Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:
Video conference via Zoom
Meeting date: 9 February 2026
Meeting time: 13.30

For further information contact:
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Remote

Public meeting

(13.30 – 14.15)

1 Introduction, apologies, substitutions and declarations of interest

(13.30)

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

(13.30 – 13.35) (Pages 1 – 3)

Attached Documents:
LJC(6)-05-26 – Paper 1 – Draft report

Instruments subject to the Senedd annulment procedure

2.1 SL(6)734 – The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2026

Instruments subject to no procedure

2.2 SL(6)735 – The Local Government Finance (Wales) Act 2024 (Commencement No. 1) Order 2026

Instruments subject to the Senedd approval procedure

2.3 SL(6)738 – The Regulated Adoption Services (Service Providers and Responsible Individuals) and Adoption Support Services (Local Authorities) (Miscellaneous Amendments) (Wales) Regulations 2026

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

(13.35 – 13.45)

Instruments subject to the Senedd annulment procedure

3.1 SL(6)731 – The Non-Domestic Rating (Amendment of Definition of Domestic Property) (Wales) Order 2026

(Pages 4 – 7)

Order

Explanatory Memorandum

Attached Documents:

LJC(6)-05-26 – Paper 2 – Draft report

LJC(6)-05-26 – Paper 3 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 21 January 2026

3.2 SL(6)732 – The Welsh Elections Information Platform (Amendments) Regulations 2026

(Pages 8 – 9)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-05-26 - Paper 4 - Draft report

3.3 SL(6)733 - The Local Authorities (Capital Finance and Accounting) (Wales) (Amendments relating to Minimum Revenue Provision) Regulations 2026

(Pages 10 - 11)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-05-26 - Paper 5 - Draft report

3.4 SL(6)737 - The Adoption Support Services (Adoption Support Agencies) (Wales) Regulations 2026

(Pages 12 - 15)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-05-26 - Paper 6 - Draft report

3.5 SL(6)740 - The Fostering Panels and Care Planning (Miscellaneous Amendments) (Wales) Regulations 2026

(Pages 16 - 17)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-05-26 - Paper 7 - Draft report

Instruments subject to the Senedd approval procedure

3.6 SL(6)725 - The Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (Amendments to Schedule 5) Regulations 2026

(Pages 18 - 20)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-05-26 – Paper 8 – Draft report

LJC(6)-05-26 – Paper 9 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 20 January 2026

3.7 SL(6)728 – The Land Transaction Tax (Modification of Relief for Acquisitions Involving Multiple Dwellings) (Wales) Regulations 2026

(Pages 21 – 24)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-05-26 – Paper 10 – Draft report

LJC(6)-05-26 – Paper 11 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 20 January 2026

3.8 SL(6)736 – The Building Safety Act 2022 (Consequential Amendments) (Wales) Regulations 2026

(Pages 25 – 27)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-05-26 – Paper 12 – Draft report

3.9 SL(6)739 – The Waste Separation Requirements (Wales) (Amendment) Regulations 2026

(Pages 28 – 31)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-05-26 – Paper 13 – Draft report

LJC(6)-05-26 – Paper 14 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 27 January 2026

3.10 SL(6)741 – The Higher Education (Fee Limits) (Wales) Regulations 2026

(Pages 32 – 34)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-05-26 – Paper 15 – Draft report

LJC(6)-05-26 – Paper 16 – Written Statement by the Minister for Further and Higher Education, 27 January 2026

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

(13.45 – 13.50)

4.1 SL(6)688 – School Organisation Code

(Pages 35 – 40)

Attached Documents:

LJC(6)-05-26 – Paper 17 – Report

LJC(6)-05-26 – Paper 18 – Welsh Government response

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

(13.50 – 14.00)

Instruments subject to the Senedd annulment procedure, or what was previously known as the negative procedure

5.1 SL(6)715 – The Regulated Services (Registration) (Wales) (Amendment) Regulations 2026

(Pages 41 – 45)

Attached Documents:

LJC(6)-05-26 - Paper 19 - Report

LJC(6)-05-26 - Paper 20 - Welsh Government response

Instruments subject to the Senedd approval procedure, or what was previously known as the draft affirmative procedure

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

(Pages 46 - 51)

Attached Documents:

LJC(6)-05-26 - Paper 21 - Report

LJC(6)-05-26 - Paper 22 - Welsh Government response

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

(Pages 52 - 59)

Attached Documents:

LJC(6)-05-26 - Paper 23 - Report

LJC(6)-05-26 - Paper 24 - Welsh Government response

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

(Pages 60 - 62)

Attached Documents:

LJC(6)-05-26 - Paper 25 - Report

LJC(6)-05-26 - Paper 26 - Welsh Government response

6 Inter-Institutional Relations Agreement

(14.00 - 14.05)

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

(Pages 63 – 66)

Attached Documents:

LJC(6)-05-26 – Paper 27 – Letter from the Cabinet Secretary for Housing and Local Government: Inter-Ministerial Group for Elections and Registration, 3 February 2026

LJC(6)-05-26 – Paper 28 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Standing Committee, 3 February 2026

LJC(6)-05-26 – Paper 29 – Written Statement by the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip and the Minister for Culture, Skills and Social Partnership: Inter-Ministerial Group on Work and Pensions, 5 February 2026

6.2 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026

(Pages 67 – 70)

Attached Documents:

LJC(6)-05-26 – Paper 30 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 2 February 2026

7 Papers to note

(14.05 – 14.15)

7.1 Correspondence from the Cabinet Secretary for Housing and Local Government to the Local Government and Housing Committee: Evaluation report of the Automatic Voter Registration (AVR) pilots

(Pages 71 – 72)

Attached Documents:

LJC(6)-05-26 – Paper 31 – Letter from the Cabinet Secretary for Housing and

Local Government to the Local Government and Housing Committee, 21 January 2026

7.2 Written Statement by the Cabinet Secretary for Housing and Local Government: Publication of draft Commonhold and Leasehold Reform Bill

(Pages 73 – 74)

Attached Documents:
LJC(6)-05-26 – Paper 32 – Written Statement by the Cabinet Secretary for Housing and Local Government, 30 January 2026

7.3 Correspondence from the Counsel General and Minister for Delivery to the Member Accountability Bill Committee: Financial resolution for the Senedd Cymru (Member Accountability and Elections) Bill

(Pages 75 – 76)

Attached Documents:
LJC(6)-05-26 – Paper 33 – Letter from the Counsel General and Minister for Delivery to the Member Accountability Bill Committee, 2 February 2026

7.4 Correspondence from the Welsh Government: Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

(Pages 77 – 79)

Attached Documents:
LJC(6)-05-26 – Paper 34 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 3 February 2026
LJC(6)-05-26 – Paper 35 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Llywydd, 2 February 2026

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

(Pages 80 – 85)

Attached Documents:
LJC(6)-05-26 – Paper 36 – Letter from the Counsel General and Minister for Delivery to Adam Price MS, 3 February 2026

7.6 Correspondence from the Welsh Government: The Welsh Government's response to the Committee's report on the Welsh Government's Legislative Consent Memorandum on the Public Office (Accountability) Bill

(Pages 86 – 94)

Attached Documents:

LJC(6)-05-26 - Paper 37 - Welsh Government response

7.7 Correspondence to the Cabinet Secretary for Education: The Children's Wellbeing and Schools Bill

(Pages 95 – 96)

Attached Documents:

LJC(6)-05-26 - Paper 38 - Letter to the Cabinet Secretary for Education, 3 February 2026

7.8 Correspondence from the Greyhound Board of Great Britain to the Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee: The Prohibition of Greyhound Racing (Wales) Bill

(Pages 97 – 98)

Attached Documents:

LJC(6)-05-26 - Paper 39 - Correspondence from the Greyhound Board of Great Britain to the Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee, 3 February 2026

7.9 Correspondence from the Cabinet Secretary for Housing and Local Government: Homelessness and Social Housing Allocation (Wales) Bill

(Page 99)

Attached Documents:

LJC(6)-05-26 - Paper 40 - Letter from the Cabinet Secretary for Housing and Local Government to the Llywydd, 5 February 2026

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

(14.15)

Private meeting

(14.15 – 14.30)

9 Legislative Consent Memorandum on the Medical Training (Prioritisation) Bill: Draft report

(14.15 – 14.25) (Pages 100 – 108)

Attached Documents:

LJC(6)-05-26 – Paper 41 – Draft report

10 International agreements

(14.25 – 14.30) (Pages 109 – 113)

Attached Documents:

LJC(6)-05-26 – Paper 42 – Research briefing

Statutory Instruments with Clear Reports
09 February 2026

SL(6)734 – The Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2026

Procedure: Senedd annulment procedure

These Regulations amend the following regulations:

- the Higher Education (Amounts) (Wales) Regulations 2015 ("the 2015 Regulations");
- 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 Regulations amend existing student support regulations to adjust the amounts of student maintenance support and other allowances and postgraduate contribution to costs support in line with a measure of the Consumer Price Index.

These Regulations also amend the 2015 Regulations to increase the full-time undergraduate tuition fee caps and apply these caps to all qualifying persons on qualifying courses at regulated Welsh institutions for academic years beginning on or after 1 August 2026. Raising the tuition fee cap does not increase the tuition fee charged, which is a matter for the institution providing the course.

Parent Act: Teaching and Higher Education Act 1998

Date Made: 20 January 2026

Date Laid: 22 January 2026

Coming into force date: 12 February 2026

Statutory Instruments with Clear Reports
09 February 2026

SL(6)735 – The Local Government Finance (Wales) Act 2024 (Commencement No. 1) Order 2026

Procedure: No Procedure

This Order is the first commencement order made under the Local Government Finance (Wales) Act 2024 ("the Act").

This Order brings the remaining provisions of section 18 of the Act into force on 1 April 2026. Section 18(2)(c) and (5) are already in force for the purposes specified in section 23(6) of the Act.

Parent Act: Local Government Finance (Wales) Act 2024

Date Made: 22 January 2026

Date Laid:

Coming into force date: 01 April 2026

Statutory Instruments with Clear Reports
09 February 2026

SL(6)738 – The Regulated Adoption Services (Service Providers and Responsible Individuals) and Adoption Support Services (Local Authorities) (Miscellaneous Amendments) (Wales) Regulations 2026

Procedure: Senedd approval procedure

These Regulations amend the following sets of regulations:

(i) the Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019, and
(ii) the Adoption Support Services (Local Authorities) (Wales) Regulations 2005.

The changes being made are as follows:

- extending the existing exemption from registration for adoption services providing support services under contract to also cover services delivered by partnerships and corporate bodies under contract;
- creating an additional exemption from registration for counselling in relation to adoption provided to adults;
- replacing references to "natural parent" with "birth parent" (with no change in the meaning of the term);
- extending eligibility for certain adoption services to include former guardians of an adoptive child; and
- specifying that respite care involving accommodation must be provided under specific statutory provisions in order to qualify as an adoption support service.

Parent Act: Adoption and Children Act 2002

Date Made:

Date Laid: 27 January 2026

Coming into force date: 01 April 2026

SL(6)731 – The Non-Domestic Rating (Amendment of Definition of Domestic Property) (Wales) Order 2026

Background and Purpose

This Order makes refinements to the application of the criteria used to classify a self-catering property as non-domestic within the local taxation system and, therefore, liable for non-domestic rates. Such properties must be available to let for at least 252 days and actually let for at least 182 days within any 12-month period. They are otherwise classified as domestic and liable for council tax.

The Order enables an average of days let over two or three years to be taken as evidence that the criteria have been met, where 182 days were not achieved in the previous year. It also enables an allowance of up to 14 days per year for charitable donations of short breaks to count towards the letting criteria.

The amendments made by the Order apply in respect of assessment days which fall on or after 1 April 2026.

Procedure

Senedd annulment procedure.

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

Technical Scrutiny

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

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

Article 2 of the Order sets out when the amendments and new sections set out in article 3 of the Order will apply. Given that the amendments and new sections will be included in the Local Government Finance Act 1988 ("the Act") without reference to article 2 of the Order, the Welsh Government is asked to explain why it has taken this approach and whether it would be more accessible for the reader of the Act if details of when the amendments and new sections will apply were included in the wording of such amendments and new sections, so that their application is clear on the face of the 1988 Act. Without this clarity, it may not

be understood by the user of the legislation that different rules apply depending on the assessment day (as defined in article 2) that user is referencing.

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;**

Both the Explanatory Note and the Explanatory Memorandum to the Order refer to amendments being made to the Local Government Finance Act 1988 by article 2 of the Order. This appears to be incorrect as it is article 3 which makes amendments to that Act.

Welsh Government response

A Welsh Government response is required.

Legal Advisers
Legislation, Justice and Constitution Committee
3 February 2026

Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT

TITLE	**Consultation on proposals to refine the classification of self-catering properties for local tax purposes – summary of responses**
DATE	**21 January 2026**
BY	**Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language**

Today, a summary of responses to the consultation on proposed refinements to the treatment of self-catering properties for local tax purposes is published. I also confirm that I have made the Order required to implement the two specific proposals to refine the way the letting criteria used to classify such properties are applied.

Firstly, we proposed to enable an average of days let over multiple years to be taken as evidence of compliance, where 182 days letting are not achieved in the previous year. This is intended to provide an opportunity for operators whose compliance lapses by a narrow margin to potentially achieve 182 days letting again, before they would otherwise become liable for council tax.

Secondly, we proposed to enable an allowance of up to 14 days per year for donations to charity of short breaks to count towards the letting criteria. This is intended to ensure any such donations are not disincentivised and support the wider public benefit they provide.

In addition, the consultation also sought views on the Welsh Government's intention to encourage local authorities to support self-catering operators who do not meet the non-domestic rates letting criteria with a stepped transition to council tax, charged at the standard rate of council tax for the first year before any premium is applied.

The consultation received 1,211 responses. I am grateful to those who took the time to respond and recognise the range of views provided. A large majority of respondents supported each of the three proposals.

I recognise the strength of feeling among self-catering operators and others about the design of the local tax system. As I set out when I launched the consultation, our proposals respond, in the manner considered appropriate, to matters raised by the self-catering sector during implementation of the new letting criteria.

The Welsh Government's policy position was set out in my previous statement on this matter and in the consultation. Recognising that 60% of self-catering properties have already met the letting criteria, we remain of the view that, for a property to be classified as non-domestic for local tax purposes, it should be let for the majority of the year.

Following the consultation, I will proceed with the necessary steps to enable the proposed refinements to the application of the letting criteria to take effect from 1 April 2026. The Non-Domestic Rating (Amendment of Definition of Domestic Property) (Wales) Order 2026 has been made and laid before the Senedd for that purpose.

In considering the consultation responses, I have also decided to legislate for a statutory exception from a council tax premium, to ensure the proposal for a stepped transition is applied on a consistent basis nationally across Wales. The necessary regulations to deliver this proposal will be developed and brought forward as soon as possible, to apply from 1 April 2027. The Welsh Government will work with local government to deliver these policy refinements.

The summary of responses to the consultation is available at: Proposed refinements to the classification of self-catering properties for local tax purposes | GOV.WALES

SL(6)732 – The Welsh Elections Information Platform (Amendments) Regulations 2026

Background and Purpose

These Regulations amend the Welsh Elections Information Platform Regulations 2025 ("the 2025 Regulations"). They replace references to an order under section 13 of the Government of Wales Act 2006 in the 2025 Regulations to instead insert the particular corresponding provisions of the Senedd Cymru (Representation of the People) Order 2025 (S.I. 2025/864)(W. 150). These Regulations also make amendments to the definition of "candidate" to differentiate between individual and party list candidates, and remove the condition regarding the font style of a candidate statement.

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 4 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, the sections of the Elections and Elected Bodies (Wales) Act 2024 that are cited do not appear to accurately reflect the enabling powers that were relied upon for the making of these Regulations. The list of enabling provisions includes section 26(4) that contains a broad range of different powers. However, it should specify the relevant paragraphs in that subsection that contain the enabling powers that are relied upon for the making of these Regulations. It is particularly problematic that section 26(4)(c) is subject to a different procedure. If the power in section 26(4)(c) is relied upon the instrument should have been made under the approval procedure. In addition, the list includes section 26(8) but it is not the convention to cite provisions which only specify the relevant procedure under which the instrument is made.

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

In regulation 4, it incorrectly notes that the 2025 Regulations are amended in accordance with regulations 5 and 6. The 2025 Regulations are also amended by regulation 7 of these Regulations. Therefore, regulation 4 does not correctly identify the amending provisions of these Regulations.

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

In regulation 5(d), a new definition of "individual candidate" is inserted in regulation 2 of the 2025 Regulations. The definition includes references to "a Senedd election" and "a party list candidate" which are both defined terms in the Senedd Cymru (Representation of the People) Order 2025 ("the 2025 Order"). However, neither of those terms have been defined with a meaning in the existing 2025 Regulations. Therefore, if both "a Senedd election" and "a party list candidate" are intended to bear the same meaning as given by article 2(1) of the 2025 Order, the definitions of those terms should also be inserted in the 2025 Regulations.

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

In regulation 6, there appear to be several errors in the new references that replace the existing references in regulation 6(1) of the 2025 Regulations as follows. In regulation 6(c), it should refer to "rule 31**(1)**" to be precise because that is the specific provision which relates to the notice of poll. In regulation 6(d), it should refer to "rule **31(2)**" rather than "rule **32(2**)" because that is the provision that relates to the notice of the situation of each polling station and the description of voters entitled to vote. In regulation 6(e), it should refer to "rule **64**" rather than "rule **62**" because that is the provision that relates to the declaration of results.

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 to all reporting points.

Legal Advisers
Legislation, Justice and Constitution Committee
4 February 2026

SL(6)733 – The Local Authorities (Capital Finance and Accounting) (Wales) (Amendments relating to Minimum Revenue Provision) Regulations 2026

Background and Purpose

These Regulations amend the Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003 ("the 2003 Regulations"), which provide the regulatory framework for the accounting practices to be followed by local authorities in Wales.

Currently, during each financial year in respect of the financing of capital expenditure incurred in that year or in any financial year prior to that year, a local authority must charge to a revenue account a minimum amount ("minimum revenue provision" or "MRP") for that financial year. For each financial year, a local authority must calculate an amount of MRP which it considers to be prudent.

Local authorities also have discretion to charge to a revenue account any amount in addition to the MRP.

These Regulations amend the 2003 Regulations to provide that, during the financial year beginning with 1 April 2026, county councils and county borough councils have discretion to make MRP but are not required to do so. The amendments provide that, where such councils choose to make MRP, they must still calculate an amount they consider prudent. Paragraph 1.2 of the Explanatory Memorandum explains that the Welsh Government will issue supplementary guidance to the current guidance *"in relation to the 2026-2027 financial year to provide flexibility in the calculation of what is a prudent amount of MRP for that financial year."*

Paragraph 4.5 of the Explanatory Memorandum goes on to state:

> *"There is a statutory requirement on local authorities to set a balanced budget each year, including the MRP. The Welsh Government is aware of the current pressures facing local authorities from across a range of sources from inflation and service demand patterns, together with significant changes within large UK grants and uncertainty from political cycles. This short-term flexibility in the level of MRP provision applied gives county councils and county borough councils an additional flexibility to manage their immediate and medium-term budget planning. This change is optional not mandatory and can be used alongside other flexibilities such as use of reserves and capital directions based on the specific circumstances of an individual local authority. Any change to a local authority's MRP policy must be agreed by full council as part of the annual MRP statement."*

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

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

In the signatory block at the end of these Regulations, it is incorrectly noted that Jayne Bryant MS is the Cabinet Secretary for Finance and Welsh Language. However, that block should state that Jayne Bryant MS is the Cabinet Secretary for Housing and Local Government.

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

SL(6)737 – The Adoption Support Services (Adoption Support Agencies) (Wales) Regulations 2026

Background and Purpose

These Regulations are made by the Welsh Ministers under powers conferred by sections 2(6)(b), 140(7), and 142(4) and (5)(a) of the Adoption and Children Act 2002 ("the 2002 Act"). They revoke and replace the Adoption Support Services (Wales) Regulations 2019 ("the 2019 Regulations").

Section 8(1) of the 2002 Act defines an "adoption support agency" as an undertaking the purpose of which, or one of the purposes of which, is the provision of adoption support services.

Adoption support services are defined by section 2(6) of the 2002 Act as counselling, advice and information, and any other services prescribed by regulations, in relation to adoption.

Regulation 3 of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 prescribes particular services as adoption support services for the purposes of section 2(6)(b) of the 2002 Act.

Regulation 3(4) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005 provides that an intermediary service is an adoption support service for the purposes of section 2(6) of the 2002 Act.

Regulation 3 of these Regulations prescribe adoption support services in addition to those already prescribed for the purposes of section 2(6) of the 2002 Act.

Regulation 4 revokes the 2019 Regulations.

Regulation 5 introduces consequential amendments.

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 3 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.**

Paragraph 4.5 of the Explanatory Memorandum sets out the following:

> *There is also some overlap and inconsistency between the prescribed adoption support services in the 2005 Regulations and the Adoption Support Services (Wales) Regulations 2019, which can create challenges for providers and commissioners in determining the extent of the applicability of these two sets of regulations to local authority adoption services and services regulated under the 2016 Act.*

The "2005 Regulations" is defined in the Explanatory Memorandum as the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 and the "2016 Act" is defined as the Regulation and Inspection of Social Care (Wales) Act 2016.

These Regulations prescribe adoption support services for the purposes of section 8(1) of the 2002 Act in addition to the services prescribed for the purposes of section 2(6) of the 2002 Act. The 2019 Regulations, which are revoked by these Regulations, prescribed adoption support services for the purposes of section 2(6) of the 2002 Act generally, i.e. not only relevant to "adoption support agencies" regulated under the Regulation and Inspection of Social Care (Wales) Act 2016.

Regulation 3(1)(f) of these Regulations prescribes the following as "adoption support services":

> *(f) assistance to relatives of adopted persons who have attained the age of 18 in obtaining information in respect of that adoption or facilitating contact between such persons and the adopted person;*

Whilst regulation 3(4) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005 provides that an intermediary service is an adoption support service for the purposes of section 2(6) of the 2002 Act. The definition of "intermediary service" in those Regulations does not appear to include providing assistance to relatives of adopted persons in obtaining information in the manner set out in regulation 3(1)(f) of these Regulations.

Can the Welsh Government confirm if such a service is a "specified adoption service" in relation to local authority adoption services in Wales, following the revocation of the 2019 Regulations?

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

In regulation 2, in the definition of "adoptive parent" the following wording appears at the end of paragraph (e):

> *but does not include a person who is a step-parent or birth parent of the child or was the step-parent of the child before they adopted the child;*

In the definition of "adoptive parent" in the 2019 Regulations, which are revoked by these Regulations this wording is not indented and does not appear to be part of paragraph (e), and is therefore relevant to the interpretation of paragraphs (a) to (e).

Whilst this may be a formatting error, in which this wording is inadvertently indented, the effect is that it could lead to an unintended interpretation of the defined term. Westlaw have included this wording in paragraph (e) and it appears as follows:

> *(e) who has adopted a child who has subsequently attained the age of 18, but does not include a person who is a step-parent or birth parent of the child or was the step-parent of the child before they adopted the child;*

We ask the Welsh Government to confirm if this wording is part of paragraph (e) or not.

We also query the location of "but does not include an agency adoptive child" in the definition of "non-agency adoptive child". In the 2019 Regulations it appears to apply to both paragraphs (a) and (b), however the formatting in these Regulations means the wording appears to be included in paragraph (b).

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

In regulation 2, "birth parent" is defined as follows:

> *"birth parent" ("rhiant geni") has the same meaning as natural parent in the context of the 2002 Act;*

The Welsh text states that it has the same meaning as "rhiant naturiol" in the context of the 2002 Act, however, "rhiant naturiol" is not used in the 2002 Act, as it is in English only.

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 to all reporting points.

Legal Advisers
Legislation, Justice and Constitution Committee
4 February 2026

SL(6)740 – The Fostering Panels and Care Planning (Miscellaneous Amendments) (Wales) Regulations 2026

Background and Purpose

The Fostering Panels and Care Planning (Miscellaneous Amendments) (Wales) Regulations 2026 (the "**2026 Regulations**") amend the Care Planning, Placement and Case Review (Wales) Regulations 2015 (the "**2015 Regulations**") and the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 (the "**2018 Regulations**").

The 2018 Regulations impose requirements on fostering services providers in relation to the establishment and functions of fostering panels, and the assessment of prospective foster carers. The 2015 Regulations make provision about care planning for looked after children, and other associated matters.

The 2026 Regulations amend the 2018 and 2015 Regulations to:

- establish a distinct category of kinship foster carer within the fostering regulations;
- update the process for the assessment of prospective foster carers to reflect new requirements, especially for those who are relatives, friends, or connected persons;
- update requirements regarding the specific information required when assessing a prospective foster carer who is a connected person (such as a relative, friend or someone with a pre-existing relationship with the child);
- make provision requiring fostering services providers to share information with each other without cost to support better decision-making;
- provide that visits to children in placements with connected persons must happen at least every 6 months, and further provide that those placements must be reviewed at least every 12 months.

Procedure

Senedd annulment procedure.

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

Technical Scrutiny

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

Merits Scrutiny

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

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

We note that the Explanatory Memorandum outlines the consultation undertaken in respect of the 2026 Regulations. It states:

> *"A 12-week consultation ran from 4 August 2025 to 27 October 2025 on the proposed changes. The consultation was drawn to the attention of a wide audience of key stakeholders including local authorities, third sector organisations, independent fostering providers, third sector fostering providers and foster carers.*
>
> *There was broad agreement to the proposals in the consultation. One minor change was made as a result of the responses - the inclusion of a reference to past employment within the new Part 3 of Schedule 1 to the 2018 Regulations."*

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

We note that the 2026 Regulations will be subject to a Post Implementation Review. The Explanatory Memorandum states:

> *"A Post Implementation Review (PIR) will be conducted within three years of the Fostering Panels and Care Planning (Miscellaneous Amendments) (Wales) Regulations 2026 coming into force. The review will assess whether the policy objectives have been met, identify any unintended consequences, and inform future policy development. It will cover three key areas: foster carer transitions, kinship foster carer assessment reform, and flexible reviews and visits for kinship carers. The Welsh Government will collect both quantitative and qualitative data from stakeholders, including carers, children, IROs, and local authorities. Key performance indicators will measure compliance, efficiency, satisfaction, and safeguarding outcomes. Oversight will be provided by the Social Services & Integration Directorate, with findings used to guide future amendments, update guidance, and share best practice across the sector."*

Welsh Government response

A Welsh Government response is not required.

Legal Advisers
Legislation, Justice and Constitution Committee
03 February 2026

SL(6)725 – The Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (Amendments to Schedule 5) Regulations 2026

Background and Purpose

Schedule 5 to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 makes provision about transactions that are higher rates residential property transactions for land transaction tax ("LTT") purposes.

These Regulations amend Schedule 5 to provide that the purchase of a single dwelling that is a higher rates residential property transaction ceases to be so if that dwelling is subsequently leased to a local authority in Wales. They also provide that the tax chargeable in respect of a transaction involving the purchase of multiple dwellings is reduced if any of those dwellings are subsequently leased to a local authority in Wales, in each case subject to certain conditions.

The Regulations also make supplemental provision about claiming refunds and further assessment of LTT.

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

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

Merits Scrutiny

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

1. **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.**

Section 25 of the Tax Collection and Management (Wales) Act 2016 provides that the Welsh Revenue Authority must pay amounts collected in the exercise of its functions relating to devolved taxes, which includes the collection of LTT, into the Welsh Consolidated Fund.

These Regulations provide for a reduction in LTT liability in the circumstances described above.

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

In a Written Statement dated 20 January 2026, the Cabinet Secretary for Finance and Welsh Language, Mark Drakeford MS, said:

> *"…[These Regulations]…provide a new refund for transactions that are subject to the higher residential rates of land transaction tax ("HRRLTT"). The new HRRLTT refund will apply where a person buys a dwelling costing £400,000 or less that is liable to HRRLTT and then leases it to a Welsh local authority, within 18 months of that purchase, and the lease meets the conditions in the regulations.*
>
> *The refund is intended to incentivise the leasing of properties to Welsh local authorities under Leasing Scheme Wales…, a Welsh Government scheme which contributes towards the delivery of homes at affordable rents. This will help tackle the impact of homelessness and the use of temporary accommodation."*

Welsh Government response

A Welsh Government response is not required.

Legal Advisers
Legislation, Justice and Constitution Committee
2 February 2026

Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT

TITLE	**The Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (Amendments to Schedule 5) Regulations 2026**
DATE	**20 January 2026**
BY	**Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language**

Draft regulations have been laid today to make changes to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017.

The Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (Amendments to Schedule 5) Regulations 2026 provide a new refund for transactions that are subject to the higher residential rates of land transaction tax ("HRRLTT"). The new HRRLTT refund will apply where a person buys a dwelling costing £400,000 or less that is liable to HRRLTT and then leases it to a Welsh local authority, within 18 months of that purchase, and the lease meets the conditions in the regulations.

The refund is intended to incentivise the leasing of properties to Welsh local authorities under Leasing Scheme Wales ("LSW"), a Welsh Government scheme which contributes towards the delivery of homes at affordable rents. This will help tackle the impact of homelessness and the use of temporary accommodation.

I look forward to the debate on the regulations on the 10 February 2026.

The Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (Amendments to Schedule 5) Regulations 2026

Explanatory Memorandum to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (Amendments to Schedule 5) Regulations 2026

SL(6)728 – The Land Transaction Tax (Modification of Relief for Acquisitions Involving Multiple Dwellings) (Wales) Regulations 2026

Background and Purpose

These Regulations amend Schedule 13 to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017, which provides a relief from land transaction tax ("LTT") for acquisitions involving multiple dwellings (known as multiple-dwellings relief or "MDR").

Regulation 2 amends paragraph 6 of Schedule 13 to increase the minimum amount of LTT that must be paid where MDR is claimed from 1% of the consideration attributable to dwellings purchased to 3% of that consideration.

Regulation 3 includes transitional provisions that provide that the Regulations do not affect land transactions effected in pursuance of a contract entered into or substantially performed before 13 February 2026, subject to certain conditions.

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

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

Merits Scrutiny

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

1. **Standing Order 21.3(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.**

Section 25 of the Tax Collection and Management (Wales) Act 2016 provides that the Welsh Revenue Authority must pay amounts collected in the exercise of its functions relating to devolved taxes, which includes the collection of LTT, into the Welsh Consolidated Fund.

These Regulations modify the application of a relief (MDR) from LTT as described above.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers
Legislation, Justice and Constitution Committee
2 February 2026

Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT

TITLE	**Amendment to land transaction tax multiple-dwellings relief**
DATE	**20 January 2026**
BY	**Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language**

Land Transaction Tax (Modification of Relief for Acquisitions Involving Multiple Dwellings) (Wales) Regulations 2026 have been laid before the Senedd today.

Explanatory Memorandum to The Land Transaction Tax (Modification of Relief for Acquisitions Involving Multiple Dwellings) (Wales) Regulations 2026

Rheoliadau Treth Trafodiadau Tir (Addasu Rhyddhad ar gyfer Caffaeliadau sy'n Ymwneud ag Anheddau Lluosog) (Cymru) 2026 / The Land Transaction Tax (Modification of Relief for Acquisitions Involving Multiple Dwellings) (Wales) Regulations 2026

Subject to Senedd approval, the regulations will amend the land transaction tax (LTT) multiple-dwellings relief (MDR) minimum tax rule rate.

This applies to LTT paid on the purchase of dwellings in multiple-dwelling transactions. It most often applies in mixed-use transactions but can also apply to transactions which involve residential property only. Mixed-use transactions are those in which combinations of residential and non-residential property are purchased together.

The rule stipulates the liability on the purchase of the dwellings must be at least 1% of the value of those dwellings.

The MDR minimum tax rule provides fairness in transactions in which tax liability could otherwise be extremely low on the purchase of some residential property, in comparison to liability on single-dwelling transactions.

The rate of 1% was set when the rule was introduced into stamp duty land tax in 2011 and has not changed since. The rule became part of LTT in 2018. An increase

to 3% will improve fairness while maintaining appropriately different tax treatments for multiple-dwelling transactions.

In a written statement on 14 October 2025, I announced my intention to make this change to the minimum tax rule rate, and to introduce a new MDR equalisation rule, to create per-dwelling parity between multiple-dwelling and single-dwelling transactions liable to the higher residential rates.

The new proposed equalisation rule was intended to address the current situation whereby, when MDR is claimed on multiple-dwelling transactions subject to the LTT higher residential rates, the per-dwelling tax liability is lower than it would be for single-dwelling transactions for the same dwellings. It would have ensured the per-dwelling liability in multiple-dwelling transactions with MDR would be at least equal to that of the equivalent single-dwelling transactions which are not able to benefit from MDR.

The draft regulations do not include the new equalisation rule. Amending the legislation for this relatively narrow purpose has presented significant technical challenges and carries the risk of introducing new complexity to LTT.

Work on the policy and the rule, and on considering the legislative changes required, will continue, but the new equalisation rule will be for a future administration to consider, as will the wider question of whether MDR should be retained, further improved or abolished.

SL(6)736 – The Building Safety Act 2022 (Consequential Amendments) (Wales) Regulations 2026

Background and Purpose

These Regulations amend legislation as a consequence of the wider implementation of provisions of Part 3 of the Building Safety Act 2022 ("the 2022 Act"), in Wales.

The 2022 Act brought forward a package of legislative changes in relation to building safety. These Regulations are part of a suite of new legislation that forms a stage of the Welsh Government's implementation of the 2022 Act.

New regulations have been introduced which aim to reform the procedural aspects of building control, particularly for higher-risk buildings. The new procedures come into effect on 1 July 2026, and the aim of these Regulations is to ensure that other existing legislation continues to have its current effect after this date.

Regulations 2 to 8 make consequential amendments to the County of South Glamorgan Act 1976, the Highways Act 1980, the Clwyd County Council Act 1985, the West Glamorgan Act 1987, the Dyfed Act 1987, the Mid Glamorgan County Council Act 1987 and the Clean Air Act 1993.

Regulations 9 to 12 make consequential amendments to the Regulatory Reform (Fire Safety) Order 2005, the Community Infrastructure Levy Regulations 2010, the Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024 and the Building (Restricted Activities and Functions) (Wales) Regulations 2024.

Regulation 13 makes transitional provisions to ensure the amendments made by these Regulations do not affect building work for which a notice is given, or plans are deposited, before these Regulations come into force.

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 4 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 italic headnotes on pages 1 to 4, 14 and 16, it notes that the draft Regulations have been laid before Senedd Cymru "under section 167(1) to (3) of the Building Safety Act 2022". However, the requirement to lay in draft is found in section 167(5) of that Act as noted in the second paragraph of the preamble of these Regulations. Should "section 167(5)" therefore be cited in the headnote rather than "section 167(1) to (3)", which are the enabling powers?

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

In regulation 4(3)(f)(ii)(aa), there appears to be a typographical error which results in the amendment failing to correctly identify the existing text for substitution in paragraph (c) of section 19(7) of the Clwyd County Council Act 1985. It notes "plans of the work consisting of, or including, the parking place has been deposited" but it should note "plans of the work consisting of, or including, the parking place had been deposited", as found in the existing text of that provision.

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

In regulation 8(2)(b), there is a difference between the English and Welsh text. In the English text, it notes that the new definition should be inserted after the definition of "application for building control approval". But in the Welsh text, it notes that the new definition should be inserted after the definition of "building control approval".

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

In regulations 3(4), 8(2)(b) and 11(2)(b), a new definition of "building control authority" is inserted in the Highways Act 1980, the Clean Air Act 1993, and the Building Safety Act 2022 (Commencement No. 4, Transitional and Saving Provisions) (Wales) Regulations 2024. The new definition notes on each occasion that ""building control authority" means the local authority as stated in section 121A of the Building Act 1984". However, section 121A of the Building Act 1984 states that the regulator or the local authority is the building control authority. Therefore, should it refer to "section 121A(1)(b) and (2) of the Building Act 1984" if the intention is to limit the meaning of "building control authority" to the local authority?

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

Legal Advisers
Legislation, Justice and Constitution Committee
4 February 2026

SL(6)739 – The Waste Separation Requirements (Wales) (Amendment) Regulations 2026

Background and Purpose

The Waste Separation Requirements (Wales) Regulations 2023 ("the 2023 Regulations") came into force on 6 April 2024 and include, amongst others, a statutory duty on occupiers of non-domestic premises in Wales (including businesses, the public sector and third sector) to present unsold small waste electrical and electronic equipment ("sWEEE") separately for collection and onward recycling.

The Waste Separation Requirements (Wales) (Amendment) Regulations 2026 ("these Regulations") will amend the 2023 Regulations to require all non-domestic premises to keep their sWEEE (not just unsold sWEEE) separate from all other waste streams and arrange for it to be collected by a licensed waste carrier or take it to a suitable drop-off location for recycling. It will create a corresponding obligation on waste collectors that collect sWEEE to do so separately from other materials, not to subsequently mix sWEEE and to send it for recycling.

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

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

Merits Scrutiny

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

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

The Explanatory Memorandum provides that a draft of the revised "Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales" has been laid for information purposes. Furthermore, a written statement published by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, dated 27 January 2026, states that the final version of the revised Code of Practice will be published and laid before the Senedd after the making of these Regulations.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers
Legislation, Justice and Constitution Committee
3 February 2026

Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT

TITLE	**Laying of the Waste Separation Requirements (Wales) (Amendment) Regulations 2026**
DATE	**27 January 2026**
BY	**Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS**

Today I have laid **The Waste Separation Requirements (Wales) (Amendment) Regulations 2026** to implement the next phase of our successful reforms to workplace recycling in Wales.

Subject to Senedd approval of the Regulations, they will bring in a requirement for workplaces to present small waste electrical and electronic equipment (sWEEE) separately for collection and onward recycling from 6 April 2026. Currently workplaces are only required to separately present unsold sWEEE. This action is critical to tackling the climate and nature emergency and represents significant progress towards a stronger, greener economy as committed to in our Programme for Government.

We have recently consulted on changes to the *'Separate Collection of Waste Materials for Recycling – A Code of Practice for Wales'* to reflect the new sWEEE requirement. In my previous statement of 18 December, I confirmed that all the proposed amendments to the Code put forward in the consultation were supported by the majority of respondents who expressed an opinion. To aid Members of the Senedd's consideration of these Regulations, I have laid a draft version of the Code of Practice which can be found here.

The Regulations will amend the Waste Separation Requirements (Wales) Regulations 2023 so that sWEEE (not just 'unsold' as currently) must be presented separately for collection. The effects of these Regulations are that non-domestic premises must present sWEEE for collection separately; that those collecting the specified recyclable materials from non-domestic premises collect them separately from other recyclable materials and residual waste, and that those separately collected recyclable materials are kept separate and not mixed. These requirements will further increase the quality and quantity of recyclable materials collected from workplaces, thereby creating the opportunity for valuable and often finite resources to be recovered from this waste stream that would otherwise be lost.

These Regulations are expected to reduce CO2e by 7,437 tonnes, reduce NO2 by 6 tonnes and increase recycling by 37,757 tonnes over 10 years. The policy will also bring significant wider benefits. These include, for example, the expected creation of around 90 new waste management sector jobs and an expected reduction in waste fires caused by lithium-ion batteries found in many small electricals which may result in quite substantial additional savings.

This additional sWEEE requirement is the latest phase of the workplace recycling reforms which are modelled to deliver a cumulative net benefit of £194.6M NPV over 10 years from the combined package of measures.

A national communications campaign is underway to help workplaces prepare for the changes and be ready to comply by 6 April 2026.

The Regulations and associated Explanatory Memorandum can be accessed here. The full Regulatory Impact Assessment can be accessed here. The Integrated Impact Assessment can be accessed here.

Guidance and other resources for workplaces and waste collectors are available here: www.gov.wales/workplacerecycling and https://businessofrecycling.wales.wrap.ngo/

The final version of the revised Code of Practice, which sets out practical guidance on how to comply with the amended separation requirements will be published and laid before the Senedd after the making of the Waste Separation Requirements (Wales) (Amendment) Regulations 2026.

I look forward to engaging with Members of the Senedd during the Plenary debate on the Regulations.

SL(6)741 – The Higher Education (Fee Limits) (Wales) Regulations 2026

Background and Purpose

These Regulations specify the maximum amount of fees a 'qualifying person' may be charged for a 'qualifying course' of higher education for the purposes of section 46(6) of the Tertiary Education and Research (Wales) Act 2022 (the 2022 Act). They also provide that if a qualifying course is delivered by a third party on behalf of a registered tertiary education provider fees payable in relation to that course are treated, for the purposes of section 32(7) and 46 of the 2022 Act, as payable to the registered provider.

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

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

Merits Scrutiny

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

The maximum fees set out in these draft Regulations apply in relation to a 'qualifying course' undertaken by a 'qualifying person'. A Written Statement made by Vikki Howells MS, Minister for Further and Higher Education on 27 January 2026 confirms that a further statutory instrument will be made this month specifying both of these terms for these purposes. Paragraph 3.3 of the Explanatory Memorandum accompanying these draft Regulations confirms the terms are specified by the Higher Education (Qualifying Courses and Qualifying Persons) (Wales) Regulations 2026, which are not yet laid. Without that second set of Regulations we cannot consider the scope of these terms and therefore how the maximum fees will apply in practice. Could the two sets of Regulations have been made available together to enable more effective scrutiny.

Welsh Government response

A Welsh Government response is required.

Legal Advisers
Legislation, Justice and Constitution Committee
4 February 2026

Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT

TITLE	**Laying of the Higher Education (Fee Limits) (Wales) Regulations 2026**
DATE	**27 January 2026**
BY	**Vikki Howells MS, Minister for Further and Higher Education**

I have today laid a draft of the Higher Education (Fee Limits) (Wales) Regulations 2026 ("the Fee Limits Regulations"). These will specify the maximum amount of fees that a 'qualifying person' undertaking a 'qualifying course' of higher education may be charged for the purposes of the Tertiary Education and Research (Wales) Act 2022 ("the 2022 Act"). I intend to specify qualifying persons and qualifying courses for this purpose in a further statutory instrument to be made next month.

The primary intention behind these statutory instruments is to ensure that tuition fee caps continue to apply from academic year 2027/28 onwards, following the full implementation of the 2022 Act and the repeal of the existing regulatory regime for higher education in Wales.

In November 2025 I wrote to members confirming my intention to increase tuition fee caps for academic year 2026/27, and I have recently made the Education (Student Finance) (Amounts) (Miscellaneous Amendments) (Wales) Regulations 2026 to provide for this increase. In that statement I also confirmed that the tuition fee caps for the 2027/28 academic year will be considered in the next Senedd term.

The Fee Limits Regulations make provision in relation to academic year 2027/28 to enable Medr to establish the register of tertiary education providers in Wales (as required by Part 2 of the 2022 Act) and to include a fee limit category for higher education providers.

SL(6)688 – The School Organisation Code

Background and Purpose

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

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

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

Procedure

Draft negative

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

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

Scrutiny under Standing Order 21.7

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

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

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

2. On page 9, in paragraph 1, in the English text, after the reference to section 2, it notes the heading for that section "(changes which require proposals)". However, in the Welsh text, the words in parentheses differ slightly from the heading of section 2 as it notes "newidiadau sy'n gofyn am gynigion" rather than "newidiadau y mae angen cynigion ar eu cyfer".

3. In paragraph 1.42, there is a difference between the English and Welsh text. In the English text, it notes "the reason for proposing discontinuance of the school" but the meaning given by the Welsh text is "the reason for discontinuance of the school".

4. In paragraph 1.45, in the eighth bullet point, there is a difference between the English and Welsh text. In the English text, it notes "promote access to the availability of Welsh-medium courses" but the meaning given by the Welsh text is "promote access to Welsh-medium courses". In addition, there is another slight difference in that bullet point where it notes "the sustainability or enhancement of Welsh-medium provision" in the English text, but the meaning given by the Welsh text is "the sustainability and enhancement of Welsh-medium provision".

5. In paragraph 2.7, in the Welsh text, the choice of term for "premises" varies between the words "safle" and "premises" in the same context. At the beginning of that paragraph, in the first bullet point, "premises of a school" and "premises of the school" are expressed as "mangre ysgol" and "mangre'r ysgol". But later in paragraph 2.7, "school premises" and "school's premises" are both expressed as "safle ysgol". Therefore, the Welsh text is inconsistent when referring to "premises" in the same context. In addition, the reader will be unable to distinguish between "site" and "premises" in the Welsh text because "safle" is also used to express "site" elsewhere in the Code. "Mangre" is the standardised word for "premises" in the Glossary of the Welsh Government's Legislative Translation Unit.

6. In the second paragraph numbered 3.16, at the end of the second bullet point, it notes "the terms 'merger' or 'amalgamation' might be used" in the English text. However, in the Welsh text, a single word "uno" has been noted which is capable of expressing both of the words "merger" and "amalgamation". However, should it also note "cyfuno" in the Welsh text for "amalgamation", if there is any potential difference in meaning or emphasis in the choice of words in the English text?

7. In paragraph 3.22, there is an inconsistency in the choice of word to express "register" in the Welsh text. In the third bullet point, "registered" is expressed by using the more literal "cofrestru" but in the final bullet point "to register" is expressed by using "nodi".

8. In paragraph 3.23, in the opening words before the bullet points, there is a difference between the English and Welsh text. In the English text, it notes "the following information for the new school **must** also be included" but the meaning given by the Welsh text is "the following information **must** also be included".

9. In paragraph 3.36, there is a difference between the English and Welsh text. In the English text, it notes "children and young people's participation standards for Wales" but the meaning given by the Welsh text is "children and young people's participation **national** standards for Wales".

10. In paragraph 4.3, there are a few differences between the English and Welsh text. In the English text, in the second bullet point, it notes "any existing school" but the meaning given by the Welsh text is "any school". In addition, in the English text, in the fourth bullet point, it notes "and staff members" but the meaning given by the Welsh text is "and school staff".

11. In paragraph 5.1, in the first bullet point, there is a difference between the English and Welsh text. In the English text, it notes "see paragraphs **5.24 to 5.27**" but the meaning given by the Welsh text is "see paragraphs **5.25 to 5.28**".

12. Paragraph 5.17 relates to proposals that requires approval by a local authority. If a proposal is subject to the approval of a local authority, paragraph 5.17 provides that the local authority must issue its decision within 16 weeks beginning with the end of the objection period. This reflects section 51(8) of the 2013 Act. However paragraph 5.17 goes on to provide that a failure to comply with that time limit does not affect the validity of any decision reached and this appears to directly cut across section 51(8) of the 2013 Act, and across the will of the Senedd expressed therein. Whilst we note that under section 38(3) of the Act the Code may impose requirements, we do not consider that can extend to changing the effect of the primary legislation. In the event a local authority made a decision after the time period set out in section 51(8) has expired, what power do you consider they would they be exercising in making that decision?

13. In paragraph 5.28, in the final sentence, there is a difference between the English and Welsh text. In the English text, it notes "whether or not contested school organisation proposals" but the meaning given by the Welsh text is "whether or not school organisation proposals".

14. In paragraph 6.9, there is a difference between the English and Welsh text. In the English text, it notes "by the substitution of a later date" but the meaning given by the Welsh text is "by the specification of a later date".

15. In paragraph 7.7, there is a difference between the English and Welsh text. In the English text, it notes "The possible closure of such schools" but the meaning given by the Welsh text is "The closure of such schools". In addition, it could be argued that "dyroddi" rather than "cyhoeddi" is the appropriate word to express the meaning of "issuing" in relation to statutory notice of closure in the Welsh text.

16. In paragraph 9.7, there is a reference to "section 63A(1) of the 2023 Act". Should this reference be to the School Standards and Organisation (Wales) Act 2013?

17. In Annex B, in the Examples of statutory notices, in the Welsh text, "insert" has generally been expressed by using "nodwch". However, in the first notice "mewnosodwch" is used on a single occasion and in the second notice "rhowch" has been used on a few occasions for "insert". Should a consistent approach be adopted in the choice of term for "insert" throughout the notices in the Welsh text?

18. In Annex B, in the Example of a statutory notice to establish a new community or voluntary school, in the paragraph beginning "In the case of proposals to establish a new voluntary school…", there is a difference between the English and Welsh text. In the English text, it notes "if the proposals are to be implemented by both" but the meaning given by the Welsh text is "if the proposals are to be implemented by both parties". However, later in the same paragraph it notes "the extent to which they are to be implemented by each such body" in both language texts. Therefore, in the Welsh text, it should note "both bodies" rather than "both parties" to be consistent if it is viewed necessary to provide an additional word to complete the meaning of the sentence. Otherwise, it should simply note "by both" as was done earlier in the Welsh text of paragraph 4.7 of the Code.

19. In Annex B, in the Example of a statutory notice to make a regulated alteration to a maintained community, foundation, voluntary or nursery school, there is a difference between the English and Welsh text. In the English text, in the first paragraph, the title is noted correctly of "the School Standards and Organisation (Wales) Act 2013". However, in the Welsh text, the title is noted incorrectly because "(Cymru)" is missing from the name of that Act.

20. In Annex C, there is a difference between the English and Welsh text. In the English text, in the penultimate bullet point under the heading "Welsh language impact assessment" it notes "and any specific language enhancement" but the meaning given by the Welsh text is "any language enhancement".

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

Government response

A Welsh Government response is required to all reporting points.

Committee Consideration

The Committee considered the instrument at its meeting on 12 January 2026 and reports to the Senedd in line with the reporting points above.

Government Response: *School Organisation Code*

The Welsh Government acknowledges the matters raised by the Committee and although the majority of these are editorial points that do not change the operation or effect of the Code there are certain matters that require correction. For this reason, the Welsh Government will be withdrawing the draft Code for a further corrected draft Code to be laid as soon as possible this Senedd term.

We will be making amendments to address all points raised by the Committee, except for the following matters:

Scrutiny reporting point 4: The wording of the English text will be amended to delete “availability of” to ensure that it is consistent with the Welsh text. We do not consider that this bullet point requires any further amendment as, although the wording is not identical, the Welsh text is clear and would not be misunderstood.

Scrutiny reporting point 6: The bullet point says that the terms “merger” or “amalgamation” might be used to refer to a situation where two or more existing schools become one school operation on more than one site. The word “uno” is commonly used in Welsh to describe this situation; however, we will consider whether “cyfuno” should also be noted.

Scrutiny reporting point 7: We do not agree with the point as we consider that the choice of word in each bullet point reflects the concept of the bullet point. We do not consider that an amendment is necessary.

Scrutiny reporting point 8: We do not agree with the point as we consider that the Welsh text is clear and avoids unnecessary repetition. We do not consider that an amendment is necessary.

Scrutiny reporting point 10: In relation to the first point in this comment, we consider that the Welsh text is clear and do not consider that an amendment is necessary. In relation to the second point in this comment we agree and will amend the minor inconsistency.

Scrutiny reporting point 14: We do not agree with the point as it is not a literal translation as there is no single word for “substitution” in Welsh.

Scrutiny reporting point 15: We do not agree with the point as it is not a literal translation, but the “possible” element is included in the Welsh text through the word “cynnig”. The Welsh text translates as “the proposal to close such schools”.

SL(6)715 – The Regulated Services (Registration) (Wales) (Amendment) Regulations 2026

Background and Purpose

The Regulation and Inspection of Social Care (Wales) Act 2016 (the "**2016 Act**") provides the statutory framework for the regulation and inspection of social care services, and the regulation of the social care workforce in Wales.

The Regulated Services (Registration) (Wales) Regulations 2017 (the "**principal Regulations**") make provision about the form and content of applications for registration and applications for variation of registration under the 2016 Act.

The Regulated Services (Registration) (Wales) (Amendment) Regulations 2026 (the "**2026 Regulations**") amend the principal Regulations to give effect to changes introduced by section 6A(1) of the 2016 Act, which restricts the provision of certain children's services to local authorities and not-for-profit entities. These services, referred to in these Regulations as "**restricted children's services**", include children's home services, secure accommodation services and fostering services.

The intended effect of the amendments made by the 2026 Regulations is to ensure that applications to register, or to vary registration in respect of restricted children's services, include sufficient information to demonstrate compliance with the statutory requirement that such services are provided by not-for-profit entities.

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

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

Regulation 3 states that the principal Regulations are amended in accordance with regulations 4-**10** of the 2026 Regulations. The English text only contains **9** regulations. The Welsh text contains 10 regulations.

As a result, there are inconsistencies between the English and Welsh text.

However, more fundamentally, the effect of omitting regulation 10 in the English text is that new paragraph 7A of Schedule 1 to the principal Regulations is not inserted. As a result, other provisions reliant on new paragraph 7A of Schedule 1 (such as new regulations 3B and 11A of the principal Regulations) are defective.

In turn, the Explanatory Note is incorrect as it states that regulations 8 and 9 insert new regulations 14 and 15 into the principal Regulations, and that regulation 10 amends Schedule 1. In fact, as drafted, regulation 8 alone inserts both regulations 14 and 15, regulation 9 amends Schedule 1 and regulation 10 is erroneously omitted.

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

Regulation 6 inserts new regulation 11A into the principal Regulations. It states:

> **11A**. An application for variation of registration made pursuant to section 6C and paragraph 4 of Schedule 1A must contain the information listed in paragraphs 7 and 7A of Schedule 1.

This is confusing for the reader as both of these Schedules are in separate legislation. Schedule 1A refers to Schedule 1A to the 2016 Act, and Schedule 1 refers to Schedule 1 to the principal Regulations. It would be much clearer if words such as 'to the Act' or 'to these Regulations' were added. We note that this would be in-keeping with the approach in regulation 4(a)(iv).

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

Regulation 8 inserts new regulation 14 into the principal Regulations. This sets out the information a service provider must provide in an application to cancel their registration. We would be grateful for clarification of two points in relation to new regulation 14.

Under new regulation 14(a), the service provider must include the proposed date on which the cancellation should take effect.

The substantive provision governing the cancellation of registration as a service provider is section 14 of the 2016 Act. It provides for the Welsh Ministers to give a notice of the granting of an application for cancellation to the service provider, and provides that such cancellation takes effect on the day falling 3 months after receiving the notice, or an earlier date specified in the notice.

The Welsh Government is asked to explain how new regulation 14(a) of the principal Regulations will work in conunction with section 14(3) of the 2016 Act. In particular, under what circumstances will section 14(3)(a) of the 2016 Act be applicable in practice?

Secondly, new regulation 14(d) states that a cancellation application must contain "*detail of any notice given about the intention to cease providing the service*". Our understanding is that

this is intended to encompass any notice provided by a service provider about their intention to cease providing services. If this is correct, we consider it would be clearer to state "[…] *detail of any notice given by the service provider about its intention to cease providing the service* […]".

Merits Scrutiny

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

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

Regulation 5 inserts new regulation 3B into the principal Regulations. This provides that the Welsh Ministers may waive certain information requirements where an applicant takes over the provision of restricted children's services in certain circumstances. One of the criteria for the waiver is that the Welsh Ministers consider that it's appropriate *"having regard to information which the Welsh ministers hold about the existing provider*" (underline added).

In such circumstances, what assessment is made of the suitability and competence of the applicant to take over provision of the services from a service provider?

Welsh Government response

A Welsh Government response is required in respect of all reporting points.

Committee Consideration

The Committee considered the instrument at its meeting on 26 January 2026 and reports to the Senedd in line with the reporting points above.

Government Response: ***The Regulated Services (Registration) (Wales) (Amendment) Regulations 2026***

Technical Scrutiny point 1: The Welsh Government is grateful to the Committee for pointing out this error. The Welsh Government is currently in the process of moving to the use of the Lawmaker system for producing subordinate legislation and this SI was transferred to the Lawmaker system from the previous software (the SI template). Unfortunately, during this process, the text of regulation 10 was omitted from the English version. To correct this error, the Welsh Government will shortly make a new set of Regulations, the Regulated Services (Registration) (Wales) (Amendment) (No.2) Regulations 2026 which will revoke and replace these Regulations..

Technical Scrutiny point 2: As the Welsh Government will be making a new set of Regulations the amendments to address this reporting point will be incorporated into the drafting of those Regulations.

Technical Scrutiny point 3: Section 14(3)(a) will operate in practice to prevent the regulator issuing a notice which specifies a cancellation date more than 3 months after the issuing of the notice. On receipt of an application for cancellation the regulator will be able to interrogate the accompanying information to understand what the consequences of ending the registration will be for service users. There may be questions the regulator can ask to prompt a provider or other persons e.g. commissioning bodies which will help mitigate any unwanted consequences. Moreover, regulation 14(a) allows the provider to set out in the application their preferred date for cancellation, the regulator can then take this information into account when deciding to set the date under section 14(3)(b) of the Act.

In our view the context makes it sufficiently clear that the notice in question is a notice given by the service provider. The provision is in a list of information to be given by the service provider and is focussed on information which will be in the possession of the service provider. The use of the definite article referring to "the intention" is appropriate because there is already reference, in the same regulation, to the application for cancellation which is made to the regulator and the application is very strongly related to the intention. We agree that the change which the Committee proposes would make this even clearer but in our opinion the drafting is not so unclear as to lead to ambiguity or difficulties in interpretation or application. As a new set of Regulations is to be made we will make the change that the Committee proposes in the drafting of those Regulations.

Merit Scrutiny point 4: The applications to which new regulation 3B applies are applications to register to provide a restricted children's service and therefore all the usual requirements will apply, for example the fitness test. There may be situations where an application for registration is made by a not-for-profit body whose directors

and officers are the same individuals who currently hold those roles in the for-profit organisation providing the service. In such cases, the premises, policies and operating procedures may also be unchanged.

The waiver provision allows the regulator to use its discretion not to require all the usual application information where it already holds relevant and reliable information about the existing provider (for example, the floor plans of their premises) – whether from a previous application or from inspection activity – and where it is clear that the applicant will in practice be continuing to deliver the same service under a new not-for-profit structure. In these circumstances, the information the regulator already holds may be sufficient to provide assurance about the suitability and competence of the applicant in these areas to enable it to appropriately waive particular requirements.

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.

Committee Consideration

The Committee considered the instrument at its meeting on 2 February 2026 and reports to the Senedd in line with the reporting points above.

Government Response – The Closure of European Union Legacy Agriculture Schemes (Wales) Regulations 2026

Technical Scrutiny point 1:

The Welsh Government note the point raised by the committee; however, we are satisfied that the inclusion of the statement in the preamble, although not a requirement, provides clarity for the reader.

Technical Scrutiny point 2:

The Welsh Government note the point raised by the committee. While we are of the view that the intended meaning of the provision is still clear to the reader, in the interests of absolute clarity, we will ensure that these regulations are amended prior to making as set out in the table below to ensure that relevant references are made to “points” rather than “paragraphs”. We consider such amendments to be both minor and non-substantive.

Technical Scrutiny point 3:

The Welsh Government note the point raised by the committee. While we are of the view that the intended meaning of the provision is still clear to the reader, in the interests of absolute clarity, we will ensure that this regulation is amended prior to making as set out in the table below to update the wording from “after the second paragraph” to “at the beginning” to address this. We consider this amendment to be both minor and non-substantive.

Technical Scrutiny point 4:

The Welsh Government note the point raised by the committee. The intention of the provision is to amend Article 51 (i.e. the Article named in the current draft), so the error is in respect of the heading only and we will ensure that the regulation is amended prior to making as set out in the table below to address this. We consider this amendment to be both minor and non-substantive.

Technical Scrutiny point 5:

The Welsh Government note the point raised by the committee; however, we are satisfied that the intention of the current wording of these regulations is clear to the reader and will not be making any amendments in respect of the same.

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

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	**CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING**
Rheoliadau Cau Cynlluniau Amaethyddiaeth Gwaddol yr Undeb Ewropeaidd (Cymru) 2026	**The Closure of European Union Legacy Agriculture Schemes (Wales) Regulations 2026**
Regulations 7(7), 9(8) and 10(20) will be updated so that the references to "paragraff" are amended to "pwynt".	*Regulations 7(7), 9(8) and 10(20) will be updated so that the references to "paragraph" are amended to "point".*
Regulation 7(8) will be amended so that "ar ôl yr ail baragraff" will be updated to "ar y dechrau".	*Regulation 7(8) will be amended so that "after the second paragraph" will be updated to "at the beginning".*
Regulation 10(13) will be amended to change the heading for Article 51 from "(hysbysiad o gwblhau contractau)" to "(elfennau'r contract)".	*Regulation 10(13) will be amended to change the heading for Article 51 from "(notification of conclusion of contracts)" to "(elements of the contract)".*

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.

Committee Consideration

The Committee considered the instrument at its meeting on 2 February 2026 and reports to the Senedd in line with the reporting points above**.**

Government Response: – The Non-Domestic Rating (Artificial Avoidance Arrangements) (Local Lists) (Wales) Regulations 2026 ("the 2026 Regulations")

Technical Scrutiny point 1:

The 2026 Regulations amend the Non-Domestic Rating (Alteration of Lists and Appeals) (Wales) Regulations 2023 under paragraphs 1 and 11(1A) of Schedule 11 to the Local Government Finance Act 1988 ("the 1988 Act"), enabling a person to appeal the decision of the Valuation Tribunal for Wales ("VTW") (as a valuation tribunal established under paragraph 1 of Schedule 11) in relation to section 63K notices, to the Upper Tribunal. Given the possible route of appeal to the Upper Tribunal, the Welsh Government considers that regulation 4(2)(b) and (c) (made under section 143A(3) of the 1988 Act) is necessary and expedient to ensure that a billing authority does not impose a financial penalty on a person until the review and appeal process – whether to the VTW or Upper Tribunal - is fully exhausted.

Technical Scrutiny point 2:

The Welsh Government confirms that a demand notice could be served before the expiry of the time limit to appeal to the Upper Tribunal, or before the outcome of that appeal is known. This is the policy intention. The conditions in regulation 4(2) of the 2026 Regulations mean that where a person does not pay the amount due in a demand notice issued under regulation 5(1)(c) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989, the billing authority cannot impose a financial penalty under regulation 4 of the 2026 Regulations because the conditions in regulation 4(2)(b) or (c) would not have been met.

Technical Scrutiny point 3:

The Welsh Government agrees and will make a correction prior to making to ensure the amendments made by regulation 7(3) will come into force after regulation 11(4) of the Non-Domestic Rating (Provision of Information About Changes of Circumstances) (Wales) Regulations 2026 comes into force.

Technical Scrutiny point 4:

The Welsh Government confirms that "a hereditament" and "the hereditament", in paragraph 1 of the Schedule to the 2026 Regulations are referring to the same hereditament and will make the proposed correction prior to making.

Technical Scrutiny point 5:

The Welsh Government is satisfied that the Welsh text is grammatically correct and directs the Committee to Peter Wynn Thomas *Gramadeg y Gymraeg* sections 6.20 and 6.23 dealing with verbs of incomplete predication which explains this construction. The text at paragraph 2(1) does not use a different approach, but rather it has a different subject ("the ratepayer of the hereditament", that is "talwr ardrethi yr

hereditament", as opposed to "the ratepayer", that is "y talwr ardrethi") resulting in a different, but also correct, construction due to the differing position of the definite article in the two Welsh phrases.

Technical Scrutiny point 6:

The Welsh Government confirms that the English language text is the correct version and will ensure that the Welsh language text is corrected prior to making.

Technical Scrutiny point 7:

Sections 63L and 63ML of the 1988 Act do not contain powers to make regulations which create a right to appeal against a financial penalty imposed under regulation 4, only a right to appeal the section 63K notice. This reflects the policy intent for the operation of the anti-avoidance framework, when it was introduced by the Local Government Finance (Wales) Act 2024.

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

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	**CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING**
Rheoliadau Ardrethu Annomestig (Trefniadau Osgoi Artiffisial) (Rhestrau Lleol) (Cymru) 2026	**Non-Domestic Rating (Artificial Avoidance Arrangements) (Local Lists) (Wales) Regulations 2026**
In the coming into force date in the italicised section, *"1 Ebrill 2026"* will be corrected to read *"yn unol â rheoliad 1(2) a (3)".*	In the coming into force date in the italicised section, *"1 April 2026"* will be corrected to read *"in accordance with regulation 1(2) and (3)".*
In regulation 1, paragraph (2) will be substituted to read: - *"(2) Yn ddarostyngedig i baragraff (3), daw'r Rheoliadau hyn i rym ar 1 Ebrill 2026.* *(3) Daw rheoliad 7(3) i rym yn union ar ôl i reoliad 11(4) o Reoliadau Ardrethu Annomestig (Darparu Gwybodaeth am Newidiadau mewn Amgylchiadau) (Cymru) 2026* ddod i rym*."*	In regulation 1, paragraph (2) will be substituted to read:- *"(2) Subject to paragraph (3), these Regulations will come into force on 1 April 2026.* *(3) Regulation 7(3) comes into force immediately after regulation 11(4) of the Non-Domestic Rating (Provision of Information About Changes of*

*footnote inserted to read “O.S.C. 2026/15”.	*Circumstances) (Wales) Regulations 2026* comes into force*.” *footnote inserted to read “W.S.I. 2026/15”.
In paragraph 1 of the Schedule, the text will be corrected by inserting the word “*yr*” within the text *“…pan fo’n gwneud person (“P”) y meddiannydd ar **yr** hereditament ac nid yw’r hereditament wedi ei feddiannu…”.*	In paragraph 1 of the Schedule, the word “*a*” in the text *“(“P”) the occupier of **a** hereditament*” will be corrected to read “*the*”.
In paragraph 2(2) of the Schedule, the text “*….pan ddaeth X yn dalwr ardrethi hereditament…*” will be corrected to read “…*pan ddaeth X y talwr ardrethi ar gyfer hereditament….*”.	
In paragraph 2(3)(a) of the Schedule, the text “*…pan ddaeth Y yn dalwr ardrethi yr hereditament….*” will be corrected to read “*…pan ddaeth Y y talwr ardrethi ar gyfer hereditament….*”.	In paragraph 2(3)(a) of the Schedule, the word “the” in the text “…*ratepayer of **the** hereditament…”,* will be corrected to read “*a*” .
In paragraph 2(3)(b) of the Schedule, the text “…*neu yr oedd P wrthi’n cael ei ddirwyn i ben yn wirfoddol*” will be corrected to read “*neu y mae P wrthi’n cael ei ddirwyn i ben yn wirfoddol,…”.*	

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.

Committee Consideration

The Committee considered the instrument at its meeting on 2 February 2026 and reports to the Senedd in line with the reporting point above.

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

Technical Scrutiny point 1: The Welsh Government are grateful to the Committee for raising this point and its request for clarification.

Section 22(1)(b) of the Renting Homes (Wales) Act 2016 ("the 2016 Act") is relied on for regulation 4. It enables the Welsh Ministers to specify that provisions in legislation cease to be fundamental terms. Regulation 4 provides that new section 54A of the 2016 Act, as inserted by the Renters' Rights Act 2025 ("the 2025 Act") is not a fundamental provision applicable to supported standard contracts.

Section 29(1) of the 2016 Act is relied on for regulation 3. It requires the Welsh Ministers to prescribe model written statements of contract. Regulation 3 inserts terms equivalent to new sections 54A and 54B of the 2016 Act (inserted by the 2025 Act) into the Model Written Statements for certain types of occupation contract.

Section 256(1) of the 2016 Act is relied on for both regulations 3 and 4 to make different provision in relation to different kinds of occupation contract. Section 256(1)(c) enables regulations under the 2016 Act to make different provision for different kinds of occupation contract. Regulation 3 inserts the new fundamental terms into some, but not all types of occupation contract. Regulation 4 provides that new section 54A is not a fundamental provision for standard supported contracts.

Section 141(1) and (2) of the 2025 Act is relied on for both regulations 3 and 4. The regulations are made in consequence of provision in Part 1 of the 2025 Act. Regulation 3 is made in consequence of new section 54A and section 54B being inserted into the 2016 Act (by the 2025 Act) to reflect that those provisions form fundamental terms in certain types of occupation contract. Regulation 4 is made in consequence of new section 54A being inserted into the 2016 Act to ensure it is not a fundamental term in supported standard contracts.

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

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JB/PO/6600/26

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

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3 February 2026

Dear Mike,

In accordance with the Inter-Institutional Relations Agreement, I will be representing the Welsh Government at an Inter-Ministerial Group for Elections and Registration on 11 February. I will give an update on our work on reforming elections, as will the Scottish and UK Governments. Further discussion will focus on voter engagement and security.

The meeting will be held in hybrid format and, on this occasion, chaired by Samantha Dixon MP, Parliamentary Under Secretary of State, Ministry of Housing, Communities and Local Government. Other attendees will be Graeme Dey MSP, Minister for Parliamentary Business, Scottish Government and Matthew Patrick MP, Parliamentary Under Secretary of State, Northern Ireland Office.

I will write again following the meeting with an update.

Yours sincerely,

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

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

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref HID-PO-067-26

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

3 February 2026

Dear Mike,

I am writing in accordance with the Inter-Institutional Relations Agreement to notify you of the eleventh meeting of the Inter-Ministerial Standing Committee (IMSC), which will take place on 5 February 2026. I will be attending virtually.

The discussion is anticipated to focus on Election Security, the UK Covid-19 Inquiry Module 2 Report and live issues including UK legislation and the Sewel Convention.

This letter has been copied to the Chairs of the following Committees: Public Accounts and Public Administration; Health and Social Care; and Local Government and Housing.

I will provide an update after the meeting in line with established arrangements.

Yours sincerely,

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
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Welsh Government

WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT

TITLE **4 Nations Inter-Ministerial Group on Work and Pensions**

DATE **05 February 2026**

BY **Jane Hutt MS, Cabinet Secretary for Social Justice, Trefnydd and Chief Whip and Jack Sargeant MS, Minister for Culture, Skills and Social Partnership**

On 19 January, the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, Jane Hutt MS, and the Minister for Culture, Skills and Social Partnership, Jack Sargeant MS, hosted the Four Nations Inter-Ministerial Group on Work and Pensions. The meeting brought together Ministers from the Northern Ireland Executive, Scottish Government, UK Government and Welsh Government to discuss shared priorities on employment support for disabled people and young people.

Chairing the meeting, the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip outlined Wales's cross-government approach to employability support for disabled people, highlighting the recently published Disabled People's Rights Plan for Wales, which aims to strengthen disabled people's rights and opportunities across all areas of life, including employment. The Cabinet Secretary emphasised that the social model of disability is the central principle underpinning all Welsh Government support for disabled people.

The Minister for Culture, Skills and Social Partnership highlighted the importance of the Welsh Government's support to employers including Business Wales and the Disabled People's Employment Champions, who draw on lived experience to help employers remove barriers using the social model of disability. The Minister welcomed the joint work on Wales's Economic Inactivity Trailblazers, particularly the effectiveness of their person-centred, multi-agency approach, but noted concerns about the two-year funding period and requested UK Government to share early learning and any plans for wider rollout of the Trailblazers as soon as it is available.

The Minister for Culture, Skills and Social Partnership underlined the importance of evidence-based approaches, monitoring employment outcomes and addressing pay gaps, and welcomed the continued commitment to collaboration across the four nations. On youth employment, the Minister highlighted the success of Wales's Young Person's Guarantee, which has supported 64,000 young people into work since 2021. With a focus on implications for pilot programmes in Wales, the Minister stressed the importance of early

engagement with devolved governments on the development of the UK Youth Guarantee. This engagement will also ensure consistency and alignment in provision across devolved governments and maximise impact.

The practical barriers to employment faced by both young people and disabled people were noted, including access to education, transport and training. Wales was recognised for its good practice in mitigating barriers, for example, through maintaining and increasing Education Maintenance Allowance and introducing affordable bus fares for young people.

The meeting concluded with a shared commitment to continued information-sharing and enhance collaboration across the four nations to prevent duplication of efforts.

A communiqué will be published on the UK Government's website in the near future.

The Terms of Reference are available on the dedicated Intergovernmental Relations page of the UK Government website.

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

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Ein cyf/our ref: MA/HIDCC/3171/25

Mike Hedges MS
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2 February 2026

Dear Mike,

The Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026

I wish to inform the Committee of the intention to agree to the Secretary of State making the Chemicals (Health and Safety) (Amendment, Consequential and Transitional Provision) Regulations 2026 ("the Regulations"). The Regulations apply to Wales (they also apply to England and Scotland).

The Regulations amend assimilated chemicals legislation, will be laid before the UK Parliament (the intended laying date is 24 February) and are subject to the affirmative procedure. They will be made in exercise of powers in sections 14 and 20 of the Retained EU Law (Revocation and Reform) Act 2023. Section 14(9) of that Act provides that no regulations may be made in exercise of the powers in section 14 after 23 June 2026. A summary of the amendments made by the Regulations is set out below for ease of reference.

A final point of context to assist the Committee is that the Health and Safety Executive ("HSE") deliver many chemical functions on behalf of the Welsh Ministers, Scottish Ministers and Secretary of State.

The Great Britain Biocidal Products Regulation (GB BPR)

GB biocides legislation is based on EU Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ('EU BPR') and is known commonly as the Great Britain Biocidal Products Regulation ('GB BPR'). GB BPR regulates the placing on the market and use of biocidal products, which are a diverse range of products that control harmful organisms, such as insecticides, rodenticides and disinfectants. It also makes provision for

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the assessment of active substances that are used in biocidal products, which are the chemicals that have the controlling effect on the harmful organism. The Regulations:

- ensure that a group of up to 173 approved active substance/product type combinations remain on the GB market until 31 July 2031, subject to a renewal of approval application being received, where their approvals would otherwise have lapsed through no fault of the applicants because they had reached their expiry dates (which fall on different dates between 23 June 2026 and 30 July 2031 inclusive). This extension to expiry dates will enable wider reforms to the biocides regime to be developed and undertaken during this period by the HSE, with the aim of changing how approved active substances are managed to avoid the need for further similar extensions in future.
- update provisions which allow essential biocidal products to remain on the GB market where they are necessary to deal with a danger to public health, animal health or the environment which cannot be contained by other means. This will allow for the biocidal product to be kept on the GB market either for up to 550 days (as at present) or until the biocidal product is authorised, in a case where the continued need to use it is unlikely to be temporary.
- amend data protection rules in GB BPR to correct a drafting error originating from EU BPR, so that all approved active substances gain the relevant data protection periods as originally intended.

The societal benefits of maintaining these active substances on the market include preventing the spread of disease (including through international air travel), preventing damage to businesses and homes and averting business disruption and loss of stock.

The Great Britain Classification, Labelling and Packaging Regulation (GB CLP)

GB CLP is based on Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures ('EU CLP') and is known commonly as the Great Britain Classification, Labelling and Packaging Regulation ('GB CLP'). GB CLP aims to ensure the effective identification and communication of chemical hazards and the safe and secure packaging of chemicals in order to protect human health and the environment. It also provides the legislative means through which the UK continues to adopt and give legal effect to the United Nations Globally Harmonized System of classification and labelling of chemicals, an internationally agreed voluntary system of hazard identification and communication.

EU CLP was designed with the needs of the EU and the combined resources of all EU member states in mind. As a result, GB CLP contains some procedures and requirements which HSE's experience of operating the regime has found to be time consuming and costly to comply with. The Regulations:

- simplify and consolidate the existing procedures used to reflect scientific and technical changes to the legally binding 'Mandatory Classification and Labelling List' ('the MCL List') produced by HSE and establishes a faster evaluation pathway to determine the hazards of chemical substances.
- remove the obligation on HSE to automatically consider EU classification and labelling proposals to enable greater flexibility to prioritise hazard classification evaluations that are most relevant to the GB market.
- amend the mechanism by which the Welsh and Scottish Ministers are informed of proposed changes to the GB MCL List to remove duplication.
- remove technical notes pertaining to entries on the MCL List from GB CLP to facilitate the relocation of those notes to HSE's website (where the MCL List itself is located). In conjunction with the amendments to the MCL procedures described above, these changes will enable more efficient delivery of MCL updates to quicker timescales using requirements and processes that are more appropriate for the GB market. This will

reduce uncertainty for chemical suppliers who are legally required to apply those mandatory classifications and labelling elements.

- remove burdensome chemicals notification requirements placed on suppliers to reduce the cost of compliance and facilitate business growth. They also remove associated requirements for HSE to establish and manage a publicly accessible database of the notifications it receives. The requirements are considered unnecessary as the notifications are not used by HSE for the immediate enforcement or delivery of GB CLP. Instead, HSE will achieve the aims of providing oversight of chemicals placed on the GB market and encouraging industry cooperation to agree self-classifications through alternative means already set out in GB CLP. For example, under Article 49 of GB CLP, HSE is able to request from suppliers information they use to classify and label the chemicals they place on the GB market and part 1.1.0 of Annex I to GB CLP encourages suppliers to cooperate to meet requirements.

Greater oversight of the chemical substances supplied in GB is also provided under other regulations governing the supply of chemicals. This includes the assimilated Regulation (EC) No 1907/2006 on The Registration, Evaluation, Authorisation and Restriction of Chemicals (UK REACH) and sector-specific chemicals legislation such as the GB BPR. Therefore, the benefits of the existing notification requirements are outweighed by their impacts on business burden.

The Great Britain Prior Informed Consent Regulation (GB PIC)

GB PIC is based on Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals ('EU PIC'), known commonly as the Great Britain Prior Informed Consent Regulation ('GB PIC'). GB PIC requires exporters of certain hazardous chemicals from GB that are specified in the GB PIC list to notify the importing country and for some chemicals the consent of the importing country is required before export can proceed.

It also implements the UK's obligations as a party to the international Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade. GB PIC is administered by HSE as the Designated National Authority. The Regulations:

- remove excessive additional conditions that were applicable only to certain chemicals, so that the same conditions apply to all chemicals that require explicit/prior informed consent to import. Additionally, they update references to assimilated EU law so that the references are current.
- remove a redundant and burdensome requirement for exporters in certain cases to obtain a special reference identification number to be included in their export declaration.
- amend some other procedures to reduce administrative burdens on businesses and HSE. The changes are in line with the intentions of the Retained EU Law (Revocation and Reform) Act 2023 to ensure regulators and regulation support growth.

The changes the Regulations make are to provisions of GB PIC that do not directly implement the Convention requirements.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the UK Government to legislate on a GB-wide basis.

Chemicals engage a mix of reserved and devolved matters. Broadly speaking, in Wales, consumer protection, product labelling and import and export control are reserved matters while environmental protection and public health are devolved matters. Chemicals are an area where legislation, policy and delivery have been approached on a GB and UK wide

basis. This approach promotes regulatory certainty for businesses operating across multiple jurisdictions, reduces administrative burdens and ensures effective risk management and high public protection standards. Our shared legislation aligns with international obligations, supports smooth supply chains, and prevents regulatory gaps. This harmonisation facilitates cooperation between regulatory bodies and ensures that Wales remains aligned with best practice in chemical safety and public health protection, ultimately safeguarding the wellbeing of workers and the public, while supporting the competitiveness of Welsh businesses. HSE undertake multiple chemical functions on behalf of Welsh Ministers, Scottish Ministers and Secretary of State though Agency Agreements.

The legislation being amended by the Regulations was not made bilingually (in English and Welsh).

I have written similarly to the Chair of the Chair of the Economy, Trade and Rural Affairs Committee.

Yours sincerely,

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

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

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JB-PO-27-26

John Griffiths MS
Chair
Local Government and Housing Committee

John.Griffiths@senedd.wales

21 January 2026

Dear John,

On 17 December the Electoral Commission published its evaluation report of the Automatic Voter Registration (AVR) pilots which took place in Carmarthenshire, Gwynedd, Newport and Powys earlier last year. The pilots used local data matching to identify eligible electors for the local government register. In three areas electors were notified of an intention to be registered, and added if they did not opt out within a set period. I am very grateful to those authorities for co-producing and delivering these pilots with the Welsh Government.

The evaluation outlines the benefits of the approach piloted, including adding just over 14,500 new electors and 1,500 attainers (14-15 year olds who will be registered once they turn 16) to the local government register.

The evaluation also makes a number of recommendations for the future, including:

- timing the AVR process to align with the annual canvass (the annual check of the accuracy and completeness of electoral registers);
- reducing the length of the 60 day opt-out period;
- improving the efficiency of data matching software; and
- ensuring Electoral Registration Officers have appropriate resources to manage the process.

I issued a Written Statement on the evaluation on 17 December and I intend to bring forward secondary legislation to progress AVR and with the view to working towards implementation in time for the local elections in 2027. This includes regulations to abolish the edited register for local government elections in Wales, and an order to commence sections 3 and 4 of the Elections and Elected Bodies (Wales) Act, which I will look to bring forward before the end of this Senedd term.

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We will also continue to work with the UK Government, who announced in July their ambition to move towards automated registration. Considering the interaction of reserved and devolved registration processes will be a key part of that.

Overall, I am very pleased with how the pilots were conducted and the insight they have provided. I will consider the Electoral Commission's recommendations in detail over the coming months and continue to engage with electoral stakeholders to develop the most effective model for rolling out AVR across Wales. I would be happy to arrange a briefing for Members on AVR following this work if that would be useful.

This letter is also being copied to the Legislation, Justice and Constitution Committee for information.

Yours sincerely,

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

Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT

TITLE	**Publication of draft Commonhold and Leasehold Reform Bill**
DATE	**30 January 2026**
BY	**Jayne Bryant MS, Cabinet Secretary for Housing and Local Government**

I am pleased to draw members' attention to the draft Commonhold and Leasehold Reform Bill which has been published this week for pre-legislative scrutiny in UK Parliament.

For decades, leasehold has concentrated power in the hands of freeholders, while millions of residents have been left paying the price. This imbalance has been devastating: locking people into unfair contracts, spiralling costs and a system that strips communities of control over their own homes.

The UK Government's draft Bill proposes important and welcome changes to the law underpinning home ownership in both England and Wales. It covers a range of areas, including:

- A cap on ground rent in existing leases of £250 per year, reducing to a peppercorn rent 40 years after the commencement of the legislation.
- Reforms to commonhold to make it the workable alternative to leasehold it was always intended to be, following the proposals set out in last year's White Paper.
- A ban on the use of certain long residential leases of flats from an as yet unspecified future date. The ban is intended to operate in a similar way to the ban on leasehold houses set out in the 2024 Act.
- Abolition of leasehold forfeiture for long residential leases, whereby a lease can be brought to an end if the terms of the lease are breached, which can sometimes occur for relatively minor debts. The draft Bill sets out a replacement process to address breaches via a 'lease enforcement claim'.
- Removal of disproportionate enforcement options for non-payment of certain types of freehold estate charges.

Alongside the publication of the draft Bill, the UK Government has also launched a consultation on the operation of the future leasehold flat ban.

We continue to work with the UK Government on this important area of reform. As I have said before, the law underpinning leasehold is complex and challenging for ordinary homeowners to navigate effectively. Working together on a common body of reformed law will reduce complexity, maximise clarity and coherence, and ensure the new fairer reformed system applies to all.

I encourage current and prospective homeowners and any other interested stakeholders to engage with these proposals and consider responding to the consultation.

The draft Bill and explanatory information about its proposals can be found here: Draft Commonhold and Leasehold Reform Bill - GOV.UK

The leasehold flat ban consultation can be found here: Moving to commonhold: banning leasehold for new flats - GOV.UK

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

Llywodraeth Cymru
Welsh Government

David Rees MS
Chair, Member Accountability Bill Committee

2 February 2026

Dear David,

Thank you for your letter of 22 January 2026 regarding the financial resolution for the Senedd Cymru (Member Accountability and Elections) Bill.

As you will be aware, the debate on the Financial Resolution has been included on the Business Statement for 10 February. I will table the motion for the Senedd to agree the financial resolution tomorrow. This will allow for stage 2 proceedings to take place as planned on 12 and – if necessary - 13 February.

I did not move the Financial Resolution motion on 13 January as I wanted to consider the implications for the Regulatory Impact Assessment of the committee recommendations to remove much of the detail from Part 2 of the Bill, in relation to lay members to be appointed the Standards of Conduct Committee.

Having reviewed the financial implications I have reached the view that if the detail currently in Part 2 of the Bill was removed by way of an amendment, the costs associated with lay members would be unknown because the planning assumptions used to provide the current estimate, which already carried a low level of confidence, would become even more uncertain. If amended in that way the Bill would provide no parameters for the numbers of lay members, and as that detail would need to be developed for inclusion in Standing Orders – where a two-thirds majority for approval would be required – there can be no confidence about when the arrangements for the appointment of lay members would be in place and therefore, when costs associated with lay members would be incurred. Consequently, I will wish to give this matter further consideration ahead of Stage 2 proceedings.

I look forward to debate on the 10 February and to discussing these matters further with Members.

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

Yours sincerely,

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

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

Llyr Gruffydd MS
Chair of the Climate Change, Environment and Infrastructure Committee

Mike Hedges MS
Chair of the Legislation, Justice & Constitution Committee

Peredur Owen Griffiths MS
Chair of the Finance Committee

3 February 2026

Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill – Stage 2 Explanatory Memorandum update

Ahead of the Stage 3 debate on the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill on 10 February and in accordance with Standing Order 26.28, I have today laid before the Senedd a revised Explanatory Memorandum (EM) and Explanatory Notes following conclusion of Stage 2 CCEI Committee meeting held on 11 December. Revisions have been made throughout the EM reflecting the commitments I gave in response to a number of Stage 1 Committee recommendations and to reflect the Bill as amended at Stage 2.

Please note my specific response below to Recommendation 6 from the Finance Committee.

Finance Committee Recommendation 6: *The Committee recommends that the Deputy First Minister, in consultation with the Auditor General for Wales, estimates the cost to the Wales Audit Office for engaging with, and auditing, the proposed Office of Environmental Governance Wales, and includes this information in a revised Regulatory Impact Assessment, after Stage 2*

Following further investigation and engagement, the estimated annual cost of the Wales Audit Office for engaging with and auditing the proposed Office of Environmental Governance Wales is not expected to exceed £0.5m. However, further engagement with the Wales Audit Office is planned over the next month to try and refine this estimate following Stage 2 amendments that settle the functions and scope of the OEGW. I therefore commit

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to updating the Regulatory Impact Assessment with a more accurate estimate of the cost of the Wales Audit Office for engaging and auditing the OEGW as soon as practicable.

The EM will be further updated to reflect any changes made to the Bill as amended at Stage 3.

Regards

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

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

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Welsh Government

Ein cyf/our ref: HID-PO-062-26

Elin Jones MS
Llywydd
Senedd Cymru
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2 February 2026

Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

In advance of Stage 4 proceedings on 24 February, I am pleased to inform you that following engagement with the UK Government, Minister of the Crown consent has been received in respect of the relevant provisions in the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill.

This letter has been copied to the Chairs of the Legislation, Justice and Constitution Committee, the Finance Committee and the Climate Change, Environment and Infrastructure Committee.

Yours sincerely

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

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

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

3 Chwefror 2026

Annwyl Adam,

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

I wrote on 27 January setting out the background to the Government's decision that the planning consolidation Bills should remove the Welsh Ministers' powers to give planning functions to an urban development corporation (UDC). When we met on 29 January with my officials, I agreed to write providing more detail about some of the difficulties that would arise from trying to retain and use the existing powers.

During our discussion, my officials and I noted that the existing powers in section 149 of the Local Government, Planning and Land Act 1980 ("the 1980 Act") would only enable Ministers to transfer some of a planning authority's functions to a UDC. Other planning functions would have to remain with the local authorities in the urban development area. The resulting split of functions would create the risk that neither the UDC nor the local authorities could operate effectively as planning authorities.

Currently, a UDC in Wales could be given development management functions under Part 3 of the Town and Country Planning Act 1990 ("TCPA 1990"), including the power to make local development orders and the responsibility for determining planning applications. It could also be given some related functions relating to enforcement, highways, listed buildings, and other consents and notices. But there are numerous functions of local planning authorities that could not be transferred to a UDC in Wales, which would prevent it operating effectively or on an equal basis with other local planning authorities. Further details are set out in the annex to this letter, but in summary the gaps are as follows:

- a UDC in Wales could not be given the function of preparing a local development plan;

- it could be given the function of deciding planning applications, but could not be given the function of issuing certificates of lawful use or development, which may be needed to determine whether a planning application is required;

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- it could be given the function of agreeing planning obligations, but not the function of charging the community infrastructure levy (CIL), leaving it with only some of the available powers to address the impact of development on its area;

- it could be given the powers to issue enforcement notices and stop notices, but not the powers to issue enforcement warning notices and temporary stop notices. This would mean a UDC would have only some of the powers that local planning authorities have to enforce the requirements to obtain planning permission and comply with the terms of any permission that is granted;

- it could be given the powers to make tree preservation orders and issue tree replacement notices, but not the powers to enter land or apply for injunctions to enforce tree preservation orders.

There would also be some similar gaps in the functions that could be transferred to UDCs under the legislation about listed buildings and conservation areas.

Some of these gaps were present in the 1980 Act when it first introduced the power to transfer planning functions to a UDC. Others reflect the fact that the planning legislative landscape has changed significantly since 1980. New functions have been conferred on planning authorities, but the legislation creating those functions has not necessarily added them to the lists of functions that can be transferred to UDCs. Whatever the reasons may have been for leaving those gaps, it is clear that we cannot fill them all in a consolidation exercise. In particular, the consolidation Bills could not change the law to enable UDCs to be given the functions of preparing development plans, issuing certificates of lawful use or development, or charging CIL.

Therefore, if we now tried to amend the consolidation Bills to reinstate the powers to give planning functions to UDCs, not only would that be a complicated task (because, as my officials mentioned when we met, it would involve reintroducing a number of distinctions and exceptions that are not required if the powers are omitted), but we would also have to reproduce unsatisfactory gaps in the functions that can be given to UDCs in Wales.

As I explained when we met, I consider it very likely that amendments to primary legislation would be needed to ensure that UDCs in Wales could operate effectively in fulfilling planning functions for their areas. That was the view of some respondents to the consultation paper issued by the Law Commission on Planning Law in Wales, and formed part of the background to the Commission's recommendation to omit these powers. In response to consultation question 5-12 on this matter, the Law Society and Huw Williams of Geldards solicitors stated:

> *"We agree and see no merit retaining these provisions because of a possibility they might be used in the future. It is unlikely that future policy initiatives, albeit they might involve approaches like the ones noted, would be the same in all respects – so the need for adaptation of the legislation should be regarded as almost inevitable. Once this is acknowledged there isn't a great saving from having to legislate "from scratch". That being the case, the balance of advantage lies with removing these provisions and reducing the length of the Code."*[1]

I share that view. It should be noted that the establishment of Mayoral Development Corporations (MDCs) in London has involved the creation of a new legislative framework provided by the Localism Act 2011, which enables MDCs to be given development plan functions under Parts 2 and 3 of the Planning and Compulsory Purchase Act 2004 ("PCPA

[1] See paragraphs 5.287 and 5.291 of the Law Commission's Planning Law in Wales: Responses to Consultation Paper, December 2018

2004”). More recently, the Levelling-up and Regeneration Act 2023 (“LURA 2023”) amends the powers to confer planning functions on MDCs and on UDCs in England, to ensure that both types of development corporation can be given a more comprehensive set of planning functions. (See the annex to this letter for further details.) These legislative changes made by the UK Parliament clearly demonstrate that the existing legislation relating to the transfer of planning functions is not considered satisfactory.

These problems with the existing powers to transfer planning functions, together with the fact that the powers have never been used in Wales and the positive response to the Law Commission’s consultation on omitting them, all reinforce my view that the powers are no longer of practical utility.

I note that in last week’s report the other members of the Legislation, Justice and Constitution Committee recommended that the Bills should proceed to Final Stage, but that you have now tabled a motion that amendments should be considered at a Detailed Senedd Consideration stage. The Government fully supports the recommendation that the Bills should proceed to Final Stage. In light of the reasons set out in my previous correspondence and elaborated further during our discussion and in this letter, I would encourage you to withdraw your motion.

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

Annex: legislation about functions of UDCs

General purposes and functions of UDCs

Under sections 134 and 135 of the 1980 Act, Ministers have the power to designate an area as an urban development area, and to establish an urban development corporation (UDC) to secure the regeneration of the area.

Sections 136 and 141-146 of the 1980 Act contain powers for UDCs to acquire, develop and dispose of land. Ministers can transfer land to UDCs from other public bodies, and can authorise them to acquire land compulsorily.

Under sections 136 and 160-162 of the 1980 Act, UDCs may make loans for certain purposes, including to enable the acquisition and development of land.

Under sections 151-153 of the 1980 Act, UDCs may be given building control functions and certain functions under housing legislation.

Planning functions of UDCs: the current position in Wales

Part 6 of PCPA 2004 requires local planning authorities to prepare local development plans for their areas. For this purpose, a “local planning authority” means only a county council or national park authority, so a UDC does not have the function of preparing a development plan. Under section 74 of PCPA 2004, the Welsh Ministers can direct that the provisions about development plans do not apply to an urban development area, meaning that plans do not have to be prepared for the area. But Ministers cannot transfer plan-making functions to the UDC.

Under section 148 of the 1980 Act, a UDC may submit a set of proposals for the development of land in its area to Ministers. Ministers can make a special development order under section 59 of TCPA 1990 granting planning permission for development in accordance with the proposals. The proposals and development order could relate to a specific development, or to general categories of development in the urban development area or particular parts of the area. (These functions are preserved by the consolidation Bills.)

Section 149(1) of the 1980 Act enables Ministers to make an order which provides for a UDC to be the local planning authority for all or part of its area, in relation to specified kinds of development, for the purposes of any or all of the provisions of Part 3 of TCPA 1990. Section 7 of TCPA 1990 provides that, in the cases provided for in such an order, the UDC is the local planning authority in place of any other authority.

Under section 149(1) of the 1980 Act, a UDC could be given the functions of making local development orders, determining applications for planning permission, modifying or revoking permissions, agreeing planning obligations and making discontinuance orders. The effect would be to transfer those functions to the UDC from the local authority that would otherwise be the planning authority.

Section 149(2) of the 1980 Act enables an order under section 149(1) to modify legislation that applies to planning authorities in relation to a UDC. This power could, for example, be used to modify the compensation provisions that apply where planning permission is refused or revoked. It could not be used to apply the provisions under which, in that situation, a person may require a local authority to purchase their interest in land by serving a purchase notice.

Section 149(3) of the 1980 Act enables Ministers to give a UDC the functions of a local planning authority under certain provisions in Parts 7, 8 and 10 of TCPA 1990, and under certain provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA 1990). But the lists of provisions of each Act are incomplete:

- The list includes some of the planning enforcement provisions in Part 7 of TCPA 1990, but not the powers to issue enforcement warning notices or temporary stop notices, or the function of issuing certificates of lawful use or development.

- The list includes some of the provisions of Chapter 1 of Part 8 of TCPA 1990 relating to the protection of trees but does not include the powers to enter land or apply for injunctions, and the list of provisions has not been amended to reflect significant change made by the Planning Act 2008.

- The list includes all the function of planning authorities in Wales under Chapters 2 and 3 of Part 8 of TCPA 1990, relating to land adversely affecting amenity and the display of advertisements, and under Part 10, relating to highways.

- The listed provisions of PLBCAA 1990 include many, but not all, of the provisions of that Act conferring functions on planning authorities relating to listed buildings and conservation areas (now restated for Wales in the Historic Environment (Wales) Act 2023).

Regulations under Part 11 of the Planning Act 2008 enable planning authorities to charge CIL, as a means of requiring owners and developers of land to meet some of the costs resulting from development. The regulations cannot authorise UDCs to charge CIL.

Planning functions of UDCs: position in England now and under LURA 2023

In England, in addition to the gaps in the functions that may be conferred on UDCs described above, the list of functions in Schedule 29 to the 1980 Act has other gaps. The list of provisions in Schedule 29 does not currently include new provisions that have been inserted in Part 7 of TCPA 1990 relating to planning enforcement orders, or new provisions in Chapters 3 and 4 of Part 8 relating to unauthorised advertisements and defacement of premises. All of those provisions apply only in England.

However, section 174 of LURA 2023 amends the 1980 Act to fill in most of the gaps in the planning functions that can be transferred to UDCs in England. That section is not yet in force, but it makes the following amendments:

- It amends section 149 of the 1980 Act and Part 2 of PCPA 2004 to include a new power to give UDCs functions of preparing development plans.

- It amends Schedule 29 to the 1980 Act so that the list of functions under TCPA 1990 that may be transferred to a UDC includes the powers to apply for planning enforcement orders and to issue enforcement warning notices and temporary stop notices, the function of issuing certificates of lawful use or development, and powers to take action in relation to unauthorised advertisements and defacement of premises.

- It inserts a new section 149A into the 1980 Act, which enables a UDC in England to delegate any of its functions as a planning authority back to the council that previously had the function, and enables such a council to give a UDC assistance in exercising any planning functions that are conferred on it.

Section 174 of LURA 2023 does not, however, make any changes to the enforcement functions that may be given to a UDC in relation to the protection of trees.

In addition, Schedule 12 to LURA 2023 (which is not in force) would replace CIL with a new “infrastructure levy” (IL) in England, and would give a UDC for an area in England the function of charging the new levy if it was the local planning authority for all of its area. Following the 2024 UK General Election, the new UK Government announced that it did not intend to take the IL forward.

These changes would apply only to UDCs in England, not ones in Wales. They would enable UDCs in England to be given a much fuller set of planning functions, although the new section 149A of the 1980 Act suggests that UDCs might not be able to exercise all of those functions themselves.

The Welsh Government's Legislative Consent Memorandum on the Public Office (Accountability) Bill

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

February 2026

The Public Office (Accountability) Bill ("the Bill") was introduced in the House of Commons on 16 September 2025. Certain elements of the Bill require the legislative consent of the Senedd, and on 2 October 2025, the Welsh Government laid a Legislative Consent Memorandum (LCM) for the Bill before the Senedd.

This was followed by a supplementary LCM in respect of a UK Government amendment to the Bill, laid on 11 December 2025.

On 18 December the Legislation, Justice and Constitution Committee ('LJCC'), published a report on Memorandum No. 1 (laid on 2 October 2025).

The LCM is currently scheduled for debate in plenary on 24 March 2026.

1. Introduction

The Public Office (Accountability) Bill is complex in its cross-policy nature, and the Welsh Government is responding as expeditiously as possible in response to the ambitious pace of its passage.

The members of the Legislation, Justice and Constitution Committee are thanked for their report on the Welsh Government's Public Office (Accountability) Bill Legislative Consent Memorandum. The responses to the Report's individual recommendations are set out below.

2. Response to issues raised by the Committee

This response addresses the three conclusions and eight recommendations of the Report and uses the clause numbering in the version of the Bill introduced in the House of Commons.

Conclusion 1.

The Committee noted:

We agree with Welsh Government's assessments, as set out in the Legislative Consent Memorandum laid by the Deputy First Minister, that clauses 1 to 5; clauses 7 to 10; clause 12; clauses 14 to 16; clauses 18 (partially); clauses 20 to 25; schedule 1 (Parts 1, 2 and 6); and schedules 2 to 4 and 6 (partially) require the consent of the Senedd in accordance with Standing Order 29.

Response: The position is noted.

Conclusion 2.

The Committee noted:

Contrary to the views of the Welsh Government, as set out in the Legislative Consent Memorandum, we believe that clauses 11, 13, 19 and 26, and Part 3 of Schedule 1 require the require the consent of the Senedd in accordance with Standing Order 29.

Response: The position is noted. However, pursuant to amendments published on 12 January, clause 11 will apply to Wales as it does to England. The Welsh Government's view is that clause 11, as amended, will meet the test in Standing Order 29. A supplementary LCM reflecting this position was laid on 27 January 2026.

Conclusion 3.

The Committee noted:

In light of its significance and relevance to devolved matters, there should be better and more meaningful engagement by the UK Government with the Welsh Government as this Bill proceeds through its remaining stages in the UK Parliament. This is critical to ensuring that unintended consequences do not arise as a result of the Bill.

Response: The position is noted.

Recommendation 1.

The Committee recommends that:

The Welsh Government should clarify in which "appropriate fora", and with which stakeholders, it has discussed the Bill.

Response: Accept

Welsh Government wrote to stakeholders in December regarding the introduction of the Bill, and the extension of Clause 11 to Wales. This offered further engagement and specifically included:

- Welsh Government arms'-length bodies
- Non-ministerial departments
- Welsh Government owned companies
- Commissioners
- Estyn
- NHS Health Boards/Trusts
- Wales TUC
- Unison
- GMB
- NASUWT
- Unite

- UCU
- USADW
- RCN
- PCS
- CBI Wales
- FSB
- Universities Wales
- MAKE UK
- Adult Learning Wales
- Voluntary Sector
- Public Leaders Forum
- WLGA

Policy leads and Ministers have been encouraged to engage and share with other stakeholders as they deem appropriate.

Recommendation 2.

The Committee recommends that:

The Welsh Government should:

i. clarify its role in ensuring that consultation about the Bill is carried out with relevant devolved Welsh public bodies, including whether it has liaised/intends to liaise with the UK Government to ensure that adequate consultation is carried out by the UK Government itself;
ii. clarify what steps it will take, if any, to ensure that any issues identified by Welsh public bodies are fully reflected in amendments to the Bill if the UK Government is not minded to engage directly with bodies affected; and
iii. report back to the Senedd on how issues identified by devolved public bodies have been addressed in the Bill before the Senedd debates the legislative consent motion

Response: Partially Accept (see point iii)

In relation to the three points set out by the committee:

i. The Welsh Government is working with UK Government to ensure that Welsh public bodies are consulted on the implications of the legislation.
UK Government officials are developing an implementation plan, and we will ensure that this is tailored to the Welsh context. A session is being arranged with Welsh

public bodies and officials that will allow them to raise issues directly with UK Government officials.

ii. As and when issues have been or are identified, they have been raised with UK Government officials and appropriate official meetings have been convened to discuss.

iii. Any issues identified by Welsh public bodies which are communicated to Welsh Government or UK Government will be responded to accordingly. Where possible, any issues identified and how they have been addressed in the Bill by UK Government will be notified before the Senedd debate. However, the Committee will note that Report Stage has been paused pending the UK Government giving further consideration to the application of the duty of candour to the intelligence services.

Recommendation 3.

The Committee recommends that:

The Welsh Government should explore the concerns raised by the WLGA about potentially conflicting standards regimes as a result of this Bill, and report back to the Senedd on the outcomes of those discussions before the Senedd debates the legislative consent motion.

Response: Accept

Welsh Government acknowledge the issues raised by the WLGA, which have been the subject of discussion between the Welsh Government and the UK Government as part of the ongoing dialogue in respect of the provisions of the Bill. Welsh Government officials have met with the WLGA about the issues they raised in their evidence and agreed to work together with local government to agree the steps required to enable a smooth transition from existing to the new arrangements.

Recommendation 4.

The Committee recommends that:

As part of its responsibilities to ensuring the effective implementation of the Bill, the Welsh Government should commit to supporting local authorities and other affected public bodies to ensure that their existing codes of conduct and other relevant standards

documents are amended, if necessary, so that they dovetail effectively with any provisions in the Bill if enacted.

Response: Accept.

The professional duties of candour and codes of conduct will be the legal responsibility of local authorities and other bodies to ensure compliance, including incorporation of provisions within local documentation.

Welsh Government will support Welsh bodies to implement appropriate arrangements in line with any UK-wide guidance. UK Government officials have confirmed their intent to publish further guidance following Royal Assent which Welsh Government will ensure is appropriate to a Welsh context and where necessary will work with local authorities and other bodies to identify changes required to existing Welsh specific guidance to ensure appropriate alignment.

Recommendation 5.

The Committee recommends that:

The Welsh Government should seek clarification from the UK Government of the reasons for which clauses 12 and 13 (relating to the offences of misconduct in public office) were extended to Wales in the Bill as introduced, but not to Northern Ireland or to Scotland.

Response: Accept

On 12 January, UK Government amendments to the Bill were published which will extend Part 3 of the Bill (Misconduct in public office) to Scotland and Northern Ireland. Assuming those amendments pass, Part 3 will apply UK-wide.

Recommendation 6.

The Committee recommends that:

As part of its ongoing discussions about the Bill that will inform its recommendations to the Senedd regarding consent, the Welsh Government should clarify why the Bill does not vest any commencement powers in the Welsh Ministers, nor provide for the Secretary of

State to seek the consent of the Welsh Ministers before commencing provisions that relate to devolved matters.

Response: Accept

The Welsh Government will raise this question with the UK Government.

However, the Welsh Government also notes that the Bill is UK-wide and commencement may therefore be on a UK-wide basis to reflect that position. The only exceptions appear to relate to specific inquiries in Scotland (Inquiries in Scotland into fatal accidents and sudden deaths) and Northern Ireland (Investigations under the Coroners Act (Northern Ireland) 1959) as set out in clause 25(5).

Recommendation 7.

The Committee recommends that:

As part of its ongoing discussions about the Bill that will inform its recommendations to the Senedd regarding consent, the Welsh Government should set out:

i. whether there are any concurrent or concurrent plus powers in the Bill other than those identified in this report; and
ii. ii. the UK Government's justification for taking these powers.

Response: Accept

Other concurrent plus powers

There are no concurrent or concurrent plus powers in the Bill beyond those identified by the committee.

The UK Government justification

The Welsh Government have asked the UK Government for that justification and is awaiting response.

Recommendation 8.

The Committee recommends that:

The Welsh Government should justify how each concurrent or concurrent plus power in the Bill, to which it recommends the Senedd consents, represents an "exceptional case" as set out in its principles on UK legislation in devolved areas.

Response: Accept

Bullet point 2 of paragraph 4 of the Welsh Government's Principles on UK legislation in devolved areas states:

"If, in exceptional cases, Welsh Ministers agree to the creation of concurrent powers, such powers should be subject to relevant consent mechanisms and associated 'carve outs' from the Government of Wales Act 2006, such that no consent is required for the Senedd to remove the powers in future."

The Welsh Ministers consider that each of the concurrent plus powers in the Bill is exceptional for the purposes of the above paragraph. Each of them forms part of a new and unusually universal system of overarching duties imposed on many public bodies across the UK. It makes sense that the Secretary of State has powers to amend these functions because of their pan-UK reach.

In addition, some of the functions relate, directly or indirectly, to the reserved matter of legal aid (which is dealt with solely by the UK Government). The Secretary of State is best placed to understand what, if any, changes to the system under the Bill may be required as a result of the impact on the legal aid system.

Where applicable, the requirement for the Welsh Ministers to consent to the use of these powers provides sufficient safeguard for the constitutional position and the devolution settlement

Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
–
Legislation, Justice and Constitution Committee

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Lynne Neagle MS
Cabinet Secretary for Education

3 February 2026

Supplementary Legislative Consent Memorandum (Memorandum No 4): Children's Wellbeing and Schools Bill

Following its laying on 16 January 2026, we were due to consider our report on the above Memorandum yesterday in readiness for a debate scheduled for today on the relevant legislative consent motion.

We understand that the debate has been postponed to 3 March 2026 and that a further supplementary consent memorandum will be forthcoming. As a result, the purpose of this letter is to seek clarification on a number of issues arising from Memorandum No. 4; our original intention had been to seek that clarification through recommendations, which we hope you would have addressed in the debate. The clarification we would like to receive is as follows:

1. Please can you confirm whether the amendment referred to in paragraph 24 of Memorandum No. 4 has now been tabled and if it will be included in the further supplementary consent memorandum now expected?

2. Memorandum No. 4 refers to a regulation-making power contained in amendments to clause 32, relating to the estimate of time which a child receives education from parents or other providers. It is not clear from Memorandum No. 4 whether this is a new regulation-making power or which Senedd scrutiny procedure will be applied to such regulations.

   Please can you confirm the scrutiny procedure which will apply to the making of regulations under clause 32 of the Bill should amendments to that clause be agreed at House of Lords Report Stage?

3. Amendment 244 provides the Welsh Ministers with a regulation-making power to make consequential provision (a new clause proposed after clause 64). We note that this amendment addresses recommendation 4 of our first report. However, Memorandum No. 4 is silent on the Senedd scrutiny procedure to be applied to such regulations. It appears to the Committee that the Senedd annulment procedure will be applied, unless the regulations amend primary legislation, in which case the Senedd approval procedure will be applied.

   Please can you confirm the scrutiny procedure which will apply to the making of regulations under the new clause to be inserted after clause 64 by amendment 244, should it be agreed at House of Lords Report Stage?

4. Please could you confirm:

   a. which amendments in Memorandum No. 4 have been considered in the House of Lords and the outcome of that consideration;

   b. which amendments in Memorandum No. 4 have yet to be considered and when you expect that to happen;

   c. in relation to bullet point (ii), if there are amendments yet to be considered, what this means in terms of the consent being sought for them through Memorandum No. 4?

5. In relation to any amendments to the Bill that are to be the subject of a fifth memorandum, please can you ensure that any such memorandum includes information stating whether such amendments will have been considered by the time of the consent motion debate on 3 March 2026 and if not, please can you explain what this means in terms of the consent being sought from the Senedd for them?

Please can you provide a response to these questions by Thursday 19 February 2026.

I am copying this letter to Buffy Williams MS, Chair of the Children, Young People and Education Committee

Yours sincerely,

Mike Hedges

Mike Hedges
Chair

Email received 3 February 2026 from the Greyhound Board of Great Britain in relation to the Prohibition of Greyhound Racing (Wales) Bill.

To: Delyth Jewell MS, Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee

CC: Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee

Dear Chair,

We were disappointed that the Committee did not approve the amendments tabled by James Evans MS during the recent Stage 2 reporting.

We fully respect that it is ultimately the decision of Members whether to approve any amendments. However, we note that the amendments in question directly aligned with the recommendations of both the Culture, Communications, Welsh Language, Sport, and International Relations Committee and the Legislation, Justice and Constitution (LJC) Committee under Stage 2 scrutiny.

Specifically:

Culture Committee:

- Requested that the Welsh Government undertake more comprehensive assessments of the economic and social impacts of the ban before it takes effect.
- Highlighted the need for clearer data on welfare outcomes, including injuries, fatalities, and post-racing care.

LJC Committee:

- Raised concerns about poor legislative practice in introducing the Bill before all relevant impact assessments had been completed, particularly where the proposal could affect human rights.
- Requested that a written statement on compatibility with the European Convention on Human Rights (ECHR) be published before voting on the Bill's principles.

In light of these recommendations, and given that we are yet to have seen any recommendations from the Welsh Government appointed Implementation Group, we would be grateful if the Committee would consider allowing further evidence from third parties to be submitted in support of the amendments, so that they can be reconsidered.

Additionally, we would welcome any further information regarding the amendment stage as part of Stage 3 of the Bill process, including the timeline available for Members to table amendments at this stage.

We appreciate your consideration of this request and look forward to your guidance on how the concerns of the Committees can be addressed.

Kind regards,

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

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JB/PO/69/26

Elin Jones MS
Llywydd
Senedd Cymru
Cardiff Bay
CF99 1SN

5 February 2026

Dear Elin,

Homelessness and Social Housing Allocation (Wales) Bill

In advance of Stage 4 proceedings on 10 February, I am pleased to inform you that following engagement with the UK Government, Minister of the Crown consent has been received in respect of the relevant provisions in the Homelessness and Social Housing Allocation (Wales) Bill.

This letter has been copied to the Chairs of the Legislation, Justice and Constitution Committee, the Local Government and Housing Committee and the Finance Committee.

Yours sincerely,

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

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Agenda Item 10

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