

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Hybrid – Committee Room 4, Tŷ Hywel and videoconference via Zoom	P Gareth Williams Committee Clerk
Meeting date: 2 February 2026	0300 200 6565
Meeting time: 13.30	SeneddLJC@senedd.wales

Hybrid

Public meeting

(13.30 – 15.05)

1 Introduction, apologies, substitutions and declarations of interest

(13.30)

2 Evidence session with the Lady Chief Justice

(13.30 – 14.30) (Pages 1 – 15)

The Rt Hon. the Baroness Carr of Walton-on-the Hill, Lady Chief Justice, Head of the Judiciary of England and Wales and the President of the Courts of England and Wales

Attached Documents:

LJC(6)-04-26 – Paper 1 – Briefing paper

Break

(14.30 – 14.35)

3 Instruments that raise no reporting issues under Standing Order

21.2 or 21.3

(14.35 – 14.40) (Pages 16 – 19)

Attached Documents:

LJC(6)-04-26 – Paper 2 – Draft report



**3.1 SL(6)721 – The Environment (Air Quality and Soundscapes) (Wales) Act 2024
(Commencement No. 3) Order 2026**

[Order](#)

[Explanatory Memorandum](#)

**3.2 SL(6)722 – The Local Health Boards (Directed Functions) (Wales)
(Amendment) Regulations 2026**

[Regulations](#)

[Explanatory Memorandum](#)

**3.3 SL(6)724 – The Non-Domestic Rating (Value of Differential Multipliers)
(Wales) Regulations 2026**

[Regulations](#)

[Explanatory Memorandum](#)

**3.4 SL(6)726 – The Renters’ Rights Act 2025 (Commencement) (Wales) Order
2026**

[Order](#)

[Explanatory Memorandum](#)

**4 Instruments that raise issues to be reported to the Senedd under
Standing Order 21.2 or 21.3
(14.40 – 14.45)**

Instruments subject to the Senedd approval procedure

**4.1 SL(6)717 – The Greenhouse Gas Emissions Trading Scheme (Amendment)
(Extension to Maritime Activities) Order 2026**

(Pages 20 – 24)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-26 – Paper 3 – Draft report

LJC(6)-04-26 – Paper 4 – Written Statement by the Deputy First Minister and
Cabinet Secretary for Climate Change and Rural Affairs, 13 January 2026

LJC(6)-04-26 – Paper 5 – Letter from the Deputy First Minister and Cabinet
Secretary for Climate Change and Rural Affairs, 13 January 2026

**4.2 SL(6)718 – The Social Partnership and Public Procurement (Wales)
Regulations 2026**

(Pages 25 – 27)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-26 – Paper 6 – Draft report

**4.3 SL(6)723 – The National Health Service (Direct Payments) (Wales) Regulations
2026**

(Pages 28 – 30)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-26 – Paper 7 – Draft report

**4.4 SL(6)727 – The Closure of European Union Legacy Agriculture Schemes
(Wales) Regulations 2026**

(Pages 31 – 34)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-26 – Paper 8 – Draft report

**4.5 SL(6)729 – The Non-Domestic Rating (Artificial Avoidance Arrangements)
(Local Lists) (Wales) Regulations 2026**

(Pages 35 – 39)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-26 – Paper 9 – Draft report

**4.6 SL(6)730 – The Renting Homes (Model Written Statements of Contract)
(Wales) (Amendments etc.) Regulations 2026**

(Pages 40 – 41)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-26 – Paper 10 – Draft report

Instruments subject to the Senedd annulment procedure

**4.7 SL(6)720 – The Education (Student Finance) (Miscellaneous Amendments)
(Wales) Regulations 2026**

(Pages 42 – 46)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-04-26 – Paper 11 – Draft report

LJC(6)-04-26 – Paper 12 – Letter from the Minister for Further and Higher
Education to the Llywydd, 19 January 2026

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

(14.45 – 14.50)

5.1 SL(6)696 – The Infrastructure (Wales) Act 2024 (Commencement No. 2) Order 2025

(Pages 47 – 49)

Attached Documents:

LJC(6)–04–26 – Paper 13 – Report

LJC(6)–04–26 – Paper 14 – Welsh Government response

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

(14.50 – 14.55)

7 Inter–Institutional Relations Agreement

(14.55 – 15.00)

7.1 Correspondence from the Welsh Government: Meetings of inter–ministerial groups

(Page 50)

Attached Documents:

LJC(6)–04–26 – Paper 15 – Letter from the Cabinet Secretary for Economy, Energy and Planning: Inter–Ministerial Group on UK–EU relations, 29 January 2026

8 Papers to note

(15.00 – 15.05)

8.1 Correspondence from the Counsel General and Minister for Delivery to Adam Price MS: Proposed removal of urban development corporation planning powers

(Pages 51 – 53)

Attached Documents:

LJC(6)-04-26 – Paper 16 – Letter from the Counsel General and Minister for Delivery to Adam Price MS, 27 January 2026

8.2 Correspondence from the Counsel General and Minister for Delivery: Swansea Residential Women's Centre

(Pages 54 – 57)

Attached Documents:

LJC(6)-04-26 – Paper 17 – Letter from the Counsel General and Minister for Delivery, 27 January 2026

LJC(6)-04-26 – Paper 18 – Letter to the Counsel General and Minister for Delivery, 14 January 2026

8.3 Correspondence from the Cabinet Secretary for Housing and Local Government to the Finance Committee: Revised Explanatory Memorandum and Regulatory Impact Assessment on the Homelessness and Social Housing Allocation (Wales) Bill

(Pages 58 – 60)

Attached Documents:

LJC(6)-04-26 – Paper 19 – Letter from the Cabinet Secretary for Housing and Local Government to the Finance Committee, 27 January 2026

8.4 Correspondence from the Cabinet Secretary for Finance and Welsh Language to the Economy, Trade, and Rural Affairs Committee: The Welsh Government's response to the Economy, Trade, and Rural Affairs Committee report on the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

(Pages 61 – 66)

Attached Documents:

LJC(6)-04-26 – Paper 20 – Letter from the Cabinet Secretary for Finance and Welsh Language to the Economy, Trade, and Rural Affairs Committee, 27 January 2026

8.5 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 67 – 79)

Attached Documents:

LJC(6)-04-26 – Paper 21 – Letter from the Cabinet Secretary for Housing and Local Government, 28 January 2026

LJC(6)-04-26 – Paper 22 – Letter from the Cabinet Secretary for Housing and Local Government to the Finance Committee, 28 January 2026

LJC(6)-04-26 – Paper 23 – Letter from the Cabinet Secretary for Housing and Local Government to the Local Government and Housing Committee, 28 January 2026

8.6 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and the Counsel General and Minister for Delivery: Welsh Government Draft Budget 2026–27

(Pages 80 – 85)

Attached Documents:

LJC(6)-04-26 – Paper 24 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and the Counsel General and Minister for Delivery, 28 January 2026

LJC(6)-04-26 – Paper 25 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and the Counsel General and Minister for Delivery, 12 December 2025

8.7 Correspondence to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip: Legislative Consent Motion Debate on the Terminally Ill Adults (End of Life) Bill

(Page 86)

Attached Documents:

LJC(6)-04-26 – Paper 26 – Letter to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, 28 January 2026

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

(15.05)

Private meeting

(15.05 – 15.55)

10 Evidence session with the Lady Chief Justice: Consideration of evidence

(15.05 – 15.15)

11 Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Children's Wellbeing and Schools Bill: Draft report

(15.15 – 15.30)

(Pages 87 – 94)

Attached Documents:

LJC(6)-04-26 – Paper 27 – Draft report

LJC(6)-04-26 – Paper 28 – Correspondence from Home Ed Cymru, 25 January 2026

LJC(6)-04-26 – Paper 29 – Correspondence from Education Otherwise, 25 January 2026

12 Legislative Consent Memorandum on the Cyber Security and Resilience (Network and Information Systems) Bill: Draft report

(15.30 – 15.45)

(To Follow)

Attached Documents:

LJC(6)-04-26 – Paper 30 – Draft report

13 Legislative Consent Memorandum on the Medical Training (Prioritisation) Bill: Oral update

(15.45 – 15.55)

(Pages 95 – 101)

Attached Documents:

LJC(6)-04-26 – Paper 31 – Legislative Consent Memorandum on the Medical Training (Prioritisation) Bill

Document is Restricted

Agenda Item 3

Statutory Instruments with Clear Reports 02 February 2026

SL(6)721 – [The Environment \(Air Quality and Soundscapes\) \(Wales\) Act 2024 \(Commencement No. 3\) Order 2026](#)

Procedure: No Procedure

This is the third commencement order made by the Welsh Ministers under the Environment (Air Quality and Soundscapes) (Wales) Act 2024 ("the Act").

This Order brings into force section 7 of the Act (monitoring progress towards meeting targets) into force on 23 January 2026. Section 7 is the only remaining provision of the Act which is not already in force.

Although this order is not subject to a Senedd process, it must be laid before the Senedd in accordance with section 37F of the Legislation (Wales) Act 2019.

Parent Act: Environment (Air Quality and Soundscapes) (Wales) Act 2024

Date Made: 16 January 2026

Date Laid: 19 January 2026

Coming into force date: 23 January 2026



Statutory Instruments with Clear Reports

02 February 2026

SL(6)722 – The Local Health Boards (Directed Functions) (Wales) (Amendment) Regulations 2026

Procedure: Senedd annulment procedure

The Health and Social Care (Wales) Act 2025 contains provisions to amend the NHS (Wales) Act 2006 to enable introduction of direct payments for NHS continuing healthcare ('CHC'). Direct payments are payments to individuals in lieu of the provision of services to meet their assessed needs.

These Regulations, alongside the National Health Service (Direct Payments) (Wales) Regulations 2026, will set out how Local Health Boards will manage and deliver direct payments for CHC.

Specifically, these Regulations delegate the exercise of the Welsh Ministers' functions relating to direct payments to Local Health Boards, by making amendments to the Local Health Boards (Directed Functions) (Wales) Regulations 2009.

Parent Act: National Health Service (Wales) Act 2006

Date Made: 16 January 2026

Date Laid: 20 January 2026

Coming into force date: 01 April 2026



Statutory Instruments with Clear Reports

02 February 2026

SL(6)724 – The Non-Domestic Rating (Value of Differential Multipliers) (Wales) Regulations 2026

Procedure: Senedd approval procedure

These Regulations specify the numbers used to calculate the retail and higher multipliers applicable to relevant non-domestic hereditaments (units of property with a rating assessment) in Wales from 1 April 2026.

Part A2 of Schedule 7 to the Local Government Finance Act 1988 (“the Act”) makes provision about non-domestic rating multipliers in Wales.

Paragraph A16 of Schedule 7 to the Act enables the Welsh Ministers to make regulations prescribing differential multipliers based on the rateable value of hereditaments on a local or central rating list, and the description of hereditaments on a local list. Paragraph A16(1) of Schedule 7 prescribes the formula for the calculation of differential multipliers. The formula requires M to be multiplied by N, where M is the non-domestic rating multiplier for the chargeable financial year (under paragraph A14 or A15), and N is a number prescribed by the Welsh Ministers in regulations.

The Non-Domestic Rating (Description of Differential Multipliers) (Wales) Regulations 2025 (“the 2025 Regulations”) enable a retail multiplier and a higher multiplier to be given effect, by specifying the hereditaments to which they will apply from 1 April 2026.

These Regulations specify the values of “N” used to calculate the retail and higher multipliers as a proportion of the standard multiplier for a chargeable financial year.

The value of N for the purpose of the retail multiplier described by regulation 3 of the 2025 Regulations is 0.697. The value of N for the purpose of the higher multiplier described by regulations 4 and 5 of the 2025 Regulations is 1.026. This has the effect of setting the retail multiplier at 30.3% below, and the higher multiplier at 2.6% above, the non-domestic rating multiplier for the relevant financial year.

Parent Act: Local Government Finance Act 1988

Date Made:

Date Laid: 20 January 2026

Coming into force date: 01 April 2026



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee

Statutory Instruments with Clear Reports

02 February 2026

SL(6)726 – [The Renters’ Rights Act 2025 \(Commencement\) \(Wales\) Order 2026](#)

Procedure: No Procedure

This Order bring into force the provisions of Chapter 4 of Part 1 of the Renters’ Rights Act 2025 (“the Act”) on 1 June 2026.

The provisions relate to the prohibition of discriminatory bans and restrictions in relation to a dwelling that is to be the subject of an occupation contract on the basis that a child would or may live with or visit a person at the dwelling, or on the basis that a person is or may be a benefits claimant.

This is the first commencement order made to commence provisions within the Act, following Royal Assent.

Parent Act: Renters’ Rights Act 2025

Date Made: 16 January 2026

Date Laid: 20 January 2026

Coming into force date: 01 June 2026



Agenda Item 4.1

SL(6)717 – The Greenhouse Gas Emissions Trading Scheme (Amendment) (Extension to Maritime Activities) Order 2026

Background and Purpose

The UK Emissions Trading Scheme (“UK ETS”) was established by the Greenhouse Gas Emissions Trading Scheme Order 2020 (“the principal Order”) as a UK-wide greenhouse gas emissions trading scheme, to encourage cost-effective emissions reductions from the power, industry, and aviation sectors. It was designed jointly by the Governments of Wales, UK, and Scotland, and the Northern Ireland Executive, who also jointly operate the UK ETS as the UK ETS Authority (“the Authority”). It contributes to the UK’s emissions reduction targets and net zero goal, as well as the emissions reduction pathway in Wales.

In November 2024, the Authority consulted on the expansion of the UK ETS to capture emissions from maritime voyages. The final policy decisions were set out in the interim and full Authority Responses to this consultation.

The proposed amendments to be made by the Greenhouse Gas Emissions Trading Scheme (Amendment) (Extension to Maritime Activities) Order 2026 incorporate these into the ETS legislation on a 4-nation basis.

The intention of the amending Order is to require operators of ships undertaking eligible maritime activities to obtain an “emissions monitoring plan” (to document the processes through which the operator will ascertain the emissions associated with the activities of their ships) and, for each scheme year, to monitor, independently verify, and report to the regulator their maritime emissions, and to surrender a level of allowances equivalent to those emissions. This is only applicable to ships of 5,000 gross tonnage and above, and various other exemptions apply, such as for military and law enforcement ships, fish-catching and fish-processing ships, and ferries operating services to Scottish islands and Scottish remote peninsulas. Activities excluded from scope include, but are not limited to: search and rescue, firefighting and the provision of humanitarian aid or assistance.

Procedure

Senedd approval procedure.

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



Technical Scrutiny

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

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

We note that paragraph 2.1 of the Explanatory Memorandum states:

“As the Order in Council will be subject to UK, Scottish and Northern Irish Parliamentary scrutiny, it is not considered reasonably practicable for this instrument to be made or laid bilingually.”

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

27 January 2026





Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Greenhouse Gas Emissions Trading Scheme (Amendment)
(Extension to Maritime Activities) Order 2026**

DATE **13 January 2026**

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

The Greenhouse Gas Emissions Trading Scheme (Amendment) (Extension to Maritime Activities) Order 2026 (“the Order”) has today been laid in the Senedd.

This follows the publication on 27 November of the UK ETS Authority Response to the UK Emissions Trading Scheme Scope Expansion: Maritime consultation, which set out the decision to bring domestic maritime emissions into the scheme. The Order laid in the Senedd today sets out that the scheme will apply to vessels of 5000 Gross Tonnage (GT) and above with no de minimis threshold. It also applies a 50% reduction in the UK ETS surrender obligation on routes between Northern Ireland and Great Britain to avoid creating a disparity in carbon pricing obligations through different emissions coverage in routes between Northern Ireland and Great Britain, and Republic of Ireland and Great Britain, and provides an exemption for ferries serving the Scottish islands and peninsulas and for fishing vessels. Lastly, it enables the increase of the overall cap on UK ETS allowances in line with the projected increase in emissions from the introduction of the Maritime sector into the UK ETS.

The Order marks a vital next step in developing effective proposals for expansion of the UK ETS, increasing the level of emissions that will come under the scheme and helping to shape the future of the UK ETS in a way that supports Wales’ long-term net zero ambitions and broader decarbonisation strategy.

I have written to the Chairs of the Climate Change, Environment, and Infrastructure Committee and the Legislation, Justice, and Constitution Committee to inform them of these consultations.

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/3234/25

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

13 January 2026

Dear Mike,

I am writing to inform you that *The Greenhouse Gas Emissions Trading Scheme (Amendment) (Extension to Maritime Activities) Order 2026* (“the Order”) has today been laid in the Senedd.

This follows my letter of 27 November in which I informed of you of the publication of the UK ETS Authority Response to the UK Emissions Trading Scheme Scope Expansion: Maritime consultation, which set out the decision to bring domestic maritime emissions into the scheme. The Order laid in the Senedd today allows for the changes set out in the Authority Response. It sets out that the scheme will apply to vessels of 5000 Gross Tonnage (GT) and above with no de minimis threshold. It applies a 50% reduction in the UK ETS surrender obligation on routes between Northern Ireland and Great Britain to avoid creating a disparity in carbon pricing obligations through different emissions coverage in routes between Northern Ireland and Great Britain, and Republic of Ireland and Great Britain. It also provides an exemption for ferries serving the Scottish islands and peninsulas, and for fishing vessels. Lastly, it enables the increase of the overall cap on UK ETS allowances in line with the projected increase in emissions from the introduction of the Maritime sector into the UK ETS.

The expansion of the UK Emissions Trading Scheme to domestic Maritime activities requires changes to the existing legislation. Today, the Order has been laid in the Senedd, which will allow for this scope expansion.

The Order marks a vital next step in developing effective proposals for expansion of the UK ETS, increasing the level of emissions that will come under the scheme and helping to shape the future of the UK ETS in a way that supports Wales’ long-term net zero ambitions and broader decarbonisation strategy.

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

Bae Caerdydd • Cardiff Bay
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CF99 1SN

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

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

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

I am also copying this letter to the Chair of the Climate Change, Environment and Infrastructure Committee.

Yours sincerely,

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

Huw Irranca-Davies AS/MS

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

SL(6)718 – The Social Partnership and Public Procurement (Wales) Regulations 2026

Background and Purpose

The Social Partnership and Public Procurement (Wales) Act 2023 (“the Act”) is currently partially in force and will be brought fully into force by 1 April 2026.

These Regulations make provision in relation to that forthcoming implementation. In particular they:

- broaden the definition of a “prescribed contract” to extend the reach of the socially responsible procurement duty in section 24 of the Act, which applies to prescribed contracts.
- define a “registrable contract”.
- amend the term “people with disabilities” in section 27(4) of the Act.
- set out the information that is required in annual public procurement reports under section 39 of the Act.

Procedure

Senedd approval procedure.

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

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

Regulation 4(3)(a) refers to “the table of paragraph (1) of Schedule 1 to PA 2023”, however it should refer to “the table of paragraph 1(1) of Schedule 1 to PA 2023”.

Merits Scrutiny

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

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

Section 24 of the Act sets out the socially responsible procurement duty. It requires contracting authorities to take all reasonable steps to meet their socially responsible procurement objectives when carrying out public procurement in relation to prescribed contracts.



Section 24 defines a prescribed contract as a major construction project, an outsourcing services contract and “any other public contract of a description prescribed by the Welsh Ministers by regulations”.

These regulations prescribe other types of public contracts as prescribed contracts, namely contracts which are for works, supply of products or provision of services and which are over certain financial threshold values. The financial threshold values are set out in Schedule 1 to the Procurement Act 2023. An example of a contract brought within scope of the section 24 duty by virtue of this change is a contract for the supply of goods, services or works to a sub-central governing authority if its value exceeds £207,720 (as it is listed in Schedule 1 to the Procurement Act 2023). This suggests the change may considerably extend the scope of the section 24 duty.

However paragraph 1.2 of the Explanatory Memorandum describes the Regulations as providing “necessary detail” for implementation. Paragraph 1.3 notes that the Regulations provide a definition of prescribed contracts but it does not comment on the impact of that broadened definition (specifically, that that more contracts will be subject to the socially responsible procurement duty and the associated obligations).

The Welsh Government is asked to explain the impact of these Regulations by reference to the proposed extension of the definition of a “prescribed contract” in regulation 4.

It would have been helpful if the Explanatory Memorandum had explained how the application of the duty had been extended and also set out policy rationale for that extension.

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

Paragraph 5 of the Explanatory Memorandum relates to the consultation exercise held by Welsh Government in relation to the draft Regulations. Paragraph 5.3 provides

“The consultation asked whether the drafting reflected the policy intent. Views were not sought on the policy itself which has already been established by the Act”.

Welsh Government response

A Welsh Government response to the first and second reporting point is required.

Legal Advisers

Legislation, Justice and Constitution Committee

26 January 2026



Agenda Item 4.3

SL(6)723 – The National Health Service (Direct Payments) (Wales) Regulations 2026

Background and Purpose

These Regulations make provision for the making of direct payments for health care by the Welsh Ministers for the purposes of the provision of certain health services under the National Health Service (Wales) Act 2006.

Regulations 3 to 5 specify the patients to, or in respect of whom, direct payments may be made, and the Schedule specifies the persons to or in respect of whom direct payments cannot be made (excluded persons). Regulation 6 contains provision about patients who had but no longer have mental capacity to consent to the making of direct payments and regulation 7 contains provision about patients who gain or regain mental capacity.

Regulation 8 provides for the nomination of a person (a nominee) to receive and administer direct payments on behalf of a patient.

Regulations 9 to 12 set steps that enable the Welsh Ministers to gather the information they need in order to make a decision (in accordance with regulation 13) on whether to make direct payments to or in respect of a patient.

Regulation 9 contains provision about the relevant persons whom the Welsh Ministers may consult before deciding whether or not to make a direct payment.

Regulation 10 specifies the information the Welsh Ministers require in order to assess the ability of a patient, their representative or nominee to manage direct payments, and regulation 11 specifies the requirements for a care plan and sets out the role of the care co-ordinator.

Regulation 12 details the information, advice or other support that the Welsh Ministers must provide before a decision is made in respect of direct payment. It also sets out the requirements for the provision of information, advice or other support in cases where the Welsh Ministers decide to make direct payments.

The Welsh Ministers must make a decision on whether to make direct payments in accordance with regulation 13.

Regulations 14 and 15 make provision about the conditions that may be imposed on the person who receives and manages the direct payment (the payee); this may be the patient, or their representative or nominee.

Regulation 16 makes provision about the supply of information required by the Welsh Ministers and regulation 17 makes provision about the amount of direct payments.

Regulation 18 makes provision about the monitoring and review of direct payments and regulations 19 to 21 provide for the repayment, recovery and stopping of direct payments.



Procedure

Senedd approval procedure

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 five 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 the preamble, in the second paragraph, there is a difference between the English and Welsh text. In the English text, it notes “section 203(6) of the National Health Service (Wales) Act 2006” but the meaning given by the Welsh text is “section 203(6) of that Act”.

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

In regulation 9(2)(b) and (c), there are references to “the 2005 Act”. However, this term has not been defined with a meaning for the purposes of regulation 9 or these Regulations.

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

In regulation 10(6), in the opening words before sub-paragraph (a), it refers to “paragraph (4)(c)(ii)”. However, there is no paragraph (4)(c)(ii) in regulation 10 of these Regulations.

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

In the Schedule, in paragraph 2(b), there is a difference between the English and Welsh text. In the English text, it notes “alcohol treatment requirement” but the meaning given by the Welsh text is “alcohol dependence treatment requirement”. It is also inconsistent with the same term where it is used in the Welsh text of paragraph 2(g)(ii) and (h)(i) of the Schedule to these Regulations.

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

In the Schedule, in paragraph 2(f)(ii), there is a difference between the English and Welsh text. In the English text, it notes “drug treatment requirement” but the meaning given by the Welsh text is “drug users rehabilitation treatment requirement”. It is also inconsistent with the same term where it used in the Welsh text of paragraph 2(g)(i) and (h)(ii) of the Schedule to these Regulations.



Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

28 January 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 30**

Legislation, Justice and Constitution Committee

SL(6)727 – The Closure of European Union Legacy Agriculture Schemes (Wales) Regulations 2026

Background and Purpose

The Closure of European Union Legacy Agriculture Schemes (Wales) Regulations 2026 (the "**Regulations**") close three EU legacy agricultural schemes in Wales. These are the Fruit and Vegetable Aid, Public Intervention and Private Storage Aid Schemes.

Fruit and Vegetable Aid Scheme

This scheme is an EU legacy scheme established in 1996, which offers Producer Organisations financial assistance to improve fruit and vegetable production. The Explanatory Memorandum ("**EM**") states that since its inception in 1996, there have been no applications from Welsh Producer Organisations for the scheme.

Public Intervention and Private Storage Aid

These were two of the main market intervention mechanisms under the Common Agricultural Policy for supporting market prices. Both schemes relate to the removal of agricultural products from the market when prices fall below certain thresholds.

The EM explains that Public Intervention schemes may currently be opened under two circumstances. Mandatory Public Intervention schemes are opened automatically if the market price falls below the threshold, requiring the Rural Payments Agency (RPA) to buy in the products up to a certain quantity. Public Intervention in exceptional market conditions are schemes opened at the discretion of Ministers when there is an impact upon specific market sectors due to a crisis.

Private Storage Aid schemes are market support measures used by the Welsh Government to stabilise agricultural markets during periods of surplus or price volatility. Under these schemes, producers or processors are given financial incentives to temporarily store certain agricultural products.

The EM states that these schemes have not been used in Wales since at least the year 2000.

Procedure

Senedd approval procedure.

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

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

In the preamble, there is a statement that *"The Welsh Ministers are the relevant national authority for the purposes of section 14(1) of the Retained EU Law (Revocation and Reform) Act 2023"*.

The provisions of an enabling Act which define expressions such as *"the relevant national authority"* are usually included in an accompanying footnote (as also occurs in footnote (3)).

There does not appear to be a requirement to make this statement in the preamble, nor is it noting the fulfilment of a condition that is required before the making of these Regulations (see SIP 3.11.28).

The Welsh Government is asked to explain why this statement has been included in the preamble of these Regulations.

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

In regulation 7(7), the amendment is described as "after paragraph ZB", but it appears that it should be described as "after point ZB". This is because the existing lettered divisions are described as 'points' in the cross-references within Annex 2 to Commission Delegated Regulation (EU) No 907/2014.

This is also the case for amendments made by regulations 9(8) and 10(20) which should be described as "after point A2" rather than "after paragraph A2" in relation to the numbered divisions within the Annexes to Commission Delegated Regulation (EU) 2016/1238 and Commission Implementing Regulation (EU) 2016/1240.

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

Regulation 7(8) purports to insert text into Annex 3 to Commission Delegated Regulation (EU) No 907/2014 after "the second paragraph".

We note that separate analogous provision made for England and Scotland both insert the relevant text "at the beginning".

It is unclear whether the specified insertion point in regulation 7(8) reflects the Welsh Government's intention.

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



In regulation 10(13), the list of Articles identified for amendment in Commission Implementing Regulation (EU) 2016/1240 includes Article “51 (notification of conclusion of contracts)”. However, the words in parenthesis are in fact the heading of Article 50 of that Regulation. The correct heading of Article 51 is “elements of the contract”.

Therefore, it is unclear whether the amendment should be made to Article 50 (notification of conclusion of contracts) or Article 51 (elements of the contract) of Commission Implementing Regulation (EU) 2016/1240.

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

In regulation 10(21), identical text is inserted in each of Annexes 6, 7 and 8 to the Commission Implementing Regulation (EU) 2016/1240.

The provisions in Annexes 6 and 7 are unnumbered. However, in Annex 8, the existing provisions are numbered. Therefore, it appears that the new text inserted in Annex 8 should be numbered as “A1”. This is also the case for the new text that is inserted by regulation 10(22) to Annex 9 to the Commission Implementing Regulation (EU) 2016/1240.

Merits Scrutiny

The following two points are 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.

The EM outlines the consultation undertaken on these Regulations. It states:

“From 2 June to 25 August 2025 the Welsh Government ran a consultation, seeking views on our proposal to close the Fruit and Vegetable Aid scheme and Public Intervention and Private Storage Aid schemes in Wales.

The consultation was published online and shared with key stakeholder groups in the agriculture sector and the wider public to gather views on the proposed changes set out in the consultation document. The consultation asked for views on the use of the schemes in Wales and what impact the discontinuation of the schemes could have.

There was a total of three responses, two of which agreed with the changes suggested and the third not containing pertinent responses to the subject matter. Respondents highlighted the lack of use of the Fruit and Vegetable Aid Scheme in Wales and that horticulture growers would be best supported in other ways. They stated that the scheme was overly complicated and this is why people had not entered the scheme.

Most respondents were unaware of what the Public Intervention and Private Storage Aid schemes were and were happy for the schemes to be closed.”



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

The EM contains a Regulatory Impact Assessment. It states:

“By removing these schemes, the Welsh Government will reduce the financial and administrative risk on public finances to develop, run and maintain schemes that are no longer fit for use to the agriculture sector in Wales.

These changes will negate the need to introduce a new set of processes that the Welsh Government does not currently administer. It will also negate the need for a series of updates to systems that were used to run both schemes that are out of date. Keeping the schemes would also require storage to be procured, the training of new technical officers and restarting technical contracts with laboratories, all of which would need significant financial investment.

Overall feedback suggests that these schemes are of no use to the agricultural sector in Wales and closing them will have no impact on the sector in Wales.”

Welsh Government response

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

Legal Advisers

Legislation, Justice and Constitution Committee

27 January 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 34**

Legislation, Justice and Constitution Committee

SL(6)729 – The Non-Domestic Rating (Artificial Avoidance Arrangements) (Local Lists) (Wales) Regulations 2026

Background and Purpose

Sections 63F to 63M of the Local Government Finance Act 1988 (“the Act”), which were inserted by section 13 of the Local Government Finance (Wales) Act 2024, make provision about counteracting advantages arising from artificial arrangements for the avoidance of non-domestic rates liability in relation to hereditaments in Wales.

These Regulations describe the types of avoidance arrangements, in relation to hereditaments on the local non-domestic rating lists, which are artificial for the purposes of sections 63F to 63I and 63K to 63M of the Act (unless a billing authority determines otherwise). They also make provision in relation to penalties and consequential amendments to secondary legislation.

The types of arrangements which are artificial are described in regulation 3 of, and the Schedule to, these Regulations. These are: arrangements where a hereditament is not occupied on a commercial basis, where the ratepayer has been wound up voluntarily, where the owner or occupier exhibits particular characteristics and behaviours, or where the occupation of the hereditament has certain characteristics. However, regulation 3(2) enables a billing authority to determine that an arrangement of a type specified in the Schedule is not artificial after having regard to all the circumstances. Such circumstances may include (but are not limited to) those listed in regulation 3(3).

Regulation 4 makes provision in relation to the penalty imposed where a person has failed to pay an amount due to a billing authority in consequence of having made an artificial arrangement and the information which must be contained in notices imposing such penalties (“penalty notices”).

Regulation 5 makes provision as to how a billing authority may effect service of notices given under section 63K(1) of the Act and penalty notices.

Regulation 6 amends the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 (“the 1989 Regulations”).

Regulation 7 amends the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023 (“the 2023 Regulations”).

Procedure

Senedd approval procedure.



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 6 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.

One of the enabling powers, section 63M(1) states that:

(1) The Welsh Ministers may by regulations make provision for the imposition of a financial penalty where—

(a) a person has been given a notice under section 63K(1) or (2) and it has not been withdrawn,

(b) the time limit for requesting a review under section 63K(4) has expired and, if a review has been requested, the time limit for appealing under section 63L has expired, and

(c) the person has failed to pay an amount due to a billing authority or the Welsh Ministers in consequence of having made an artificial non-domestic rating avoidance arrangement.

Regulation 4(2) sets out conditions that must be met, where relevant, before imposing a penalty. In addition to the condition listed in section 63M(1)(b) of the Act, regulation 4(2) also includes the following conditions:

(b) if the section 63K notice is subject to an appeal under section 63L(2) of the Act, it has been confirmed by a valuation tribunal established under paragraph 1 of Schedule 11 to the Act and the time limit for appealing the notice to the Upper Tribunal has expired;

(c) if the section 63K notice is subject to an appeal under regulation 56(1)(aa) of the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023, it has been confirmed by the Upper Tribunal.

We ask the Welsh Government to set out the reasons for including these conditions which are not specified in section 63M(1) of the Act.

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

Regulation 6(3) inserts the following sub-paragraph into regulation 5 of the 1989 Regulations, setting out when a demand notice shall be served:

“(c) if a billing authority in Wales has given notice under section 63K(1) of the Act to a person who is to be treated as liable as regards the hereditament concerned under section 43 or 45 of the Act, the first day after—



- (i) *the time limit for requesting a review under section 63K(4) has expired, or*
- (ii) *if a notice under section 63K(1) of the Act has been confirmed following a review, the time limit for appealing the notice under section 63L has expired."*

Regulation 56(1)(aa) of the 2023 Regulations (which is inserted by regulation 7(5) of these Regulations) permits an appeal to the Upper Tribunal in respect of a decision of a tribunal on an appeal under section 63L of the Act.

It is unclear when a demand notice must be served if such an appeal is made. Could a demand notice be served before the expiry of the time limit to appeal to the Upper Tribunal, or before the outcome of that appeal is known?

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

Regulation 7(3) amends regulation 32 of the 2023 Regulations. Regulation 32 of the 2023 Regulations is also amended by regulation 11(4) of the Non-Domestic Rating (Provision of Information About Changes of Circumstances) (Wales) Regulations 2026. The textual amendments made by regulation 7(3) of these Regulations are to regulation 32 of the 2023 Regulations as amended by regulation 11(4) of the Non-Domestic Rating (Provision of Information About Changes of Circumstances) (Wales) Regulations 2026.

Regulation 11 of the Non-Domestic Rating (Provision of Information About Changes of Circumstances) (Wales) Regulations 2026 comes into force on 1 April 2026, the same day as these Regulations.

For the amendments made by regulation 7(3) to correctly amend regulation 32 of the 2023 Regulations, regulation 11 of the Non-Domestic Rating (Provision of Information About Changes of Circumstances) (Wales) Regulations 2026 will need to come into force before these Regulations.

We ask the Welsh Government to explain how regulation 11 of the Non-Domestic Rating (Provision of Information About Changes of Circumstances) (Wales) Regulations 2026, despite coming into force on the same day as these Regulations, takes effect before these Regulations, to allow regulation 7(3) of these Regulations to amend regulation 32 of the 2023 Regulations as drafted.

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

Paragraph 1 of the Schedule to the Regulations reads:

*An arrangement is an artificial arrangement for the purposes of section 63H(1)(a) of the Act where it makes a person ("P") the occupier of **a** hereditament and **the** hereditament is not occupied on a commercial basis because one or more of the following applies—*
(emphasis added)



Can the Welsh Government confirm if “a hereditament” and “the hereditament” are referring to the same hereditament in this paragraph?

Further, paragraph 2(2) reads “...ratepayer of **a** hereditament (either the hereditament referred to in sub-paragraph (1) or another hereditament)” making it clear that “a hereditament” could be another hereditament. However, paragraph 2(3)(a) reads “...ratepayer of **the** hereditament (either the hereditament referred to in sub-paragraph (1) or another hereditament), should this also refer to “**a** hereditament”?

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

Paragraph 1 of the Schedule to the Regulations reads:

*An arrangement is an artificial arrangement for the purposes of section 63H(1)(a) of the Act **where it makes a person (“P”) the occupier of a hereditament** and the hereditament is not occupied on a commercial basis because one or more of the following applies— (emphasis added)*

The corresponding Welsh text of the words in bold above reads: “pan fo’n gwneud person (“P”) y meddiannydd ar hereditament”. It is queried if the Welsh text is grammatically correct. The same is queried in relation to “y talwr ardrethi” in paragraph 3(1)(b), (c) and (d) of the Schedule.

Further, paragraph 2(1) of the Schedule includes the words: “where it makes P the ratepayer of the hereditament”, the Welsh text reads “pan fo’n gwneud P **yn dalwr ardrethi** yr hereditament”. We ask the Welsh Government to confirm if the differing approach in the Schedule in relation to the use of “y talwr ardrethi” and “yn dalwr ardrethi” is intentional, and if so, explain the reasons for the different wording.

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

In the Schedule to the Regulations, paragraph 2(3)(b) reads:

*within 3 years of the day the arrangement was entered into between L and P, P was, **or is in the process of being**, wound up voluntarily under Chapters 2 to 5 of Part 4 of the Insolvency Act 1986. (emphasis added)*

The words in bold above, in the Welsh text, reads “neu yr oedd P wrthi’n cael ei ddirwyn i ben yn wirfoddol”, meaning “or **was** in the process of being, wound up voluntarily”. We ask the Welsh Government to confirm which language version of the Regulations is correct.



Merits Scrutiny

The following 3 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

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

Whilst a notice given under section 63K of the Act may be reviewed and subsequently appealed, the Regulations do not provide a review or appeal procedure in relation to a penalty imposed under regulation 4, the Welsh Government is asked to explain why it considers such a procedure is not necessary.

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

We note the following at section 2 of the Explanatory Memorandum:

The footnote referred to in regulation 4(2)(c) of the Regulations contains a reference to an amending instrument (namely, the Non-Domestic Rating (Provision of Information about Change of Circumstances) (Wales) Regulations 2026). As at the date of laying the Regulations, that amending instrument has not been approved, made and registered, therefore it has not been possible to insert its S.I. number in the footnote. This will be inserted into the footnote prior to the making of the Regulations.

9. 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.

Whilst the Regulations themselves do not contain provisions requiring payments to be made to the Welsh Consolidated Fund, section 63M(4) of the Act states that “any sum received by way of penalty under this section is to be paid into the Welsh Consolidated Fund”. These Regulations make provision for the imposition of that financial penalty.

Welsh Government response

A Welsh Government response is required in relation to reporting points 1 to 7.

Legal Advisers

Legislation, Justice and Constitution Committee

28 January 2026



Agenda Item 4.6

SL(6)730 – The Renting Homes (Model Written Statements of Contract) (Wales) (Amendments etc.) Regulations 2026

Background and Purpose

The Renting Homes (Wales) Act 2016 (the 2016 Act) established occupation contracts that apply between a tenant and their landlord in Wales. The Renting Homes (Model Written Statements of Contract) (Wales) Regulations 2022 (“the 2022 Regulations”) prescribe model written statements of contract that apply in relation to occupation contracts.

The Renters’ Rights Act 2025 (“the 2025 Act”) amends the 2016 Act in relation to discrimination in the rental market in Wales. In particular it inserts section 54A (right for children to live at or visit dwelling) and section 54B (right to claim benefits) into the 2016 Act.

These Regulations amend the 2022 Regulations to insert provisions into the model written statements of contract in relation to the rights provided in section 54A and section 54B of the 2016 Act. They also provide that section 54A of the 2016 Act (right for children to live at or visit dwelling) is not a fundamental provision applicable to a supported standard contract.

Procedure

Senedd approval procedure.

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

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

The draft Regulations cite sections 141(1) and (2) of the 2025 Act and sections 22(1)(b), 29(1) and 256(1) of the 2016 Act as enabling powers.

It appears to us that section 22(1)(b) of the 2016 Act is relied on in relation to regulation 4 and section 29(1) of the 2016 Act is relied on in relation to regulation 3.

In addition, section 256(1) of that Act confirms that any Welsh Ministers regulation making power in the Act includes the power to make incidental, supplementary, consequential, transitory, transitional or saving provision. Section 141(1) and (2) of the 2025 Act also contains a power for the Welsh Ministers to make provision consequential upon Part 2 of that Act, including the power to amend any enactment.



Whilst we note that Chapter 4 of Part 1 of the 2025 Act amends the 2016 Act in relation to discrimination in the rental market, and these Regulations make provision in that regard, it is not clear how section 141(1) or (2) are relied on in addition to the 2016 Act powers cited and the Welsh Ministers are asked to clarify.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

28 January 2026



Agenda Item 4.7

SL(6)720 – The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2026

Background and Purpose

These Regulations amend various regulations which make provision about, and in connection with, student finance.

They:

- Extend eligibility for student support and fee protections for bereaved partners and children of Gurkha and Hong Kong military veterans discharged before 1 July 1997;
- Exclude means tested NHS bursary students and students in their sandwich year from qualifying for the additional weeks loan;
- Enable care-experienced students to apply for Grants for Dependants on a non-means tested basis;
- Provide for termination provisions within postgraduate regulations for persons who cease to have leave to enter or remain as a protected partner;
- Revoke the Education (European University Institute) (Wales) Regulations 2014 and make consequential revocations and omissions;
- Make additional technical amendments to improve clarity within regulations and/or remove provisions that are no longer required, for example in relation to Oxbridge College Fee Loans, coronavirus, and eligibility for fee protections.

Procedure

Senedd annulment procedure

These Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

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

1. Standing Order 21.2(x) – that there appears to have been unjustifiable delay in publishing it or laying it before the Senedd

We note the breach of the 21-day convention (i.e. the convention that 21 days should pass between the date an instrument subject to the Senedd annulment procedure is laid before



the Senedd and the date the instrument comes into force), and the explanation for the breach provided by Vikki Howells MS, Minister for Further and Higher Education, in a letter to the Llywydd dated 19 January 2026.

The Regulations were made on 13 January 2026 but were not laid before the Senedd until 16 January 2026. The Regulations come into force on 5 February 2026.

In particular, we note that the letter states that *“there was a delay with the registration process”*. As a result of the delay in laying the Regulations before the Senedd, the Regulations will come into force before the 21-day period has elapsed.

The letter does not provide further detail as to the cause of that delay.

The letter goes on to explain that the *“Regulations must be in force by 5 February in order to ensure the Student Loans Company’s student application system reflects the latest changes to student support policy ahead of when the application window launches.”*

The Welsh Government is asked to provide further explanation as to the reason for the delay with the registration process.

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

Regulation 53 inserts a new regulation 12GA into the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019. However, there appears to be an error in the formatting that has the effect of changing the meaning of the new regulation.

It appears that the words “Persons who cease to have leave to enter or remain as a protected partner” is intended to be the heading preceding the regulation, rather than forming part of the regulation itself. If that is the case, the regulation number “**12GA**” should appear by “Where-”, so that it becomes the opening word of that regulation.

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

A consultation has not been carried out in respect of these Regulations. Paragraph 5.1 of the Explanatory Memorandum explains as follows:

“A number of amendments are technical in nature and are required to implement current policy or to remove redundant regulatory provision/references. Amendments to extend eligibility for bereaved partners and children of Gurkha and Hong Kong military veterans discharged before 1 July 1997, support the Welsh Government’s existing ‘Nation of Sanctuary’ policy.”



Welsh Government response

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

Legal Advisers

Legislation, Justice and Constitution Committee

27 January 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Legislation, Justice and Constitution Committee



Ein cyf/Our ref MA-VH-2463-25

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

19 January 2026

Dear Elin

The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2026

In accordance with section 37E(6) of the Legislation (Wales) Act 2019 I am notifying you that this statutory instrument will come into force on 5 February, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Education (Student Finance) (Miscellaneous Amendments) (Wales) Regulations 2026 (“the Regulations”) will amend:

- the Education (Fees and Awards) (Wales) Regulations 2007;
- the Education (European University Institute) (Wales) Regulations 2014;
- the Higher Education (Qualifying Courses, Qualifying Persons and Supplementary Provision) (Wales) Regulations 2015;
- the Education (Student Support) (Wales) Regulations 2017;
- the Education (Student Support) (Wales) Regulations 2018;
- the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018; and
- the Education (Student Support) (Postgraduate Master’s Degrees) (Wales) Regulations 2019.

These student support regulations, made under section 22 of the Teaching and Higher Education Act 1998, underpin the system of financial support for students ordinarily resident in Wales undertaking courses of higher education.

The Regulations:

- extend eligibility for student support and fee protections for bereaved partners and children of Gurkha and Hong Kong military veterans discharged before 1 July 1997;

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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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.

- exclude means tested NHS bursary students and students in their sandwich year from qualifying for the additional weeks loan;
- enable care-experienced students to apply for Grants for Dependents on a non-means tested basis;
- provide for termination provisions within postgraduate regulations for persons who cease to have leave to enter or remain as a protected partner;
- revoke the Education (European University Institute) (Wales) Regulations 2014;
- make additional technical amendments to improve clarity within regulations and/or remove provisions no longer required.

Unfortunately, there was a delay with the registration process. As a result, the Regulations will come into force before the 21-day period has elapsed.

The Regulations apply to an academic year beginning on or after 1 August 2026. The Regulations must be in force by 5 February in order to ensure the Student Loans Company's student application system reflects the latest changes to student support policy ahead of when the application window launches.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read 'V. Howells', with a long, sweeping underline stroke.

Vikki Howells AS/MS

Y Gweinidog Addysg Bellach ac Uwch
Minister for Further and Higher Education

SL(6)696 – The Infrastructure (Wales) Act 2024 **(Commencement No. 2) Order 2025**

Background and Purpose

This Order is the second commencement order made under the Infrastructure (Wales) Act 2024 (“the Act”) and brings the provisions specified in the Order into force on the dates specified in the Order.

Procedure

No procedure.

Scrutiny under Standing Order 21.7

The Order brings sections 90 and 91 of the Act into force on 16 March 2026.

Section 147(1)(b) of the Act brought into force on 4 June 2024 the provisions in Parts 2 to 8 of the Act (of which sections 90 and 91 are part) that confer power to make regulations, or make provision about what is (or is not) permitted to be done in the exercise of a power to make regulations.

Section 90 contains an order making power. Section 91 contains regulation making powers.

It therefore appears that section 90 may already be partially in force, although the Welsh Government’s views on whether it considers an order making power to fall within the scope of section 147 would be appreciated, taking into account the effect of section 39(1) of the Legislation (Wales) Act 2019 (power to make subordinate legislation in different forms).

The Committee also considers that section 91 is already partially in force.

In such circumstances, it would be expected that the Order would state that sections 90 and 91 are commenced on 16 March 2026 to the extent that they are not already in force, as has been done with other provisions in the Order. Failure to include words to the effect of the underlined wording may result in confusion as to when certain aspects of sections 90 and 91 were brought into force. Confirmation is therefore requested as to whether the Government considers any aspect of sections 90 and 91 are already in force, and if so, why this is not addressed in the Order.

Government response

A Welsh Government response is required.



Committee Consideration

The Committee considered the instrument at its meeting on 19 January 2026 and reports to the Senedd in line with the reporting point above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Legislation, Justice and Constitution Committee

Government Response: *The Infrastructure (Wales) Act 2024 (Commencement No.2) Order 2025*

Scrutiny point under Standing Order 21.7: *The Welsh Government agree that amendments are required to clarify that sections 90 and 91 are commenced to the extent they are not already in force and will bring forward an amending WSI this Senedd term.*

Agenda Item 7.1

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@senedd.wales

29 January 2026

Dear Mike

I am writing to inform you that the meeting of the Inter-Ministerial Group on UK-EU relations was held on 21 January 2026.

Also attending the meeting were:

- Nick Thomas-Symonds, Minister for the Cabinet Office.
- Angus Robertson, Cabinet Secretary for the Constitution, External Affairs and Culture, Scottish Government
- Michelle O'Neill, First Minister of Northern Ireland
- Emma Little-Pengelly, Deputy First Minister of Northern Ireland

This was the second meeting of the Inter-Ministerial Group on UK-EU since the UK and EU summit on the 19 May and the announcement of the UK-EU Common Understanding Agreement.

During the meeting I outlined the priority areas for Welsh Government, including where we believe future agreements will require devolved implementation, or where we believe negotiations will significantly impact on Wales.

Yours sincerely,

Rebecca Evans AS/MS

Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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

Adam Price AS/MS
Member of the Senedd for Carmarthen East and Dinefwr

27 Ionawr 2026

Annwyl Adam,

Planning consolidation Bills: proposed removal of urban development corporation planning powers

Thank you for your e-mail of 23 January 2026 proposing that the planning consolidation Bills should retain the power to give an Urban Development Corporation (UDC) certain planning authority functions for its area. The Government's position on the removal of this power has been clear and consistent, and is underpinned by the evidence provided by the Law Commission. I summarise our position and the reasoning behind it below.

Before doing so, I wish to address the comments in your email that touch on the nature of consolidation Bills and suggest that they should not remove "live" enabling powers. A consolidation exercise is not a vehicle for substantive policy changes, but Standing Order 26C.2 expressly envisages that minor changes may be made to improve the operation of the law, including omitting provisions that are "no longer of practical utility". In assessing whether a provision has any practical utility, it will be necessary to consider matters such as whether it has been used, whether the purpose for which it was enacted still applies, and whether other more suitable powers have taken its place.

Planning is an area where a number of powers were created in the past that did not prove useful or effective and have been overtaken by later changes. The Planning (Wales) Bill therefore omits various unused provisions, such as the powers to create simplified planning zones and establish planning inquiry commissions, for reasons that are set out in the Drafters' Notes. Omitting these powers (along with other spent and obsolete provisions) is an important way in which the consolidation improves the accessibility of the law.

Turning to the power to confer planning authority functions on UDCs, the removal of this provision was carefully considered by the Law Commission in their detailed review of planning law in Wales. They consulted extensively on the matter and concluded, based on the stakeholder responses and the factual history of UDCs in Wales, that the provision is no longer of practical utility.

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

I would draw your attention to Law Commission recommendation 5-12 and supporting text in their [Planning Law in Wales: Final Report](#), published in November 2018. Only one UDC has ever been established in Wales, that being the Cardiff Bay Development Corporation in 1987, and even in that case the provision to provide it with certain planning authority powers was not used. Therefore, the provision has never been used in Wales since its enactment just over 45 years ago in the Local Government, Planning and Land Act 1980 (“the 1980 Act”). The Law Commission’s proposal was endorsed by a large majority of consultees that responded to their question on this specific matter.

The [Government’s detailed response](#) was published in November 2020 and set out our position and comments in relation to this specific recommendation. In summary, we agree with the Commission’s rationale on removing this specific provision, and we believe it is critical that any UDC must work in close partnership with planning authorities to promote the regeneration of its designated area. Removing this provision assists in creating this important partnership approach and ensuring local democratic accountability.

In considering the Law Commission’s recommendation, the Government took account of the other planning powers that would be available if a UDC were established.

Since the legislation about UDCs was first enacted, planning authorities have been given the power to make local development orders, under provisions that were brought into force in Wales in 2012. When working in partnership with a UDC, planning authorities could use this power to grant planning permission for specific development types or categories in the designated area. This would avoid the need for the UDC to submit multiple planning applications to a planning authority, whilst also providing greater planning certainty. The power to make such an order is restated in section 45 of the Planning (Wales) Bill.

Alternatively, if the partnership between the parties were to break down, the Welsh Ministers would retain the power to directly grant planning permission for development proposals submitted by a UDC within its area, by means of a special development order. This is provided for under section 148 of the 1980 Act, with the power to make such an order restated in section 44 of the Planning (Wales) Bill.

Given the above considerations, the Government agrees with the Law Commission that the power to confer planning authority functions on a UDC is very unlikely to be used in future and is no longer required. I am therefore satisfied that the omission of this provision is appropriate within the scope of a consolidation Bill, as it is a change in the law that falls within Standing Order 26C.2(iii).

No concerns have been raised about this proposal since the Government published its response to the Law Commission report. There were no comments on it when a draft of the Planning (Wales) Bill was published in June 2025, in the evidence provided by stakeholders at Initial Committee Consideration stage, or during my appearances before the Committee in relation to these Bills.

As you heard me say at the Detailed Committee Consideration proceedings on 19 January, I do not propose to bring forward any further amendments to the Bills and believe they should proceed direct to Final Stage. I do not believe the matter you have raised merits the Bills having to enter Detailed Senedd Consideration proceedings. However, I will await the Committee’s report and recommendation to be published by Friday (30 January).

I hope the above sets out and provides clarity on the Government’s position on the matter you have raised. If you have any further concerns or questions, I am happy to meet you alongside my officials at the earliest opportunity.

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

Yn gywir,



Julie James AS/MS

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

Agenda Item 8.2

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

27 January 2026

Dear Mike,

Thank you for your letter of 14 January 2026, requesting an update on the opening of the Residential Women's Centre, in Swansea.

Decisions on the Centre are for the UK Government. However, as you may be aware, building and planning permission are confirmed, and the Centre remains a key priority objective for Welsh Government. It will improve the lives of women in Wales, providing therapeutic and rehabilitative services as part of a trauma-informed approach.

We understand the importance of women maintaining contact with their families, particularly since many currently reside in facilities across the border in England. The Centre will allow women to stay closer to home and maintain crucial family ties, especially with their children. By providing support closer to home, the Centre will also help address the underlying issues that contribute to offending behaviour, such as mental health issues, substance misuse or domestic violence.

The Cabinet Secretary for Social Justice, Trefnydd and Chief Whip and I regularly engage with UK Government Justice Ministers and key partners who are leading on this important programme of work.

We appreciate the interest of the Committee in this work. It is noteworthy to mention that the Cabinet Secretary answered an Oral Question from Altaf Hussain MS on 14 January 2026, regarding the opening of the Centre. In her response, the Cabinet Secretary confirmed she will meet soon with Lord Timpson, Minister for Prisons, Probation and Reducing Reoffending, to help fully understand the latest position.

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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.

In the meantime, Welsh Government officials continue to work closely with the UK Government to ensure the Centre remains a priority and is progressed as soon as possible.

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

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AS/MS

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

Julie James MS
Counsel General and Minister for Delivery
Welsh Government

14 January 2026

Dear Julie,

Justice – Swansea Residential Women’s Centre

The Legislation, Justice and Constitution Committee recently considered your letter of 17 December 2025, which summarised the discussions of the Inter-Ministerial Group on Justice, which took place on 11 December 2025.

We were interested to note that you had raised the issue of progress with the Women’s Residential Centre in Swansea and more generally concerns about women within the criminal justice system in Wales. We note that progress on the centre has been slow, with the previous UK Government noting an intention to open the centre by 2024.

We note that the UK Government’s Prisons Minister, Lord Timpson, was asked for an update on progress by the House of Commons’ Welsh Affairs Committee at their meeting on 17 December 2025. Lord Timpson stated:

“We are getting to the final stages of our allocations process, so in January we hope to be in a position where we can make a decision on Swansea”.

The Committee would be grateful if you would write to the Committee by the end of January with an update on the position, including when you now expect the centre to open.

We look forward to your response.

Yours sincerely,

Mike Hedges

Mike Hedges
Chair



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/JB/0084/26 (JB/PO/43/26)

Peredur Owen Griffiths MS
Chair
Finance Committee
Senedd Cymru

CC: John Griffiths MS (Chair of the Local Government and Housing Committee and Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee

27 January 2026

Homelessness and Social Housing Allocation (Wales) Bill – Revised Explanatory Memorandum and Regulatory Impact Assessment

Dear Peredur,

Following completion of stage 2 proceedings in respect of the Homelessness and Social Housing Allocation (Wales) Bill and in line with Standing Order 26.28, a revised Explanatory Memorandum (EM) has been laid to reflect new, amended or removed provisions made during this stage. I would like to bring several relevant changes to the Committee's attention.

Changes have been made to the Regulatory Impact Assessment (RIA) as result of the new or amended provisions, resulting in amendments to our cost benefit analysis and affordability assessment. Changes have also been made in response to recommendations from the stage 1 Committees and the Explanatory Memorandum and Explanatory Notes have been revised to reflect the Bill at the end of stage 2, alongside some stylistic amendments and edits. A number of amendments made at stage 2 will not result in any additional costs and they are not discussed further.

Changes made to the Regulatory Impact Assessment (RIA) as result of new or amended provisions.

Section 17: Help to retain suitable accommodation secured in exercise of homelessness functions

At stage 2, section 17 of the Bill was amended to confer a discretionary power on local housing authorities to continue assisting an applicant in retaining their accommodation by taking reasonable steps to ensure it remains available for occupation, even after the statutory duty has ended. We have revised the RIA to provide cost estimates for use of this power.

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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.

Section 43 - Progress reports on bringing the Act into force

At stage 2, section 43 was inserted into the Bill to require the Welsh Ministers to prepare progress reports if the Act is not fully in force by specified dates (31 Dec 2028, 31 Dec 2029 and biennially thereafter). These reports must set out the progress made in bringing the Act into force and further steps to be taken by the Welsh Ministers or any other person to bring the Act fully into force. An additional, recurring costs has been added to the RIA to support this change.

Section 38 - Review of the operation and effect of changes made by the Act

At stage 2, section 38 was inserted into the Bill to place a duty on the Welsh Ministers to undertake a post-implementation review of the operation and effect of the changes made by the Act. An additional one-off cost has been added to the RIA to support this change.

Transition costs

An additional cost has been added to the proposed transition costs to create sustainable training materials for local authorities which will support an ongoing offer of learning and development related to the legislative change. This change has resulted from recent pre-implementation discussion with local authorities.

Further work on Committee recommendations

The Finance Committee recommended that I work with local authorities to agree the standardised information to be included in all Common Housing Registers, identify any gaps in the information currently collected by existing registers, and confirm whether the requirement to maintain a Common Housing Register remains cost neutral for those local authorities currently operating registers.

My officials have undertaken further work in response to this recommendation; all local authorities have been surveyed, and responses have been received by 22 of the 22 authorities in Wales. Every respondent has confirmed that, whether they hold a CHR or not, they hold the specific types of information that would be held on a CHR. I remain confident that the requirement for Common Housing Registers will be cost neutral.

Duty to retain revised assumption

The Local Government and Housing Committee requested that further analysis of the potential need under the duty to provide help to retain suitable accommodation be undertaken. My officials have considered further our assumption on this duty and looked for further, alternative evidence.

Our original assumptions were based on the number of households found to be threatened with homelessness due to the loss of rented or tied accommodation. As we set out in the RIA, this will include a range of experiences, including no fault evictions, so must not be assumed to relate just to people who have been unable to sustain a tenancy due to lack of support. We, therefore applied a ratio (based on the evidence of three local authorities who were able to provide relevant detail) to this figure to estimate proxy demand.

There is no further, reliable data in Wales on support needs for homelessness applicants. However, evidence, collected as part of a homelessness data collection in England

provides some additional evidence relating to the support needs of applicants there, which we have used to revise our estimates for demand. We have done so, alongside a revision of the baseline total, against which this percentage is applied. It is very likely that this leads us to an over-estimate of potential costs but given the views of stakeholders and the Committee recommendation, we have erred on the side of over-estimation in this case, flagging relevant caveats in the document. The RIA, therefore, now contains cost estimates on these revised assumptions and for the additional power added at stage 2 (as set out above).

Sensitivity analysis

The Finance Committee recommended that I conduct a sensitivity analysis in relation to the public sector cost of homelessness and include this potential range of costs in the revised RIA.

The sensitivity analysis is provided at annex B. The analysis models various annual increases in homelessness, ranging from 0% to 10%. Any increase in the annual rate of growth of homelessness leads to an increase in the Net Present Value (NPV) and Benefit - Cost ratio (BCR) of the Bill. This is because any additional implementation costs incurred through having to support more people are outweighed by the additional financial and societal benefits derived from providing that support.

My officials have also reviewed and edited unnecessary text and made other stylistic changes. These have no bearing on the cost estimates contained within the document.

I would like to take the opportunity to again thank each of the Committees for their scrutiny of the Bill.

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

Ein cyf/Our ref: MA-MDFWL-3074-25

Andrew RT Davies MS
Chair
Economy, Trade, and Rural Affairs Committee
Senedd Cymru
Cardiff Bay
Cardiff
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27 January 2026

Dear Andrew,

Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

Further to my letter of 12 January 2026 and the 13 January general principles debate on the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill ("the Bill"), I am writing now to provide you with confirmation of the government responses to each of the 23 recommendations in the Economy, Trade, and Rural Affairs Committee's Stage 1 report.

Recommendation 1

Future Seneddau and governments should not take the timetable afforded to this Bill as a precedent for the making and scrutiny of non-emergency legislation. Such a short timeframe should be avoided unless exceptional circumstances demand otherwise,

Government Response - Noted

As I said during the general principles debate on 13 January, it is inevitable that where Bills are scheduled for the final year of a Senedd term this is going to create time constraints and pressures. The alternative would significantly limit the capacity of future Seneddau to legislate.

Recommendation 2

The Committee recommends that the Senedd, taking into account the recommendations in this report, agrees the general principles of the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill.

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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.

Government Response - Noted

I thanked the committee for its recommendation that the Bill be supported at the general principles debate and am pleased that the Bill will now proceed to Stage 2.

Recommendation 3

The Welsh Government should amend the Bill at Stage 2 to make commencement of the licensing scheme subject to further Senedd approval.

Government Response – Reject

Commencement Orders are not subject to Senedd procedure.

Agreeing to this recommendation would mean a further approval would be required in order to implement an Act that the Senedd had already agreed. As such, the Government cannot accept this recommendation.

Recommendation 4

The Welsh Government should amend the Bill at Stage 2 to ensure that commencement of the Bill's provisions can take place no later than the end of the next scheduled Senedd term.

Government Response – Accept in principle

As confirmed in my letter of 12 January, I have now tabled various amendments, including a sunrise provision to commence the Act, if it has not been commenced by March 2030.

Recommendation 5

In his response to this report, the Cabinet Secretary should set out what discussions have taken place, and are planned to take place, with representatives of the tourism industry on proposals for the Bill's implementation.

Government Response – Accept

As I confirmed in my letter of 12 January, and during the general principles debate, Welsh Government officials have throughout the development of the Bill engaged on an ongoing basis with key stakeholders and will continue to do so. See also my response to related recommendation 21 below.

Recommendation 6

In advance of the Stage 1 debate, the Cabinet Secretary should set out what amendments he plans to bring forward at Stage 2.

Government Response – Accept

I set out in detail in my letter of 12 January, and during the general principles debate, my intended Stage 2 amendments, and I have now tabled them.

Recommendation 7

The Welsh Government should amend the Bill at Stage 2 to commit to undertaking and publishing a review of the operation and effect of the provisions in the Bill by no later than April 2034.

Government Response – Accept in principle

As I confirmed in my letter of 12 January, and during the general principles debate, I have now tabled such an amendment.

Recommendation 8

In responding to this report, the Welsh Government should set out what work has been carried out to date on developing the code of practice and associated guidance. Further, the Welsh Government should provide further detail on the anticipated content of the code.

Government Response – Accept

The guidance on the licensing scheme will be produced once the regulations have been drafted. We intend this to be issued well before the scheme is operational.

The code of practice goes far wider than the licensing scheme, but is integral to its operational delivery. Officials have been discussing a Welsh tourism code of practice with those who produce the English equivalent for some time. We would naturally want a code of practice to reflect the up-to-date legislation, so plan to reconsider the options next year.

Recommendation 9

The Welsh Government should consider amending the Bill at Stage 2 to ensure an appropriate minimum time period for Senedd consideration of regulations proposed under section 5.

Government Response – Accept in principle

As I confirmed in my letter of 12 January, and during the general principles debate, I have now tabled an amendment to consult for a minimum period prior to the use of the power under paragraph 5(1)(b).

Recommendation 10

The Welsh Government should ensure that guidance issued under section 55 addresses visitor accommodation providers' obligations in relation to the general fitness standard in section 7.

Government Response – Accept

The future guidance on the scheme will provide more detail on this, as well as other aspects of the regulatory regime under the Bill.

Recommendation 11

The Welsh Government should address waste management and anti-social behaviour issues in its code of practice, to ensure that operators are aware of their responsibilities and, further, should amend the Explanatory Memorandum to set out the licensee's existing obligations relating to the disposal of visitor waste

Government Response – Accept

Officials will address this when the code of practice is produced. In the meantime, I will be amending the Explanatory Memorandum to reflect this recommendation.

Recommendation 12

The Welsh Government should consider including energy performance certificates as an additional standard when exploring future updates to the licensing scheme.

Government Response – Accept

Energy performance policy is the responsibility of the UK Government. However, we will continue to monitor developments in that area, and consider any future potential implications for the licensing system.

Recommendation 13

In advance of the Stage 1 debate, the Cabinet Secretary should confirm whether he intends to bring forward amendments at Stage 2 to in relation to the proposed fire prevention standard in section 9.

Government Response – Accept

As confirmed in my letter of 12 January, and during the general principles debate, I have now tabled such an amendment.

Recommendation 14

The Welsh Revenue Authority should commit to providing regular updates on its work relating to the register and the licensing scheme to a relevant committee of the next Senedd.

Government Response – Noted

The WRA regularly updates the Finance Committee on its work, and I suggest that future updates should cover its work relating to the register and the licensing scheme. The relevant committee will no doubt be confirmed by the next Senedd.

Recommendation 15

In advance of the Stage 1 debate, the Cabinet Secretary should review the additional evidence provided by the Short Term Accommodation Association and confirm the average number of total licences that Rent Smart Wales deals with each year and the time taken to process applications at present. The Cabinet Secretary should also set out any estimate he has made of the length of time it will take to process and issue the estimated 30,000 visitor accommodation licences that will need to be issued in the first year of operating the licensing scheme.

Government Response – Accept

I confirmed in my letter of 12 January that officials were reviewing the additional evidence shared by the Short Term Accommodation Association and that I would follow up in writing with the Committee.

The Short Term Accommodation Association are right to highlight that the number of applications Rent Smart Wales receive year-on-year is lower than will be the case in the initial implementation of the Bill. I would not, however, draw an equivalence between the application processes. The application process for Rent Smart Wales is different to the one in the Bill: their licensing system requires a fit and proper person test for applicants, and also includes agents. Their compliance activity includes large scale agent audits, which are also not a feature of the licensing system proposed in the Bill. These differences result in a significantly different balance of where and how the compliance activity falls for the approximately 200,000 properties subject to the Rent Smart Wales regime, and I do not agree that the number of applications is the same as the number of licences Rent Smart Wales deals with year-on-year.

Officials have discussed plans for licensing with Rent Smart Wales, including processing applications and compliance checking and, where relevant, this has informed the assumptions made about how long it may take to process applications and to check documents which underpin the analysis presented in the Regulatory Impact Assessment for the Bill.

Recommendation 16

The Welsh Government should amend the Bill at Stage 2 to extend the minimum period for which a visitor accommodation licence may be granted.

Government Response – Accept in principle

As confirmed in my letter of 12 January, and during the general principles debate, I have now tabled an amendment which allows for different licence periods.

Recommendation 17

In advance of the Stage 1 debate, the Cabinet Secretary should provide further information to the Senedd about how the provision for complaints in section 22 is expected to work in practice, including how complaints will be assessed and what the practical effect will be of a complaint being upheld

Government Response – Accept

I provided a detailed response to this recommendation in my letter of 12 January.

Recommendation 18

In advance of the Stage 1 debate, the Welsh Government should update the Committee on discussions with local authorities as to their potential role in the enforcement process, and clarify the potential role Visit Wales might play.

Government Response – Accept

I provided a detailed response to this recommendation in my letter of 12 January.

Recommendation 19

The Welsh Government should bring forward an amendment to the Bill at Stage 2 to provide that the regulations made under section 38 will be subject to the Senedd approval procedure.

Government Response – Accept in principle

As I confirmed in my letter of 12 January, and during the general principles debate, I have now tabled such an amendment.

Recommendation 20

In advance of the Stage 1 debate, the Welsh Government should set out in further detail how the provision in section 42 is intended to work in practice, including its justification for the inclusion of 42(4).

Government Response – Accept

I provided a detailed response to this recommendation in my letter of 12 January.

Recommendation 21

In advance of the Stage 1 debate, the Cabinet Secretary should:

- provide an update on discussions with booking platforms / agents regarding the provisions in sections 46 and 47,
- provide further information on the rationale for extending the proposed offence to bodies other than visitor accommodation providers, and
- provide further information on the specific steps that may need to be taken to establish a defence to the proposed offence.

Government Response – Accept

I provided a detailed response to this recommendation in my letter of 12 January.

Recommendation 22

The Welsh Government should consider tabling an amendment to the Bill at Stage 2 to limit the scope of the advertising and marketing offence in section 47 to visitor accommodation providers only.

Government Response – Reject

I responded to this recommendation during the general principles debate on the Bill.

Recommendation 23

In advance of the Stage 1 debate, the Cabinet Secretary should respond to the specific additional evidence received by the Committee.

Government Response – Accept in principle

I confirmed in my letter of 12 January that analysis of the additional evidence provided to the Committee was ongoing and that I would follow up in writing with any additional clarifications or responses required as a result of that analysis.

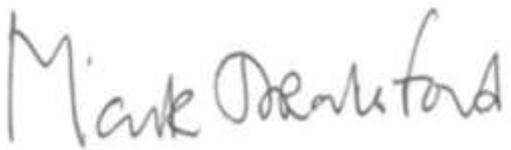
Officials have considered the evidence provided, and where I considered changes were necessary as a result, I have tabled amendments to that effect. We will continue to consider the evidence alongside the Bill throughout Stage 2, and will consider whether further amendments are necessary at Stage 3.

Many of the points raised in the additional evidence were discussed during scrutiny, including the policy intention of the Bill, the general fitness standard, and the way we will support continuity of business during the rollout of the scheme, but check documentation before issuing a licence. I addressed many of these points again in the general principles debate. In particular, I have considered these issues with the visitor in mind. For the scheme to achieve its purpose, we have to be able to reassure visitors that the accommodation they book will meet the standards they expect.

I hope this response is useful, and I look forward to continuing to work constructively with the committee during Stage 2.

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

Yours sincerely,



Mark Drakeford AS/MS

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

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/PO/50/26

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

28 January 2026

Building Safety (Wales) Bill

Dear Mike,

Following my letter of 19 December 2025 in response to the Legislation, Justice and Constitution Committee's recommendations, I am pleased to provide additional information below.

Further to my response to recommendation 5; my officials are continuing to work on a draft definition of storey.

Further to my response to recommendations 6 and 7; I have tabled amendments to limit the scope of sections 14 and 16.

As a result of further consideration, I have tabled an amendment which will limit the scope of section 14 considerably i.e. to sections 8 and 9 only. As I have previously outlined, section 14 is designed to enable key terms to be supplemented, for example, to ensure that more unusual ownership models can be accounted for. Recommendation 6 provided that section 14 should be limited to the matters in sections 14(2)(a) and 14(2)(b). This is largely what the amendment that has now been tabled would achieve, although it also retains scope to make further provision for the purposes of sections 8 and 9.

In light of recommendation 7, my officials have given detailed consideration to how the power in section 16 can be limited. The amendment I am bringing forward would limit the power in section 16 to fewer sections. Further, in respect of sections 2, 3 and 6, the power could only be used for the limited purposes specified in section 16. The power would no longer apply to sections 5, 10, 11 or 14. You will be aware the power in section 16 is proposed to enable amendments to be made to the key terms sections and is not about changing the duties under the Bill. This is an important

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power which ensures that, for example, if issues arise during implementation, or in the future (perhaps with new building designs) amendments can be made so as to ensure the Bill works as intended.

I appreciate that the amendment to section 16 does not go as far as recommendation 7. However, I am wary of eroding this power further, as to do so would risk delay in making any necessary changes i.e. by having to wait for a primary legislation opportunity. A delay could potentially leave some buildings not adequately regulated, impacting on the effectiveness of the safety regime for those buildings.

The section 16 power is not intended to reduce Senedd scrutiny, rather to ensure that timely amendments can be made to certain key terms should this be necessary. The amendment to section 16 is in addition to the amendment I am bringing forward which, if accepted, would subject any regulations under section 16 to an enhanced procedure (recommendation 8).

In light of amendments to sections 14 and 16, I am now able to provide a full response to recommendation 9. To note, the intention is always to avoid overlapping provision where possible, but this is a complex and technical area where specific powers have been included to ensure the regime can accommodate certain niche buildings/ownership models and where broader powers have been included to ensure the regime can react to changes in the built environment and/or unidentified scenarios.

Please find below a list of when two or more powers in the Bill could potentially be used for the same purpose (along with the rationale):

Provision	Provision (if amendment to section 16 is accepted)	Rationale for the power
Section 4(6)	Section 16(1)(d)	The power in section 4(6) can be exercised in relation to particular circumstances. Whilst there is no intention to exercise this power in the short term, it could be used for more unusual ownership models and building designs where it may not be helpful to add detailed technical descriptions to the face of the Bill. The power in section 16 is a power to amend section 4 of the Bill and could be used more broadly e.g. if there are unforeseen consequences of the definition of “independent part”.
Section 12(3) and (4)(e)	Section 16(1)(i)	The power in section 12(3) can be exercised in relation to particular circumstances and the power in section 12(4)(e) is limited to specifying additional things as part of the “structure and exterior”.

		The power in section 16(1)(i) could be used more broadly to amend section 12 e.g. if there are unforeseen consequences/new building designs, etc.
Section 14	Section 16(1)(g) and (h)	<p>The power in section 14 (taking into account the government amendment) is limited to making further provision for the purposes of sections 8 and 9 including the provision in subsection (2). This is intended to be used for more unusual ownership models e.g. criss-cross leases where all parts of a building are in the demise of one or other residential unit.</p> <p>There are no current plans to use the powers in section 16(1)(g) and (h), but those powers could amend sections 8 and 9, for example if there are unintended consequences from the current definitions that only emerge during implementation.</p>
Section 67(3)(d)	Section 67(8)	The power in section 67(3)(d) is limited to making regulations to exclude HMOs of a particular description from the definition of “relevant HMO”. The power in section 67(8) is broader.

Please find below an analysis of the Henry VIII powers that will be included in the Bill, if my amendments are agreed. I believe these powers to be necessary, reasonable and proportionate.

Power	Why the power is necessary, reasonable and proportionate
Section 16(1) (power to amend sections 2, 3, 4, 6, 7, 8, 9, 12 and 13 and Schedule 1 (some for limited purposes only)).	<p>This regulation-making power is necessary to enable the Bill to be amended to respond to evidence of new and emerging issues and to ensure that the regime can be adapted to respond to such issues. It will also enable amendments to be made e.g. to account for new ownership models or building design. Like most of the other powers in Part 1 there is no current intention to use them. This power is distinct from those other powers as it will enable wider changes to be made, whilst the other powers in Part 1 are generally only to be used to deal with particular circumstances.</p> <p>An enhanced procedure is proposed to apply to this power (to respond to recommendation 8) and the regulations will be subject to the Senedd approval procedure which will allow additional Senedd scrutiny. In addition, there is a duty to</p>

	<p>consult each building safety authority, each fire safety authority and such other persons as the Welsh Ministers consider appropriate.</p> <p>The regulations do not amend any of the duties in the Bill. On balance, the regulation-making power is considered to be reasonable and proportionate.</p>
<p>Section 27(2) (to modify the definition of “building safety risk”)</p>	<p>This is distinct from any other power in the Bill.</p> <p>The Bill is aimed at ensuring that building safety risks are properly assessed and managed. How the risks are assessed and managed, that is, the duties we place on the principle accountable person and accountable persons, and the enforcement of those duties are at the core of this Bill. The Bill is intended to ensure the safety of people in or about regulated buildings by making sure that someone is held accountable for that.</p> <p>The regulation-making power is necessary as new evidence may emerge that there are risks other than fire and structural safety risks that, if not assessed and managed, may result in a risk to the safety of people in or about a regulated building. For example, this could be a risk arising from climate change, such as flooding.</p> <p>In response to recommendation 9 I have tabled an amendment which, if agreed, will apply an enhanced procedure to regulations under section 27(2).</p>
<p>Section 41(9) (amend the period of time when a further building certificate application must be made – to change from 5 years).</p>	<p>This is distinct from any other power in the Bill.</p> <p>The regulation-making power is necessary to allow flexibility to decrease or increase the five-year period depending on any emerging evidence about building safety risks.</p> <p>The regulation-making power is reasonable and proportionate because new evidence may emerge indicating that this timeframe should be changed. The scope of the regulation-making power is limited to only adjusting the time period.</p>
<p>Section 56(4) (amend list of “reviewable</p>	<p>This is distinct from any other power in the Bill.</p>

<p>decisions” and meaning of “affected person”)</p>	<p>This regulation-making power is necessary to provide flexibility to change the list of decisions of a building safety authority that may be reviewed on request and that may subsequently be appealed to the residential property tribunal. It also allows for a change in the description of persons who may request a review and appeal.</p> <p>The regulation-making power is reasonable and proportionate as it allows for amendments to be made if, in the light of the experience of implementation, it appears appropriate that additional or different decisions should be able to be reviewed and appealed, or that additional or different types of people who are affected by decisions should be able to request reviews and appeals. It is deemed appropriate for this type of amendments to be made via regulations.</p>
<p>Section 62 (new section 30IC of LTA1985 – meaning of building safety measure) – can amend subsections (2), (3) or (4) to amend “building safety measure”.</p>	<p>This is distinct from any other power in the Bill.</p> <p>The regulation-making power in this section is necessary in order to allow the Welsh Ministers to amend the definition of a building safety measure, should it appear in future that the definition should be amended. It may be necessary to amend the meaning of building safety measure if, for example, it is considered that the cost of compliance by accountable persons with additional duties should be recoverable though variable service charges payable under certain types of lease. A regulation-making power will enable this flexibility.</p> <p>The regulation-making power is reasonable and proportionate as it is limited to adding, removing or modifying the definition of a building safety measure. It is therefore considered appropriate for these changes to be made by secondary legislation.</p>
<p>Section 64 (new section 20FA of LTA1985 – limitation of variable service charges: excluded costs for regulated buildings). Can amend the definition of</p>	<p>This is distinct from any other power in the Bill.</p> <p>The regulation-making power in subsection (5) allows the Welsh Ministers to amend the definition of “excluded costs” in subsection (3) by adding, removing or modifying a description of excluded costs.</p> <p>The regulation-making power in subsection (5) is necessary to allow the Welsh Ministers to amend the definition of “excluded costs” should it appear that the definition should be amended.</p>

<p>“excluded costs” in new section 20FA.</p>	<p>This is to ensure that the liability for costs is passed on through service charges appropriately and that, for example, costs incurred by an accountable person because certain enforcement action has been taken against them is not recoverable through a service charge. A regulation-making power will enable this flexibility.</p> <p>The regulation-making power is reasonable and proportionate as it is limited to adding, removing or modifying the definition of “excluded costs”. It is therefore considered appropriate for these changes to be made by secondary legislation.</p>
<p>Section 67(8) (meaning of relevant HMO) power to amend section 67.</p>	<p>This is distinct from any other power in the Bill.</p> <p>The regulation-making power enables section 67 to be amended, for example to enable the meaning of ‘HMO’ for the Bill to be brought in line with changes outside of the Part 2 regime. This power provides the flexibility going forward.</p>
<p>Section 86(7) (appeal against prohibition notice) power in section 86(7) to amend who can appeal against a prohibition notice.</p>	<p>This is distinct from any other power in the Bill.</p> <p>The regulation-making power in section 86(7) is necessary in order to amend the list of persons in subsection (2). An example of when this may be necessary is, for instance, where a new entity that has an interest in regulating building safety is created, or if such an interest arose out of a new form of housing tenure. These regulations may be needed in light of future wider policy or legislative change, including new information obtained during implementation and subsequently. This regulation-making power provides flexibility should there be a need to amend this list in future. For example, if the meaning of building safety risk is modified using powers in section 27(2), then there may be other persons that have an interest in the management of that type of risk, that may need to be added to this list.</p> <p>The amendments are likely to be technical in nature, and it is therefore considered reasonable and appropriate for these changes to be made by secondary legislation.</p>
<p>Section 112(3) (consequential and transitional etc. provision).</p>	<p>This regulation-making power is necessary to ensure that incidental, supplementary, consequential, transitional and saving provision, including amendments to legislation, can be made to ensure that the Bill works together with other laws.</p>

<p>Paragraph 21(3) of Schedule 2 (Welsh Ministers can amend paragraph 21 to change the meaning of “interested person” – who is someone who must, for example, be given certain information about Special Measures Orders).</p>	<p>This regulation making-power is necessary to provide flexibility should there be a need to amend this list in future. For example, if the meaning of building safety risk is modified using powers in section 27(2), then there may be other persons that have an interest in the management of that type of risk, that would need to be added to this list.</p> <p>The amendments are likely to be technical in nature, and it is therefore considered reasonable and appropriate for these changes to be made by secondary legislation.</p>
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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



Our Ref: JB/PO/51/26

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

28 January 2026

Building Safety (Wales) Bill

Dear Peredur,

Following my letter of 19 December 2025 in response to the Finance Committee's recommendations, I am pleased to provide additional information below.

Further to my response to recommendation 3, I said I would write to you with information on the funding allocated to local authorities, along with an explanation of activities that the funding can be used to deliver.

£410,000 has been awarded to 13 local authorities in this financial year to begin preparatory work for the new regulatory functions under the Bill.

The funding may be used to prepare for the forthcoming building safety authority functions or delegation of those functions, including:

- a. Identifying relevant skills gaps within the local authority,
- b. Activities aimed at addressing relevant skills gaps,
- c. Provision of relevant learning and development opportunities for staff,
- d. Activities aimed at supporting effective joint working between the future enforcing authorities under the Bill,
- e. Other activities to assist the local authority in preparing to take on the functions of the building safety authority,
- f. Any work undertaken with the Welsh Government to prepare for implementation of the Bill (for example, to support the costs or workforce workstreams).

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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.

As the Bill will be implemented in a phased manner, we have determined that funding for the current financial year should be prioritised for those local authorities with Category 1 buildings.

For this tranche of funding, 13 local authorities are eligible, as indicated in Annex 1. We have allocated a baseline of £20,000 for each local authority, with the remaining funding being allocated based on the proportion of Category 1 buildings in each authority area.

We have asked local authorities to provide reports setting out how this funding has been utilised by 31 March and I will ask officials to provide a further update once those reports have been received.

Further to my response to recommendation 6, I undertook to provide an update on the costs workstream.

We began to test the initial assumptions underpinning the Regulatory Impact Assessment (RIA) with local authorities in January 2025. Then in the summer of 2025, I wrote to all local authorities about our plans to establish a costs workstream to build on the work we had already undertaken for the RIA. That workstream met for the first time in September and has been attended by a number of local authorities along with representatives of the WLGA. The group has met monthly, and there have been additional meetings held to focus on progressing specific aspects of the work. This work will contribute to updates to key elements of the RIA, including the transitional costs and costs relating to the building certificate function and enforcement. Overall, this has resulted in an increase to the 10-year PV cost estimate for the building safety authorities of approximately £2m, with the majority of the changes relating to enforcement in Category 1 buildings and transitional costs. The updated cost estimate will be included when I issue a revised RIA after Stage 2.

The work to date on this has been extremely valuable, and I would like to put on record my thanks to the local authorities that have engaged with us in this endeavour. But there is more to do. The costs workstream will be continuing its work to review and develop the cost analysis, which will include ensuring that it reflects the discussions we are having with local authorities about the identification of a host authority for each of the three building safety authority regions.

I hope this information is helpful.

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 style with a large, stylized initial 'J'.

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

Annex 1: Allocations for Transitional Funding 2025-26

Local Authority	Cat 1 buildings	Total
Cardiff Council	99	£102,500
Conwy County Borough Council	1	£20,833
Flintshire County Council	3	£22,500
Gwynedd Council	4	£23,333
Isle of Anglesey County Council	3	£22,500
Merthyr Tydfil County Borough Council	1	£20,833
Neath Port Talbot Council	8	£26,667
Newport City Council	7	£25,833
Pembrokeshire County Council	1	£20,833
Swansea Council	42	£55,000
Torfaen County Borough Council	3	£22,500
Vale of Glamorgan Council	6	£25,000
Wrexham County Borough Council	2	£21,667



Our Ref: JB/PO/49/26

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

28 January 2026

Building Safety (Wales) Bill

Dear John,

Further to my letter of 19 December 2025 in response to the Local Government and Housing Committee's recommendations, and your subsequent reply, I am pleased to provide additional information in response to recommendations 8 and 9.

With regard to recommendation 8, I note the Committee's comments. This matter is also the subject of several Stage 2 amendments tabled by Joel James. I will have more to say when the Committee considers those amendments on Thursday, including about the possibility of Government amendments at Stage 3.

With regard to recommendation 9, we are planning for a phased commencement of the new building safety regime which recognises the broader building safety environment and the need to support stakeholders through implementation. Given the large number of in-scope buildings in Category 3, we are currently planning for duties to commence in 2028, which will allow local authorities and duty-holders to acclimatise and adjust to the new regime.

We are expecting the transition to Category 3 to be relatively smooth for duty-holders, given that Category 3 buildings are already subject to fire safety duties under the Fire Safety Order, including the need to have fire risk assessments. However, the new fire safety duties we are introducing will be fit for residential buildings. The other duties we are introducing for Category 3 buildings relate to engagement with residents and resident complaints. Whilst these are new duties, they represent good practice that we would expect landlords and building owners should be already doing.

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I am copying this letter to the Chair of the Finance 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 style with a large, stylized 'J' and 'B'.

Jayne Bryant AS/MS

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

Agenda Item 8.6

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

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

Ein cyf/Our ref: HID-PO-055-26

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

28 January 2026

Dear Mike,

Thank you for your letter on the draft budget. We trust that the following will support your scrutiny of the proposals for the next financial year.

We have previously noted the Committee's desire for more in-depth information on justice spending, and agree that this could in principle be useful for developing policy in Wales. As our previous response to the Committee set out, however, there are significant structural factors that have prevented us providing this so far. These factors are still in place and not within the Welsh Government's gift to resolve. It is our hope that further devolution of justice will enable some of these structural barriers to be dismantled.

In the meantime, we are concentrating on strengthening the evidence base for justice in Wales. There has been real progress on this. The Justice Research Programme is making progress on opportunities to maximise the efficiency and value of funding for youth justice and establishing capacity and capability requirements for delivering a devolved youth justice system. As the Committee knows, the Ministry of Justice has also recently put out a first Wales statistical release, after sustained work by the Wales Governance Centre and work within Welsh Government and the MoJ. This is a positive step towards a better understanding of the actual impact of the justice system in Wales.

We understand that the Senedd Commission have commissioned Dr Robert Jones from the Wales Governance Centre to explore progress on, and the potential barriers to, implementing the recommendations of the Thomas Commission. He has met with our officials, who are providing him with the information he has requested. We anticipate that this report would also support your scrutiny of Welsh Government's justice spending.

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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.

In light of this and the other content of this letter, we would strongly disagree that justice has deprioritised. Instead, we would characterise the work programme as being more targeted and focused on areas of greatest impact within the limited available resource.

Devolution

We are continuing to hold in-depth discussions with the UK Government on the devolution of youth justice. As a first step, we are seeking the devolution of funding for youth justice services, and alignment of the oversight and governance arrangements (including some functions of the Youth Justice Board). We have also engaged with local government on these proposals, with support received from council leaders for changes.

We have also continued to discuss with HM Prison and Probation Service (HMPPS) the potential content of an MoU on probation services. A report is expected shortly from the Wales Centre for Public Policy (WCPP). We have seconded operational expertise from HMPPS to ensure that the MoU reflects the practical reality of service delivery. A work programme is being established to bring together key stakeholders and potential signatories, with a view to establishing potential content based on what would most effectively support greater local autonomy and service collaboration. We are aiming for a high-level agreement on the content of the MoU before the next election.

We are also actively considering the future governance arrangements for policing in Wales, in the light of the forthcoming abolition of Police and Crime Commissioners and other potential reforms to police landscapes. The Welsh Government's long stated position is that policing should be devolved in its entirety. At a minimum, we have said that functions which are currently exercised in Wales by PCCs should remain within Wales. The Home Office has acknowledged that the proposals for England are unsuitable for Wales and have been open to alternative models. We are working in partnership with PCCs and WLGA to develop potential governance models for Wales.

We have committed to keep the Committee informed on transfers and impacts on budgets, but these discussions are running in parallel with the budget process. These discussions have therefore not reached a point where we could inform LJCC of anything meaningful. If we are successful in negotiating the transfer of elements of youth justice funding for April 2026, LJCC will be informed in writing of the amounts to be transferred from MoJ and the mechanisms by which they are to be distributed at the earliest opportunity.

In advance of these discussions reaching fruition, the devolution element of the justice transformation budget is being spent on staff expertise and research to strengthen WG justice functions and to enable the effective delivery of devolved functions as well as progress negotiations. This work also supports greater bridging between devolved services and non-devolved justice functions.

Tribunals

The Welsh Tribunals have seen extensive policy development work. Resources were briefly diverted from the Tribunals Bill to the Mental Health Review Tribunal for Wales (Membership) Act, which the Senedd agreed to treat as a government Emergency Bill. This Act received Royal Assent on 21 January and came into force the following day.

The objective of the Tribunals Bill remains reform of the system of devolved tribunals to create a new coherent and unified structure for their more effective and efficient operation over the long-term. We are working to prepare a draft of the Bill for the government in the seventh Senedd to consider for introduction. Some of the additional resource budget has been

allocated to a dedicated Bill implementation and tribunal reform team, which will include specialist ICT expertise both to support the introduction of the new case management system and to prepare the ground for tribunals reform. Appointments are anticipated in spring 2026.

Monitoring the tribunal service budget is a collaborative process involving the President of Welsh Tribunals, the Counsel General and Minister for Delivery and officials as appropriate. That process is ongoing and aims to ensure resources can be aligned to operational needs both now and as the Tribunals Bill is progressed in the seventh Senedd.

Finally, the Committee's view on the budget position for the accessibility of Welsh law is once again noted.

Thank you for writing to us on this important matter. I hope you find this response helpful.

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



Julie James AS/MS

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

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

Julie James MS
Counsel General and Minister for Delivery
Welsh Government

12 December 2025

Dear both,

The Welsh Government's Draft Budget 2026-27 - Justice

We note your [letter](#) of 17 November 2025, providing further information about the Welsh Government's draft budget plans for justice, to support the aims of advancing the devolution of justice and reforming the Welsh Tribunals.

Please find the Committee's observations on your response below.

Overall Justice budget

The Committee remains disappointed with the information received on justice-related spending, which, as with last year's budget, remains less comprehensive than in previous years. Whilst we acknowledge the issues posed by disaggregating the figures, we feel that there is insufficient information available to allow us to meaningfully scrutinise the allocation in this crucial field.

In our [report](#) on the Draft Budget for 2025-26, we recommended that the Welsh Government should "set out the work it has undertaken to date to explore the ways in which it can improve the level of information it provides about expenditure on justice-related activity, and the work it intends to take in the future in this area".

In your [response](#), you accepted the recommendation and provided some information.

It is regrettable that there does not appear to have been much in the way of progress such that your position appears to remain unchanged, with very little by way of granular information provided. We hope that this position will change in future in the interests of openness and transparency.

Our disappointment at the approach being adopted to identifying spending on justice-related activity was noted in the Committee's [Annual Report for 2024/25](#).

Delivering Justice for Wales

We welcome the additional details provided on programmes being delivered in relation to this programme. We note that there is no planned joint justice spending with the Ministry of Justice for 2026-27.

The Welsh Tribunals

We note the modest additional revenue funding allocated to the Welsh Tribunals service, along with the £350k of capital funding for a new case management system, as well as the revenue funding to support this transition. The President of the Welsh Tribunals **told** the Committee earlier this week that he was "delighted" with the funding for a case management system and noted it would provide the service with the means to:

" (...) monitor our work, to deal with our work more efficiently, and also to obtain data that would enable us, going forward, to have a much better handle on our work and how best it can be dealt with."

The Committee has raised concerns about the delay in presenting a Bill to reform the Welsh Tribunals service, a Bill which the President of the Tribunals describes as "vital to the progress of an efficient and effective justice system in Wales". In our evidence session he told us that the delay was unfortunate and it is unclear to us how allocations in the Draft Budget are helping the Welsh Tribunals prepare for any future reform.

Accessibility of Welsh law

As with our overall point on the disaggregation of the Justice budget, we are disappointed that you have not provided further information on allocations to support the aim of improving the accessibility of Welsh law. In our report on the Draft Budget for 2025-26, we asked for an explanation about the lack of details on the planned spending in this area, which was provided. It's regrettable that we're again in the same position.

Conclusion

In our Annual Report for 2024/25 we expressed disappointment that it appears that the Welsh Government has deprioritised work on justice matters in the last 12 months.

The approach we believe the Welsh Government is now taking in relation to identifying spending on justice-related matters is symptomatic of that de-prioritisation we have identified.

The Welsh Government should reflect on its approach to disaggregating spending on justice, as there is insufficient information available to the Committee to support meaningful scrutiny on this important policy area.

We would welcome a response to this letter by 28 January 2026.

I am copying this letter to Peredur Griffiths MS, Chair of the Finance Committee.

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

**Legislation, Justice and
Constitution Committee**

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

28 January 2026

Dear Jane

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

Yesterday, we laid our report on the second Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Terminally Ill Adults (End of Life) Bill. It makes 13 recommendations and requests a response to the report by Wednesday 11 February 2026.

Our report references the new date for the debate on the relevant legislative consent motion, namely 24 February 2026. However, in light of the recommendations in the report and our belief that further clarity is required about what the Senedd is being asked to consent to, we believe that a debate on the relevant motion should be delayed until as late as possible in March. This is particularly important given that a large volume of amendments that could have regard to devolved matters may still need to be considered after 24 February in the House of Lords.

I would be grateful if you could give this request serious consideration. I look forward to hearing from you in due course.

I am copying this letter to the Llywydd as Chair of the Business Committee, Peter Fox MS, Chair of the Health and Social Care Committee and Jeremy Miles MS, Cabinet Secretary for Health and Social Care.

Yours sincerely,



Mike Hedges
Chair

Agenda Item 11

Email correspondence from Home Ed Cymru to the Legislation, Justice and Constitution Committee

Email dated 25 January 2026

Dear Members of the LJCC,

We write to you in your capacity as members of the LJCC ahead of your meeting on 26th January where a supplementary LCM on the amendments to the Children's Wellbeing and Schools Bill will be discussed.

The LJCC have previously criticised the process of "*piggybacking*" (to quote the Attorney General and LJCC discussions) onto what was designed as an England-only Bill, and pointed out that Wales has the legislative capacity to do its own thing instead on this devolved issue.

The LJCC have previously elicited that Wales did not have an input into the development of the Bill and that the Welsh Education Secretary had asked for these key clauses such as the CNIS section to apply to Wales without even knowing the actual content^[1].

These last-minute amendments have come from Westminster not from Wales, making the Bill even more complex and controversial.

Some of the amendments give a degree of acknowledgement of how **unworkable and unreasonable even the DfE at Westminster realise aspects of the Bill to be.**

Others take the Bill into **even more controversial and questionable areas, without accountability for when such unprecedented powers misused.**

These amendments take the Bill into even more complex and controversial territory, make it **even more incongruous with our existing and distinct approaches in Wales to education and the wellbeing of children.** In Wales, we have our own approaches to and legislation on social care and ALNs in Wales, our own approaches to education, our own approaches to wellbeing including physical chastisement of children compared to England.

Just because Westminster had said this bill will safeguard children, we can't assume that, with a myriad of professionals, experts and those with lived experience all raising many wide-ranging concerns on how this Bill will risk harm to children rather than protect them.

Since the concept of Wales being "*piggybacked*" onto this Bill was first brought to the attention of the LJCC, there have been further developments, including more information is available that question the lawfulness and the safety of this Bill.

There are far too many to even begin to explore there.

For example,

- 4 King's Counsel opinions citing likely unlawfulness in a range of areas of the CWS Bill ^[2], with crowd-funded legal action likely against any nation seeking to implement these.
- The comments of the British Association of Social Workers^[3] openly criticising key areas of the Bill for damaging the safety of children rather than protecting,
- Or this Open letter signed by many experts in child protection, education and social work (including the Victoria Climbié Association)^[4], amongst other sources analysing the many concerns.
- Concerns about the process of the application of the Bill to Wales,^[5]
- Additional concerns about the inadequacy of true scrutiny at Westminster, including criticisms that Westminster's risk assessments released since we last discussed the CWS Bill are not fit for purpose^[6].
- Information on how some Welsh LAs already would appear to misuse existing powers ^[7].
- How children with Additional Learning needs would be particularly negatively impacted by the measures in these key clauses of the Bill^[8].
- That these clauses of the Bill are poorly drafted, being both highly complex yet ambiguous, with so many unfilled gaps and raising unanswered questions and issues ^[9]
- That the principal policy of the CNIS clauses of the Bill of mandatory registration for home educators is in direct contradiction to Welsh government previously stating in the Senedd that mandatory registration would be harmful to the wellbeing of children, a view echoed by analysis of data control issues elsewhere^[10]. Indeed, the CWS Bill goes way beyond just registration but mandates extensive databases and tracking which would only heighten the causes for concerns given by Welsh Government at that time.
- Far too many areas of concern and criticism of this Bill have been raised since last discussed at committee to be able to begin to consider here.

The overwhelming effect of these amendments is to extend powers and remits way beyond those already given here.

Without any powers of mechanisms for accountability

- No independent complaints, appeals, arbitration, mediation or tribunal mechanisms or services. No support for parents who have to defend themselves in court if they believe the council have wrongly issued a SAO.
- No support for parents living with the consequences of wrong decisions or overstepping by council staff.
- When there is objective evidence as well as many personal accounts of how LAs in Wales misuse existing powers ^[11]

· Yet this is a Bill that threatens extensive fines and even imprisonment of parents for trying to do the right thing for their children if council staff have differing approaches or ideas.

Note the assumption, repeated in these amendments, that existing resources would be used, **no additional financial resources to be provided**, let alone no evaluation of the costs to families if and when powers are used wrongly.

Just some of the concerns relating to these amendments include:

- The amendments, as the Bill itself, sadly reflect institutionalised bias that the state provision is superior to and more trustworthy than that of parents, as well as steps towards corporate parenting without just cause.
- Amendment 121B would give **leverage to estranged and abusive partners** over decisions about the child's education, even if they have no day-to-day contact or responsibilities in relation to the child.
- Amendment 121A would **enshrine discrimination against disabled children**, by placing consent for educational placement in the hands of local authorities, on no basis other than their disability. It would also have this effect for any child who has been investigated by children's social care in the past, regardless of whether any risk was revealed or whether the referral was found to be malicious. This is against presumption of innocence and will curtail parental responsibility for hundreds of thousands of children who are not actually at risk.
- Amendment 131A would similarly subject disabled children and children with any history of investigation by social care to infringements on their right to a private life. This represents an astonishing departure from democratic norms, where people have an expectation of privacy when there is no reasonable suspicion of wrongdoing.
- Increasing the extensive circumstances for automatic state obstruction of parents choosing how to educate their children by deregistering them from school is dangerous. **Keeping children in school when it is not suitable for them is dangerous. Around 12-18% of child suicides are linked to school related issues.**
- **Incompatibility with legislation that parents are responsible for their children. When parents realise that the education or mental health needs of their child are not being met it is vital that they be able to act immediately.** Indeed, parents would be failing in their lawful duty to ensure their children receive a suitable education, as well as their duty to safeguard their child and protect their wellbeing if they do NOT act to remove their child from such circumstances. If investigations are required, they should come alongside any such parental steps to safeguard their child whilst the parent has parental responsibility, and be based on reasonable concerns, not blanket

prejudice. Strong powers already exist to act in the most serious and urgent of situations of concerns about a child's welfare.

- **Prevention of deregistration** strays into very difficult and contentious challenges legally, as would any attempt at **coercion of family choices** by insisting on **mandatory meetings before deregistration**, including during any pilot phase.

There are so many indications, including in the added complexities of the last-minute amendments, why we **cannot persist with attempting to push the square peg of what was designed as an England-only bill into the round hole of what would be workable and suitable for the children of Wales.**

The children of Wales deserve better, and we at the Senedd have the power to deliver that.

The recommendation of the LJCC should be that we have now evaluated the need for a Wellbeing for Wales Wales-specific approach to these issues instead of seeking to work with clauses and amendments of what was designed of an England only Bill.

When it comes to these clauses of the CWS Bill, amended or otherwise, we in Wales can and should have our own approach to the wellbeing of children - and do it better.

We look to the LJCC to help ensure that.

Kind regards,

Home Ed Cymru

A National Platform for Welsh Home Educators and Families.

^[1] <https://laiddocuments.senedd.wales/cr-ld17421-en.pdf>

^[2] Four KC opinions citing areas of the CWS Bill considered unlawful:

https://drive.google.com/file/d/12n3zogqiVJZ6aRaJR2Fjh4m41yOE2uqq/view?fbclid=IwY2xjawMkHJRleHRuA2FibQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR5fDrVHZZMXGNctLUywlWkt-M9cgpsKCDpUD5NTi5MpjawC3_836D4ZYwckg_aem_p5qK-L0smu1OrVV01QVEtQ

https://bills.parliament.uk/publications/58251/documents/5806?fbclid=IwY2xjawMkHLRleHRuA2FibQIxMABicmlkETBDMWZsSHlaTkkyYldMSm5QAR5XNYxTafADH3K1LakYj3M6QuPdiXFvovUIQ84EILVN8n4xiCFdvfsNUA5RcQ_aem_ru0_D0m49DzG_KSc23QpYg

<https://www.christian.org.uk/wp-content/uploads/Aidan-ONeill-KC-legal-opinion-re-Childrens-Wellbeing-and-Schools-Bill.pdf?fbclid=IwY2xjawMkHXNleHRuA2FibQIxMABicmlkETBDMWZsSHlaTkkyYld>

[MSm5QAR5- I9Xzuq0D-ypisUsVNeo6rd IOVENb8KtxbWzaxghWGEmp7u7aB4QFDtg_aem_OvNOGONxiA2Cne-DNAkUKQ](https://britishrabbinicalunion.substack.com/p/hand-delivered-constitutional-appeal?utm_source=post-email-title&publication_id=2247224&post_id=163458379&utm_campaign=email-post-title&isFreemail=true&r=24vy5a&triedRedirect=true&utm_medium=email&fbclid=IwY2xjawMkHV5leHRuA2FlbQlXMAbicmlkETBDMWZsSHlaTkkyYldMSm5QAR6BeXW7gZpJifj00D1NS4ael0n84EEvG5dxBAcKClIGKZ-wYGfymIB8L0dmFg_aem_rr3t49x_Y0CAQRBHhroZlq)

https://britishrabbinicalunion.substack.com/p/hand-delivered-constitutional-appeal?utm_source=post-email-title&publication_id=2247224&post_id=163458379&utm_campaign=email-post-title&isFreemail=true&r=24vy5a&triedRedirect=true&utm_medium=email&fbclid=IwY2xjawMkHV5leHRuA2FlbQlXMAbicmlkETBDMWZsSHlaTkkyYldMSm5QAR6BeXW7gZpJifj00D1NS4ael0n84EEvG5dxBAcKClIGKZ-wYGfymIB8L0dmFg_aem_rr3t49x_Y0CAQRBHhroZlq

[3] Statement by **BASW – British Association of Social Workers** citing significant concerns and criticisms,-

<https://basw.co.uk/childrens-wellbeing-and-schools-bill-updates>

[4] <https://rightsforchildren.uk/open-letter-on-schools-bill/>

(The UIN aspects of the Bill have not been requested to apply to Wales, but the CNIS sections have).

[5] On the “piggybacking” onto an England only Bill

<https://homeeducationaction.substack.com/p/welsh-governments-decision-to-piggy?triedRedirect=true>

[6] How the English impact assessments at Westminster are not fit for purpose:

<https://defenddigitalme.org/2025/02/07/impact-assessment-and-scrutiny-not-fit-for-purpose-the-childrens-wellbeing-and-schools-bill-so-far/>

[7] <https://educationalfreedom.org.uk/home-education-data-and-our-findings-las-still-abusing-their-powers/>

[8] https://learnwithoutlimitsic.blogspot.com/2026/01/when-everyone-is-acting-rationally-and.html?fbclid=IwY2xjawPi3XZleHRuA2FlbQlXMAbicmlkETE2Znlod3FXc0ZhaVFzbIY4c3J0YwZhcHBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHkPnTLBFHQYbJ-11UCQRVv4LeBy6bhiRAIwxFZ9BiPNovvFcYbq4nWcT5X3a_aem_wyOx8vtrU1ELpYEu4WVwew&m=1

[9] Briefing note on the dangers to children’s safety and wellbeing in this bill:

<https://rightsforchildren.uk/cws-briefing-september/>

[10] How the process of registration as proposed is not protective

<https://defenddigitalme.org/wp-content/uploads/2026/01/Defend-Digital-Me-Briefing-Childrens-Wellbeing-and-Schools-Bill-01012026.pdf>

[11] <https://educationalfreedom.org.uk/home-education-data-and-our-findings-las-still-abusing-their-powers/>



Education Otherwise Association

Helpline: 0300 1245690

Website: educationotherwise.org

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25th January 2026

To the Legislation, Justice and Constitution Committee,

Dear Sirs,

Ref: Children's Wellbeing and Schools Bill

Supplementary LCM CWS Bill on agenda for LJCC 26/01/26

I write on behalf of our members and service users living and home educating their children in Wales in respect of the above Bill. The Bill is due for consideration at a supplementary LJCC on 26th January. We ask that legislative consent be withheld whilst the serious flaws on these amendments are fully considered.

The below extracts are from Ms Neagle's communication to the committee of 16th January 2026.

Clause 31 - Local authority consent for withdrawal of certain children from school (iv) Amendment 120 expands the criteria under Clause 31 for LAs to provide consent for certain children to be removed from school. In addition to children who are currently subject to Section 47 enquiries or a child protection order, the LA consent provision will include children who have been subject to a child protection plan within the last 5 years.

The original inclusion of consent being required for children undergoing Children Act s47 assessment is excessive as 78% of children* for whom the investigation does not end in a child protection plan, which parents would have their family rights to choose the education for their child removed without good cause.

The Minister has filed these amendments after debate stage in the Lords and at the last hour, which would extend this requirement for consent to any child who has been subject to any 'action' under the Children Act s47 (Child Protection Plan) within the prior five years. This amendment is ill considered as it would bring numerous families into an already too wide net which is neither necessary nor proportionate. These would include, by way of example, any family of a child adopted within the previous five years and families who have fled domestic abuse and had a temporary period of upheaval which



required a short term CPP in order to garner emergency support for the family and families of mothers. Thees 'unintended consequences' need to be fully considered.

*(Gov.UK 2024 'Explore Education Statistics, Reporting year 2024 Children in need' [Online] Available from: <https://explore-education-statistics.service.gov.uk/find-statistics/children-in-need>)

(v) Under Clause 31 there is a new duty and requirement for a pilot scheme to be established across a number of local authorities in Wales (no more than 30%), which will require parents who wish to withdraw their children from school, to attend a mandatory meeting with the LA before the child can be deregistered from school (amendment 125). Amendments provide for regulations to make pilot schemes Regulations may also extend the provisions to all local authorities, following the end of the pilot scheme and a consultation. As currently drafted, the Bill does not confirm a procedure for the Regulations for Wales. A further amendment has been requested for these to be made via the Senedd approval procedure.

A scheme is not a 'pilot' scheme when it covers such a high number of local authority areas. Furthermore, local authority staff are already stretched to deal with their current duties and the resourcing implications of such a mandatory meeting (with the child remaining on roll until it is held) will cause unwarranted delay to removal. This refusal to remove from the school roll until a meeting is held introduces a restriction on parents exercising their legal responsibility which is disproportionate. Resource implications need to be fully considered.

(viii) Amendment 131 places a new duty on local authorities under Clause 32 to consider where the child lives and their education setting within 15 days of the child being registered on the CNIS register. The local authority can request a home visit at the point of CNIS registration. If a home visit is declined the local authority must consider the refusal as a relevant factor in serving a preliminary notice for a school attendance order under section 436H. Amendment 134 ensures that the register will include any additional address at which the child lives.

The stated purpose of this amendment is to visit the child in the child's home in order to assess the home environment. No other nation provides for a home educated child to be



seen in the home. Furthermore, this would specifically cause alarm and distress to many children with SEN and to those from ethnic backgrounds in which the home is culturally not visited by strangers.

Education officers are also not qualified to assess a child's home other than in layman's terms for general size and surface condition. The former will have Equality Act implications for traditional GRT families, boat people and those living in small, local authority housing.

This is in effect, a mandatory requirement for a meeting with all home educated children as refusal leads to a formal notice to satisfy. This issue has already been tested in Wales in respect of guidance, by Judicial review, which Judicial review was withdrawn on the basis of Welsh Government making clear in its guidance that each case must be considered individually. Furthermore, four separate organisations have obtained advice from Counsel that introducing such a clause would be good cause for judicial review being brought. Further consideration needs to be given to the implications of this amendment before it is accepted in Wales.

Ms Neagle writes '**There are no financial implications for Wales in relation to these clauses, either for the Welsh Government or for Local Authorities other than in respect of administration costs.**' It is simply not credible that the introduction of mandatory meetings prior to removal from the school roll or the introduction of , in effect, mandatory home meetings with the child, will not have significant cost implications. Nationally, local authority staff already report being stretched to their limits and at a loss to understand how they can conceivably undertake these extra duties without additional, high level resourcing, which resourcing is a further burden on the tax payer. A full and robust assessment of cost implications needs to be carried out.

We ask that the committee withhold acceptance until the above matters have been fully considered.

Yours faithfully

Wendy Charles-Warner. For Education Otherwise

LEGISLATIVE CONSENT MEMORANDUM

Medical Training (Prioritisation) Bill

1. This legislative consent memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru¹ if a UK Parliamentary Bill makes provision in relation to Wales that has regards to devolved matters.
2. The Medical Training (Prioritisation) Bill (“the Bill”) was introduced in the House of Commons on 13 January 2026. The Bill can be found at: <https://bills.parliament.uk/bills/4062/publications>

Policy Objectives

3. The policy objectives are to introduce a system of prioritisation for the allocation of medical training places. The primary objective of the Bill is to introduce a statutory, UK-wide prioritisation framework for allocating places on the UK Foundation Programme (UKFP) and specialty medical training programmes. The Bill seeks to ensure that UK medical graduates and certain other categories of applicants are offered training places ahead of all other [eligible] applicants in periods of oversubscription. Overall, the Bill’s intent is to protect training places for UK-educated doctors and to manage oversubscription by legally defining who must be offered training places first, while keeping flexibility for future workforce changes or international obligations.
4. The policy intent is to allow for the following:
 - a) To introduce a statutory, UK-wide prioritisation framework for allocating places on the UK Foundation Programme (UKFP) and specialty medical training programmes.
 - b) For medical foundation training, graduates of UK medical schools and Republic of Ireland medical schools are prioritised for places, along with others in a priority group - those with a primary medical qualification from an institution in Norway, Iceland, Liechtenstein or Switzerland – in line with existing international agreements.
 - c) For medical specialty training posts starting in 2026, prioritisation of graduates of UK medical schools. others in the priority group (those with a primary medical qualification from an institution in Ireland, Norway, Iceland, Liechtenstein or Switzerland), those who completed foundation training or a relevant earlier stage of training

¹ Please note in accordance with Welsh Government policy we refer to the legislature in Wales as “Senedd Cymru” on first use and “the Senedd” thereafter unless the context stipulates otherwise.

in the UK, and those with certain immigration status, which is being used as a proxy to capture applicants who have significant experience working in the NHS or health services in the other UK nations.

- d) For medical specialty training posts starting in 2027 onwards, prioritisation of graduates of UK medical schools, others in a priority group (those with a primary medical qualification from an institution in Ireland, Norway, Iceland, Liechtenstein or Switzerland), people who have completed the UK foundation programme or other relevant previous stage of training in the UK, and those in groups specified by regulations who are likely to have significant experience of working as a doctor in the National Health Service in England, Wales or Scotland or in Health and Social Care in Northern Ireland.

Summary of the Bill

- 5. The Bill is sponsored by the Department of Health and Social Care.
- 6. The key provisions of the Bill are to create a legal requirement for the bodies that run UK medical training programmes to prioritise UK-trained doctors and certain other groups when offering places on the Foundation Programme and specialty training.
- 7. The Bill plans to:
 - a) Prioritise graduates from UK medical schools for Foundation Programme and specialty training places.
 - b) Creates a defined “priority group”—including Irish-trained doctors and medical graduates from Iceland, Liechtenstein, Norway and Switzerland—who must also be prioritised.
 - c) For 2026 only, adds temporary protections for:
 - i. People currently in UK medical training (e.g., Foundation doctors),
 - ii. British/Irish citizens,
 - iii. Commonwealth citizens with right of abode,
 - iv. People with Indefinite Leave to Remain (ILR) or EU Withdrawal Agreement rights.
 - d) From 2027 onwards, gives the Welsh Ministers or the Secretary of State with consent of Welsh Ministers the power to:
 - i. Set regulations describing people who either have significant NHS/HSC experience in the UK, or
 - ii. Prioritise people based on immigration status.

- e) Allows the Secretary of State with consent of Welsh Ministers to update the list of priority countries if needed to comply with future international agreements.
 - f. Sets out definitions of “UK medical graduate”, “UK Foundation Programme”, “UK specialty programme”, etc., for legal clarity.
8. Officials from the Welsh Government, Scottish Government, NI Government and UK Government have been in regular contact during the development of the Bill, meeting regularly along with separate meetings held by legal representatives from all four nations.
 9. We face significant operational challenges if we do not participate or align with England, including the potential need to establish a separate scheme. This could result in us having to create our own Foundation Programme in Wales, which—unless identical changes are introduced—would lead to similar oversubscription issues, as graduates would apply to multiple Foundation and Specialty Programmes.
 10. Health Education and Improvement Wales (HEIW) have warned that disrupting the UK-wide approach could create significant operational challenges, particularly if Wales is required to recruit independently and manage a surge in applications from International Medical Graduates (IMGs).
 11. If Wales were required to establish a separate training scheme, this would involve substantial time, resource and investment to design new systems, infrastructure and processes. Operating outside a UK-wide model would create a significant and potentially catastrophic risk to the continuity of Foundation Doctors and applicants for Specialty Programmes entering NHS Wales.
 12. A reduction in specialty training opportunities in Wales would further increase the risk of doctors leaving for other UK nations, leading to serious workforce shortages and making Wales a less competitive destination for future applicants.

Background to the Bill’s introduction

13. The Foundation Programme system has historically operated effectively on a four nations basis.
14. Demand for Foundation Programme places has risen sharply, driven by increased numbers of eligible IMGs, more UK nationals studying medicine overseas, and the expansion of UK medical school places.
15. With finite funding and training capacity, this growing pressure means the guarantee of a Foundation Programme place for all eligible applicants is becoming increasingly difficult to sustain.

16. Oversubscription pressures are most acute in England, where consideration had been previously given to consulting on prioritisation options, including placing UK medical graduates ahead of IMGs, however it was decided not to proceed with the consultation.
17. Similar pressures are emerging across Core and Specialty Training, where applications continue to rise as more Foundation Doctors are unable to secure subsequent training posts.

Provisions in the Bill for which consent is required

18. The Bill makes provision in the following areas:

Prioritisation framework

- a) Clauses 1 to 3 introduce a statutory system for prioritising allocation of medical training places. Clause 1 applies to UK Foundation Programmes, requiring offers to be made first to UK medical graduates and persons in a defined “priority group”. Clause 2 applies to offers for UK specialty training programmes made in 2026, setting out the categories of persons to be prioritised, including UK graduates, persons in the priority group, and those with certain immigration statuses. Clause 3 applies to interviews and offers for UK specialty training programmes from 2027 onwards and includes a regulation-making power to specify additional categories of persons who may be prioritised.

Interpretation and priority group

- b) Clause 4 defines key terms used in the Bill, including “UK medical graduate” and “priority group”. It also confers a regulation-making power on the appropriate authority to amend the list of countries in the priority group to reflect international agreements.

Scope of training programmes

- c) Clause 5 defines “UK specialty training programme” and related terms. It includes a regulation-making power to exclude programmes from the definition for the purposes of the prioritisation framework.

Regulation-making framework

- d) Clause 6 sets out general provisions on regulation-making powers, including the definition of “appropriate authority” (Secretary of State UK-wide and Welsh Ministers for Wales) and the ability to make consequential and supplemental provision. Clause 7 sets out the procedures for making regulations, including the application of the negative procedure for most powers and the affirmative procedure for regulations under Clause 4(6).

Final provisions

- e) Clause 8 makes provision on extent, commencement and short title. It includes powers for the Secretary of State to make regulations bringing provisions into force and to make transitional or saving provision.
19. The Medical Training (Prioritisation) Bill extends and applies to England and Wales, Scotland and Northern Ireland. The Bill introduces a statutory framework for prioritising allocation of medical training places across the UK and confers regulation-making powers on the appropriate authority, which includes the Welsh Ministers in relation to Wales. The overarching purpose of the Bill is workforce planning and medical education policy for doctors entering NHS practice, which is a devolved matter.
20. The overarching purpose of the Medical Training (Prioritisation) Bill is workforce planning and medical education policy for doctors entering NHS practice. These matters fall within the devolved area of health and health service workforce planning under section 108A of the Government of Wales Act 2006 (“GoWA”), and are not reserved by Schedule 7A. Accordingly, the majority of the Bill’s provisions would be within the Senedd’s legislative competence if contained in an Act of the Senedd.
21. The Bill provides Welsh Ministers with regulation-making powers in relation to medical training programmes in Wales (Clause 6(1)). There are two distinct approaches to regulation-making powers in the Bill:
- a) Clauses 3(1)(d), 3(2)(d) and 5(4)(d) adopt a shared “concurrent-plus” model. The Welsh Ministers have their own powers to make regulations for Wales, while the Secretary of State may make UK-wide regulations. Where those UK-wide regulations would include provision within the legislative competence of the Senedd, the Secretary of State must obtain the consent of the Welsh Ministers.
 - b) Clause 4(6) provides a concurrent power for both the Secretary of State and Welsh Ministers to amend the list of countries in the “priority group” to reflect international agreements. Unlike the concurrent-plus model, this power does not require Welsh Ministers’ consent when exercised by the Secretary of State.
22. For the reasons set out above, Clauses 1, 2, 3, 4, 5, 6, 7 and 8 are considered to make relevant provisions in relation to Wales that have regard to devolved matters and therefore an LCM is required to be laid in respect of these provisions under SO 29.

UK Government view on the need for consent

23. In the Explanatory Notes to the Bill, the Member confirms that the legislative consent process is engaged (in respect of Wales) by all clauses of the Bill.

The Explanatory Notes acknowledge that the Bill applies to the decision-making of Devolved Administrations and can be said to modify executive competence. I agree with this assessment.

Reasons for making these provisions for Wales in the Medical Education (Prioritisation) Bill - Welsh Government position on the Bill

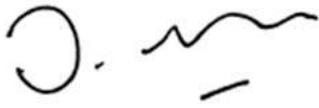
24. The Bill provides a statutory mechanism to ensure that UK medical graduates, and other categories of eligible applicants, can access the training places required to progress to full registration. Applications to the UK Foundation Programme and specialty training have increased in recent years, now exceeding the number of available posts. The Bill therefore establishes a prioritisation framework to be applied if limits on places are required, ensuring UK graduates and those within the defined priority group receive offers before other eligible applicants.
25. These provisions are necessary in Wales because the Foundation Programme and subsequent specialty training form the principal pathway into the medical workforce in NHS Wales. Maintaining access for UK-trained applicants is critical to safeguarding the future supply of doctors, supporting workforce planning, and ensuring continuity across Welsh training programmes administered by HEIW. The statutory prioritisation framework provides consistency across the UK system and reduces reliance on ad-hoc or temporary measures should capacity constraints arise.

Financial implications

26. There are no additional financial implications in Wales.

Conclusion

27. In my view it is appropriate to deal with these provisions in this UK Bill as a UK-wide prioritisation system is essential to protect training places for UK-educated doctors and manage rising oversubscription pressures. Supporting the Bill avoids the significant risks of Wales having to run a separate scheme, which would be costly, operationally complex and could undermine workforce continuity and competitiveness for NHS Wales.
28. Therefore, I recommend that the Senedd supports the proposals and gives its consent.

A handwritten signature in black ink, consisting of a large 'J' followed by a series of loops and a horizontal line at the end.

Jeremy Miles MS
Cabinet Secretary for Health and Social Care
28 January 2026