring that delivery partners are appropriately funded to be able to discharge all their duties effectively. Officials continue to work with them to ensure that there is a shared understanding of the likely costs arising from the Bill.</p> <p>Decisions on long term funding will be for a future Government.</p> |
| <p>Recommendation 6: The Welsh Government should engage with representative bodies on behalf of tenants and leaseholders, including those engaged in provision of legal advice, to consider the adequacy and effectiveness of existing legal protections against the passing on of unreasonable costs by landlords to tenants and leaseholders. The Welsh Government should also consider whether further</p> | <p>Accept</p> | <p>I accept the Committee's recommendation to consider the sufficiency and effectiveness of existing legal protections against the passing on by landlords of unreasonable costs to residents and leaseholders. We will continue to engage with representative bodies on behalf of tenants and leaseholders to ensure that there is an understanding of the legal protections</p> |

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| <p>legal protections are needed within Welsh law, to ensure their suitability for the Welsh housing context</p> | | <p>imposed by the Landlord and Tenant Act 1985 which imposes requirements for what costs can be taken into account when determining the amount of service charge payable. These requirements are that the costs are reasonably incurred and the service is of a reasonable standard. This will ensure that excessive costs are not permitted to be passed on to leaseholders.</p> <p>We are also working with the UK Government on legislative reforms to improve protections and provide additional rights to leaseholders in England and Wales. The upcoming draft Commonhold and Leasehold Reform Bill, which is due to be published by the end of the year, is expected to include important reforms for leasehold homeowners in Wales.</p> <p>Additionally, officials are currently analysing the responses to our joint consultation on ‘Strengthening leaseholder protections over charges and services’, which included detailed proposals for implementation of service charge transparency measures in the Leasehold and Freehold Reform Act 2024.</p> |
| <p>Recommendation 7: The Welsh Government should publish as soon as reasonably practicable (for consideration during</p> | <p>Accept</p> | <p>I believe that landlords should be required to consider other funding streams before passing on the costs of</p> |

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| <p>the amending stages of the Bill at the latest) the findings of the work currently being undertaken to consider whether landlords should be required to consider other funding streams before passing on to tenants or leaseholders additional costs incurred in order to meet the Bill's requirements.</p> | | <p>works via service charges to residents or leaseholders.</p> <p>I have therefore tabled an amendment that requires landlords, if they are an accountable person, to investigate other funding options for building safety works before claiming costs back through service charges.</p> <p>If a grant or funds are available, the accountable person would then be required to take reasonable steps to obtain them and deduct them from costs that may be charged via service charges.</p> |
| <p>Recommendation 8: The Welsh Government should provide clear justification for the inclusion of Category 3 buildings within the new building safety regime in terms of impact on the safety risk profile of Category 3 buildings. Due to insufficient evidence that the proposed approach to Category 3 buildings and HMOs is proportionate, the Welsh Government should consider adopting a stratified risk-based approach so that higher-risk Category 3 buildings and HMOs are brought into the new regime ahead of lower-risk Category 3 buildings and lower-risk HMOs</p> | <p>Accept in principle</p> | <p>The justification is that Category 3 buildings and HMOs are not "low risk". On the contrary, data consistently show a higher rate of fire casualties in HMOs and buildings converted into flats (almost all of which are in Category 3) than in purpose-built blocks. Furthermore, the Bill does not impose wholly new safety duties on these premises; it contains duties that are similar to those that already exist in the FSO, but which are tailored to the risks in residential buildings. The FSO will continue to apply in full until the Bill is brought into force. So delaying commencement would have no benefits at all; it would mean only that relatively high-risk buildings</p> |

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| | | <p>remained covered by the sub-optimal provisions of the FSO.</p> <p>We have taken a proportionate approach to the introduction of duties in Category 3. There is no duty to conduct structural risk assessments in Category 3 buildings or relevant HMOs, for example. Neither is there a requirement to register Category 3 buildings with the building safety authority.</p> <p>I have provided further information in the factsheet at Annex 1.</p> |
| <p>Recommendation 9: In light of the evidence received of the significant challenges to be faced in implementing the Bill's duties in respect of Category 3 buildings by the end of 2028, the Welsh Government should provide an update on its consideration of the timetable for the introduction of these duties</p> | <p>Accept in Principle</p> | <p>We will provide updates on the implementation of the Bill, but we do not believe there are significant challenges relating to Category 3 buildings. All Category 3 buildings are currently within scope of the FSO, and the duties the Bill would impose in respect of them are similar to those in the FSO, but expressed in clearer and more relevant terms.</p> |
| <p>Recommendation 10: The Welsh Government should engage with providers of specialist types of accommodation such as lighthouses to ascertain whether they should be within scope and ensure clarity is provided on all relevant types of accommodation to which the new regime does not apply.</p> | <p>Accept</p> | <p>I accept the Committee's recommendation to provide clarity to industry on all relevant types of accommodation to which the regime applies. We will continue to engage with the sector, including with those with an interest in specialist types of accommodation, to raise awareness of the new</p> |

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| | | regime and ensure the extent of its application is clear and understood. We are also encouraging future duty holders through representative bodies to prepare for the new regime. A greater focus on safety and engaging residents in buildings for which they are responsible is encouraged now. |
| Recommendation 11: The Welsh Government should ensure that clear definitions of the key terms used in chapter two of the Bill are provided in advance of the commencement of the provisions in this chapter, so as to ensure consistency in implementation of these provisions. | Accept | I consider the definitions in the Bill to be clear as drafted. The intention is that guidance issued under section 98 will include, amongst other things, guidance on the key terms in chapter 2 of the Bill where appropriate. In particular, we will consider the inclusion of examples of how the terms apply in practical scenarios and diagrams to aid understanding where appropriate. |
| Recommendation 12: The Welsh Government should engage further with relevant bodies including the Social Housing Law Association Wales, UK Finance and other relevant stakeholders to discuss and resolve concerns raised regarding the range of persons who could potentially be identified as Accountable Persons and Principal Accountable Persons and arrangements set out in the Bill for identifying them, including within buildings wholly owner-occupied. This is important in order to ensure lessons are learned from challenges experienced in England with arrangements for the | Accept | I accept the Committee's recommendation that the Welsh Government should engage further with relevant bodies to discuss and resolve concerns raised regarding the range of persons who could potentially be identified as accountable persons and principal accountable persons and arrangements set out in the Bill for identifying accountable persons and principal accountable persons. We will continue to engage with stakeholders, including Social Housing Law Association Wales and UK Finance, to ensure lessons are learned from challenges experienced in |

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| <p>identification of Accountable Persons and Principal Accountable Persons.</p> | | <p>identifying accountable persons and principal accountable persons in England.</p> |
| <p>Recommendation 13: The Welsh Government should ensure that guidance and support on the exercise of the duties of APs and PAPs are available in sufficient time before any persons are required to exercise such duties, to allow time for those identified as APs and PAPs to fully understand the requirements of the role and familiarise themselves with operational guidance before duties become effective.</p> | <p>Accept</p> | <p>I accept the Committee's recommendation that guidance and support on the exercise of the duties of accountable persons and principal accountable persons is available in sufficient time before any persons are required to exercise such duties.</p> <p>We recognise that timely guidance and support for accountable persons and principal accountable persons is pivotal to the success of the new regime and we will work with industry to develop the necessary guidance products.</p> <p>The guidance and support will be provided in good time prior to the commencement of the accountable persons and principal accountable persons duties for each of the building categories, and could include examples and diagrams where appropriate.</p> |

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| <p>Recommendation 14: The Welsh Government should consult all relevant persons on any regulations to be made in respect of the meaning of a ‘competent person’ to carry out a fire risk assessment and in respect of how such assessments should be carried out, and provide adequate time for assessors and regulators to familiarise themselves with and prepare for new requirements set out or commenced in such regulations, before any such regulations take effect</p> | Accept | <p>I accept the Committee’s recommendation that the Welsh Government should consult all relevant persons on any regulations to be made in respect of the meaning of a ‘competent person’ to carry out a fire risk assessment and in respect of how such assessments should be carried out, and provide adequate time for assessors and regulators to familiarise themselves with and prepare for new requirements set out or commenced in such regulations, before any such regulations take effect. The Bill already requires consultation with relevant persons before making such regulations (sections 29(4), 31(3), 71 (4) and 73(3)). We will allow for those affected by the regulations to have as much time as possible to prepare for their coming into effect.</p> |
| <p>Recommendation 15: The Welsh Government should amend section 36 of the Bill to provide a more specific timescale for the preparation of a safety case report and its submission to the Building Safety Authority</p> | Reject | <p>Section 36 uses the phrase ‘as soon as reasonably practicable’. This phrase is often used in legislation because it recognises that it’s not always possible to achieve something in a set number of days. What is ‘reasonably practicable’ in one situation may differ in another. For example, setting a short, specific timescale would risk a principal accountable person being unable to meet that timescale, and consequently facing enforcement action, when it was not reasonable to have expected them to have met</p> |

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| | <p>that deadline. Setting a longer specific timescale might allow and possibly encourage principal accountable persons to take longer to prepare and submit the safety case report than was required in the circumstances of the case.</p> <p>Requiring these actions to be taken 'as soon as reasonably practicable' is a fair and balanced way of approaching this matter. It avoids the arbitrary imposition of timescales that may either be unrealistically short or overly generous.</p> <p>Where a safety case report is not prepared as soon as is reasonably practicable, or a copy has not been submitted to the building safety authority as soon as possible after it has been prepared (in accordance with the duty set out section 36(4)) enforcement action can be taken by the building safety authority.</p> <p>Furthermore, section 41 provides the building safety authority with a power to direct the principal accountable person to apply for a building safety certificate within 28 days. Under section 42, that application must be accompanied by a current safety case report.</p> |
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| <p>Recommendation 16: The Welsh Government should amend the Bill to place a duty on Principal Accountable Persons to involve residents in the development of residents' engagement strategies, rather than specify in regulations when Principal Accountable Persons should consult residents on their preparation.</p> | Accept | <p>I accept the recommendation that the Welsh Government should amend the Bill to place a duty on principal accountable persons to always involve residents in the development of residents' engagement strategies. As such, I have tabled an amendment to section 39 to make provision on the face of the Bill requiring the principal accountable person to consult residents during the initial preparation of the strategy. However, we will retain the regulation-making power in subsection 39(7) to ensure that principal accountable persons must also consult residents in other circumstances specified in regulations when revising the strategy.</p> |
| <p>Recommendation 17: The Welsh Government should engage with those persons who may potentially be involved in the complaints processes to be established under sections 48 to 50 of the Bill, to consider if and how such processes can be made compatible with existing complaints processes. The Welsh Government should also engage with all regulatory bodies to whom complaints could currently be made against persons set out in sections 48 to 50 of the Bill, including the Public Services Ombudsman for Wales, to ensure the compatibility of new and existing complaints processes and to avoid duplication in processes.</p> | Accept | <p>Officials will engage with those persons who may potentially be involved in the complaints processes to be established under sections 48 to 50 of the Bill, to consider if and how such processes can be made compatible with existing complaints processes.</p> <p>The principal accountable persons and accountable persons, when meeting their requirements under sections 48 and 49 (as applicable), should be able to accommodate building safety complaints within any existing complaints processes they already have, providing the legislative requirements under the Bill are met.</p> |

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| | | <p>Officials have engaged with regulatory bodies, including local authorities and the Public Services Ombudsman for Wales, to consider the approach to handling of building safety complaints. They will continue to do so to ensure that there is no unnecessary duplication.</p> |
| <p>Recommendation 18: The Welsh Government should ensure that guidance prepared for Accountable Persons and Principal Accountable Persons in respect of residents' duties is clear that residents should be supported to meet their duties prior to enforcement measures being taken, and on how such support should be provided. The guidance should also reflect the additional support requirements of some vulnerable residents and ensure a proportionate approach to enforcement at all times</p> | <p>Accept</p> | <p>I accept the recommendation of the Committee that the Welsh Government should ensure that guidance prepared for accountable persons and principal accountable persons is clear that residents should be supported to meet their duties prior to enforcement measures being taken, and on how such support should be provided. Part of the rationale for the regulation making power enabling the placing of duties on accountable persons to provide building safety information to residents (section 46(1)(d)) is so residents are empowered to understand their rights and responsibilities under the regime.</p> <p>The primary focus of the duties placed on residents is to encourage a culture of safe resident behaviours. Should residents or owners of residential units breach their duties, we would expect informal steps to be taken by the principal accountable person or</p> |

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| | | <p>accountable person in the first instance by working with the resident to try and rectify the breach.</p> <p>I also accept the Committee's recommendation that guidance provided to accountable persons includes information on how residents should be supported in understanding their own duties under the Bill, with examples provided where appropriate.</p> |
| <p>Recommendation 19: The Welsh Government should consider steps to be taken to ensure that landlords or property owners who are not designated Accountable Persons or Principal Accountable Persons are fully aware of the duties and rights to be established by the new building safety regime, in order to be able to play their part in its implementation.</p> | <p>Accept</p> | <p>We are planning to extensively publicise the new regime through a comprehensive communication campaign to raise awareness of the requirements of the new regime and related duties.</p> <p>It is anticipated that the campaign will commence well in advance of Category 1 implementation in 2027.</p> |

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| <p>Recommendation 20: The Welsh Government should engage with representative bodies on behalf of residents and other relevant persons to consider if withholding rent in accordance with section 65 of the Bill could give rise to unintended consequences for residents, and if so whether any changes are required to the Bill to avoid or address such consequences</p> | <p>Accept in principle</p> | <p>I am confident that the provision in section 65 is reasonable, as it is intended to ensure that residents are empowered with the vital information they need in order to raise any concerns about the safety of their building.</p> <p>Nevertheless, officials will continue to engage with representative bodies on behalf of residents and other relevant persons in relation to section 65 and all other matters in the Bill that impact them.</p> |
| <p>Recommendation 21: The Welsh Government should amend the Bill to provide further clarity as to the meaning of ‘relevant HMO’ outlined in section 67. In doing so, and in developing any subsequent regulations, engagement with the housing sector will be key to ensuring that all types of HMOs are taken into consideration and that all opportunities to simplify the definition are identified</p> | <p>Reject</p> | <p>I believe the legal meaning of “relevant HMO” in section 67 is already clear, and we have been unable to identify any amendments that would make the term easier to understand without changing its meaning. We will, though, publish guidance to explain the effect of section 67 in everyday terms.</p> |

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| <p>Recommendation 22: The Welsh Government should provide clear guidance on the exercise of enforcement duties and powers and this should be provided in sufficient time to allow authorities to familiarise themselves with the guidance before the enforcement functions and powers take effect</p> | Accept | <p>We will provide full and comprehensive guidance in relation to the exercise of enforcement functions. To ensure that this happens, I have tabled an amendment for consideration at Stage 2 that would place a duty on the Welsh Ministers to issue guidance to building safety authorities and fire safety authorities on the exercise of their functions under the Bill and any associated regulations</p> <p>We will also ensure that the publication of this guidance happens in sufficient time for enforcement authorities to familiarise themselves with it before their functions are commenced.</p> |
| <p>Recommendation 23: The Welsh Government should give further consideration to the Bill's provisions on Special Measures Orders in light of the evidence received and discuss with local authorities, fire and rescue services and other relevant persons how special measures management functions can be effective in practice.</p> | Accept | <p>I will give further consideration to the Bill's provisions on Special Measures Orders in light of the evidence received and discuss with local authorities and fire and rescue authorities how special measures management functions can be effective in practice.</p> <p>I am aware of the concerns raised in relation to the capacity of enforcing authorities to bring forward a special measures order and the costs involved. This is something that we will explore further with the enforcing authorities at implementation. Whilst I do not currently consider changes are needed to the Bill's provisions, I agree that further consideration can</p> |

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| | | <p>be given to this, including discussions with the enforcing authorities at implementation, to ensure that the tool is effective.</p> |
| <p>Recommendation 24: The Welsh Government should bring forward amendments to include its preferred delivery model for enforcement on the face of the Bill. Amendments should also make it clear that not all 22 local authorities can be designated as Building Safety Authorities.</p> | <p>Reject</p> | <p>Any amendment on the face of the Bill that prescribes a particular model of delivery would remove the flexibility to adjust the model in the future to respond to changing circumstances.</p> <p>Under section 101(1)(b) of the Local Government Act 1972, local authorities already have the power to delegate non-executive functions to one another. This provides a ready-made mechanism for enabling the currently preferred model of concentrating building safety authority functions in a small group of local authorities that mirror the fire and rescue authority areas. I have tabled an amendment to section 100 of the Bill, which provides that functions of a building safety authority are not to be those of the local authority's executive, and this will ensure that the power set out section 101(1)(b) of the 1972 Act can be used by local authorities in this context.</p> <p>If it not possible to achieve the preferred delivery model through mutual consent, the Welsh Ministers have a power to direct the delegation of functions under section 102 of the Bill. To further facilitate this, I</p> |

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| | | <p>have tabled a Stage 2 amendment to section 102, that would enable the Welsh Ministers to direct multiple building safety authorities to arrange to delegate functions to one of their number rather than rely on multiple directions to achieve the same effect.</p> <p>I will, however, consider whether there is any other amendment that could be brought forward to further facilitate the implementation of a preferred delivery model, without losing the flexibility provided for in the Bill currently.</p> |
| <p>Recommendation 25: Given the intention to base Building Safety Authority teams within local authorities, the Welsh Government should work with local authorities to identify solutions to their concerns about taking on the responsibilities of Building Safety Authority including the problem of uncompetitive salaries for key roles within those teams.</p> | <p>Accept in principle</p> | <p>I recognise that the local authority salaries for some building safety roles can be uncompetitive within the wider jobs market. We have commissioned Local Partnerships to advise, and work with, local authorities on developing a “critical path” to implementation. Their work includes how resourcing pressures can be overcome, for example through paying a market supplement for particular staff.</p> |

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| <p>Recommendation 26: The Welsh Government should make an urgent statement on the measures it intends to take, beyond those being taken at present, to address slow progress by some developers and to accelerate the pace at which remedial works are undertaken to address historic deficiencies in buildings in Wales.</p> | Accept | I will make a written statement before Christmas recess to update the Senedd on the progress being made and address stakeholder concerns with the remediation programme. |
| <p>Recommendation 27: The Welsh Government should amend the Bill to include provisions for legally enforceable deadlines and sanctions in respect of remediation, and for penalties for failures by developers to address deficiencies within required timescales</p> | Reject | Developers have signed up to a contract committing to remediate the buildings they are responsible for. It would not be appropriate to include legally enforceable deadlines for remediation in the Bill. |

| Conclusion | Government Response |
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| <p>Conclusion 1: We support the Welsh Government's intention to work with delivery partners to develop a building safety workforce plan to ensure the Bill's requirements can be met in future, and to establish a degree apprenticeship scheme for environmental health officers. Workforce planning will be key to the successful delivery of the new building safety regime for Wales and should be prioritised.</p> | I welcome the Committee's support for our work with delivery partners to develop a building safety workforce plan to provide more certainty for stakeholders on implementation. We will work with stakeholders to understand where skills training can be expanded and where new degree apprenticeship programmes can be developed. |

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| <p>Conclusion 2: We recognise that many of the organisations and services upon whom responsibilities will be placed by the Bill are already under financial pressures and that they may struggle to meet additional resource requirements</p> | <p>Work is already underway with local authorities to further examine the cost and resource implications of the building safety authority functions. I am committed to ensuring that our delivery partners are appropriately funded to be able to discharge all their duties effectively. Our agreement with local government, the Strategic Partnership Agreement, sets out our approach to funding, including in relation to new responsibilities.</p> |
| <p>Conclusion 3: The evidence received demonstrates that this Bill could have an unintended consequence on housing supply in Wales and may therefore impact upon achievement of the Welsh Government's targets for increased social and affordable housing supply. The Welsh Government should reflect on the evidence received and consider whether changes are required to the Bill to ensure consistency with the policy aim of increasing social and affordable housing supply</p> | <p>We are committed both to increasing social and affordable housing supply and to improving building safety.</p> <p>Whilst I acknowledge some of the evidence the Committee heard was that the Bill may have an indirect impact on housing supply, we will not help to solve the challenges we're facing in housing by putting people into unsafe homes.</p> <p>We know from our engagement with social housing providers that many of the measures set out in the Bill have already been implemented by them. I saw this firsthand when I visited St Tydfil's Court in Merthyr Tydfil in the summer.</p> |
| <p>Conclusion 4: We do not believe that the Welsh Government has made a clear case that the inclusion of Category 3 buildings and HMOs within the new regime is necessary. It has not demonstrated that the additional costs and resource implications arising from greater regulation, and the potential risk to housing supply, would be proportionate to any safety benefits to be achieved via the application of the new regime to such buildings</p> | <p>The risks are significant in all multi-occupied buildings, not just tall ones. Fires also occur in smaller buildings occupied by multiple households, and on some measures, these are the most hazardous of all. We cannot ignore the evidence.</p> <p>If we did not include Category 3 buildings or relevant HMOs in the Bill, they would just continue to be subject to the FSO, which was</p> |

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| | not designed for residential buildings and is complex for landlords to understand and apply. Our independent analysis estimated that the average annual cost of the regime would be unlikely to make building owners or landlords exit the market. |
| Conclusion 5: We welcome the Cabinet Secretary's commitment to engage with representative bodies on behalf of disabled people to identify suitable protections for vulnerable residents in regulated buildings and how best to establish such protections. | I recognise the importance of engaging with representative bodies to identify suitable protections for vulnerable residents and will continue to engage interested parties as we develop proposals and options. |
| Conclusion 6: We welcome the Cabinet Secretary's commitment to provide to Accountable Persons and Principal Accountable Persons such guidance and support as will be required to be able to undertake their duties effectively. This will be key to the effective delivery of the Bill's aims | I fully support the Committee's conclusion and believe it is essential to the success of this regime that accountable persons, and others, are supported. We are committed to issuing guidance to support those with duties under the regime. |
| Conclusion 7: The Welsh Government should consult all relevant persons on any regulations to be made under section 33 relating to structural risk assessments, and provide adequate time for those assigned duties in respect of structural risk assessments to familiarise themselves with and prepare for new requirements set out in such regulations, before any such regulations take effect | Section 33 places a duty on the Welsh Ministers to consult with all relevant persons before making regulations under this section. I agree that adequate time must be provided for those subject to the duties that will be placed upon them under the Bill, including in relation to structural risk assessments, to familiarise themselves with and prepare for the new requirements, prior to any regulations or new duties taking effect. |

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| <p>Conclusion 8: We note the calls made for structural and fire risk assessments to be conducted holistically rather than separately, due to the interdependence between structural and fire risks within buildings. While we do not have a view on whether or not the Bill should be amended accordingly we acknowledge that this may be an issue for further consideration by the Welsh Government and relevant stakeholders.</p> | <p>While there is some overlap between fire and structural risks, particularly in that structural defects can compromise compartmentation, the two types of risk are not generally interdependent. There are many common examples of fire hazards which have no structural implications at all, such as defective or missing fire doors, obstructed escape routes, accumulations of combustible waste in common areas, inadequate emergency lighting and signage, and poorly maintained electrical installations, firefighting lifts or smoke control systems. Equally, structural problems like subsidence, penetration of foundations by groundwater or tree roots and overloaded balconies typically have no fire safety implications. The two types of risk are also basically different. Fire can break out at any time and does so suddenly, while most structural problems develop very slowly and gradually. Therefore, the approach to, and frequency of, assessing such risks should also be different.</p> |
| <p>Conclusion 9: We agree with the view expressed that it would be useful for the Welsh Government to provide a template for safety case reports and other documents that must be prepared in accordance with the Bill's requirements, as a means of helping to address concerns raised about the resource implications of such duties for delivery partners</p> | <p>I accept the Committee's conclusion that templates could be helpful. We will consider this as we work with partners and stakeholders to determine the appropriate format for the documents that must be prepared in accordance with the Bill's requirements.</p> |

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| <p>Conclusion 10: We agree that it will be important for all parties to be fully aware of the requirements upon them, whether as occupiers or as landlords. We therefore welcome the Cabinet Secretary's assurance on the development of a residents' handbook. However, we are not aware of arrangements to raise awareness among landlords or property owners who are not Accountable Persons or Principal Accountable Persons, and ask for further information from the Cabinet Secretary on how this will be done</p> | <p>My officials are exploring the development of a residents' handbook to support residents and owners of residential units in understanding their rights and responsibilities under the new regime. The handbook will help residents and owners who are landlords to understand what their duties mean in practice.</p> <p>We are planning to extensively publicise the new regime through a comprehensive communication campaign intended to raise awareness of the new regime.</p> |
| <p>Conclusion 11: We believe that clarification of key terms used in Chapter 7 in respect of residents' duties is needed to ensure clarity on persons to whom such duties apply, including the term 'adult resident'</p> | <p>We will ensure that the explanations of key terms in respect of resident duties are explained in the residents' handbook, setting out examples if needed.</p> |
| <p>Conclusion 12: We agree with the Cabinet Secretary that the success of the policy aim of the requirement in section 65 relating to the provision of building safety information to residents will depend on such information being appropriate to residents' needs and presented in a way which is understandable to them. Regulations made in respect of the provision of such information will need to take into account the additional work and resources required of those on whom duties are placed and ensure an appropriate balance between information to be provided to residents and information which should be 'made available'</p> | <p>It is our intention to use regulations under new section 49B(5)(e) of the Landlord and Tenant Act 1987 (as inserted by section 65 of the Bill) to set out what relevant building safety information, in addition to what is already set out in subsection (5) must be given to tenants under sections 47B and 49B of the Landlord and Tenant Act 1987. That information is not intended to be overly onerous on landlords - the intention is to ensure that vital building safety information is given to tenants.</p> |

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| <p>Conclusion 13: If enforcement functions and powers provided by the Bill are to be split between Building Safety Authorities and Fire Safety Authorities, both will need clear guidance from the Welsh Government on how they should work together to enforce their legislative duties and requirements. Guidance should also set out how the enforcement functions and powers in this legislation will interact with existing enforcement functions and powers set out in current building safety legislation</p> | <p>I accept the Committee's conclusion. We will publish guidance accordingly, working with enforcing authorities on its development. To that end, I have tabled an amendment that will require the Welsh Ministers to publish guidance on the exercise of functions by enforcing authorities. Another amendment will require building safety and fire safety authorities to co-operate with each other in the exercise of their relevant functions in certain circumstances. Guidance issued by the Welsh Ministers may include advice on compliance with this co-operation duty.</p> |
| <p>Conclusion 14: Whilst we recognise that the proposal for three Building Safety Authorities with jurisdictions mirroring the footprint of each of the three fire and rescue services will be attractive to at least some of our witnesses, it is regrettable that the Welsh Government's preferred delivery model for enforcement was not made known in time for us to consider it in the detail during our stage one scrutiny. We have not been able to consider the costs and benefits of the proposed model or the potential risk of duplication of responsibilities that may arise from establishing more than one regulatory authority</p> | <p>The preferred delivery model is not explicit in the Bill and therefore is not costed.</p> |
| <p>Conclusion 15: We acknowledge the representations made in respect of the volume of detail on implementation being left to guidance and regulations and not included within the Bill. We note that the Senedd's Legislation, Justice and Constitution Committee has considered this issue in detail</p> | <p>I have considered the recommendations of the Legislation, Justice and Constitution Committee and written to the Committee with my response.</p> |

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| <p>Conclusion 16: We welcome the Welsh Government's commitment to provide support and guidance on the exercise of duties imposed by the Bill before duties take effect.</p> | <p>I am grateful to the Committee for recognising our approach to providing support and guidance on the exercise of duties imposed by the Bill prior to their commencement and are committed to a smooth transition to the new regime where duty holders have the timely information to allow them to prepare for undertaking their responsibilities.</p> |
| <p>Conclusion 17: Our understanding of the approach to remediation adopted by the Welsh Government, as described by the Cabinet Secretary, is that it is dependent upon the goodwill of developers to begin works by the end of 2026, with no legal requirement to abide by this date. There is also no deadline, legislatively backed or otherwise, for completing works. Whilst we acknowledge that some progress has been made we are of the view that a different approach must now be taken to ensure that life-threatening historic deficiencies within buildings are addressed urgently</p> | <p>I am pleased to note that all developers signed up to the Welsh Government contract have agreed to begin remediation works by the end of next year. We continue to monitor the delivery of the contract closely and should the agreed terms not be met we would take steps to address this.</p> |
| <p>Conclusion 18: We welcome the Cabinet Secretary's acknowledgement that solutions are needed to ensure vulnerable and disabled people are evacuated quickly and safely in the case of a fire in a regulated building. We note the Welsh Government's ongoing engagement with disabled people and look forward to hearing the outcomes of the work to be undertaken to explore such solutions</p> | <p>My officials are exploring options and solutions to ensure vulnerable and disabled people are evacuated quickly and safely in the case of a fire. We are committed to working with our stakeholders to identify the most appropriate means of ensuring provisions are in place to plan for the evacuation of residents whose ability to self-evacuate is compromised. We look forward to sharing the outcomes of this work upon completion.</p> |

Conclusion 19: We note that the Senedd's Legislation, Justice and Constitution Committee has considered in greater detail the issue of consultation with residents on regulations and guidance made and issued in line with the Bill.

I have consider the recommendations of the Legislation, Justice and Constitution Committee and written to the Committee with my response.

Annex 1: Building Safety (Wales) Bill

Category 3 buildings and Relevant Houses in Multiple Occupation

Risks

Category 3 buildings and Houses in Multiple Occupation are among the highest risk premises for fire.

StatsWales data indicate broadly similar casualty rates of around 25 casualties per 100 fires in both converted premises and in purpose-built blocks since 2009. The difference becomes starker when different levels of occupancy are factored in. For example, take a 3-storey house converted into 4 flats with 10 residents and a 10-storey tower block with 40 flats and 100 residents. If a fire breaks out in both of them, any given individual in the converted building is, all other things being equal, more than 10 times as likely to be killed or injured than any given individual in the tower block. There are several reasons why this might be so, the simplest being that individuals in the smaller converted building are more likely to be close to the fire than those in the tower block. But it would be plainly wrong to see Category 3 buildings as low risk simply because of their size; indeed their small size may well contribute to them being relatively high risk.

Fire Safety Duties

The Regulatory Reform (Fire Safety) Order 2005, or “FSO”, currently applies to all Category 3 buildings and all Houses in Multiple Occupation that are covered by the Bill. The Bill, and regulations made under it, will create a regime that is tailored to the risks in residential premises. It includes broadly comparable duties to those that currently apply under the FSO, for example:

| Regulatory Reform (Fire Safety) Order 2005 | Building Safety (Wales) Bill |
|--|---|
| Duty to take general fire precautions (art.8) | Duty to take steps to minimise fire risk (s31) |
| Duty to make a “suitable and sufficient” fire risk assessment (art.9(1)) | Duty to conduct a fire risk assessment (s28) Requirement for a fire risk assessment to be made by a competent person (s29) |
| Duty to review assessment and keep it up to date (art.9(3)) | Duty to review assessment annually and redo it if out of date and/or if “trigger events” occur (s30) |
| Duty to apply “principles of prevention” (art.10 and Sch.1) | Duty to pursue fire safety outcomes (s32(2)). |

New Duties

| Proposed new requirements | Rationale |
|---|--|
| Duty to keep information and documents <i>This includes information and documents important for assessing and managing fire safety risks. The requirements will be set out in regulations but may include: a copy of the most recent fire risk assessment; information about complaints raised by residents relating to fire safety risks and any action taken by the PAP or AP in response to those complaints.</i> | It is important that key information about buildings is securely maintained and accessible throughout the building’s lifecycle. This formed part of the recommendations made in the Hackitt Review, which called for greater transparency for residents. The review highlighted widespread concern over the ineffective operation of existing rules for creating, maintaining, and handing over building and fire safety information. The intention is that this duty will be applied in a proportionate way to Category 3 buildings. It will only extend to information about fire safety risks. |
| Duty to give information and documents to other persons | A key recommendation of the Hackitt Review. Hackitt emphasised that residents need access to clear, accurate information to understand the safety measures in place and to |

| | |
|--|--|
| <p><i>Regulations will set out the information to be provided to residents and what must be made available, if requested.</i></p> | <p>play an active role in managing risks. Section 46(2) provides that the regulations may specify when and how the information or copies of documents must be given, and the format in which they must be given. These regulations will be subject to public consultation.</p> |
| <p>Duty to arrange consideration of complaints*</p> <p><i>Regulations will set out the arrangements for the consideration of complaints in categories 2 and 3 that are proportionate, effective, and tailored to the needs of residents. For a category 3 building, this might include:</i></p> <ul style="list-style-type: none"> • <i>Providing residents a point of contact, such as an email address or phone number, to make a complaint</i> • <i>Informing residents of how a complaint will be resolved</i> • <i>Providing residents information on how to escalate a complaint to the BSA</i> | <p>A key recommendation of the Hackitt Review. Hackitt reported many residents lack clarity on who to contact or how to raise safety concerns, leading to a loss of confidence in those responsible for managing their buildings. Section 49 addresses this by requiring accountable persons in Category 3 buildings to make, and give effect to, arrangements for considering complaints. Regulations made under this section will be subject to public consultation.</p> |
| <p>Co-operation and co-ordination duty</p> | <p>A key recommendation from Hackitt. Hackitt identified the need for clear collaboration across all duty holders. The co-operation and co-ordination duties in section 60 ensure persons with responsibilities for assessing and managing building safety risks work together to deliver a 'whole building' approach. This is critical because safety risks do not respect boundaries between different parts of a building.</p> |

*Does not apply to Houses in Multiple Occupation

Mike Hedges MS
Chair, Legislation, Justice and Constitution Committee

5 January 2026

Dear Mike,

Thank you for your letter of 11 November regarding the United Kingdom Internal Market Act 2020 ('the Act') and the associated review process. I appreciate your continued engagement on this important matter. You asked for further information in specific areas which I will take in turn.

How the UK Government's commitments are being translated

Officials are working with the UK Government and other devolved governments to develop additional guidance and agree clearer processes for discussing and agreeing exclusions. We want to see more detailed guidance under each of the three approaches set out by the UK Government in their response to the review. Our aim is to increase transparency and provide a clear framework for all parts of the UK to work with. The Interministerial Standing Committee continues to discuss and oversee these issues. This work is ongoing, and we want to see this conclude before the end of the spring term.

Further detail on actions on financial assistance powers and broader reforms

Our position remains that decisions on funding in devolved areas should be made by the Welsh Ministers and the Senedd. The financial assistance powers should be revoked, or as a minimum there should be no further direct spending in devolved areas of responsibility without the Welsh Government's consent. We continue to raise these concerns consistently during meetings and in correspondence with senior UK Government Ministers. We will continue to press for changes to the use of financial assistance powers by the UK Government to respect devolution and ensure effective use of public funds.

Our written contribution to the UK Government's review sets out further detail on our longstanding position the Act should be repealed, as well as options for broader reforms which would improve the balance of the Act to both support market access and respect devolution. I have attached a copy of our response for your information and highlight to the Committee. The UK Government has published wider responses on their website. Our immediate priorities are to help make the current changes work, but we will continue to press for legislative changes to the Act including at the Interministerial Standing Committee.

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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 clarification of the Welsh Government position of the impact of the UK Internal Market Act 2020 on Welsh primary and secondary legislation

In my last letter I set out our position following the outcome of the review that when developing all relevant legislative proposals – which includes both Welsh primary and secondary legislation – the Welsh Government recognises the Act may have an impact. In such cases we will engage on a four nations basis through the relevant Common Frameworks to explore whether any exclusions from requirements of the Act are necessary. For clarity this means the Welsh Government recognises the Act could apply to secondary legislation made under Senedd Acts or Senedd Acts themselves, given alternatives have not been tested in court.

Despite our opposition to the Act, we welcome the commitments from the UK Government and their intent to foreground the Common Frameworks to manage the UK internal market. We hope this translates into a real change in approach and the Act is no longer the primary mechanism to manage differences in approach.

I hope you find this response helpful.

Yours sincerely,



Julie James AS/MS

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

Official



Llywodraeth Cymru
Welsh Government

Review of the UK Internal Market Act 2020: the Welsh Government's response

April 2025

Review of the UK Internal Market Act 2020: the Welsh Government's response

Introduction

1. Last year saw the 25th anniversary of devolution. Decentralising and moving decision-making on key public-policy issues closer to the people in each constituent part of the UK was a core tenet of that process. For over 20 of those years, devolved decision-making operated within, and was strengthened by, the EU single market. The single market's legal framework struck an appropriate balance between allowing for a significant degree of subsidiarity on the one hand, and ensuring appropriate uniformity for commercial and other economic purposes on the other. This helped support a period of sustained growth for the UK and Welsh economy.
2. Senedd Cymru and the Welsh Government have, from the beginning, had serious concerns about the adoption of the new and different constraints imposed by the UK Internal Market Act ('UKIMA'). UKIMA is far more restrictive - and its impact on devolution more wide-ranging and profound - than the EU single market rules it replaces. Our view is that UKIMA should never have been adopted by the previous UK Government, and should now be repealed and replaced with an alternative approach based on the Common Frameworks.
3. We welcome the UK Government's early review of UKIMA, although we are disappointed it ruled out the option of repealing the Act. The review is an important opportunity to address some of our concerns by reframing and amending UKIMA to allow Common Frameworks to take precedence.
4. We believe it is important to work together to maintain an internal market across all parts of the UK which supports growth and prosperity. But this should be achieved in a way that respects the responsibility of the devolved legislatures and governments. A consensual system of Common Frameworks could be underpinned by amending UKIMA so it applies as a legislative safety net, adopting principles similar to the legal framework that continues to apply within the EU. This could involve a greater role for an independent body to improve the impartial, objective management of the UK internal market, and provide greater stability and transparency for businesses.
5. We particularly welcome the recommitment of the UK Government to the Common Framework principles¹. We share a desire for Common Frameworks to be the primary tool for managing the cooperation and divergence within the UK internal market, but with a reformed UKIMA in the background. The current formation of UKIMA is incompatible with meeting those principles. This would require UKIMA to include some discretion for devolved legislatures and governments to take decisions about their parts of the UK, providing at least the same flexibility as existed under EU rules.

¹ [Microsoft Word - Joint Ministerial Committee communique.docx](#)

6. Our contribution to this review is intended to provide a platform for further discussion, development and agreement. We want to work together on a programme of specific legislative and non-legislative changes to provide a more equitable and stable legal framework for the UK internal market. Our response is structured in three distinct parts:
 - i. First, we cover the introduction of UKIMA and the arguments used by the last UK Government to seek to avoid engaging with our legitimate concerns. This is important in order to understand the urgent need for legislative reform to move from a unilaterally imposed system to one founded on collective agreement, reinforced by a legal framework that respects rather than overrides the powers of the devolved legislatures and governments.
 - ii. Secondly, we address the specific issues with UKIMA and its real impact on the functioning of devolution, policy innovation and growth. This highlights the need for legislative change to properly respect devolution, support economic growth and to allow Common Frameworks to become the primary tool for regulatory cooperation.
 - iii. Finally, in the spirit of collaboration, we propose four key areas in which we believe substantive changes can be developed and agreed across all four nations to provide assurances and safeguards for the UK internal market and our international obligations whilst restoring the effectiveness of devolution, increase predictability for businesses, and better support growth.
7. We expect this to be a process we enter into collaboratively and hope the review provides us with the basis to agree a meaningful programme of reform to UKIMA and how it operates. This should include a commitment to legislative changes over the course of this UK Parliamentary term. This is of fundamental importance so that we can put in place a sustainable legal framework which is less open to being misused by a future UK Government. There are also a range of non-statutory commitments relating to the way UKIMA will be used and operated which can be made and implemented quickly.
8. Since the formation of the new UK Government we have seen improvements in intergovernmental relations in a range of areas. Such improvements are welcome but need to be built upon. This review is an ideal opportunity to demonstrate a positive reset of relations between the UK Government and the devolved governments.
9. We wish to record also that separate and urgent attention is also needed to review UKIMA's financial assistance powers, an issue that has been put outside the scope of this review.

PART 1: UKIMA's lack of constitutional and democratic legitimacy

UKIMA does not have the consent of the devolved parliaments and governments, and its passing was one of the most egregious and controversial breaches of the Sewel convention since devolution

Unilateral imposition of UKIMA without consent

10. We support the concept of an internal market in the UK and recognise the importance of free-flowing trade across the UK. However, this was something that had already been achieved not only within the UK but across the EU – and achieved in a way that dovetailed appropriately with the principle of subsidiarity and, within the UK, the constitutional reality of devolution. Following the decision to leave the EU, we sought to work collaboratively and constructively with the UK Government, and other devolved governments, on the shared challenges leaving the EU single market created. We collectively agreed that a new approach was needed to support the effective functioning of the UK internal market outside of EU single market rules. On that basis, we entered in good faith into detailed discussions with the then UK Government to develop an approach which reflects the Welsh Government's responsibilities under devolution, and our shared role for the governance of domestic markets. Indeed, the work on the Common Frameworks programme led to the Welsh Government recommending consent to the European Union (Withdrawal) Bill ². Regrettably, however, the then UK Government later undermined this joint work instead choosing to pursue the proposals that were eventually enacted by UKIMA.
11. The UK is a voluntary union built on consent. Within that union there are four legislatures and four governments, each with its own responsibilities and democratic mandate. However, UKIMA was introduced unilaterally by the last UK Government at great pace, with limited consultation and truncated scrutiny. It involved a serious breach of the Sewel Convention. The Welsh Government opposed UKIMA and Senedd Cymru did not give its consent to it. The legislative and executive competences of the Senedd and the Welsh Government are supported by successive referendums in which the people of Wales chose for decisions on a range of policy issues to be taken by them. The lack of engagement during UKIMA's development, its lack of UK-wide mandate, and its incompatibility with devolved powers and responsibilities must be urgently addressed.
12. The rushed approach the last UK Government adopted has:
- ignored the positive effects of regulation on innovation³ and supporting growth⁴;

² Which also included reference to the UK internal market. Agreement available here: [European Union \(Withdrawal\) Bill - Agreement between the UK and Welsh governments - GOV.UK](#)

³ Recognised as a key benefit of regulation in the recent UK Government Action plan: [A new approach to ensure regulators and regulation support growth - GOV.UK](#)

⁴ As just one example LSE found environmental policy and regulation have positive effects on productivity growth and capital accumulation: <https://www.lse.ac.uk/european-institute/Assets/Documents/LEQS-Discussion-Papers/LEQSPaper158.pdf>

- overstated the perceived impacts of any form of divergence from policy in England by devolved governments;
- created an unrealistic imaginary spectre of excessive regulatory divergence disrupting markets (despite this being contrary to our shared international commitments, the history of limited divergence within EU rules, and the reality of doing so in a UK internal market); and
- undermined the consensual and collaborative approach developed as part of the Common Frameworks programme.

13. UKIMA is fundamentally inequitable. It has skewed the UK internal market yet further towards, and directs more power towards, the already economically and politically dominant part of the UK. It places new asymmetrical constraints⁵ – constraints that for England are either of minimal impact or easily avoided by the UK Government using powers in UKIMA or exercising parliamentary sovereignty.

14. We strongly believe collaboration and joint working is the best way to create a strong, secure and equitable union, underpinned by sustainable economic growth and high-quality jobs. Our engagement with the Common Frameworks programme demonstrated that commitment towards a successful internal market. We have taken a collaborative approach whenever the UK Government has been open to work with us; for example, by participating in and supporting the appointment of the chair and panel to the Office for the Internal Market in a way which respected devolution. Even during the Parliamentary passage of UKIMA, we sought to reopen multi-lateral discussions⁶ and find solutions via proposed amendments to address some of the most egregious aspects of the draft Bill⁷. Despite these suggestions being largely ignored at the time, they illustrate it is possible to amend UKIMA to provide more of the flexibilities for devolved governments, equivalent to the EU framework, without compromising the internal market.

15. The negative impact of UKIMA on devolution has been evident since then, even where our governments have sought, more recently, to work constructively in dealing with its implications. These impacts have knock-on effects on businesses and the investment environment and have:

- led to delays and uncertainty, for both Welsh Government and businesses;
- constrained the localised decision-making devolution was designed to achieve;
- restricted the implementation and effectiveness of policy; and
- stifled the innovation devolution had previously successfully encouraged (and would have been possible under the rules of the EU single market).

⁵ UKIMA's Explanatory Notes identifies it "*affects legislation in areas of devolved competence made by the...Welsh Government or passed by the...Senedd Cymru. In this way, the Act's provisions create a new limit on the effect of legislation made in exercise of devolved legislative or executive competence.*" [United Kingdom Internal Market Act 2020](#)

⁶ <https://business.senedd.wales/documents/s103942/Correspondence%20from%20the%20Coun>

⁷ [Written Statement: Welsh Government amendments to the United Kingdom Internal Market Bill \(15 October 2020\) | GOV.WALES](#)

16. UKIMA also leads to conflicts of interest given the UK Government's dual role acting for the whole of the UK in some aspects, but for England alone in others. Policy departments within the UK Government, responsible for policy within England, and without the knowledge of the devolved context, legislative framework or policies, have in some instances applied UKIMA in a way which asserts English policy across the UK as a whole. The previous UK Government was widely perceived to be the English Government in this regard, and there is now an opportunity to address this.

It is not a binary choice between the *potential* for regulatory difference and growth

17. The Welsh Government is committed to supporting the UK internal market and to regulatory cooperation across the UK. Economic growth is a priority for all parts of the UK. The importance of a smoothly functioning UK economy and internal market is not in dispute and is a shared ambition. We well understand the importance of the UK economy and of trade within the UK, not least its importance for Welsh businesses. This is reflected in the Welsh Government's commitment to the union and to supporting sustainable economic growth and jobs. Our opposition to UKIMA as it stands is not contrary to our shared ambition for growth and jobs but is in fact informed by it and enabling of it.

18. Nor is the need for regulatory cooperation across the UK in dispute – indeed, this is why the Common Frameworks programme garnered cross-UK support. Regulatory cooperation should not be framed to ensure every part of the UK adopts English standards and solutions. It should be a mechanism for us to agree common minimum standards, and areas of harmonisation; as well as allowing different and distinctive approaches to achieve democratically determined public-policy goals in devolved areas. Our international commitments to good regulatory practice, including via the EU Trade and Cooperation Agreement, and the importance of the UK internal market to jobs and growth in Wales contradicts the assumptions of automatic divergence inherent in the restrictive design of UKIMA with respect to devolved governments.

19. UKIMA appears to have been written to solve a wholly imagined risk of a great divergence in regulation across the UK – and to solve this supposed risk in the bluntest possible way. Allowing for the potential for devolved governments to decide on the merits of alignment or distinctiveness in devolved areas (in practical effect as well as on a purely technical basis) does not automatically equate to substantive divergence in those areas. Evidence shows that devolved governments will often choose to align across the UK as that is in our interests – but that is a choice made, not a requirement enforced, or a power blunted. UKIMA is overly restrictive and risk averse, developed seemingly either to solve a problem that does not exist in practice (and decades in the EU illustrates modest divergence across the UK in a more permissive system) or as a mechanism to constrain devolved powers and choices. There is, in reality, negligible risk and much to gain from making changes to create a new approach that is compatible with devolution, with clear principles and which facilitates different approaches tailored to devolved contexts where needed. The stultifying

effect of UKIMA on policy innovation and reform⁸ must be removed to unlock the growth potential in all parts of the UK.

The protections for Northern Ireland are not being challenged

20. The protections for Northern Ireland included in UKIMA are not in dispute. The previous UK Government used such protections to justify the entirety of UKIMA and as a means to close down discussions on alternatives. Commitments and reassurances relevant to Northern Ireland can continue without needing to directly restrict devolved powers whenever the market access principles could be engaged.

⁸ UKIMA also disincentives the reform or simplification of pre-existing legislation currently exempted from the market access principles, as to do so could remove that exemption and limit its effectiveness.

PART 2: UKIMA goes way too far

UKIMA is “much stronger and more restrictive than EU law”⁹, leading to “a regulatory framework that is incomplete, coercive and...highly asymmetrical,” imposing a centralising role for the UK government¹⁰.

21. UKIMA borrows heavily, but selectively, from the legal framework that established the EU single market. However, in relation to particularly important aspects for the exercise of devolved functions it is much more restrictive than EU law. This restrictiveness is most evident in the very narrow exclusions to the market access principles, without which certain devolved legislation interacting with those principles is automatically and widely “disapplied”, effectively undermining the devolved policy intent.
22. Currently, the public-policy exclusions within UKIMA mean movement of goods may be restricted only when necessary to control the spread of pests and diseases, the spread of unsafe food between territories, or for the authorisation of certain chemicals and the regulations on fertilisers and pesticides. This is “*strikingly more limited than is available under EU internal market law*”¹¹. Unlike many other internal markets, including the EU single market, there are no broader exclusions for public-policy reasons, for example environmental protection, human health, consumer protection, animal welfare, culture and heritage, or others. Despite the EU single market rules allowing for the potential of a wide range of divergence in principle, the application of a proportionality test to these exclusions has helped minimise unnecessary costs or market impacts.

The exclusions process is not fit for purpose

23. UKIMA provides for some flexibility through exclusions process and powers to both adjust the market access principles and exclude specific areas from them. However, this is a flexibility available to the UK Government only to use at its discretion. All powers sit with the already dominant economic actor, further unbalancing an already skewed internal market. Wales is reliant on decisions of the relevant Secretary of State, rather than on any objective criteria, and as previously stated, this gives rise to a conflict of interest where the UK Government is responsible for the corresponding policy for England only. This “*in effect, gives the UK Government a veto power*”¹² over requests from devolved governments. Devolved governments do not have similar influence over decisions made in relation to England which impact significantly on the internal market.

⁹ C.B. Swan, T Horsely, N McEwen, and L. C. Whitten, *Westminster rules? The United Kingdom Internal Market Act and Devolution* (3 October 2024). Published by the Centre for Public Policy.

¹⁰ T Horsley, Constitutional Reform by Legal Transplantation: The UK Internal Market Act 2020, *Oxford Journal of Legal Studies*, Vol 42, Issue 4, Winter 2022, pp 1143–1169, <https://doi.org/10.1093/ojls/gqac018>

¹¹ S Weatherill, Will the United Kingdom survive the United Kingdom Internal Market Act? (March 2021), UK in a Changing Europe working paper. Available at: [Will-the-United-Kingdom-survive-the-United-Kingdom-Internal-Market-Act.pdf](#)

¹² C.B. Swan, T Horsely, N McEwen, and L. C. Whitten, *Westminster rules? The United Kingdom Internal Market Act and Devolution* (3 October 2024). Published by the Centre for Public Policy at the University of Glasgow

24. Where the Secretary of State is making a decision on an exclusion in a devolved policy area, as the UK Government is only responsible for policy in England and it cannot be expected to understand the distinctive context elsewhere. The UK Government generally does not distinguish between of its responsibility for the whole of the UK and of its responsibility for England only. This is a constitutional tension that lies at the heart of UKIMA, and it remains unresolved (indeed often unacknowledged). Acting on behalf of England is not the same as acting on behalf of the UK, and policies designed for the context in England do not automatically work in other parts of the UK. This creates a mechanism for any future UK Government to be able to force devolved governments to align with whatever approach is adopted in England – even if it is a disbenefit for the other nations, conflicts with devolved policy, or results in a loss of economic opportunity.

UKIMA has created uncertainty for businesses because of its restrictive nature

25. We are sure that some will argue that the most important aspect of the rules governing the UK internal market is legal certainty. The Welsh Government disagrees for the reasons set out above. In addition, the apparent legal certainty is not always clear cut in practice. The exclusions process can cause uncertainty and confusion.

26. A clear example of this has been with regards to the delivery of deposit return schemes (DRS). For the first few years of their development, agreement had been reached between all four governments on a common scope for the schemes. However, in March 2022, the UK Government decided to diverge from the collective UK-wide policy scope which had been consulted upon. This decision was taken without any discussion or consideration of the implications for the rest of the UK. It was also taken without application the of agreed intergovernmental process.

27. UKIMA, however, meant that despite it being the UK Government that had taken the decision to diverge from the agreed UK-wide approach, the Welsh Government was left to seek an exclusion to legislate for what had previously been the UK-wide policy position. Maintaining the original scope of the DRS is particularly key to Wales' delivery of a scheme that further advances our very successful recycling performance. The previous UK Government's lack of clarity regarding criteria needed to merit an exclusion, clear principles or any set process or timetable on the one hand, and the conflict of interest arising from the approach being taken in England on the other, underlined the inherent flaws in UKIMA. Th. Despite delaying the Welsh legislation to try and reach an agreement, this was not possible within the time available, and it meant Wales could not participate in the joint process to appoint a Deposit Management Organisation.

28. Crucially, we are confident that our DRS *proposals would have been allowable within the EU single market*, where different members states operate separate schemes with different scopes (and where there are highly porous borders) with

no detriment to common market.

29. This instance evidences the imbalance inherent in UKIMA. The UK Government are able to ignore the implications of divergence for the rest of the UK and can unilaterally grant themselves an exclusion. Such misuse could see UKIMA repeatedly imposing English policy on the devolved nations.
30. Currently, there is no protection for the Welsh Government in a situation where it agrees, in good faith, to proceed with a joint approach in a devolved area. If the UK Government subsequently alter their policy approach for England this, in turn, coerces devolved governments to comply with what is essentially English policy or risk the uncertainty of an undefined exclusions process governed by the UK Government without objective criteria, transparency, or independent oversight.
31. The current issues arise as a product of the limited scope of general public-policy exclusions, exacerbated by a problematic exclusions process. Uncertainty for businesses can still arise in any situation in which the devolved governments wish to do something different.
32. Looking further ahead, the current narrowness of UKIMA with respect to exclusions and the very specific nature of new exclusions granted to date, risks creating a complex morass of exclusions should the UK Government use these powers to facilitate devolved policy (by granting exclusions) rather than frustrate it (by denying them). Whilst the current approach might provide technical legal clarity, the result over time could become increasingly confusing for businesses to understand and navigate.

Unless amended UKIMA will always be foregrounded above Common Frameworks

33. Common Frameworks were originally intended to identify policy areas in which regulatory cooperation would be essential in areas previously subject to EU law. We welcome and share the UK Government's stated ambition for UKIMA to sit in the background and for Common Frameworks to be the primarily mechanism for regulatory cooperation.
34. However, the reality of the narrowness of the public-policy exclusions to the UKIMA, automatically places UKIMA front and foremost in any discussion about regulatory cooperation and coordination. UKIMA is the default mechanism governing the UK internal market, with very limited scope for regulatory innovation or addressing public policy. Should UKIMA become more flexible in these respects, it could operate as fallback legislative mechanism, which would elevate the Common Frameworks process.
35. UKIMA is also designed in such a way as to encourage deregulation and reduce standards to the lowest common denominator. Common Frameworks on the other hand, were intended to not only consider divergence but also the ability to develop common minimum standards, allow for innovation, and actively manage those areas where harmonisation is considered important. Agreements in those areas should also feature as a key component of the UK internal market,

**Official
April 2025**

preventing a race to the bottom and focusing on areas of agreement as well as difference.

PART 3: A better way forward

Options to address the constitutional issues with UKIMA whilst maintaining the protections for the UK internal market and promoting growth

Repeal of UKIMA

36. During its short history UKIMA has become synonymous with the previous UK Government using its powers to compel the devolved governments into regulatory convergence and alignment with England. Following Royal Assent, we witnessed the then UK Government use UKIMA, as a matter of policy choice, to limit and frustrate the legislative powers and policies of the devolved governments - irrespective of whether there were significant implications for the UK internal market.
37. The Welsh Government has a [Programme for Government](#) commitment to challenge UKIMA and its undermining of devolution, and to champion the rights of the Senedd to legislate as it could before EU withdrawal (at least) in areas devolved to Wales. Our first preference remains that UKIMA should be repealed and replaced with a system based on the Common Frameworks. We have always accepted this may require a legislative underpinning, which can also provide protections for Northern Ireland, but this could have been achieved without damaging devolution as UKIMA does.
38. We recognise the current position taken by the UK Government to rule out repeal during this review. In the spirit of cooperation and collaboration, and with the intention that substantive changes could be made swiftly, we set out proposals for reform below. There is already a legal framework within the EU that can provide the basis for reforming UKIMA and establishing a more flexible, equitable and sustainable legal framework.

Potential areas for legislative reform of UKIMA and wider changes to reframe UKIMA as enabling of, rather than a constraint to, devolution and Common Frameworks.

39. We focus on four broad areas initially. Our suggestions reflect on key aspects of the EU single market and the model amendments previously proposed by the Welsh Government during passage of the Bill¹³. These are also consistent with recommendations from academics and think tanks with expertise in both devolution and legislating within internal markets¹⁴:
1. **Broaden the pre-existing exclusions to include general public-policy reasons**¹⁵. This is the most important change required to restore the integrity of devolution settlements and demonstrate an understanding and respect of

¹³ [Written Statement: Welsh Government amendments to the United Kingdom Internal Market Bill \(15 October 2020\) | GOV.WALES](#)

¹⁴ For example: C.B. Swan, T Horsely, N McEwen, and L. C. Whitten, *Westminster rules? The United Kingdom Internal Market Act and Devolution* (3 October 2024). Published by the Centre for Public Policy at the University of Glasgow.

¹⁵ In particular for goods, with a starting point being codifying the exceptions set out in EU law

them in practice. Broader pre-existing exclusions for public-policy reasons, including environmental protection, public health, consumer protections and others can be qualified by the inclusion of a proportionality test (with the burden of proof on the legislating authority) and complemented by an agreed mechanism to establish common or minimum standards (see 2). Depending on the precise nature of any future amendments to UKIMA, all governments of the UK would have to accept the risk of challenge when relying on a general public-policy exclusion being proportionate; but this is for the legislating government to defend, not a decision for the UK Government.

2. **Develop and agree a process for codifying areas for minimum or common agreed standards, for example in relation to specific goods, items, or produce.** The Common Frameworks process is intended to also discuss and develop minimum or common / harmonised standards all nations agree are necessary for the internal market, and UKIMA should include a mechanism to reflect those agreements where reached. Further work would be needed to consider the most appropriate model, but including relevant powers in UKIMA, tempered by the need for consent and a demonstration of subsidiarity, would address a key weakness of UKIMA which currently incentivises only competitive deregulation and a race to the bottom.
 3. **Reform and codification of the exclusions process.** The changes above would change the nature of the exclusions process, by making it more rarely used. But even then, the process for establishing what should be excluded must still be reformed to become objective and transparent. It might still be used for areas in which absolute legal clarity is sought, where broader public-policy exclusions do not apply, or where exclusions are agreed as necessary via a Common Framework. Crucially, deciding what is excluded should not be a decision for the UK Government alone.
 4. **Develop and agree a more objective and independent governance and oversight of the internal market and application of UKIMA.** This will need to follow on from the changes identified above, but a more proportionate UKIMA could see a greater reliance on strengthening existing mechanisms for Good Regulatory Practice, regulatory cooperation, and independent advice from the OIM. A principles-based approach, underpinned by broader general public-policy exemptions would mean each government ensures any reliance on them is proportionate and can be legally defended. To support oversight and assurance, and to limit the potential impact on the courts, the statutory powers of the OIM could be enhanced to act as an independent body advising and making recommendations on the application of UKIMA across the UK, taking into account broader factors beyond economic impact, and setting a firmer, impartial context around the use of powers in UKIMA. There would also be merit in discussing whether the OIM could take on more of a decision-making role.
40. These reforms and others can support an effective UK internal market which supports sustainable growth and jobs and works with, not against, the grain of devolution, not seeing it as a 'problem'. As the review states, devolved powers

“promote an environment in which new, innovative approaches can be taken in one part of the UK and, if they are successful, these might be then adopted and rolled out in the rest of the UK.” The reforms above will empower those devolved powers rather than restricting or blunting them.

41. These ideas are not exhaustive, and we hope they can be the beginning of detailed collaborative work between our governments to agree a programme of legislative and non-legislative changes to UKIMA and its operation. Our strong preference now the consultation period is over is for the devolved governments and the UK Government to develop these ideas (and any others) collaboratively and jointly with a view to agreeing a substantive programme of reform.
42. As noted towards the opening of this response, none of these changes should affect the place of Northern Ireland in the UK internal market, though detailed work should consider and have special regard to any possible impacts.

Principles of proportionality and subsidiarity

43. Taking a more principles-based approach should include introducing the familiar trade-law principles of proportionality and subsidiarity, which work together to frame regulations affecting cross-border trade. The benefit of this is that it can help manage the limits and impacts of regulatory divergence while preserving democratic autonomy. The principles as understood in the EU could be a template for UKIMA definitions, with governments and legislatures across the UK familiar to working with them.
44. Introducing a proportionality test would strike an appropriate balance between devolved decision-making and avoiding unnecessary costs and barriers to trade between the four nations. This would place increased responsibility on each of the governments as it would require them to take a case-by-case evidence-based assessment of the interaction of policy with these principles, as was the case within the EU. This places the responsibility on the devolved governments as intended by devolution, rather than siting decisions with a Secretary of State who may have no direct (or democratic) responsibility for the public-policy matter under consideration.
45. Introducing a subsidiarity test and consent mechanisms alongside a new approach to establishing minimum or common standards could help temper the competitive deregulatory nature of UKIMA as currently constituted.

The process for new exclusions to the Market Access Principles to apply in the interim

46. We recognise legislative change will not be immediate, and in the interim agreement can be reached on a more objective approach to exclusions. A starting point would be a clear statement of a presumption in favour of granting an exclusion requested by devolved governments, relying on the good regulatory practice each nation is signed up to. Instead, the burden of proof in relation to the exclusion should shift to any part of the UK which wishes to challenge the

need for the exemption on the basis it is not a proportionate means to achieve the stated policy goal. The same could be true of any agreement reached via a common framework – the presumption should be in favour of granting any exclusion emerging from that process unless challenged with suitable evidence.

47. To provide certainty and clarity over the detail of the process and expected timings, all governments should urgently co-produce, agree and publish a standard and proportionate format for exclusion requests, and core evidence requirements alongside a commitment to adopt as far as possible an agreed timetable for decisions. A key part of the evidence requirements could be the adoption of a proportionality test and acceptance of general public-policy reasons for legislating where this is met, building on practice in the EU. Should an exclusion be considered proportionate it should be granted (including where there is limited net impact on the market). Where there is disagreement further evidence may be required. This could be an interim arrangement while the wider programme of reform is discussed and agreed, including legislative changes.
48. Dispute resolution should be a feature of this process to allow for challenge of decisions, building on the agreed Intergovernmental Relations approaches. A rationale for refusal should be provided against agreed objective criteria.
49. In the longer-term a more objective process designed and agreed collectively across all parts of the UK should consider the role of independent advice to directly inform use of UKIMA powers. For example, widening of the remit of the independent and impartial OIM to provide independent advice or recommendations (based on codified objective criteria) which must be taken into account by the UK Government when exercising UKIMA powers.
50. This note sets out some initial commentary on ways in which UKIMA could be reframed to better respect and work with devolution. We look forward to further discussion and development of our ideas including broader considerations such as the role of devolved legislatures in the oversight and governance of an internal market in the UK.

Case studies to illustrate the impact of UKIMA on Welsh policy making

Example A - Horticultural Peat

At the end of 2022, the Welsh Government announced the retail sale of peat in horticulture would end in Wales. Following a joint England-Wales public consultation we proposed working with the UK Government on the next steps to implement the ban in Wales.

Due to legislative priorities of the previous UK government, a joint legislative vehicle was not secured prior to the UK general election in July 2024 to bring this policy ambition into reality, and the issue of legislative priority remains a question for the current UK government.

Without a joint legislative vehicle, Welsh Ministers considered effecting Welsh policy ambition by implementing their own legislative ban independently of England. However, we recognised that, without an exclusion to UKIMA, peat producers based elsewhere in the UK could try to sell their products in Wales due to the mutual recognition principle within UKIMA.

Horticultural peat is an area of devolved competency; however, our democratic control and accountability is constrained by UKIMA as we are compelled to wait for the UK Government to introduce a joint legislative vehicle, or to grant an exclusion. Without either of these our legislation is at fundamental risk of being undermined. Whilst we would prefer to work with the UK Government on joint legislation for horticultural peat due to cross-border issues, we remain concerned how the Act hinders our devolved competence. In areas of devolved competence, Welsh Ministers should have the democratic control for policy areas in Wales.

Example B

Precision Bred Plants

The UK Genetic Technologies (Precision Breeding) Act 2023 has amended the Environmental Protection Act 1990 to recategorize certain genetically modified organisms in England so that they are no longer regulated as GMOs but instead as a new category of regulated product described in the 2023 Act as Precision Bred organisms. The 2023 Act does not apply to Wales, Scotland or Northern Ireland. In those territories of the UK Precision Bred organisms (PBO) the original 1990 legislation still applies and PB organisms remain GMOs.

However, the effect of UKIMA is that PBOs, or food or other products made from them, having complied with the regulatory standards in one part of the UK, can be transported to, placed on the market, sold and consumed in Wales regardless of Wales-specific regulatory controls. In considering the legislation, the UK Government has made little compensation for the effect that this will have on the devolved nations. Devolved governments' ability to mitigate UKIMA's effects and apply devolved decision making are constrained by needing to apply to UK Government for an exclusion (something the UK Government could quickly grant itself if the roles were reversed).

Additionally, UKIMA's lack of clarity about the definition of a significant, regulated production step means that, when creating guidance, we cannot provide certainty to Welsh businesses, regulators and enforcers giving rise to potential legal uncertainty. If a Welsh business buys tomatoes with a view to making them into, say tomato sandwiches or tomato soup, if the tomatoes were PBOs the resultant product will be legally an unregulated GMO. The Local Authorities in Wales who are responsible for enforcement must determine whether and how they should enforce GMO regulations for food products made in Wales. Their task will be made more difficult because they may not be able to identify which tomatoes are PBOs, and even if they can use the forthcoming England only PB plant variety list to identify the name of the PB tomato varieties – proving conclusively which variety of tomato went into the soup may be impossible.

Example C

Deposit Return Scheme (DRS)

The Welsh Government's ability to bring forward a Deposit Return Scheme which works in a Wales context has been constrained by UKIMA, despite DRS policy being fully devolved to Wales and that flexibility not being at all an issue prior to EU exit.

For several years, work was taken forward jointly on an agreed scope which all governments agreed would apply consistently across the UK. This was consulted upon by the Welsh Government jointly with the UK Government for England and Northern Ireland Executive twice, in 2019 and in 2021. The 2021 consultation confirmed an agreed scope of materials to include PET plastic and glass bottles, steel, and aluminium cans. This would apply across all three nations and mirrored the scope in Scotland which was proceeding slightly in advance.

The previous UK Government however then made the decision in early 2022 to change the scope in England to exclude glass bottles. Despite the work having been undertaken jointly up until that point and despite the intergovernmental processes and commitments in place to ensure prior engagement on any such policy which impacted other nations, in particular to identify and mitigate any unintended consequences, this decision was taken without engagement or undertaking that due process. The Welsh Government recognises that the move to a more limited scheme will still drive recycling benefit in England, but with Wales among the top recyclers in the world, this would profoundly impact upon the scheme's ability to deliver benefit and was therefore unworkable in Wales. This necessitated the need to maintain scope by keeping glass within the DRS in Wales.

Following the UK Government's decision to exclude glass from their DRS for England, it was agreed Wales would continue to proceed with glass in scope and this position was included in the joint consultation response published by the three governments (the UK Government was delivering the scheme for NI at the time and therefore its scope changed to mirror that in England). However, the UK Government then sought to use the application of UKIMA to undermine the delivery of the DRS in Scotland, which ultimately led to the downfall of the scheme. Unfortunately, having done so, it then took the approach of using UKIMA to insist on

the scheme in Wales being amended to follow the approach of the scheme in England.

Following the general election in summer 2024, Welsh Government and UK Government held extensive discussions to find a way through the issues caused by UKIMA to allow the Welsh Government to proceed with the scheme consulted upon. However, in November 2024, having delayed the scheme in Wales for as long as possible before notifying the WTO it became apparent that it was not going to be possible for the UK Government to complete their intended process to assess the exclusion request within the timescale needed. Although it would have been possible to satisfy the requirements of UKIMA within the time and despite there being no clear process, this meant that it was not possible for Wales to be a part of the joint appointment of the Deposit Management Organisation. This in turn has led to greater uncertainty for each of the schemes and for the businesses impacted by them

In progressing a DRS, the Welsh Government has been clear that we recognise the internal market in the UK needs to be protected. However, with more than 50 examples of DRS being successfully delivered internationally in other single markets where variation and innovation has not been an issue, our dissatisfaction lies in the fact that UKIMA goes far beyond the structure needed to protect the single market. This has also unfortunately been a clear example of where the unequal and imbalanced nature of the legislation has left it open to exploitation where a UK Government with responsibility for England can seek to force its policy on the other nations as was the circumstance in the case of the previous UK Government. This also risks reform always being tied to the lowest common denominator and gives rise to the risk of devolved governments being forced to lower standards, which in turn can lead to worse environmental, social and economic outcomes.

Julie James MS

Counsel General and Minister for Delivery

11 November 2025

Dear Julie

The United Kingdom Internal Market Act 2020

Thank you for your letter of 13 October 2025 outlining the Welsh Government's approach to legislation following the outcome of the review of the UK Internal Market Act 2020. The Committee considered your correspondence at its meeting on 20 October.

As a Committee we welcome the additional detail you have provided regarding the review's outcome, the next steps in responding to it, and the Welsh Government's position on the 2020 Act's impact on the effectiveness of legislation.

While we also welcome the UK Government's commitment to prioritise Common Frameworks as the main forum for managing the UK's internal market, we remain concerned that the 2020 Act may still exert influence where agreement cannot be reached through Common Frameworks.

We would be grateful for further information, when available, on how the UK Government's commitments are being translated into the "objective and proportionate mechanisms" referred to in your letter.

As you will be aware from the Committee's response to the review, we were disappointed that the UK Government ruled out any legislative changes to the 2020 Act and excluded the financial assistance powers in Part 6 from the scope of the review.

We note the Welsh Government's intention to "continue to pursue the issue of the use of financial assistance powers". We would therefore welcome further detail on the actions the Welsh Government intends to take on this and on its approach to pursuing broader reforms to the 2020 Act.

We would also appreciate further clarification of the Welsh Government's position on the impact of the 2020 Act on Welsh primary and secondary legislation. While we note your statement that the Welsh Government's legal argument has not been definitively tested in court, we would welcome the opportunity to better understand the basis of this position and how it has been developed. In particular, we would welcome clarification on why the Welsh Government believes that the 2020 Act applies to secondary legislation made under Acts of the UK Parliament, but not to secondary legislation made under Senedd Acts or to Senedd Acts themselves.

I would be grateful to receive a response from you by 14 January 2026.

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



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

Mike Hedges MS
Chair, Legislation, Justice and
Constitution Committee

SeneddLJC@senedd.wales

5 January 2026

Dear Mike,

Thank you for the Legislation, Justice and Constitution Committee's report in relation to the Prohibition of Greyhound Racing (Wales) Bill, published on 5 December 2025.

I welcome the Committee's recommendations and considerations of the Bill. I have set out the Government's response in the annex to this letter. I am pleased to have accepted or accepted in part three recommendations.

I am copying this letter to the Chair of the Finance Committee and the Chair of the Culture, Communications, Welsh Language, Sport and International Relations Committee for information.

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.

The Welsh Government's response on the Prohibition of Greyhound Racing (Wales) Bill

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

January 2026

Responses to recommendations

Recommendation 1 - Prior to the Stage 1 debate on the general principles of the Bill, the Cabinet Secretary should publish a written statement explaining:

- how the Bill is compatible with Article 8 of and Article 1 of Protocol 1 to the European Convention on Human Rights
- how he reached that view given that relevant impact assessments do not appear to have been fully completed prior to the Bill's introduction and are subject to ongoing review
- why he believes that the completion of the impact assessments will not affect his view that the Bill is compatible with the European Convention on Human Rights.

Welsh Government Response: Reject

Bill provisions are always subject to a thorough assessment of legislative competence, including Convention rights, before they are introduced.

The outcome of the Welsh Government's assessment of the Bill's compatibility with Convention rights, at introduction, is included in the Explanatory Memorandum which accompanies the Bill. Ministers also note that the Llywydd has determined that the provisions of the Bill would be within the legislative competence of the Senedd.

Where additional information is received during the Bill's scrutiny by the Senedd, the Welsh Government will re-assess the Bill's provisions for compatibility with Convention Rights in light of that information and, as set out in my letter dated 4 November, I have committed to updating the equality, diversity, inclusion and human rights assessment which will be reflected in the Regulatory Impact Assessment ahead of Stage 3.

Recommendation 2 - If the general principles of the Bill are agreed at Stage 1, the Cabinet Secretary should lay Written Statements in good time before tabling deadlines for Stage 2 and Stage 3 proceedings, detailing any updates to impact assessments and clearly identifying any impact on the provisions in the Bill.

Welsh Government Response: Accept in part

In my letter dated 4 November I committed to updating the equality, diversity, inclusion and human rights assessment which will be reflected in the Regulatory Impact Assessment ahead of Stage 3.

Otherwise, the impact assessments will be updated should new information become available. In line with Welsh Government's commitment to write to Committees responsible for scrutinising the Bill, I will write to Committee Chairs to set out changes made to the Regulatory Impact Assessment, and whether these effect the provisions in the Bill.

Recommendation 3 - The Cabinet Secretary should confirm which persons are liable for offences committed under section 1 of the Bill and paragraph 12 of Schedule 2 to the Bill, and, if appropriate, update the Explanatory Memorandum accordingly.

Welsh Government Response: Accept

Section 1 of the Bill creates two offences. A person commits an offence if they are an operator of a stadium or similar venue in Wales and they use it, or knowingly permit it to be used, for greyhound racing. A person also commits an offence if they are involved in organising greyhound racing in Wales.

Schedule 2 of the Bill creates two offences. A person commits an offence if they fail without reasonable excuse to comply with a requirement for assistance reasonably made under paragraph 9(c) of Schedule 2 or if they intentionally obstruct another in the exercise of a function under Schedule 2.

Chapter 3 of the Explanatory Memorandum sets out the offences under the Bill. I will revisit this content and ensure it is clarified. A revised Explanatory Memorandum will be laid ahead of Stage 3.

Recommendation 4 - Should it be necessary, the Cabinet Secretary should table an amendment to the Bill to replace the word "section" in paragraph 12(2) of Schedule 2 with the word "paragraph".

Welsh Government Response: Accept

I accept this recommendation and will table a government amendment to replace the reference.

Recommendation 5 - The Cabinet Secretary should table an amendment to the Bill to provide for a post-implementation review of the legislation.

Welsh Government Response: Reject

While the Bill does not introduce new systems or reporting duties that would require a statutory post-implementation review, the Welsh Government remains committed to good practice in policy evaluation.

The Explanatory Memorandum sets out how the legislation will be subject to a post-implementation review no later than five years after it has come into force. A review will monitor the effects and impacts of the ban, in particular the effectiveness of enforcement, unintended consequences, and the broader impact of the legislation. This was reinforced by the Deputy First Minister in his 4 November response to the Committee.

As this work forms part of the wider Animal Welfare Plan for Wales, which is scheduled for review in 2026, a commitment to assess the effects of the legislation can also be incorporated there. This would help ensure that future governments have a clear responsibility to review its impact.

Conclusions

Conclusion 1 - We consider that the Welsh Government's approach to legislating for a ban on greyhound racing has, in several respects, fallen short of the standard of good legislative practice that we would normally expect.

Welsh Government Response:

On 18 February 2025 I decided to pursue a ban on greyhound racing and subsequently determined that the policy should be implemented through primary legislation. I made this decision after considering Senedd debates, public petitions, campaign activity, and evidence gathered during the Animal Welfare consultation. The purpose of the Animal Welfare consultation was to seek views on the licensing of certain activities which were not subject to regulation. The Animal Welfare consultation included two questions on the regulation of greyhound racing, by way of evidence gathering only. This included a question on a phased ban, but it was not formal consultation on the policy as there were no extant proposals to ban at the time of this consultation. Nevertheless, my assessment of the information available, and the weight of feeling in favour of a ban, was that this was the time to move forward with a ban.

The Bill, Explanatory Memorandum and Regulatory Impact Assessment were submitted to the Llywydd for Determination on 28 August in line with Standing Orders. Following the Llywydd's Determination that the provisions of the Bill would be within the legislative competence of the Senedd, it was laid at introduction alongside the Explanatory Memorandum and Regulatory Impact Assessment, in line with Standing Orders.

Conclusion 2 - As a general matter of principle, we consider it good practice that a Bill should normally not be introduced into the Senedd until all relevant impact assessments are, so far as practicable, sufficiently advanced for their key findings to be included in the Explanatory Memorandum that must accompany a Bill in accordance with Standing Order 26.6. In this case, that principle does not appear to have been fully observed, which we regard as regrettable.

Welsh Government Response:

The Explanatory Memorandum and Regulatory Impact Assessment laid alongside the Bill at introduction included an assessment of impact and shortly after introduction a number of impact assessments were published, including biodiversity, children's rights, data protection, equality, diversity, inclusion and human rights and the Welsh language.

In my letter to the Committee dated 4 November I noted that the impact assessments published alongside the Bill are subject to ongoing review, and I committed to updating the equality, diversity, inclusion and human rights impact assessment to reflect the assessment undertaken in respect of Article 8 of the European Convention on Human Rights. I will also seek to provide further information to Members of the Senedd where requested.

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

Delyth Jewell MS
Chair - Culture, Communications, Welsh Language, Sport and
International Relations Committee

SeneddCulture@senedd.wales

5 January 2026

Dear Delyth,

Thank you for the Culture, Communications, Welsh Language, Sport and
International Relations Committee's report in relation to the Prohibition of Greyhound
Racing (Wales) Bill, published on 5 December 2025.

I welcome the Committee's recommendations and considerations of the Bill. I have
set out the Government's response in the annex to this letter. I am pleased to have
accepted or accepted in principle six recommendations.

I am copying this letter to the Chair of the Finance Committee and the Chair of the
Legislation, Justice and Constitution Committee for information.

Yours sincerely,

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
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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.

Prohibition of Greyhound Racing (Wales) Bill

Government response to the recommendations from the Culture, Communications, Welsh Language, Sport and International Relations Committee

Recommendation 1: We recommend the Welsh Government undertake a comprehensive assessment of the economic and social implications of the Bill before it is brought into force.

Response: Accept

The Welsh Government laid its Explanatory Memorandum and Regulatory Impact Assessment alongside the Bill and has published an Integrated Impact Assessment which was based on the best information available at the time of writing.

Officials will continue to consider any new information provided to Welsh Government, including through the Implementation Group and ongoing dialogue with the racing industry. This will include consideration of the economic and social impacts of the Bill on the single business affected, its employees, and the local community. This approach remains proportionate to the likely scale of the Bill's impact.

We have taken steps to build a clear picture of the popularity of greyhound racing in the local community and the potential consequences of prohibition, and we will evaluate any new information which is made available to the Welsh Government.

A detailed socio-economic duty assessment has been completed, and a summary is included in the Explanatory Memorandum. This will be published in full to complement the existing impact assessments.

The Integrated Impact Assessments and the Regulatory Impact Assessment will be updated ahead of Stage 3 to reflect any additional information received since the Bill's introduction. Reports from the Implementation Group, along with any updated impact assessments, will be published on the Welsh Government website, and the Committee will be notified when these are available.

Recommendation 2: We recommend the Welsh Government fully assess the needs of affected workers as a consequence of the Bill and put in place targeted support to mitigate hardship before it is brought into force

Response: Accept

We will assess the needs of affected workers and provide guidance and support to those who may be affected by the Bill.

Steps are already underway to assess these needs and ensure targeted support is in place to mitigate any impact before the Bill is brought into force. The Welsh Government is committed to delivering a coordinated, multi-agency response, utilising all available initiatives that can support employability and help mitigate the impact of redundancy for those affected. This includes the use of Working Wales, ReAct+, and Communities for Work+, which, subject to eligibility, will provide tailored assistance for employees directly employed by Valley Greyhound Stadium as well as those individuals connected to the industry. We will work directly with the employer and through the Implementation Group to ensure these needs are met.

Recommendation 3: We recommend the Welsh Government closely monitor the potential displacement of racing activity across borders and engage with Animal Licensing Wales as necessary to assess and mitigate potential welfare impacts.

Response: Accept in principle

We acknowledge the Committee's recommendation and recognise the importance of mitigating any potential impacts that the prohibition of greyhound racing in Wales may have on greyhound welfare.

We will explore what information could be gathered through ongoing work with the Implementation Group and engage with Animal Licensing Wales and local authorities as appropriate to monitor welfare concerns suspected as a result of displacement.

Recommendation 4: We recommend the Welsh Government engages with the Sentencing Council before the Bill takes effect to develop clear sentencing guidelines.

Response: Accept

Before the provisions contained in the Bill are commenced, the Welsh Government will write to the Sentencing Council drawing their attention to the new legislation so that the Sentencing Council may consider whether guidelines are required.

Recommendation 5: We recommend the Cabinet Secretary tables an amendment to the Bill to enable the Welsh Government to issue statutory guidance to inspectors in relation to enforcement of the offences in the Bill.

Response: Reject

The Welsh Ministers are already able to issue guidance to support public bodies, and inspectors appointed by them, in the exercise of their powers to enforce offences created by Senedd Acts.

My officials will work collaboratively with the Implementation Group, our stakeholders and partners, to consider whether guidance specific to the powers to be exercised by inspectors in relation to enforcement of offences in the Bill, is required.

Recommendation 6: We recommend the Welsh Government establishes national agreements to support evidence-led investigations and collaboration between enforcement agencies and the Police.

Response: Accept in principle

We agree with the principle of supporting evidence-led investigations and collaboration between enforcement agencies and the Police. This is already embedded within existing national structures through the National Police Chiefs' Council (NPCC), which provides strategic leadership and coordination for policing issues related to animal welfare, dangerous dogs, and wildlife crime. The policy intention is for the Prohibition of Greyhound Racing (Wales) Bill to be enforced primarily by appointed local authority inspectors. If enacted and once in force, we anticipate the number of enforcement actions as a result of the Bill to be minimal.

Should there be instances where a multi-agency approach is needed, the Welsh Government will work with NPCC and its existing collaborations with local authorities to ensure the provisions of the Prohibition of Greyhound Racing (Wales) Bill are absorbed into these structures. This approach avoids duplication, leverages national expertise, and strengthens multi-agency enforcement in Wales.

Recommendation 7: We recommend the Welsh Government undertakes a detailed assessment of enforcement capacity, including training needs, and ensures that local authorities have access to adequate funding and support to implement the legislation.

Response: Accept

Officials will continue to maintain close contact with local authorities, Animal Licensing Wales and the Implementation Group to assess enforcement capacity and training need.

As outlined in the Regulatory Impact Assessment, these costs are expected to be minimal, as breaches of the prohibition are anticipated to be rare. This has been reflected in our discussions with Caerphilly County Borough Council and Animal Licensing Wales who have also suggested that the cost of enforcement will be minimal given the limited scale of greyhound racing in Wales.

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

| | |
|--------------|---|
| TITLE | Draft of Mental Health Review Tribunal for Wales (Membership) Bill |
| DATE | 5 January 2026 |
| BY | Julie James MS, Counsel General and Minister for Delivery |

I am today publishing a draft Bill which, if passed by the Senedd, will ensure the Mental Health Review Tribunal for Wales (MHRTW) can continue to carry out its statutory duties.

The MHRTW plays a vital role in safeguarding the rights of individuals detained under the Mental Health Act 1983. Its panels must include a legal member, a lay member, and a medical member. Medical members are appointed by the Lord Chancellor on the advice of the Judicial Appointments Commission.

A technical issue has been identified in relation to the definition of “registered medical practitioner” in the Mental Health Act 1983, which requires an individual appointed to the Mental Health Review Tribunal for Wales to hold both General Medical Council (GMC) registration and a licence to practise.

Following the identification of this issue, the President of MHRTW has decided to stop members without a current licence to practise from sitting on cases. This puts the tribunal’s ability to meet its statutory timeframes for hearings at considerable risk.

The President of Welsh Tribunals has advised there are now just 19 medical members of the MHRTW who are available to sit on cases. While the President of the MHRTW has requested those members make themselves available as much as possible, the clear advice of the judiciary is that there are not enough medical members to cover the volume of cases listed in the coming weeks.

Members without current licences, who are often retired from practice, have sat on a disproportionately high number of the tribunal’s cases. All medical members of the MHRTW

are GMC registered.

The Welsh Ministers' view, as a matter of policy, is that a current licence to practise should not be a requirement to sit as a medical member of the MHRTW.

The Bill therefore seeks to give effect to the policy intention that the qualifying criterion for medical members of the tribunal is to be registered within the meaning of the Medical Act 1983, but that they are not required to hold a licence to practise under that Act. This will align the tribunal's eligibility requirements with those in England.

The legislation will also provide that persons who were previously appointed as medical members, but who did not hold a licence to practise (whether at the time of appointment or at any other time), were validly appointed and were valid members of the tribunal at all times.

The First Minister has today written to the Llywydd with a draft of the proposed Bill, requesting her to expedite the process of determination to allow the Senedd to begin consideration of this matter on its return on 13 January. I will table motions to suspend Standing Orders to allow the Senedd to consider motions to introduce an Emergency Bill. The motions will provide for all stages of the Senedd's consideration to be completed by the end of 14 January.

To support Members of the Senedd in scrutinising the Bill, notwithstanding this timetable, I am today publishing the draft Bill alongside its submission to the Llywydd for determination, as has been the practice for other Year 5 Bills. The draft Bill can be found at the following link: [Mental Health Review Tribunal for Wales \(Membership\) Bill | GOV.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.

EMERGENCY BILL STATEMENT BY THE WELSH GOVERNMENT

TITLE Statement in support of treating the Mental Health Review Tribunal for Wales (Membership) Bill as an Emergency Bill

DATE 6 January 2026

BY Julie James MS, Counsel General and Minister for Delivery

This statement is made alongside tabling a motion to propose that the Mental Health Review Tribunal for Wales (Membership) Bill be treated as an Emergency Bill, in accordance with Standing Order 26.95A.

As I set out in a [written statement](#) yesterday a technical issue has been identified in relation to the definition of “registered medical practitioner” in the Mental Health Act 1983. This means that medical members of the Mental Health Review Tribunal for Wales (MHRTW) must hold both General Medical Council (GMC) registration and a licence to practise.

In light of this, the President of MHRTW has decided to stop members without a current licence to practise from sitting on cases. This puts the tribunal’s ability to meet its statutory timeframes for hearings at considerable risk.

The President of Welsh Tribunals has advised there are now just 19 medical members of the MHRTW who are available to sit on cases. While the President of the MHRTW has requested those members make themselves available as much as possible, the clear advice of the judiciary is that there are not enough medical members to cover the volume of cases listed in the coming weeks.

Members without current licences, who are often retired from practice, have sat on a disproportionately high number of the tribunal’s cases. All medical members of the MHRTW are GMC registered.

The Welsh Ministers’ view, as a matter of policy, is that a current licence to practise should not be a requirement to sit as a medical member of the MHRTW.

This Bill therefore amends the relevant legislation to change the eligibility requirements for medical members of the MHRTW. It allows any person fully registered with the GMC to serve as a medical member, regardless of whether they hold a current licence to practise. This will align the tribunal’s eligibility requirements with those in England.

The legislation will also provide that persons who were previously appointed as medical members, but who did not hold a licence to practise (whether at the time of

appointment or at any other time), were validly appointed and were valid members of the tribunal at all times.

Given the significant operational impact on the tribunal, we must pursue the fastest possible resolution to this eligibility issue. The consequence of failing to treat this Bill as an emergency Bill would be a delay of many months until alternative legislation could be passed.

There is no viable non-legislative route to securing sufficient medical members who meet the eligibility requirements to cover all cases. There is no cost associated with the change proposed by the Bill but there would be a significant cost associated with not taking action. The financial cost of not acting cannot reliably be estimated. The tribunal could not cope with a delay of months and the rights of this most vulnerable of groups would be unacceptably compromised.

The Welsh Government has considered whether UK legislation could be used to address the current situation. In principle, action could be taken through UK primary legislation should a suitable Bill be available, or through UK secondary legislation. However, either route would take many months.

A Senedd Bill pursued through emergency procedures is the only available route to resolve this issue in a timely manner and to protect the rights of some of the most vulnerable people in society.

British-Irish
Parliamentary
Assembly



Tionól Parlaiminteach
na Breataine agus
na hÉireann

Committee B (European Affairs)

UK-EU Defence and Security Cooperation Post-Brexit

Final report

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Summary of conclusions and recommendations

- 1. We welcome the agreements concluded between the UK and Ireland in March 2025 and between the UK and the European Union in May 2025. In our view, they establish a promising basis for further mutual cooperation on security and defence matters. We expect these agreements to result in a more collaborative approach to security and defence issues which concern BIPA jurisdictions, while also recognising Ireland's longstanding tradition of military neutrality. (Paragraph 33)**
- 2. We welcome the inclusion of critical infrastructure in the UK-EU Security and Defence Partnership. This is an area where evidence of effective cooperation is currently lacking. We recommend that the governments of the UK and of Ireland undertake rapid development of a coordinated programme to address threats to the critical infrastructure within and between BIPA jurisdictions and between BIPA jurisdictions, continental Europe and the North American continent. (Paragraph 34)**
- 3. We recognise the inclusion of maritime infrastructure as a priority for further action in the UK-Ireland Joint Statement. To further effective cooperation in this area, we recommend that the governments of the UK and of Ireland establish a joint statutory Cables Protection Commission to protect and monitor critical infrastructure. This body should include representatives of governments and of defence forces as well as of asset owners, and government or defence representatives. This body should be commissioned to deliver the following:**
 - a. the comprehensive mapping of communications cables, gas pipelines and other maritime infrastructure serving all BIPA jurisdictions;**
 - b. the establishment of monitoring patrols in British and Irish waters, and**
 - c. the development of resilience capacity through increased meshing of communications networks. (Paragraph 35)**
- 4. We welcome the commitment to undertake a full review of the 2015 Memorandum of Understanding between the UK and Ireland on defence cooperation by the time**

of the next UK-Ireland summit. This review ought to be undertaken with a view to enhancing future defence cooperation. (Paragraph 36)

- 5. We repeat our recommendation aimed at including energy security within the ambit of discussions at UK-Ireland and UK-EU level on security, given the substantial potential impact of energy issues on the economic security of BIPA jurisdictions and of continental Europe. (Paragraph 37)**
- 6. We welcome the announcement of the development of port infrastructure in the Firth of Cromarty to support the construction of floating offshore wind infrastructure. This facility, to open in 2028, will be the first such facility in a BIPA jurisdiction. We recommend that full weight be given to consideration of the security requirements for such infrastructure as the port is developed. (Paragraph 38)**
- 7. The recognition of the security dimension of irregular migration in the UK-EU Security and Defence Partnership is welcome. Irregular migration, and in particular migration into EU Member States facilitated by malign overseas actors, has a significant and observable effect on security in the EU and indeed across BIPA jurisdictions. We recommend that UK and national and EU authorities enhance their cooperation on intelligence sharing and countermeasures in this regard, with a particular view to tackling migration routes into the countries along the EU's eastern frontier where Russian forces are suspected of facilitating organised migration. We also recommend that the new Committee A would consider examining the issue of illegal migration and its impact on security. (Paragraph 39)**
- 8. While we observe that cooperation on policing within the Common Travel Area is working well under current arrangements, police authorities must take care to minimise the risk of divergence between forces on measures likely to affect continued cooperation. (Paragraph 42)**
- 9. The UK and Irish Governments and the EU should work closely together to manage any future divergence in intelligence and policing cooperation. We welcome the inclusion of cyber security as a priority area for cooperation in the Joint Statement,**

and we recommend the intensive sharing of information and best practice so as to contribute to the highest possible levels of cyber security across BIPA jurisdictions. (Paragraph 43)

10. Legacy IT systems leave government IT infrastructure compromised and open to the damaging effects of cyber-attacks. We recommend that the governments of all BIPA jurisdictions ensure that their legacy IT systems are updated as a priority, and that governments share information on how best to counter cyber threats to legacy IT systems which have not yet been updated. (Paragraph 44)

11. We recommend that the relevant governments of the BIPA jurisdictions examine the merits of the establishment of a Policing Centre of Excellence, to provide training at a senior level and a structured forum where members of all police forces in BIPA jurisdictions could come together to share best practices, through periodic conferences. (Paragraph 45)

Introduction

12. The related issues of defence and of security on the European continent—issues central to the security of all jurisdictions represented in the Assembly—have been a concern of the Committee since the start of negotiations on the terms under which the United Kingdom would leave the European Union.
13. In July 2018 the Committee undertook an inquiry into European security cooperation after Brexit, in the course of which it examined the potential impact of Brexit in cooperation between the UK and the EU on security matters, including cross-border policing cooperation, the fight against organised crime, counter terrorism and cyber security; the future of security cooperation between the UK and Ireland in the context of Brexit, and the future direction of European security policy and the implications of its development for future security cooperation between the UK and the EU.¹ The Committee issued three interim reports on the topic before its activities were paused, initially for the parliamentary elections in the UK in December 2019 and in Ireland in February and March 2020 and then during the hiatus in parliamentary activity during the pandemic.
14. The full-scale Russian invasion of Ukraine in February 2022 the conflict it precipitated, have had a further significant impact on the defence and security landscape across Europe, including on the defence and security of the jurisdictions represented in the Assembly.
15. The Committee therefore returned to the overall subject of security and defence cooperation, and in October 2022 launched an inquiry to consider three distinct but related facets of this subject—the response to the war in Ukraine, cyber security, and intelligence and policing—and to make recommendations based on the evidence received.²
16. In May 2023 we issued an interim report, which was noted by the Assembly at its 65th plenary conference in St Helier, Jersey.³ This report predominantly covered the first element of our terms of reference—the response to Ukraine—although it also touched on

¹ References to three interim reports

² The full terms of reference for the inquiry are set out in Annex 1 to this report.

³ British-Irish Parliamentary Assembly, [Interim Report on UK-EU Defence and Security Co-operation Post-Brexit](#), Report of Committee B (European Matters) noted by the Assembly at its 67th plenary session, 15 May 2023

issues relating to the second and third elements of the inquiry that arose during the gathering of evidence, given their wider relevance to Russia and the conflict in Ukraine. We made a number of conclusions and recommendations for the governments of BIPA jurisdictions to consider.⁴

17. Since then, we have taken further evidence on the remaining elements of our terms of reference, visiting Dublin in July 2023 and Helsinki and Tallinn in March 2024, and receiving an online briefing from senior officials at the UK National Crime Agency in March 2024.⁵ We are extremely grateful to everyone who gave up their time to meet us and to contribute to our inquiry.
18. We regret that due to the parliamentary elections in the UK in July 2024 and in Ireland in November 2024 and January 2025, and the subsequent further long hiatus in BIPA activity, we were not able to publish this report sooner.
19. In this report we summarise significant recent developments in the field of UK and European security and defence cooperation. In the light of these developments and the evidence taken by the Committee we then set out our outline conclusions and recommendations, which we trust will remain of use to the governments of the BIPA jurisdictions in their shaping of policy in this crucial area. The security situation in Europe has undergone a profound shift in the months since the election of Donald Trump as President of the United States in November 2024 and the commencement of the second Trump administration in January 2025. The nature of that change need not be summarised in detail here, but the conclusions and recommendations below ought to be read in the light of recent and current events.
20. In July 2025 the Steering Committee of the Assembly undertook a review and a revision of the orders of reference of the Assembly's committees in the light of the programme of co-operation between the governments of the UK and of Ireland announced in a joint statement

⁴ See British Irish Parliamentary Assembly, Committee B (European Affairs), [Interim Report on UK-EU Defence and Security Co-operation Post-Brexit](#), May 2023, p. 13 ff

⁵ A list of those who provided evidence to the Committee or who held discussions with Committee members during the inquiry is set out at Annex 2.

at the UK-Ireland Summit in Liverpool in March 2025.⁶ Under this revised structure, responsibility for scrutiny of the European dimension of policy affecting Assembly jurisdictions passes to a new Committee on Security, Justice and Global Issues. As we observe below, security and defence cooperation is prominent in the Joint Statement programme of cooperation to 2030: we expect that the new committee will be able to build on our observations below in its scrutiny of this crucial area of policy.

⁶ The joint statement issued by the UK Prime Minister and An Taoiseach is available on the UK Government website here: [Joint statement between Prime Minister Keir Starmer and Taoiseach Micheál Martin](#) and on the Government of Ireland website here: [Statement released by Prime Minister Keir Starmer and Taoiseach Micheál Martin on 6 March 2025 following UK-Ireland Summit](#) [both last accessed on 11 October 2025]

Chapter 1: The UK-EU security and defence cooperation landscape in 2025

21. Several significant agreements were concluded in the first half of 2025 which ostensibly provide a more secure long-term footing for cooperation between Assembly jurisdictions and between those jurisdictions and the European Union.

The UK-Ireland Joint Statement

22. In March 2025, following a summit held in Liverpool, the governments of the UK and of Ireland issued a joint statement setting out a programme of co-operation between the two countries expected to continue until 2030. Defence and security cooperation is a substantial feature of this programme: the statement recognises that ensuring the safety and security of the people living in Ireland and the UK is a priority both governments share. In this respect the two governments have agreed:

- to continue to co-operate “to ensure that the sharing of information and best practices contribute to higher levels of cyber security across both countries”, to “work to develop approaches that benefit both countries, particularly in the areas of skills development, cyber hygiene awareness and research projects” and to “continue to work together to tackle threats to safety online”;
- to pursue implementation of “all aspects” of the bilateral Memorandum of Understanding on defence initially agreed by both governments in January 2015, “particularly in the areas of military training and education”, and to “review and update” the memorandum by the time of the next UK-Ireland Summit,⁷ and
- to “strengthen our co-operation in the area of maritime security, with a particular focus on critical undersea infrastructure, which will require greater international co-operation, including closer co-operation between Ireland and the UK”.

⁷ “[UK and Ireland sign historic defence agreement](#)”, UK Government news release, 19 January 2015 [last accessed 11 October 2025]. A copy of the text of the memorandum appears to have been published at <https://database.cyberpolicyportal.org/api/files/1659806701571y6ej79rajg.pdf> [last accessed 11 October 2025].

23. Work in these areas is to continue to be developed, including through an existing “structured security dialogue at senior official level”.

UK-EU agreements on security and defence

24. In May 2025 the UK-EU Leaders Summit in London concluded with agreement on a Common Understanding framework for a strategic partnership between the two, and on a specific security and defence partnership. The latter is summarised as follows:

The Partnership represents a framework for dialogue and cooperation on security and defence. It will help the EU and the United Kingdom boost cooperation in areas such as: supporting Ukraine; security and defence initiatives, including on defence industry; mobility of military materiel and personnel; space security; regular high-level dialogues and strategic consultations; peacebuilding and crisis management; cyber issues; countering hybrid threats and resilience of critical infrastructure.⁸

25. The Common Understanding framework also sets out areas of work to enhance internal security cooperation on law enforcement and on the exchange of information between Europol and UK police forces.

26. The Security and Defence Partnership agreement sets out the existing areas of cooperation between the UK and the EU on security and defence measures, namely a Security of Information Agreement concluded in 2020, the UK’s participation in the EU Permanent Structured Cooperation on Security and Defence (PESCO) military mobility project approved in November 2022, the close alignment between the UK’s Operation INTERFLEX and the EU’s Military Assistance Mission to Ukraine (EUMAM), and continuing cooperation between UK and EU civilian and military missions and operations in theatres such as the Red Sea and the Western Balkans.

27. Under the Partnership the UK and the EU have formally agreed to maintain “flexible and scalable engagement” between officials in a number of security and defence policy areas

⁸ UK Government policy paper, [UK-EU Summit - Common Understanding](#), 19 May 2025, para 5 [last accessed 11 October 2025]. The full Security and Defence Partnership Agreement concluded on 19 May 2025 is available on the UK Government website at <https://www.gov.uk/government/publications/uk-eu-security-and-defence-partnership> and on the Council of the European Union website at https://www.consilium.europa.eu/media/3w3hhlxz/eu-uk-summit_sdp.pdf [both last accessed 11 October 2025].

of shared interest, and have agreed to expand cooperation general and in specific additional areas.

28. The Partnership contains commitments to the following:

- Exchanges on regional security issues;
- Establishment of a dialogue and exploration of cooperation in peace building and crisis management;
- Regular exchanges on maritime security and exploration of ways to deepen practical cooperation
- Regular exchanges on the development of respective security and defence initiatives, policies and instruments
- Regular exchanges on space security to strengthen cooperation in areas of shared interest
- Exchanges on security against and resilience to emerging disruptive technologies, including on the responsible use of artificial intelligence in security and defence
- Development of cooperation on cyber issues, responses to malicious cyber activities and cyber capacity building in partner countries, including through the existing provisions of the Trade and Cooperation Agreement
- Cooperation on research into hybrid threats and on enhancing the resilience of critical infrastructure in Europe, including underwater infrastructure
- Strengthening cooperation in the countering of foreign information manipulation and interference with security and democratic institutions and processes
- Developing cooperation on counter-terrorism and preventing and countering violent extremism, based on the existing provisions of the Trade and Cooperation Agreement

- Working together on measures to address the non-proliferation of weapons of mass destruction and to further disarmament, and on multilateral measures to control conventional arms, including small arms and light weapons
- Exploring further opportunities for capacity building for partners in security and defence
- Seeking to cooperate in the field of training and education in security and defence, including cooperation between UK authorities and the EU Security and Defence College
- Strengthening cooperation on situational awareness and threat assessments through exchanges of intelligence, including additional measures to support effective information sharing
- Seeking opportunities to strengthen bilateral cooperation in third countries and in multilateral forums and institutional exchanges
- Exploring ways to exchange views on the external aspects of respective economic security policies, in line with ongoing cooperation within the G7
- Strengthening cooperation to tackle corruption and illicit finance in third countries
- Exchanging good practices and cooperating closely on the implementation of the United Nations Women, Peace and Security agenda
- Exploring opportunities for cooperation on the external dimension of irregular migration, including addressing challenges from transnational organised crime, trafficking of human beings and migrant smuggling
- Exploring the possibility of a regular exchange on the policy nexus of climate change and peace, security and defence issues
- Enhancing cooperation and information exchange on global health security issues and public health security emergencies

29. We set out below the areas we have identified where security and defence cooperation between the UK and Ireland and between the UK and the European Union ought to be enhanced. We recommend that the respective administrations work within the framework of the 2025 agreements to deliver closer practical cooperation in these areas.

Chapter 2: Cooperation in response to the war in Ukraine and the threat from Russia

30. In our interim report we noted how the ongoing conflict between Russia and Ukraine had highlighted the vulnerability of countries across Europe to geopolitical threats. We observed that relations between the UK and the European Union (of which Ireland is a member) had often been strained following both the decision of the UK to leave the European Union and the implementation of the agreements on exit and on the future relationship.
31. At the time of reporting, we nevertheless observed a unanimity in the values and perspectives both sides held, not least on the shared view that the full-scale Russian invasion of Ukraine in February 2022 had constituted a gross violation of international law. We also noted with approval the warming of relations between the UK and the European Union since the announcement in February 2023 of the Windsor Framework on the implementation of the Northern Ireland Protocol to the UK-EU Withdrawal Agreement, and the gradual advance of cooperative initiatives on foreign policy and defence issues. One example of this positive development was the willingness signalled by the UK to join the EU Permanent Structured Cooperation (PESCO) military mobility project (PESCO): the UK's application to join was approved by EU defence ministers in November 2022.⁹
32. The agreements on security and defence concluded at intergovernmental level appear to confirm the positive direction of travel we remarked upon in our earlier report. We have nevertheless not had the opportunity to interrogate these agreements in detail to establish whether they are sufficient to address the concerns which we raised in the relevant conclusions and recommendations of our interim report.
- 33. We welcome the agreements concluded between the UK and Ireland in March 2025 and between the UK and the European Union in May 2025. In our view, they establish a promising basis for further mutual cooperation on security and defence**

⁹ See [EU Permanent Structured Cooperation \(PESCO\): a future role for UK defence?](#), House of Commons Library Research Briefing CBP 9058, 21 November 2022 [last accessed 11 October 2025]

matters. We expect these agreements to result in a more collaborative approach to security and defence issues which concern BIPA jurisdictions, while also recognising Ireland's longstanding tradition of military neutrality.

34. We welcome the inclusion of critical infrastructure in the UK-EU Security and Defence Partnership. This is an area where evidence of effective cooperation is currently lacking. We recommend that the governments of the UK and of Ireland undertake rapid development of a coordinated programme to address threats to the critical infrastructure within and between BIPA jurisdictions and between BIPA jurisdictions, continental Europe and the North American continent.

35. We recognise the inclusion of maritime infrastructure as a priority for further action in the UK-Ireland Joint Statement. To further effective cooperation in this area, we recommend that the governments of the UK and of Ireland establish a joint statutory Cables Protection Commission to protect and monitor critical infrastructure. This body should include representatives of governments and of defence forces as well as of asset owners, and government or defence representatives. This body should be commissioned to deliver the following:

- a. the comprehensive mapping of communications cables, gas pipelines and other maritime infrastructure serving all BIPA jurisdictions;**
- b. the establishment of monitoring patrols in British and Irish waters, and**
- c. the development of resilience capacity through increased meshing of communications networks.**

36. We welcome the commitment to undertake a full review of the 2015 Memorandum of Understanding between the UK and Ireland on defence cooperation by the time of the next UK-Ireland summit. This review ought to be undertaken with a view to enhancing future defence cooperation.

37. We repeat our recommendation aimed at including energy security within the ambit of discussions at UK-Ireland and UK-EU level on security, given the substantial potential impact of energy issues on the economic security of BIPA jurisdictions and of continental Europe.

- 38. We welcome the announcement of the development of port infrastructure in the Firth of Cromarty to support the construction of floating offshore wind infrastructure. This facility, to open in 2028, will be the first such facility in a BIPA jurisdiction.¹⁰ We recommend that full weight be given to consideration of the security requirements for such infrastructure as the port is developed.**
- 39. The recognition of the security dimension of irregular migration in the UK-EU Security and Defence Partnership is welcome. Irregular migration, and in particular migration into EU Member States facilitated by malign overseas actors, has a significant and observable effect on security in the EU and indeed across BIPA jurisdictions. We recommend that UK and national and EU authorities enhance their cooperation on intelligence sharing and countermeasures in this regard, with a particular view to tackling migration routes into the countries along the EU's eastern frontier where Russian forces are suspected of facilitating organised migration. We also recommend that the new Committee A would consider examining the issue of illegal migration and its impact on security.**

¹⁰ UK Government news release, "[Government unlocks floating offshore wind with major investment for Scottish port](#)", 5 March 2025 [last accessed 11 October 2025]. The UK Government is also supporting the development of floating offshore wind manufacturing capacity for the Celtic Sea via the Celtic Freeport initiative located in Milford Haven and in Port Talbot: see UK Government news release, "[Celtic Freeport launch boosts growth and clean energy missions](#)", 13 March 2025 [last accessed 14 October 2025].

Chapter 3: Developing cooperation across the intelligence, policing and cyber security landscape

40. A consistent theme through the evidence we heard was that the cooperation between the relevant bodies in the UK and in Ireland on intelligence and policing had remained effective at a high level even after the UK's departure from the European Union. That event had, however, hampered UK access to Europe-wide databases used in intelligence and in policing. The academics we interviewed in our visit to Dublin in July 2023 had indicated that Part Three of the UK-EU Trade and Cooperation Agreement (TCA), dealing with law enforcement and judicial cooperation in criminal matters, had the greatest potential for dynamic divergence between the systems used by the respective parties. It appeared to them that the prospects of substantive renegotiation of the TCA was unlikely, and that better results for information sharing were likely to be achieved through bilateral agreements such as the agreement on police cooperation which the UK had concluded with Belgium.
41. We set out below our observations, based on the evidence we heard, on practical measures for the enhancement of cooperation between the UK and Ireland on intelligence and policing.
- 42. While we observe that cooperation on policing within the Common Travel Area is working well under current arrangements, police authorities must take care to minimise the risk of divergence between forces on measures likely to affect continued cooperation.**
- 43. The UK and Irish Governments and the EU should work closely together to manage any future divergence in intelligence and policing cooperation. We welcome the inclusion of cyber security as a priority area for cooperation in the Joint Statement, and we recommend the intensive sharing of information and best practice so as to contribute to the highest possible levels of cyber security across BIPA jurisdictions.**
- 44. Legacy IT systems leave government IT infrastructure compromised and open to the damaging effects of cyber-attacks. We recommend that the governments of all BIPA jurisdictions ensure that their legacy IT systems are updated as a priority,**

and that governments share information on how best to counter cyber threats to legacy IT systems which have not yet been updated.

45. We recommend that the relevant governments of the BIPA jurisdictions examine the merits of the establishment of a Policing Centre of Excellence, to provide training at a senior level and a structured forum where members of all police forces in BIPA jurisdictions could come together to share best practices, through periodic conferences.

Annex 1: Terms of reference

On 13 October 2022, we announced the following terms of reference which would provide the basis for our work.

Ukraine

- To consider the approaches of the UK Government, Irish Government, Crown Dependencies, devolved UK legislatures and EU in response to the crisis in Ukraine.
- To consider the cooperation between the UK, the EU and its individual member states and how effective this cooperation has been.
- To consider the impact of Brexit on the UK's cooperation with European partners in the context of Ukraine.
- To consider whether there are any lessons to be learned thus far from UK-EU cooperation on Ukraine or whether there are future opportunities to do things differently.
- To consider the outlook for longer term UK/EU cooperation on defence and security.
- To consider to what extent the recent change in German defence policy, the prospect of Finnish and Swedish accession to NATO and the AUKUS agreement has had on the UK-EU defence and security relationship.

Cyber security

- To consider the biggest challenges facing the UK, Ireland and EU in cybersecurity, including whether they have identified the same priorities and whether are they broadly aligned in what they need to do to address these challenges.
- To consider how the UK, Ireland, Crown Dependencies and EU can cooperate effectively to tackle these challenges now the UK is no longer part of EU bodies including its Agency for Cyber Security (ENISA).
- To consider implementation of the UK-EU Trade and Cooperation Agreement in this area, including the current status and outcomes of the 'regular dialogue'.

- To consider whether there are lessons to be learnt from how the UK and EU Member States pursue such cooperation in other settings, such as NATO.
- To consider the extent to which the UK and EU's separate legislative agendas are compatible or divergent.
- To consider how the UK and EU can cooperate effectively to influence cybersecurity standards for existing and emerging technologies.
- To consider any risks for effective cooperation between the private sector in the UK and Ireland/ the EU if there is regulatory divergence and the impact on private and academic sectors ability to cooperate on cyber.
- To consider the importance of UK researchers being able to participate fully in EU-funded research into new cybersecurity measures under the 'Horizon Europe' programme.

Intelligence and policing

- To consider the practical impact of the arrangements for law enforcement and criminal justice cooperation under the UK-EU Trade and Cooperation Agreement (TCA).
- To consider the impact of Brexit on practical law enforcement cooperation on the island of Ireland and between Irish and relevant UK authorities.
- To consider the legal structures and/or mechanisms that now apply to the exchange of operational information between law enforcement authorities in Ireland, the Crown Dependencies and in the UK.
- To consider whether the UK and Ireland have concluded any bilateral cooperation agreements since the UK left the EU to facilitate cross-border cooperation, over and above the long-standing Common Travel Area.
- To consider the effectiveness of TCA provisions on surrender/ extradition and whether the transition from the (pre-Brexit) European Arrest Warrant (EAW) procedures to the new TCA procedures has been straightforward.

- To consider whether post-Brexit developments in EU or UK law could jeopardise cooperation under Part Three of the TCA (e.g.: UK Bill of Rights, Data Protection and Digital Information Bill as well as proposed changes to the EU's Prüm rules governing the transfer of DNA and fingerprint data during criminal investigations).
- To consider whether there are specific areas of law enforcement and criminal justice cooperation in which differing EU and UK approaches to the use of technology, or the development of standards, could jeopardise cooperation under Part Three of the TCA.
- To consider whether the UK's exit from the EU affected the Irish Government's approach to its EU justice and home affairs opt-ins and whether divergence in substantive criminal laws and procedures in Ireland and the UK make cooperation more difficult over time

Annex 2: Meetings held and visits undertaken

We have received briefing and gathered evidence on the elements of our terms of reference in the course of the following meetings and visits:

London, 13 October 2022

- Ian Bond, Director, Foreign Policy, Centre for European Reform
- Dr Nicholas Wright, Visiting Researcher, Centre for Britain in Europe, University of Surrey
- Vice Admiral Mark Mellett DSM (retired), Chief of Staff, Irish Defence Forces (September 2015–September 2021)

Brussels, 30 and 31 March 2023

- Lindsay Croisdale-Appleby CMG, Ambassador and Head of Mission, and Brigadier John Oldroyd, Deputy MILREP (EU) and UK Defence Advisor, UK Mission to the European Union
- Angelina Eichhorst, Managing Director, Europe Division, and Joanneke Balfourt, Director of Security and Defence Policy, EU European External Action Service
- Nick Pickard CVO, Deputy Permanent Representative, UK Joint Delegation to NATO

Dublin, 7 July 2023

- Drew Harris, Commissioner, An Garda Síochána
- Dr David Fennelly, Assistant Professor, School of Law, Trinity College Dublin, and Ms Gemma Davies, Associate Professor in Criminal Law, Durham Law School
- John Fitzgerald, CEO, Supernode;
- Paul Doherty, Founder and Executive Director, Diarmuid O’Loan, Technical Director - Marine, and Stiofain MacDaibhead Head of Communications, Gavin & Doherty Geosolutions
- Barry Colfer, Director of Research, and Cian FitzGerald, Senior Researcher, Security and Defence/Foreign Policy, Institute of International and European Affairs
- Richard Browne, Director, National Cyber Security Centre, Ireland
- Representatives of the Department of Justice, Government of Ireland

7 March 2024 (virtual meeting)

- Rob Jones, Director General (Operations) and Nicole Nicholls, Director of Intelligence, UK National Crime Agency

Helsinki and Tallinn, 23 and 24 March 2024

- Tapio Pyysalo, Head of International Relations, Maxime Lebrun, Deputy Director of Research and Analysis, Henrik Praks, Senior Analyst, Community of Interest Strategy and Defence, Anna-Maria Wiker, Analyst, Research and Analysis, Anna-Kaisa Hiltunen, Special Advisor, Communication & Publications, and Sanni Parviainen, Coordinator, International Relations, European Centre of Excellence for Countering Hybrid Threats (Hybrid CoE), Helsinki
- Commander Jacob P. Galbreath, Head of Strategy Branch, Andrii Davidyuk, national representative of the Government of Ukraine, and Angelica Tikk, Head of International Relations, NATO Cooperative Cyber Defence Centre of Excellence (CCDCOE), Tallinn
- Mr Kalev Stoicescu, Chair, National Defence Committee, Parliament of Estonia
- Guests at a working dinner in Helsinki, 23 March 2024:
 - Ms Outi Holopainen, Under-Secretary of State for Foreign and Security Policy, Ministry for Foreign Affairs, Government of Finland;
 - Mr Timo Harakka, Chair of the UK-Finland Parliamentary Friendship Group, deputy member of the Foreign Affairs Committee and the Grand Committee, Vice-Chair of the Committee for the Future, Parliament of Finland
 - Mr Jouni Ovaska: Chair of the Ireland-Finland Parliamentary Friendship Group, Chair of the Transport and Communications Committee, Parliament of Finland
 - Dr Iro Särkkä: Senior Research Fellow, Finnish Institute for International Affairs
 - Mr Paul Sherlock, Ambassador of Ireland to Finland
 - Ms Kirsti Bourret, Deputy Head of Mission of the British Embassy, Helsinki.
 - Parliament of Finland

Members of the Committee from UK legislatures also met representatives of the British Embassy, Helsinki, during the visit.

During the inquiry the Committee also received written evidence submissions from a number of stakeholders, including Cisco Systems UK and Ireland; Dr Amanda Kramer, University of Belfast; Gemma Davies, Durham University; and Rights and Security International.

Annex 3: Summary notes of discussions

These notes represent staff summaries of discussions held in the course of the inquiry at a number of the meetings listed above. They are provided here as an indication of issues discussed during the Committee's meetings. They have not been agreed with the participants and the views here ought not to be attributed to any individual.

Meeting with Drew Harris, Commissioner, An Garda Síochána

North-South policing relationship has remained very good post-Brexit although structures have changed as per the TCA. Good information sharing on a police-to-police basis across UK and Ireland. Pressures have significantly increased in the last 10-15 years with the rise of cybercrime, proliferation of child abuse images and proliferation of online fraud. The biggest international element is around organised crime, human trafficking. There are numerous mechanisms for intelligence and evidence exchange. Cross-border UK/Ireland security is a top challenge. There has been 20 years of close cooperation on organised crime. Human trafficking takes place across the island of Ireland. Rural crime on farms, car and bike thefts – border used as an easy way of moving stolen goods. Cybercrime is hard to determine whether it is state sponsored. There is very close cooperation within Europol – information is shared. Discussion of organised crime groups from Georgia and Albania. There is a large increase in traffic at Irish ports post-Brexit. Ireland is not immune to migrant crisis. Common Travel Area and risk to organised crime – no risk identified at present. Huge amount of UK activity on drugs coming from South America. Ireland now has to make joint UK/Ireland case alone within EU.

Meeting with Dr David Fennelly, Trinity College Dublin, and Ms Gemma Davies, Durham Law School

The biggest problems to European defence and security post-Brexit are relatively minor – overall the TCA has worked well. Extradition between UK and Ireland presented some difficulties but overall it is working well. Funding for research around organised crime can now be difficult. The more you get people together via joint agencies, the better. Part 3 of TCA has most scope for UK/ EU divergence and this area is dynamic on both sides so there is a need for a framework that can adapt over time. On data protection, UK lost access to EU databases and there now has to be justification for this info to be shared. No UK participation

in SIS considered a real weakness. Bilateral agreements – an example is Belgium and UK police cooperation via a strategic working group. Improving the TCA unlikely as EU want to move on from Brexit so bilateral options likely to be more realistic for UK. Part 4 of TCA sets out cyber security cooperation – only area singled out for additional cooperation. India is seeing increased cybercrime within its jurisdiction but there are currently few relationships there. Difficult to know who the actors are in cybercrime. UK is trying to replicate SIS2 internally but there is no evidence that it will take off.

Meeting with Supernode and with Gavin & Doherty Geosolutions

There is a need to develop interconnectivity between countries. Meshed networks that offer contingency are required. Security of supply will need a more cooperative approach to assets including security monitoring and surveillance. Cable Protection Committee needs to rise up the agenda. Huge risk to offshore wind farms etc. Energy gets more protection than telecoms. Very difficult to stop someone sabotaging a cable. Ireland is adopting a model where Eirgrid and CRU will own the export cable, but how will they operate/ manage offshore assets? Potential for accidental damage historically considered far more than malevolent actions. Russian activity in Irish Sea is being monitored. Revenue from assets is incentive for asset owner to protect the infrastructure as best they can. Defence forces should assist. Smart monitoring with remotely operated vehicles came in some years ago. In terms of best practice elsewhere, nowhere has nailed it but the Dutch and Germans are slightly further ahead.

Meeting with the Institute of International and European Affairs, Dublin

War has presented a number of opportunities for cooperation between the UK and EU. Potential avenues for cooperation will be in industrial and multilateral capability development. Suggestion by some that Ireland should join NATO. Neutrality means something different to Ireland, Malta, Cyprus. Just under 50% of Irish public supported joining NATO – public attitudes are beginning to shift. Not an appetite to join but neither is there to continue as normal. Greater emphasis by Irish Defence Forces on peacekeeping operations. 30% of all Europe's data travels through centres based in Ireland. Discussion of interoperability cost if Ireland joined NATO. Absence of a security strategy in Ireland – other countries set out their goals.

Meeting with Representatives from the National Cyber Security Centre (Ireland) and the Department of Justice (Ireland)

No barrier post-Brexit to exchange of information but the speed is slower. Efficiency could be improved. Don't see a particular need for a UK/ Ireland agreement similar to what the UK has with Belgium. Irish information sharing with UK National Cyber Security Centre – good bilateral relationship, meets and discusses regularly best practice and information sharing. Gap between UK and Ireland/ EU is widening on cyber post-Brexit.

Meeting with the UK National Crime Agency

A Strategic National Assessment is published annually (2024 version due imminently). The NCA gets the assessed position in relation to the threat. Online child abuse, firearms, fraud, organised immigration crime, serious organised crime, drugs. NCA drives response to non-traditional threats. Strategic assessment covers all of these. Online abuse is one major area of focus – in UK it is estimated that at least 680,000 adults have a sexual interest in children. Large cocaine and heroin market. Relations across the world crucial to the NCA's work. There are liaison officers in countries across Europe. Multilateral relations with Interpol and Europol. There is still the ability to work police-police post-Brexit. Can't quite lead in the same way as before but the UK is considered an integral third country. Very good relationship with Isle of Man and we support them based on threat to their community. Support to agencies in intelligence community, there is maritime cooperation through the EU, on transatlantic cocaine trafficking, lots of partnerships on borders. Nobody wanted to lose access to SIS II – it is not as slick now on data access but still effective. Nonetheless, NCA has had to work to mitigate the impact. Extradition generally works well with EU partners. Europol want UK to be part of the structures. Finance and immigration powers are the way to tackle some of the crimes with Russian and Chinese backing. There is tension in some international arrangements, which are not as resilient as they could be but the TCA is pivotal in what has been achieved post-Brexit. More a case of needing to build on what we have, which is sometimes fragile, rather than making big changes. Need to ensure that serious organised crime is on the agenda when we talk about trade and security internationally. Critical infrastructure lies mostly with National Cyber Security Centre (which repeatedly declined a meeting with the Committee) – NCA responsible for criminal investigation element. Critical National Infrastructure is generally well protected by the intelligence community but NCA is part of the response. Need to tackle the eco system that supports

crimes. Nothing in terms of regulation is holding NCA back in this area. Biggest challenge to public sector cyber security is legacy IT systems – there are a range of systems still being used that shouldn't be. NCA does not lead on counterterrorism but closely linked. National Economic Crime Centre deals with intelligence sharing, criminal powers etc, similar approach to its Irish counterpart organisation.

Meeting at the British Embassy, Helsinki

Overview of their work and the political and economic situation in Finland, including demography. UK-Finnish relationship is very strong and the Fins speak highly of the UK. Discussion then went on to cover defence and security topics. Finland is strong in the peace and mediation space. Finland has the ability to scale up to a large army at short notice. Border issues – Finland has a large border with Russia, much of which is forest, no fence etc. Border infrastructure was strengthened in 2015. Russia is facilitating a migrant crisis into Finland – migrants from Belarus, Somalia, Syria and Yemen. Migrants are beginning to hear about the Russian route – it started at conventional border crossings but is now becoming a bigger problem elsewhere. Finnish move towards NATO was gradual, they were almost an associate member before, having enjoyed very close relations with the alliance. Discussion about chance of global instability resulting from large number of elections due to take place.

Meeting with the European Hybrid Centre of Excellence, Helsinki

Discussion about the characteristics of hybrid threats, actors behind them, key vulnerabilities and how to address them. Russia and China cooperation on hybrid threats, election interference, disinformation including spreading of anti-western narratives, maritime hybrid threats – energy/ data cable infrastructure a real problem and vulnerabilities in the space environment are a growing concern. It is all about reaction in dealing with hybrid threats – although it is easy to under- or over-react. Capacity to react. Nobody has a map of critical infrastructure, and no statutory body with responsibility for protecting it apart from obligations of operators. There are opportunities to address this – EU directive designates protection responsibilities. First responder is generally going to be the state. There was discussion about being unpredictable in response to hybrid threats vs the issue of the Centre having all its material publicly available online. The Centre does not propose counter hybrid attacks. Finland approached the Centre for advice, but they don't proactively offer support. The Centre does not receive classified data but there has been some intelligence shared,

particularly in the case of Ukraine. There has been a pattern of hybrid escalation in Baltic states in recent months, migration pressures Russia's neighbours along the border. Hybrid attacks targeting politicians are becoming more commonplace, bomb threats, attacks against Russian opposition. Cyber-attacks are growing in scale and complexity. Disruption of railway traffic in Poland through a radio hack. There have been arrests for espionage and conducting or preparing sabotage. Energy infrastructure is a big target – the Nord Stream sabotage remains unattributed. Damage to Baltic connector pipeline – Chinese owned ship with Russian links responsible and this demonstrates the dangers. The three Baltic states electricity grid is still connected to the Russian system – to be synchronised with the European grid in Feb 2025, the risk of an unexpected de-synchronisation from Russia has not materialised.

Meeting with the NATO Cooperative Cyber Defence Centre of Excellence (CCDCOE), Tallinn

The Centre of Excellence is not an operational Centre, it is policy only. It works on international projects not on Research & Development for any individual country. They have four flagship projects:

1. Locked Shields: a cyber defence simulation exercise with red team on attack and blue team on defence.
2. Crossed Swords: a cyber offense exercise. It is made up of multinational teams which enables countries to make relationship and learn from each other.
3. CyCon: An international conference attended by 600 people per year.
4. The Tallinn Manual: An International law textbook, as applicable to cyberoperations.

The legal framework on undersea infrastructure is very out of date. The last treaty is the UN Convention on the Sea from 1994 (the US is not a signatory of this). Undersea cables are very difficult to protect due to the quantity. Additionally, most are owned by private companies and many private companies will pay ransom when they are threatened and do not report the threat to protect information about their cables, so not much is known about these situations. There should be a penalty for not reporting these threats.

Russian hackers are very successful in the domain of cyber-attacks. Building resilience in this area is key. We should be mindful of the quality of the workers in charge of these areas – e.g.

an operator in a power station has much greater responsibility than an operator in a bank but the salaries don't reflect this.

Meeting with Mr Kalev Stoicescu, Chair of the National Defence Committee, Parliament of Estonia

Finland and Sweden joining NATO has been very positive for Estonia. Russia tries to exploit areas where there is less unity. There can be a psychological element to warfare including propaganda, sowing distrust and confusion in the state as well as issuing threats. This can cause nearly as much damage as an actual attack. Russia regards the Balkan countries as only temporarily part of Europe, that they will eventually be part of Russia again. Mr Stoicescu gave an outline of the conscription policy in the Estonian armed forces as well as the ongoing training for the reserve members. He further outlined the Government spending on defence, including military personnel weapons and ammunition.

Annex 4: Members of Committee B (European Affairs) during the inquiry

The following were members of Committee B during the evidence-taking phase of this inquiry:

- Darren Millar MS (Chair)
- John Lahart TD (Vice-Chair)
- Dr Steve Aiken OBE MLA
- Lord Bruce of Bennachie
- Peter Fitzpatrick TD
- Ross Greer MSP
- Stephen Hammond MP
- Paul Kehoe TD
- Rebecca Long Bailey MP
- Senator Vincent Martin
- Colin McGrath MLA
- Mark Menzies MP
- Lord Murphy of Torfaen
- Aengus Ó Snodaigh TD
- Karin Smyth MP
- Juan Watterson SHK



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

| | |
|--------------|--|
| TITLE | The Government of Wales Act 2006 (Devolved Welsh Authorities) (Amendment) Order 2025 |
| DATE | 08 January 2026 |
| BY | Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs |

As the Minister with responsibility for Constitutional Affairs, I am updating members on amendments made to Schedule 9A (Devolved Welsh Authorities) to the Government of Wales Act 2006 by [The Government of Wales Act 2006 \(Devolved Welsh Authorities\) \(Amendment\) Order 2025](#) (“the Order”).

The Order removes reference to “The Independent Remuneration Panel for Wales” or “Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol” and replaces “The Local Democracy and Boundary Commission for Wales” or “Comisiwn Ffiniau a Democratiaeth Leol Cymru” with “The Democracy and Boundary Commission Cymru” or “Comisiwn Democratiaeth a Ffiniau Cymru”.

These amendments are consequential to provisions in the Senedd Cymru (Members and Elections) Act 2024 and the Elections and Elected Bodies (Wales) Act 2024.

The Order was made in the Privy Council by His Majesty the King on 10 December and was laid before both Houses of the UK Parliament by the Secretary of State for Wales on 17 December.

This statement is being issued during recess in order 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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