

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 23 February 2026	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 14.10)

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 – 4)

Attached Documents:

LJC(6)–06–26 – Paper 1 – Draft report

Instruments subject to the Senedd approval procedure

**2.1 SL(6)744 – The Online Safety Act 2023 (Exempt User-to-User and Search
Services) (Amendment) Regulations 2026**

Instruments subject to the Senedd annulment procedure



2.2 SL(6)756 – The Social Care Wales (Proceedings before Panels) (Amendment) Regulations 2026

2.3 SL(6)760 – The Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2026

Instruments subject to no procedure

2.4 SL(6)754 – The Code of Practice on Quality Assurance and Performance Management, Escalating Concerns and Closure of Regulated Care and Support Services (Appointed Day) (Wales) Order 2026

(Page 5)

Attached Documents:

LJC(6)-06-26 – Paper 2 – Written Statement by the Minister for Children and Social Care, 4 February 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)742 – The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2026

(Pages 6 – 8)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 3 – Draft report

**3.2 SL(6)747 – The Education (Student Finance) (Miscellaneous Amendments)
(No. 2) (Wales) Regulations 2026**

(Pages 9 – 10)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 4 – Draft report

3.3 SL(6)750 – The Beavers (Wales) Order 2026

(Pages 11 – 13)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 5 – Draft report

LJC(6)-06-26 – Paper 6 – Written Statement by the Deputy First Minister and
Cabinet Secretary for Climate Change and Rural Affairs, 3 February 2026

**3.4 SL(6)751 – The Marine Licensing (Exempted Activities) (Wales) (Amendment)
Order 2026**

(Pages 14 – 15)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 7 – Draft report

**3.5 SL(6)757 – The Countryside and Rights of Way Act 2000 (Review of Maps)
(Amendment) (Wales) Regulations 2026**

(Pages 16 – 17)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 8 – Draft report

3.6 SL(6)758 – The School Teachers' Pay and Conditions (Wales) Order 2026

(Pages 18 – 21)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 9 – Draft report

LJC(6)-06-26 – Paper 10 – Written Statement by the Cabinet Secretary for Education, 4 February 2026

3.7 SL(6)759 – The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2026

(Pages 22 – 26)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 11 – Draft report

LJC(6)-06-26 – Paper 12 – Written Statement by the Minister for Children and Social Care, 12 February 2026

Instruments subject to the Senedd approval procedure

**3.8 SL(6)743 – The Tertiary Education and Research (Wales) Act 2022
(Consequential Amendments and Transitory Provision) Regulations 2026**

(Pages 27 – 29)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 13 – Draft report

LJC(6)-06-26 – Paper 14 – Written Statement by the Minister for Further and Higher Education, 5 February 2026

3.9 SL(6)745 – The Infrastructure Consent (Fees) (Wales) (Amendment) Regulations 2026

(Pages 30 – 32)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 15 – Draft report

3.10 SL(6)746 – The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) (Amendment) Regulations 2026

(Pages 33 – 34)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 16 – Draft report

3.11 SL(6)748 – The Infrastructure Consent (Compensation for Changing or Revoking Infrastructure Consent Orders) (Wales) Regulations 2026

(Pages 35 – 36)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 17 – Draft report

Instruments subject to no procedure

3.12 SL(6)749 – The Building Act 1984 (Amendment of Commencement Order No. 1) and Building Safety Act 2022 (Amendment of Commencement Regulations No. 6) (Wales) Regulations 2026

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[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-06-26 – Paper 18 – Draft report

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

(13.45 – 13.55)

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

4.1 SL(6)706 – The Healthy Eating in Schools (Nutritional Standards and Requirements) (Maintained Primary Schools) (Wales) Regulations 2025

(Pages 38 – 41)

Attached Documents:

LJC(6)–06–26 – Paper 19 – Report

LJC(6)–06–26 – Paper 20 – Welsh Government response

4.2 SL(6)707 – The Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025

(Pages 42 – 49)

Attached Documents:

LJC(6)–06–26 – Paper 21 – Report

LJC(6)–06–26 – Paper 22 – Welsh Government response

4.3 SL(6)708 – The Building etc. (Amendment) (No. 2) (Wales) Regulations 2025

(Pages 50 – 60)

Attached Documents:

LJC(6)–06–26 – Paper 23 – Report

LJC(6)–06–26 – Paper 24 – Welsh Government response

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

(Pages 61 – 66)

Attached Documents:

LJC(6)–06–26 – Paper 25 – Report

LJC(6)–06–26 – Paper 26 – Welsh Government response

Instruments subject to the Senedd approval procedure

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

(Pages 67 – 70)

Attached Documents:

LJC(6)-06-26 – Paper 27 – Report

LJC(6)-06-26 – Paper 28 – Welsh Government response

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

(Pages 71 – 75)

Attached Documents:

LJC(6)-06-26 – Paper 29 – Report

LJC(6)-06-26 – Paper 30 – Welsh Government response

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

(Pages 76 – 79)

Attached Documents:

LJC(6)-06-26 – Paper 31 – Report

LJC(6)-06-26 – Paper 32 – Welsh Government response

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

(Pages 80 – 82)

Attached Documents:

LJC(6)-06-26 – Paper 33 – Report

LJC(6)-06-26 – Paper 34 – Welsh Government response

5 Inter-Institutional Relations Agreement

(13.55 – 14.00)

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

(Pages 83 – 92)

Attached Documents:

LJC(6)-06-26 – Paper 35 – Letter from the Cabinet Secretary for Transport and North Wales: Inter-Ministerial Group for Transport, 2 February 2026

LJC(6)-06-26 – Paper 36 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Standing Committee, 9 February 2026

LJC(6)-06-26 – Paper 37 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Group for Net Zero, Energy and Climate Change, 10 February 2026

LJC(6)-06-26 – Paper 38 – Written Statement by the Cabinet Secretary for Housing and Local Government: Inter-Ministerial Group for Net Zero, Energy and Climate Change, 10 February 2026

LJC(6)-06-26 – Paper 39 – Written Statement by the Cabinet Secretary for Economy, Energy and Planning: The Celtic Forum, 11 February 2026

LJC(6)-06-26 – Paper 40 – Letter from the Cabinet Secretary for Housing and Local Government: Inter-Ministerial Group for Housing, Communities and Local Government, 19 February 2026

5.2 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The REACH (Amendment) (No. 2) Regulations 2026

(Pages 93 – 95)

Attached Documents:

LJC(6)-06-26 – Paper 41 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 11 February 2026

5.3 Correspondence from the Cabinet Secretary for Economy, Energy and Planning: Inter-Ministerial Group on UK-EU relations

(Pages 96 – 99)

Attached Documents:

LJC(6)-06-26 – Paper 42 – Letter from the Cabinet Secretary for Economy, Energy and Planning, 18 February 2026

LJC(6)-06-26 – Paper 43 – Letter to the Cabinet Secretary for Economy, Energy and Planning, 6 February 2026

6 Papers to note

(14.00 – 14.10)

6.1 Written Statement by the Cabinet Secretary for Housing and Local Government: Recommendation of the Pembrokeshire Community Review

(Page 100)

Attached Documents:

LJC(6)-06-26 – Paper 44 – Written Statement by the Cabinet Secretary for Housing and Local Government, 9 February 2026

6.2 Written Statement by the Cabinet Secretary for Finance and Welsh Language: Agreement to consult on devolution of powers for a Vacant Land Tax in Wales

(Page 101)

Attached Documents:

LJC(6)-06-26 – Paper 45 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 11 February 2026

6.3 Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 – Phase 2 bans

(Pages 102 – 103)

Attached Documents:

LJC(6)-06-26 – Paper 46 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 11 February 2026

6.4 Correspondence from the Welsh Government: The Welsh Government's response to the Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Terminally Ill Adults (End of Life) Bill

(Pages 104 – 113)

Attached Documents:

LJC(6)-06-26 – Paper 47 – Welsh Government response

6.5 Law Commission: Scoping Report on Agricultural Law in Wales

(Pages 114 – 132)

Attached Documents:

LJC(6)-06-26 – Paper 48 – Summary of the scoping report

6.6 Written Statement by the Cabinet Secretary for Finance and Welsh Language: Review of the Welsh Tax Acts etc. (Power to Modify) Act 2022 and consultation response report

(Page 133)

Attached Documents:

LJC(6)-06-26 – Paper 49 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 13 February 2026

6.7 Correspondence to the Cabinet Secretary for Finance and Welsh Language: Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

(Pages 134 – 135)

Attached Documents:

LJC(6)-06-26 – Paper 50 – Correspondence to the Cabinet Secretary for Finance and Welsh Language, 13 February 2026

6.8 Correspondence from the Cabinet Secretary for Education: Supplementary Legislative Consent Memorandum (Memorandum No 4) on the Children's Wellbeing and Schools Bill

(Pages 136 – 140)

Attached Documents:

LJC(6)-06-26 – Paper 51 – Letter from the Cabinet Secretary for Education, 16 February 2026

LJC(6)-06-26 – Paper 52 – Letter to the Cabinet Secretary for Education, 3 February 2026

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

(14.10)

Private meeting

(14.10 – 14.40)

8 Legislative Consent Memorandum on the Armed Forces Bill

(14.10 – 14.20)

(Pages 141 – 144)

Attached Documents:

LJC(6)-06-26 – Paper 53 – Legal Advice Note

9 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Pension Schemes Bill

(14.20 – 14.30)

(To Follow)

Attached Documents:

LJC(6)-06-26 – Paper 54 – Legal Advice Note

10 Legislative Consent Memorandum and Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Railways Bill

(14.30 – 14.40)

(Pages 145 – 161)

Attached Documents:

LJC(6)-06-26 – Paper 55 – Legal Advice Note

Statutory Instruments with Clear Reports 23 February 2026

SL(6)744 – The Online Safety Act 2023 (Exempt User-to-User and Search Services) (Amendment) Regulations 2026

Procedure: Senedd approval procedure

The Online Safety Act 2023 (Exempt User-to-User and Search Services) (Amendment) Regulations 2026 ('the Regulations') amend the Online Safety Act 2023 ("the 2023 Act").

The purpose of the Regulations is to remove references, in paragraph 36 of Schedule 1 to the 2023 Act, to provisions of the Learning and Skills Act 2000 ('the 2000 Act') which are repealed by paragraph 14(2) of Schedule 4 to the Tertiary Education and Research (Wales) Act 2022 ('the 2022 Act'), and to replace them with references to further education and training that will fall within the remit of the Education and Training Inspectorate for Wales (Estyn) under the provisions of section 57(1)(a) to (c) of the 2022 Act.

Parent Act: Online Safety Act 2023

Date Made:

Date Laid: 03 February 2026

Coming into force date: 01 April 2026



Statutory Instruments with Clear Reports

23 February 2026

SL(6)754 – The Code of Practice on Quality Assurance and Performance Management, Escalating Concerns and Closure of Regulated Care and Support Services (Appointed Day) (Wales) Order 2026

Procedure: No Procedure

This Order appoints 31 March 2026 as the day on which the the Code of Practice on Quality Assurance and Performance Management, Escalating Concerns and Closure of Regulated Care and Support Services (Appointed Day) (Wales) Order 2026 comes into force.

Parent Act: Social Services and Well-being (Wales) Act 2014

Date Made: 03 February 2026

Date Laid: 06 February 2026

Coming into force date: 31 March 2026



Statutory Instruments with Clear Reports

23 February 2026

SL(6)756 – The Social Care Wales (Proceedings before Panels) (Amendment) Regulations 2026

Procedure: Senedd annulment procedure

These Regulations amend the Social Care Wales (Proceedings before Panels) Regulations 2016 (“the 2016 Regulations”), which make provision about proceedings before fitness to practise panels and interim order panels.

Interim orders imposed by the regulator are a means to enable temporary restrictions to be applied to a registered person’s registration while investigations are undertaken into fitness to practise allegations made against that person. These Regulations amend the 2016 Regulations to allow an interim order to be extended, for a period of up to 18 months in total from the date it was first made, without a hearing, in specified circumstances.

This reflects a change to be made to section 147 of the Regulation and Inspection of Social Care (Wales) Act 2016 by section 19(2) of the Health and Social Care (Wales) Act 2025. The Regulations are designed to ensure that the 2016 Regulations are consistent with section 147 as amended and “provide more flexibility to Social Care Wales (“SCW”) in its role as the workforce regulator and specifically while reviewing interim orders in fitness to practise proceedings” (as explained in the Explanatory Memorandum to these Regulations, at para. 1.3).

Parent Act: Regulation and Inspection of Social Care (Wales) Act 2016

Date Made: 04 February 2026

Date Laid: 06 February 2026

Coming into force date: 01 April 2026



Statutory Instruments with Clear Reports

23 February 2026

SL(6)760 – The Cancellation of Student Loans for Living Costs Liability (Wales) Regulations 2026

Procedure: Senedd annulment procedure

These Regulations provide for up to £1,500 of a full-time undergraduate student's living costs loan (also known as a maintenance loan) for academic year 2026/27 to be cancelled in certain circumstances.

When a cancellation is applied, the balance of a loan will be reduced by the appropriate amount the day after a borrower's first repayment is made.

A student can only receive a partial cancellation once; they cannot receive a partial cancellation in respect of academic year 2026/27 if they have already received a cancellation in respect of any previous academic year. A student will not be entitled to a partial cancellation if there are any outstanding charges or penalties or they are in breach of their loan agreement or any regulations made under section 22 of the Teaching and Higher Education Act 1998.

Parent Act: Teaching and Higher Education Act 1998

Date Made: 06 February 2026

Date Laid: 09 February 2026

Coming into force date: 01 August 2026



**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

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

DATE 04 February 2026

BY Dawn Bowden, Minister for Children and Social Care

The [Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services](#), laid in draft before the Senedd on 1 December 2025 and issued in the form of the draft on 2 February 2026, applies equally to local authorities, Local Health Boards and NHS trusts in Wales in relation to the commissioning of regulated care and support services registered with Care Inspectorate Wales (acting on behalf of the Welsh Ministers) under the Regulation and Inspection of Social Care (Wales) Act 2016.

The Code of Practice supports my aspiration for all regulated care and support services provided in Wales to be of the highest quality, to be focussed on improvement, and to provide the best possible outcomes for adults and children benefiting from those services. The Code of Practice encourages an approach focussed on outcomes for people, collaborative working, and a culture of learning and improvement. It will support greater consistency of practice across Wales.

The Code of Practice will come into force on 31 March 2026, replacing the statutory guidance on *Escalating Concerns With, and Closures of Care Homes Providing Services for Adults* issued in 2009. The Code of Practice should be read in conjunction with the [National Framework for the Commissioning of Care and Support in Wales: Code of Practice](#).

The Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services (Appointed Day) (Wales) Order 2026 and Directions to Local Health Boards and NHS trusts in Wales were made on 3 February 2026 with the Directions issued via a Welsh Health Circular on 4 February 2026. This means these organisations must exercise their relevant functions in accordance with the provisions of the Code of Practice when it comes into force.

Agenda Item 3.1

SL(6)742 – The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2026

Background and Purpose

These Regulations amend the National Health Service (General Medical Services Contracts) (Wales) Regulations 2023 (“the 2023 Regulations”). Those regulations set out, for Wales, the framework for general medical services contracts under section 42 of the National Health Service (Wales) Act 2006.

These Regulations make amendments to the 2023 Regulations to correct errors of a technical nature and insert new definitions.

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

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

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

In regulation 2, the application provision notes that these Regulations apply in relation to Wales. However, this differs from the application provision in regulation 2 of the National Health Service (General Medical Services Contracts) (Wales) Regulations 2023 (“the 2023 Regulations”) which noted that those Regulations applied in relation to Wales and also to particular contracts. As a result, it means that the application of the amendments differs from that of the existing instrument.

Could the Welsh Government explain whether that is the intention or whether the application provision of these amending Regulations should be the same as that found in the 2023 Regulations? In this regard, it is not usually necessary to include an application provision in an amending instrument because the amendments will usually share the same application as the existing instrument.



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

In regulation 4(6), the location for the insertion of the new text is incorrectly described as after “**sub-paragraph** (d)” in the definition of “supplementary prescriber” in regulation 3(1) of the 2023 Regulations. However, it should be correctly described as after “**paragraph** (d)” because it is the first division of a definition. In this regard, it is also inconsistent with the descriptions of similar paragraphs that are used in existing cross-references in the definitions of regulation 3(1) of the 2023 Regulations, e.g. in the definition of “batch issue”, it refers to “in paragraph (c)”.

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

In regulation 4(18), in the new paragraph 7A that is inserted in Schedule 2 to the 2023 Regulations, in sub-paragraph (d), it refers to “the patient’s personal health record”. However, the term “a patient’s record” has been defined with a specific meaning for paragraphs 1 to 7 of Schedule 2 by paragraph 8 of that Schedule.

Could the Welsh Government explain whether the defined term “the patient’s record” should have been used in the new paragraph 7A or whether the term “the patient’s personal health record” is intended to have a different meaning? In this regard there is no existing definition of “the patient’s personal health record” in Schedule 2 to the 2023 Regulations if it is intended to have a different meaning.

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

In regulation 4(19), the amendment fails to correctly identify and describe the location for the amendments made to the English text of paragraph 2 in Schedule 3 to the 2023 Regulations. In particular, regulation 4(19)(b) notes “in sub-paragraph (a)” but there is a paragraph (a) in both sub-paragraphs (1) and (2) of paragraph 2 in Schedule 3 to the 2023. Therefore, the location for the amendment should have been identified as “paragraph **2(2)**” rather than “paragraph 2” in the opening words of regulation 4(19). In addition, in regulation 4(19)(b), the specific provision in paragraph 2(2) of Schedule 3 should have been described as “in **paragraph** (a)” rather than “in **sub-paragraph** (a)”.

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

In regulation 4(36), in the new sub-paragraph (4A) that is inserted in paragraph 93 of Schedule 3 to the 2023 Regulations, it notes “On consideration of the return in sub-paragraph (4), the Local Health Board **will** determine whether a formal face-to-face review is necessary”. However, it is unclear whether the intention of this provision is to impose a legal obligation on the Local Health Board. In which case, it should note “must” rather than “will” if it is placing such an obligation rather than only referring to a future event (see WLW 3.14(5)). In this regard



“must” has been used in the other sub-paragraphs of paragraph 93 in Schedule 3 when placing other legal obligations on the Local Health Board. Therefore, it is also inconsistent with the drafting of the existing provisions in paragraph 93 of Schedule 3 if it is placing a legal obligation on the Local Health Board.

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

16 February 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Pack Page 8

Legislation, Justice and Constitution Committee

SL(6)747 – The Education (Student Finance) (Miscellaneous Amendments) (No. 2) (Wales) Regulations 2026

Background and Purpose

These Regulations amend various Regulations which make provision relating to student finance. The changes made by these Regulations:

1. extend the definition of a “person with leave to enter or remain as a relevant Afghan citizen” to enable persons who have indefinite leave to enter or remain in the UK granted via the Afghanistan Response Route¹ to become eligible for student support and fee protections; and
2. update the wording of that definition to clarify that such persons are required to have existing leave to enter or remain in the UK in order to be eligible for student support.

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

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

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

There is an inconsistency in the Welsh text of regulation 5 referring to the same provision in regulation 2(1) of the Education (Postgraduate Doctoral Degree Loans) (Wales) Regulations 2018.

In both language texts, the descriptions of the amendments are different in order to achieve the same legal effect. However regulation 5(a), in the Welsh text, refers to an amendment to “**sub-paragraph** (b)” which should refer to “**paragraph** (b)” of the definition of “person with leave to enter or remain as a relevant Afghan citizen”. As a

¹ [Afghanistan Response Route - GOV.UK](https://www.gov.uk/afghanistan-response-route)



result, the same provision in that definition is described differently in the Welsh text of regulation 5(a) when compared with regulation 5(b) and (c), where it is correctly referred to as “paragraph (b)” when making other amendments to that provision.

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

18 February 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 10**

Legislation, Justice and Constitution Committee

SL(6)750 – The Beavers (Wales) Order 2026

Background and Purpose

This Order amends Schedule 9 to the Wildlife and Countryside Act 1981 (“the 1981 Act”) and Schedule 2 to the Conservation of Habitats and Species Regulations 2017 (“the 2017 Regulations”).

Article 2 inserts the Eurasian Beaver into Part 1A (native animals) of Schedule 9 to the 1981 Act and omits the Eurasian Beaver from Part 1B (animals no longer normally present) of that Schedule.

Article 3 inserts the Eurasian Beaver into Schedule 2 to the 2017 Regulations, which lists European Protected Species of animals.

Article 4 revokes the Wildlife and Countryside Act 1981 (Variation of Schedule 9) (Wales) Order 2015, which inserted the Eurasian Beaver into Part 1B of Schedule 9 to the 1981 Act.

Procedure

Senedd annulment procedure.

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

Technical Scrutiny

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

We note the following paragraphs of the written statement issued on 3 February 2026:

“This Order amends the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 to recognise Eurasian beaver as a native species in Wales and to grant European Protected Species of animal status. The legislation will come into force on the 4 March 2026.”



These legislative changes will allow us to establish a clear legal framework for licensing and management, ensuring that any future releases are regulated and that Eurasian beavers are afforded appropriate protections in Wales.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

13 February 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 12**

Legislation, Justice and Constitution Committee



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Beavers (Wales) Order 2026**

DATE **3 February 2026**

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

Last year, I announced my intention to move toward the managed reintroduction of the Eurasian beaver in Wales. In October 2025, following extensive stakeholder engagement, I confirmed my intention to bring forward legislation to recognise Eurasian beaver as a native species and provide the necessary protections for them to thrive in Wales.

Today I have laid the [Beavers \(Wales\) Order 2026](#). This Order amends the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 to recognise Eurasian beaver as a native species in Wales and to grant European Protected Species of animal status. The legislation will come into force on the 4 March 2026.

These legislative changes will allow us to establish a clear legal framework for licensing and management, ensuring that any future releases are regulated and that Eurasian beavers are afforded appropriate protections in Wales.

The Welsh Government will continue to support Natural Resources Wales in developing detailed licensing guidance, monitoring protocols, and stakeholder engagement plans. Any wider policy decisions on managed reintroduction programmes will be subject to separate impact assessments and consultation. This includes working closely with landowners, farming and fisheries interests, and conservation organisations through the Wales Beaver Forum to address concerns and maximise benefits.

Agenda Item 3.4

SL(6)751 – The Marine Licensing (Exempted Activities) (Wales) (Amendment) Order 2026

Background and Purpose

This Order amends the Marine Licensing (Exempted Activities) (Wales) Order 2011 (“the 2011 Order”), which specifies licensable marine activities in respect of which a marine licence under Part 4 of the Marine and Coastal Access Act 2009 (“the 2009 Act”) is not required. It applies in relation to activities for which the Welsh Ministers are the appropriate licensing authority under section 113 of the 2009 Act.

Section 74 of the 2009 Act enables the licensing authority to make orders exempting, with or without conditions, activities from the need to have a marine licence under Part 4 of the 2009 Act. In deciding whether to make an order under section 74, the Welsh Ministers must consider the need to protect the environment, human health and to prevent interference with other legitimate uses of the sea and any other factor that the licensing authority considers relevant, including marine plan policies.

Part 1 of the Order contains the introductory provisions.

Part 2 of the Order amends existing exemptions from the requirement to hold a marine licence as set out in the 2011 Order by adding or amending exemptions and conditions relating to those exemptions.

Part 3 of the Order introduces new exemptions from the requirement to hold a marine licence.

Procedure

Senedd annulment procedure.

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

Technical Scrutiny

The following 2 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.

In article 3(b)(iii), the term “the 2009 Act” has been used in place of the full title of the Marine and Coastal Access Act 2009. However, article 3 of the 2011 Order defines this as “the Act”



and so the text in article 3(b)(iii) should instead read “the Act”. We note that there is a definition of “the 2009 Act” included in the preamble of the Order, however, it is not possible to define a term in the preamble for the operative provisions in the body of a statutory instrument.

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

In article 21, it may be beneficial for the reader if there was an explanation of “Highest Astronomical Tide” in a footnote, similarly to the explanations provided in footnotes 11 and 12.

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

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Agenda Item 3.5

SL(6)757 – The Countryside and Rights of Way Act 2000 (Review of Maps) (Amendment) (Wales) Regulations 2026

Background and Purpose

Section 10(2)(b) of the Countryside and Rights of Way Act 2000 prescribes the time period within which Natural Resources Wales must conduct subsequent reviews of maps showing registered common land and open country in Wales.

These Regulations amend section 10(2)(b) of the Act to extend the maximum interval between subsequent reviews from 15 years after the previous review to 20 years.

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 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 to be of interest to the Senedd

We note the reasons provided by the Welsh Government for extending the subsequent review period under section 10(2)(b) of the Act. In particular, we note the following paragraphs in the Explanatory Memorandum:

"As part of its commitment to make the management of countryside access more efficient, the Welsh Government has committed to move from a set review to a continuous review process. This SI changes the period for subsequent mapping reviews from 15 years to 20 years, which means the next review will be due in 2034. This avoids NRW expending unnecessary time and resources on a review process that is currently awaiting legislative reform, to introduce a continual review process."



Welsh Government response

A Welsh Government response is not required.

Legal Advisers

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Agenda Item 3.6

SL(6)758 – The School Teachers’ Pay and Conditions (Wales) Order 2026

Background and Purpose

This Order makes provision for the determination of the remuneration of school teachers in Wales and other conditions of their employment which relate to their professional duties or working time.

The purpose of the Order is to move ALN Coordinators to the leadership group pay scale following a recommendation in the Independent Welsh Pay Review Body’s (IWPRB) fifth report. This Order makes these changes by giving effect to:

- (a) section 2 of the School Teachers’ Pay and Conditions (Wales) Document 2025/26 and guidance on school teachers’ pay and conditions (revised) – February 2026 (“the STPC(W)D 2025 (revised) February 2026”) from the period beginning with 1 September 2025 and ending 7 March 2026; and
- (b) section 2 of the School Teachers’ Pay and Conditions (Wales) Document 2025/26 and guidance on school teachers’ pay and conditions (revised) – March 2026 (“STPC(W)D 2025 (revised) March 2026”) from 8 March 2026.

The changes made by the STPC(W)D 2025 (revised) February 2026 will ensure that uplifts to ALN Coordinators pay will have effect from 1 September 2025. Section 123(3) of the Education Act 2002 expressly permits these provisions to have retrospective effect.

Procedure

Senedd annulment procedure.

These Order were made by the Welsh Ministers before they were 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 they were laid before the Senedd.

Technical Scrutiny

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

Merits Scrutiny

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

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



The Regulatory Impact Assessment within the Explanatory Memorandum (EM) refers to costs and how the Welsh Government propose to mitigate any impact:

"Moving ALN Coordinators to the leadership group pay scale equates to an estimated increase to the overall pay bill of £2.345m for 7 months of 2025-26 and £4.019m for the full academic year (2026-27 Financial Year impact). However, to mitigate the impact of these costs on school and local authority budgets, which have already been set for 2025-26, the Welsh Government will provide additional in-year grant funding via the Local Authority Education Grant, to support local authorities and schools with these changes".

The EM refers to a four-week written consultation with key stakeholders which ran from 4 November to 2 December 2025. Responses from consultees were described as a mix of positive and negative comments. The EM provides that:

"It has been established practice for an order determining teachers' pay to be made annually with the new pay proposals within the document having effect from 1 September every year. It is the Welsh Ministers' intention to continue this practice. With this in mind, this proposal was included in the consultation in June 2025. It was clear from the feedback that our partners want this change to happen as soon as possible but also want to ensure it is carefully planned to avoid unintended consequences. Due to the additional time required to undertake further work with partners, it was not possible to lay the Order earlier."

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

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WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Pay Order related to moving Additional Learning Needs Coordinators to leadership pay and conditions

DATE 04 February 2026

BY Lynne Neagle, Cabinet Secretary for Education

On 4 November, I confirmed in a [Written Statement](#) that I was consulting on changes to move Additional Learning Needs Coordinators (ALNCos) to the leadership group pay scale. Overall, the response to the consultation was broadly supportive of the award of changes to move ALNCos to the leadership scale. These changes derive from the Independent Welsh Pay Review Body's (IWPRB's) fifth report.

To implement these changes, [I will shortly make the School Teachers' Pay and Conditions \(Wales\) Order 2026 which gives effect to revised versions of the School Teachers' Pay and Conditions \(Wales\) Document 2025 \(STPC\(W\)D\)](#). The first version gives retrospective effect to the pay award which will be backdated to 1 September 2025. The second version gives effect to the associated changes to terms and conditions, which are not retrospective, to ensure no detriment to ALNCos.

Employers will now need to work through the practicalities of moving ALNCos onto an appropriate scale point on the leadership group pay scale, which may take different lengths of time for different schools, so backpay may be paid in different months. Detailed information about implementation will be set out in a pay policy which will be agreed between employers and trade unions.

I note in particular that concerns have been raised about the effect of the change on the ALNCos who are already on the leadership scale, who were not within scope of the IWPRB recommendation. The IWPRB suggested in its fifth report that relevant bodies should consider the remuneration of headteachers taking on the role of the ALNCo, using flexibilities available to them within paragraph 9 of the STPC(W)D.

The ALNCo role is pivotal in ensuring that learners receive the right provision to meet their diverse needs, embedding this across the school. The ALNCo role is most

effective where they are part of the senior leadership team, influencing the strategic direction and decision-making of the school. As learners' needs evolve, the role of the ALNCo will continue to develop and the Welsh Government will continue to support a more skilled, confident workforce equipped to deliver inclusive education and achieve the aims of the ALN system.

1 September 2025 marked the culmination of a four-year phased implementation of the ALN system designed to create a more inclusive, learner-focused and rights-based approach to supporting children and young people with additional learning needs in Wales.

As the implementation phase concludes, the focus now shifts towards embedding and strengthening the ALN system across all educational settings, ensuring sustained impact and continuous improvement for learners. The leadership role of ALNCos is fundamental to this process, as their strategic influence and commitment are essential in driving forward an inclusive and effective support system for all children and young people with additional learning needs.

As I have previously confirmed, additional funding from Welsh Government will be made available to local authorities for this financial year and from 2026/27 onwards for the purpose of supporting this change. I will be writing to local authorities to set out my expectations regarding implementation.

I am pleased to be moving ALNCos to the leadership pay scale which is vital to recognise and reward the important role ALNCos play in our education system. I would like to thank everyone who has contributed to this process.

As I set out in my [Written Statement](#) of 22 September 2025, we will continue to work with the Teachers' Pay and Conditions Partnership Forum to explore potential improvements to leaders' conditions and leaders' pay, which will benefit both ALNCos already on the leadership pay scale and those moving on to it.

Agenda Item 3.7

SL(6)759 – The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2026

Background and Purpose

The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2026 (the “**2026 Regulations**”) revoke and replace the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010 (the “**2010 Regulations**”) to modernise and clarify the legal framework governing the Independent Review Mechanism (“**IRM**”) in Wales.

The IRM is the process by which a prospective or approved foster carer or a prospective adopter, can seek a review of a decision or ‘qualifying determination’ made by a fostering or adoption service. The current IRM process is set out in the 2010 Regulations which require the Welsh Ministers to establish a panel on receipt of an application for review of a determination.

The relevant determinations which may be reviewed are:

- where an adoption agency determines that a prospective adopter is not suitable to adopt a child, or is no longer suitable to adopt a child following a review;
- where an adoption agency makes a determination under the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005;
- where a fostering service provider determines that a person is not suitable to act as a foster parent or decides to terminate or revise the terms of a foster parent’s existing approval.

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

The following two 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.**



In regulation 2 ('interpretation'), in the definition of "adoption panel", it appears that the reference to regulation 3 of the Agencies Regulations should be a reference to regulation 4.

Whilst regulation 3 requires an adoption agency to maintain a list of persons who may be suitable to be members of an adoption panel, the actual requirement to constitute a panel is in regulation 4.

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

Regulation 3 sets out the definition of a 'qualifying determination' for the purposes of section 12(2) of the Adoption and Children Act 2002.

Regulation 3(a)(ii) provides that a determination made under regulation **30D(2)** of the Agencies Regulations is a qualifying determination. Regulation 30D(2) provides that a review must take place within a year after approval. However, we query whether it is logical to state that a 'determination' is made under this provision.

Whilst the term 'determination' is not used in regulation 30D, it seems that any determination at the conclusion of a review is made in the written report prepared under regulation 30D(6).

Merits Scrutiny

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

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

The Explanatory Memorandum outlines the consultation undertaken on the 2026 Regulations. It states:

A 12-week consultation ran from 4 August 2025 to 27 October 2025 on the proposed changes to the 2010 Regulations. The consultation was drawn to the attention of a range of key stakeholders including local authorities, third sector organisations, independent fostering providers, third sector fostering providers, adoption agencies, the National Adoption Service and Foster Wales.

14 responses were received to the consultation. There was broad agreement to all of the proposals in the consultation. No amendments were considered necessary to the proposed changes.

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.

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



*A post implementation review will be conducted to assess whether the remade regulations are delivering their intended outcomes. This will include monitoring application volumes, panel decisions, and adherence to timelines, alongside stakeholder feedback and legal analysis. **An initial review will take place within 24 months, followed by ongoing annual monitoring and a full review within 3–5 years.** Findings will inform any necessary updates to ensure the regulations remain effective, fair, and aligned with policy objectives. (emphasis added)*

Welsh Government response

A Welsh Government response is required for the technical points only.

Legal Advisers

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Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Launch of Consultation on Revisions to the Part 6 and Special Guardianship Codes of Practice
DATE	12 February 2026
BY	Dawn Bowden, Minister for Children and Social Care

This week, I have launched a public consultation on proposed revisions to two key Codes of Practice issued under section 145 of the Social Services and Well-being (Wales) Act 2014:

- the Code of Practice on the exercise of social services functions in relation to Part 6 (looked after and accommodated children), and
- the Code of Practice on the exercise of social services functions in relation to Special Guardianship Orders.

These revisions follow extensive engagement and consultations undertaken in 2025, which sought views on strengthening subordinate legislation and guidance relating to corporate parenting, the voice of the child, adoption pathways, fostering and kinship care arrangements, and special guardianship support. The draft updated Codes reflect the policy positions previously consulted upon, incorporate feedback received, and introduce a number of minor amendments to improve clarity, consistency and alignment with relevant legislation and guidance.

The [consultation](#) seeks views on whether the revised wording provides clear, practical guidance for practitioners and local authorities, and whether the proposed changes will support more consistent and effective practice across Wales. The consultation will run until 7th April.

I encourage stakeholders, practitioners, local authorities and all those with an interest in supporting children, young people and families to share their views. Their contributions will ensure that the final Codes of Practice are robust, clear and truly supportive of high-quality practice across our social care system.

As part of this wider programme of improvement, I would also like to highlight that revised Regulations to improve adoption, fostering and kinship services in Wales, have now been laid before the Senedd and will come into force on 1 April 2026. These Regulations form an important element of our ongoing work to strengthen the systems that support adoption, fostering, and kinship care in Wales. They include:

- [The Regulated Adoption Services \(Service Providers and Responsible Individuals\) and Adoption Support Services \(Local Authorities\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2026](#)
- [The Adoption Support Services \(Adoption Support Agencies\) \(Wales\) Regulations 2026](#)
- [The Fostering Panels and Care Planning \(Miscellaneous Amendments\) \(Wales\) Regulations 2026](#)
- [The Independent Review of Determinations \(Adoption and Fostering\) \(Wales\) Regulations 2026](#)

Together, these regulatory changes and the proposed revisions to the Codes of Practice represent an important step towards a more coherent, child-centred and effective system of care and support in Wales. I am personally committed to ensuring these improvements make a real and lasting difference to the children, young people and families who rely on our services.

SL(6)743 – The Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments and Transitory Provision) Regulations 2026

Background and Purpose

These Regulations amend primary and secondary legislation as a consequence of the coming into force of provisions in the Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”) which:

- repeal the Welsh Ministers’ funding functions in Part 2 of the Learning and Skills Act 2000 (“the 2000 Act”) and which confer funding functions on the Commission for Tertiary Education and Research (“Medr”) in Part 3 of the 2022 Act;
- make amendments to sections 33A – 33Q of the 2000 Act (local curricula provisions) with current functions of the Welsh Ministers becoming functions of Medr;
- have repealed the Welsh Ministers’ functions relating to the restructuring of local authority maintained sixth form education and which confer functions on Medr (Chapter 3A of Part 3 of the School Standards and Organisation (Wales) Act 2013.

Amendments to primary legislation are also made as a consequence of the register of tertiary education providers to be established by Medr under section 25 of the 2022 Act and related amendments to the Further and Higher Education Act 1992.

Procedure

Senedd approval procedure

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

Technical Scrutiny

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

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

In regulation 6, a new reference is inserted after “section 97” in section 1(4)(g) of the Learner Travel (Wales) Measure 2008. However, the words that include the reference to “section 97” in section 1(4)(g) of the 2008 Measure are inserted by paragraph 23(2) of Schedule 4 to the 2022 Act, which is yet to be commenced. Could the Welsh Government confirm that paragraph 23(2) of Schedule 4 to the 2022 Act will be commenced before the coming into force of these Regulations?



Merits Scrutiny

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

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

Regulation 4 refers to the Saint David's Catholic College Incorporation Order 2005 (S.I. 2005/2293 (W. 171)). However, it does not seem possible to access a copy of the Order on the legislation.gov.uk website or on commonly used subscription-based legal websites. This it raises issues of accessibility to the law for both legal practitioners and members of the general public. The Government is asked to provide further details as to how this Order is accessible to the public.

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

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

No formal consultation has taken place as the Regulations make only consequential amendments and one (non-textual) temporary modification which relates to one of those consequential amendments.

Welsh Government response

A Welsh Government response is required for the first and second reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

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Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Tertiary Education and Research (Wales) Act 2022
(Consequential Amendments) Order 2026**

DATE **05 February 2026**

BY **Vikki Howells MS, Minister for Further and Higher Education**

The Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”) created a new statutory framework for publicly funded tertiary education and research in Wales. It also established the Commission for Tertiary Education and Research (now known as Medr) and dissolved the Higher Education Funding Council for Wales.

Since Medr became operational in August 2024, its functions as provided for in the 2022 Act have been brought into force in phases. The next phase is planned for April this year. As a consequence of this, a small number of technical amendments are required to UK government legislation that extend otherwise than only to England and Wales, or that relate to matters which are reserved to the UK Parliament.

Section 150 of the Government of Wales Act 2006 (“GoWA”) enables the Secretary of State, by way of an Order, to make changes to UK government legislation in consequence of any provision made by an Act of Senedd Cymru or subordinate legislation made under those Acts.

The Secretary of State for Wales is using this power to make the technical amendments needed to UK government legislation in consequence of the 2022 Act and the Tertiary Education and Research (Wales) Act 2022 (Commencement No.4 and Transitory and Transitional Provisions) Order 2024 made under that Act.

As such, the Secretary State for Wales laid a draft of [The Tertiary Education and Research \(Wales\) Act 2022 \(Consequential Amendments\) Order 2026](#) before the UK Parliament on 2 February for approval.

Agenda Item 3.9

SL(6)745 – The Infrastructure Consent (Fees) (Wales) (Amendment) Regulations 2026

Background and Purpose

These Regulations amend the Infrastructure Consent (Fees) (Wales) Regulations 2025 (“the 2025 Regulations”) to make provision for the charging of fees in connection with applications and proposed applications to make a change to, or revoke, an infrastructure consent order.

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

Part 6 of the 2024 Act makes provision about infrastructure consent orders (orders granting infrastructure consent) including giving the Welsh Ministers power, by order, to change or revoke an infrastructure consent order.

The 2024 Act enables the Welsh Ministers to make provision for or in connection with the charging of fees by specified public authorities for the performance of an infrastructure consent function and the provision of an infrastructure consent service.

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 two 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**



The Regulations make provision for the charging of fees in connection with applications and proposed applications to make a change to, or revoke, an infrastructure consent order. These fees are payable to the Welsh Ministers.

Also, in relation to fees payable under the new regulations 17 and 18 of the 2025 Regulations, the new regulation 19 of the 2025 Regulations, as inserted by regulation 2(3), provides that the Welsh Ministers must refund to the applicant any part of the fee paid which was not spent after the determination of the application to change or revoke an infrastructure consent order.

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

The Regulations provide that the fees payable in connection with applications and proposed applications to make a change to, or revoke, an infrastructure consent order are to be the amounts published on a website maintained by or on behalf of the Welsh Ministers, rather than amounts set out on the face of the Regulations.

This follows the approach taken in the 2025 Regulations, which confers similar powers in relation to other fees payable to specified public authorities, for example the Welsh Ministers, planning authorities and Natural Resources Wales. Under the 2025 Regulations, in relation to fees payable to a specified public authority other than the Welsh Ministers, the requirement to maintain a website and publish amounts on that website is conferred on the collecting authority.

This approach is notable in that, if amounts for relevant fees were set out on the face of the Regulations, further regulations to amend those amounts would be required and would be made under section 124 of the 2024 Act. Regulations made under section 124 are subject to the Senedd approval procedure, in accordance with section 141(3) and (4)(h) of the 2024 Act, and would require the approval of the Senedd before they could be made by the Welsh Ministers.

However, it is noted that the enabling power in section 124(4)(b) of the 2024 Act expressly states that regulations may make provision about *“the amount that may be charged (including provision specifying the amount or **provision conferring a power to specify the amount**)”* (emphasis added).

Likewise, section 124(5) goes on to state that regulations *“may confer a function, including a function involving the exercise of a discretion, on any person”*.

The Welsh Government’s consultation document, [‘Implementing the Infrastructure \(Wales\) Act 2024’](#), also states (at para. 10.11):

“It is also proposed that the detail of fees will be contained in a statement published on the Welsh Government website that can be updated from time to time. This allows a certain level of flexibility in fees to respond to external factors such as inflation.”



Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

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SL(6)746 – The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) (Amendment) Regulations 2026

Background and Purpose

Under the Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regulations 2003 (“the 2003 Regulations”) a local authority in Wales has the power to issue Fixed Penalty Notices (“FPN”) for stationary idling offences. This is an offence of leaving a vehicle’s engine running when stationary on a public road.

These Regulations amend the 2003 Regulations to introduce a new FPN range for stationary idling offences, replacing the fixed penalty of £20 with a range of £75 - 150. Each local authority will be able to choose to set fixed penalty amounts linked to the circumstances of an offence or set a single penalty for all stationary idling offences in its area.

These Regulations provide that proceeds from such penalties must be used by the appropriate authority that issued the penalty for the purposes of: enforcing and administering stationary idling offences; supporting and encouraging air quality improvement in the local area; or reducing public exposure to transport emissions in that area.

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 1 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 regulation 3, the location for the amendment is incorrectly described as “sub-paragraph (b)” of regulation 8 of the 2003 Regulations. However, it should be described as “paragraph (b)” because it is the first division of regulation 8 in the 2003 Regulations. This is also inconsistent with regulation 5 of these Regulations where a similar division in regulation 16 of the 2003 Regulations has been correctly referenced.

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

16 February 2026



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Legislation, Justice and Constitution Committee

SL(6)748 – The Infrastructure Consent (Compensation for Changing or Revoking Infrastructure Consent Orders) (Wales) Regulations 2026

Background and Purpose

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

Part 6 of the 2024 Act makes provision about infrastructure consent orders (orders granting infrastructure consent) including provision giving the Welsh Ministers power, by order, to change or revoke an infrastructure consent order (section 90 of the 2024 Act).

Schedule 2 to the 2024 Act makes provision about compensation where an infrastructure consent order is changed or revoked by the Welsh Ministers without an application being made.

These Regulations make provision about the way in which, and the period within which, a claim for compensation under that Schedule must be made. They also specify the minimum amount of compensation for depreciation under paragraph 2 of Schedule 2.

Procedure

Senedd approval procedure.

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

Technical Scrutiny

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

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

In regulation 2(1)(a), the terms “land” and “minerals” are used which have both been defined with a meaning by section 143(1) of the Infrastructure (Wales) Act 2024. However, they have not been defined with the same meaning by regulation 2(4) of these Regulations, which is the interpretation provision for regulation 2. The Legislation (Wales) Act 2019 does not include a provision that implies the meaning of defined terms in any subordinate legislation



made under the parent Act. Therefore, there should be definitions of those terms in regulation 2(4) if the intention is for those terms to bear the same meaning in regulation 2(1)(a) of these Regulations. In addition, it appears an inconsistent approach to include the definitions of some but not all of the relevant terms of the Infrastructure (Wales) Act 2024 in regulation 2(4) of these Regulations.

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.

The Explanatory Memorandum accompanying these Regulations states that they were not subject to formal consultation. Paragraphs 5.6-5.9 of the Explanatory Memorandum includes the following:

“5.6 The Infrastructure Consent (Compensation for Changing or Revoking Infrastructure Consent Orders) (Wales) Regulations 2026 were not subject to formal consultation.

5.7 The principle of compensation for unilateral orders was raised in the consultation and as part of the Welsh Government response, a commitment was made to give consideration to these matters when developing subordinate legislation. These regulations reflect that commitment.

5.8 Furthermore, the principle of matters relating to compensation was also agreed as part of the development of the Infrastructure (Wales) Act 2024 and will have limited impact on applicants and other stakeholders. This is because a claim for compensation under these regulations may only be sought in circumstances where the Welsh Ministers unilaterally change or revoke an infrastructure consent order, which is not expected to occur frequently.

5.9 Finally, the Infrastructure Consent (Compensation for Changing or Revoking Infrastructure Consent Orders) (Wales) Regulations 2026 relate to procedural matters which reflect similar provisions in existing consenting regimes, and follow the proposals set out in the Statement of Policy Intent that accompanied the Bill.”

Welsh Government response

A Welsh Government response is required to reporting point 1.

Legal Advisers

Legislation, Justice and Constitution Committee

17 February 2026



SL(6)749 – The Building Act 1984 (Amendment of Commencement Order No. 1) and Building Safety Act 2022 (Amendment of Commencement Regulations No. 6) (Wales) Regulations 2026

Background and Purpose

These Regulations correct an error in the Welsh text of both the Building Act 1984 (Commencement No. 1) (Wales) Order 2025 and the Building Safety Act 2022 (Commencement No. 6) (Wales) Regulations 2025 to replace placeholder text reading “XXXX” with the coming into force date of “1 Gorffennaf 2026” (1 July 2026) into article 2 and regulation 2 respectively.

Procedure

No procedure.

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

These Regulations address the errors as set out in the Background section above as a result of such errors being identified by the Committee.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

5 February 2026



Agenda Item 4.1

SL(6)706 – The Healthy Eating in Schools (Nutritional Standards and Requirements) (Maintained Primary Schools) (Wales) Regulations 2025

Background and Purpose

These Regulations apply to local authorities and governing bodies that provide food and drink on a school day to pupils at primary schools, whether the food and drink is provided on school premises or not.

These Regulations set out the types of food and drink that must and must not be provided and the frequency with which certain foods must or must not be provided. They also prescribe the energy and nutrient content of average school lunches.

These Regulations amend the Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013 so that they will only apply to secondary schools. Once the changes are in force, the 2013 Regulations will set out mandatory nutritional standards and requirements for food and drink provided in secondary schools in Wales.

Procedure

Negative

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

Technical Scrutiny

The following 1 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

In the definition of “maintained nursery school” in regulation 2(1), there are references to the terms “nursery school” and “special school”. We note that these terms are not defined in the Regulations and not included in the definitions referred to in regulation 2(6) as being contained in section 20 of the School Standards and Framework Act 1998. The Welsh Government is asked to clarify the meaning of these terms in the context of the Regulations.



Merits Scrutiny

The following 1 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.

While the Regulations set out the requirements and standards for relevant food and drink provision in schools, the Welsh Government is asked to explain how implementation of the Regulations will be monitored and any consequences for non-compliance.

Welsh Government response

A Welsh Government response is required to both 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 Healthy Eating in Schools (Nutritional Standards and Requirements) (Maintained Primary Schools) (Wales) Regulations 2025.

Technical Scrutiny point 1: The Regulations define “maintained nursery school” as a nursery school which is maintained by a local authority and is not a special school. This definition matches the definition of “maintained nursery school” in section 22(9) of the School Standards and Framework Act 1998 and is intended to have the same meaning. The Welsh Government is confident that the definition will be readily understood by governing bodies and local authorities upon whom duties are placed in the Regulations.

Merit Scrutiny point 1: Our initial focus is on supporting partners to understand and comply with the new Regulations. As set out in the regulatory impact assessment, this is being achieved through the refinement of statutory guidance for caterers, to assist their interpretation and application of new requirements, alongside strengthened statutory guidance on the promotion of healthy eating and drinking, clarifying roles and responsibilities for local authorities, governing bodies and Estyn within the school food system.

In addition, we are working closely with catering providers, local authorities, and wider stakeholders to develop and provide implementation support in advance of the coming into force date.

As set out in section 8 of the Explanatory Memorandum, the Welsh Government is committed to monitoring implementation and reviewing the impact of the Regulations. Well established networks offer strengthened opportunities to do this, both in anticipation of the October coming into force date and beyond it, and these will provide a monitoring and policy feedback loop.

In relation to compliance, while the duty to comply sits firmly with local authorities and governing bodies of maintained primary schools (including maintained nursery schools), we are underpinning these expectations through grant terms and conditions associated with the Universal Primary Free School Meals grant. The Welsh Local Government Association (WLGA) also offer catering providers the opportunity to obtain a voluntary certificate of compliance upon assessment of their menus.

Evidence showing that the Regulations are being complied with should be shared with governors - informing their annual governors' report. This will be considered during inspection by Estyn, who have a legal duty, under the Healthy Eating in School (Wales) Measure 2009, to keep Welsh Ministers informed about actions taken at maintained schools to promote healthy eating and drinking. Estyn will also note any obvious breaches of the Regulations in an inspection report.

Through these routes the Welsh Government will monitor compliance, seeking timely assurances of corrective action where the risk of non-compliance is identified. The powers of intervention under the School Standards and Organisation (Wales) Act

2013 would also be available to a local authority and to the Welsh Ministers if there is evidence that the grounds for intervention have been met.

Agenda Item 4.2

SL(6)707 – The Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025

Background and Purpose

These Regulations are made under powers conferred by the Building Act 1984, as amended by the Building Safety Act 2022. They apply specifically to Wales and are part of a suite of reforms aimed at improving building safety following the Grenfell Tower tragedy.

The primary aim of the Regulations is to establish a building control approval process specifically for higher-risk buildings.

The Regulations introduce a structured change control mechanism which aims to ensure that any design or construction changes are properly assessed, documented, and approved, maintaining the integrity of the original design and its safety features. The Regulations also mandate the creation and ongoing maintenance of the “golden thread” of building information - a digital record that supports informed decision-making and transparency throughout the building’s life.

The Regulations require the reporting of any safety occurrences and establish processes for applying for, and issuing, both full and partial completion certificates. Mechanisms are also provided for the regularisation of unauthorised work in order to help bring non-compliant developments into alignment with legal requirements.

The Regulations also empower the Welsh Ministers to make determinations and hear appeals under section 30A of the Building Act 1984.

Procedure

Negative

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

Technical Scrutiny

The following 16 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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



In regulation 2(1), in the definition of “applicant”, it notes that the definition applies “except where the context otherwise requires”. It would be clearer and more helpful to the reader if it noted where in these Regulations a different meaning of “applicant” applies.

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

In regulation 2(1), the term “fire safety information” is defined with the meaning given by regulation 38(9) of these Regulations. However, regulation 2(1) gives the term that meaning for the whole of the Regulations but the definition in regulation 38(9) notes that the term only has that meaning “In this regulation”. In addition, the term is also used in regulation 37(5) of these Regulations. Therefore, it is unclear where the definition of the term “fire safety information” applies in these Regulations.

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

In regulation 7(13), in the Welsh text, the different grammatical forms “a bennir” a “penodedig” are both noted for the definition of “specified”. However, in regulation 24(11), only the term “penodedig” is noted for the definition of “specified” although both “a bennir” and “penodedig” are also used in the Welsh text of regulation 24. Therefore, the Welsh text is inconsistent in its approach as to whether all of the grammatical forms that have been used to express a defined term are noted or only a single grammatical form of the term.

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

In regulation 9(2) and (3), there is a varying between the use of “days” and the defined term “working days” when describing a period of time. In regulation 9(2) it refers to “At least 5 working days” but in regulation 9(3), it refers to “Within 5 days”. These different descriptions also occur when describing the same period of time in regulation 17(2) and (3). Is the varying between the use of “days” and “working days” intentional in these descriptions?

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

In regulation 12(1)(e)(i), there is a difference between the English and Welsh text. In the English text, it notes “details of the intended use of each storey” but the meaning given by the Welsh text is “details of the proposed use of each storey”. In this regard, the Welsh text is also inconsistent with the other provisions in these Regulations where “bwriadedig” has been used to express “intended” in the same context, but “arfaethedig” has been used to express “proposed”.

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



In regulation 15(1)(a), it refers to the client's assessment in regulation 12(1)(d)(viii)(bb). However, there is no paragraph (viii)(bb) in sub-paragraph 12(1)(d). Should regulation 15(1)(a) refer to a different provision, for example, regulation 12(1)(e)(viii)(bb)?

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

In regulation 18(2), at the beginning it notes that "Before any controlled change can be carried out, the client must ensure...". However, the word "can" appears to be referring to legal permission rather than only referring to a possibility. In which case, it should use "may" rather than "can".

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

In regulation 27(4)(i), the reference is described as "(as except paragraph (bb))". Should this refer to "(paragraph (ii)(bb))"?

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

In regulation 31(1)(b)(ii), there is a difference between the English and Welsh text. In the English text, it notes "have access to the facility" but the meaning given by the Welsh text is "have access to the electronic facility". In this regard, the Welsh text is correct because "electronic facility" is a defined term that is noted in regulation 31(13).

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

In regulation 31(13), it notes that both of the terms "electronic facility" and "golden thread information" are defined with a meaning "In these Regulations". However, the term "electronic facility" is only used in regulation 31, so it should be introduced as having a meaning "In this regulation". But the term "golden thread information" is also used in other regulations such as regulations 27 and 37, and Schedule 1. Therefore, the definition of "golden thread information" should be included in regulation 2(1) which is the general interpretation provision for terms used in these Regulations.

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

In regulation 32(2), it notes that there are "incidents or situations that should be reported by the reporting person". As the word "should" appears to be referring to a legal obligation placed upon the reporting person, should the word "must" be used instead of "should"?

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



In regulation 35(1), it notes that the definitions bear a meaning “In regulations 32 to 34” of these Regulations. However, the term “construction phase” is also used in regulation 31 of these Regulations but is not used at all in regulation 34. Therefore, it is unclear where the definition of this term applies in these Regulations. In addition, the terms “HRB design work” and “reporting person” are only used in regulation 32 rather than regulations “32 to 34”. Therefore, it may be clearer for both of these definitions to appear in a separate interpretation provision for regulation 32.

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

Regulation 47(5) states that the Welsh Ministers must notify the appellant of the outcome “within 13 weeks beginning with the day after the day on which the person gives a notice under paragraph (2)”. However, paragraph (2) outlines the persons who may appeal the decision in paragraph (1). Should regulation 47(5) refer to a different paragraph, for example, paragraph (3), rather than paragraph (2)?

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

In regulation 49(3), it could be argued that it is not obvious for a reader that terms that are defined for the purposes of the whole of Part 6 would be found in regulation 49(3). It might be more helpful to the reader if those terms were defined in a separate interpretation provision for Part 6. In addition, the definitions are not listed in alphabetical order in the English text of regulation 49(3).

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

In Schedule 1, in paragraph 5(1)(d), it refers to “Schedule 1 of the Building Regulations 2010”. However, the Building Regulations 2010 were defined as “the 2010 Regulations” by regulation 2(1) of these Regulations. Therefore, the defined term “the 2010 Regulations” should have been used in this reference in Schedule 1.

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

In Schedule 2, in paragraph 3, the term “fixed building service” is defined for Schedule 2. However, the term is also used in other provisions such as regulations 37(5), 38(7), and 46(12) of these Regulations. Therefore, it is unclear whether the intention is for the term “fixed building service” to bear the same meaning in these other provisions of the Regulations as well.

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 26 January 2026 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 46**

Legislation, Justice and Constitution Committee

Government Response: *The Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025*

Technical Scrutiny point 1:

The Welsh Government notes this point but consider it is sufficiently clear where a different meaning of “applicant” applies. For example, “applicant” is used in regulation 46(2) but in that regulation “applicant” means owner and this is clearly set out in the provision. In this case the applicant is specifically the owner rather than the client because the building work has already been carried out by the point of regularisation.

Technical Scrutiny point 2:

The Welsh Government notes the point and accepts that the approach to defining “fire safety information” for the purposes of the Regulations could have been clearer. However, we consider the definition in regulation 38(9) would apply to each use of the term; in regulation 38 by virtue of the definition in paragraph (9) and in regulation 37(5) by virtue of the definition in regulation 2(1).

Technical Scrutiny point 3:

The Welsh Government acknowledges that the approach is inconsistent and that the approach taken in regulation 7(13) should have also been used in regulation 24(11). Correcting this error is a matter that can be considered when the Regulations are next amended.

Technical Scrutiny point 4:

The varying use of “days” and “working days” in regulations 9 and 17 is not intentional, and can be considered for amendment when the Regulations are next amended, however, in the interim “days” will take its ordinary meaning and “working days” the meaning given in regulation 2(1).

Technical Scrutiny point 5:

The Welsh Government accepts that “bwriadedig” should be used to convey “intended” in regulation 12(1)(e)(i). However, we do not consider this would cause any issues in practice.

Technical Scrutiny point 6:

The reference in regulation 15(1)(a) should be to regulation 12(1)(e)(viii)(bb) and not regulation 12(1)(d)(viii)(bb). Whilst the Welsh Government does not consider this error will cause any issues in practice and this is a matter that can be considered when the Regulations are next amended.

Technical Scrutiny point 7:

The point is noted but the Welsh Government considers the provision to be sufficiently clear.

Technical Scrutiny point 8:

The reference in regulation 27(4)(i) to paragraph (bb) should refer to paragraph (ii)(bb). However, the provision makes it clear that the reference to paragraph (bb) is in subparagraph (d) of paragraph (1) and there is only one paragraph (bb) in that subparagraph. The Welsh Government therefore considers the omission is unlikely to cause issues in practice.

Technical Scrutiny point 9:

The Welsh Government notes the point and the inconsistency created, however we consider the meaning in regulation 31(1)(b)(ii) remains clear.

Technical Scrutiny point 10:

The Welsh Government notes the point however we consider the meaning of both “electronic facility” and “golden thread information” are sufficiently clear.

Technical Scrutiny point 11:

The point is noted but the Welsh Government considers the provision to be sufficiently clear.

Technical Scrutiny point 12:

The Welsh Government accepts that regulation 35(1) should note that the definitions bear the meaning in regulations 31 to 34, rather than 32 to 34, because, as the point notes, the definition of “construction phase” is also used in regulation 31. We do not consider that because the defined terms in regulation 35(1) do not necessarily appear in each of regulations 32 to 34 that this would create any confusion or that it would warrant a separate interpretation provision in regulation 32.

Technical Scrutiny point 13:

Regulation 47(5) should refer to paragraph (3) and not paragraph (2). The Welsh Government considers this is an obvious error as paragraph (2) does not mention a notice and paragraph (4), which details the content required, does have the correct reference to paragraph (3). We do not anticipate this error causing confusion in practice and based on the number of determinations received under the current procedures, we anticipate very few appeals under this provision.

Technical Scrutiny point 14:

The Welsh Government notes that it could be argued that a separate interpretation provision for Part 6 might have been more helpful. We also note the definitions in the English text should have been in alphabetical order.

Technical Scrutiny point 15:

Whilst noting the Building Regulations 2010 are defined for the purposes of the Regulations as “the 2010 Regulations”, the Welsh Government does not consider that the reference in paragraph 5(1)(d) of Schedule 1 to “Schedule 1 of the Building Regulations 2010” would cause any confusion.

Technical Scrutiny point 16:

The Welsh Government accepts the point, however each reference to “fixed building service” other than those in Schedule 2, is made in the context of requirements in paragraph L1 of Schedule 1 to the 2010 Regulations, so it would be reasonable for a reader to interpret its meaning in accordance with the 2010 Regulations.

Agenda Item 4.3

SL(6)708 – The Building etc. (Amendment) (No. 2) (Wales) Regulations 2025

Background and Purpose

These Regulations amend the Building Regulations 2010 and other related secondary legislation in Wales to implement provisions of Part 3 of the Building Safety Act 2022. The amendments introduce new procedural requirements, clarify duties and competencies of dutyholders, establish mechanisms for enforcement and appeals in relation to building control, and provide transitional arrangements for work commenced or approved prior to the coming into force date.

These Regulations also make minor, unrelated amendments to the Building Regulations 2010 and consequential amendments to other statutory instruments.

Part 2 (regulations 2-15) of these Regulations amend the Building Regulations 2010.

Part 3 (regulations 16-18) of these Regulations amend the following secondary legislation:

- The Building (Local Authority Charges) Regulations 2010;
- The Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024;
- The Building (Restricted Activities and Functions) (Wales) Regulations 2024.

Part 4 (regulations 19-22) of these Regulations make transitional, supplementary and saving provisions.

Procedure

Negative.

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

Technical Scrutiny

The following 23 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

In regulation 6(11)(a), in the new regulation 27(3)(b), it notes “not later than **five days**”. However, many of the other amendments that are made to the 2010 Regulations refer to periods of time that are described as “working days” such as the amendment made by



regulation 6(5)(c). In addition, figures rather than words have been used to express periods of days elsewhere in the amendments. Therefore, should it refer to “not later than **5 working days**” in this amendment as well? This also occurs in the new regulation 16(2A) inserted by regulation 9(1)(d) of these Regulations where it refers to “Not more than 5 days...”.

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

In regulation 6(13)(a), in the new regulation 27B(2)(b), it incorrectly refers to the matters set out in “paragraphs **(1)** to (iii) of sub-paragraph (a)”. However, it should be referred to by using a Roman rather than an Arabic numeral as “paragraphs **(i)** to (iii) of sub-paragraph (a)”. Otherwise it could be interpreted as referring to paragraph (1) of regulation 27B.

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

In regulation 6(13)(a), in the new regulation 27B(3)(b), the reference to the matters mentioned “in sub-paragraphs (aa) to (cc)” is incomplete because it does not note that they are found in sub-paragraph (a)(i) of regulation 27B(3). Therefore, it should refer to the matters mentioned “in sub-paragraphs (aa) to (cc) **of sub-paragraph (a)(i)**” (for a correct example, see the new regulation 27C(3)(b) inserted by regulation 6(14)(a) of these Regulations).

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

In regulation 6(14)(a), in the new regulation 27C(2)(b), it incorrectly refers to the matters set out in “**paragraphs (i) to (iii)** of sub-paragraph (a)”. However, there is no paragraph (iii) in sub-paragraph (a). Therefore, it should refer to the matters set out in “**paragraphs (i) and (ii)** of sub-paragraph (a)”.

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

In regulation 16(2)(a), in the new definition of “local authority” that is inserted in regulation 2 of the Building (Local Authority Charges) Regulations 2010, it refers to “section 91ZD of **the 1984 Act**”. However, the Building Act 1984 has been defined as “the Act” by regulation 2 of those Regulations. Therefore, the new definition fails to use the correct definition of the Building Act 1984. It is also inconsistent with the other new textual amendments made to the Building (Local Authority Charges) Regulations 2010 which have used the correct definition.

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

In regulation 16(7)(b), in the new text that replaces some of the existing text in regulation 14(1) of the Building (Local Authority Charges) Regulations 2010, it refers to “regulation 14E of **the Building Regulations 2010**”. However, the Building Regulations 2010 have been



defined as “**the Principal Regulations**” by regulation 2 of the Building (Local Authority Charges) Regulations 2010. Therefore, the new textual amendment fails to use the correct definition of the Building Regulations 2010. It is also inconsistent with the other new textual amendments made to the Building (Local Authority Charges) Regulations 2010 which have used the correct definition.

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

In regulation 17(4), in the new regulation 6A(1) that is inserted into the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024 it refers to “higher-risk building work”. In addition, there is a related footnote that explains that the definition of “higher-risk building work” is found in section 120I(3) of the Building Act 1984. However, it is not possible to define a term by means of a non-operative part of a statutory instrument such as a footnote. Also, the Legislation (Wales) Act 2019 does not contain a provision corresponding to section 11 of the Interpretation Act 1978, which provides that expressions used in subordinate legislation have the meaning which they bear in the Act under which the subordinate legislation is made. A Welsh subordinate instrument should include express provision wherever the intention is to attract meanings from the parent legislation. A definition of “higher-risk building work” should be inserted in the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024 if it is intended to bear the same meaning as given by the Building Act 1984.

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

In regulation 17(6), in the new regulations 13A(7)(d) and 13B(1) that are inserted in the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024, there are references to “**the Act**” when appearing to refer to the Building Act 1984. However, the Building Act 1984 has been defined as “**the 1984 Act**” by regulation 2 of the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024. Therefore, these new textual amendments fail to use the correct definition of the Building Act 1984. They are also inconsistent with the other textual amendments made to the Building (Local Authority Charges) Regulations 2010 which have used the correct definition such as the new regulation 6A(4) inserted by regulation 17(4) of these Regulations.

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

In regulation 17(10)(c), there is a difference between the English and Welsh text. In the English text, the amendment fails to correctly identify the existing text for substitution in regulation 37 of the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024. It identifies the text as “section 35 of **the Act (penalty for contravening building regulations)** does not apply”. However, the existing text notes “section 35 of **the 1984 Act** does not apply” in regulation 37 of the 2024 Regulations. The Welsh text does



correctly identify the existing text for substitution which is found in regulation 37 of those Regulations.

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

In regulation 17(11), there is a difference between the English and Welsh text. In the English text, the amendment is incorrect because the words “substitute” and “for” are in the wrong order. Therefore, it notes “**substitute** “Parts 2 - 5” **for** “Parts 1-6”” in regulation 42(1) of Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024. But it should note “**for** “Parts 2 - 5” **substitute** “Parts 1-6”” because “Parts 2 to 5” is the existing text in regulation 42(1) and the new text that will replace it is “Parts 1 -6”. The amendment is correctly described in the Welsh text. The same error and difference between the English and Welsh text also occurs in the amendment made by regulation 17(12)(a) of these Regulations.

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

In regulation 17(12)(b), it could be argued that the words “after form 5(W)” should appear at the beginning of the description in both language texts. In addition, the amendment would be clearer if some additional words such as “set out” were included after “form 6(W)”. Otherwise, the amendment could be read as instructing that Form 6(W) is to be inserted in the Schedule to these new Regulations.

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

In regulation 17(13)(a), in the new paragraph 6(d) that is inserted in Schedule 2 to the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024, it refers to “the client’s assessment of when **building control oversight** is required”. However, it also refers to “when the client considers **building control input** is required” in the new paragraph 13 that is inserted in that Schedule to the 2024 Regulations by regulation 17(13)(c) of these Regulations. In addition, the term “building control input” is also used in the new regulation 13B(4) inserted by regulation 17(6) of these Regulations. Therefore, could the Welsh Government confirm whether the use of the term “building control oversight” is correct in the new paragraph 6(d) or whether it should note “building control input”? The same issue arises in the Schedule, in the new Form 1(W), paragraph 4(c)(ii), Form 2(W), paragraph 3(e)(ii), and Form 4(W), paragraph 4(c)(ii), where the term “building control oversight” has also been used.

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

In regulation 17(13)(c), in the new paragraph 13, the term “may” rather than “can” should be used if the paragraph is conferring discretionary legal power on the local authority to reject the building control input rather than only expressing possibility.



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

In regulation 18(2)(a), there is a difference between the English and Welsh text. In the English text, the words “, a power in—” are noted at the end of the new text that will replace some of the existing text in regulation 3(2)(b) of the Building (Restricted Activities and Functions) (Wales) Regulations 2024. But in the Welsh text, the meaning of those words is not included at the end of the new text that replaces the existing text. However, it appears that the English text is incorrect because the words “, a power in-” aren’t noted as part of the existing text for replacement. Therefore, the effect of the textual amendment made by the English text is that those words will appear twice at the end of the amended text so that it will read as “a power in- a power in-” which doesn’t make sense.

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

In the heading of regulation 19, it refers to “the Building Regulations 2010” but those Regulations have been defined as “the 2010 Regulations”. It is also inconsistent with the body of the text in regulation 19 where the defined term “the 2010 Regulations” has been used.

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

In regulation 19(b)(i), there is a reference to “section 16 of the Act” when the term “the Act” appears to be referring to the Building Act 1984. However, the term “the Act” has not been defined as the Building Act 1984 for the purpose of this regulation or in these Regulations. In addition, it is also inconsistent with the transitional provisions of regulations 21 and 22 where the title of that Act has been noted in full in the references.

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

In regulation 19, the terms “building work” and “building notice” are used which are terms that have been defined with a meaning in the Building Regulations 2010. However, those terms have not been defined with the same meaning for the purpose of that regulation in these Regulations.

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

In regulation 21, the term “building notice” is also used which is a term that has been defined with a meaning in the Building Act 1984. Likewise, the terms “initial notice”, “plans”, and “plans certificate” are used in regulation 22 which are also terms that are defined in that Act. However, the only term that is defined with a meaning for either regulation 21 or 22 is “plans certificate” which is defined with a meaning for regulation 22. It would appear that all of the terms that are defined by the Building Act 1984 and that are also used in regulations



21 and 22 should be defined for the purposes of those regulations. Additionally, it appears to be an inconsistent approach to define some of those terms such as “plans certificate” but not all of them.

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

In the Schedule, in the new Form 5(W), in paragraph 2, there is a difference between the English and Welsh text. In the English text, it notes “and the work **described** above was” but the meaning given by the Welsh text is “and the work above was”.

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

In the Schedule, in the new Form 5(W), in paragraphs 9 and 10, in the Welsh text, “it” has been expressed by using “ei fod” when referring to “(2)”. However, the phrase “ei fod neu ei bod” has been used elsewhere in the Welsh text of this Form on each occasion when referring to “(2)”. Therefore, these paragraphs are inconsistent with the approach that has been taken elsewhere in the Welsh text of this Form and in the other Forms.

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

In the Schedule, in the new Form 5(W), in paragraph 13, there is a difference between the English and Welsh text. In the English text, it notes “specified” but it could be argued that the meaning given by the Welsh text is “noted” (“nodwyd”). The word “pennu” is a clearer term for “specify”.

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

In the Schedule, in the new Form 6(W), there is a difference between the English and Welsh text. In the English text, in the heading of the Form, the title of the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024 is defined as “(the 2024 Regulations)”. However, there is no corresponding definition to “(“the 2024 Regulations”)” in the Welsh text of the heading of that Form.

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

In the Schedule, in the new Form 1(W), paragraph 4(a), Form 2(W), paragraph 3(c) and Form 4(W), paragraph 4(a), terms such as “cesspool”, “sewer” and “private sewer” have been used which are defined with a meaning in the Building Act 1984. However, they have not been defined in the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024 or in these Forms. It appears that these terms should be defined in the 2024 Regulations or in these Forms if they are intended to bear the same meaning as given by the Building Act 1984.



Merits Scrutiny

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

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

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

“Further to the LJCC report in relation to the Building etc. (Amendment) (Wales) Regulations 2025 (SL(6)606)¹, we have amended the drafting to regulations 15 of these Regulations to address comments in the Technical Scrutiny points raised.”

Welsh Government response

A Welsh Government response is required in respect of reporting points 1 to 23.

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.

¹ <https://business.senedd.wales/mglIssueHistoryHome.aspx?IId=45427>



Welsh Government Response: The Building etc. (Amendment) (No. 2) (Wales) Regulations 2025

Technical scrutiny point 1:

The Welsh Government notes the inconsistent use of the terms “days” and “working days”. However, given that “days” is defined as “working days” in the defined terms of the Building Regulations 2010, the two expressions have the same meaning. Accordingly, although it is not best practice to use different terms to convey the same meaning, this inconsistency should not cause any issues in practice. We also note the use of both the word “five” and the numeral “5”; this does not affect the operation of the Regulations.

Technical scrutiny point 2:

The Welsh Government notes the typographical error. We believe the reader should be able to deduce that this is reference to paragraphs (i) to (iii) of sub-paragraph (a). We do not consider this would be interpreted as referring to paragraph (1) of regulation 27B, given the reference to sub-paragraph (a) that immediately follows the paragraph numbers. This is a matter that can be considered when the 2010 Regulations are next amended.

Technical scrutiny point 3:

The Welsh Government notes and accepts the omission. Considering sub-paragraphs (aa) to (cc) appear only within regulation 27B(3), the intended reference is apparent.

Technical scrutiny point 4:

The Welsh Government accepts there is a typographical error. As the reporting point notes because there is no paragraph (iii) in sub-paragraph (a) we do not consider the error will create any issues in practice. This is a matter that can be considered when the 2010 Regulations are next amended.

Technical scrutiny point 5:

The Welsh Government accepts that the defined terms should be consistent throughout and therefore the reference should be to “the Act”. However, we consider the reader would be able to interpret that the use of the phrase “the 1984 Act” is referring to the “Building Act 1984”, given that all building regulations are made under powers contained in the Building Act 1984 and must be read in the context of that Act.

Technical scrutiny point 6:

The Welsh Government accepts that the defined terms should be consistent throughout but we do not consider any confusion would arise from the provision saying “the Building Regulations 2010” instead of “the Principal Regulations”.

Technical scrutiny point 7:

The Welsh Government notes this point. While we do not consider this to have a material impact on the effect of the legislation in the immediate future, because the term is well understood by those applying the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024, we acknowledge that it requires correction and can be considered when the Regulations are next amended.

Technical scrutiny point 8:

The Welsh Government accepts that the defined terms should be consistent throughout and therefore the reference should be to “the Act”. However, we consider the reader would be able to interpret that the use of the phrase “the 1984 Act” is referring to the “Building Act 1984”, given that all building regulations are made under powers contained in the Building Act 1984 and must be read in the context of that Act.

Technical scrutiny point 9:

The Welsh Government accepts this point. However, we consider that the reader would still be able to identify the text being replaced despite the slight variation in wording, and we do not anticipate this causing any significant confusion.

Technical scrutiny point 10:

The Welsh Government accepts this point. We consider this to be an obvious error, in particular on the basis the Welsh text is correct and therefore do not anticipate it causing any confusion in practice.

Technical scrutiny point 11:

The Welsh Government notes this point. However, we consider that the regulation functions as drafted and should not cause confusion for the reader as to its intention.

Technical scrutiny point 12:

The Welsh Government notes the inconsistent use of the terms “building control oversight” and “building control input”. It would have been more accurate to use “building control input” which is used throughout the Building Regulations 2010. We do not anticipate any confusion in practice but will keep this under review.

Technical scrutiny point 13:

The Welsh Government notes this point. We acknowledge the preferred wording and the rationale behind it, however we consider that the provision remains clear in its intended purpose.

Technical scrutiny point 14:

The Welsh Government notes the error, but the intended meaning should still be clear to the reader.

Technical scrutiny point 15:

The Welsh Government notes the inconsistent use of the defined terms. We do not believe that this will make any material difference to the intention of the regulations.

Technical scrutiny point 16:

The Welsh Government accepts this point. However, we consider the reader would be able to interpret that the use of the phrase “the Act” is referring to the “Building Act 1984”, given that all building regulations are made under powers contained in the Building Act 1984 and must be read in the context of that Act.

Technical scrutiny point 17:

The Welsh Government accepts this point. We do not believe this will create any issues in practice.

Technical scrutiny point 18:

The Welsh Government accepts this point. As above, we do not believe this will create any issues in practice.

Technical scrutiny point 19:

The Welsh Government notes that there is inconsistency between the English and Welsh texts. However, we don't believe it will cause any practical issues and the intended meaning should still be apparent to the reader.

Technical scrutiny point 20:

The Welsh Government accepts the point and agrees there is inconsistency in the phrasing. However, given that the Registered Building Control Approvers are always a company and so the name inserted in form 5(W) would be the title of a company, we do not consider that the wording would cause any difficulties.

Technical scrutiny point 21:

The Welsh Government notes this point and acknowledges the preferred wording however we consider that the provision remains clear in its intended purpose.

Technical scrutiny point 22:

The Welsh Government notes this point.

Technical scrutiny point 23:

The Welsh Government notes the lack of definitions in the Forms listed in the reporting points. On the basis the terms appears in building regulations and therefore must be read in the context of the Building Act 1984 we do not anticipate any issues arising in practice.

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.

Committee Consideration

The Committee considered the instrument at its meeting on 9 February 2026 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 64**

Legislation, Justice and Constitution Committee

Government Response: The Adoption Support Services (Adoption Support Agencies) (Wales) Regulations 2026

Technical Scrutiny point 1: The Welsh Government is uncertain what is meant by the term “specified adoption service”. Although regulation 3 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005 (“the 2005 Regulations”) does not include relatives of an adopted person within the definition of “intermediary service” for the purposes of section 2(6) of the Adoption and Children Act 2002 (“the 2002 Act”), the 2005 Regulations provide, at regulation 5(1)(b), that an intermediary agency may accept an application for assistance from such relatives. An intermediary agency is a registered adoption support agency or an adoption agency that provides an intermediary service. A local authority adoption agency has discretion to provide such services by exercising its powers to offer counselling, advice and information.

Technical Scrutiny point 2: The Welsh Government accepts the reporting point. In both the definitions of “adoptive parent” and “non-agency adoptive child”, formatting errors appear to have occurred, resulting in the inadvertent indentation of text. Consequently, in the definition of “adoptive parent”, Westlaw has included wording in paragraph (e) that is not intended to form part of that provision. It is noted, however, that The National Archives has not adopted the same interpretation, and the corresponding text does not appear in paragraph (e) in their version.

To mitigate the risk of misinterpretation, the Welsh Government proposes to write to Westlaw requesting that the unintended wording be removed from paragraph (e) of the definition of “adoptive parent”. The Government is also seeking to determine with the SI Registrar whether the indentation can be corrected where relevant in both definitions of “adoptive child” and “non-agency adoptive child” (and their Welsh equivalents) by correction slip or corrective reprint.

Technical Scrutiny point 3: The Welsh text states: “*mae i “rhiant geni” (“birth parent”) yr un ystyr â rhiant naturiol yng nghyd-destun Deddf 2002,*”.

The words *rhiant naturiol* are not included in inverted commas. The Welsh provision is not purporting to match a defined English label, as “natural parent” is not a defined term in that Act. Rather, the phrase “*yng nghyd-destun Deddf 2002*” (“in the context of the 2002 Act”) is being used to anchor the meaning of *rhiant geni* to how the concept *rhiant naturiol* is understood in the 2002 Act, not to align it with any particular English defined term.

This approach accords with point 3 under *Diffinio termau drwy gyfeirio at ddeddfwriaeth y DU neu gyfraith yr UE* in the *Canllawiau Arddull Cyfieithu Deddfwriaethol 2025*, which permits defining Welsh terms by reference to the meaning

they carry within other legislation, even where there is no directly equivalent defined English term.

In the Welsh Government's view, in such a case, it is more appropriate for the Welsh text to use a Welsh expression notwithstanding that it is clarifying its sense by reference to the English only Act.

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

Background and Purpose

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

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

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

Procedure

Senedd approval procedure.

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

Technical Scrutiny

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

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

Merits Scrutiny

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

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

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



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

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

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

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

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

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

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

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

Welsh Government response

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

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 Social Partnership and Public Procurement (Wales) Regulations 2026 (English)*

Technical Scrutiny point 1: The Welsh Government accept the point raised and will be making the correction prior to the making of the Regulations as set out in the table below.

Merit Scrutiny point 2: The Welsh Government acknowledges the Committee’s request for clarification on the impact of the Regulations by reference to the proposed extension of the definition of a “prescribed contract”.

The Social Partnership and Public Procurement (Wales) Act 2023 imposes the socially responsible procurement duty on all public procurement.

A specific part of that duty requires further steps to be taken in relation to “prescribed contracts”, currently defined as major construction and outsourcing services contracts and these Regulations extend the definition. It has always been the intention to further define in Regulations a “prescribed contract” by reference to financial thresholds aligned with the World Trade Organisation’s Government Procurement Agreement. This was part of the policy framework set out during the development of what is now the Social Partnership and Public Procurement (Wales) Act 2023. It was specifically outlined in the [2021 consultation document](#) on the draft Bill, the [2022 statement of policy intent](#), and the [Explanatory Memorandum](#), and was also communicated to Contracting Authorities.

The impact of this is that contracting authorities are required to “take all reasonable steps” to meet their socially responsible procurement objectives, and to include relevant information in their annual socially responsible procurement reports, on public contracts above the thresholds as set out in Schedule 1 to the Procurement Act 2023, unless the contract is an excluded contract under regulation 3 of the Social Partnership and Public Procurement (Wales) Regulations 2026.

The Welsh Government will update the Explanatory Memorandum to explain how the application of the duty has been extended and the policy rationale for doing so.

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 Partneriaeth Gymdeithasol a Chaffael Cyhoeddus (Cymru) 2026	The Social Partnership and Public Procurement (Wales) Regulations 2026
In the preamble, “Yn unol ag adran 44(2) o’r Ddeddf honno, mae’r Rheoliadau hyn wedi eu gosod gerbron	In the preamble, “In accordance with section 44(2) of that Act, these Regulations have been laid before

<p>Senedd Cymru yn unol â gweithdrefn gymeradwyo'r Senedd(2)." will be substituted with "Yn unol â gweithdrefn gymeradwyo'r Senedd a gymhwysir gan adran 44(2) o'r Ddeddf honno gosodwyd drafft o'r offeryn statudol Cymreig hwn gerbron Senedd Cymru ac fe'i cymeradwywyd ganddi drwy benderfyniad(2)."</p>	<p>Senedd Cymru in accordance with the Senedd approval procedure(2)." will be substituted with "In accordance with the Senedd approval procedure applied by section 44(2) of that Act a draft of this Welsh statutory instrument was laid before, and approved by resolution of, Senedd Cymru(2)."</p>
<p>In the heading of regulation 1, "l" will be substituted with "i".</p>	
	<p>In regulation 2(1) the Welsh text of "contract wedi ei eithrio" and "cytundeb fframwaith" will be formatted in italics.</p>
<p>In regulation 2(1) "mae i "undeb llafur" ("trade union") yr ystyr a roddir gan adran 1 o Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992(7) (ac mae i "cydnabyddedig" ("recognised") mewn perthynas ag undeb llafur yr ystyr a roddir gan adran 178(3) o'r Ddeddf honno)" will be substituted with "mae i "undeb llafur" yr ystyr a roddir i "trade union" gan adran 1 o Ddeddf yr Undebau Llafur a Chysylltiadau Llafur (Cydgrynhoi) 1992(7) (ac mae i "cydnabyddedig" mewn perthynas ag undeb llafur yr ystyr a roddir i "recognised" gan adran 178(3) o'r Ddeddf honno)".</p>	
<p>In regulation 4(3)(a), "(1)" will be substituted with "1(1)".</p>	<p>In regulation 4(3)(a), "(1)" will be substituted with "1(1)".</p>
<p>In regulation 6(2)(d) "er vmwyn datblygu" will be substituted with "er mwyn hybu".</p>	
<p>In regulation 6(2)(g) a closing bracket will be added after the words "(menter gan Citizens UK(8)".</p>	
<p>Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.</p>	

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

Background and Purpose

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

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

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

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

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

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

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

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

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

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

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



Procedure

Senedd approval procedure.

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

Technical Scrutiny

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

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

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

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

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

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

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

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

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

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

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



Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

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



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—
Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 73

Government Response: The National Health Service (Direct Payments) (Wales) Regulations 2026

Technical Scrutiny point 1: The Welsh Government accept that there is a difference between the wording of the English and Welsh texts in the second paragraph of the preamble, and consider the Welsh text is capable of only one meaning in context (because only one Act is referred to in the preamble). However, the Welsh Government agree that it is preferable for the English and Welsh texts to be expressed in the same terms and intend to amend the wording of Welsh text prior to the making of the Regulations, as set out in the table below, so that it mirrors the English text.

Technical Scrutiny point 2: The Welsh Government accept the reporting point. Regulation 9(2)(b) and (c) use the shorthand “the 2005 Act”. These references are intended to be to the Mental Capacity Act 2005.

Although that shorthand reference is not defined in regulation 2, the Welsh Government consider the intended meaning is clear on the face of the instrument and that there is limited scope for confusion. However, to put the matter beyond doubt, the Welsh Government intend to make the corrections set out in the table below, prior to making the Regulations.

Technical Scrutiny point 3: The Welsh Government accept the point and intend to correct regulation 10(6) prior to the making of the Regulations in accordance with the table set out below.

Technical Scrutiny points 4 and 5: The Welsh Government note the Committee’s concerns about the inconsistency of meaning between the English and Welsh texts, however, do not consider that this gives rise to an inconsistency of meaning between the English and Welsh texts for the purposes of Standing Order 21.2(vii). Each of the references is to an “alcohol treatment requirement” and “drug treatment requirement” imposed under English only legislation, and the Welsh wording is necessarily a courtesy translation used for accessibility in the Welsh text rather than terminology that has legal traction within the originating legislation.

However, the Welsh Government accept that the use of different Welsh terms within the same Schedule is undesirable and therefore intend to amend the Welsh text in accordance with the table set out below, prior to making the Regulations, so that the same Welsh terms are used consistently throughout the Schedule.

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
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Rheoliadau'r Gwasanaeth Iechyd Gwladol (Taliadau Uniongrychol) (Cymru) 2026	The National Health Service (Direct Payments) (Wales) Regulations 2026
In the preamble, in paragraph 2, “o’r Ddeddf honno” will be substituted by “o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006”.	
In regulation 9(2)(b) and (c), “Ddeddf 2005” will be corrected to read “Ddeddf Galluedd Meddyliol 2005”.	In regulation 9(2)(b) and (c), the words “the 2005 Act” will be corrected to read “the Mental Capacity Act 2005”.
In regulation 10(6), “(4)(c)(ii)” will be corrected to read “(5)(b)(ii)”.	In regulation 10(6), “(4)(c)(ii)” will be corrected to read “(5)(b)(ii)”.
In the Schedule, in paragraph 2(b), “dibyniaeth ar” will be substituted by “am”.	
In the Schedule, in paragraph 2(f)(ii), the words “adsefydlu defnyddiwr cyffuriau” will be substituted by “am gyffuriau”.	
Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.	

Agenda Item 4.7

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.

Committee Consideration

The Committee considered the instrument at its meeting on 9 February 2026 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 78**

Legislation, Justice and Constitution Committee

Government Response: *The Building Safety Act 2022 (Consequential Amendments) (Wales) Regulations 2026*

Technical Scrutiny point 1:

The Welsh Government acknowledges that section 167(5) of the Building Safety Act 2022 should have been cited in the headnote rather than section 167(1) to (3). The Welsh Government notes the headnote is not an operative provision.

Technical Scrutiny point 2:

The Welsh Government accepts there is a typographical error in regulation 4(3)(f)(ii)(aa) where the text being substituted is identified. The Welsh Government does not consider that the inclusion of “has been deposited” rather than “had been deposited” would create any possibility that the user of the legislation would be unable to identify the text being substituted.

Technical Scrutiny point 3:

The Welsh Government notes the difference in text between the English and Welsh. The English text is correct, but we do not consider the Welsh text would cause any confusion in practice regarding where the definition should be inserted.

Technical Scrutiny point 4:

Section 121A of the Building Act 1984 is not express in its territorial application and therefore, whilst subsections (1)(b) and (2) are the relevant provisions for Wales, it is necessary to consider the entire section in order to determine this. Subsection (1)(b) cannot be read in isolation as this is drafted as an exception to subsection (1)(a). The Welsh Government therefore considers the reference to section 121A is correct.

Agenda Item 4.8

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.



Committee Consideration

The Committee considered the instrument at its meeting on 9 February 2026 and reports to the Senedd in line with the reporting point above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee

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The Higher Education (Fee Limits) (Wales) Regulations 2026

Merit Scrutiny point 1:

The Higher Education (Fee Limits) (Wales) Regulations 2026, together with their underlying policy and their place within the wider regulatory framework established by the Tertiary Education and Research (Wales) Act 2022, can be understood without requiring reference to the detailed definitions of qualifying persons and qualifying courses.

These Regulations are intended to set out the fee limits themselves, while the separate Regulations on Qualifying Courses and Qualified Persons will determine how those limits are applied. As such, the two instruments serve distinct purposes, and it is not essential for them to be laid simultaneously.

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

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02 February 2026

Inter-Institutional Relations Agreement: Transport Inter-Ministerial Standing Committee

I am writing in accordance with the inter-institutional relations agreement to notify you that I represented Welsh Government at the Transport Inter-Ministerial Group held on 5th November 2025.

This meeting was chaired by Fiona Hyslop, Cabinet Secretary for Transport, Scotland Government. A joint communique will be published [here](#) in due course.

We discussed three main topics: Road Safety, Decarbonisation of Heavy Goods Vehicles (HGVs), and the Vehicle Emissions Trading Scheme. We had a broad-ranging discussion about road safety which covered progressive licensing reform, national speed limits and medical fitness to drive. The development of the Northern Ireland Graduated Driver Licensing scheme was discussed and further information will be shared with the other nations. We also discussed the decarbonisation of HGVs and particularly recognised the need to collaborate on charging infrastructure that supports cross-border journeys. I am pleased that the Vehicle Emission Trading Scheme Memorandum of Understanding between the four nations has been agreed.

Finally, we discussed the data sharing across the four nations and acknowledged the work undertaken by officials in developing a Memorandum of Understanding and pro-forma for data-sharing.

I will be attending the next meeting of the Transport Inter-Ministerial Group due to be scheduled early in 2026 and chaired by a UK Government minister.

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

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken Skates', with a stylized flourish at the end.

Ken Skates AS/MS

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

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-076-26

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

9 February 2026

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to notify you that the eleventh meeting of the Inter-Ministerial Standing Committee (IMSC), which was due to place on 5 February 2026, has been postponed.

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

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.

Yours sincerely,

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

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



Llywodraeth Cymru
Welsh Government

Ein cyf/our ref: HID-PO-080-26

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

Llŷr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee

10 February 2026

Dear Mike, Llŷr,

I am writing further to my letter of 22 January 2026, and in accordance with the Inter-Institutional Relations Agreement, to report on the meeting of the Interministerial Group for Net Zero, Energy and Climate Change that was held on 26 January 2026.

The Cabinet Secretary for Housing and Local Government has issued a Written Statement summarising the meeting. Ministers from the Northern Ireland Executive are due to chair the next Interministerial Group meeting. I will share the details with you once confirmed.

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



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Interministerial Group for Net Zero, Energy and Climate Change, 26 January 2026**

DATE **10 February 2026**

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

In accordance with the inter-institutional relations agreement, I can report to Members that I attended the Interministerial Group for Net Zero, Energy and Climate Change on 26 January 2026. The meeting was chaired by Martin McCluskey MP, Minister for Energy Consumers for the UK Government.

The meeting was also attended by Màiri McAllan MSP, Cabinet Secretary for Housing for the Scottish Government, and Gordon Lyons MLA, Minister for Communities for the Northern Ireland Executive.

The focus of the meeting was on the UK Government's recently published [Warm Homes Plan](#). The Minister for Energy Consumers outlined the Plan, after which members of the Interministerial Group offered their reflections. The Minister also set out the plans for the proposed Warm Homes Agency, providing an update on progress to date and the forthcoming steps in its development, including potential avenues for devolved government participation.

On behalf of the Welsh Government, I welcomed the UK Government's Warm Homes Plan and stressed our support for the ambition in the Plan to reduce bills, create jobs and business opportunities, and improve our energy security. I reiterated that we are committed to working with the UK Government to ensure people across Wales benefit from the transition to healthy, low-carbon homes.

The ambition is clear. Now we need to work on the detail, to ensure our policies align and deliver lasting benefits to our communities. This includes capturing Wales' fair share of the £15.2bn of investments contained in the Warm Homes Plan.

The Northern Ireland Executive will chair the next Interministerial Group meeting, which is expected to take place in March.

The communiqué from the meeting has been published on GOV.UK:

[Interministerial Group for Net Zero, Energy and Climate Change Communiqué: 26 January 2026 - GOV.UK](#)



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Ministerial attendance at the Celtic Forum, Glasgow

DATE 11 February 2026

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

Wales is an outward looking nation, and the Welsh Government is committed to national and international engagement that improves outcomes for people in Wales and overseas. This means working together with others on shared opportunities and challenges. Our relationship with the Celtic nations and regions is rooted in many centuries of shared history, culture and trade. On 1st and 2nd of February, I attended the Celtic Forum in Glasgow, hosted by the Scottish Government. I was joined by colleagues from Scotland, Ireland, Brittany, the Isle of Man, Cornwall and Galicia.

This was the second Celtic Forum which followed the inaugural Forum held in Rennes, Brittany in 2023. The *Rennes Declaration* committed to deepening cooperation across a number of areas. The Forum in Glasgow provided an opportunity for senior leaders across the Celtic nations and regions to discuss collective challenges and opportunities and consider where there could be the potential for collaboration.

On 1 February, I attended a welcome reception at Glasgow Royal Concert Hall. This included a concert at the Celtic Connections Festival, the Transatlantic Sessions, which works to connect Celtic and North American artists through collaboration.

I was very pleased to hear about the important and developing contribution of Wales to the Celtic Connections Festival led by our Team Cymru partner, Wales Arts International.

On 2 February, I visited the National Institute of Manufacturing in Scotland with the other Celtic leaders to explore innovation and collaboration.

Ahead of the Leaders Roundtable, we were joined by the First Minister of Scotland, John Swinney MSP, which provided an important opportunity to discuss the importance of Celtic collaboration.

The Cabinet Secretary for the Constitution, External Affairs and Culture, Angus Robertson MSP, chaired the Leaders Roundtable.

This focussed on three themes:

- Celtic Co-operation
- Cultural Exchange
- Renewables and Innovation

After the formal proceedings had closed, I took the opportunity for a bilateral meeting with the President of the Regional Council of Brittany, Loïg Chesnais-Girard and Stephane Perrin-Sarzier, the Vice-President of the Regional Council.

We discussed ongoing collaboration between Brittany and Wales, as well as the current iteration of the Memorandum of Understanding between our two governments that underpins this work.



Ein cyf/Our ref JB/PO/91/26

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

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19 February 2026

Dear Mike

Inter-Institutional Relations Agreement: Inter-Ministerial Group (IMG) for Housing, Communities and Local Government

In accordance with the inter-institutional relations agreement, I am providing an update on the meeting of the IMG for Housing, Communities and Local Government that took place on 4 February 2026.

The meeting was hosted by the Northern Ireland Executive's Minister for Communities, Gordon Lyons MLA, and took place virtually. Also in attendance were the Right Honourable Steve Reed MP, the UK Government's Secretary of State for Housing, Communities and Local Government, and Màiri McAllan MSP, the Scottish Government's Cabinet Secretary for Housing.

The meeting agenda focused on topics relating to the development and delivery of housing strategies, with reference to increasing supply across all tenures and building thriving, sustainable communities and places.

The group discussed best practice approaches in place-based policy for housing, as well as challenges and solutions to increasing housing supply across the UK. The group agreed that increasing housing supply across all tenures was essential to building thriving, sustainable communities. All governments agreed to work together to deliver homes for everybody across the UK, with Ministers noting the benefits of the positive working relationships that already exist between officials and agreeing for this official level collaboration to continue.

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

I also took the opportunity to highlight the importance of closing the gap between housing-related benefits and the actual cost of renting, particularly via the Local Housing Allowance.

The meeting closed with confirmation that the governments would work together at official level to agree who would chair the next meeting of the IMG for Housing, Communities and Local Government. A suitable date and agenda items will be identified in due course.

A joint communiqué was published following the meeting and can be found [here](#).

I hope this information helps.

Yours sincerely,

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

Jayne Bryant AS/MS

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

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

Ein cyf/Our ref MA/HIDCC/0029/26

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

11 February 2026

Dear Mike,

The REACH (Amendment) (No 2) Regulations 2026

I wish to inform the Legislation, Justice and Constitution Committee of my intention to consent to the UK Government laying and making the REACH (Amendment) (No 2) Regulations 2026 (“the Regulations”).

The Regulations will be made by the Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by Articles 68(1), 73(2) and 132A of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (“UK REACH”). They will apply in relation to England, Scotland and Wales and pursuant to Article 69(1) are subject to the draft affirmative procedure. They are to be laid before Parliament on 24 March 2026 and will come into force in the summer of 2026. The Regulations seek to legislate in an area of Senedd competence.

Article 4A(3) provides that the Secretary of State must seek the consent of the Welsh Ministers where the exercise of the function is within Senedd competence. This includes where the exercise of that function also relates to a part of Great Britain other than Wales i.e. it applies when the exercise of the function relates to Wales and other parts of Great Britain.

Pursuant to the powers within UK REACH, in particular Articles 68 and 73, while the consent of the Welsh Ministers is required to make legislation that applies in relation to Wales the Welsh Ministers themselves do not have a regulation-making power. Therefore, these regulations could not be made by the Welsh Ministers.

Baroness Hayman of Ullock wrote to me on the 17 December 2025, requesting the Welsh Ministers’ consent to the 2026 Regulations. A similar request for consent has been sent to Scottish Ministers. I plan to provide my formal consent to Baroness Hayman of Ullock by 13 February 2026, unless the committee raises any concerns before that date.

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

Summary of the 2026 Regulations

Under UK REACH (applies to England, Scotland and Wales (GB), with Northern Ireland continuing to be covered by EU REACH), businesses are required to register with the UK REACH Agency (the Health and Safety Executive, HSE) information on chemical substances that are placed on the GB market. When the UK left the EU, information on substances on the GB market which had been registered with EU REACH was not passed on to the HSE. The substances in question have remained on the GB market, but this information still needs to be registered with UK REACH. Defra is developing the UK REACH Alternative Transitional Registration model (ATRm) for this purpose.

Given ongoing considerations, it is no longer possible for Defra to deliver the legislative changes to implement the ATRm before the current first registration deadline in October 2026, together with a suitable transition period. It was therefore necessary for Defra to consult on revised transitional registration deadlines, which provide sufficient time for the government to complete the ATRm and for industry to prepare to comply.

The public consultation on extending the registration deadlines took place between 14 July 2025 and 8 September 2025. The proposed options for transitional registration deadline dates considered by Defra, phased according to the tonnage of chemical substance placed on the market by a business and its hazard profile were:

- **Baseline** - Do Nothing: do not change the current submission deadlines of 27 October 2026, 27 October 2028, and 27 October 2030
- **Option 1: October 2029, October 2030, October 2031 [Defra preferred option]**
- **Option 2:** April 2029, April 2031, April 2033
- **Option 3:** April 2029, April 2030, April 2031

Defra has decided to take forward its preferred Option 1, stating that it has noted the strong stakeholder support for Option 2, reflecting industry's desire for more time to prepare, spread costs, and adjust to the ATRm. However, having considered all the consultation feedback, Defra continues to regard Option 1 as the most proportionate way forward. This approach ensures that the HSE receives timely and meaningful information to support its role in protecting public health and the environment.

Welsh Government officials agree with Defra's assessment. From a policy perspective, they consider it important that the ATRm is operational as early as possible, supported by deadlines that reflect both the readiness of the new registration system and the capacity of industry to provide high-quality information. Option 1 provides the best route to achieving this: it creates enough time for the ATRm to be fully established, avoids unnecessary delays in generating safety data, and supports earlier transfer of information into the new framework.

Welsh Government Position

The Welsh Government's general principle is that subordinate legislation in devolved areas should be enacted by the Welsh Ministers where there is executive competence.

On this occasion, I consider it appropriate for the UK Government's amendments to apply to Wales, as the Welsh Ministers do not have the necessary powers to amend Annex XVII of UK REACH. In addition, timely implementation will ensure compliance with our environmental and public health commitments and maintain regulatory consistency across the UK.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping loops and lines, positioned above the printed name and title.

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Agenda Item 5.3

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



Llywodraeth Cymru
Welsh Government

Legislation, Justice and
Constitution Committee
Senedd Cymru,
Cardiff Bay,
Cardiff
CF99 1SN
SeneddEconomy@senedd.wales

18 February 2026

Dear Mike,

Thank you for your letter on the negotiations between the UK and the EU following the most recent meeting of the Interministerial Group on UK-EU relations.

I appreciate the Committee's recognition of the sensitivities involved in these ongoing negotiations and the limitations around sharing confidential information.

Welsh Government Ministers and officials remain in regular contact with our counterparts in UK Government to ensure that Welsh interests are represented during negotiations. Ministerial discussions take place through regular Inter-Ministerial Group meetings, including the EFRA IMG (most recently held on 5 February), Trade IMG (held on 8 January), and IMG UK-EU Relations (held on 21 January). In addition, the Deputy First Minister has participated in two quadrilateral meetings with Dame Angela Eagle DBE MP, Minister of State for Food Security and Rural Affairs, to discuss the ongoing Sanitary and Phytosanitary (SPS) measures negotiations. A further quadrilateral meeting will take place in March. Officials are also meeting regularly with UK Government officials, including with Cabinet Office officials who are coordinating the EU reset work, and with officials from the departments leading on each agreement i.e. DEFRA, DESNZ and DfE.

To ensure that the views and expertise of Welsh stakeholders are reflected in our approach, the Trade Policy Advisory Group provides expert advice to Ministers and senior officials on matters of trade policy including EU reset negotiations. This group draws on perspectives from across Wales' business community, civil society and trade unions, helping to shape the Welsh Government's position. The group last met in November 2025 and is scheduled to meet again in March 2026.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

I am pleased to note the progress that UK Government has made on the EU reset negotiations, including the agreement for the UK to rejoin the ERASMUS+ programme from 2027. The UK Government and EU have signalled their intention to conclude negotiations on SPS, Emissions Trading Scheme and Youth Mobility by the next UK-EU summit. There is no confirmed date for the summit, however we anticipate that it will take place in the first half of 2026.

Welsh Government Ministers and officials have repeatedly made UK Government Ministers and officials aware of the upcoming elections and the challenges that dissolution of the Senedd will pose the negotiations, and implementation, of the EU reset agreements.

We do not yet have a confirmed timeline for the introduction of the EU Partnership Bill. We are working on the basis that the UK Government intends for the Bill to complete its passage by the end of 2026. At present, we have not seen a draft of the Bill and discussions on the powers in the Bill have only just begun. Similarly, we do not know whether any provisions in the Bill will require changes to the Government of Wales Act 2006.

Lastly, no formal joint mechanism has been agreed with the UK Government to monitor alignment or divergence with the EU. However, effort has been focused on working closely with the UK government to establish existing and alignment and divergence in the areas in scope of the current negotiations. This work is ongoing but is close to completion.

Yours sincerely,



Rebecca Evans AS/MS

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

Huw Irranca-Davies

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

6 February 2026

Dear Huw,

Written Statement: Deposit Return Scheme – Application for Deposit Management Organisation

In your written statement of 27 November 2025, you confirmed the Welsh Government has formally proposed an exclusion for the Deposit Return Scheme (DRS) in Wales under the UK Internal Market Act 2020.

We note that Welsh Ministers have previously stated to Senedd Committees that exclusions from the Act were not considered necessary for Senedd legislation to be fully effective, despite Senedd committees, including our own, coming to different conclusions.

While we welcome this change in approach, we are seeking further clarity on the process that the Welsh Government is now following in making this request for an exclusion. In particular, we would welcome information on the following matters:

1. The previous UK Government agreed a process with devolved governments for the consideration of exclusions in Common Framework areas. Can you confirm whether this is the process the Welsh Government is following?
 - If so, through which Common Framework is the Welsh Government seeking the exclusion, and when was it discussed at the relevant forum?
 - Has this matter been discussed at an Interministerial Group meeting? If so, which one and when?

- Does the process reflect any of the commitments made by the UK Government in its response to the review of the UK Internal Market Act, particularly regarding consideration of environmental protection impacts and benefits?
2. When does the Welsh Government expect the exclusion process to conclude and the necessary regulations made by the Secretary of State, enabling the Welsh Ministers to make the subordinate legislation needed to introduce a DRS in Wales?
 3. Will you commit to keeping this Committee, and other Senedd committees, updated on progress to ensure transparency and accountability throughout the process?

Separately, we would welcome an update on the expected timetable for the introduction of the second phase of the bans on single-use plastic products provided for in the Schedule to the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023. In particular, we seek confirmation of whether the Welsh Government intends to request an exclusion for the phase 2 products, in line with the approach taken in relation to the DRS.

In order to assist in our timely scrutiny of this matter, we would appreciate receiving a response by 20 February 2026.

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

We look forward to your response.

Yours sincerely,



Mike Hedges
Chair



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Recommendation of the Pembrokeshire Community Review

DATE 9 February 2026

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

On 15 October 2025 I issued a written statement regarding the review of community arrangements of the County of Pembrokeshire, undertaken by the Democracy and Boundary Commission Cymru. Upon further consideration, I am advised that the recommendations relating to the communities of Nolton and Roch, Martletwy, Stackpole and Castlemartin and Pencaer do not fall within the scope of the review and will not be included in the forthcoming Order that will implement the remaining recommendations.

Pembrokeshire County Council and the Democracy and Boundary Commission Cymru will consider how the specific recommendations relating to those communities could be brought forward again in the near future as part of an electoral arrangements review.

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	Agreement to consult on devolution of powers for a Vacant Land Tax in Wales
DATE	11 February 2026
BY	Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language

I am pleased to announce that the Welsh Government and UK Government have reached agreement that a joint consultation will take place on the devolution of powers to introduce a Vacant Land Tax to the Senedd.

The timing of the consultation is in the hands of HM Treasury, but this marks an important step forward in our long-held ambition to introduce such a tax in Wales.

The Welsh Government will continue to press for swift progression to the next stage of the process.

It is the Welsh Government's ambition that a Vacant Land Tax will act as a positive incentive for timely development of land. This will ensure that land that is earmarked for development will be developed, unlocking a significant number of additional homes across Wales.

A Vacant Land Tax, as proposed, will be a targeted behavioural tax, serving as an additional policy tool to contribute to the improvements that have already been delivered through our reforms to planning.

HM Treasury's agreement to this consultation is the result of many years of engagement and work to build understanding within the UK Government of the Welsh Government's ambition. I am grateful to the Exchequer Secretary to the Treasury, Daniel Tomlinson MP, for the progress that we have made.



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	Update on implementing the Environmental Protection (Single-use Plastic Products) (Wales) Act 2023 - Phase 2 bans
DATE	11 February 2026
BY	Huw Irranca-Davies, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

During the Senedd's sixth term, we have put waste reduction and tackling plastic pollution at the heart of our policies. Since devolution, Wales has transformed from a nation which recycled less than 5% of its municipal waste to now being second in the World for household recycling. Our achievements demonstrate our determination.

The [Environmental Protection \(Single-use Plastic Products\) \(Wales\) Act 2023](#) (the 'SUPP Act') has already restricted the sale of several commonly littered single-use plastic products, including straws, cutlery and cotton buds. From 18 December 2026, the SUPP Act will also restrict the supply of wet wipes containing plastic. We have also taken decisive action on single-use vapes, responding to the significant environmental harm they cause by working with other UK governments to ban their supply from June last year.

We have worked consistently and closely with the other UK nations in finding a harmonised way forward to tackle the environmental damage caused by plastic pollution. This approach has reflected our long-held preference to work collaboratively with the other UK governments, including through Common Frameworks where policy differences are respected.

The UK Government's review of the United Kingdom Internal Market Act 2020 (UKIMA) included commitments to make the Common Frameworks the key mechanism to agree policy cooperation and manage divergence, and for UKIMA to be relegated to the background. We are committed to working collaboratively via the Common Framework processes to agree the necessary UKIMA exclusion for this legislation. This means it is no longer viable to agree and enact an exclusion under UKIMA in time to implement the

remaining 'Phase 2 bans' this Senedd term. We have already begun work with the other UK governments in the Common Frameworks on a proposal for a UKIMA exclusion. We remain committed to seeing polystyrene lids for cups or takeaway food containers, plastic single-use carrier bags or products made of oxo-degradable plastic banned and are working to achieve that as soon as possible.

By phasing out unnecessary single-use products, we are encouraging lasting behavioural change that supports the transition to a more circular economy. We are delivering our ambition to end the throwaway culture, creating a more sustainable Wales, one we are proud to hand on to future generations.

Agenda Item 6.4

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No.3) on the Terminally Ill Adults (End of Life) Bill

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

12 February 2026

In January 2026, the Legislation, Justice and Constitution Committee submitted its report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No.3) for the Terminally Ill Adults (End of Life) Bill. The report includes thirteen recommendations. This is the Welsh Government's response to those recommendations.

Introduction

I welcome the Legislation, Justice and Constitution Committee's report on the Supplementary Legislative Consent Memorandum (Memorandum No.3) for the Terminally Ill Adults (End of Life) Bill. The committee's scrutiny plays an important role in examining the constitutional, legal and devolution issues arising from this Bill.

For clarity, all clause references in this response refer to the latest version of the Bill as brought from the House of Commons, which can be accessed at [Terminally Ill Adults \(End of Life\) Bill publications - Parliamentary Bills - UK Parliament](#). These include the amendments identified by the Welsh Government in Memorandum No.3 as having regard to devolved matters in Wales and for which the Senedd's consent is being sought.

The Terminally Ill Adults (End of Life) Bill, introduced as a Private Member's Bill in the House of Commons, seeks to provide adults who are terminally ill, subject to safeguards and protections, to request assistance to end their life. The Welsh Government recognises both the complexity of this issue and the importance of ensuring any legislative changes respect the devolution settlement and the distinct legal context in Wales.

I recognise the challenges the Bill presents in terms of scrutiny, particularly given the volume of amendments tabled during its passage through the House of Lords.

In response to these challenges, the Welsh Government has moved the date of the legislative consent motion debate to 24 February to allow committees additional time to consider Supplementary Legislative Consent Memorandum

No.3. I also note the committee's interest in the rationale for the Welsh Government seeking consent in respect of specific amendments included in Memorandum No.3.

The Welsh Government is committed to ongoing constructive engagement with the UK Government, the Bill's Sponsors, and the Senedd as the Bill progresses. I thank the members of the Legislation, Justice and Constitution Committee for its detailed report. I have set out my responses to the recommendations below.

Response to the 13 recommendations

Recommendation 1

The committee recommends that

The Cabinet Secretary should explain why concerns about legal professional privilege prevent information about the Welsh Government's assessment being provided in relation to consideration of these memoranda, but not the 185 memoranda related to 71 other UK Government Bills considered to date by the Committee.

Response: Accept

Legal analysis sits at the heart of our assessment of Bill provisions that may have regard to devolved matters. As with all legislation, that legal advice is subject to legal professional privilege and cannot be disclosed.

In this case, the Welsh Government has concluded that the provisions for which the three memoranda have been laid have regard to devolved matters and therefore would meet the test under Standing Order 29. We consider that the remaining clauses of the Bill (as brought from the Commons) do not meet that test.

Financial Implications – None

Recommendation 2

The committee recommends that

We agree with the Welsh Government's assessment, as set out in Memorandum No. 3, that the amendments to clauses 47, 49, 50 and 55 of the Bill (as brought from the Commons) require the consent of the Senedd in accordance with Standing Order 29.

Response: Accept.

I welcome the committee's agreement with the Welsh Government's assessment as set out in the Legislative Consent Memorandum No.3.

The proposed amendments by the Sponsor to clauses 47, 49, 50 and 55 have been assessed as having regard to devolved matters in Wales and therefore require the consent of the Senedd under Standing Order 29.

Financial Implications – None.

Recommendation 3

The committee recommends that

The Cabinet Secretary should advise whether:

- i. he believes the five amendments that are the subject of Memorandum No 3 will have been considered and voted on before the consent motion is debated on 24 February; and,
- ii. if not, explain why in his view it is appropriate for a legislative consent motion debate to take place in relation to amendments to clauses in the Bill before a decision on whether to agree to those amendments, has been taken in the House of Lords.

Response: Accept.

Based on the current Parliamentary scheduling information available, it cannot be confirmed whether the House of Lords will have completed consideration of the five amendments before the Senedd debate on 24 February. The timing of the Lord's consideration remains subject to the management of the UK Parliament's timetable, over which the Welsh Government has no control.

Notwithstanding this uncertainty, it is appropriate for the Senedd to consider the legislative consent motion at this stage, which will ensure its view is properly and appropriately considered by the Lords during its ongoing deliberations in committee.

This approach ensures that scrutiny keeps pace with the Bill's progression through Parliament and enables Members to consider those key amendments that have already been tabled by the Bill Sponsor and are assessed as having regard to devolved matters in Wales.

Financial Implications – None.

Recommendation 4

The committee recommends that

The Cabinet Secretary should explain the Welsh Government's rationale for selecting only the five amendments of 1,159 tabled for inclusion in Memorandum No. 3.

Response: Accept.

Given the unique nature of this Private Members' Bill, its current extended passage through the House of Lords Committee Stage, and the unprecedented volume of amendments tabled, the Welsh Government has taken a pragmatic approach to preparing the legislative consent memoranda for this Bill.

Under Standing Order 29, the Welsh Government is required to bring forward a memorandum in respect of (non-government) amendments that are agreed and make provision in relation to Wales which have regard to devolved matters. There is no obligation to undertake a full analysis of all amendments that have not yet been agreed by the UK Parliament.

In this context, the Welsh Government has focused its detailed assessment on the key amendments tabled by the Bill Sponsor which, if agreed, would require the Senedd's consent. This approach enables us to provide the Senedd with the most meaningful and relevant information available at this stage, supporting informed scrutiny and decision-making.

Financial Implications – None.

Recommendation 5

The committee recommends that

The Cabinet Secretary should clarify whether the Welsh Government has made any assessment of whether the other 1,154 amendments tabled in the House of Lords between 14 November 2025 and 18 December 2025 have regard to devolved matters and, if not, state the reasons for that decision.

Response: Accept.

As outlined in my response to Recommendation 4, the Welsh Government undertook detailed assessment of the key amendments tabled in the House of Lords by the Bill Sponsor up to 18 December 2025; specifically those amendments to provisions already covered by legislative consent memoranda, or which

proposed entirely new clauses. Five of these were identified as having regard to devolved matters.

Given the exceptionally high volume of other amendments tabled during the House of Lords Committee Stage, it has not been practical or proportionate to undertake a full analysis of each individual amendment at this point. Accordingly, the Welsh Government has focused its detailed assessment on the Sponsor's proposed amendments while continuing to monitor the Bill's overall progression through Parliament.

Should any of the other 1,154 amendments be considered and subsequently agreed by the House of Lords, and should they be assessed as meeting the test in SO29, the Welsh Government would bring forward further supplementary legislative consent memoranda.

Financial Implications – None.

Recommendation 6

The committee recommends that

The Cabinet Secretary should explain what the implications would be if any of those 1,154 amendments have regard to devolved matters and are passed into law without having received the consent of the Senedd.

Response: Accept.

If any of the 1,154 amendments were to have regard to devolved matters and were subsequently passed into law, those provisions would have legal effect in Wales in the same way as any provision of a UK Act, regardless of whether the Senedd had given consent.

In such circumstances, the Welsh Government would advise the Senedd on its position.

Ultimately, it is for the UK Parliament to determine whether to legislate, irrespective of whether consent has been given. That constitutional position applies equally to amendments made during the passage of a UK Bill.

Financial Implications – None.

Recommendation 7

The committee recommends that

The Cabinet Secretary should clarify whether the Welsh Government has made an assessment of whether the other 62 amendments tabled to clauses 47, 49, 50 and 55 of the Bill (as brought from the Commons) have regard to devolved matters and, if not, state the reasons for that decision.

Response: Accept.

As outlined in my previous responses, the Welsh Government prioritised detailed assessment of key amendments tabled in the House of Lords by the Bill Sponsor up to 18 December 2025, specifically those amendments that would amend provisions already covered by legislative consent memoranda or which would introduce entirely new clauses. Five of these were identified as having regard to devolved matters.

Given the volume of other amendments tabled during Lords Committee Stage, including the remaining 62 amendments to clauses 47, 49, 50 and 55, it has not been practical or proportionate to assess each one prior to any resolution. Should any of these amendments be agreed by the UK Parliament and are then assessed as meeting the test in SO29, further legislative consent memoranda will be brought forward.

Financial Implications – None.

Recommendation 8

The committee recommends that

If, in the view of the Welsh Government, any of these additional 62 amendments to clauses 47, 49, 50 and 55 of the Bill have regard to devolved matters and are subsequently agreed, the Cabinet Secretary should explain:

- i. the impact of the decision to agree those amendments on the consent being sought for those same clauses via Memorandum No. 3;
- ii. what the outcome would be if consent was given to the amendments to clauses referred to in Memorandum No. 3 but those amendments were subsequently not agreed, while other amendments to those clauses, which have regard to devolved matters but are not the subject of Memorandum No. 3, are agreed;
- iii. in the circumstances described in bullet ii, what the Welsh Government consider the Senedd would have consented to.

Response: Accept.

As set out in my responses to Recommendations 4, 5 and 7, the Welsh Government prioritised detailed assessment of key amendments tabled by the Bill Sponsor.

If any additional amendments to clauses 47, 49, 50 or 55 are agreed by the House of Lords and assessed as having regard to devolved matters, further supplementary memoranda would be brought forward.

If the Senedd were to give consent to the amendments set out in Memorandum No. 3, but those amendments were not subsequently agreed in the House of Lords while other amendments to the same clauses – which are then assessed by the Welsh Government as having regard to devolved matters – were agreed, that consent would not extend to the new amendments.

Consent applies only to the provisions identified in the memoranda before the Senedd.

In those circumstances, the Senedd would have consented solely to the amendments included in Memorandum No. 3.

Any additional amendments having regard to devolved matters would require further memoranda.

Financial Implications – None.

Recommendation 9

The committee recommends that

If not specifically included in the motion, to ensure the Senedd is clear about what it is being asked to consent to, the Cabinet Secretary should list the clauses and the amendments to clauses in the Bill (as brought from the Commons) for which consent is being sought.

Response: Accept.

For clarity, the clauses and amendments for which the consent of the Senedd is being sought are those identified in the Legislative Consent Memorandum Nos. 1, 2 and 3.

These are:

- Clause 40
- Clause 42(1), (2), (5) and (6)
- Amendment 784 tabled to Clause 47

- Clause 49
- Amendment 824 tabled to Clause 50
- Clause 51 (1), (2), (3), (5), (6) and (7)
- Clause 54(1), (2), (5) and (6)
- Amendment 877A tabled to Clause 55
- Clause 58(5), (7) and (8)

These clause numbers are from the version of the Bill as brought from the Commons: Terminally Ill Adults (End of Life) Bill.

These are the provisions that fall within the scope of the legislative consent motion before the Senedd.

I will ensure the Motion is clear on what the Senedd is being asked to vote upon.

Financial Implications – None.

Recommendation 10

The committee recommends that

The Cabinet Secretary should explain what the implications would be for assisted dying in Wales if the Senedd was to provide consent in accordance with the memoranda, and section 42 of the Bill (as brought from the Commons and if enacted) was subsequently not commenced by the Welsh Ministers in the future.

Response: Accept

The statutory functions conferred upon the Welsh Ministers by section 42(1) and (2) would not be exercisable unless those provisions were commenced by the Welsh Ministers. In practical terms, not commencing those provisions would mean the Welsh Ministers would not be able to regulate about assisted dying in Wales under this Act.

As the model for assisted dying services has not yet been determined, it is not possible at this stage to set out the full implications of non-commencement. Should this Bill be passed by Parliament, further consideration of these matters would fall to the next Welsh Government.

There is an implied duty to keep under review the commencement of primary legislation.

Financial Implications – None.

Recommendation 11

The committee recommends that

The Cabinet Secretary should explain what the implications would be for assisted dying in Wales if the Senedd was to withhold consent to the Bill in accordance with the memoranda.

Response: Accept

If the Senedd were to withhold consent to the provisions identified in the memoranda, the UK Parliament could still choose to proceed with the Bill, including those provisions that have regard to devolved matters in Wales. In that case, Welsh Ministers could be required to operate within a framework that has not been endorsed by the Senedd, taking into account the duties, functions and regulatory oversight established by the Bill.

Parliament could alternatively choose to remove some of these provisions from the Bill, including Welsh Minister functions and provisions that would otherwise provide for Senedd involvement. For example, this could result in the Welsh Ministers not being provided with powers to regulate about assisted dying in Wales under this Act. Independent providers of non-NHS services could still be established in Wales due to the change in the criminal law following the commencement of other provisions of the Act.

While these represent potential implications, the final outcome would depend on decisions taken by the UK Parliament and therefore cannot be stated with certainty at this stage.

Financial Implications – None.

Recommendation 12

The committee recommends that

In responding to recommendations 10 and 11, the Cabinet Secretary should provide explanations by reference to NHS and non-NHS services.

Response: Reject.

I note the request for explanations by reference to NHS and non-NHS services. However, as the model for assisted dying services in Wales has not yet been determined, it is not possible at this stage to provide detailed explanations by reference to specific types of service provision.

Should the Bill be passed by Parliament, the practical implications for different types of service delivery would depend on the operational model adopted for Wales. This work would be a matter for the next Welsh Government to consider, informed by the scope of any functions conferred on Welsh Ministers, including those regulation-making powers under clause 42.

Financial Implications – None.

Recommendation 13

The committee recommends that

Responses to these recommendations should be provided to the Committee as soon as possible and no later than Wednesday 11 February 2026.

Response: Accept.

I enclose this document as the Welsh Government's response to the committee's recommendations.

Financial Implications – None.

Agenda Item 6.5



**Law
Commission**
Reforming the law

Agricultural Law in Wales

Summary of the Scoping Report

Pack Page 114

THE LAW COMMISSION'S REVIEW OF AGRICULTURAL LAW APPLICABLE IN WALES

	Who are we?	The Law Commission of England and Wales is an independent body established by statute to make recommendations for reform of the law in England and Wales.
	What are we doing?	We have been asked by the Welsh Government to review the existing body of agricultural law applicable in Wales and identify what legislation is suitable for inclusion in a prospective code of agricultural law for Wales ("the prospective Code").
	What is this document about?	<p>This is a summary of our scoping report. The purpose of this summary is to explain the below matters.</p> <ul style="list-style-type: none">• Our conclusions about the legislation that should form part of the prospective Code.• Any technical issues we have identified with the legislation under review that may require or benefit from changes or adjustments being made to the law.• Those issues that may require further consideration in the context of establishing the prospective Code.
	Where can I find the report?	The full scoping report is available on our website in both Welsh and English at https://lawcom.gov.uk/project/agricultural-law-in-wales/ .
	What happens next?	<p>The Welsh Government will consider our scoping report and decide whether to establish the prospective Code. If the Welsh Government chooses to establish the prospective Code, it will also decide whether to adopt the model proposed in our scoping report.</p> <p>In addition, the Welsh Government will consider whether further work is required to address any of the technical issues with existing agricultural legislation or wider issues for consideration which we highlight in the scoping report.</p>

THIS SUMMARY

This summary explains the agricultural law in Wales project and sets out our proposed model for the prospective code of agricultural law for Wales (“the prospective Code”). It also summarises those issues which may require further consideration if work is undertaken to establish the prospective Code.

We have not reproduced every detail of the scoping report in this summary. Instead, we have focused on the most important issues. If you want to know more about the law, or how and why we think it needs to change, we encourage you to look at the relevant section of the scoping report. If you need this summary to be made available in a different format, please email: agriculturewales@lawcommission.gov.uk.

INTRODUCTION

The purpose of the scoping report

In April 2024, we were asked by the Welsh Government to examine the existing body of agricultural law applicable in Wales with a view to:

1. identifying what legislation should clearly form part of the prospective Code;
2. considering whether there are technical issues with the existing agricultural legislation that may require changes or adjustments to the law aimed at simplifying and modernising the law in this area; and
3. highlighting those issues that may require more detailed consideration.

A code of Welsh law

The term “a code of law” can be understood in several ways. In the Welsh context, the term has a distinct meaning. A code of Welsh law is a comprehensive statement of the primary and secondary legislation and relevant guidance on a particular devolved subject.

A code of Welsh law is not intended to be a new type of legal instrument or enactment. Instead, a code of Welsh law is a discrete collection of

primary and secondary legislation that are together stated to form a code of Welsh law on a particular subject.

The primary legislation that forms part of a code of Welsh law could be brought together in one or multiple Acts of the Senedd. This means that the primary legislation forming part of a code of Welsh law may be brought together in one of the following ways.

1. One or more consolidation Acts of the Senedd.
2. One or more Acts of the Senedd that deliver wholesale reform.
3. A mixture of consolidation Acts and Acts delivering wholesale reform.

Consolidation generally involves bringing fragmented laws on a particular topic together in a single Act or series of related Acts, incorporating any amendments made to the original legislation since it was enacted and modernising the language, drafting style and structure. By comparison, an Act of the Senedd that delivers wholesale reform is one which replaces the existing law with a different legal framework underpinned by new policy objectives.

The provisions of an Act of the Senedd can make it explicitly clear that the Act is to form part of a code of Welsh law on a particular subject. For example, section 1 of the Historic Environment (Wales) Act 2023 states that the Act forms part of a code of law relating to the historic environment of Wales.

Alongside bringing together the primary legislation for a subject, a code of Welsh law will usually include the key secondary legislation for that subject. For example, there are five sets of regulations made under the Historic Environment (Wales) Act which form part of the code of law relating to the historic environment of Wales.

Once the primary and secondary legislation has been brought together under a code of Welsh law, the intention is for that legislation to be published and made accessible via a webpage. This means it will be easier for individuals to find and access the legislation on a particular subject.

Legislation often needs amending at some point after it has been enacted. If there is a need to amend the legislation contained in a code of Welsh law, then those amendments should be made to the legislation forming part of the code rather than by creating new Acts sitting alongside the code. This helps ensure that the order achieved by a code of Welsh law is maintained.

Sometimes a code of Welsh law on a subject may not contain all the laws relevant to that subject. In such circumstances, any webpage that publishes the code of Welsh law in question could direct or signpost to those laws that fall outside the code, but which are relevant to its readers. Where we use the term signpost in this summary, we do so in line with the meaning set out in this paragraph.

Problems with the current law

Agricultural law applicable in Wales is voluminous, fragmented and, in places, difficult to understand.

The law that applies to the agricultural sector in Wales is not set out in one place. Instead, it is scattered across a patchwork of primary legislation, such as Acts and Measures, and secondary legislation, such as regulations, rules, and orders.

While agriculture is devolved, that has not always been the case. This means that the laws applicable to the agricultural sector in Wales are made up of legislation enacted by the Senedd and separately by the UK Parliament.

In some cases, those Acts of the UK Parliament that apply to the agricultural sector in Wales have been amended so that they make different provision for Wales or for England. Acts of the UK Parliament may also contain provisions that apply to Wales only or, alternatively, do not apply to Wales at all. This means it can be difficult to identify the exact body of agricultural law applicable in Wales.

Agricultural law applicable in Wales also includes secondary legislation, such as regulations or orders, that has been enacted by the Welsh Ministers, UK Ministers or, in some cases, a combination of both. Secondary legislation can also be subject to frequent amendment. Secondary laws that apply to both England and Wales can also contain provisions which apply to

Wales differently than to England or provisions which apply to only one country and not the other.

Furthermore, while the UK was a member of the EU, the EU institutions could make laws concerning agriculture and other related areas which applied in the UK. Although the UK is no longer a member of the EU, much of the law originating from the EU which applies in the agricultural context now forms part of our domestic law as assimilated law. Many assimilated laws have been subject to substantial amendment to ensure that they can operate effectively following the UK's departure from the EU.



In addition, agricultural law applicable in Wales dates back in some cases to the nineteenth century and, in places, uses outdated language. There are also instances where agricultural law may not reflect modern farming practices or the current aims or policy objectives of the Welsh Government.

Taken together, the above factors mean it is challenging to identify the body of agricultural law that applies and further to identify, and understand the effect of, such legislation.

The Welsh Ministers and the Counsel General have a duty to publish a programme of planned work that is intended to improve the accessibility of Welsh law. Among other matters, that programme must include activities that are intended to contribute to an ongoing process of consolidating and codifying Welsh law.

The codification of Welsh law is a long-term programme of work. To date, there are two codes of Welsh law in development.

1. The Historic Environment (Wales) Act 2023 establishes a code of law relating to the historic environment of Wales.
2. The Planning (Wales) Bill will, if enacted, establish a code of law relating to planning law in Wales.

OUR APPROACH

What is agricultural law?

In order to identify what legislation should form part of the prospective Code, it is important first to

consider what is meant by “agricultural law”. However, defining agricultural law is not easy.

As described above, agricultural law is scattered across different pieces of legislation that originate from different sources. The policy objectives underpinning agricultural legislation have also evolved over time to keep pace with technological development and the changing priorities, needs and attitudes of society. This means it can be difficult to identify common legal principles which can be used to determine which laws form part of the body of agricultural law. While there are some leading textbooks on agricultural law, the range of available resources on this body of law – as it applies in Wales – is limited.

There are, however, certain areas of law which we identified as falling outside the scope of our review. For example, our scoping report does not consider those laws that relate to matters that are reserved to the UK Parliament. This is because the Welsh Government has set out that a code of Welsh law would only encompass legislation falling within the Senedd’s competence.

We also do not review the law relating to horses, fish or bees. While the laws concerning these species are relevant to the agricultural sector, we consider the legislation in question to form part of other distinct areas of Welsh law.

Our areas of focus

As we emphasise above, agricultural law is voluminous and potentially vast in scope. This meant it was important that we placed sensible parameters on the scope of our review. To help identify where to direct our attention, we considered a wide variety of resources on agricultural law, spoke to a broad range of stakeholders, and attended several key agricultural events in Wales. Further details are presented in our scoping report.

The table to the right sets out those areas of agricultural law that our approach and engagement identified as the areas of focus for our review.



Area of law	Summary of rationale
The Agriculture Acts and other Acts, Measures or laws which can be readily identified, from their title and content, as being primarily or solely concerned with agriculture.	Together, these Acts provide the Welsh Ministers, and other public authorities or statutory bodies, with powers and duties to regulate or support agriculture in Wales.
Laws that regulate agricultural activity or agricultural land use, and which are aimed at protecting the environment and wildlife, mitigating climate change, managing natural resources and access to the countryside.	Approximately 90% of land in Wales is used for agriculture meaning that the agricultural sector has the potential to significantly affect the environment, natural resources and wildlife of Wales.
Laws that concern animal health and welfare, and which apply to livestock.	78% of agricultural land in Wales is used for livestock farming. 78% of farm types in Wales are livestock grazing farms.
Laws that concern plants (including agricultural crops), forests and hedges and which apply in the agricultural context.	<p>Approximately 6% of agricultural land is used for horticulture and arable crops.</p> <p>In addition, 7.5% of agricultural land in Wales is used as farm woodland¹ and 42% of all woodland in Wales is located on Welsh farms.</p>
Laws relating to the lease of agricultural land, housing of agricultural workers and other land management or development laws applicable to agricultural land.	<p>Approximately one third of agricultural land in Wales and England is tenanted.</p> <p>It is reported that diversification activities on Welsh farms, which can engage wider land management and development laws, have grown over the past decade. In 2017, diversification activities represented, on average, 3.4% of farm revenues in Wales.</p>
Laws that apply to the supply chain for agricultural produce and goods. ²	Agricultural activities form part of the initial stage of the supply chain for agricultural produce (“the agricultural supply chain”). Other stages in the agricultural supply chain can include processing, packaging, transport and retail. There are a relatively substantial number of laws which apply to activities that take place throughout the agricultural supply chain.

Our criteria for inclusion

To determine those laws which we consider suitable for inclusion in the prospective Code, we applied consistent criteria to assess suitability.

Specifically, we propose that the prospective Code should include those laws that:

1. are concerned with the subject of agriculture; and
2. have a practical application that is limited to, or primarily concerned with, agriculture.

This meant we assessed whether the subject matter of the law in question concerned agriculture. For each of the laws reviewed, we also considered whether it is primarily farmers who must comply with, or are affected by, the legislation in question.

Where possible, we relied upon statistical information and other authoritative sources of information when making these assessments. Examples of the sources of information relied upon included explanatory notes to legislation, academic works, and government guidance. We also benefited significantly from our engagement with external experts and stakeholders who helped us

identify those laws of central importance to the agricultural sector.

We applied our criteria for inclusion to those areas of agricultural law which we identified as requiring our focus (see above). In total, our scoping report considers approximately 150 different pieces of legislation. In the following sections, we provide an overview of the types of legislation we reviewed for each area of agricultural law.

AGRICULTURE ACTS AND RELATED ACTS

We reviewed 20 different pieces of primary legislation that are either titled as Agriculture Acts or Agriculture (Miscellaneous Provisions) Acts or which otherwise have a title which indicates the legislation is concerned with agriculture.

The primary legislation in question provides the Welsh Ministers and, in some cases, other public bodies with powers to regulate or support the agricultural sector in Wales. The primary laws in question are made up of Acts and Measures made by the Senedd and Acts made by the UK Parliament.

Examples of the laws which we identified as being suitable for inclusion in the prospective Code are set out below.

Examples of Acts	Summary
The Hill Farming Act 1946 (“the 1946 Act”)	The 1946 Act provides the Welsh Ministers with powers to regulate certain matters relating to agriculture such as the power to issue regulations restricting the controlled burning of heather and other specified vegetation.
Agricultural Sector (Wales) Act 2014 (“the 2014 Act”)	The 2014 Act requires the Welsh Ministers to establish an Agricultural Advisory Panel for Wales. Among other matters, the Agricultural Advisory Panel for Wales is responsible for preparing orders that set the agricultural minimum wage.
Agriculture (Wales) Act 2023 (Part 1, Chapters 1 to 3 of Part 2 and Chapters 1 and 3 of Part 3) (“the 2023 Act”)	In broad terms the provisions of the 2023 Act listed in the left-hand column provide the Welsh Ministers with powers or duties to support or regulate agriculture in Wales.

LAWS AIMED AT PROTECTING THE ENVIRONMENT, WILDLIFE AND NATURAL RESOURCES

There is an abundance of environmental legislation which applies to farmers in Wales. We therefore reviewed those primary and secondary laws that apply to the agricultural sector, and which are aimed at protecting the environment, wildlife and natural resources. The types of laws we reviewed were broad in their subject matter and, for example, included laws that:

- provide for permitting or licensing regimes in respect of activities that could harm the environment;
- protect areas that are deemed to be important to the environment or wildlife; and
- aim to prevent or minimise the risk of agricultural water pollution.

Examples of the laws we identified as being suitable for inclusion in the prospective Code are set out in the table below.

There are a relatively high number of laws which are aimed at protecting the environment, wildlife and natural resources but which we conclude are unsuitable for inclusion in the prospective Code even though farmers must comply with them. This is typically because those laws have a subject matter which is more closely connected to the environment than to agriculture and which apply in practice to contexts including but extending beyond agriculture. We therefore suggest that any webpage which publishes the prospective Code could signpost its readers to those environmental laws which fall outside the code, but which are relevant to farmers.

We recognise that the tool of signposting may be an imperfect solution where the webpage which publishes the prospective Code needs to signpost to a high volume of environmental laws. However, our work for this project contributes to a wider programme to improve the accessibility of the law applicable in Wales as led by the Welsh Government. This means that the development of the prospective Code does not represent the only opportunity to improve the accessibility of those environmental laws that specifically apply in the agricultural context.

Examples of legislation	Summary
The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 (“the CoAP Regulations 2021”)	The CoAP Regulations 2021 aim to prevent or reduce the risk of pollution by setting rules for certain farming practices. Specifically, the regulations impose controls on the use, application and storage of silage, slurry, organic manure and nitrogen fertilisers.
The Crop Residues Burning Regulations 1993 (“the 1993 Regulations”)	The 1993 Regulations prohibit the burning of specified kinds of crop residues (for example, cereal straw and stubble, oilseed residue) on agricultural land unless certain exemptions apply.

LAWS CONCERNING THE HEALTH AND WELFARE OF LIVESTOCK

The health and welfare of livestock is integral to the Welsh agricultural sector, which is dominated by livestock farming. This means that those laws which concern livestock health and welfare form an important part of the body of agricultural law applicable in Wales.



In broad terms, we reviewed those laws which:

- provide for the welfare of livestock on farm, during transport and at slaughter; and
- aim to eliminate or prevent the spread of animal diseases affecting livestock.

The below table lists examples of the legislation concerning the health and welfare of livestock which we consider suitable for inclusion in the prospective Code.

There are some welfare laws which apply to livestock but also other animals. Examples include the Animal Welfare Act 2006 and the Welfare of Animals (Transport) (Wales) Order 2006. In such instances, we suggest that the webpage publishing the prospective Code could signpost to those laws which fall outside of the prospective Code, but which are still relevant to the health and welfare of livestock.

In the longer term, we suggest that consideration could also be given to expanding the scope of the prospective Code to encompass the law on the health and welfare of animals generally. This suggestion is to be read alongside our conclusion that the prospective Code should include the law on plant health and plant varieties (see the next section). This means that the prospective Code would become a code of law on agriculture, animals and plants.

Examples of legislation	Summary
Welfare of Farmed Animals (Wales) Regulations 2007 (“the 2007 Regulations”)	The 2007 Regulations protect the welfare of farmed animals by setting minimum standards for their care and husbandry. Farmed animals are defined as animals bred or kept for the production of food, wool or skin or other farming purposes.
Animal Health Act 1981 (“the 1981 Act”) and the Foot-and-Mouth Disease (Wales) Order 2006 (“the 2006 Order”)	The 1981 Act regulates the prevention, control and eradication of animal diseases. It creates a regime that requires certain notifiable animal diseases to be reported to the relevant authorities. The 2006 Order makes provision for disease control and eradication measures in the event of a suspected or confirmed outbreak of foot and mouth disease.
Sheep and Goats (Records, Identification and Movement) (Wales) Order 2015 (“the 2015 Order”)	The 2015 Order imposes requirements relating to the identification and tracing of sheep and goats for disease control purposes.

LAWS CONCERNING PLANTS, FORESTRY AND HEDGEROWS

Roughly 6% of agricultural land is used for horticulture and arable crops.³ In addition, farm woodland amounted to 7.5% of the 1,770,100 hectares of agricultural land in Wales in 2025,⁴ and 42% of all woodland in Wales is located on Welsh farms.⁵

Trees and hedgerows can offer a multitude of benefits to farms including acting as barriers for livestock, marking boundaries on land and offering additional income streams, such as commercial woodlands. Trees can also help mitigate agricultural water pollution.

It is therefore vital to the agricultural sector that crops and trees are healthy, well-preserved and can adapt to ever-changing conditions. Accordingly, we reviewed those laws that:

- govern forestry both as a natural resource and source of commercial timber;
- seek to protect plant health by providing measures aimed at preventing the spread of plant diseases; and
- provide a framework for intellectual property rights vested in eligible varieties of plants and trees.

For forestry law, our review firstly involved consideration of whether the forestry sector forms part of the agricultural sector and secondly whether the legislation in question was suitable for inclusion in the prospective Code. We conclude that forestry is generally regarded as a closely related but separate sector. Applying this conclusion, we found that the practical application of forestry law is not primarily concerned with agriculture. It therefore followed that forestry law did not satisfy our criteria for inclusion in the prospective Code. We acknowledge however that forestry law is highly relevant to farmers and therefore we suggest that any webpage which publishes the prospective Code could signpost to such legislation.

Examples of the plant health and plant varieties legislation which we concluded are suitable for inclusion in the prospective Code are set out in the table below.



Examples of legislation	Summary
Plant Health Act 1967 (“the 1967 Act”)	The 1967 Act helps prevent the introduction and spread of pests in the UK. It gives the Welsh Ministers the power to make orders to pursue that aim.
UK Regulation (EU) 2016/2031 on protective measures against pests of plants (“the UK Regulation (EU) 2016/2031)	UK Regulation (EU) 2016/2031 provides a proactive framework for dealing with pests and diseases that would otherwise injure plants. The Regulation introduced plant passports as a requirement for professional operators who move plants within or into Great Britain.
Plant Varieties Act 1997 (“the 1997 Act”)	The 1997 Act governs the intellectual property right: plant breeders’ rights. Plant breeders’ rights give the owners of registered plant varieties exclusive commercial rights over the plant material (such as the seeds).

LAWS CONCERNING AGRICULTURAL TENANCIES AND OTHER LAND MANAGEMENT MATTERS

Approximately a third of agricultural land is tenanted and there is a specific legislative framework which regulates the relationship between landlords and tenants in the agricultural context. There is also a range of legislation which governs other land management matters such as those concerning the development of land, public access to land and the registration and use of common land.

Examples of the legislation we identified as being suitable for inclusion in the prospective Code are set out in the table below.

The Law Commission has recently announced a project to review agricultural tenancy law. Since agriculture is a devolved area of law, the project could include consideration of the law in relation to Wales. This is a matter to be discussed in due course with the Welsh Government. If our agricultural tenancy project were to include the law as applicable in Wales, our report suggests that any decision on whether and how to bring agricultural tenancy law within the prospective Code may be usefully informed by the outcome of our review.⁶



Examples of legislation	Summary
Agriculture Act 1947, sections 10 and 11 (“the 1947 Act”)	Sections 10 and 11 of the 1947 Act impose obligations on landlords and tenants (or other occupiers of agricultural land) to manage agricultural land to certain standards that ensure the land is fit for agricultural production.
Agricultural Holdings Act 1986 (“the AHA 1986”)	The AHA 1986 governs agricultural holdings (often referred to as AHA tenancies) created before 1 January 1995. The Act defines the AHA tenancy and sets out rights and obligations that arise.
Agricultural Tenancies Act 1995 (“the ATA 1995”)	The ATA 1995 created a new type of tenancy, called farm business tenancies. The Act defines farm business tenancies and sets out rights and obligations that arise.

OUR PROPOSED MODEL FOR THE PROSPECTIVE CODE

Having applied our criteria for inclusion, we identify a relatively high number of laws which we consider suitable for inclusion in the prospective Code. This encompasses:

- 14 Acts of the UK Parliament;
- 1 Act of the Senedd; and
- approximately 70 pieces of secondary legislation and assimilated laws.

We also identify a further six pieces of primary legislation which may be suitable for inclusion subject to issues requiring further consideration.

Given the volume of legislation in question, we propose that the primary legislation suitable for inclusion in the prospective Code could be brought together under four Acts of the Senedd which are each stated to form part of the prospective Code.

1. An initial consolidation Act bringing together provisions contained in certain Agriculture Acts and other Acts which primarily provide the Welsh Ministers and other public bodies with powers to regulate or support the agricultural sector.
2. An Act of the Senedd which consolidates or substantively reforms the primary legislation on agricultural tenancies.
3. An Act of the Senedd which consolidates or substantively reforms the primary law concerning animal health.
4. An Act of the Senedd which consolidates or substantively reforms the primary law concerning plant health and plant varieties.

 See Chapter 11 for a detailed account of the laws and provisions that we consider could be contained within the four Acts of the Senedd.

Alongside bringing the primary legislation together into Acts of the Senedd, we propose work be undertaken to rationalise the secondary legislation we identify as being suitable for inclusion in the prospective Code. The rationalisation of secondary law could, for example, include streamlining existing secondary laws concerning a similar

subject matter into a single Welsh statutory instrument.

To ensure the work involved in establishing the prospective Code is manageable, we set out in our report a proposed sequence of work for establishing the prospective Code.

 See Chapter 11

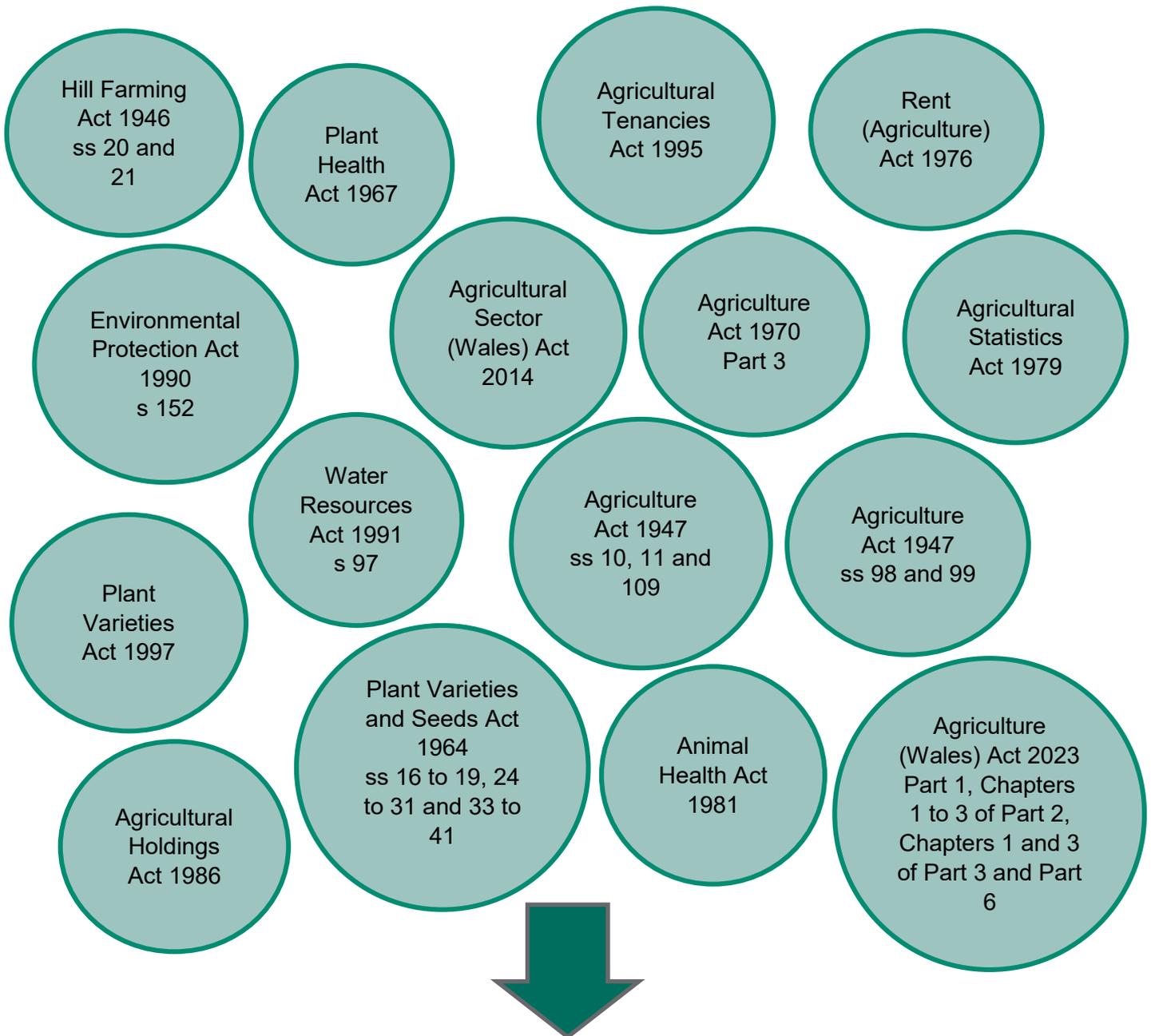
OTHER RELEVANT FACTORS THAT MAY INFORM THE FORM AND CONTENT OF THE PROSPECTIVE CODE

We acknowledge that the model of the prospective Code proposed in our scoping report is one of many possible models for a code of agricultural law for Wales. Consolidation and codification are particularly technical, drafter-led exercises, and the process, once underway, may lead to the model we have offered in our scoping report being varied or altered.

Beyond our criteria for inclusion, there are also other factors which may inform decisions as to the form and content of the prospective Code. These include the matters outlined below.

- The resourcing implications associated with establishing the prospective Code and thereafter maintaining the prospective Code.
- Political priorities that may inform which areas of law are prioritised for codification.
- Calls for substantive reform that may also influence which areas of agricultural law are prioritised for codification and whether those laws are codified in a consolidation Act of the Senedd or an Act of the Senedd delivering wholesale reform.
- The Welsh Government's wider political commitments, for example, as set out in relevant common frameworks. Common frameworks are governmental agreements which are intended to facilitate common approaches between the four UK nations in relation to certain matters which were formerly governed and coordinated at an EU level.
- The parameters of the Senedd's legislative competence.

PRIMARY LEGISLATION AND PROVISIONS CONTAINED IN PRIMARY LEGISLATION SUITABLE FOR INCLUSION IN THE PROSPECTIVE CODE



Acts of the Senedd that could form part of the prospective code of agricultural law for Wales

Consolidation of Agriculture Acts

Agricultural tenancy law

Animal health and livestock welfare law

Plant health, varieties and seeds law

BENEFITS OF ESTABLISHING THE PROSPECTIVE CODE

Having reviewed the existing fragmented body of agricultural law and applied our criteria for inclusion to that legislation, we consider that agricultural law is suitable to be brought together in a code of agricultural law for Wales.

Furthermore, we consider that the development of the prospective Code should serve to deliver a number of important benefits that together will improve the accessibility of agricultural law applicable in Wales. Key examples are set out in the table below.

Benefit	Summary
Tackling the existing fragmentation of agricultural law	A body of law that is fragmented and voluminous is difficult to navigate and understand. Bringing that law together in a discrete number of enactments that together form part of the prospective Code will in principle make that legislation easier to identify and access.
Modernisation and simplification	Bringing legislation together in a consolidation Act that forms part of the prospective Code presents an opportunity to make technical changes to the law which do not change the effect of the law but are aimed at modernising or simplifying it. The introduction of such technical changes or adjustments can make the law easier to understand and ensure that it reflects established practice.
Incorporation of modern legislative drafting practice	There are bespoke principles and techniques that the Welsh Government applies to its legislative drafting of Bills and Welsh statutory instruments. Bringing together existing agricultural legislation into an Act of the Senedd presents an opportunity to ensure the laws are drafted in line with modern legislative drafting practice in Wales.
Making the division of policy and executive responsibility clearer	Currently, many of the Welsh Ministers' powers to regulate or support the agricultural sector are contained in provisions set out in Acts of the UK Parliament. However, it is not always clear from those Acts that the statutory functions are exercisable by the Welsh Ministers in relation to Wales. Instead, it is necessary to look at separate pieces of legislation to determine who can exercise the power in question. Bringing the legislation in question together under an Act of the Senedd forming part of the prospective Code means that it can be made clearer on the face of the law where executive responsibility and power lie in the agricultural context.
Bilingual legislation	<p>Many of the Acts we identify as being suitable for inclusion in the prospective Code are Acts of the UK Parliament which are currently available only in English. By contrast, the laws enacted by the Senedd are made in both Welsh and English, unless limited exceptions apply.</p> <p>Bringing agricultural legislation within the scope of the prospective Code means that the law in question will be made in both Welsh and English.</p>

TECHNICAL ISSUES WITH THE LEGISLATION UNDER REVIEW

Our primary task for this project has been to identify the legislation suitable for inclusion in the prospective Code. Alongside that primary task, we also consider whether the legislation under review may require or benefit from technical changes or adjustments which are aimed at simplification, modernisation or streamlining. When reviewing agricultural legislation to identify examples of such technical issues, we have been guided by the types of technical reform that are permitted to be made under a consolidation Act of the Senedd.

The technical issues we have identified with the agricultural legislation reviewed can be grouped into four categories. We present those categories in the table below alongside illustrative examples.

 See Chapter 11

Category of technical reform	Example
Updates to reflect current drafting practice for Welsh legislation	We identify that consolidation would present an opportunity to re-state the Welsh Ministers' powers to make secondary legislation in a manner which aligns with modern Welsh legislative drafting practice. For example, powers to make secondary legislation in the form of orders could be restated as powers to make regulations. We identify examples of order-making powers which we consider could be restated in an Act of the Senedd as powers to make regulations.
Modernisation, for example, where the law does not reflect established practice	We identify that the Animal Health Act 1981 states that certain notifiable animal diseases must be notified to the police, whereas in modern-day practice notification must be made to the Animal Health and Plant Agency ("the APHA"). Similarly, we identify that relevant secondary legislation made under the Animal Health Act 1981 could make clearer that notification must be made to APHA.
Clarification where the terms used in the law lack clarity or provisions are inconsistent in their wording	We highlight that the rules applicable to the re-letting of statutory smallholdings to spouses or civil partners of deceased tenants could be made clearer; particularly with regard to how they apply to widowers of deceased tenants.
Removal of provisions which are redundant or obsolete	We consider whether section 18 of the Hill Farming Act 1946 – which allows the Welsh Ministers to regulate for the control of rams – is suitable for repeal. We note that the power has not been exercised in over 50 years.

ISSUES FOR FURTHER CONSIDERATION

Overarching issues for further consideration

In proposing a potential model for the prospective Code, we recognise that there may be issues requiring further consideration in the context of developing the Code. We set out below the examples of such issues as identified in our scoping report.



Chapter	Issue
Chapter 4	Large areas of agricultural law are regulated by assimilated law. Decisions on whether to revoke or revoke and replace those assimilated laws that concern agriculture will involve policy-based assessments. There are various options for restating, revoking or modifying assimilated law. We consider that bringing assimilated laws within the scope of the prospective Code has the potential to improve the accessibility of that law.
Chapter 4	The establishment of the prospective Code will require consideration as to whether the inclusion of secondary legislation in the prospective Code ought to be made contingent upon inclusion of the corresponding enabling provisions. Enabling provisions are powers provided for under primary legislation to enact secondary legislation such as regulations or orders. We conclude that a flexible approach to this issue should be adopted which allows for the inclusion of a secondary law in the prospective Code, even if the corresponding enabling provisions are excluded. We acknowledge that this is an issue for consideration likely to arise in the context of developing other codes of law on different subjects.
Chapters 4 and 5	We examine the differing statutory definitions of the term “agriculture”: identifying 13 distinct definitions of the term. We consider opportunities to streamline or modernise statutory definitions of “agriculture” that are contained in primary legislation. We further examine the implications of streamlining and modernising those definitions, including the potential effect on any related legal rights and obligations.
Chapter 7	The existing statutory powers to enforce animal health law are fragmented. Owing to the piecemeal development of the law in this area, those legislative provisions conferring enforcement powers in the animal health context can be inconsistent in their wording. Bringing animal health law within the prospective Code presents an opportunity to examine whether the wording of enforcement powers, as applicable in Wales, would benefit from standardisation.
Chapter 7	The establishment of a prospective Code presents an opportunity to examine whether the maximum fines which may be imposed for criminal offences in the agricultural context are consistent. We do not make proposals as to the appropriate maximum fines which may be imposed for individual offences. Instead, we point to an example where the maximum fines which may be imposed in the context of livestock identification offences appear potentially inconsistent.

Calls for substantive reform meriting further consideration

In addition to the overarching issues outlined above, we acknowledge that it may be considered undesirable to consolidate primary legislation where there are widespread calls for substantive reform of the law in question, or where there are plans to undertake such legislative reform.

Consequently, throughout our scoping report we have highlighted examples of calls for substantive reform of legislation applicable to agriculture. In light of these calls for reform, we consider that the areas of agricultural law in question may require further analysis before being subsumed within the prospective Code. In the below table, we present examples of those calls for substantive reform, as highlighted in our scoping report.

Chapter	Calls or proposals for substantive reform
Chapter 5	We consider sections 98 and 99 of the Agriculture Act 1947 which concern the control of agricultural pests, rabbits and captive animals. We highlight relevant recommendations for reform of these sections as presented in our 2015 Wildlife law reform report.
Chapter 6	We point to well-established calls for the consolidation of wildlife legislation. We consider the extent to which any such work to consolidate wildlife law could benefit users of the prospective code of agricultural law for Wales.
Chapter 8	We examine a recent independent report recommending reform of the law on hedgerows discussing how the policy direction proposed in that report may influence decisions on whether the law on hedgerows is suitable for inclusion in the prospective code of agricultural law for Wales.
Chapter 9	We summarise calls for substantive reform of the law governing agricultural tenancies as it applies in Wales. We point to our recently announced review of agricultural tenancy legislation and consider how and whether the outcome of that review may influence decisions on how and whether agricultural tenancy legislation is brought within the prospective Code.
Chapter 9	We summarise calls and proposals for reform of aspects of the statutory smallholdings regime as provided for under Part 3 of the Agricultural Holdings Act 1970.
Chapter 10	We refer to calls for substantive reform of the law on pesticides and separately the law relating to slaughterhouses.

NEXT STEPS

It is now for the Welsh Government to consider our scoping report and decide whether to establish the prospective Code and whether to do so in line with the model of the prospective Code proposed in our scoping report.

In addition, the Welsh Government will also consider whether further work is required to address:

1. any of the technical issues we identify with existing agricultural legislation; and
2. those wider issues for consideration which we highlight in the scoping report.

Under the Protocol between the Welsh Ministers and the Law Commission of England and Wales, the Welsh Ministers will provide an interim response to a Law Commission report as soon as possible and in any event within six months of publication of the report unless otherwise agreed with the Commission.⁷

The Welsh Ministers will provide a full response as soon as possible after the interim response and in any event within 12 months of publication of the scoping report, unless otherwise agreed with the Commission.



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ENDNOTES

- [1] Forest Research reported 132,000 hectares of farm woodland in Wales while the survey of agriculture and horticulture identified a total of 1,770,100 hectares of agricultural land in total.
- [2] Our report does not, however, consider all laws that apply throughout the agricultural supply chain. For example, laws regulating veterinary surgeons fall outside of the scope of this report as such laws relate to reserved matters (for further detail see para 7.101 of the scoping report).
- [3] Welsh Government, *Survey of agriculture and horticulture (2025)* <https://www.gov.wales/sites/default/files/pdf-versions/2025/12/2/1765272643/survey-agriculture-and-horticulture-june-2025.pdf>, p 6.
- [4] Forest Research reported 132,000 hectares of farm woodland in Wales in its 2025 report while the 2024 survey of agriculture and horticulture identified a total of 1,775,200 hectares of agricultural land in total.
- [5] Forest Research, *Forestry Statistics 2025 (2025)* https://cdn.forestresearch.gov.uk/2025/09/FS2025_Ch1-68d4f71b97f6f.pdf, ch 1, pp 9 and 48.
- [6] See ch 9 for further information.
- [7] Protocol between the Welsh Ministers and the Law Commission (July 2015) https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/54/2024/11/Law_Commission_Welsh_Protocol.pdf.

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	Review of the Welsh Tax Acts etc. (Power to Modify) Act 2022 and consultation response report
DATE	13 February 2026
BY	Mark Drakeford, Cabinet Secretary for Finance and Welsh Language

Today, [I am publishing the Welsh Ministers' Review of the Welsh Tax Acts etc. \(Power to Modify\) Act 2022](#) and a [summary of responses](#) to views on the appropriate mechanisms for making changes to the Welsh Tax Acts consultation.

This is the final step in meeting the duty on Welsh Ministers to review the operation of the Act and consider alternative legislative mechanisms for making such changes. The conclusions of the review must be published by 8 September 2026. It will also help prepare the ground for decisions to be made in the next Senedd Cymru term for the Senedd and Welsh Government to establish the approach it wishes to adopt to making changes to the Welsh Tax Acts.

The consultation confirmed that while primary legislation is viewed as the most appropriate mechanism for tax changes, there is broad recognition that Wales still requires flexible powers to respond swiftly to external events affecting devolved taxes.

To provide the next Senedd and Welsh Government with the time to establish the approach they consider appropriate at this stage in the devolution journey to make changes to our devolved taxes, I intend to lay draft Regulations shortly to extend the sunset clause in the Welsh Tax Acts etc. (Power to Modify) Act 2022 to the maximum permitted, 30 April 2031.

—
**Legislation, Justice and
Constitution Committee**

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Rt Hon Mark Drakeford MS
Cabinet Secretary for Finance and Welsh Language

13 February 2026

Annwyl Mark,

Response to the Committee's report on the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

The Committee laid its report on the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill ("the Bill") on 19 December 2025. On 9 January 2026, you provided an interim response to our report, in which you responded to two recommendations that explicitly requested a response from you before the Senedd's debate on the general principles of the Bill. The Committee felt that your response before the debate would be useful to Members to inform their decision on whether to support the general principles of the Bill. We are grateful for your timely response to those recommendations.

However, your response did not address the eight other recommendations in the report that did not request your response before the debate on the general principles of the Bill. Nor did it address any of the eight conclusions in our report.

We note that while you also provided an interim response to the report of the Economy, Trade and Rural Affairs Committee on 12 January 2026, that letter was supplemented by a follow-up response dated 27 January, which addressed the remaining recommendations from that Committee's report.

It is, of course, a matter of long-standing parliamentary convention and of democratic courtesy that the Welsh Government responds in full to reports of Senedd committees.

We look forward to your full response to the Committee's report as soon as possible.

Yours sincerely,

Mike Hedges

Mike Hedges

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Ein cyf/Our ref MA/LN/2345/25

Mike Hedges AS/MS
Chair, Legislation, Justice and Constitution Committee
SeneddLJC@senedd.wales

16 February 2026

Dear Mike,

Thank you for your letter of 3 February, requesting clarity on a number of points within the supplementary Legislative Consent Memorandum (Memorandum No 4) for the Children's Wellbeing and Schools Bill.

I have provided a response to each of the questions raised below. For ease of reference I have included the question set out in your letter.

- 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?*

The amendment to apply the Senedd approval procedure to the regulations referred to in paragraph 24 was [tabled](#) on Thursday 5 February 2026, ahead of Third Reading on Monday 9 February. Two amendments within this tabled list apply to Wales and therefore both will be included within a further supplementary LCM (Memorandum No. 5).

- 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.*

The regulation-making power referenced in the amendment is not a new power. The regulations referred to are those to be made under proposed section 436C(4) of the Education Act 1996 (as inserted by Clause 32). Amendment 164 was agreed at Report Stage and provides that regulations made by the Welsh Ministers under the listed provisions of the Education Act 1996, including 436C(4), (as inserted by Clauses 32 and 33) are subject to the Senedd approval procedure.

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

3. *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?*

The scrutiny procedure for the regulations under Clause 32 is subject to the Senedd approval procedure. Delegated power for the regulations was tabled under Amendment 164. This amendment requires all regulations for the CNIS provisions under Clauses 32 and 33 to be affirmative always rather than affirmative in the first instance and negative thereafter.

4. *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?*

Amendment 244 was agreed during the House of Lords third sitting at Report Stage on the Children's Wellbeing and Schools Bill, on 28 January. I can confirm that the Senedd annulment procedure will be applied, unless the regulations amend primary legislation, in which case the Senedd approval procedure will be applied.

5. *Please could you confirm which amendments in Memorandum No. 4 have been considered in the House of Lords and the outcome of that consideration*

All amendments in Memorandum No. 4 were considered during the House of Lords Report Stage on Wednesday 28 January.

All amendments were passed apart from Amendment 120. This amendment proposed to expand the criteria under Clause 31 for LAs to provide consent for certain children to be removed from school to include children subject to a child protection plan within the last 5 years. The amendment did not pass because it was superseded by non-government Amendment 121A, tabled by Baroness Barran, the Conservative Shadow Education Minister in the Lords.

Amendment 121A proposes to expand the scope of the consent mechanism from 5 years to children who have ever been subject to section 47 or section 31 enquiries or an order, and all those considered a 'child in need' under section 17 of the Children Act 1989.

The agreement of the non-government amendment triggers SO. 29 and is subject to legislative consent. However, the amendment as drafted is only applicable to Wales in part. This is because section 17 of the Children Act 1989 does not apply to Wales. The equivalent provision is contained within the Social Services and Well-being (Wales) Act 2014.

As an agreed non-Government amendment, this provision will be covered by SO29. I am mindful that the position on the amendment is not finalised and at the very minimum will require imminent drafting changes.

My officials are engaging closely with the Department for Education in relation to the non-government amendment and relaying the Welsh Government's position and potential

implications for Wales. I will incorporate the final position on this provision in the forthcoming sLCM and have encouraged UK Government to bring forward any amendments as soon as possible so as to ensure the Senedd can consider in advance of the legislative consent debate. This will ensure the Senedd is able to consider a more finalised version of the Bill and potentially avoid the need to lay multiple LCM on the same amendment.

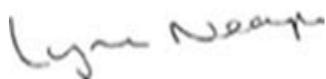
6. *In relation to any amendments to the Bill that are to be the subject of a fifth memorandum, please can you ensure that any such memorandum includes information stating whether such amendments will have been considered by the time of the consent motion debate on 3 March 2026 and if not, please can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

As set out under my response to Question 1, two amendments that apply to Wales were tabled on Thursday 5 February and agreed at Third Reading on Monday 9 February. These relate to the addition of 'young carers' in the information to be included on children not in school registers, and the procedure for regulations referred to under Amendment 125. There may also be a further amendment in relation to the social care provisions. All amendments will be included in a further sLCM, along with the non-government amendment referenced above.

Considering the above proposed amendments, and to ensure a further sLCM can be laid and considered ahead of the motion debate, I have moved the date of the debate to 17 March. This will enable the Senedd to consider a more finalised version of the Bill.

I would like to thank you and the Committee for your work on the Bill to date.

Yours sincerely



Lynne Neagle AS/MS
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

Copied to: Buffy Williams, Chair, Children, Young People and Education Committee

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 (b), 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
Chair

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