

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 9 March 2026	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 14.00)

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

2 Instruments that raise issues to be reported to the Senedd under
Standing Order 21.2 or 21.3
(13.30 – 13.40)

Instruments subject to the Senedd annulment procedure

2.1 SL(6)772 – The National Health Service (General Dental Services Contracts
and Patient Charges) (Wales) Regulations 2026

(Pages 1 – 18)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–08–26 – Paper 1 – Draft report



2.2 SL(6)778 – The National Health Service (General Dental Services Contracts and Patient Charges) (Amendment) (Wales) Regulations 2026

(Pages 19 – 25)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–08–26 – Paper 2 – Draft report

LJC(6)–08–26 – Paper 3 – Letter from the Cabinet Secretary for Health and Social Care to the Llywydd, 23 February 2026

2.3 SL(6)780 – The Education (Information About Individual Pupils and Children in Alternative Provision) (Miscellaneous Amendments) (Wales) Regulations 2026

(Pages 26 – 29)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–08–26 – Paper 4 – Draft report

LJC(6)–08–26 – Paper 5 – Written Statement by the Cabinet Secretary for Education, 12 February 2026

Instruments subject to the Senedd approval procedure

2.4 SL(6)774 – The Deposit Scheme for Drinks Containers (Wales) Regulations 2026

(Pages 30 – 47)

[Regulations](#)

[Explanatory Memorandum](#)

[Correspondence from the Wine and Spirit Trade Association](#)

[Correspondence from British Glass](#)

Attached Documents:

LJC(6)-08-26 – Paper 6 – Draft report

LJC(6)-08-26 – Paper 7 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 12 February 2026

LJC(6)-08-26 – Paper 8 – Letter from the Climate Change, Environment and Infrastructure Committee to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 2 March 2026

LJC(6)-08-26 – Paper 9 – Paper from the Wine and Spirit Trade Association, 5 March 2026

2.5 SL(6)779 – The Welsh Tax Acts etc. (Power to Modify) Act 2022 (Extension of Expiry Date) Regulations 2026

(Pages 48 – 50)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-08-26 – Paper 10 – Draft report

LJC(6)-08-26 – Paper 11 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 24 February 2026

Instruments subject to no procedure

2.6 SL(6)775 – The Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026

(Pages 51 – 52)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-08-26 – Paper 12 – Draft report

2.7 SL(6)776 – The Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026

(Pages 53 – 54)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-08-26 – Paper 13 – Draft report

**2.8 SL(6)777 – The Individual Candidate Election Expenses (Senedd Elections)
Code of Practice 2025 (Appointed Day) (Wales) Order 2026**

(Pages 55 – 56)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-08-26 – Paper 14 – Draft report

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

(13.40 – 13.45)

**3.1 SL(6)771 – Strategic Priorities and Objectives Statement to Ofwat issued
under section 2B of the Water Industry Act 1991**

(Pages 57 – 58)

[Statement](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-08-26 – Paper 15 – 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 – 13.50)

Instruments subject to the Senedd annulment procedure

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

(Pages 59 – 62)

Attached Documents:

LJC(6)–08–26 – Paper 16 – Report

LJC(6)–08–26 – Paper 17 – Welsh Government response

4.2 SL(6)752 – The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2026

(Pages 63 – 67)

Attached Documents:

LJC(6)–08–26 – Paper 18 – Report

LJC(6)–08–26 – Paper 19 – Welsh Government response

5 Inter–Institutional Relations Agreement

(13.50 – 13.55)

5.1 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Sea Fisheries (Amendment) Regulations 2026

(Page 68)

Attached Documents:

LJC(6)–08–26 – Paper 20 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 27 February 2026

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

(Pages 69 – 71)

Attached Documents:

LJC(6)–08–26 – Paper 21 – Written Statement by the Deputy First Minister and

Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Standing Committee, 2 March 2026

LJC(6)-08-26 – Paper 22 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter-Ministerial Standing Committee, 2 March 2026

6 Papers to note

(13.55 – 14.00)

6.1 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Prohibition of Greyhound Racing (Wales) Bill: Revised Explanatory Memorandum

(Page 72)

Attached Documents:

LJC(6)-08-26 – Paper 23 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 2 March 2026

6.2 Correspondence from the Llywydd to the Greyhound Board of Great Britain: Prohibition of Greyhound Racing (Wales) Bill

(Pages 73 – 75)

Attached Documents:

LJC(6)-08-26 – Paper 24 – Letter from the Llywydd to the Greyhound Board of Great Britain, 4 March 2026

LJC(6)-08-26 – Paper 25 – Correspondence from the Greyhound Board of Great Britain to the Llywydd, 19 February 2026

6.3 Written Statement by the Minister for Further and Higher Education: Implementation of the Tertiary Education and Research (Wales) Act 2022

(Pages 76 – 77)

Attached Documents:

LJC(6)-08-26 – Paper 26 – Written Statement by the Minister for Further and Higher Education, 5 March 2026

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

(14.00)

Private meeting

(14.00 – 15.55)

- 8 Supplementary Legislative Consent Memoranda (Memorandum No. 2 and Memorandum No. 3) on the Public Office (Accountability)**

Bill: Draft report

(14.00 – 14.10)

(Pages 78 – 91)

Attached Documents:

LJC(6)-08-26 – Paper 27 – Draft report

- 9 Legislative Consent Memorandum on the Armed Forces Bill: Draft report**

(14.10 – 14.15)

(Pages 92 – 98)

Attached Documents:

LJC(6)-08-26 – Paper 28 – Draft report

- 10 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Crime and Policing Bill**

(14.15 – 14.20)

(To Follow)

Attached Documents:

LJC(6)-08-26 – Paper 29 – Legal Advice Note

- 11 Statutory Instrument Consent Memorandum on the Plant Varieties Act (Amendment) Regulations 2026**

(14.20 – 14.25)

(Pages 99 – 104)

[Statutory Instrument Consent Memorandum](#)

[Statutory Instrument](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-08-26 – Paper 30 – Legal Advice Note

LJC(6)-08-26 – Paper 31 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 2 March 2026

LJC(6)-08-26 – Paper 32 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 2 March 2026

12 International Agreements: Draft report

(14.25 – 14.35)

(To Follow)

Attached Documents:

LJC(6)-08-26 – Paper 33 – Draft report

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

(14.35 – 14.45)

(To Follow)

Attached Documents:

LJC(6)-08-26 – Paper 34 – Draft report

14 Legacy report

(14.45 – 15.00)

(To Follow)

Attached Documents:

LJC(6)-08-26 – Paper 35 – Draft report

Break

(15.00 – 15.10)

15 Commission on Justice in Wales recommendations: Briefing from Dr Robert Jones

(15.10 – 15.55)

(Pages 105 – 190)

Attached Documents:

LJC(6)-08-26 – Paper 36 – Thomas Commission Research paper

SL(6)772 – The National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026

Background and Purpose

These Regulations set out the conditions, requirements and arrangements for a contract between local health boards and general dental service providers, including remuneration of fees and how contracts will be managed. They also make provision for a new scheme of patient charges.

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 73 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

The enabling powers cited for these Regulations include section 60(2) of the National Health Service (Wales) Act 2006 (“the 2006 Act”). Section 60(2) is a power to for the Welsh Ministers to issue directions. Before giving such directions, under section 60(4) of the 2006 Act the Welsh Ministers must consult any body appearing to them to be representative of persons to whose remuneration the direction would relate. The Welsh Ministers are asked to confirm:

- a) the basis upon which, and reason why, it was decided to include a direction-making power as an enabling power;
- b) which provision(s) in the Regulations are made under this power; and
- c) whether the condition in section 60(4) of the 2006 Act has been complied with and, if so, why this is not noted in the preamble to the Regulations.

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



In the definition of “contract” in regulation 2, the phrase “except where the context otherwise requires” is used. Writing Laws for Wales (paragraph 4.8(5)) advises that this term should be avoided. The Welsh Government is asked to explain why it is used in the definition of contract and what “circumstances” it refers to.

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

The term “contract year” is used in the definitions of “annual delivery report” and “interim delivery report” in regulation 2, and also in paragraphs 41 and 42 of Schedule 1 to the Regulations, but the term “contract year” is not defined. An explanation is therefore requested as to what “contract year” means in these Regulations.

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

There are several issues where further explanation would assist in relation to the definition of “de-listing” in regulation 2:

- a) the wording of the definition does not seem to reflect the use of the term within the Regulations. It states that “de-listing” means a patient who ceases to be an active patient for various reasons, but de-listing in the Regulations is used with reference to the de-listing process, rather than meaning a patient who has been through that process;
- b) reference is made to the removal of a patient from a practice’s list of active patients as a result of the application of paragraph 15 of Schedule 1. Paragraph 15 of Schedule 1 makes no reference to a patient being removed from an active list, therefore it would assist to have an explanation as to how paragraph 15 of Schedule 1 applies to the definition of “de-listing”; and
- c) the definition refers to de-listing under paragraphs 4 and 5 of Schedule 3, but paragraph 3 of Schedule 3 also refers to de-listing.

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

In the definition of “de-listing process”, it refers to the process whereby a patient must be de-listed, but then in paragraph (b) it refers to the patient having the opportunity to make representations in relation to the intention to remove them from the patient list. The Welsh Government is asked to confirm why the patient is given the opportunity to make representations if the practice must de-list them. In addition, the definition refers to the practice de-listing the patient, whereas elsewhere in the Regulations reference is made to the contractor using the de-listing process, so it would assist to have clarification in this regard.

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



The term "General Dental Council" is used on several occasions in the Regulations, but this has not been defined with reference to section 1 of the Dentists Act 1984. The Welsh Government is asked to explain why it chose not to define this term.

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

The term "registered dental professional" is used in several definitions in regulation 2, but this term is not itself defined. The Welsh Government is asked to explain what constitutes a "registered dental professional" and why this term is not defined in the Regulations.

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

The definitions of "dental nurse" and "dentist" in regulation 2 require a person to be recognised by the General Dental Council. It is not clear whether "recognised" is the correct word and whether it should in fact be "registered". If "recognised" is the correct word, it would assist to have an explanation as to how such a person is recognised by the General Dental Council.

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

The definition of "dental nurses with extended duties in oral health education" in regulation 2 contains terms which are not defined for the purpose of these Regulations – "core supportive functions", "approved training" and "extended duties". The Welsh Government is asked to confirm what these terms refer to and why additional information to explain what they refer to is not set out in the Regulations.

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

In the definition of "dental therapists" in regulation 2, reference is made to a dental professional being "competent to carry out specified items of dental treatment". It would be of assistance if the Welsh Government could explain how a professional is determined to be competent for this provision, and how the specified items of dental treatment are determined. It would also assist to understand why this information is not included in the Regulations.

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

In the definition of "direction pending an investigation" in regulation 2, reference is made to a regulator, but it is not clear what constitutes a regulator for this purpose. The Welsh Government is asked to provide a further explanation and confirmation as to why this is not clearer in the Regulations.



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

The definition of “director of a body corporate” in regulation 2 appears to largely repeat the definition of “director” that precedes it. As “director of a body corporate” is not used operatively in the Regulations, it appears that this definition has been included in error, but the Welsh Government is asked to confirm whether this is the case.

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

Regulation 2 defines an “exempt person” but this term is only used once in the Regulations. The term “exempt patient” is used more frequently but is not defined, so clarity is requested as to whether exempt person and exempt patient have the same meaning for the purpose of the Regulations.

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

In the definition of “guarantee period” in regulation 2, reference is made to a “standard care package” and an “urgent care package”. These terms are not defined in the Regulations and therefore the Welsh Government is asked to provide further information regarding what they are; how they are to be distinguished from each other; and why this information was not included in the Regulations.

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

In the definition of “health service body” in regulation 2, reference is made to certain bodies being known by particular names at the “relevant time”. The Welsh Government is asked to confirm what constitutes the “relevant time” for this purpose and why this is not reflected in the Regulations. The same point applies to the definition of “health service body” that is set out in paragraph 67(6) of Schedule 3 to the Regulations, both in terms of clarifying who the listed bodies are and what is meant by the “relevant time”.

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

The term “interim delivery report” is defined in regulation 2, but this term is not used elsewhere in the Regulations. It appears that it may be intended to be a definition of “mid-year delivery report” as referenced in several regulations but not defined.

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

The definition of “initial examination and assessment” in regulation 2 simply repeats in condensed form the wording of paragraph 10 of Schedule 1 to the Regulations. It is not clear whether this was the intention and, if so, whether it would be clearer and more expedient to



simply refer to “initial examination and assessment” as having the meaning set out in paragraph 10 of Schedule 1. It is also not clear how the definition of “initial examination and assessment” differs from the definition of “new patient assessment” in this regard.

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

In the definition of “interim suspension order” in regulation 2, reference is made to removal of a “registered person” from a “register”. It is not clear whether these references should be to the temporary removal of a person from either the dentists register or the register of dental health care professionals, or both. The Welsh Government is asked to provide an explanation in this regard and confirm why this clarity is not reflected in the Regulations.

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

In the definition of “licensing body” in regulation 2, reference is made to a body that licences or regulates health care professions, but the term “health care professions” is not defined. Similarly, in the definition of “other health care professionals”, “health care professionals” is not defined. In each case, is there intended to be a link to the definition of “health care professional” in section 49(2) of the 2006 Act or similar? If so, the Welsh Government is asked to confirm why this is not explicitly stated or, if not, provide further information as to the interpretation of the term “health care professions”.

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

The term “listed” is defined in regulation 2 as meaning “such drugs, medicines or dental appliances as are included in a list for the time being approved by Welsh Ministers for the purposes of section 80 of the 2006 Act”. However, the word “listed” is used in several other contexts within the Regulations. It appears that the provision should therefore read ““listed drugs, medicines or dental appliances” means such drugs, medicines or dental appliances as are included in a list for the time being approved by Welsh Ministers for the purposes of section 80 of the 2006 Act”.

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

In the definition of “prescription form” in regulation 2, reference is made to an “authorised prescriber”. Although “prescriber” is defined for the purpose of the Regulations, “authorised prescriber” is not. The Welsh Government is therefore asked to confirm who is an “authorised prescriber” and why this is not set out in the Regulations.

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



The definition of “private dental services” in regulation 2 refers to the National Health Service (Wales) Act 2006, but as this term is defined in the Regulations, the reference should be to the 2006 Act.

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

Reference is made to “NICE” on several occasions throughout the Regulations, but this term is not defined in the operative parts of the Regulations. The Welsh Government is asked to explain why it decided not to define this term in the operative parts of the Regulations. Further, with particular reference to the definition of “recall appointment”, additional information is requested as to what “NICE guideline CG19” is and where it can be found.

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

In the definition of “recognised professional titles” in regulation 2, the Dentists Act 1984 is a defined term, so this wording should read “the 1984 Act”. Although not an operative part of the Regulations, for accessibility purposes footnotes should have been provided for the legislation listed at paragraphs (b)(ii)-(iv).

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

In the definition of “urgent care appointment” in regulation 2, reference is made to an appointment provided within 72 hours, but no information is provided as to when this 72 hour period commences. The Welsh Government is asked to provide a further explanation in this regard and confirm why this is not detailed in the definition.

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

In regulation 3(a) reference is made to the Dentists Act (Amendment) Order 2005, but this term is defined in regulation 2. The reference should therefore be to the 2005 Order.

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

In regulation 4, there are two paragraph (3)s, which will create difficulty for people wishing to refer to provisions within regulation 4. It also means that the numbering of each paragraph after the first (3) is incorrect, and that cross-references within regulation 4 to any of those paragraphs is incorrect.

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

Regulation 27 refers to the “sum total of the percentage reported under regulation 24”. Regulation 24 requires two percentages to be reported, so it is not clear whether this is



intended to refer to one or both of the percentages. If it is both, then “percentage” should be plural. If it is one, then it should be made clear which percentage is being referred to. The same considerations may apply to regulations 22 and 28.

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

Regulation 29 cross-refers to regulation 27(1)(a), but there is no regulation 27(1)(a) in the Regulations. It appears that the correct reference should be regulation 27(a).

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

Regulation 30(2) refers to an obligation (singular) that is referred to in paragraph (1). Paragraph (1) imposes obligations on both the local health board and the contractor to make payments to each other. It is not clear which obligation regulation 30(2) refers to – it is assumed that it is the obligation set out in regulation 30(1)(a) and if so this should be specified.

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

Regulation 30(3) refers to directions under section 12 of the 2006 Act, but section 12 does not give a power to issue directions, only guidance. Clarification is therefore required as to whether section 12 is correctly included in regulation 30(3), or conversely, whether section 30(3) should also refer to guidance.

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

Regulation 33(4) requires a contract to contain a term which requires the contractor to be a member of a “cluster”. A cluster is also referenced in paragraph 83 of Schedule 3 to the Regulations. No information is provided in the Regulations as to what constitutes a cluster, or how a contractor becomes a member of one. The Welsh Government is asked to provide further information on this and explain why it is not made clearer in the Regulations.

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

Regulation 36(2) refers to the giving of notice to an existing contractor that different proportions apply in accordance with regulation 16(2) and (3). Regulation 16(2) does not appear to be relevant to regulation 36(2), and regulation 16(3) does not exist.

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



The following points are noted in relation to Schedule 1 to the Regulations, but it is noted that they are rectified by the National Health Service (General Dental Services Contracts and Patient Charges) (Amendment) (Wales) Regulations 2026 (“the Amending Regulations”):

- a) paragraph 10(h) requires risk allocation to be carried out in accordance with paragraphs 31 to 33, however it is paragraphs 32 to 34 that set out the detail of the risk allocation categories – the same issue arises in paragraph 31;
- b) paragraph 18 refers to a contractor being satisfied in accordance with paragraph 16(a) regarding the reasons for missed appointments. However, the number of relevant missed appointments is set out in paragraph 16(a) and 16(b), but the requirement for the contractor to be satisfied with the explanation of the patient is set out in the body of the wording of paragraph 16. The reference in paragraph 18 should be to paragraph 16 rather than 16(a);
- c) there is an error in the numbering of paragraph 20, as sub-paragraph (3) should be (2), and the reference in what is currently sub-paragraph (3) to sub-paragraphs (a) and (b) should be to sub-paragraph (1)(a) and (b); and
- d) a formatting error has created incorrect paragraphs for paragraphs 23 to 25, which consequently creates cross-referencing errors throughout the remainder of Schedule 1.

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

Paragraph 20(1)(a) of Schedule 1 to the Regulations refers to a patient being de-listed under paragraph 17(b). However, paragraph 17(b) refers to the possible cessation of the de-listing process. This issue remains following the Amending Regulations, therefore the Welsh Government is asked to confirm whether paragraph 17(b) is the correct cross-reference in this regard.

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

Paragraph 42(1)(d) of Schedule 1 to the Regulations (or paragraph 41(1)(d) following the Amending Regulations) refers to monitoring or audit being carried out, but it is not clear who will be conducting this. Paragraph 41(1)(d) (or paragraph 40(1)(d) under the Amending Regulations) states that the monitoring or audit will be carried out by or on behalf of the Local Health Board, so the Welsh Government is asked to confirm that the same applies in this context and why this is not explicitly stated in the Regulations.

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

Paragraphs 45 and 46 (or paragraphs 44 and 45 following the Amending Regulations) of Schedule 1 to the Regulations deal with de-listing relating to prevention services. Paragraph



45 is identical in content to paragraph 17 which deals with de-listing for care packages, but paragraph 17 links to paragraph 16 and there is no equivalent to paragraph 16 preceding paragraph 45. This makes it difficult to see how paragraph 45 works in practice, as it refers to "initiating de-listing", but there is no provision that provides for the initiation of a de-listing process in relation to prevention services. Paragraph 46 addresses the circumstances where a patient must be de-listed, but again, this does not explain paragraph 45 as paragraph 45(b) provides a discretion as to de-listing. The Welsh Government is therefore asked to explain on what ground the de-listing process under paragraph 45 may be commenced and why this is not set out in the Regulations.

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

In Schedule 2 to the Regulations, in the shoulder note, there is a difference between the English and Welsh text. In the English text, it notes "Regulation 14" but the meaning given by the Welsh text is "Regulation 2". In addition, the shoulder note does not appear to be correct because Schedule 2 is also referred to in regulations 2, 13 and 14.

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

Schedule 2 and the table in paragraph 4 of Schedule 5 to the Regulations refer on several occasions to the "contract holder" but this term is not defined in the Regulations. The Welsh Government is asked to confirm whether these are references to the contractor, as defined in regulation 2, and if so why a different term is used in Schedule 2 and paragraph 4 of Schedule 5.

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

In Schedule 2, there is also a varying between the approach to terminology and abbreviations used when compared with the table in paragraph 4 of Schedule 5 as amended by the Amending Regulations. In the entry for "Periodontal Care Package", in the second column, in the English text, it notes "3rd Oral Health Education visit" but in the table in Schedule 5 it notes "3rd OHE visit" although the phrase is repeated in full in both places in the Welsh text. In Schedule 2, in the entry for "Stabilisation Care Package", in the Welsh text, it notes the title "Delivering Better Oral Health" in full as the meaning of "DBOH", but in the Welsh text of the table in Schedule 5, it notes the abbreviation "DBOH". In addition, wording relating to the exclusion of laboratory charges and how they are paid differs in the table.

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

In Schedule 3 to the Regulations, in the shoulder note, there is a difference between the English and Welsh text. In the English text, the list of regulation includes a reference to regulation "29" but in the corresponding Welsh text it refers to regulation "28". In addition,



the details in the shoulder note do not appear to be complete, e.g., there are also references to Schedule 3 in regulations 8(1) and (4), and 9(4) etc.

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

In the English text, paragraph 1 of Schedule 3 to the Regulations is incorrectly numbered, as sub-paragraph (2) is missing. This means that the cross-references in sub-paragraph (1) and paragraphs 2 and 6(5)(c) are incorrect.

43. Standing Order 21.2(viii) – that it uses gender specific language

Paragraph 1(5)(b) of Schedule 3 to the Regulations refers to “himself or herself”. Gender neutral language should be used wherever possible and in this instance it would have been possible to use “that person” or similar.

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

Paragraph 2(2) of Schedule 3 to the Regulations refers to a “preferred performer”. The Regulations does not specify who a performer is, so the Welsh Government is asked to clarify whether this should refer to a dental practitioner, which seems to be the indication in paragraph 2(1)(a) (although the reference there is to “practitioner” rather than “dental practitioner”).

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

The wording of paragraph 5(3) of Schedule 3 to the Regulations does not appear to make sense. It refers to notification under sub-paragraph (1) and (1)(b), however the opening wording of sub-paragraph (1) (if that is the wording being referred to) and sub-paragraph (1)(b) both refer to notifications. If the intention is for the reference in paragraph (5)(3) to refer to both notifications, then the word “notification” should be plural. Otherwise, it should be made clear which notification is being referred to.

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

In paragraph 11(4) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the English text, at the beginning of paragraph 11(4), it notes “Sub-paragraph (1) does not apply where” but the meaning given by the Welsh text is “Sub-paragraph does not apply where”.

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

Paragraph 17 of Schedule 3 to the Regulations requires the contract to notify the Local Health Board where it provides dental services through the medium of Welsh. This is



ambiguous, as it could be read as meaning that on every occasion that the contractor provides the dental services through the medium of Welsh it must notify the Local Health Board. If this is not the intention, it may have been clearer to require notification where the contractor is able to provide the dental services through the medium of Welsh, or similar.

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

Paragraph 24(1) of Schedule 3 to the Regulations imposes requirements on dental care professionals, but paragraph 24(3) refers to health care professionals. The term "health care professionals" is not defined for the purpose of the Regulations, so it would assist if the Welsh Government could confirm whether the reference in paragraph 24(3) should be to dental care professionals.

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

Paragraph 25 of Schedule 3 to the Regulations requires checks to be carried out for the employment or engagement of dental practitioners. Paragraph 25(1)(b) requires checks to be carried out to ensure the requirements in paragraphs 22 and 23 are met. Paragraph 25(2) refer to situations where it is not possible to check the matters referred to in paragraph 22 in accordance with sub-paragraph (1)(b), but makes no mention of paragraph 23. An explanation is requested as to whether the matters under paragraph 23 are deliberately excluded from paragraph 25(2) and, if so, why this is the case.

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

Paragraph 32(3) of Schedule 3 to the Regulations deals with the sub-contracting of the contract and provides for a deemed variation of the contract to add the sub-contractor's premises to the list of the contractor's premises, and also states that paragraph 60 does not apply. Paragraph 60 does not appear to be relevant to paragraph 32(3) as it deals with termination of the contract by agreement, so confirmation is requested as to whether the reference to paragraph 60 in paragraph 32(3) is correct.

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

Paragraph 36(b)(ii) of Schedule 3 to the Regulations gives the Local Health Board the right to access the contractor's workforce information. No explanation is provided as to what constitutes workforce information and such explanation is therefore sought from the Welsh Government.

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



Paragraph 37(3) of Schedule 3 to the Regulations provides that a contractor is obliged to answer inquiries on behalf of a Local Health Board if they are raised by a “qualified health care professional” or “qualified dental practitioner”. No information is provided as to what constitutes a “qualified health care professional” or what how a dental practitioner must be “qualified” for this purpose. Further information is therefore required from the Welsh Government in this regard.

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

Paragraph 47(3) of Schedule 3 to the Regulations contains incorrect cross-references. It refers to patients who fall within sub-paragraph (2)(a)(ii) or (iii), but sub-paragraph (2)(a) does not have (ii) or (iii). Clarification is required as to the correct cross-reference.

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

Paragraph 49 of Schedule 3 to the Regulations sets out further requirements in relation to a concerns procedure, and states that such procedure must comply with the requirements of sub-paragraphs (2) to (6). However, there are 11 sub-paragraphs in total in paragraph 49 so clarification is required as to whether the reference should be to sub-paragraphs (2) to (11) or, if not, what the status of sub-paragraphs (7) to (11) is, as distinct from (2) to (6), within paragraph 49.

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

In paragraph 50(4) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the Welsh text, in the list of definitions, the corresponding English definition appears in italics and brackets immediately after each Welsh definition. However, in the English text, the corresponding Welsh definitions do not appear after each English definition. This also occurs in paragraph 77(4) of Schedule 3.

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

The meaning of paragraph 55(2) of Schedule 3 to the Regulations is not clear. It states that *“In the case of a contract referred for determination in accordance with paragraph 54(1), section 7(12) of the 2006 Act applies as that subsection applies in the case of a contract referred for determination in accordance with section 7(6) of the 2006 Act.”* The underlined reference is unclear as to which section or subsection it is referring to.

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

Paragraph 54(1)(b) of Schedule 3 to the Regulations contains an incorrect cross-reference. It refers to a dispute being referred to the Welsh Ministers in accordance with paragraph 55



where the contract is not an NHS contract. Paragraph 55 deals with the determination of the dispute by an adjudicator. It appears that the correct reference in paragraph 54(1)(b) should be to paragraph 53.

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

Paragraph 54(13) of Schedule 3 to the Regulations contains an incorrect cross-reference. It refers to the discretion of the adjudicator in determining the procedure of the dispute resolution as being subject to paragraph 57. Paragraph 57 refers to the variation of the contract. It appears that the correct reference in paragraph 54(13) should be to paragraph 55.

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

In paragraph 59(3)(b) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the English text, it notes “nominate the dental practitioner” but the meaning given by the Welsh text is “specify the dental practitioner”. It also means that the Welsh text is inconsistent with paragraph 59(1)(a) where the correct Welsh term “enwebu” has been used in the same context when referring to paragraph 59(3).

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

Paragraph 61 of Schedule 3 to the Regulations sets out notification requirements regarding the death of an individual dental practitioner who is a contractor. In paragraph 61(1), it refers to the termination of the contract at the end of the period of 28 days. Paragraph 61(1) then provides for circumstances where the contract can be continued after the end of the period of 28 clear days. The Welsh Government is asked to confirm whether the references to the 28 days, or 28 clear days (as the case may be) should be the same and, if so, which should apply. Other instances of the use of “days” in some cases and “clear days” in others also occur in the Regulations.

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

Paragraph 61(1) of Schedule 3 states that sub-paragraph (1) is subject to any rights to terminate the contract that the Local Health Board may have under paragraphs 62 to 70, however paragraphs 62 and 63 do not give the Local Health Board any rights to terminate the contract. The correct reference should therefore be 64 in place of 62.

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



Paragraph 65(7) of Schedule 3 contains an incorrect cross-reference. It refers to sub-paragraph (6)(i) but this sub-paragraph does not exist in the Regulations. Confirmation of the correct cross-reference is therefore sought.

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

The practical effect of paragraph 67(1) of Schedule 3 to the Regulations is unclear. It appears to have the effect that a Local Health Board may serve notice to terminate a contract if any of the entities listed in (a) to (c) fall within sub-paragraph (2) during the existence of the contract or on or after the date on which a notice in respect of their compliance with the conditions in regulation 4 was given under paragraph 42(2) if this was later. The issues are:

- a) paragraph 42(2) refers to a notice being given when a new partner joins the partnership, so it does not appear relevant to paragraphs 67(1)(a) or (c); and
- b) with regard to the words “if this was later”, this seems to apply to a notice regarding a new partner joining the partnership which is given later than the existence of the contract.

Clarification is therefore requested as to whether paragraph 42(2) is the correct cross-reference in this provision and how the underlined wording above is intended to apply in practice. It should also be noted that the formatting of paragraph 67(1) makes it appear that the closing words only apply to sub-paragraph (1)(c), not the whole of sub-paragraph (1) as appears to be the intention.

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

In paragraph 67(2)(b) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the English text, in the words in parentheses, it notes “pending the outcome of an investigation” but the meaning given by the Welsh text is “pending an investigation”.

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

In paragraph 67(2)(m) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the English text, in the second line, it notes “concerned that they are incapable of” and appears to be referring back to the opening words of paragraph 67(2) where it notes “a person”. But in the Welsh text, the meaning is given as “concerned that the contractor is incapable of”. If those words are referring back to “a person” at the beginning of paragraph 67(2), it should note the meaning as “the person” in the Welsh text. However, the English text is also inconsistent because it does not later in paragraph 67(2)(m) “that the contractor is taking adequate steps” if it is also referring back to that person.



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

In paragraph 70(1)(a) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the English text, it notes “beginning with the day” but the meaning given by the Welsh text is “beginning on the day”. This is potentially significant and the Welsh Government’s drafting guidelines advise against describing a period of time as beginning “on” the day.

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

In paragraph 79(1) of Schedule 3 to the Regulations, there is a difference between the English and Welsh text. In the Welsh text, the “full-out” words at the end of paragraph 79(1) are formatted further right so that they will be interpreted as only applying to paragraph (c) of sub-paragraph (1). However, they should be formatted further left as found in the English text so that the full-out words are understood to apply to the whole of sub-paragraph (1) in paragraph 79.

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

Paragraph 83(2)(c) of Schedule 3 to the Regulations refers to a Dental Collaborative representative. The Regulations do not explain what a Dental Collaborative representative, or a Dental Collaborative, is. Further information is therefore requested from the Welsh Government in this regard, together with an explanation as to why such information is not reflected in the Regulations.

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

In the wording inserted by paragraph 2(2)(b) and 2(2)(e) of Schedule 6 to the Regulations into the National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006 (“the 2006 Regulations”), reference is made to the 2026 GDS Contracts and Charges Regulations. However, the defined term for this purpose in the 2006 Regulations is the 2026 GDS Contracts and Patient Charges Regulations. Similarly, in paragraph 2(2)(i), the reference should be to “the 2026 Regulations” not the National Health Service (Performers Lists) (Wales) Regulations 2026.

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

In paragraph 2(2)(f) of Schedule 6 to the Regulations, there is a difference between the English and Welsh text. In the English text, in the inserted text, it notes “the 2026 GDS Contracts and Patient Charges Regulations” but the meaning given by the Welsh text is “the 2026 GDS Contracts and Charges Regulations”.



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

In paragraph 2(8)(j) of Schedule 6 to the Regulations, there is a difference between the English and Welsh text. In the English text, in the new text, it notes “2026 GDS Contracts and Charges Regulations” but the meaning given by the Welsh is “2026 GDS Contracts and Patient Charges Regulations”.

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

Paragraph 2(9)(b) of Schedule 6 to the Regulations inserts a new table into the 2006 Regulations. The new table uses the term “contract holder”, but this is not defined in the 2006 Regulations. The Welsh Government is asked to confirm whether these are references to the contractor, as defined in regulation 2 of the 2006 Regulations, and if so why a different term is used in the table that is to be inserted into the 2006 Regulations by these Regulations.

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

Numerous typographical, grammatical, formatting and cross-referencing errors (such as confusion between paragraph and sub-paragraph) were noted throughout the Regulations. There are also instances in the English text of definitions not being listed alphabetically. Although these issues do not affect the meaning or understanding of the Regulations, the Committee notes that it is important to ensure the accessibility and quality of the drafting in law.

Merits Scrutiny

The following 4 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

74. 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 Note states that the Regulations set out, for Wales, the framework for general dental services contracts under section 57 of the National Health Service Act 2006, which is then defined for the purpose of the remainder of the Explanatory Note as “the Act”. The Act referred to is incorrect, the correct Act is the National Health Service (Wales) Act 2006. Although the Explanatory Note does not form part of the Regulations, which do refer to the correct Act, this error may cause confusion for the reader, particularly as the National Health Service Act 2006 is also an Act of the UK Parliament. Using an incorrect reference for a defined term also means that the remainder of the Explanatory Note contains incorrect references.



The same issue arose and was addressed by this Committee at point 54 of its [report](#) in relation to the National Health Service (General Medical Services Contract) (Wales) Regulations 2023 so the Welsh Government is asked to explain why this issue has arisen again.

75. 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 Contents page to the Regulations contains incomplete references at points 32 and 33. “Arrangements” should read “Arrangements on termination of a contract” and “Other” should read “Other contractual terms”. Although it is acknowledged that the Contents page does not form an operative part of the Regulations, incomplete references may create accessibility issues for a reader searching for a specific provision.

76. 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 Committee notes that paragraph 2 of Schedule 6 to the Regulations inserts new definitions into the 2006 Regulations (the word Regulations is missing from the title of paragraph 2 of Schedule 6). One of the new definitions refers to the National Health Service (Performers Lists) (Wales) Regulations 2026. The Committee is not aware that, at the time of writing, those Regulations have been made. The Welsh Government is asked to confirm that those Regulations will be made and in force before these Regulations come into force so that the new provision in the 2006 Regulations will make sense.

77. 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 Committee notes that due to errors in the Regulations that came to light during the registration of the Regulations by the SI Registrar (on behalf of the King’s Printer for Wales), the Amending Regulations have already been made. They will come into force on 1 March 2026 and will:

- a) replace Schedule 1 to the Regulations in the English text only, to rectify errors in the structure and format of paragraphs 23 to 25 of that Schedule;
- b) correct a typographical error in the Welsh text of the table in Schedule 2; and
- c) substitute the table in Schedule 5 in both language texts which has the effect of replacing the currently incorrect levels of patient charges shown in the second column of that table.

Welsh Government response

A Welsh Government response is required for all reporting points save for numbers 34 and 77.

Legal Advisers



Legislation, Justice and Constitution Committee
3 March 2026



SL(6)778 – The National Health Service (General Dental Services Contracts and Patient Charges) (Amendment) (Wales) Regulations 2026

Background and Purpose

These Regulations amend the National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026 (“the principal Regulations”) in order to rectify three errors in the principal Regulations that came to light during the registration of those Regulations by the SI Registrar (on behalf of the King’s Printer for Wales).

The amendments:

- a) replace Schedule 1 to the principal Regulations in the English text only, to rectify errors in the structure and format of paragraphs 23 to 25 of that Schedule;
- b) correct a typographical error in the Welsh text of the table in Schedule 2 to the principal Regulations; and
- c) substitute the table in Schedule 5 to the Principal Regulations in both language texts which has the effect of replacing the currently incorrect levels of patient charges shown in the second column of that table.

In the case of the amendments dealing with (a) and (c), the Explanatory Memorandum states that it is appropriate that these corrections are made before the principal Regulations come into force. The Explanatory Memorandum also states that it is desirable that the amendment dealing with (b) is corrected at the same time. As such these Regulations come into force on 1 March 2026.

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 13 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**



The enabling powers cited for these Regulations include section 60(2) of the National Health Service (Wales) Act 2006 ("the 2006 Act"). Section 60(2) is a power to for the Welsh Ministers to issue directions. Before giving such directions, under section 60(4) of the 2006 Act the Welsh Ministers must consult any body appearing to them to be representative of persons to whose remuneration the direction would relate. The Welsh Ministers are asked to confirm:

- a) the basis upon which, and reason why, it was decided to include a direction-making power as an enabling power;
- b) which provision(s) in the Regulations are made under this power; and
- c) whether the condition in section 60(4) of the 2006 Act has been complied with and, if so, why this is not noted in the preamble to the Regulations.

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

In regulation 1(1), the title of these Regulations is incorrect because it notes "(Amendment) (Wales)" which is used when amending a UK statutory instrument that relates to Wales. However, these Regulations are amending a Welsh statutory instrument and therefore the title should be noted as "(Wales) (Amendment)" which is used when amending a Welsh statutory instrument.

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

In regulation 2, there should be a declaratory statement introducing the series of amendments made by these Regulations, such as "The National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026 are amended as follows." In the absence of such a statement, both regulations 3 and 4 are defective because they fail to identify the legislation in which Schedules 2 and 5 respectively are found.

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

Regulation 2 makes an amendment by replacing the English text of the existing Schedule 1 to the principal Regulations. Paragraph 20(1)(a) of the new Schedule 1 refers to a patient being de-listed under paragraph 17(b). However, paragraph 17(b) refers to the possible cessation of the de-listing process. The Welsh Government is asked to confirm whether paragraph 17(b) is the correct cross-reference in this regard.

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

As a result of regulation 2 amending the principal Regulations by replacing the English text of the existing Schedule 1 to the principal Regulations, paragraph 20(2) of the Schedule 1 contains several differences between the new English text and the existing Welsh text. In the new English text, there is a paragraph 20(2) in Schedule 1, but in the existing Welsh text of



that Schedule, the corresponding provision is incorrectly numbered as paragraph 20(3). In addition, in the new English text of paragraph 20(2), it notes “The amount claimed under sub-paragraph (1)(a) and (b)...”, but in the existing Welsh text it notes “The amount claimed under sub-paragraphs (a) and (b)...”.

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

Paragraph 41(1)(d) of the new Schedule 1 to the principal Regulations refers to monitoring or audit being carried out, but it is not clear who will be conducting this monitoring or audit. Paragraph 40(1)(d) states that the monitoring or audit will be carried out by or on behalf of the Local Health Board, so the Welsh Government is asked to confirm that the same applies in this context and why this is not explicitly stated in the new Schedule 1.

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

Following the amendment made by regulation 2, in the new Schedule 1, in paragraph 41(1)(c), there is a difference between the new English text and the existing Welsh text. In the new English text of paragraph 41(1)(c), it notes “subject to paragraph (d)” but the meaning given by the existing Welsh text is “subject to sub-paragraph (d)”.

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

Following the amendment made by regulation 2, in Schedule 1, the drafting of paragraph 40(1)(c) and (d) is different from that of paragraph 41(1)(c) and (d). In paragraph 41(1)(c), it begins by noting that “subject to paragraph (d), the capitation payment cannot be subject to financial recovery...” but in paragraph 40(1)(c), it does not note “subject to paragraph (d)” and it notes “the capitation payment may not be subject to financial recovery...”. In addition, in paragraph 41(1)(d), it notes “where monitoring or audit reveals that the contractor is not delivering prevention services in accordance with sub-paragraph (2)(a)...” but in paragraph 40(1)(d) it notes “where monitoring or audit by or on behalf of the Local Health Board reveals that the contractor is not delivering prevention services in accordance with this Part...”. Could the Welsh Government clarify whether the differences between the drafting of these provisions is intentional?

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

Paragraphs 44 and 45 of the new Schedule 1 to the principal Regulations deal with de-listing relating to prevention services. Paragraph 44 is identical in content to paragraph 17 which deals with de-listing for care packages, but paragraph 17 links to paragraph 16 and there is no equivalent to paragraph 16 preceding paragraph 44. This makes it difficult to see how paragraph 44 works in practice, as it refers to “initiating de-listing”, but there is no provision that provides for the initiation of a de-listing process in relation to prevention services.



Paragraph 45 addresses the circumstances where a patient must be de-listed, but again, this does not explain paragraph 44 as paragraph 44(b) provides a discretion as to de-listing. The Welsh Government is therefore asked to explain on what ground the de-listing process under paragraph 44 may be commenced and why this is not set out in the new Schedule 1.

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

Regulation 4 inserts a new table into paragraph 4 of Schedule 5 to the principal Regulations. Reference is made in the new table to the “contract holder” but this term is not defined in the principal Regulations. The Welsh Government is asked to confirm whether this is a reference to the contractor, as defined in regulation 2 to the principal Regulations, and if so why a different term is used in the new table to be inserted into paragraph 4 of Schedule 5 to the principal Regulations.

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

In the new Table 1, in the English text, in the third column, there is a varying in the entries between using “Oral Hygiene instruction” and the abbreviation “OHI” which also appears to be referring to the same phrase although it has not been defined for the reader. In the Welsh text, the full term meaning “oral hygiene instruction” has been used on each occasion. In addition, the term “DBOH” is used in both language texts of Table 1 without definition but appears to mean “Delivering Better Oral Health” which is referred to in full in other places in the National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026. Finally, the term “ANUG” has been used in the English text although it has not been defined and has been interpreted as meaning “Acute Necrotising Ulcerative Gingivitis” in the Welsh text. Does the Welsh Government believe that the varying between the use of abbreviations without definition and using the full phrase in other places is potentially confusing for the reader who may not be aware of the meaning of those abbreviations?

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

In the new Table 1, in the third column, after the phrases “excludes laboratory charges” and “excluding laboratory charges” additional text is noted in parentheses such as “(paid directly by the patient, unless exempt from NHS charges)”. However, the phrase in the additional text varies inconsistently between “paid directly by the patient” and “paid by patients”, for example, the entry for “Denture Care Package” compared with the entry for “Posterior Root Canal Package”. In addition, those words do not appear after the words “Excludes laboratory charges” in the third column of some of the other entries such as the entries for “Crown Bridge, Inlay, Onlay and Veneer Care Package” and for “Miscellaneous Care Package”. The Welsh Government is asked to clarify whether there is a difference between the phrases “paid” and “paid directly” when used in the additional text in parentheses; and whether there



is any reason why the additional text in parentheses does not appear after “excludes any laboratory charge” and “excluding laboratory charges” on each occasion?

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

In the new Table 1, in the entry for “Periodontal Care Package”, in the second column, the figure is noted as “£48.53” compared with “£93.50” in the same entry in the original Table 1. The Welsh Government is asked to confirm that the new figure is correct because it is significantly lower than the figure in the original Table 1 in the principal Regulations.

Merits Scrutiny

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

14. 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 come into force less than 21 days after they were made. Jeremy Miles MS, Cabinet Secretary for Health and Social Care, wrote to the Llywydd on 23 February 2026 to provide the following explanation:

These Regulations amend the National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026 (“the main Regulations”), that were laid on 11 February and come into force on 11 March 2026. The amendments rectify three issues which were identified during the registration process of the main Regulations which would not have been appropriate to amend under the correction slip procedure.

The main Regulations make changes to the way that general dental services contracts and patient charges are arranged under the National Health Service (Wales) Act 2006. The amendments correct an error in Schedule 1 of the English text, replace the Table in Schedule 5 of both language texts of the main Regulations and correct a typographical error in the Welsh text. To ensure the main Regulations work correctly, not least in respect of the patient charges set out in Schedule 5, it is therefore necessary to bring those amendments into force before the main Regulations themselves. As a result there will be less than 21 days between laying and coming into force of these amending Regulations.

Welsh Government response

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

Legal Advisers

Legislation, Justice and Constitution Committee

3 March 2026





Ein cyf/Our ref MA/JMHSC/0481/26

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

23 February 2026

Dear Elin

THE NATIONAL HEALTH SERVICE (GENERAL DENTAL SERVICES CONTRACTS AND PATIENT CHARGES) (AMENDMENT) (WALES) REGULATIONS 2026

In accordance with section 37E(6) of the Legislation (Wales) Act 2019 I am notifying you that this Welsh statutory instrument will come into force on 10 March 2026, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

These Regulations amend the National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026 (“the main Regulations”), that were laid on 11 February and come into force on 11 March 2026. The amendments rectify three issues which were identified during the registration process of the main Regulations which would not have been appropriate to amend under the correction slip procedure.

The main Regulations make changes to the way that general dental services contracts and patient charges are arranged under the National Health Service (Wales) Act 2006. The amendments correct an error in Schedule 1 of the English text, replace the Table in Schedule 5 of both language texts of the main Regulations and correct a typographical error in the Welsh text. To ensure the main Regulations work correctly, not least in respect of the patient charges set out in Schedule 5, it is therefore necessary to bring those amendments into force before the main Regulations themselves. As a result there will be less than 21 days between laying and coming into force of these amending Regulations.

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

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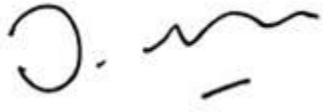
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Correspondence.Jeremy.Miles@gov.wales

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

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

Committee Services; and Marc Wyn Jones, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

Jeremy Miles AS/MS

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care

SL(6)780 – The Education (Information About Individual Pupils and Children in Alternative Provision) (Miscellaneous Amendments) (Wales) Regulations 2026

Background and Purpose

These Regulations amend –

- (a) The Education (Information About Individual Pupils) (Wales) Regulations 2007 (S.I. 2007/3562 (W. 312)); and
- (b) The Education (Information About Children in Alternative Provision) (Wales) Regulations 2009 (S.I. 2009/3355 (W. 294)).

The aim of these Regulations is to enable the Welsh Government to collect a more comprehensive range of Additional Learning Needs data about children and young people educated in Wales through education statutory data collections, allowing them to align with the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

These Regulations set out the additional information that the Welsh Government may collect about children and young people in maintained school or alternative provision in Wales through the pupil level annual school census, and the educated other than at school census.

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

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

Merits Scrutiny

One 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**



Paragraph 1.6 of the Explanatory Memorandum accompanying these Regulations states as follows in relation to the new data requirements introduced by the Regulations:

“The introduction of the new data requirements have implications for data protection, privacy, and administrative burden. The Welsh Government has engaged with the Information Commissioner’s Office (ICO) to ensure compliance with UK GDPR and the Data Protection Act 2018. A Data Protection Impact Assessment (DPIA) has been completed and will be kept under review.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

4 March 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament **Pack Page 28**

Legislation, Justice and Constitution Committee



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	First step to strengthen data collection to monitor the additional learning needs (ALN) system: Summary of consultation responses
DATE	12 February 2026
BY	Lynne Neagle MS, Cabinet Secretary for Education

It is crucial that we have high-quality data to understand learners' needs, plan provision effectively, support the workforce, and identifying where further improvement is required. Our ambition remains to strengthen the evidence base that underpins the ALN system, ensuring that policy and delivery are informed by accurate, consistent and timely data.

This marks the first stage of the wider improvements we are making to statutory data collection systems, so we all have relevant and meaningful ALN data to monitor system performance, meet legislative duties, and support all ALN learners to improve outcomes.

I am pleased to announce that today I have published the [Summary of Responses to the consultation on the proposed changes to the data we collect about the additional learning needs \(ALN\) system in Wales](#). The 8-week consultation, held from 8 October to 3 December, received 99 responses from parents and carers, the education workforce, local authorities, and wider stakeholders. This strong engagement reflects our shared commitment to ensuring that ALN data collection is robust, comprehensive and supports us to deliver improved outcomes for children and young people in Wales. I would like to thank everyone who took the time to respond.

Our proposals were developed carefully and collaboratively to ensure they reflect the fully implemented ALN system now in place since September 2025, along with the responsibilities of schools, local authorities and non-school settings.

I welcome the broad support for the majority of the proposals we published. Respondents particularly valued:

- meaningful data items relating to ALN decisions and individual development plans (IDP)
- clearer and more consistent recording of learners' areas of need

- strengthened information on additional learning provision (ALP) and how it should be recorded
- improved insight into the roles within the education workforce supporting learners with ALN

I remain committed to continued collaboration and careful consideration of these findings as we refine the final changes to the statutory data collections. This will help us strike the right balance between the outcomes we want to achieve, the practicalities of delivery, and the need to maintain clear, manageable processes for schools and local authorities. The intention is to lay the changes during this Senedd term, and I will provide further communication at that time.

[The Summary of Responses is now available here](#) and on the Welsh Government website. Thank you again to everyone who took part in the consultation, your voices are helping to shape the future of ALN data in Wales, strengthening our collective ability to support learners to thrive and reach their full potential.

SL(6)774 – The Deposit Scheme for Drinks Containers (Wales) Regulations 2026

Background and Purpose

These Regulations establish a Deposit Return Scheme (“DRS”) in Wales for in-scope drinks containers. These include single-use closed bottles and cans made from PET¹ plastic, steel, glass or aluminium that contain between 150ml to 3 litres of liquid and are supplied for consumption in Wales. HDPE² bottles (usually used to supply milk), cartons and plastic pouches/sachets are not included under the DRS.

From 1 October 2027, a person who is supplied with a drink in a container that is in-scope of the Regulations must pay a deposit to the person who supplied that container. The person who returns the container to a designated point will then be entitled to redeem the deposit or elect that an amount equivalent to the deposit is paid to a charity.

The Explanatory Memorandum to the Regulations states that the purpose of the DRS is to support the transition to a circular, zero waste and net zero carbon Wales. In doing so it will build on Wales’ recycling record by further increasing the quantity and quality of recycling of in-scope materials, reduce littering and fly-tipping, and importantly, phase in the reuse of drinks containers. The commitment to implementing a DRS in Wales is set out in the Welsh Government’s circular economy strategy, Beyond Recycling, the Net Zero Wales emissions reduction plan and is a key part of the implementation of the Welsh Government’s Programme for Government commitment to Extended Producer Responsibility.

The Regulations provide for the appointment of a scheme administrator to operate the scheme, referred to as the Deposit Management Organisation (DMO) and set out:

- the scope of the DRS (as described above);
- the role of retailers, drink producers and suppliers;
- the functions of the DMO;
- a four year transition period during which in-scope glass drinks containers will be subject to a 0p deposit and will not be required to comply with DRS labelling requirements, and
- the monitoring, compliance and enforcement measures that will be in place to support the running of the scheme, including the roles of Welsh Ministers and regulators.

The 2026 Regulations require the DMO to make arrangements to recycle drink containers that have been returned. From year four of the scheme onwards, the DMO will also be under

¹ polyethylene terephthalate

² high-density polyethylene



a duty to make arrangements for the reuse of drink containers that have been returned and are capable of reuse.

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

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

Regulation 1(4) of the Regulations states that regulation 73 (reuse) comes into force on 1 October 2030. Reg 73(1) says “The deposit management organisation must make arrangements for the reuse of returned refund items”.

Page 8 of the Explanatory Memorandum provides that: “Apart from the duty on the DMO to make arrangements to reuse drinks containers that are capable of reuse, which is due to come into force on 1 October 2031, the rest of the 2026 Regulations come into force on 1 October 2027 which is the date from which the DRS will be operational.”

The Welsh Government is asked to confirm whether the date in regulation 1(4) is correct, as it is noted that the transition period (regulation 3(2)) comes to an end on 30 September 2031, and all other references in the Explanatory Memorandum are to 1 October 2031.

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

In regulation 7, there is a difference between the English and Welsh text. In the English text, the provision is numbered as regulation 7, but in the Welsh text it is numbered as regulation 7(1).

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

In regulation 9, the term “means of distance communication” is defined. That definition refers to “connected goods and services”, but regulation 9 also defines “connected goods or services”. The Welsh Government is asked to confirm whether the two phrases are intended to have the same meaning and, if not, the context in which they are to be interpreted differently.

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



Regulation 9(10) deals with the provision of documents under the Regulations, and determines when such documents are deemed to be received by reference to "business days". "Business day" is not defined for the purpose of these Regulations so the Welsh Government is asked to:-

- a) confirm what constitutes a business day for the purpose of regulation 9(10);
- b) explain why this term is not defined; and
- c) explain why it did not use the term "working day" which has a defined meaning under the Legislation (Wales) Act 2019 and therefore would not require further definition in the Regulations.

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

In regulation 15(6), in the Welsh text, the definition of "specified" for regulation 15 is noted as "penodedig". However, a different term "a bennir" is used on each occasion to express the meaning of "specified" in regulation 15. Therefore, it would seem more appropriate to note "a bennir" or the root form "pennu" as the definition of "specified" in the Welsh text of regulation 15(6). This also occurs in regulation 31(6) of these Regulations.

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

In regulation 32(2)(b) and (4)(b), there is a difference between the English and Welsh text. In the English text, it notes "state the date" but the meaning given by the Welsh text is "specify the date". It is also inconsistent with the Welsh text of the other provisions in these Regulations where a form of "nodi" has been used for "state" in the same context on almost every occasion. The only exception appears to be in paragraph 3(3)(a) and (b) of Schedule 6 where "datgan" has been used to express "state" in the Welsh text, which is also an appropriate choice of word. The use of the fully standardised term "pennu" ("specify") for both "specify" and "state" also means that the reader of the Welsh text will be unable to distinguish between those terms in these Regulations.

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

Regulation 61(2) sets out the requirements upon a deposit management organisation when determining the amount of the deposit. Regulation 62 provides for that amount to be revised, but does not specify that the requirements set out in regulation 61(2) also apply to any revision under regulation 62. The Welsh Government is asked to clarify whether the requirements in regulation 61(2) are intended to apply to any revision(s) made under regulation 62 and, if so, why this is not made clear on the face of the Regulations.

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



In regulation 86(6)(a), it could be argued that it would aid the reader if the words “of this regulation” were added after the reference to “paragraph (1)”. Likewise, in regulation 86(6)(c), it could aid the reader if the words “of Schedule 18 to the EA 1995” were added after the reference to “in paragraph 6(1)”. This is because there are references to paragraphs in regulation 86 and to paragraphs in Schedule 18 to the EA 1995 in regulation 86(6). Therefore, it would enable the reader to distinguish clearly between them. To a lesser extent, this is also true of the reference in regulation 86(7) to “paragraphs (1) and (2), as modified by paragraph (3)” where an added “of this regulation” could be helpful for the reader.

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

In regulation 86(7), in the English text, the definitions of “the applied enforcement powers” and “the EA 1995” are repeated in English in italics and brackets immediately afterwards. However, the definitions in italics and brackets should be the corresponding Welsh language definitions.

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

Regulation 93 deals with enforcement cost recovery notices. Regulation 19(5) states that a person required to pay costs is not liable to pay any costs which are shown to be unnecessarily incurred. However, there is no detail explaining how this will work in practice, for example, how is a person to “show” this, who determines whether the costs were incurred unnecessarily etc. The Welsh Government is therefore asked to provide further information in this regard and asked to explain why this information is not included in the Regulations.

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

In Schedule 3, in paragraph 3(4) and (5), there is a difference between the English and Welsh text. In the English text, it refers to “paragraph (3)(b)(ii)” and “paragraph (3)(b)(iii)” but the meaning given by the Welsh text is “sub-paragraph (3)(b)(ii)” and “sub-paragraph (3)(b)(iii)” respectively. In this regard, the descriptions of the references in the Welsh text are correct rather than those in the English text.

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

In Schedule 4, in paragraph 11(3), there is a difference between the English and Welsh text. In the English text, it refers to “sub-paragraph (1)(b)”, but the meaning given by the Welsh text is “sub-paragraph (1)(a)”.

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



Schedule 5 deals with the appointment of the deposit management organisation. The Schedule sets out when such appointment may be made or revoked, but does not give any information about the application process, such as what form it should take, what information an applicant needs to include in its application, etc. The Welsh Government is therefore asked to provide further information in this regard and asked to explain why this information is not included in the Regulations.

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

Schedule 6 deals with the civil sanctions. The table in Part 2 provides for civil sanctions to be imposed in relation to regulation 27(1) or (6), which relates to the (requirement to provide or display, or provide for display, the Scheme information. However, although regulation 28(1) is included in relation to the requirement to provide or display, or provide for display, the RLVP information, regulation 28(6) is not, which makes the equivalent provision to regulation 27(6). The Welsh Government is asked to confirm why regulation 27(6) is included in the Table of Civil Sanctions but not regulation 28(6).

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

Paragraph 8 of Schedule 6 provides for the power to impose a variable money penalty (VMP). Paragraph 8(1) states that where the civil sanctions table indicates that a VMP is available for an act or contravention of a requirement listed in column 1 of the table, an enforcement authority may, by notice, impose a VMP on a person. in relation to that act or contravention. Paragraph 8(3) begins with “Before serving a notice relating to a VMP for failure to comply with a compliance notice or enforcement undertaking...” The civil sanctions table does not appear to make provision for a VMP to be imposed due to a failure to comply with a compliance notice or enforcement undertaking, so the Welsh Government is asked to explain the basis for any VMP in this regard.

Merits Scrutiny

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

16. 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 to the Regulations states:

Continuing the collaborative engagement with the UK Government and other Devolved Governments and in line with the outcome of the UK Government’s review of UKIMA, the Welsh Government has proposed a UKIMA exclusion for the inclusion of glass and reuse in the Welsh DRS, through the Common Frameworks process.



The Explanatory Memorandum does not provide any further information regarding the current status of the Welsh Government's request but it is noted that the [Written Statement issued by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs on 12 February 2026](#) confirms that the other Governments in the UK have agreed to the exclusion being brought forward. A [UK Government policy paper published on 25 February 2026](#) also notes:

The UK government has therefore offered an exclusion for single-use glass bottles in Wales, which will be implemented in legislation at the earliest opportunity. This exclusion is subject to the Welsh Government committing to all of these points:

- *commencing its DRS for plastic and metal drinks containers as planned on 1 October 2027*
- *ensuring that its DRS for plastic and metal drinks containers meets key criteria for integrating with a UK-wide scheme (this includes ensuring that schemes have a single registration and reporting system, processes for reciprocal takeback of material – for example, material can be returned in any nation, consistent logos and the same deposit level)*
- *extending its proposed transitional period for single use glass (where a 0p deposit applies and no labelling requirements or targets apply) to October 2031 – this will provide industry with additional lead-in time to prepare for the introduction of glass in the Welsh DRS*

The UK government has also agreed to a proposal from the Welsh Government to establish a joint taskforce on implementation under the Resources and Waste Common Framework, including the devolved governments and the relevant deposit management organisations, in order to oversee interoperability and support the smooth implementation of DRS across the UK.

It would assist the Committee if the Welsh Government could provide a clear, detailed and comprehensive update on the position regarding the exclusion process and the timescales for the progression and completion of the process.

17. 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 Committee notes that the Regulations do not make detailed provisions regarding reuse. The Explanatory Memorandum notes that this has been the subject of recent public consultation and amendment will therefore be required to the Regulations in the next Senedd, to include detailed provisions relating to reuse and reusable containers in the scheme. The Welsh Government is asked to explain why it felt it necessary to address reuse in the Regulations at this stage, when it is not yet in a position to provide the applicable details.



18. 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 to the Regulations sets out the details of various formal and informal consultation exercises that have been carried out in relation to the Regulations. The Committee notes that links are provided for information relating to the consultations carried out in 2019 and 2021, but since then links to information regarding the results for any further consultations are not provided. The Welsh Government is asked to provide links or further details as to where information regarding the results of the 2025 consultation noted in the Explanatory Memorandum, and any other consultation exercises, regarding any aspect of the Regulations can be found.

19. 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 (“RIA”) for the Regulations appears to be based upon an initial impact assessment that was undertaken for Wales, England and Northern Ireland in 2021. The Welsh Government is asked to confirm:

- a) whether the RIA is, in fact, based upon the assessment undertaken in 2021 and, if so, why a more recent assessment has not been carried out; and
- b) why it was considered appropriate to use an impact assessment for the three nations, rather than an assessment that is specific to Wales, particularly given the proposed differences between the Welsh scheme and the scheme in England and Northern Ireland.

20. 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 are related to other regulations. The Explanatory Memorandum to the Regulations states:

These Regulations make provision for the DRS in Wales and will sit in parallel with the schemes developed by the other UK nations’ governments. Whilst the scheme has been developed to deliver in a Welsh context against Wales’ baseline recycling rate, including glass within its scope, the aim is for an aligned 1 October 2027 launch date to support interoperability across the UK.

The Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024, which have been developed on a UK-wide basis, place obligations on producers of packaging. Such obligations however do not apply in respect of drinks containers within the scope of DRS. Whilst glass drinks containers are currently in scope of Extended Producer Responsibility (EPR) for packaging, this will only apply until the point at which a DRS is operational in Wales. Products will therefore be obligated under either the DRS or EPR for packaging, but not both. However, if DRS is not operational by January 2028, then containers will fall within the scope of the Producer



Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 by default.

Consequential to the 2026 Regulations further legislation is proposed in respect of permitted development rights for reverse vending machines.

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

Regulation 94(1) requires any penalty payment that Natural Resources Wales receives under Part 9 of the Regulations to be paid into the Welsh Consolidated Fund.

Welsh Government response

A Welsh Government response is required for points 1-19 inclusive.

Legal Advisers

Legislation, Justice and Constitution Committee

3 March 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Legislation, Justice and Constitution Committee



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Deposit Return Scheme for Drinks Containers (Wales) Regulations 2026**

DATE **12 February 2026**

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

Today, the [Deposit Return Scheme \(DRS\) for Drinks Containers \(Wales\) Regulations 2026](#) have been laid. This scheme enables the return of drinks containers for recycling and reuse, and so it will build on our world-class recycling performance, tackle litter in our communities and help us reduce waste even further. This is a major milestone on our journey towards ending throwaway culture and creating a more circular economy and delivers on our commitment in *Beyond Recycling* and *Net Zero Wales*.

We have always been clear that we need to progress a scheme which meets Wales' needs and delivers improvement against our high recycling rates, whilst managing interoperability across the UK. In practice, this means a scheme that includes glass bottles in Wales, even though the previous UK Government chose to diverge from that previously collectively agreed scope. That difference in scope has meant the need for an exclusion from the UK Internal Market Act. Through partnership working with the other Governments in the UK, I am pleased to be able to confirm their agreement to that exclusion being brought forward.

This means that the scheme in Wales will encompass PET plastic bottles, aluminium and steel cans, and glass bottles drinks single use containers from day one. It will also commence a clear pathway towards the roll out of reuse, supported by the pilots which industry are committed to delivering and meaning that Wales' scheme will reflect international best practice and continue to lead the way within the UK.

As previously set out, in order to meet industry's request for the aligned launch of DRS across the UK in October 2027, we have accelerated the development of the regulations which are laid today to establish the scheme. This means that the main content of the recent public consultation, particularly in relation to setting out onward

targets for reuse, will therefore need to be brought forward in subsequent regulations. Discussions on the UKIMA exclusion for these elements have already commenced.

To support the smooth delivery of the schemes across the UK, I have proposed to the UK, Northern Ireland and Scottish Governments the establishment of an implementation taskforce to oversee interoperability, working in partnership with the appointed industry-led Deposit Management Organisations. We will also continue our close partnership working with industry, Local Authorities and wider stakeholders to ensure the scheme will deliver clear benefit to Wales.

The Regulations which will now be considered by the Senedd, set the overall framework for DRS, enable the appointment of a Deposit Management Organisation, and define the scheme's purpose and scope. From 1 October 2027, the scheme will cover PET plastic bottles, aluminium and steel cans, and glass bottles (150 ml to 3 L). Following the earlier engagement with industry, whilst glass drinks containers will be part of the scheme and collected from the outset, there will be a transition period during which glass drinks containers will be exempt from labelling and carry a zero-pence deposit. This will last for four years, providing a substantial period which gives industry time to adapt to the requirements which will then apply to glass drinks containers in parallel with the phasing in of reuse. The scheme will also allow people in Wales to donate their deposit refunds to charity, supporting wider social and community benefits.

Subject to Senedd approval, the regulations will enable a DRS to be brought forward in Wales from 1 October 2027. This represents another milestone in the development of our scheme, which will enable Wales to keep leading the way in the UK and the world in building a circular economy that delivers for our economy, our communities and our environment.

Huw Irranca-Davies MS

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

2 March 2026

Dear Huw,

The Deposit Scheme for Drinks Containers (Wales) Regulations 2026

During the Committee's 25 February meeting, we considered [correspondence](#) from the Wine and Spirit Association (WSTA) and British Glass on [The Deposit Scheme for Drinks Containers \(Wales\) Regulations 2026](#) (the draft Regulations).

We understand that the draft Regulations will be scheduled for debate in late March. Given the Committee's current work commitments, we are not in a position to consider the draft Regulations in any meaningful way to report on them ahead of the debate. However, the Committee agreed that I should write to you setting out our high-level position on the draft Regulations and requesting a response on matters raised in correspondence that are relevant to our remit. A list of questions is included in an Annex.

The Committee has been a strong advocate for the introduction of a Deposit Return Scheme (DRS) in Wales. We have expressed frustration at the continued delay to a DRS, emphasising the need for the Welsh Government to introduce the scheme at the earliest opportunity. The draft Regulations are, therefore, a welcome step forward.

We are pleased the draft Regulations provide for the scheme to commence from 1 October 2027, ensuring alignment with the rest of the UK, and deliver on the Welsh Government's long-standing commitment to include glass drinks containers.

We note the purpose of the four-year transition period for glass drink containers is to provide industry with sufficient time to adapt to the scheme's requirements. We consider this a pragmatic approach to avoid further delay to the scheme's introduction. Notwithstanding this, we acknowledge that concerns remain within industry about the scheme's scope. We emphasise the importance of

continued engagement with industry and other delivery partners to ensure a smooth and effective transition.

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

I should be grateful to receive a response as soon as possible and preferably by 16 March 2026.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Llyr', with a stylized flourish underneath.

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

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

Annex: Questions on impact of inclusion of glass drink containers

1. How do you respond to WSTA's assertion that "Introducing a glass-in DRS could additionally undermine environmental aims by increasing vehicular emissions and incentivising a shift from sustainable glass to less recyclable packaging formats"?
2. How do you respond to British Glass' assertion that the inclusion of glass drink containers could lead to:
 - i. "Sourcing 'cheaper' glass beverage packaging imports that can absorb policy costs, reducing recycled content of the products, increasing their carbon footprint of those products, and displacing UK supply chains."
 - ii. "Switching of products into plastic or other materials, many of which negatively impact on human health, the environment, and are less recyclable than glass."
3. According to British Glass, the draft Regulations "leave many unanswered but critical questions" (set out below). It would be helpful if you could respond to each in turn.
 - iii. "Will Producers face costs for DRS glass collection during the 0p deposit period?"
 - iv. "If glass is to exempt [sic] from packaging Extended Producer Responsibility under DRS from October 2027, why are Producers still paying pEPR fees now, unlike other metal and plastic beverage packaging in all UK nations that are exempt from pEPR fees?"
 - v. "How will the system interact with existing kerbside collection? Will the Deposit Management Organisation (DMO) have to reimburse Local Authorities for collecting glass beverage packaging from the kerbside, and if so, how will this be calculated to ensure that glass producers do not continue to pay for both collection systems?"
 - vi. "Given the 0p deposit, an 80% return target for glass beverage packaging by 2030 is very high, will Producers face a fine if this is not met?"

The Deposit Return Scheme for Drinks Containers (Wales) Regulations 2026: Submission to the Legislation, Justice and Constitution Committee

Author: Wine and Spirit Trade Association (March 2026)

Introduction:

The WSTA supports the introduction of a DRS for PET Plastic, steel and aluminium containers from October 2027, alongside removing glass from scope in Wales. This will ensure UK-wide, interoperability of schemes, prevent barriers to trade (such as unique labels for Wales), whilst ensuring that Wales can continue to deliver world-leading recycling rates for glass via kerbside collection.

Removing glass from Wales would prevent mass market withdrawal (initial estimates suggest over 90% of our industry's SKUs will be removed from sale in Wales) and ensure that environmental outcomes are protected (the current kerbside glass collection rate is over 90%, whilst targets set in these draft regulations are 80% by 2030).

Standing Orders:

The WSTA encourages the Committee to report on, and draw special attention to this instrument under [Standing Orders 21.2 and 21.3](#):

21.2 (v): *'that for any particular reason its form or meaning needs further explanation'*

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'*

Rationale:

The WSTA believes that the instrument should be drawn to special attention for numerous reasons within the Committee's remit. Most significantly:

- **There is no guarantee, or agreed methodology, for the UK or Welsh Government's to meet the terms of the transition period for glass 2027-2031 (no labelling requirements). This was a condition of the UK Internal Market exclusion for the scheme**
- **The Explanatory Memorandum and Regulatory Impact Assessment do not accurately reflect implementation of a DRS in Wales, nor impacts on business, or likely environmental benefits.**

Additional Resources:

[WSTA Analysis of the Explanatory Memorandum and Regulatory Impact Assessment](#)

[WSTA Briefing on International Deposit Return Schemes](#)

[WSTA Submission to the Climate Change, Environment and Infrastructure Committee on the Deposit Return Scheme for Drinks Containers \(Wales Regulations\) 2026](#)

Detail:

Transition Period 2027-2031:

These regulations contain a transition period (2027-2031), whereby glass containers in scope of DRS will be zero-rated (do not pay a deposit), and do not require associated labelling (such as a DRS scheme logo and barcode for Reverse Vending Machines). [The UK Internal Market exclusion](#) for the scheme states:

'This exclusion is subject to the Welsh Government committing to all of these points... extending its proposed transitional period for single use glass (where a 0p deposit applies and no labelling requirements or targets apply) to October 2031 – this will provide industry with additional lead-in time to prepare for the introduction of glass in the Welsh DRS'

However, in lieu of further guidance from either Welsh Government or UK Government at this stage, it is our interpretation that unique identification of products sold in Wales will be required from day one of the scheme in October 2027. **This is because products will need to be differentiated from identical glass containers/products in scope of Extended Producer Responsibility (EPR) in the rest of the UK. This is an important anti-fraud measure, with the ongoing requirement for containers in scope of EPR to pay scheme fees. The Welsh Government acknowledge this in the Regulatory Impact Assessment for these regulations (contained within [Explanatory Memorandum](#)):**

'DRS drinks containers will be exempt from pEPR payments from the scheme launch in October 2027' (2.93)

'Many products will undergo relabelling before 2031 for commercial and legislative reasons outside of the DRS' (2.91)

The need for unique identification of products in Wales by October 2027 is a significant challenge to business. Aside costs and re-labelling cycles (typically 24-month intervals to re-design labels), introducing a unique labelling regime within the UK's Internal Market requires the ability to pinpoint the final POS (point-of-sale) or point of consumption of a product. This is not realistic, as many importers or producers sell to wholesalers and third-party distributors and do not have visibility of a product's full journey through the market and to the consumer. Businesses currently apply one label,

at the point of bottling, to cover most of the EU. Even if the financial burden, of unique labelling can be surpassed, it is highly unlikely produce, destined for the Welsh market, will be labelled at the point of production, and separated, along the entire supply chain, for such a small market.

Many businesses may choose to withdraw entirely from selling in Wales due to the complexity of identifying and applying unique labels. Initial estimates produced by the WSTA suggest that up to 97% of SKUs (stock-keeping units) in our industry could be withdrawn from sale in Wales if a DRS with glass in-scope is implemented.

Explanatory Memorandum (EM) and Regulatory Impact Assessment (RIA):

The WSTA has produced a full analysis of the Explanatory Memorandum (EM) and integrated Regulatory Impact Assessment (RIA). Below are some significant concerns:

Unique Identification: As outlined below, despite the condition of the UKIMA exclusion stating no labelling requirements before October 2031, the RIA states: *'Many products will undergo relabelling before 2031 for commercial and legislative reasons outside of the DRS' (2.91)*

QR Labelling: The RIA assumes 80% of containers within scope of DRS will have serialised QR codes by 2031. A minority of SKUs within WSTA membership and the wider industry currently apply QR codes, and we do not see this as a realistic target, especially given the number of low-volume SKU lines sold in the UK. The RIA also concedes that this 80% estimate is not evidence-based: *'No forecasts were found on the likely level of future adoption and so for the impact assessment it is assumed that 20 percent of glass DRS SKUs will not have added QR codes by October 2031' (2.79)*

Re-Labelling: When complying with labelling requirements under the regulations, businesses in our industry will have to re-label and separate stock year-on-year (for example, annual vintage varieties for wine). The RIA states that this will be a one-off cost: *'There will be a one-off cost to producers to re-design labels to incorporate a DRS logo and a barcode capable of being read by an RVM' (2.87)*. The re-labelling cost for glass is estimated at £2.1 million (2.91). The WSTA disputes this estimate, that is likely to be significantly higher, and a recurring (not singular) cost.

Local Authority Funding: There is no solution for funding local authority (LA) glass collections between 2027-2031 (the transition period). During the transition period glass containers will not pay a deposit and there will be no incentive for the consumer to return to retail or collection points. Therefore, whilst most glass will be collected at the kerbside until 2031, from day one of the scheme in October 2027, glass containers in scope of DRS in Wales will not pay Extended Producer Responsibility (EPR) fees – that are currently paid to Welsh LAs. The RIA states: *'In the DRS scenario, DRS drinks containers will be exempt from pEPR payments from the scheme launch in October 2027 and local authorities will not receive the pEPR payments relating to this material. This includes glass drinks containers during the transitional Op deposit period' (2.93)*. Additionally, even from 2031 when glass will be subject to a deposit and 'return to retail', other glass containers will still be collected at the kerbside (i.e. jam jars) increasing inefficiency.

Glass Reuse: Introduction of a glass re-use scheme in Wales was not permitted under the UKIMA exclusion: *'UK government has been unable to agree a UKIM Act exclusion for this part of the proposal. Any future exclusion request for reuse will be considered by the UK government and devolved governments'*. Despite this, reuse is covered extensively in the regulations and the RIA, including setting targets. [Part 3 of the draft regulations](#) state that *'These Regulations establish in Wales a deposit scheme in respect of containers in which drinks are supplied, for the purposes of— (a) sustaining, promoting and securing an increase in the reuse of refund items and recycling of materials'*. The draft regulations also require the DMO (Scheme Governance) to make arrangements for the reuse of deposit items (Clause 73). Within the draft regulations, targets are set for the % of returned containers being reusable by October 2031, and the RIA includes phased reuse targets from 2029-2035.

Other Procedural Concerns: UKIMA and Consultation Process:

The Welsh Government did not formally propose an exclusion request under the UK Internal Market Act until [27th November 2025](#). The UKIMA exclusion process therefore began after the Welsh Government's public consultation closed ([10th November 2025](#)), and over 2 months after the Welsh Government issued formal World Trade Organisation notification of their draft regulations ([17th September 2025](#)). Based on the draft regulations, the WSTA issued a notification to the Office for the Internal Market (the watchdog for the UK Internal Market Act) in early November 2025, outlining the necessity for an exclusion to UKIMA for the scheme in Wales. The Welsh Government announced their intention to include glass containers in a unique Deposit Return Scheme in Wales in November 2024, meaning that a UKIMA exclusion was not sought for over 12 months.

The UKIMA exclusion for the inclusion of single-use glass containers was the first agreed under the new UKIMA exclusions process, agreed as part of the 2025 review into the operation of the Act. Therefore, given this is an important 'test case' for the new process, it's important that Welsh Government sought evidence of the impact of introducing a glass-in DRS on the three evidence factors that are used for UKIMA exclusions since July 2025, namely: *'direct and indirect economic impact (including costs to businesses), environmental protection, and public health'* ([Reserve Exclusions Process – Part 18, p.33](#)). The Office for the Internal Market (OIM) is the independent watchdog for the UK internal market and operation of UKIMA, [with a remit](#) to *'support the effective operation of the UK's internal market, and provides expert and independent advice to the UK government and devolved governments'*. As the first exclusion agreed under the new UKIMA exclusions process, clarity is needed as to whether the Welsh Government requested independent advice from the Office for the Internal Market on the impacts of agreeing an exclusion for single-use glass in DRS. In the 2025 review of the UK Internal Market Act, UK Government stated: *'we will take steps to work with the devolved governments to ensure that the OIM's independent expertise is engaged and considered earlier and in a more structured and consistent way within policy*

discussions to inform better decision making' ([p.25](#)). The OIM has been monitoring the development of Deposit Return Schemes since 2024.

This raises numerous concerns:

- Has the UKIMA exclusions process (and scrutiny of the regulations in the Senedd) pursued at unnecessary pace? The formal UKIMA exclusions process was completed in just 10 weeks
- Was the design of the scheme subject to meaningful impact from public consultation? (WTO notification was issued 7 weeks before the public consultation period closed)
- Did Welsh Government request independent advice from the OIM on the impact of including glass in DRS?

WSTA Background:

The Wine and Spirit Trade Association (WSTA) represents c.350 businesses, covering the full route to market from the point of production/import to the point of retail. WSTA members include multi-national brands, importers, bulk bottlers/packers, logistics firms, warehouse, glass manufacturers, and retailers (including major supermarkets, BWS specialists, and DTC retailers). Over 60% of WSTA members are SMEs, and over 40% are micro-businesses. The vast majority of WSTA members are onward suppliers to both the on-and-off trade, often via indirect supply chains (such as wholesale).

In 2022, the UK wine and spirit industry contributed c.£76 billion in economic activity. The UK is a global hub for the trade – as the largest exporter of spirits and second largest importer of wine (by volume and value). In 2024, the UK exported the equivalent of 1.5 billion bottles of spirits (70cl) and imported the equivalent of 1.7 billion bottles of wine (75cl). The WSTA represents c.70% of all drinks industry glass placed on the UK market.

The WSTA and our members support the introduction of UK-wide Deposit Return Schemes for PET plastic and aluminium containers, and we have worked closely with DEFRA and the Devolved Administrations to deliver this. We believe that Wales's existing method of kerbside collection is the most effective for glass. This is highly successful (c.92% collection – [WRAP Cymru, 2023](#)), and at a relatively low cost to taxpayers. The WSTA and our members long advocated for glass to remain under the kerbside system, and to be included in EPR over DRS when delivering the 'polluter pays' environmental principle. Including glass in DRS is unlikely to improve on this collection rate – and includes additional environmental challenges (such as vehicular emissions in transporting glass, and reduced quality of glass collections).

SL(6)779 – The Welsh Tax Acts etc. (Power to Modify) Act 2022 (Extension of Expiry Date) Regulations 2026

Background and Purpose

Section 1(1) of the Welsh Tax Acts etc. (Power to Modify) Act 2022 (“the **2022 Act**”) provides that the Welsh Ministers may make regulations which modify certain enactments relating to devolved taxes for specific purposes set out in section 1(1)(a) to (d) of the 2022 Act, subject to certain conditions and restrictions.

The power under section 1 of the 2022 Act expires on 8 September 2027. However, section 7(2) of the 2022 Act provides that the Welsh Ministers may, by regulations, provide that the power may continue in force for a further period up to 30 April 2031. These Regulations provide for the power to continue in force until that date.

Procedure

Senedd approval procedure.

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

Technical Scrutiny

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

Merits Scrutiny

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

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

The Explanatory Memorandum to these Regulations, at paragraph 4.1, notes that:

“The aim of the Regulations.... is to ensure that regulation making power in section 1 of the 2022 Act is available to be used by the Welsh Ministers until 30 April 2031. This will provide time when the section 1 power in the 2022 Act will remain available to the future Welsh Governments and Senedd to establish what approach they wish to take to make changes to the Welsh Tax Acts. The Welsh Ministers review¹ of the purpose and effect of the 2022 Act and the potential alternative legislative mechanism is a first step.

¹ [Welsh Ministers’ Review of the Welsh Tax Acts etc. \(Power to Modify\) Act 2022](#) (13 February 2026)



The extension to the expiry date of the regulation making power in section 1 of the 2022 Act will mean that the next Welsh Government will therefore be able to quickly and flexibly make changes if the need should arise."

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

4 March 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Legislation, Justice and Constitution Committee



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE	The Welsh Tax Acts etc. (Power to Modify) Act 2022 (Extension of Expiry Date) Regulations 2026
DATE	24 February 2026
BY	Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language

I am pleased to announce that today I have laid [draft Regulations](#) to extend the expiry date of the power provided to Welsh Ministers by section 1 of the Welsh Tax Acts etc. (Power to Modify) Act 2022 (the “2022 Act”) from the current expiry date of 8 September 2027 to a new expiry date of 30 April 2031. To see the Explanatory Memorandum to The Welsh Tax Acts etc. (Power to Modify) Act 2022 (Extension of Expiry Date) Regulations 2026 [here](#).

This Written Statement follows that published on [13 February 2026](#). The earlier Written Statement accompanied the publication of the summary of responses on views on the appropriate mechanisms for making changes to the Welsh Tax Acts consultation and the Welsh Ministers review of the Welsh Tax Acts etc. (Power to Modify) Act 2022. The consultation undertaken with the public and Senedd Cymru contributed to the review, which must be published prior to regulations to extend the expiry date being laid.

The Regulations ensure that by retaining this regulation making power for this longer period, the next Welsh Government will continue to have the ability to quickly and flexibly make changes using the regulation making power in section 1 of the 2022 Act if the need arises. The next Welsh Government and Senedd will then also have time over the next Senedd term to establish what future mechanisms they wish to introduce to make changes to the Welsh Tax Acts, whilst maintaining the protection provided by the power in the 2022 Act.

I look forward to the debate on the Regulations on 17 March 2026.

Agenda Item 2.6

SL(6)775 - The Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026

Background and Purpose

This Order appoints 18 February 2026 as the day on which the Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025 (“the **Code**”) comes into force.

Procedure

No procedure.

Technical Scrutiny

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

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

Although this Order is not subject to a Senedd procedure, the Code follows the procedure set out in Schedule 8 to the Political Parties, Elections and Referendums Act 2000 (the “**2000 Act**”). The Order confirms that a draft of the Code was laid before the Senedd on 15 December 2025, in accordance with paragraph 3(4) of Schedule 8 to the 2000 Act.

Pursuant to paragraphs 3(6) and 3(9) of Schedule 8 if, within a period of 40 days (excluding periods of dissolution or recess for more than four days) beginning with the date of laying, the Senedd resolves not to approve the draft Code, the Welsh Ministers must not issue it.

Paragraph 3(7) of Schedule 8 provides, amongst other things, that if no such resolution is made by the Senedd within the 40-day period, the Welsh Ministers must issue the Code, which comes into force on the date appointed by the Welsh Ministers by order.

This Order was made on 12 February 2026, which appears to fall on day 39 of the 40-day period.

The preamble to the Order includes the following statements:

*“No resolution of the kind mentioned in paragraph 3(6) of Schedule 8 to the 2000 Act **was made** by Senedd Cymru within **40 days** of the draft Code...being laid...*

*...The Code...**was issued**, in the form of the draft laid before the Senedd, by the Welsh Ministers under paragraph 3(7)(a) of Schedule 8 to the 2000 Act...” [emphasis added].*



The Welsh Government is therefore asked to clarify:

1. the reason for making this Order during (and not after the expiry of) the 40-day period prescribed in paragraph 3 of Schedule 8 to the 2000 Act;
2. the date on which the Welsh Ministers issued the Code in accordance with paragraph 3(7)(a) of Schedule 8 to the 2000 Act; and, accordingly,
3. whether the Welsh Ministers are satisfied that the requirements of the 2000 Act have been complied with in the making of the Code.

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

3 March 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

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Agenda Item 2.7

SL(6)776 – The Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026

Background and Purpose

This Order appoints 18 February 2026 as the day on which the Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 (“the **Code**”) comes into force.

Procedure

No procedure.

Technical Scrutiny

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

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

Although this Order is not subject to a Senedd procedure, the Code follows the procedure set out in section 100C of the Political Parties, Elections and Referendums Act 2000 (the “**2000 Act**”). The Order confirms that a draft of the Code was laid before the Senedd on 15 December 2025, in accordance with section 100C(4) and (5) of the 2000 Act.

Pursuant to subsections (6) and (10) of section 100C if, within a period of 40 days (excluding periods of dissolution or recess for more than four days) beginning with the date of laying, the Senedd resolves not to approve the draft Code, the Welsh Ministers must not issue it.

Subsection (8) of section 100C provides, amongst other things, that if no such resolution is made by the Senedd within the 40 day period, the Welsh Ministers must issue the Code, which comes into force on the date appointed by the Welsh Ministers by order.

This Order was made on 12 February 2026, which appears to fall on day 39 of the 40 day period.

The preamble to the Order includes the following statements:

*“No resolution of the kind mentioned in section 100C(6) of the 2000 Act **was made** by Senedd Cymru within **40 days** of the draft Code...being laid...*

*...The Code...**was issued**, in the form of the draft laid before the Senedd, by the Welsh Ministers under section 100C(8)(a) of the 2000 Act...” [emphasis added].*



The Welsh Government is therefore asked to clarify:

1. the reason for making this Order during (and not after the expiry of) the 40-day period prescribed in section 100C of the 2000 Act;
2. the date on which the Welsh Ministers issued the Code in accordance with section 100C(8)(a) of the 2000 Act; and, accordingly,
3. whether the Welsh Ministers are satisfied that the requirements of the 2000 Act have been complied with in the making of the Code.

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

3 March 2026



Agenda Item 2.8

SL(6)777 – The Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026

Background and Purpose

This Order is made by the Welsh Ministers, in exercise of the powers conferred by paragraph 20(7)(b) of Schedule 7 to the Senedd Cymru (Representation of the People) Order 2025 (“the 2025 Order”).

This Order appoints 18 February 2026 as the day on which the Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025 (“Code of Practice”) comes into force.

Procedure

No procedure.

Technical Scrutiny

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

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

Although this Order is not subject to a Senedd procedure, the Code of Practice follows the procedure set out in paragraph 20 of Schedule 7 to the Schedule 7 to the 2025 Order. The Order confirms that a draft of the Code of Practice was laid before the Senedd on 15 December 2025, in accordance with paragraph 20(4) of Schedule 7 to the 2025 Order.

Pursuant to paragraph 20(6) of Schedule 7 to the 2025 Order, if, within a period of 40 days (excluding periods of dissolution or recess for more than four days) beginning with the date of laying, the Senedd resolves not to approve the draft Code of Practice, the Welsh Ministers must take no further steps in relation to it.

Paragraph 20(7) of Schedule 7 to the 2025 Order provides, amongst other things, that if no such resolution is made by the Senedd within the 40 day period, the Welsh Ministers must issue the Code of Practice, which comes into force on the date appointed by the Welsh Ministers by order.

This Order was made on 12 February 2026, which appears to fall on day 39 of the 40 day period.

The preamble to the Order includes the following statements:



*“No resolution of the kind mentioned in paragraph 20(6) of Schedule 7 to the 2025 Order **was made** by Senedd Cymru within **40 days** of the draft Code of Practice being laid...*

*...The Code of Practice **was issued**, in the form of the draft laid before the Senedd, by the Welsh Ministers under paragraph 20(7)(a) of Schedule 7 to the 2025 Order...”*
[emphasis added].

The Welsh Government is therefore asked to clarify:

1. the reason for making this Order during (and not after the expiry of) the 40-day period prescribed in paragraph 20(6) of Schedule 7 to 2025 Order;
2. the date on which the Welsh Ministers issued the Code of Practice in accordance with paragraph 20 of Schedule 7 to the 2025 Order; and, accordingly,
3. whether the Welsh Ministers are satisfied that the requirements of the 2025 Order have been complied with in the making of the Code of Practice.

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

3 March 2026



Agenda Item 3.1

SL(6)771 – Strategic Priorities and Objectives **Statement to Ofwat issued under section 2B of the** **Water Industry Act 1991**

Background and Purpose

The Water Industry Act 1991 (“the 1991 Act”) enables the Welsh Government to publish a statement setting out strategic priorities and objectives (SPS) for Ofwat in carrying out its regulatory functions relating wholly or mainly to Wales. Ofwat is the independent economic regulator for the water industry in England and Wales. This SPS sets out the Welsh Ministers expectations for Ofwat to engage proactively and transparently with Welsh stakeholders and to develop a regulatory approach best able meet the specific requirements of Wales.

Key stakeholders were consulted between November 2025 and January 2026 in accordance with section 2B of the 1991 Act. The Explanatory Memorandum provides that consultees were generally supportive of the draft SPS.

Procedure

Other procedure.

The Welsh Ministers have laid a draft of the Statement before the Senedd. If, within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the draft being laid, the Senedd resolves not to approve the draft Statement then the Welsh Ministers must not issue the Statement.

If no such resolution is made, the Welsh Ministers must issue the Statement (in the form of the draft).

Scrutiny under Standing Order 21.7

1. The first paragraph of the Statement provides that the Statement reflects the Welsh Government’s *“policy intent outlined in the the Green Paper Reforming Water Governance for Wales”*. The Green Paper referred to does not exist, however a Green Paper titled *“Shaping the Future of Water Governance in Wales”* was published on 3 February 2026. It would be clearer if this introductory paragraph of the Statement referred to the correct Green Paper.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

3 March 2026



Agenda Item 4.1

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-dace 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.

Committee Consideration

The Committee considered the instrument at its meeting on 23 February 2026 and reports to the Senedd in line with the reporting points above.



Government Response: The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2026

Technical Scrutiny point 1: The Welsh Government has noted this and confirms that the application should be the same as that found in the 2023 Regulations. The Welsh Government further acknowledges that application provisions are not usually included in an amending instrument.

Nevertheless, the Welsh Government does not consider the difference materially affects the operation of the provision as the scope of the application is clear in the 2023 Regulations.

Technical Scrutiny point 2: The Welsh Government has noted this. However, do not consider the difference materially affects the operation of the provision as it is clear what the amendment is referring to, and what is meant by “sub-paragraph (d)”.

Technical Scrutiny point 3: The Welsh Government confirms that in the new paragraph 7A that is inserted in Schedule 2, the reference to “the patient’s personal health record”, is to have the same meaning applied to, “a patient’s record”, as defined by paragraph 8 of Schedule 2.

The Welsh Government does not consider the difference materially affects the operation of the provision. However, notes this can be considered for amendment when the Regulations are next amended. This is presently anticipated to occur in 2026, once work on how some of the outcomes from the recent negotiations with the profession are to be implemented has been completed.

Technical Scrutiny point 4: The Welsh Government has noted this. However, do not consider the difference materially affects the operation of the provision as it is clear what the amendment is referring to, and what is meant by “sub-paragraph (a) and paragraph 2”.

Technical Scrutiny point 5: The Welsh Government confirms that the intention is that this provision is a legal obligation, to ensure a Local Health Board must determine and assess whether a formal face to face review is necessary.

The Welsh Government has noted this and confirms that this can be considered for amendment when the Regulations are next amended. This is presently anticipated to occur in 2026, once work on how some of the outcomes from the recent negotiations with the profession are to be implemented has been completed.

Agenda Item 4.2

SL(6)752 – The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2026

Background and Purpose

These Regulations amend the Care and Support (Charging) (Wales) Regulations 2015 (“the Charging Regulations”) and the Care and Support (Financial Assessment) (Wales) Regulations 2015 (“the Financial Assessment Regulations”).

The Charging Regulations set out the requirements which local authorities must follow when making a determination of the amount of the charges which apply in relation to the care and support which they are providing or arranging or propose to provide or arrange in the course of carrying out their functions under Part 4 of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”). The Charging Regulations also contain parallel provisions setting out requirements which apply when a local authority makes direct payments to meet a person’s need for care and support.

The Financial Assessment Regulations make provision under the 2014 Act about the way in which a local authority must carry out a financial assessment of a person’s (“A”) financial resources in the following cases—

- where the authority thinks that if it were to meet A’s needs for care and support (or a carer’s needs for support) it would impose a charge under section 59 of the 2014 Act, or
- where the authority thinks that if it were to make payments towards meeting the costs of A’s needs for care and support (or a carer’s needs for support) by making direct payments by virtue of section 50 or 52 of the 2014 Act, it would require A to pay, by way of reimbursement (in the case of gross payments) or contribution (in the case of net payments), towards the cost of securing the provision of that care and support.

Regulation 2 of these Regulations amends regulation 13 of the Charging Regulations (minimum income amount where a person is provided with accommodation in a care home) to increase the net weekly income amount from £44.65 to £46.35. Regulation 28 is also amended to make a corresponding amendment for recipients of direct payments.

Regulation 3 of these Regulations amends Schedules 1 and 2 to the Financial Assessment Regulations so that any payments received as compensation for miscarriages of justice arising from criminal proceedings are disregarded in the calculation of income and capital.



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

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

Included in the list of enabling powers in the preamble to the Regulations are sections 50(1), 52(1), 61(1) and 66(3) of the 2014 Act.

Previous amending regulations, for example the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025, included sections 50, 52, 61 and 66 in the list of enabling powers and did not refer to specific subsections of these particular sections. Can the Welsh Government set out the reasons for the change in approach?

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

The preamble to the Regulations sets out the 2014 Act enabling powers relied upon by the Welsh Ministers. It is unclear why section 64(2)(b) is included specifically, but not 64(2)(a). Section 64(2)(b) requires that regulations dealing with financial assessments must make provision for assessing capital, and section 64(2)(a) for assessing income. We query whether Section 64(2)(a) should also be included, as these Regulations amend Schedule 1 to the Financial Assessment Regulations (sums to be disregarded in the calculation of income).

Merits Scrutiny

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

3. Standing Order 21.3(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 set out in the Explanatory Memorandum:

Consultation on amending the Charging Regulations is not required. A consultation on the principle of the changes being made by the amending



regulations to the Charging Regulations was originally held between 21 December 2016 and 25 January 2017. Changes do not reflect a change in Welsh Government policy but instead act to update regulations to keep pace with the uplifts applied to state pension and benefits. As such consultation on an annual basis is not undertaken.

Consultation on amending the Financial Assessment Regulations is not required. Amendments in relation to the new disregards arising from changes in UK Government policy in non-devolved areas could affect a small number of individuals and does not reflect a change in Welsh Government policy. Changes to the regulations are merely a technical adjustment to ensure the regulations accurately reflect the financial support schemes identified above to ensure any awards made to individuals are protected from care and support charging.

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.

We note the following paragraphs in the Regulatory Impact Assessment:

Option 2 – make the amending regulations

7.2.7. This option would make the amending regulations to increase the MIA [Minimum Income Amount] from its current level of £44.65 to £46.35 per week. This would allow local authority supported residents to retain an inflationary uplift of 3.8% to spend on personal items as they wish.

Option 2 – make the amending regulations - Costs

7.2.8. This option results in local authorities receiving a smaller increase in charge income, than if the regulations were not made, of around an estimated £5.7 million per annum through contributions from the estimated 16,144 residents over state pension age alone. This would be due to the increased income residents would have resulting from the uplifts in state pensions. Residents would retain a proportion (collectively estimated at £1.4 million per annum) of this uplift to spend on personal items as they wish. There are no implementation costs to Welsh Government for making the outlined amendments.

Welsh Government response

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

Committee Consideration

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



Government Response: *The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2026*

Technical Scrutiny point 1: The Welsh Government acknowledges that the enabling powers listed in previous amending instruments did not reference the specific subsections; however, the view was taken that making reference to the specific subsections would better assist the reader.

Technical Scrutiny point 2: The Welsh Government acknowledges that the omission of the reference to section 64(2)(a) is an inaccuracy. However, it does not, in our view, affect the validity of the provision which relates to treatment of income in a financial assessment.

The power in section 64(1) is cited as an enabling power in addition to section 64(2)(b). Section 64(1) is an overarching duty to “make provision for and in connection with carrying out financial assessments”. Section 64(2) sets out more particular elements which must be included in regulations made under the overarching duty. Despite the admitted defect in the draft, because section 64(1) is cited, we do not consider that the effect of the omission is to call into question the vires for the provision in regulation 3(a).

Additionally, given that the effect of regulation 3(a) is clearly to make provision regarding the calculation of income in relation to financial assessments, the statutory intention is obvious.

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 5.1


Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0057/26

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

27 February 2026

Dear Mike,

The Sea Fisheries (Amendment) Regulations 2026

I refer to my letter to you of 22 January 2026. I wish to inform the Committee I have given my consent to the Secretary of State to make the Sea Fisheries (Amendment) Regulations 2026 (“the Regulations”). I have laid a Written Statement which can be found [here](#).

The Regulations intersect with devolved policy and apply to Wales (they also apply to England, Scotland and Northern Ireland). The Regulations are subject to the negative procedure and were laid before Parliament on 6 February 2026 with a commencement date of 27 February 2026.

Although the Welsh Government’s general principle is that statutory instruments relating to devolved matters should be made by the Welsh Ministers, on this occasion it was considered appropriate for the Regulations to be made by the Secretary of State for the reasons outlined in my letter of 22 January.

Yours sincerely,



Huw Irranca Davies AS/MS

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

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

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



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Inter-Ministerial Standing Committee – 17 February 2026**

DATE **2 March 2026**

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

I represented the Welsh Government at the Inter-Ministerial Standing Committee (IMSC) held on 17 February 2026.

The meeting was chaired by The Rt Hon Darren Jones MP, Chief Secretary to the Prime Minister, Chancellor of the Duchy of Lancaster, and Minister for Intergovernmental Relations. A joint communique containing full details of other attendees will be published in due course [here](#). Items discussed included election security and the Covid-19 Inquiry Module 2.

I welcomed the collaborative approach to election security, including the extension of Operation Ford protections to all Senedd Members and candidates. Noting our involvement in the Defending Democracy Taskforce, which the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip will be attending in March, I also referred to the alignment of our resilience structures with UK arrangements.

Our close work with the Electoral Commission, policing partners and the Electoral Management Board for Wales ahead of the May elections was also emphasised. I welcomed the Philip Rycroft review into foreign interference and the publication of the Representation of the People Bill on 12 February, including the proposed provisions to address foreign interference and the abuse of candidates and electoral staff. I advised that work is underway on the Bill's application to Wales and the associated legislative consent requirements and emphasised the importance of the UK Government remaining mindful of the timing of Senedd dissolution.

On the Covid-19 Inquiry Module 2, I noted that the Welsh Government intends to publish its response on 16 March, ahead of the Senedd elections. Addressing the intergovernmental relations recommendations, I outlined that our aim is to secure effective four nation collaboration while fully respecting the devolution settlements. This requires decision-making structures that support proper discussion and consensus where appropriate, while ensuring that decisions on devolved matters remain with devolved governments.

Due to time constraints, the legislative consent and development of a Memorandum of Understanding on the Sewel Convention agenda item was not covered during the meeting. I have therefore subsequently written to the UK Government to set out the Welsh Government's established position, namely that statutory underpinning and strengthening of the Convention would offer critical safeguards for devolution. In doing so, I noted that the UK Government's manifesto commitment to strengthening the Sewel Convention through a Memorandum of Understanding could represent a constructive step in the right direction.

In my correspondence, I have sought assurances on the UK Government's approach to the forthcoming King's Speech, in particular to ensure that the timing of the Senedd election and the preceding period of recess and dissolution is taken into account. This includes ensuring that the Sewel Convention is respected as the current UK legislative programme is completed, and the importance of careful planning and early information-sharing to enable appropriate engagement before and after the King's Speech.

The next meeting of the Inter-Ministerial Standing Committee is expected to be in summer 2026 and will be chaired by the Northern Ireland Executive.

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

Our ref: HID PO 113 26

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

SeneddLJC@senedd.wales

2 March 2026

Dear Mike,

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

Further to my letter notifying you that the original meeting scheduled for 5 February had been postponed and that I would write again once a new date had been agreed, I was unable to provide further pre-notification as the revised meeting date was agreed at short notice.

This letter has been copied to the Chairs of the following Committees: Finance; Economy, Trade and Rural Affairs; Culture, Communications, Welsh Language, Sport, and International Relations; Health and Social Care; and Equality and Social Justice.

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.

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

Our ref: MA/HIDCC/0424/26

Mike Hedges MS
Chair, Legislation, Justice and
Constitution Committee
SeneddLJCC@senedd.wales

2 March 2026

Dear Mike,

The Prohibition of Greyhound Racing (Wales) Bill: Revised Explanatory Memorandum

Following the completion of the Stage 2 proceedings in respect of the Prohibition of Greyhound Racing (Wales) Bill, and in line with Standing Order 26.28, a revised Explanatory Memorandum has been laid. This takes into account the amendment made to the Bill at Stage 2, to reflect amended provisions. Updates have been made to Chapter 5 to reflect the position on powers for making subordinate legislation, and to Annex 1 to ensure the Explanatory Notes reflect the Bill as amended.

On 5 January, I wrote to set out my initial response to the Committee's recommendations in the Stage 1 report. Since the Bill's introduction, we have received additional information to support our assessments of the impacts. This information has been reflected in the Regulatory Impact Assessment within the Explanatory Memorandum.

I would like to take the opportunity to again thank the Legislation, Justice and Constitution Committee for its scrutiny of the Bill.

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.

Mark Bird

Chief Executive Officer

Greyhound Board of Great Britain

By e-mail: wales@gbgb.org.uk

Date: 4 March 2026

Dear Mr Bird,

Prohibition of Greyhound Racing (Wales) Bill

Thank you for your correspondence regarding the Prohibition of Greyhound Racing (Wales) Bill.

As Llywydd, my role is to chair Senedd proceedings and ensure that Bills are considered in accordance with the Standing Orders. I am satisfied that these have been followed. It would not be appropriate for me to comment on the merits of a Bill or to engage in assessments of the scrutiny that has been undertaken by the Senedd.

I note your comments regarding the development of the Bill, the absence of an independent economic impact assessment, and the publication of anticipated plans of work and reports by the Greyhound Racing Ban Implementation Group. These matters relate to the Welsh Government's responsibilities and would be more appropriately raised directly with them.

I also note that you copied your correspondence to the Legislation, Justice and Constitution Committee and the Culture, Communications, Welsh Language, Sport and International Relations Committee, both of which have considered the Bill. I am copying this reply to the Committee Chairs for their information.

Yours sincerely,

A handwritten signature in blue ink that reads "Elin Jones". The signature is written in a cursive style.

The Rt. Hon Elin Jones MS/AS

Llywydd

Copy: Chairs of the Legislation, Justice and Constitution Committee &
Culture, Communications, Welsh Language, Sport and International Relations Committee

Email received 19 February 2026 from the Greyhound Board of Great Britain in relation to the [Prohibition of Greyhound Racing \(Wales\) Bill](#)

To: The Rt. Hon Elin Jones MS, Llywydd

CC: Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee, Delyth Jewell MS, Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee

Dear Presiding Officer,

I am writing to formally complain about the lack of due diligence exercised in the development and progression of the Prohibition of Greyhound Racing (Wales) Bill.

I am deeply concerned that the Bill has advanced through the Senedd without the completion, publication, or proper consideration of key evidence that is fundamental to sound and proportionate law-making. This raises serious questions about whether the principles of transparency, accountability, and evidence-based decision-making have been upheld.

In particular, I wish to highlight the following issues:

- The Welsh Government established an Implementation Group to guide and oversee the transition towards a ban on greyhound racing, including consideration of economic, social, and community impacts. However, multiple reports and a formal workplan that were due between September 2025 and February 2026 have not been published or shared, despite the Bill continuing to progress.
- No independent economic impact assessment has been completed or made available, despite the Bill having potentially catastrophic consequences for businesses, employment, and local economies connected to greyhound racing. Any assessment undertaken after legislative decisions have effectively been made cannot be considered meaningful scrutiny. The Valley Stadium has repeatedly requested this assessment take place.
- There is no clear evidence that the displacement of employment, loss of livelihoods, or long-term economic consequences for affected communities have been properly quantified or mitigated.

Proceeding with legislation of this magnitude in the absence of complete evidence, published assessments, and transparent reporting undermines confidence in the legislative process and risks setting a troubling precedent for future law-making in Wales.

I respectfully request that the Senedd examines whether appropriate due diligence has been applied in this case, and whether the Bill should be paused until all outstanding assessments, reports, and impact analyses are completed, published, and properly scrutinised.

I would welcome confirmation that this complaint has been received and details of how it will be considered.

Kind regards,

CEO, Greyhound Board of Great Britain



**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	Implementation of the Tertiary Education and Research (Wales) Act 2022
DATE	5 March 2026
BY	Vikki Howells MS, Minister for Further and Higher Education

I am pleased to inform members that I have this week made a suite of subordinate legislation in connection with the implementation of the Tertiary Education and Research (Wales) Act 2022 ('the 2022 Act') which address:

- the coming into force of the next phase of functions of the Commission for Tertiary Education and Research ('Medr'),
- amendments to existing legislation as a consequence of the 2022 Act, and
- the completion of the legislative framework for the regulatory regime for higher education providers in Wales.

The Tertiary Education and Research (Wales) Act 2022 (Commencement No.7, Transitory, Transitional and Savings Provisions) Order 2026 ('the Order'), brings into force, on a series of dates between 1 April 2026 and 1 April 2027, provisions relating to:

- the registration, regulation, and quality assurance of tertiary education providers in Wales (Part 2 and Schedule 3),
- the inspection of further education and training by His Majesty's Chief Inspector of Education and Training in Wales ("Estyn") (Part 2),
- Medr's and the Welsh Ministers' functions in relation to the securing and funding of tertiary education (Part 3),
- the legislative framework in respect of approved Welsh apprenticeships (Part 4),
- learner complaints (Part 5),
- the provision of information, advice, and guidance by, and to, Medr (Part 6),
- the Welsh Ministers' order making powers in respect of instruments and articles of governance of higher education corporations (Part 7).

The Order also includes transitional provisions intended to ensure tertiary education providers in Wales are not subject to dual regulation whilst the 2022 Act is being

implemented, alongside saving provisions that preserve the validity of any orders made by the Welsh Ministers' under their intervention powers in section 57(4) of the Further and Higher Education Act 1992 prior to the repeal of that provision.

Finally, the Order brings into force a number of provisions within Schedule 4 to the 2022 Act providing for consequential and minor amendments to existing legislation arising from the coming into force of the functions detailed above.

Alongside the Order I have also made the following regulations, each of which provide for amendments to existing legislation required as a consequence of the 2022 Act:

- The Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments and Transitory Provision) Regulations 2026 (*“the Consequential Regulations”*);
- The Online Safety Act 2023 (Exempt User-to-User and Search Services) (Amendment) Regulations 2026 (*“the Online Safety Regulations”*); and
- The Inspection of Education and Training (Wales) Regulations 2026 (*“the Inspection Regulations”*).

Following their approval by the Senedd this week, the Consequential Regulations make necessary changes to primary and secondary legislation to reflect the new statutory framework as provided for by the 2022 Act.

The Online Safety Regulations amend the Online Safety Act 2023 to reflect the new funding arrangements for further education and training in Wales as set out in the 2022 Act.

The Inspection Regulations revoke and replace the Inspection of Education and Training (Wales) Regulations 2001, aligning the inspection regime with the new role of Medr and its responsibilities under the 2022 Act. The Regulations maintain a six-year inspection cycle for further education and training and reduce the reporting period for Estyn from 70 to 35 working days, bringing it in line with school inspections. These changes ensure consistency, continuity, and a robust approach to quality assurance across the sector.

Last month I wrote to members confirming I had laid the Higher Education (Fee Limits) (Wales) Regulations 2026. Following their approval by the Senedd last week I am pleased to inform members I have also made these Regulations, as well as the Higher Education (Qualifying Courses and Qualifying Persons) (Wales) Regulations 2026.

These instruments complete the legislative framework for the new regulatory regime for higher education in Wales, with Medr taking forward the necessary activities to enable the establishment of the new register of providers of higher education on 31 July 2026.

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Agenda Item 11

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted



WRITTEN STATEMENT

BY

THE WELSH GOVERNMENT

TITLE **The Plant Varieties Act (Amendment) Regulations 2026**

DATE **2 March 2026**

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

Members of the Senedd will wish to be aware I have laid a statutory instrument consent memorandum (“the memorandum”) in relation to the Plant Varieties Act (Amendment) Regulations 2026 (“the Regulations”), laid before the UK Parliament on 25 February.

Agreement was sought by the UK Minister for Biosecurity, Borders and Animals, Baroness Hayman, to make the Regulations. The Regulations apply to Wales, England, Scotland, and Northern Ireland.

The Regulations are made by the Secretary of State in exercise of powers conferred by section 14(2) of the Retained EU Law (Revocation and Reform) Act 2023. The Regulations amend the definition of “small farmer” in section 9(10) of the Plant Varieties Act 1997 to provide a clearer definition in line with the policy intention and to remove the potential for confusion in its interpretation. The definition of “small farmer” is connected to the exception in section 9(4) and the payment of equitable remuneration to the holders of plant breeders’ rights (a form of intellectual property). The policy intention was and is for the element of the “small farmer” exception in section 9(10)(b) to apply to the sum of varieties grown in an area, not to each variety grown in an area.

I have laid the memorandum in accordance with standing order 30A. I consider the Regulations to be a relevant statutory instrument because they make provision in relation to Wales amending primary legislation within the legislative competence of the Senedd, which is not an incidental, consequential, transitional, transitory,

supplementary or savings provision relating to matters that are not within the legislative competence of the Senedd.

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

Though the Regulations do not alter the legislative competence of the Senedd or the executive powers of the Welsh Ministers, they amend legislation within devolved competence, and I have therefore sought the agreement of the Senedd.

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

The Regulations and accompanying Explanatory Memorandum, setting out the detail of the provenance, purpose and effect of the amendments is available [here](#).

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

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

2 March 2026

Dear Mike,

The Plant Varieties Act (Amendment) Regulations 2026

I refer to my letter to you of 15 December 2025. I wish to inform the Committee I have given my consent to the Secretary of State to make the Plant Varieties Act (Amendment) Regulations 2026 ("the Regulations"). In accordance with standing order 30A, I have laid a statutory instrument consent memorandum before the Senedd.

The link to the statutory instrument consent memorandum can be found here: [Statutory Instrument Consent Memorandum - The Plant Varieties Act \(Amendment\) Regulations 2026](#).

The Regulations intersect with devolved policy and apply to Wales (they also apply to England, Scotland and Northern Ireland). It was anticipated the Regulations would be made and laid in the UK Parliament on 11 February. This has been delayed due to comments made by the UK scrutiny committee who requested additional information be added to the Explanatory Memorandum and then further delayed by the recess of the UK Parliament. I regret the delay in this matter may impact on the window within which you are asked to consider this SI and report on the memorandum.

The Regulations are subject to the negative procedure and were laid before Parliament on 25 February 2026. These Regulations come into force on the 21st day after the day on which they are made.

I have released a written statement, which you can access here: [The Plant Varieties Act \(Amendment\) Regulations 2026](#).

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.

Agenda Item 15

Thomas Commission Research

Dr Robert Jones

February 2026

Acknowledgements

I would like to express my sincere gratitude to those who kindly gave up their time to discuss the many issues and topics explored in this report. The process of measuring the progress made (or not) against each of the Thomas Commission's 78 recommendations was often a rather onerous, challenging and difficult task. However, it was made a lot simpler by the kindness and generosity shown to me by others. I am extremely grateful to the following people for their help, advice and support throughout the research: Deian Benjamin,¹ Rhian Chamberlain, Siriol Dafis, Jonathan Davies, Josh Hayman, Nerys Llewelyn Jones, Lord Lloyd-Jones, Sarah Nason, Rhys ab Owen, Huw Pritchard, Jonathan Elystan Rees KC, Charlotte Rook, Lord Thomas of Cwmgiedd, and Richard Wyn Jones.

Contact details

Dr Robert Jones
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¹ Promoting Compliance Officer, acting on behalf of the Welsh Language Commissioner.

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Introduction

Under the Chairship of the former Lord Chief Justice of England and Wales, Lord Thomas of Cwmgiedd, the Commission on Justice in Wales carried out the first review of the operation of the justice system in Wales in over two hundred years. Drawing upon more than two hundred written evidence submissions, 46 oral evidence sessions and 87 external events and engagements, the Commission's final report was [published](#) in 2019 and set out a series of wide-ranging proposals and recommendations for reform. From family justice to the legal profession and Welsh tribunals to the operation of police, prisons and probation in Wales, the Commission's overarching conclusion was unequivocal: 'the people of Wales are being let down by the justice system in its current state'.

In the years that have elapsed since the report's publication, the Commission's findings have heavily shaped and informed academic and political debates on the operation of the Welsh justice system, as well as those relating to the future of justice powers and devolution in Wales. Despite its recurrent appearance within debates on justice related issues in Wales, however, serious questions remain over the extent to which progress has been made against each of the Commission's 78 recommendations. While successive UK Governments have declined to engage on a serious level with the Commission's findings, the Welsh Government has also fallen short in delivering the recommendations firmly within its remit.

As we enter the final months of the Sixth Senedd, the purpose of this research is to assess the extent to which the Commission's recommendations have been considered *and* implemented by the relevant decision-making bodies. This task includes considering how effectively the Welsh and UK governments have worked together to deliver recommendations where they share joint responsibility, as well as the impact made by leadership changes in both the UK and Welsh government on the delivery of the Commission's recommendations. In seeking to inform the legacy work of the Legislation, Justice and Constitution Committee, the research hopes to provide the relevant successor committee in the Seventh Senedd with a baseline to inform its (much needed) future work on justice related matters in Wales.

1 The Recommendations: Progress and Implementation

The Commission on Justice in Wales was led by a team of Commissioners with a diverse range of experiences of the justice system. This breadth of knowledge and expertise allowed the Commission to ‘examine the whole system’ and analyse a variety of topics. Ranging from offender management and Wales’ legal economy to coroner services and legal education, the Commission examined every aspect of the justice system in great detail. Beyond the team of expert Commissioners, however, wider interest in the justice system in Wales tends to be siloed. Within academia, for example, expertise is clustered around particular subject fields (e.g. administrative justice, family justice, criminal justice) rather than ‘justice’ as a whole.

The significance of this rather siloed landscape is that, while analyses of the progress made against the Commission’s recommendations have been [carried out](#) in relation to specific areas of the justice system in Wales, there have been few attempts made to evaluate the Commission’s work as a whole. This includes the responses provided by UK Ministers as well as the Welsh Government, including its most authoritative response to the Commission’s report in [2022](#).

To address the existing gap, this section provides a detailed update on the progress that has been made against each of the Commission’s 78 recommendations since 2019. Alongside a description (where possible) of the activities that have taken place in this area, an outcome of ‘Achieved’ (where the recommendation has been implemented in full), ‘Partially achieved’ (where some progress has been made, but the recommendation has not been implemented in full) or ‘Not achieved’ (where little or no progress has been made and the recommendation has not been implemented) is recorded for each recommendation based on the level of progress made.² The recommendations are presented in the order that they appear in the Commission’s report, and are grouped by the chapter they were included in.

² The progress recorded against each recommendation has, where possible, been corroborated by an academic, legal professional or practitioner with in-depth expertise in that area. Any errors (whether factual or judgment), omissions or mistakes that appear in the pages that follow, however, are entirely my own.

Figure 1: Outcomes against the Commission on Justice in Wales' recommendations, broken down by report chapter

	Achieved	Partially Achieved	Not Achieved	Total
Chapter Three	0	1	2	3
Chapter Four	1	3	12	16
Chapter Five	0	2	2	4
Chapter Six	1	0	6	7
Chapter Seven	0	2	6	8
Chapter Eight	0	0	1	1
Chapter Nine	0	5	1	6
Chapter Ten	0	3	3	6
Chapter Eleven	1	2	3	6
Chapter Twelve	0	3	18	21
Total	3	21	54	78

Chapter 3: Information, Advice And Assistance

1. The funding for legal aid and for the third sector providing advice and assistance should be brought together in Wales to form a single fund under the strategic direction of an independent body.

Outcome: Not achieved

The Welsh Government [introduced](#) the Single Advice Fund in January 2020 to support the delivery of social welfare information and advice services (including the topics of benefits, debt, housing, employment and discrimination). The Single Advice Fund is designed to help meet the increasing demand for advice services across Wales and ensure that funding is directed towards strategically planned services that provide access to all the advice a person requires to resolve their social welfare problems. The Fund is a competitive grant process which is administered by the Welsh Government, not an independent body which provides strategic direction or oversight.³

The Single Advice Fund does not extend to legal aid funded advice services in Wales because this matter is reserved to the UK Government. Concerns continue to be raised across Wales about the [inadequate](#) level of funding for legal aid, including the [creation](#) of legal advice deserts, as well as the imbalances between lawyers in private practice and third sector advice providers. The Senedd Research Service's [guidance](#) for constituents seeking legal advice provides a comprehensive list of the many organisations and agencies that currently provide advice and support to individuals in Wales.

³ The Single Advice Fund does not offer core funding to information and advice providers.

2. Support Through Court should be expanded so that there is availability at courts and tribunals across Wales.

Outcome: Not achieved

Support Through Court has not been expanded in Wales since the Commission published its report in 2019. The service has undergone a number of restructures during this time, with its Cardiff office reduced from full-time to part-time, and the closure of the Newport satellite service in 2022.⁴

Although Support Through Court has not opened any other services in Wales since 2019, it has launched a [Welsh-speaking service](#), which is run from its Cardiff office, after receiving funding from the National Lottery.

3. Criminal legal aid policy and delivery should be designed in Wales to meet needs across Wales and based on the approaches to public defender schemes adopted by the Nordic nations.

Outcome: Not achieved

The responsibility for criminal legal aid policy remains reserved to the UK Government and is administered by the Legal Aid Agency, an executive agency of the Ministry of Justice.⁵ The UK Government has made no attempt to design or implement any distinct approach in Wales, let alone one modelled on those adopted in the Nordic countries.

⁴ Support Through Court retains a volunteer who will support clients in hearings at Newport if they have booked an appointment.

⁵ Legal aid is listed in the Government of Wales Act 2006, Schedule 7A, Part 2 (Specific Reservations).

Chapter 4: Criminal justice: reducing crime and promoting rehabilitation

4. A new Wales Criminal Justice Board should be created. It should set an overall criminal justice strategy for Wales and provide the means for accountability within Wales for the delivery of that overall strategic approach.

Outcome: Partially achieved

The Criminal Justice Board for Wales set out its statement of purpose in 2020. The Board has been given a new name, is led by a Chair, and publishes an annual report on its overall criminal justice strategy. Although the strategy provides the means for *some* accountability, it is not clear who is responsible for providing this oversight and accountability. For example, although the Criminal Justice Board's annual report is made publicly available on the UK Government's website, it is unclear who is (or should be) responsible for scrutinising the strategy and the progress made (or not) against its many commitments and pledges.

5. The Wales Criminal Justice Board should have responsibility for ensuring the rights of victims are respected and there is proper delivery of services to victims.

Outcome: Partially achieved

The Criminal Justice Board for Wales has established a Victims and Witnesses Taskforce to help meet the needs of victims in Wales. The Taskforce is responsible for overseeing the delivery of this work on behalf of the Board.

The extent to which the Taskforce ensures the rights of victims are respected and there is a proper delivery of services, however, cannot be established from the (limited) information available. Although the Criminal Justice Board for Wales' 2023/24 and 2024/25 reports both refer to the Taskforce, there are few details provided. For example, it is unclear who is on the

Taskforce, how many members form part of the Taskforce, as well as who leads the Taskforce and who it ultimately reports to.

6. Each of the police, Crown Prosecution Service, the judiciary and HM Prison and Probation Service should publish a strategy in respect of Black, Asian and Minority Ethnic people in Wales and report annually on the strategy to the Assembly.

Outcome: Partially achieved

The Criminal Justice Board for Wales [published](#) its first Anti-Racism Action Plan in September 2022 and has since produced two annual reports ([2023/24](#) and [2024/25](#)) aimed at monitoring the progress made against the plan's pledges and commitments.

By virtue of their membership of the Criminal Justice Board for Wales, the plan includes (and extends to) the four police forces in Wales, the four Police & Crime Commissioners, the Crown Prosecution Service, His Majesty's Prison and Probation Service, His Majesty's Courts and Tribunal Service, and the Youth Justice Board.

The judiciary in Wales, however, are not members of the Criminal Justice Board for Wales and have not published their own strategy in respect of Black, Asian and Minority Ethnic people in Wales. Although the Courts and Tribunals Judiciary [published](#) its *Judicial Diversity and Inclusion Strategy (2020 to 2025)* in 2020 to improve diversity among the judiciary in England and Wales, the strategy makes no mention of the unique legislative and policy context in Wales for promoting equality or tackling discrimination in Wales.⁶

Every annual report published by the Criminal Justice Board for Wales is made publicly available on the UK Government's website, but there is no indication that the reports are sent directly to the relevant committee in the Senedd. While the Senedd's Equality and Social Justice Committee carried out an [inquiry](#) into the Welsh Government's own Anti-Racist Action

⁶ Data [published](#) by the Ministry of Justice in 2025 show that only three per cent of judges (5) and six per cent of magistrates (51) in Wales are from an ethnic minority background.

Plan in 2023 (which included a focus on criminal justice), none of the agencies involved in the Criminal Justice Board for Wales provided written or oral evidence.

7. The Welsh Government and the Home Office should agree long-term arrangements for police apprenticeship funding which do not disadvantage Welsh police forces compared to their English counterparts.

Outcome: Not achieved

The Home Office [allocated](#) £2.4m as part of the police settlement for 2025/26 to reimburse the amount paid by Welsh forces in their levy contribution for police constable degree apprenticeships. The need for this funding to be allocated, however, offers the clearest indication possible that a ‘long-term’ or lasting arrangement for police apprenticeship funding has yet to be agreed upon.⁷

8. Policing and crime reduction policy, including drug abuse and mental health related issues, should be determined in Wales so that it is aligned and integrated with Welsh health, education and social policy.

Outcome: Not achieved

The devolved legislative and policy landscape in Wales necessitates that police forces in Wales work closely with the Welsh Government on crime reduction policy, including substance abuse and mental health, through a range of forums, including the Policing in Wales group. Formal responsibility for policing, however, is reserved to the UK Government, as is responsibility for some of the key legislative and policy levers over drugs and mental health.⁸

⁷ Because the police integrated degree apprenticeship programme—despite being delivered by universities in Wales to Welsh-based officers—is funded through the English apprenticeship levy system, it therefore continues to fall within the inspection remit of Ofsted, not Estyn.

⁸ This includes the provisions within the Misuse of Drugs Act 1971 and the Mental Capacity Act 2005.

Although policing and crime reduction policy is influenced by policy makers in Wales, it is ultimately determined by UK Government Ministers and officials in Westminster. When asked about the possibility of devolving policing powers to Wales in February 2026, the Secretary of State for Wales, Jo Stevens, [claimed](#) that the UK Government’s priorities remain ‘fixing the mess that got left behind’ by the previous government and that the existing England and Wales arrangement ‘works best for communities in Wales’.

9. Problem-solving courts should be established in Wales along the Northern Ireland model.

Outcome: Not achieved

In 2023, the Ministry of Justice [funded](#) the piloting of four new problem-solving courts (also referred to as Intensive Supervision Courts) in England and Wales. All four problem-solving courts, however, were sited at locations in England.⁹

In August 2025, the Ministry of Justice [launched](#) a new expression of interest for courts in England and Wales to be considered as potential sites for Intensive Supervision Courts designed to promote problem-solving approaches. The plans form part of the UK Government’s attempts to reduce the court backlog, as well as reduce the number of custodial sentences. In late 2025, HM Courts and Tribunals Service Wales applied for an Intensive Supervision Court to be located at West Glamorgan Magistrates’ Court (Swansea Magistrates’ Court). Although a decision has yet to be reached by the Ministry of Justice, it is expected that shortlisted areas will be notified in early 2026, with the new sites expected to begin implementation work from spring 2026.

⁹ Women’s Intensive Supervision Court (Birmingham Magistrates’ Court): Focused on diverting women from short custodial sentences, addressing trauma, mental health needs, substance use, social instability, and supporting the maintenance of family relationships.

10. Building on the reducing numbers of children and young people in custody and those entering the criminal justice system, youth justice policy should be determined and delivered in Wales.

Outcome: Not achieved

A range of devolved services in Wales, including children’s social services, education and health, work closely with youth justice services to reduce the number of children coming into contact with the criminal justice system.¹⁰ Formal responsibility for youth justice policy, however, remains reserved to the UK Government.

Although the UK Labour Government’s [manifesto](#) included its commitment to ‘consider’ the devolution of youth justice to Wales, there has yet to be any progress delivered in this area. In August 2025, the Welsh Government [confirmed](#) that it is still working alongside the UK Government to ‘explore where responsibilities in the youth justice system could be realigned’. It is expected that the focus of these discussions is likely to be on the funding and monitoring arrangements for youth justice services in Wales.

In February 2026, the UK Government [published](#) plans to ‘modernise’ the governance and funding of youth justice services in England and Wales. The government’s strategy outlines its commitment to ‘see central and local agencies’, including local authorities, health and education services, ‘doing all they can’ to ensure that custody for children is used as a ‘last resort’. Although many of the services for children listed in the strategy fall under the auspices of the Welsh Government, the strategy fails to acknowledge the fundamentally different delivery landscape for youth justice services in Wales. Indeed, neither ‘Welsh Government’ nor ‘devolution’ are mentioned once throughout the strategy.

¹⁰ The [average](#) number of children (under 18s) from Wales in youth custody was 26 in 2019, the year that the Commission on Justice in Wales’ report was published. In 2024, the average number of Welsh children in youth custody was 17.

11. The age of criminal responsibility should be raised to at least 12 years old in Wales.

Outcome: **Not achieved**

The age of criminal responsibility in Wales remains 10 years of age. Although the case for raising the age of criminal responsibility was to form part of the UK and Welsh Government's [discussions](#) over the devolution of youth justice in 2024, no progress has been made against this recommendation.

When giving oral [evidence](#) to the Senedd's Legislation, Justice and Constitution Committee in December 2022, the UK Government's then Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, told members that this recommendation is 'unlikely to proceed', with the government maintaining the view that there should be 'one age across England and Wales'. In a follow-up [letter](#) sent to the Committee in March 2023, Lord Bellamy confirmed that the UK Government 'will not be taking forward this recommendation'.

A Short Debate on increasing the age of criminal responsibility to 14 in Wales was held in the Senedd in January 2026. During the debate, the Welsh Government's Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, Jane Hutt, indicated the government's support for an increase in Wales but once again [reiterated](#) that the responsibility for setting the age of criminal responsibility remains 'reserved to the UK Government'.

12. The basic design principles for probation set out in the 2018 annual report of the then Chief Inspector of Probation should be applied to the design of the new integrated National Probation Service of Wales and the outcomes should be strictly measured on a regular basis and be made public.

Outcome: Not achieved

Probation services in Wales were brought back under public sector control in December 2019. Although there is currently no National Probation Service of Wales, the responsibility for managing low, medium and high-risk offenders in Wales falls upon the National Probation Service under HM Prison and Probation Service in Wales.

While probation services in Wales have been integrated as part of a public sector-led organisation, the problems and challenges that continue to face probation services suggest that the design principles set out in HM Chief Inspector of Probation's 2018 annual report have not yet been successfully applied to the new model in Wales.¹¹ In December 2025, for example, HM Inspectorate of Probation [described](#) the services being provided across the Cardiff and Vale Probation Delivery Unit as 'inadequate', with the work being done to keep people safe requiring 'urgent attention'. Likewise, although the UK Government's Minister of State for Prisons, Probation and Reducing Reoffending, Lord Timpson, [told](#) MPs in December 2025 that the North Wales Probation Delivery Unit is currently 'top of the tree' when it comes to performance across England and Wales, HMI Probation's most recent inspection of North Wales [concluded](#) that the unit still 'requires improvement' in several areas.

¹¹ The four design principles listed within the Chief Inspector's Annual report were: (i) the importance of a strong evidence base; (ii) the service needs to meet the needs of individuals – offenders and victims; (iii) it should be staffed by qualified and engaged professionals who provide a service that is properly integrated with the wider criminal justice system; and (iv) it instils confidence that the public are protected, rehabilitation is seen to work, the operating model supports effective delivery and it delivers value for money.

13. The comprehensive network of services and centres as alternatives to custody for women in Wales must be established rapidly and sustained over time.

Outcome: Not achieved

In May 2020, the then UK Justice Minister, Lucy Frazer QC, [announced](#) that the very first Residential Women’s Centre would be sited in Wales. The Ministry of Justice [confirmed](#) in August 2023 that the Residential Women’s Centre will be located at a site in Swansea after it successfully appealed Swansea Council’s decision to reject its planning application for the Centre in September 2022. However, as of February 2026, the UK Government has yet to confirm if plans for a Residential Women’s Centre in Swansea (or elsewhere) will go ahead.

Against the backdrop of these ongoing discussions, the [number](#) of Welsh women in prison increased for a fourth consecutive year in 2024, with around a quarter (24 per cent) of all women sentenced to immediate custody in Wales handed sentences of up to one month or less.¹²

14. Sentencing policy and the delivery of integrated offender management and rehabilitation should be determined in Wales so that it is an integral part of and aligned with Welsh health, education and social policy.

Outcome: Not achieved

Sentencing policy remains the responsibility of the UK Government in Westminster. The UK Government presented the Sentencing Bill to Parliament in September 2025 following the publication of the Independent Sentencing Review, led by the former Justice Secretary, David Gauke. The [review](#) set out a number of proposals to help address the prison capacity crisis facing prisons in England and Wales, but failed to acknowledge the devolved legislative and

¹² 65 per cent of women handed custodial sentences of month or less at courts in Wales in 2024 were convicted of theft from shops (‘shoplifting’).

policy landscape in Wales, or that Wales boasts the [highest](#) ‘in-country’ and ‘home address’ imprisonment rate in western Europe. The Sentencing Act 2026 received Royal Assent on 22 January 2026.

Offender management services also remain reserved to the UK Government in Westminster and are overseen by HM Prison and Probation Service in Wales. During the House of Lords Committee stage of the Sentencing Bill, Lord Thomas of Cwmgiedd tabled an [amendment](#) to devolve probation to Wales by removing it from the list of reserved matters of Schedule 7A of the Government of Wales Act 2006. After the UK Government’s Lord in Waiting (Government Whip), Lord Lemos, [pointed](#) out the ‘fallacy’ of any proposal to devolve one ‘part of an entire system of offender management’, Lord Thomas tabled a further amendment to ‘devolve the whole of probation and prison services’. This amendment, however, was subject to a further ‘very substantial objection’ from the UK Government on the basis that devolving offender management also constituted the transfer of ‘just part of the criminal justice system’.

15. An integrated and whole system approach to offender management should be established with a single rehabilitative strategy in Wales that is underpinned by a strong evidence base, accurate data, clear governance and accountability arrangements, coherent action plans, a realistic timetable and resources realigned accordingly.

Outcome: Not achieved

One of the most significant challenges associated with the ‘jagged’ constitutional arrangements underpinning the Welsh criminal justice system is that ‘joined-up’, ‘integrated’ or ‘whole system’ approaches are especially difficult to achieve. Although HM Prison and Probation Service is formally responsible for offender management in Wales, many of the key resettlement and rehabilitative services delivered in Wales, including health, education, housing and tackling substance misuse, fall under the auspices of the devolved government.

Although the Criminal Justice Board for Wales acts as a forum for devolved and reserved bodies to work together, there is no evidence that a single rehabilitative strategy has been developed

for Wales. In the Criminal Justice Board for Wales' most [recent](#) annual report, for instance, the terms 'rehabilitation', 'rehabilitative' or 'resettlement' were not mentioned once.

16. Intensive alternatives to custody should be developed as soon as possible in Wales. They should have judicial oversight and be formally evaluated.

Outcome: Not achieved

Discussions over alternatives to custody in Wales have largely centred upon the plans for a Residential Women's Centre since the Commission published its report in 2019. As outlined in Recommendation 13 (above), however, there has been little progress on this since planning permission for the Centre was [secured](#) in August 2023.¹³

While community sentences often provide judges and sentencers with a viable alternative to custody, the number of community sentences handed out at courts in Wales has significantly [decreased](#) over the last two decades.¹⁴ This decrease has continued since the Commission's report was published. In 2024, for example, 5.2 per cent of all those [sentenced](#) at courts in Wales were handed a community sentence. This compared with 6.5 per cent in 2019.

¹³ The Ministry of Justice [piloted](#) the use of Intensive Alternatives to Custody between 2008 and 2011. Seven areas were chosen to pilot the orders, including Dyfed-Powys.

¹⁴ The use of community sentences have also fallen across courts in England during this time. While 7.4 per cent of those sentenced at courts in England received a community sentence in 2019, the proportion fell to 6.6 per cent in 2024.

17. Needs assessments of Welsh offenders should be conducted and collated to identify by volume and character the range of interventions required in both prisons and the community and to ensure that they are sequenced properly for optimal effect.

Outcome: Not achieved

Given the individualised nature of offender needs assessments, the vast range of interventions available, as well as the considerable scope for variation between Probation Delivery Units and prisons across Wales,¹⁵ it is difficult to determine with any degree of certainty whether ‘progress’ has been made in response to this recommendation.

The available evidence, however, does suggest that offender services continue to fall short of the Commission’s expectations. HMI Probation’s recent [inspection](#) on the Wales ‘region’ concluded that resettlement work ‘requires improvement’, with just under half of those surveyed agreeing that resettlement work is timely, personalised, coordinated and addresses an individual’s ‘key resettlement’ needs.

The most recent inspections carried out across the Welsh prison estate have also identified areas for improvement. At [HMP Berwyn](#), inspectors found that prison leaders had failed to ‘provide adequate interventions or support systems’ aimed at younger prisoners. The delivery of resettlement services at [HMP Cardiff](#) was ‘poorly coordinated’, with inspectors concluding that the prison’s pre-release team was ‘not integrated’ with the Offender Management Unit. Although interventions for prisoners with learning disabilities and those convicted of violent offences had recently been introduced at [HMP Parc](#), HMI Prisons uncovered gaps in the interventions available for other prisoners. At [HMP Swansea](#), inspectors found that the high demand for substance use interventions was not being ‘adequately met’ with the release day arrangements for prisoners often lacking the sufficient ‘care’. At [HMP Prescoed](#), inspectors

¹⁵ There are six Probation Delivery Unit’s in Wales: Cardiff and the Vale; Cwm Taf Morgannwg; Dyfed-Powys; Gwent; North Wales; Swansea Neath and Port Talbot. Prisons across Wales have different official functions, including training (HMP Berwyn; HMP Usk), resettlement (HMP Parc), open (HMP Prescoed), and reception (HMP Cardiff and HMP Swansea).

found that ‘no recent employment, training and education needs analysis’ had been carried out at the prison, with the provision on offer ‘not responsive enough’ to the changing prison population.

18. Administering the sentences of the court should be the responsibility of a single public sector body in Wales and the core function of that body should be managing offenders and promoting rehabilitation to reduce reoffending.

Outcome: Achieved

The UK Government **announced** in 2018 that it was ending its widely **criticised** Transforming Rehabilitation agenda. Introduced across England and Wales in 2015, Transforming Rehabilitation oversaw the creation of 22 private sector-led Community Rehabilitation Companies who were made responsible for managing low and medium risk offenders.

While all probation services in England were brought back under a public sector-led National Probation Service in June 2021, the ‘reunification’ of probation in Wales was **completed** in December 2019. All sentence management for those considered low, medium and high-risk in Wales is now carried out by the National Probation Service, which falls under the auspices of HM Prison and Probation Service in Wales.

19. There should be an integrated approach in Wales to improve leadership and provision of mental health services including support for front line services to enable them to respond better to individuals with mental health needs.

Outcome: Not achieved

Although the Criminal Justice Board for Wales’ most **recent** annual report sets out its ambition to ‘address service gaps’ in mental health, very little detail is given to explain how those with

mental health needs will be responded to in a more effective way, or who will be leading on this work.

The Welsh Government's [Mental Health and Wellbeing Strategy: 2025-2035](#) similarly outlines its commitment to 'address the needs of offenders in the community and people in prison'. However, the strategy provides no further information on how this will be accomplished, including how the 'jagged edges' between mental health and criminal justice services will be managed and overcome.

Chapter 5: Civil justice

20. Digital court services and other dispute resolution services that are being developed and introduced must be fully accessible to people throughout Wales and free assistance must be available to help individuals use them.

Outcome: Partially achieved

Dispute Resolution Centre Wales was established in 2023. The Centre was supported by the Law Council of Wales and formed to help improve awareness, education, and research into dispute resolution and to encourage the Welsh judiciary to ‘embrace’ and promote the use of non-court dispute resolution in Wales.¹⁶ The Centre is overseen by the Dispute Resolution Centre Wales Board, which includes representatives from the legal profession, academics, government officials, the third sector, and Welsh judiciary.

However, the extent to which the Dispute Resolution Centre is fully accessible or can offer the necessary assistance and support to people across Wales is uncertain. The Centre has no full or part-time staff and there is, at present, no long-term source of sustainable funding from either the UK or Welsh Government. Instead, the Centre is largely dependent on the determined efforts of a handful of hardworking volunteers who work to promote the Centre’s mission and aims. Although a Wales Dispute Resolution Pledge was created to encourage the Welsh Government and other public bodies to ‘meaningfully commit’ to constructive approaches to dispute resolution in Wales, at the time of writing, it is not clear whether the Welsh Government has signed or endorsed the Wales Dispute Resolution Pledge.¹⁷

¹⁶ The Dispute Resolution Centre Wales’ activities will soon be publicised on its own website. The site will include information about the Centre’s aims as well as the rules for mediation.

¹⁷ The Wales Dispute Resolution Pledge includes that public bodies approach dispute avoidance, the management of potential disputes, and dispute resolution, with respect for human rights, equality, restorative justice principles, and in accordance with the sustainable development principle and Five Ways of Working under the Well-being of Future Generations (Wales) Act 2015 (namely: long-term, prevention, integration, collaboration and involvement) and that significant commercial entities also approach dispute avoidance and resolution within the spirit of respect for human rights, equality, restorative justice and well-being principles.

The extent to which digital court services introduced in Wales are accessible to Welsh-speakers is explored further in response to Recommendation 54.

21. Dispute resolution before courts, tribunals, alternative dispute resolution and ombudsmen, as well as dispute resolution in respect of administrative law, should be promoted and coordinated in Wales through a body chaired by a senior judge.

Outcome: Partially achieved

There has been some progress in relation to this recommendation by the Law Council of Wales. The Council instigated consideration of how to implement the Commission recommendations around the promotion and coordination of dispute resolution and contributed significantly to the development of Dispute Resolution Centre Wales. However, progress has been limited by a lack of support and resource, with dispute resolution in Wales neither promoted nor coordinated by a body chaired by a senior judge. The lack of progress made by the Welsh Government to deliver a [new](#) tribunals system in Wales has further undermined the level of progress made against this recommendation.

22. Courts and tribunals which determine disputes in both civil and administrative law should be under one unified system in Wales.

Outcome: Not achieved

Any progress against this recommendation would require the devolution of responsibility for the administration of justice in Wales. In his 2019/20 Annual Report, the President of Welsh Tribunals, Sir Wyn Williams, [confirmed](#) that this recommendation can only be achieved 'if there is substantial devolution of the justice function to Wales'. The UK Government's decision not to implement the Commission's recommendation to devolve justice to Wales, therefore, means there has been no meaningful progress made against this recommendation.

23. The feasibility of a low cost and effective resolution method for civil disputes through the use of a comprehensive ombudsmen scheme, taking into account the online court, should be examined in Wales.

Outcome: Not achieved

Although the establishment of Dispute Resolution Centre Wales may be seen as offering some form of progress against this recommendation, there is very little publicly available information or evidence to suggest that a comprehensive ombudsman scheme has been properly and thoroughly examined in Wales.

Chapter 6: Administrative justice and coroners

24. It should be compulsory under the Civil Procedure Rules for cases against Welsh public bodies which challenge the lawfulness of their decisions to be issued and heard in Wales.

Outcome: Achieved

On 16 July 2020, the [Civil Procedure](#) (Amendment No. 3) Rules 2020 were made to amend Part 7 of the Civil Procedure Rules 1998, as of 1 October 2020, by including the following provisions:

Claims against Welsh public bodies to be issued and heard in Wales

7.1A. Unless required otherwise by any enactment, rule or practice direction, any claim against Welsh public bodies which challenges the lawfulness of their decisions must be issued and heard in Wales.

Claims against Welsh public bodies to be forwarded for issue in Wales

7.1B. If a court or centre in England receives a claim which should pursuant to paragraph (1) be issued in Wales a court officer shall forward it for issue in the Administrative Court Office in Wales or other appropriate court office in Wales.

Further, by way of 122nd Update to the Practice Directions supplementing the Civil Procedure Rules 1998, Civil Procedure Rule Practice Direction 54D, which sets out the considerations as to which of the Administrative Court Offices a judicial review claim should be filed, was amended to include the following provision:

1.3 This Practice Direction is subject to the requirement in rule 7.1A that any claim against Welsh public bodies which challenge the lawfulness of their decisions must be issued and heard in Wales.

From 1 October 2020, all Administrative Court claims, including judicial reviews, which challenge the decision of a Welsh public body must be issued and heard in Wales. The [change](#) of position of the Civil Procedure Rules Committee was made in large part in response to the Commission's recommendation.

25. All public bodies, ombudsmen and other tribunals which have been established under Welsh law or by the Welsh Government, which make judicial or quasi-judicial decisions, and are not currently subject to the supervision of the President of Welsh Tribunals, should be brought under the supervision of the President.

Outcome: Not achieved

Consideration of this recommendation by the relevant parties uncovered a series of potential problems and challenges. In his 2019/20 Annual Report, the President of Welsh Tribunals, Sir Wyn Williams, [affirmed](#) that any progress against this recommendation would once again 'likely involve some legislation by the UK Parliament or, at the very least, amendment to legislation already enacted by the UK Parliament' and would significantly increase the role and workload of the President. Furthermore, the Public Service Ombudsman for Wales expressed the view that 'no proper basis existed' for making the Public Service Ombudsman, an independent body, subject to the supervision of the President of Welsh Tribunals.¹⁸

Some of 'quasi-judicial' decision-making bodies (e.g. School Exclusion Appeal Panels) are proposed to be brought within the new tribunals system for Wales, and therefore subject to supervision by the President of Welsh Tribunals. However, despite unveiling proposals for a

¹⁸ The Public Services Ombudsman for Wales, for example, is a corporation sole, independent of government, but accountable to the Welsh Parliament

new independent unified tribunals system in Wales, the Welsh Government has yet to [introduce](#) the Bill and therefore implement this recommendation.

26. The Administrative Court should have the power to stay court proceedings whilst the Public Services Ombudsman for Wales investigates a complaint. The Ombudsman should have the power to refer a point of law to the Court.

Outcome: Not achieved

This recommendation proposes modifying the so-called ‘statutory bar’; the creation of a specific power to stay an application for judicial review whilst an ombudsman investigates; and creating a power for ombudsmen to refer points of law to the courts.¹⁹ Despite the Commission’s recommendation, as well the UK Government’s support for this change,²⁰ and the [support](#) of the Public Services Ombudsmen for Wales, the ‘statutory bar’ remains in force in Wales in section 13 of the Public Services Ombudsman (Wales) Act 2019.

Concerns have been expressed around the potential costs of removing the statutory bar, but more specifically, around wider issues of competence and the impact the change will have on the (reserved) courts system in Wales. In a [letter](#) to the Senedd’s Finance Committee in June 2025, the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, Jane Hutt, claimed that the Welsh Government has only ‘limited experience’ of cases that fall within the category of ‘statutory bar’ cases and are ‘unable to offer an opinion’ on the matter. The Cabinet Secretary also confirmed that, as far as she was able to ascertain, ‘no discussions’ had taken place between the UK and Welsh Government on the issues of competence and future devolution.

¹⁹ Section 13 of the Public Services Ombudsman (Wales) Act 2019 provides that the Public Services Ombudsmen for Wales may not investigate a complaint if the person aggrieved has or had a right of appeal, reference or review to or before a tribunal, a right of appeal to a relevant Minister, or a remedy by way of proceedings in a court of law. However, this ‘statutory bar’ can be overridden if the Public Services Ombudsmen is satisfied that, in the particular circumstances, it is not reasonable to expect the person to resort, or to have resorted, to the right of remedy.

²⁰ In a [letter](#) to the Senedd’s Legislation, Justice and Constitution Committee in 2023, the UK Government’s Parliamentary Under-Secretary of State for Justice, Lord Bellamy, confirmed the UK Government’s support for this recommendation by way of a change to the Civil Procedure Rules. The Minister advised that the Welsh Government would need to submit a rule change application to the Civil Procedure Rule Committee, with the support of the MoJ.

27. The Welsh Tribunals Unit should have structural independence and the Welsh tribunals should be used for dispute resolution relating to future Welsh legislation.

Outcome: Not achieved

As with Recommendation 25, the President of Welsh Tribunals, Sir Wyn Williams, [confirmed](#) that any progress against this recommendation would ‘likely involve some legislation by the UK Parliament or, at the very least, amendment to legislation already enacted by the UK Parliament’. Given the Senedd has legislative competence for health, education, housing and agriculture, the President also acknowledged that this recommendation, by making sure disputes in this area are determined by the Welsh Tribunals, is likely to generate a ‘sharp increase’ in workload for the tribunals.

This recommendation, however, is expected to be taken forward in the Welsh Government’s future Tribunals Bill. The Welsh Government’s *New Tribunals System* [outlined](#) its commitment ‘to legislate to create a body corporate as a separate legal entity, at arms’ length from Welsh Government and with operational responsibility for the administration of the new tribunal system’. According to the Welsh Government, this ‘model will deliver the structural separation and independence from Government that aligns with the guiding principle of judicial independence’ as well as the ‘weight of opinion’ expressed by the Thomas Commission and the Law Commission.

However, despite unveiling proposals for an independent unified tribunals system in Wales, the Welsh Government has yet to [introduce](#) the Bill. Although there has also been a [commitment](#) to publishing a Draft Bill in the Sixth Senedd, this has yet to be made available, with only a few months remaining of the current Senedd term.

28. The recommendations for coordinating and rationalisation made for civil justice should also be applied to administrative justice.

Outcome: Not achieved

Any meaningful progress against this recommendation would require additional devolution of responsibility for civil justice and aspects of administrative justice. The UK Government's decision not to implement the Commission's recommendation to devolve justice to Wales, therefore, means there has been no meaningful progress made against this recommendation.

29. Challenges relating to inquests into all deaths in Wales should be issued and heard in Wales.

Outcome: Not achieved

There has been no progress made against this recommendation since 2019. Any application under s.13 of the Coroners Act 1988 relating to a death in Wales must be heard and determined by a Divisional Court in London. There is no provision in the Civil Procedure Rules for the matter to be dealt with by a single Administrative Court judge, and therefore a court hearing in London will continue to be listed.

Any meaningful progress against this recommendation would require additional devolution of responsibility for coroners services. In its *Delivering Justice for Wales*, the Welsh Government [acknowledged](#) that it would require 'the agreement of others' or the devolution of responsibility for the Coroners' courts in order to progress this recommendation.

30. There should be a distinct organisation for coroner services in Wales with funding available on an all Wales basis to ensure that uniform standards and services are applied.

Outcome: Not achieved

As with Recommendation 29, any meaningful progress against this recommendation would require the devolution of responsibility for coroners services. Neither the UK Government nor Welsh Government has established a distinct organisation for coroner services in Wales. Although the Welsh Government has no influence on the policy for coroners in Wales, the funding for coroner services is provided by the Welsh Government to local authorities. There remain seven Coroner Areas across Wales, which allows for considerable divergence in standards and services.

Chapter 7: Family justice: children

31. The law relating to children and family justice in Wales should be brought together in one coherent legal system aligned with functions in relation to health, education and welfare.

Outcome: Not achieved

The Family Justice Network, which is co-ordinated by the Welsh Government, was established before the publication of the Commission's report in 2019. The Network has helped to provide some degree of policy co-ordination as well as strategic oversight over initiatives and developments that relate to family justice. However, despite some progress in policy and practice, the legal framework for family justice remains fragmented, with substantive family justice law and the courts still largely governed by (reserved) England and Wales legislation. Evidence from youth justice and child rights [research](#) highlights that practice in many areas across Wales remains siloed, with limited evidence of joined-up pathways or practices that fully integrate education, health, family support and justice in Wales.²¹

²¹ Research by Children's Legal Centre Wales has [highlighted](#) that many breaches of children's rights in Wales occur in legislative and policy areas that fall outside of the Welsh Government's competence, including criminal justice.

32. Pending further research and the development of a long-term strategy, an all Wales approach to family justice should be developed and led in Wales through the Family Justice Network for Wales and the Local Family Justice Boards. The approach should be followed by all local authorities for dealing with child protection referrals with the objective of avoiding care proceedings when family support would be more appropriate.

Outcome: Not achieved

The Family Justice Network was established to provide a co-ordinated approach to family justice across Wales. However, the Network [operates](#) as a non-statutory, advisory body, without the legal authority to mandate practice or enforce uniform standards across Wales.

Although early intervention practices have strengthened across Wales through early-help, edge-of-care, and pre-court Public Law Outline (PLO) practices, these approaches are policy driven rather than mandatory. There remains considerable scope, therefore, for diverging practices and approaches across Welsh local authorities, rather than a coherent and co-ordinated 'all-Wales' approach.

Despite an improvement in the underlying evidence-base, supported by [linked-data](#) and academic research, the Welsh Government has yet to produce any long-term research and reform strategy. Although the Commission's recommendation has almost certainly influenced policy direction and practice in this area, a coherent, all-Wales statutory framework with mandatory local authority alignment has not been implemented.

33. It should be a matter of routine practice prior to the first hearing in care proceedings to examine the feasibility of problem-solving and the form it might take, with a view to finding what steps short of taking a child into care can be put in place.

Outcome: Partially achieved

This recommendation largely aligns with the Children Act 1989 principle that care proceedings should be a last resort and that children’s welfare is paramount. In Wales, this intent is mainly delivered through the Public Law Outline (PLO) pre-proceedings process, rather than through the court at the first hearing. According to the [reviews](#) carried out by Care Inspectorate Wales, families are generally supported to remain together where it is safe, with alternatives to care explored before court action. By the time of the first court hearing, cases usually proceed because PLO interventions have often not achieved sufficient change, limiting further scope for pre-hearing problem-solving. While current practice in Wales largely reflect the spirit but not the letter of the recommendation, problem-solving is embedded through pre-proceedings social work practice, but not as a uniform, court-mandated routine at the first hearing.

34. The voice of the child should be heard at every stage of the proceedings.

Outcome: Not achieved

There remains no procedural entitlement or universal guarantee ensuring every child is consulted at every stage of family court proceedings in Wales. Children’s voices are most commonly captured through Section 7 and Section 37 reports or guardians, rather than through direct or routine engagement.²² Although the pathfinder model, [piloted](#) in north Wales and now rolled out across [all of Wales](#), has helped to embed early, structured engagement with children and producing Child Impact Reports before the first hearing, children’s participation varies by

²² Section 7 reports and Section 37 reports are specific types of welfare reports used by family courts in England and Wales under the Children Act 1989 to help judges make decisions about children’s lives — especially where the child’s welfare is at issue.

location and practice culture in Wales, with children's voices continuing to be mediated rather than direct.

While policy direction and pilots in Wales strongly support the recommendation, the absence of universal mechanisms means the goal of hearing every child's voice at every stage has not (yet) been achieved.

35. Family Drug and Alcohol Courts should be established in Wales.

Outcome: Not achieved

The Welsh Government funded a two-year Family Drug and Alcohol Court pilot in 2021. The pilot was subject to an [evaluation](#) by the Children's Social Care Research and Development Centre at Cardiff University with a view to learning lessons to support the potential roll-out of the Family Drug and Alcohol Court model across Wales. Cardiff and the Vale of Glamorgan were selected for the pilot which ran from November 2021 until the end of November 2023.

Following the publication of the evaluation in June 2024, a Family Drug and Alcohol Court Working Group was established to consider the viability of a potential roll out across Wales. The Group identified a number of challenges to the roll out, including financial constraints, barriers to delivery (particularly in rural areas), and the potential for inconsistent services across Wales. In a [letter](#) to the Chair of the Senedd's Children, Young People and Education Committee in October 2025, the Welsh Government's Minister for Children and Social Care, Dawn Bowden, informed members that the Working Group had concluded that the Family Drug and Alcohol Court model 'should not be progressed in isolation', but should form part of wider system changes which will be considered further in the Seventh Senedd.

36. There should be vigorous support for a programme of research to underpin reform of Welsh family justice and associated preventative services. The overarching aim should be the reduction in the numbers of children taken into care and the provision of far better evidence of the impacts of intervention on family life.

Outcome: Not achieved

The Welsh Government's *Delivering Justice for Wales* [recognised](#) the need for research, early intervention and better evidence on what keeps families together in Wales. However, there remains no single, published, long-term research strategy dedicated to Welsh family justice reform and care-reduction. Instead, evidence is spread across multiple programmes and evaluations.

The most recently published [data](#) show that the number of children in care continues to rise in Wales. In March 2024, there were 7,200 children looked after in Wales, compared to 6,855 children in the year that the Commission's report was published in 2019.

Although research activity in this area is increasing, the Commission's vision for vigorous, coordinated research agendas driving systematic care-reduction reform has not yet been fully realised.

37. A carefully thought through long-term policy for reducing the numbers of children taken into care should be developed after the conclusions of the research and then implemented.

Outcome: Partially achieved

The Welsh Government has consistently recognised and acknowledged that too many children enter care and that reduction is a strategic priority. The Welsh Government has since steered a number of policies and initiatives to implement this change. Local authorities, for example,

have been required to [plan](#) and report on reducing looked-after children numbers, signalling long-term intent rather than a one-off initiative. Recurrent funding has also supported early intervention and family-support services intended to prevent care entry, where safe to do so.

The Health and Social Care (Wales) Act 2025 [removed](#) profit from children’s care provision and reflects a systemic re-orientation towards needs, outcomes, and longer-term sustainability. This change, along with those already mentioned, represents a significant transformation to children’s services which is national in scope and explicitly connected to the Welsh Government’s ambition to support families and reduce care entry.

However, the programme that has been developed and followed is not a single research-led long-term national strategy developed after a dedicated research programme. Instead, these developments reflect a broad set of commitments and ongoing reforms embedded across governance, practice frameworks, and prevention investment. Although the Welsh Government’s response provides clear evidence of its commitment to reduce the number of children in care, the Commission’s vision of a unified research strategy leading to implementation has not yet been fully realised. Furthermore, the number of looked after children in Wales has continued to [rise](#).

38. Legal advice should be available to each parent in private family law disputes prior to the commencement of proceedings up to a maximum fixed amount in each case.

Outcome: [Not achieved](#)

Under the Legal Aid, Sentencing and Punishment of Offenders Act 2012, early legal advice in private family law is generally out of scope, unless specific criteria (e.g. domestic abuse or child protection) are met. There currently remains no statutory or policy entitlement in England and Wales to funded early legal advice for all parents prior to proceedings, nor any fixed-fee scheme.

Given that Wales remains subject to the England and Wales legal aid framework, there is no Wales-specific legal advice funding scheme in place. Although policy movement exists, including [pilot projects](#) introduced by the UK Government and mediation initiatives, the core recommendation for a fixed-amount, pre-proceedings legal advice entitlement for each parent in Wales has not been implemented.²³

²³ Limited legal aid is available in certain cases to cover the cost of Mediation Information and Assessment Meetings.

Chapter 8: Delivering justice: locality and structure

39. A strategy for Wales for provision of proper physical and digital access to justice before the courts, tribunals and other forms of dispute resolution should be drawn up and determined in Wales based on the needs of the people of Wales.

Outcome: Not achieved

Although the Welsh Government's *Delivering Justice for Wales* [listed](#) this recommendation as one that it was currently 'exploring with the Ministry of Justice', the Ministry considered that issues around access to justice in Wales were insufficiently distinct from those in England to merit a separate strategy. As such, there has been little progress made against this recommendation or any further follow-up from the Welsh Government.

Chapter 9: The legal sector and the economy of Wales

40. The Welsh Government should, in close consultation with the legal professions, provide fully funded legal apprenticeships to enable people to qualify as legal professionals in Wales.

Outcome: **Partially achieved**

In 2022, the Welsh Government introduced support for Legal Services apprenticeships (Level 3/ A-level equivalent and Level 5/ foundation degree level) to provide a paid pathway to qualify as a paralegal or Chartered Legal Executive (in partnership with CILEX). According to the Welsh Government’s Counsel General in 2022, Mick Antoniw, the **new** qualifications represent a ‘significant development for the Welsh legal sector’ and build upon the recommendations made in the Commission’s report. The Welsh Government currently funds the following legal apprenticeship pathways in Wales:

- Level 3 Paralegal
- Level 5 Advanced Paralegal
- Level 5 Conveyancing Technician
- Level 6 Conveyancer

The need for Legal 7 Apprenticeships in Wales has been a recurring issue throughout the Sixth Senedd,²⁴ with Welsh Government Ministers repeatedly outlining their support for the programme and underlining the **benefits** it could offer by increasing ‘diversity’ within the legal profession and providing vital opportunities to legal qualifications for those ‘who wouldn’t normally have access’ in Wales. However, there has been very little meaningful progress made, with the government yet to include a fully funded Legal Level 7 Apprenticeship as part of its Apprenticeship framework. In December 2025, the Welsh Government’s Counsel General,

²⁴ The topic of the Legal Level 7 Apprenticeship has been raised on multiple occasions by Senedd Members since 2019, including 1 **December** 2021; 4 **May** 2022; 1 **March** 2023; 5 **November** 2024; 25 **March** 2025.

Julie James, [reiterated](#) that she is ‘very keen to do this’, but confirmed that this is something the Welsh Government are still yet to decide upon.²⁵

The Welsh Government’s new apprenticeship programme is due to be delivered from August 2027.

41. There should be greater transparency about the level and distribution of expenditure on external legal services by the Welsh Government, each Welsh local authority and all other public bodies in Wales. The procurement of barristers’ services should be reformed to help build the capacity of the Bar in Wales.

Outcome: Partially achieved

The Welsh Government’s *Commercial Delivery Solicitors Services Framework* was re-procured, and went [live](#), in March 2025. The Framework provides the public sector in Wales with a compliant route for accessing solicitor services. Although the agreement provides access to specialist legal services from 20 law firms covering a range of legal areas, information with regards pricing structure is not routinely published due to commercial sensitivity.²⁶ A complete list of the 20 firms included in the Framework could not be accessed, but a number of these firms are [based](#) in Wales.²⁷

With regards to the procurement of barristers in Wales, the Welsh Government took steps in 2019 to establish a working group of barristers to include senior Wales and Chester circuit representatives, three regional Welsh Local Government area consortia, NHS legal team lawyers and lead Welsh government officials. The working group provided opportunities to

²⁵ The [Law Society’s Senedd Election Manifesto Asks 2026](#) once again underlines the need for the implementation of a fully funded Legal Level 7 Apprenticeship in Wales. This includes the potential to improve access to the legal profession in Wales; address the challenges associated with the recruitment and retention of legal professionals in Wales; and to address the widening issue of advice deserts across Wales.

²⁶ The Welsh Government routinely publishes expenditure on external legal services for transactions in excess of £25k, but not those below this figure.

²⁷ Whilst the Welsh Government has taken the lead in the procuring the Solicitors Framework for use by the Public Sector in Wales, it is not responsible for the procurement of legal advice by other public sector bodies.

share ideas and, where appropriate, opportunities for joint working and sharing of training, to build the breadth and capacity of the Public Law Bar in Wales and to inform procurement of counsel services.

The Welsh Government's list of Panel of Counsel was [refreshed](#) in January 2026: 36 Counsel were appointed for a period of five years, with effect from 1 February 2026. In total, 25 Counsel were appointed from firms outside of Wales, including all 12 of those appointed to the Panel of King's Counsel.²⁸

42. The Welsh Government should develop and implement as soon as possible our proposed strategy to reinvigorate the rural and post-industrial legal sector in Wales.

Outcome: Not achieved

Much of the Welsh Government's focus in this area has been on facilitating the establishment of a Law Council of Wales, with the view that the Council could take forward this recommendation. However, while the Welsh Government agreed to work with the Law Council of Wales on any areas of priority it identified, the Council has received very little practical or financial support from the Welsh Government since it was established in 2022. As such, there has been little progress made against this recommendation since 2019.

The introduction of a Legal Level 7 Apprenticeship has been widely [heralded](#) as a way to retain talent in rural and post-industrial areas which can help to reinvigorate the local legal sector. The Welsh Government, however, has yet to introduce a fully funded Level 7 Apprenticeship in Wales.

²⁸ While it may well be the case that the individuals appointed have personal and/or professional connections to Wales, the Panel of Kings Counsel are drawn from the following Chambers outside of Wales: 11 King's Bench Walk (London); Francis Taylor Building (London); Henderson Chambers (London); Keating Chambers (London); Landmark Chambers (London); Monckton Chambers (London); and Serjeants' Inn Chambers (London).

43. The Welsh Government should provide strong support for investment in technology, especially in post-industrial and rural Wales.

Outcome: Partially achieved

The Legal Innovation Lab Wales was established at Swansea University in 2019 after [receiving](#) £4.95 million from the European Regional Development Fund through the Welsh Government and Swansea University. The Lab was developed to support collaboration between law firms, technology companies and security organisations, encouraging innovation in LegalTech, as well as access to justice. Although significant funding was put into the development of initiatives to support legal technology, the impact the investment has had on the legal sector in post-industrial and rural Wales remains unclear. The project received no follow-on funding from the Welsh Government and [ended](#) in June 2023.

The Welsh Government has also made a number of investments, albeit many of them not specific to the legal sector. During 2022 and 2023, the Welsh Government provided the legal sector in Wales with £100,000 of cyber security funding to enable legal practices across Wales to gain Cyber Essentials accreditations, with around 20 per cent of law firms included in the scheme.²⁹ The impact that this has had on post-industrial or rural areas in Wales, however, remains uncertain.

²⁹ Business Wales has also provided bespoke business support, including advice and events on topics such as access to finance, Human Resources and employment practices, tendering and procurement and resource efficiency. A range of business support materials are available specifically for the legal sector, including [bilingual online resources](#) for the Business Wales website, comprising a series of short video case studies of operational aspects of law firms in Wales; an online workshop on recruitment, retention, and succession planning in the legal sector.

44. The Welsh Government must provide clear leadership and support for the legal services sector. This should be targeted, user-friendly, flexible and attractive to potential inward investors especially with establishing a technology-based nearshoring centre as an objective.

Outcome: Partially achieved

The Welsh Government has supported a number of initiatives to promote Welsh legal firms and Wales as a place of work, including hosting the Commonwealth Magistrates and Judicial Association conference in 2023.³⁰ However, there remain legitimate concerns across the legal sector about a lack of clear leadership and investment from the Welsh Government in legal services. The failure to introduce a fully funded Legal Level 7 Apprenticeship, and the lack of resource, assistance and support given to the Law Council of Wales (see Recommendation 65), provide two standout examples.

However, in light of the technological advancements and changes that have been made since the Commission's report was published in 2019, there is perhaps a need to reevaluate this recommendation. The outbreak of Covid-19 heralded a major shift in working patterns and practices across the legal services sector. Many law firms have since introduced new technology to facilitate the remote delivery of services, including videoconferencing with clients. The 'step change' in the use of technology has led some across the legal sector to change their perspective on nearshoring and the potential merits associated with this recommendation.

³⁰ This event was attended by the First Minister, the Lord Chief Justice of England and Wales, as well as senior legal and judicial figures from across the globe.

45. The Welsh Government, legal professionals in Wales, the Law Society, the Bar Council, other professional bodies and academia should work in partnership. They should develop and promote the capabilities of the legal sector, promote South Wales as a legal centre and increase the export of legal services.

Outcome: Partially achieved

The focus of the Welsh Government's work in this area was directed towards the establishment of a Law Council of Wales. Once the Council was formed, the government's hope (and expectation) was that the Council would drive forward work in this area by bringing together legal professions, academics and other professional bodies. However, while a Law Council of Wales was successfully established in 2022, the Council has limited resources, with much of its work dependent on the goodwill of volunteers. The capacity challenges facing the Law Council of Wales mean that very little progress has been made in this area. The Welsh Government has also not acted to independently produce any kind strategy to promote the capabilities of the legal sector in Wales, or to showcase south Wales as a legal centre.

Chapter 10: Knowledge, skills and innovation

46. Welsh law schools must reassess their undergraduate programmes to take advantage of the scope for comparative studies and transferable qualifications.

Outcome: Not achieved

The Commission's recommendation sought to encourage Welsh law schools to take the necessary steps to attract larger numbers of international students into Wales. While steps have been taken across some Welsh universities to promote comparative studies and to realise the advantages associated with transferable qualifications across multiple jurisdictions, this recommendation has been played out a time when universities across Wales have faced considerable challenges. The UK's withdrawal from the European Union (EU) has seen the number of EU students enrolled on courses in UK universities [fall](#) by 57 per cent. According to [Universities Wales](#), changes to the UK immigration system, including the increase in the general salary threshold, could also have a further 'significant impact' on the number of international students recruited to Welsh universities in future.³¹

Furthermore, the [continuing](#) (and worsening) financial crisis in Welsh universities, which has led to significant academic [redundancies](#) in recent years, has forced several law departments to limit or 'rationalise' the curriculum on offer. These pressures have further undermined the level of progress made against this recommendation since 2019.

³¹ Widespread concerns have also been raised about the [challenges](#) facing international students in Wales. This includes problems around housing, as well as concerns over the treatment and support [provided](#) to available to their families.

47. Law tech must be taught to all students and the professions across Wales.

Outcome: Partially achieved

While there is evidence that university departments offering LLB Law programmes across Wales have taken steps to teach Law tech to students, many of the modules offered are ‘optional’, not compulsory or ‘core’. Optional modules on Law tech are offered at [Aberystwyth University](#) (Year 2) [Bangor University](#) (Year 2), [Cardiff Metropolitan University](#) (Year 2), [Cardiff University](#) (Year 3), [Swansea University](#) (Year 2), and the [University of South Wales](#) (Year 2). Swansea University has also introduced a [LLM](#) LegalTech and Commercial Law.³²

Although the topic might be covered in modules dealing with legal skills elsewhere in the curriculum, there are currently no legal tech modules offered on the LLB at [University of Wales Trinity Saint David](#) or [Wrexham University](#).

A number of training sessions and events for the legal professions have been held across Wales since 2019. These events, including LegalTech Wales Roadshow, are routinely advertised on the Legal Wales News website. The [fourth](#) LegalTech Wales Roadshow will be held in March 2026 and will focus on Artificial Intelligence (AI) in the legal sector.

³² The modules offered at each university are: Aberystwyth University: ‘Technology, Artificial Intelligence and the Law’; Bangor University: ‘Law and Technology’; Cardiff Metropolitan University: ‘Cyber Law’; Cardiff University: ‘Law, Technology and Society’; Swansea University: ‘Foundations in LegalTech’; University of South Wales: ‘Law and Technology in Practice’.

48. All university and college education providers in Wales should teach Welsh law as part of the ordinary undergraduate syllabus and work together to produce the necessary materials.

Outcome: Not achieved

In 2023, the Law Council of Wales carried out an audit to determine where Welsh law is being taught across universities in Wales and considered what a Welsh law curriculum could include. At present, there are four universities in Wales that offer ‘optional’ modules dedicated to the topic of Welsh law and devolution. These include [Bangor University](#) (Year 2 or 3), [Cardiff University](#) (Year 3), [Swansea University](#) (Year 2 or 3), and the [University of South Wales](#) (Year 3).³³ [Cardiff University](#) also offers modules on ‘The Law of Devolution in Wales’ and ‘Constitutionalism and Governance’ as part of the Governance and Devolution [LLM](#).

There are currently no dedicated modules on Welsh law offered on the LLB at [Aberystwyth University](#), [Cardiff Metropolitan University](#), [University of Wales Trinity Saint David](#), or [Wrexham University](#). Although the topic of Welsh law is likely to be reflected in other modules offered across the curriculum, including Public Law, many of the core modules delivered on LLB programmes do not include distinct differences in Welsh Law (e.g. Contract, Tort, Equity and Trusts).³⁴

Consideration should also be given to the cross-border flow of students between Wales and England. In 2022/23, 41 per cent of all undergraduates from Wales [studied](#) in England. Although the exact number of those studying law (or those who later return to Wales to pursue a career in law) is unknown, there is undoubtedly a need to consider the ways in which Welsh law is reflected in undergraduate syllabuses in England. This is true not only for Welsh students who

³³ The modules offered at each university are: Bangor University: ‘Devolution Law’; Cardiff University: ‘Welsh Devolution’ and ‘Datganoli yng Nghymru’ (‘Welsh Law and Devolution in Context’ will be delivered at Cardiff University from 2028 as part of the new revalidated programme); Swansea University: ‘The Law of Devolution in Wales’; University of South Wales: ‘The Law in Wales’.

³⁴ There are some elements of Land Law where it is possible to introduce aspects of Welsh law. The new arrangements under the Renting Homes (Wales) Act 2016 is being taught within Land Law modules in several Universities

study in England and wish to practice in Wales upon completion of their degree, but students who go on to practice in England in areas of law which are distinct in Wales.

49. The place of Welsh law and the distinctiveness of the law in Wales should be properly reflected in professional and continuing legal education and training.

Outcome: Partially achieved

There are a range of initiatives across the legal sector to ensure that the place of Welsh law is reflected in continuing legal education and training. The [Legal Wales](#) Annual Conference, for example, provides a regular forum for legal practitioners to engage and reflect upon the distinctiveness of the law in Wales. There are also developments within particular areas of law across Wales. The Agricultural Law Association hosts its own Wales [Annual Conference](#) and also delivers a residential training course, [Starter for Ten – Wales](#), which provides basic information for trainees on relevant areas of law and policy in Wales, including land law and tenancies, agriculture and environment.

These initiatives, however, have emerged organically and rather unevenly across the legal sector in Wales. The Commission’s conclusion in 2019 that there was ‘no dedicated system for updating solicitors and barristers in Wales on developments in Welsh law’ is still valid.³⁵

³⁵ The same is also true for legal practitioners in England who provide services in Wales.

50. Wales specific data should be collected and published on a sufficient scale to enable disaggregation, with a view to proper evidence-based policy development and as a basis for research.

Outcome: Partially achieved

The Ministry of Justice published its inaugural [Welsh Justice Data: Annual Release 2025](#) in September 2025. The release makes Wales-only prison data publicly available for the very first time and will significantly enhance transparency, scrutiny and accountability over the criminal justice system in Wales. The data included, however, relate only to a limited number of key ‘priority areas’ relating to prisoners from Wales.

There remain a number of significant data gaps across the Welsh justice system. Research carried out by Children’s Legal Centre Wales, for example, has identified the paucity of data on the [number](#) of Deprivations of Liberty Order applications affecting Welsh children, as well as police strip [searches](#) on children in Wales. The Law Society’s *Reimagining Justice in Wales 2030* also [underlined](#) the need for improved data on access to justice in Wales, the use of legal technology, as well as disaggregated data on the Welsh legal sector. There are also gaps on judicial review in Wales. This includes the absence of any publicly available disaggregated data on claims against Welsh public bodies, their progress and outcomes. Although the Ministry of Justice’s Civil Justice Statistics [include](#) information on judicial review claims issued in the Administrative Court in Cardiff, this court also administers claims from the Western Circuit (south West of England), thus preventing any Wales-level analysis.

51. The Welsh Government should lead the development and implementation of an action plan to promote and support public legal education, particularly for children and young people.

Outcome: Not achieved

Progress in this area was to be taken forward by the establishment of a Law Council of Wales. However, the Law Council has not developed as originally intended and its ability to take forward work to improve public legal education has been limited. No action plan or strategy to promote public legal education, especially for children and young people, has been produced since the Commission's report was published in 2019.

According to the [Children's Legal Centre](#) Wales, legal education for children and young people is 'fragmented', 'inconsistent' and remains an 'underdeveloped part of civic learning'. In 2022, the Welsh Government began the phased introduction of the new Curriculum for Wales for 3-16 year olds. Although the [guidance](#) provided within the Humanities Area of Learning and Experience suggests that learners may be 'introduced to other complimentary disciplines' including law, there is little information provided on how the new curriculum will support public legal education for children and young people in Wales.³⁶

³⁶ The Advanced Skills Baccalaureate Wales was [introduced](#) in September 2023. It is unclear, however, what emphasis (if any) is placed on public legal education as part of the new qualification.

Chapter 11: The Welsh language

52. All justice bodies should be subject to the Welsh Language Measure 2011.

Outcome: **Not achieved**

The current justice bodies that are subject to the Welsh Language (Wales) Measure 2011, and therefore required to comply with Welsh Language Standards, are:

- The four Police Forces in Wales: Dyfed-Powys Police, Gwent Police, North Wales Police and South Wales Police.
- The four Police and Crime Commissioners for the forces listed above.
- The Independent Office for Police Conduct.
- The British Transport Police.

Each of these bodies is required to publish an annual monitoring report on their compliance with Welsh Language Standards. These reports are publicly available on the respective organisations' websites.

Other justice bodies, including HM Courts and Tribunals Service, HM Prison and Probation Service, the Office of the Public Guardian, the Probate Registry and the Crown Prosecution Service, remain subject to Welsh Language Schemes under the Welsh Language Act 1993. The introduction of Welsh language standards regulations for Ministers of the Crown would [require](#) the consent of a UK Secretary of State in order to be named in regulations. Although previous research has found that Welsh Government Ministers have not asked or attempted to obtain the consent of the relevant UK Secretary of State, it is unclear if they have done so since the publication of the Commission's report in 2019.

The Welsh Language Commissioner's [manifesto](#) ahead of the 2026 Senedd Election expressed the view that extending Welsh Language Standards to priority areas, including Crown bodies and non-ministerial departments of the UK Government, would lead to significantly improved

compliance and strengthen the delivery of Welsh-language services across Wales. This proposed extension would include the bodies who are currently subject to a Welsh Language Scheme under the 1993 Act, such as HM Courts and Tribunals Service, HM Prison and Probation Service, the Office of the Public Guardian, the Probate Registry and the Crown Prosecution Service.³⁷

53. The Bar, CILEx and the Law Society should provide courses on using Welsh in the workplace, similar to those used by the Judicial College.

Outcome: Not achieved

The provision of training for barristers on using Welsh in the workplace would need to be included in the syllabus for the Bar Course. Although the [Bar Training Course \(LLM\)](#) at Cardiff University offers an optional module: ‘Eiriolaeth yn y Gymraeg’ (Advocacy in Welsh), the module is not credited. The Bar Standards Board’s [Bar Training: Curriculum and Assessment Strategy](#) states that written assessments may be provided in Welsh if requested. While it acknowledges that ‘the requirements of the Welsh Language Act 1993 are recognised’, candidates who can only satisfy the assessment requirements in Welsh will not be deemed ‘competent to practise at the Bar of England and Wales’.

Although CILEX recognise that its members working in Wales continue to engage with legislation passed by the Senedd and judgments from Welsh Tribunals that are distinct from their counterparts in Westminster and the courts of England & Wales, it does not offer any courses on using Welsh in the workplace.³⁸

³⁷ During a recent appearance before the Senedd’s Legislation, Justice and Constitution Committee, the Lady Chief Justice of England and Wales, [Baroness Carr](#), confirmed that just under half (48 per cent) of circuit judges in Wales have Welsh language skills. 11 per cent of magistrates in Wales are Welsh-speaking, with considerable variation across the different areas and regions of Wales.

³⁸ The CILEX Accredited training providers delivering Welsh apprenticeships include the *Prentis Iaith* module, which aims to support apprentices in Wales to [develop](#) Welsh language skills for the workplace.

The Law Society operates in accordance with the requirements played upon it by the Welsh Language Act 1993. However, it does not provide any courses on using Welsh in the workplace.

54. Digital services that are being introduced must be accessible, free help must be available and all must be available in Welsh at the same time as the English version.

Outcome: Partially achieved

In a [letter](#) to the Senedd's Legislation, Justice and Constitution Committee in 2023, the UK Government's Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, assured members that the Ministry of Justice would work alongside the UK Government's Digital Service to ensure that Ministry of Justice information relating to 'the most-used aspects of its business and services' are available both in Welsh and English. HM Courts and Tribunals Service's 2023-2026 [Welsh Language Scheme](#) also commits to making sure all digital/online services are available in Welsh at the same time as the English service and steps have been taken to [provide](#) 'more online services' in Welsh.

Despite these commitments, concerns remain about the availability of Welsh digital or online services. In 2022, the Welsh Language Commissioner launched an [investigation](#) into HM Courts and Tribunals Service having received evidence of non-compliance with its Welsh language scheme during a virtual hearing.³⁹ The investigation concluded that HM Courts and Tribunals Service had 'failed to comply' with the scheme, including the clause that any online service provided 'will be available in Welsh'. In 2025, the Ministry of Justice published [guidance](#) on its programme for 'modernising' court services in England and Wales. The guidance includes the claim that 'many' (but not all) of its services are available in Welsh.

The recently published [Independent Review of the Criminal Courts](#) (Part II), led by Sir Brian Leveson, revealed that HMCTS is currently exploring whether AI can effectively support English to Welsh translation to support judicial case preparation, alongside summarisation,

³⁹ The Welsh Language Commissioner published a [response](#) to HM Courts and Tribunals Service' digitising programme in 2018.

transcription and anonymisation tools. Although the review has endorsed ‘further exploration of AI-supported English to Welsh translation’ to help ‘maximise participation’, there is no indication that the UK Government will support the Review’s recommendation and no information about possible timescales for implementation.

55. Professional legal education for those wishing to practise in Wales must be available in the Welsh language with the phased introduction of the availability of all professional examinations in Welsh.

Outcome: Partially achieved

There has been significant progress made in the availability of professional examinations in the Welsh language since 2019. In 2021, the Solicitors Regulation Authority conducted a pilot exercise to explore the practicalities of running the Solicitor Qualifying Examination (SQE) 2 assessments in the medium of Welsh.⁴⁰ The pilot proved successful and the SQE2 became fully available in Welsh in September 2023. More recently, the SRA has successfully trialled the SQE1 pilot. As of January 2025, [trainee solicitors](#) can sit for the SQE1 assessment in Welsh, as well as the SQE2.

The extent of the progress made in providing professional legal education and training in Welsh, however, has been far more limited. Although the [Solicitors Practice Course](#) (LLM) and [Bar Training Course](#) (LLM) at Cardiff University offer an optional module: ‘Eiriolaeth yn y Gymraeg’ (Advocacy in Welsh), the module is not credited. The SQE preparation courses offered at [Swansea University](#) and the [University of South Wales](#) currently offer no modules (according to the available course information) through the medium of Welsh.

⁴⁰ The Solicitors Qualifying Examination is comprised of two assessments. SQE1 tests candidates' functioning legal knowledge and SQE2 assesses candidates' practical legal skills.

56. Welsh law schools must collaborate on Welsh medium legal education, especially as regards the provision of teaching materials.

Outcome: Achieved

There are a number of Welsh university departments which offer optional modules on the LLB Law programme through the medium of Welsh. This includes modules offered at [Aberystwyth University](#) (Legal Skills and Research; Legal and Criminal Justice Systems; Public Law); [Bangor University](#) (The Law in Welsh; Social Divisions; Wales in the Modern World; Devolution Law; Contemporary Issues in Criminal Law; Dissertation); [Cardiff University](#) (Cyfraith Cymru a Datganoli Mewn Cyd-destun; Traethawd Hir); [Swansea University](#) (where students can study two modules in Welsh in Year 1 and 2); and [University of South Wales](#) (Academic and Professional Legal Skills and Learning Through the Workplace).⁴¹

The core modules delivered across Welsh Universities will often include a Welsh-medium tutorial or seminar group which is integrated into the main module. Some departments, including Cardiff University's School of Law and Politics, have the capacity to offer Welsh-medium provision on all core undergraduate modules from Year 1 to 3 (Level 4 to 6). As these can often come under the same module code and administered as part of internal group allocation, it is not always clear from University website where these are available.⁴²

The [Coleg Cymraeg Cenedlaethol](#), through its subject panel for Law & Criminology, has brought Law Schools together to collaborate on Welsh medium provision and resources in law. Since the publication of the Commission's report, the second edition of Keith Bush's textbook on Public Law, [Sylfeini'r Gyfraith Gyhoeddus](#), has been published and there is also on-going work on Welsh-medium textbooks for Contract Law, Equity and Trusts, and Land Law.

⁴¹ Based on the course information available, there are currently no modules in Welsh available on the LLB at [Cardiff Metropolitan University](#), [University of Wales Trinity Saint David](#) and [Wrexham University](#).

⁴² Law Schools will promote these options during open days and contact students with fluent Welsh language skills when they register to inform them of the options available and may automatically enrol Welsh-medium student on to the Welsh provision.

The Coleg Cymraeg has also supported the development of other teaching resources. The Coleg's website hosts online resources on the core principles of [Contract Law](#) developed in collaboration between Bangor and Aberystwyth Universities. This type of resource can be accessed for free by students and can be embedded onto core modules by staff at any University.

The Coleg Cymraeg's subject panel has also facilitated Law Schools to collaborate on student recruitment and employability initiatives. In 2021, the panel hosted the first Welsh language online [conference](#) for law students that included contributions from the (then) Welsh Government's Counsel General, Jeremy Miles, and Lord Lloyd-Jones. The panel subsequently held six online workshops in the autumn of 2021, open to students and the public, which hosted talks on current issues in law and criminology and included contributions from five of the law schools or departments in Wales.

In 2023, the panel held two online [career panel](#) events in Welsh for law students seeking a traditional legal career and for those seeking alternative careers using their law degree. More recently, a national Welsh-medium mooted competition has been re-established. The first was hosted by Cardiff University at the National Eisteddfod in 2024 and included teams from Cardiff and Aberystwyth Universities.

57. All coroner services should be available in the Welsh language.

Outcome: Not achieved

In a [letter](#) to the Chair of the Senedd's Legislation, Justice and Constitution Committee in March 2023, the UK Government's then Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, noted that, while coroner law and policy are reserved to the UK Government, coroner services in Wales are 'administered and funded by local authorities'.⁴³ As a result, he

⁴³ Although coroners are employed by local authorities, they operate as separate legal entities and are therefore not subject to the provisions of the Welsh Language (Wales) Measure. As a result, coroners are not bound by Welsh Language Standards or Welsh Language Schemes.

argued that responsibility for progressing this recommendation should sit with the Welsh Government. However, in its *Delivering Justice for Wales*, the Welsh Government [acknowledged](#) that it would require ‘the agreement of others’ or the devolution of responsibility for the coroners’ courts in order to progress this recommendation.⁴⁴ The ‘jagged edges’ surrounding coroner services in Wales have yet to be resolved and, as such, there has been no meaningful progress made against this recommendation.

⁴⁴ The Welsh Language Commissioner has recently been involved in a case in which a death certificate was issued in English only, despite the inquest having been conducted in Welsh. This occurred as a result of a clerical error within the coroner’s office. The discussions held in response to this case have helped to highlight a number of challenges, including a lack of Welsh-speaking coroners, as well as shortcomings in the procedures and planning of Welsh-language services within coroner services. The Welsh Language Commissioner is currently working with the General Register Office with the aim of improving the Welsh language provisions and services when registering deaths, births, and marriages.

Chapter 12: Governance, the law of Wales and the judiciary

Recommendations on devolution of justice

58. There should be legislative devolution of justice. Restrictions and reservations governing the Assembly’s power to legislate on all forms of justice, including policing and offender management and rehabilitation, should be removed, so that it corresponds more closely with the position of the Northern Ireland Assembly and the Scottish Parliament.

Outcome: **Not achieved**

The UK Government has consistently maintained its position that it [does not agree](#) with the Commission’s recommendation for the legislative devolution of justice. In a letter to the Independent Commission on the Constitutional Future of Wales in 2023, the Ministry of Justice’s then Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, [expressed](#) that the UK Government has ‘significant concerns’ with the recommendation to devolve justice. The UK Government’s position on legislative devolution has not altered since the election of a Labour-led government in July 2024. Despite Labour’s election [manifesto](#) commitment to ‘consider’ and ‘explore’ the options for the devolution of youth justice and probation, neither of these commitments include the possibility of transferring legislative functions for youth justice and probation to the Senedd.⁴⁵ The UK Government has also [rejected](#) calls for the devolution of policing on the basis that Ministers and officials in Whitehall ‘do not think that the devolution of policing is right for Wales at this time’.⁴⁶

The non-implementation of this recommendation means that legislative powers over justice in Wales, including policing and offender management and rehabilitation, remain reserved to the UK Parliament.

⁴⁵ In oral evidence to the House of Commons Welsh Affairs Committee in February 2026, the Secretary of State for Wales, Jo Stevens, confirmed that current discussions over the devolution of youth justice and probation to Wales do not extend to legislative powers: ‘Both Governments have agreed to work together to look at options relating to governance and funding of youth justice services and partnership arrangements on probation services.’

⁴⁶ These calls emerged after the publication of the Home Office’s [Policing Reform White Paper](#) in January 2026.

59. In tandem with the removal of reservations and restrictions on the Assembly's powers, responsibility for executive functions in relation to justice in Wales should be transferred to the Welsh Government.

Outcome: Not achieved

The UK Government's decision not to implement Recommendation 58 (legislative devolution of justice) means that the UK Government retains responsibility for executive functions over justice in Wales.

60. Devolution of justice must be accompanied by a full transfer of financial resources, including all identifiable administrative and capital resources relating to Wales.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there is no progress to report against this recommendation. The responsibility for providing appropriate financial resources for justice services in Wales, including administrative and capital resources, still falls upon the UK Government.

Recommendations to be implemented under the current scheme of devolution

61. Clear and accountable leadership on justice in the Welsh Government must be established under the current scheme of devolution.

Outcome: Not achieved

In the absence of a dedicated Welsh Government Justice Minister, the responsibility for justice related issues continues to be spread across a number of Welsh Government ministerial portfolios. These include:

The Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

- Anti-slavery, domestic abuse, gender-based violence and sexual violence.
- Youth Justice and Female Offending Blueprints.
- Community Safety, including Police Community Support Officers.
- Relations with the Police and Crime Commissioners, Police and other Criminal Justice agencies.
- Relations with UK Government in respect of Prisons and the Probation Service.

Counsel General and Minister for Delivery

- Welsh Tribunals.
- Liaison with the Legal Sector and Law Council for Wales.
- Accessibility of Welsh law.
- Access to Justice.

Deputy First Minister

- Constitutional affairs.
- Co-ordination of justice policy issues.

Following the publication of the Commission's report, the Welsh Government 'moved immediately' to [establish](#) a Cabinet Sub-Committee on Justice. Its responsibilities included providing 'strategic leadership for justice functions' across Welsh Government, as well as ensuring a 'co-ordinated approach' to justice across ministerial portfolios. Following its very first meeting on 8 July 2021, the meeting minutes for all Sub-Committee meetings were made available on the Welsh Government's [website](#), including a full list of attendees.

The Cabinet Sub-Committee's last meeting, however, was on 7 February 2024. Following a change of leadership in Welsh Government, the new First Minister, Eluned Morgan, took [steps](#) to 'limited the number of formal sub-committees' across Welsh Government. Although the responsible ministers now come together 'regularly' in a meeting [chaired](#) by the Deputy First Minister, there are few publicly available details about these meetings, including the subjects discussed or those in attendance.

The responsibility for justice related issues in Wales also continue to be spread across the Welsh Government's various directorates. Without any kind of 'locus' for justice in Wales, such as a dedicated Justice Ministry, it often remains unclear which team or directorate is ultimately responsible for justice related issues in Wales. Furthermore, the Welsh Government's messaging on justice related issues often lacks consistency. For example, despite having a clear set of policies, pledges and commitments on reserved justice matters, Welsh Government Ministers have regularly declined to comment or engage with justice related queries on the basis that the area 'is a [reserved](#) matter and the responsibility of the UK Government'. The government's rather contradictory stance has emerged most clearly when being scrutinised on justice issues by members of the Senedd. This includes questions during the Sixth Senedd on [youth justice](#), [prisoner rehabilitation](#), and [policing](#) in Wales.

62. The Assembly should take a more proactive role in appropriate scrutiny of the operation of the justice system.

Outcome: Partially achieved

The National Assembly's Business Committee [proposed](#) that the name of the Constitutional and Legislative Affairs Committee be changed to the Legislation, Justice and Constitution Committee in January 2020. Although the Llywydd and the Chair of the Constitutional and Legislative Affairs Committee identified that the Senedd did not have the capacity for a separate and standalone justice committee, the name change was made to place greater focus and emphasis on scrutinising justice in Wales.

Alongside the Legislation, Justice and Constitution Committee, justice related issues in Wales are also scrutinised by a range of other committees, including the [Equality and Social Justice Committee](#), and the [Children, Young People, and Education Committee](#). The Senedd Research Service also regularly produces a number of important, helpful and informative outputs on key issues facing the justice system in Wales, including [children's rights](#), [sentencing](#), [legal aid](#), [prisons](#), [probation](#), [tribunals](#), [youth justice](#), and debates around future [devolution](#).

However, despite taking a more proactive role in scrutinising the justice system in Wales, the scrutiny provided by the Senedd remains fragmented. In the absence of a dedicated Justice Committee, it remains unclear who is ultimately responsible for holding the Welsh Government (and other relevant bodies) to account for justice related issues in Wales.

63. The Welsh Government should address policy issues relating to justice by using external experts who can report jointly with civil servants to Ministers.

Outcome: Partially achieved

According to its [Delivering Justice for Wales](#) strategy in 2022, the steps taken by the Welsh Government to better understand ‘the legislative and practical steps’ required to devolve various elements of the criminal justice system in Wales have ‘predominantly involved commissioning experts’ to undertake reviews and research in this area. In November 2023, the Welsh Government commissioned an independent [review](#), led by the former Chief Constable of North Wales Police, Carl Foulkes, to help prepare for the devolution of policing to Wales. The Welsh Government has also commissioned research into [probation](#) services in Wales, [youth justice](#), and in 2025 [funded](#) a Welsh Justice Research Programme.⁴⁷ In April 2023, it also appointed Dame Vera Baird, the former Victims Commissioner for England and Wales and now Chair of the Criminal Cases Review Commission, as an Independent Expert Advisor on Justice Devolution.⁴⁸

The focus of much of the Welsh Government’s work with external partners, however, has largely been directed towards planning for justice devolution. The extent to which external experts or partners have been used to address current policy and practice issues across the Welsh justice system is unclear. Furthermore, many of the groups and organisations that have carried out work on behalf of the Welsh Government have done so often without financial support from Welsh Government. Where funding has been made available, this has often been awarded to research consultancy companies, which does little to support the development of original academic research or lasting expertise on justice in Wales.⁴⁹ There remains, therefore, considerable scope for the Welsh Government to consider the value of encouraging and supporting partners across Wales to carry out this work.

⁴⁷ The contract was awarded to a research consortium led by Miller Research UK.

⁴⁸ Dame Vera Baird was [appointed](#) as an Independent Expert Advisor on Justice Devolution on a 12-month contract and left her role in 2024.

⁴⁹ This also represents a glaring missed opportunity to provide much needed financial support to Higher Education Institutions across Wales.

64. The Welsh Government and the legal sector should develop a joint leadership programme.

Outcome: Not achieved

The focus of the Welsh Government's work in this area has largely been directed towards the establishment of a Law Council of Wales. However, while progress in this area was to be taken forward by the Law Council, the Welsh Government has done little to provide the Council with the financial resource needed to support its work. The Law Council has therefore not developed as originally intended and its ability to take forward work to develop a joint leadership programme has been limited.

65. A Law Council of Wales should be established to promote the interests of legal education and the awareness of Welsh law, to ensure proper provision of teaching the law in Welsh, and to assist students in their education and training as future practitioners.

Outcome: Partially achieved

The Law Council of Wales was established in 2022 following the publication of the Commission's report. Although it initially intended to focus on legal education and training, modelled on the [Joint Standing Committee for Legal Education](#) in Scotland, the remit of the Council was extended to provide a wider forum for the legal sector to deliberate and act on common issues affecting the legal sector in Wales. The Council's activities are steered by its Executive Committee which is overseen by the President of the Law Council of Wales, Lord Lloyd-Jones.

Notwithstanding its relatively recent establishment, the Council has already achieved a number of notable accomplishments. These include influencing vocational training, as well as the development of aspects of the required functional legal knowledge in the Solicitors Qualifying Examination. This has helped to ensure that the SQE requires candidates to have knowledge of distinct aspects of Welsh law when qualifying in England and Wales. Members of the Council have also supported the process of making the SQE available in Welsh (see Recommendation 55). The Council has also initiated discussions on public legal education in Wales and has helped to support the establishment of Dispute Resolution Centre Wales.

The Law Council of Wales, however, remains a body with no executive powers and limited resources. Following a review of its activities during 2025, the Law Council decided to narrow the focus of its work. This decision was made because the Council has no staff or financial resources and depends entirely on the goodwill of volunteers.

Although a Law Council of Wales has been established, the model that currently exists is not what the Commission had envisaged. Once again, in the absence of financial resource or support from either the UK or Welsh Government, the Council stands as yet another initiative that has been established and maintained through the determined efforts of a handful of hardworking volunteers in Wales. Without financial support, however, it is a model which is neither suitable nor sustainable for fulfilling the functions recommended by the Commission.

66. The organisation of the senior judiciary in Wales should be changed to provide the necessary working relationships and leadership within Wales.

Outcome: Not achieved

This recommendation focused on improving the level of engagement shown by the senior judiciary in Wales within the devolved legislative and policy landscape. This included supporting closer relationships between the senior judiciary, the Senedd and Welsh Government, as well as recommending participation in the Criminal Justice Board for Wales

and Civil Justice Board.⁵⁰ The Commission also recommended ending the model of rotating Presiding Judges in Wales to support the development of a more visible and ‘consistent leadership role’, as well as the appointment of a ‘very senior judge’ at the level of the Court of Appeal to lead the existing body of judges to exercise responsibility for Wales as Presiding Judges, Supervising Judges, Liaison Judges and President of Welsh Tribunals.

Despite the many detailed proposals set out in the Commission’s report, there has been minimal progress made against this recommendation. Although [forums](#) like the Judges Council Committee for Wales exist to represent Welsh judges and there remains, according to the Lady Chief Justice of England and Wales, [Baroness Carr](#), a ‘great national pride’ amongst the judiciary in Wales, the formal organisation of the Welsh judiciary largely remains largely unchanged.

67. Wales should be put in a similar position to Scotland and Northern Ireland in the Supreme Court as regards the appointment of judges to the Supreme Court.

Outcome: Not achieved

Although the Welsh Government’s *Delivering Justice for Wales* underlined its [commitment](#) to ‘pursue the case for guaranteed Welsh representation on the Supreme Court’, this recommendation has been rejected by the UK Government.⁵¹ When providing oral evidence to the Senedd’s Legislation, Justice and Constitution Committee in December 2022, the UK Government’s then Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, [told](#) committee members that the ‘Constitutional Reform Act 2005 already provides that all parts of the United Kingdom should be represented on the Supreme Court’. Rather than oversee any constitutional change that would provide a formal or guaranteed role for a Welsh judge, the

⁵⁰ The Commission recommended the establishment of a Civil Justice Board in Wales but this was never implemented.

⁵¹ A definition of ‘Welsh judge’ was not explicitly provided in the Commission’s report. What constitutes a Welsh judge may, therefore, be subject to differential interpretation. This may simply refer to a judge who works on the Welsh Circuit or even extend to a judge (working elsewhere) who has a strong personal or professional connection to Wales.

Minister simply expressed the hope 'that good Welsh candidates for the Supreme Court will come forward, as they have in the past', such as Lord Lloyd-Jones.

Recommendations for implementation with legislative devolution

68. With legislative devolution, there must be a new Justice Department in the Welsh Government led by a Cabinet Minister.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.⁵²

69. The office of Counsel General should continue as an office that provides independent legal advice to the Welsh Government and heads the Government Legal Service in Wales.

Outcome: Not achieved

Although the non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation, the office of Counsel General continues in Welsh Government, albeit not in the way envisaged by this recommendation.

⁵² The Law Society's *Senedd Election Manifesto Asks 2026* [sets](#) out the case for a 'dedicated Welsh Ministry of Justice' to improve the coherence, alignment and accessibility of Welsh justice policy.

70. Legislative devolution will require the establishment of a Justice Committee in the Assembly

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

71. Where there is overlap between the roles of local, regional and national boards, committees and partnerships, they should be merged.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

72. Where there is overlap between the roles of local, regional and national boards, committees and partnerships, they should be merged.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

73. The law applicable in Wales should be formally identified as the law of Wales, distinct from the law of England.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

74. The present system where legal practitioners can practise in England and Wales and the legal professions are jointly regulated should be continued.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

75. Legislation should provide for a High Court and a Court of Appeal of Wales to be established by the Assembly.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

76. With legislative devolution, a Welsh Courts and Tribunals Service should be developed from the base of a Welsh Tribunals Unit reformed on the model of the Scottish Courts and Tribunals Service.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

77. With legislative devolution, the Welsh Government will need to review, and keep under continuing review, the justice infrastructure for Wales.

Outcome: Not achieved

The non-implementation of Recommendation 58 (legislative devolution of justice) and Recommendation 59 (the transfer of executive functions in relation to justice) means that there has been no meaningful progress made against this recommendation.

Action to be taken now by the Welsh Government and the Assembly

78. The Welsh Government should begin the process of reform by listing the recommendations it will seek to implement whilst the current scheme of devolution continues. The Assembly should make arrangements to monitor and review the process of reform.

Outcome: **Not achieved**

The [Delivering Justice for Wales](#) strategy is the closest the Welsh Government has come to providing a definitive list of the recommendations that it seeks to implement. This was followed by the *Delivering Justice for Wales: progress report* [published](#) in 2024, which offered further detail of the work that had been done in this area since May 2022. The Welsh Government's exact response to each of the Commission's recommendations, however, has been rather unclear from the outset. For example, rather than provide a direct response to each of the Commission's 78 recommendations (or those deemed to be within its competence), *Delivering Justice for Wales* provided a rather unwieldy and fairly broad commentary on the areas the Welsh Government would pursue. While certain recommendations are dealt with in the report, including those relating to justice data and the tribunals in Wales, specific actions against each of the recommendations are often missing. In its 2024 [update](#), for example, the Welsh Government simply offered a rather generic overview of the work it has been doing to progress the Commission's recommendations. This included:

- enacting the recommendations that fall directly to the Welsh Government.
- providing co-operative leadership on the proposals that rely on other actors in Wales.
- overseeing discussions with the UK government on the proposals that require their consent.
- providing co-operative leadership in the areas where the commission's proposals rely on other actors in Wales.

Although the respective committees in the Senedd have actively engaged in the process of scrutinising the justice system in Wales since 2019, there has been very little dedicated focus on the Commission's report or the Welsh Government's progress in implementing the recommendations. Indeed, the lack of attention directed toward the Thomas Commission during the Sixth Senedd is one of the main justifications for this research.

2 A Story of Non-Implementation: The Commission's Report Six Years On

The detailed review of the progress made against each of Commission's 78 recommendations in the previous chapter shows that there has been significant activity since 2019. From the establishment of the Law Council of Wales; progress towards the disaggregation of Wales-only data; steps to improve education and awareness of Welsh law; to the creation of Dispute Resolution Centre Wales, these developments have made an important contribution to the Welsh justice landscape. However, while these developments represent *some* progress against the Commission's recommendations, there is little to report when it comes to full or proper implementation. In total, only three of the 78 recommendations have been achieved in full. While two of these can be traced directly to the efforts made by Welsh law schools and Welsh members of the Civil Procedure Rules Committee seeking to respond to the Commission's recommendations, the other has been achieved as a consequence of wider policy changes across England and Wales and the UK Government's decision to place probation services back into the hands of the public sector.

It is therefore difficult to avoid the conclusion that much of the progress made since 2019 has been accomplished via the determined efforts of those from the legal professions, civil society, and academia in Wales. Often without any financial resource or formal responsibility for doing so, people across Wales have volunteered to establish and sustain key initiatives that were recommended by the Commission. The formation of the Law Council of Wales and the creation of Dispute Resolution Centre Wales provide two standout examples. This conclusion, however, naturally raises questions about what role the UK and Welsh Government have played since the Commission's report was published in 2019.

The UK Government

The UK Government has been a reluctant and often unwilling contributor to debates on the Commission's recommendations. The tone was very much set in January 2020 when the UK Parliamentary Under-Secretary of State for Justice, Chris Philp, confirmed that the government

did not intend ‘to produce a full and formal response to the Thomas report’ because it had not been commissioned by Ministers in Whitehall. What has since followed are a series of ad hoc responses given by (often junior) UK Ministers to questions raised about the Commission in Westminster and the Senedd (see [Appendix 1](#)). Despite signalling its initial intent to work alongside the Welsh Government to help deliver five of the Commission’s recommendations,⁵³ a consistent theme throughout the UK Government’s responses has been its opposition to devolving justice powers to Wales. In a [letter](#) to the Senedd’s Legislation, Justice and Constitution Committee in November 2022, for example, the then Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC, reassured members that the UK Government were ‘keen to work with the Welsh Government to take forward some of the recommendations which have the potential to improve justice outcomes in Wales, *provided they do not require a change to the devolution settlement*’.

Although defiantly determined to keep the ‘unitary’ England and Wales system intact, the UK Government has consistently struggled to offer an intellectually respectable argument in defence of the status quo. Those championing the current constitutional arrangements in Wales have, as first [argued](#) in *The Welsh Criminal Justice System: On the Jagged Edge*, relied upon justifications that involve decrying devolution, deflecting attention away from the problems facing the Welsh system, or simply trivialising them. The various justifications cited between 2019 and 2024 for refusing devolution include: concerns about the ‘[huge expense](#)’ that justice devolution would present to the taxpayer;⁵⁴ claims that the current system ‘[performs very well for Wales](#)’; that devolution would create a ‘[more complex](#)’ system; ‘[would make no real difference](#)’; or that it would make [too much](#) difference.

The formation of a Labour-led government in July 2024 has done almost nothing to shift the dial on justice devolution to Wales. Despite Labour’s election [manifesto](#) commitment to ‘consider’ and ‘explore’ the options for the devolution of youth justice and probation, neither of these commitments have been pursued in the spirit of the recommendations set out in the Thomas

⁵³ These were Recommendation 20 (Digital court services), 26 (the Administrative Court), 50 (disaggregated data), 54 (The availability of digital court services in Welsh) and 57 (Coroner services in Welsh).

⁵⁴ For an authoritative analysis of the financial costs associated with justice devolution see Guto Ifan’s ‘*Fiscal implications of devolving justice*’.

Commission’s report. On probation, for example, the UK government is currently considering proposals for a Memorandum of Understanding which would put Wales on a par with the model operating in Greater Manchester.⁵⁵ The ongoing discussions on youth justice, meanwhile, primarily concern ‘lifting and shifting’ responsibility for the monitoring and funding for youth justice services to the Welsh Government. Neither of these proposals, however, include any commitment to the transfer of legislative responsibility and will do nothing to solve the inherent structural problems underlying Wales’ justice system.

Much like its predecessor, the UK Labour government has failed to engage in any intellectually serious way with the ‘in principle’ problems that arise from the anomalous and ‘[overly complex](#)’ constitutional arrangements underpinning the Welsh justice system. The reasons given for opposing devolution have been strikingly similar to those deployed by the previous government. This includes: efforts to [downplay](#) the impact that the ‘jagged edge’ has on joined-up policy making and the delivery of services in Wales; the claim that devolution ‘[would require extensive institutional change](#)’; that devolution would have major ‘[financial implications](#)’; that the system in England and Wales needs to be in a more ‘[stable position](#)’ before further changes are considered; as well as the suggestion that the various fora for inter-government working facilitate ‘[collaborative conversations](#)’ which ensure the system works effectively.⁵⁶ Despite the promise of a ‘[partnership in power](#)’ between the Labour governments in Westminster and Cardiff, the UK Labour Government remains ‘completely hostile’⁵⁷ to the Welsh Labour Government’s calls for justice devolution.⁵⁸

⁵⁵ In a Hamlyn Lecture [delivered](#) at Cardiff University in 2023, Lord Thomas warned that the use of the term ‘devolution’ to describe ‘the allocation of powers to Scotland, Wales and Northern Ireland and the allocation of powers to entities within England’ has the potential to cause confusion about the fundamentally different models of governance that operate there.

⁵⁶ During a House of Commons [debate](#) on the Welsh criminal justice system in December 2025, the UK Government’s Parliamentary Under-Secretary of State for Justice, Alex Davies-Jones, highlighted that the Justice in Wales Strategy Group acts as the ‘senior strategic-level interface on justice issues between the Ministry of Justice, the Home Office and the Welsh Government on key areas of policy and reform’. According to [information obtained](#) via a request under the Freedom of Information Act 2000, the Strategy Group have only met on two occasions since the UK Labour Government were formed in July 2024.

⁵⁷ Extract taken from a research interview with Lord Thomas in January 2026.

⁵⁸ During a recent debate in the House of Lords, Lord Thomas raised concerns about the lack of transparency surrounding the UK Labour’s position on justice devolution. He described the process of trying to find out why the Labour Government in London oppose what the Labour Government in Cardiff want as ‘like trying to extract teeth’.

The UK Government's unwillingness to engage in any meaningful way with the recommendations of the Commission remains a source of considerable frustration for those committed to improving the justice system in Wales. However, in seeking to explain why there has been so little progress made since 2019, there is a danger that the story becomes oversimplified. While UK Ministers have consistently rejected the 'headline' recommendation for legislative devolution to Wales, it remains the case that around two-thirds of the Commission's recommendations do not require or involve any transfer of powers. Whitehall's point blank refusal to devolve justice to Wales, therefore, does not fully explain or account for the fact so few of the Commission's recommendations have been delivered, including those that fall within the gift of the devolved government.

The Welsh Government

The Welsh Government has undoubtedly been active in the Welsh justice policy space since the publication of the Commission's report in 2019. It has undertaken preparatory [work](#) for the establishment of a new tribunal system in Wales; taken meaningful steps to [improve](#) access to disaggregated Wales-only data; made numerous [commitments](#) to improving services for children; and has worked with many external partners to prepare for the devolution of [policing](#), [probation](#), and [youth justice](#) to Wales. However, notwithstanding the many initiatives and activities overseen by Ministers and officials in this area, the Welsh Government has ultimately failed to *fully* implement any of the Commission's recommendations it has responsibility for.

There are a number of possible explanations for the Welsh Government's failure to act more decisively. Firstly, the outbreak of the Covid-19 pandemic, only 151 days after the Commission's report was published, undoubtedly disrupted the early stages of the government's implementation programme. Indeed, the Welsh Government's work against the Commission's recommendations did not fully recommence until the re-election of a Labour government in May 2021. Secondly, given that the Welsh Government are not formally responsible for justice in Wales, the task of implementing the Commission's recommendations

largely fell upon the (already) under-sized and under-strengthened Justice Policy team.⁵⁹ Given the heavy burden already placed on the Justice Policy division in trying to fulfil the government's extensive pre-existing responsibilities over justice,⁶⁰ inadequate civil service capacity has almost certainly constrained the work being done to implement the Commission's recommendations. At the time of writing, the Welsh Government's Justice Policy team is comprised of 13.4 FTE, which equates to 0.2 per cent of the Welsh Government's total workforce.⁶¹

By far the most compelling explanation for the Welsh Government's failure to implement many of the Commission's recommendations, however, is that its approach throughout the Sixth Senedd lacked the necessary focus from the outset. In the introduction to its *Delivering Justice for Wales* strategy in 2022, for example, the Welsh Government [claimed](#) that the Commission's report had been 'overtaken' by other events, including the murder of Sarah Everard and George Floyd.⁶² As a result, the government acknowledged that certain recommendations included in the Thomas Commission's report would not be discussed at any length in what was to be its defining strategy on justice in the Sixth Senedd.

Delivering Justice in Wales was largely silent about what clear actions the Welsh Government would take in response to the Commission's recommendations. Although certain recommendations were referred to throughout, including those relating to justice data and the

⁵⁹ Ahead of the 2026 Senedd Election, the Law Society has [called](#) for the establishment of a dedicated Department of Justice in Welsh Government (along with a designated Justice Minister) to help improve transparency and the coordination of Welsh justice policy.

⁶⁰ For a more detailed overview [see](#) Chapter 4 ('The Welsh government and criminal justice: responsibility without power') of *The Welsh Criminal Justice System: On the Jagged Edge*.

⁶¹ The Welsh Government's [total workforce](#) was 5,571 FTE in 2022.

161.4 FTE are directly employed in the Justice Directorate in the Scottish Government. This equates to 1.8 per cent of the Scottish Government's [entire workforce](#) (8,873 FTE). Based on these numbers, the Scottish Justice Directorate is 9 times larger than the equivalent unit in Welsh Government. Even if we account for the fact that the Scottish Government is formally responsible for justice in Scotland, these data help to put the relative size of the justice team across the Welsh Government into context.

⁶² Following the murder of Sarah Everard in March 2021, the Welsh Government's Deputy Minister and Chief Whip, Jane Hutt, [reiterated](#) the government's commitment to tackling violence against women and girls in Wales. This included a pledge to 'strengthen' the Welsh Government's [Violence Against Women, Domestic Abuse and Sexual Violence Strategy](#).

The murder of George Floyd in Minnesota in May 2020 prompted worldwide protests and demonstrations aimed at ending police violence and tackling all forms of racial discrimination. To mark the anniversary of George Floyd's death, the (now titled) Minister for Social Justice, Jane Hutt, [re-outlined](#) the Welsh Government's commitment to delivering an anti-racist Wales. The government's Anti-Racist Wales Action Plan was [published](#) in June 2022 and includes a commitment to tackle racial disproportionality in the Welsh criminal justice system.

tribunals in Wales, the considerable size and scope of the report meant that consideration of the Commission's work was rather diluted. This was certainly not helped by the government's sprawling attempts to engage with multiple other reports and recommendations, including, to name a few: the Public Law Working Group report; the Law Commission's review of the devolved tribunals in Wales; the Brown Commission, the Strengthening and Advancing Equality and Human Rights in Wales Research Report; and the Independent Commission on the Constitutional Future of Wales.

The various changes in leadership across Welsh Government have further disrupted the government's work during the Sixth Senedd. While the Cabinet Sub-Committee on Justice had been established in 2021 to 'provide [strategic direction](#) on justice matters', the First Minister's decision to discontinue the Sub-Committee in 2024 has clearly hampered its activity in this area. However, it is important not to overstate the impact that the leadership changes have had on the government's work. Even before Vaughan Gething and Eluned Morgan were appointed as First Minister in 2024, the Welsh Government had already lost its grip on the Thomas Commission and its recommendations. Neither of the Welsh Government's *Programme for Government annual reports* in [2022](#) or [2023](#), for instance, contained any reference to 'justice', let alone the Commission's recommendations and its plan for delivering them.⁶³

Although the Commission's 'headline' recommendation on justice devolution has guided much of the Welsh Government's activity with external partners and has heavily informed inter-government relations with UK Ministers, the finer details of the Commission's work and its underlying principles appear to have been disregarded. It remains unclear, for example, how the Welsh Government's pursuit of limited executive powers over youth justice or a Greater Manchester style model for probation aligns with an [approach](#) where accountability is 'clear and easy to understand', funding and resources align to a 'whole system approach', where 'leadership' is essential, and where a 'long-term and sustainable approach must be taken'.

Having established the Commission on Justice in Wales in 2017 to carry out the first in-depth review of the Welsh justice system in over two hundred years, and achieved a major coup in

⁶³ Although the Welsh Government's Programme for Government in 2022 included a commitment to pursue the devolution of policing and justice in Wales, this did not feature in later reports.

securing Lord Thomas of Cwmgiedd as its Chair, it is regrettable that the Commission's report has not acted as a stronger intellectual basis and guiding influence over the Welsh Government's work on justice during the Sixth Senedd. Although its ambition to pursue legislative devolution has ultimately been frustrated by the UK Government's unwillingness to engage seriously on constitutional matters, the Welsh Government's failure to implement the recommendations that fall squarely within its remit undoubtedly represents a missed opportunity to deliver a better justice system for the people of Wales.

3 The Thomas Commission in the Seventh Senedd

Despite the lack of progress made by the UK or Welsh Governments to *fully* implement the Commission on Justice in Wales’ recommendations, the Commission’s work remains *the* authoritative basis for ongoing work to assess the state of the justice system in Wales. The source of its continuing relevance is perfectly straightforward: the many problems and challenges that informed the Commission’s recommendations in 2019 still confront people across Wales today. From rising numbers of children in care; advice deserts in rural and post-industrial areas of Wales; continuing gaps in the availability of Wales-only data; overwhelming evidence of racial disproportionality in the Welsh criminal justice system; to a tribunals service in desperate need of reform, the Commission’s recommendations still speak directly to the many challenges facing the Welsh justice system in 2026.

The wider constitutional issues surrounding the Welsh justice system also continue to impinge upon policy and practice. Despite the UK Government’s *insistence* that the system ‘performs very well for Wales’ and that the various *mechanisms* for inter-governmental working are helping to smooth over the ‘jagged edges’ between reserved and devolved competences, the complex division of responsibilities for justice continue to militate against clear and effective scrutiny, appropriate funding allocations, as well as the co-ordination of joined-up policy in Wales. The UK Government’s failure to fully consider and reflect the devolved landscape within its most recent plans for *policing* and *youth justice* reform in England and Wales offers yet another reminder of the structurally determined challenges facing Welsh policymakers and practitioners.

The Seventh Senedd, however, presents an opportunity for the Welsh Government to reset its strategy and approach to justice in Wales. Based on the shortcomings outlined in this report, Ministers and officials should look to produce a detailed response to each of the Commission’s 78 recommendations, as well as provide a clear plan for *how* it intends to implement them.⁶⁴

⁶⁴ This work should be led by *one* official in the Welsh Government’s Justice Policy team who should report to the relevant Minister. To support this work, the Welsh Government’s implementation lead should work to establish strong relationships with key stakeholders across Wales, including legal professionals, academics and representatives across civil society.

This plan should be submitted to the respective committee in the Senedd and should act as the relevant basis upon which to scrutinise the Welsh Government’s justice policy over the course of the next Senedd term.⁶⁵

⁶⁵ This should include a ‘top and tail’ inquiry which involves inviting the Welsh Government to appear before the respective Senedd committee in the summer of 2026 to outline its plan for delivering against the Commission’s recommendations. A further series of evidence sessions should then be held with legal professionals, civil society, academics and government officials at the end of the Seventh Senedd to monitor the progress that has been made against the government’s action plan presented in 2026.

Appendices

Appendix 1: UK Government responses to questions on the Thomas Commission or justice devolution, 2019 to 2026

Date	Who	Where
22 January 2020	The Parliamentary Under-Secretary of State for Justice, Chris Philp MP	Westminster Hall Debate – Commission on Justice in Wales
8 October 2021	Parliamentary Under-Secretary of State for Justice, Lord Wolfson of Tredegar KC	Legal Wales Conference
3 November 2022	The Parliamentary Under-Secretary of State for Justice, UK Government, Lord Bellamy KC	Letter to the Senedd’s Legislation, Justice and Constitution Committee
29 November 2022	The Parliamentary Under-Secretary of State for Justice, Mike Freer MP	Westminster Hall Debate – Devolution of Justice: Wales
5 December 2022	The Parliamentary Under-Secretary of State for Justice, UK Government, Lord Bellamy KC	Oral Evidence to the Senedd’s Legislation, Justice and Constitution Committee
14 March 2023	The Parliamentary Under-Secretary of State for Justice, UK Government, Lord Bellamy KC	Letter to the Senedd’s Legislation, Justice and Constitution Committee
24 March 2023	The Parliamentary Under-Secretary of State for Justice, UK Government, Lord Bellamy KC	Letter to the Independent Commission on the Constitutional Future of Wales
30 March 2023	Department of Levelling Up, Housing and Communities, Cabinet Office	Intergovernmental Relations Annual Report 2022

12 June 2023	The Parliamentary Under-Secretary of State for Justice, Lord Bellamy KC	Letter to the Senedd’s Legislation, Justice and Constitution Committee
29 November 2023	Minister of State, Edward Argar MP	House of Commons Debate – Prisons in Wales
20 February 2024	The Parliamentary Under-Secretary of State for Justice, Mike Freer MP	House of Commons Debate – Justice: Devolution of Responsibility
13 May 2024	Minister of State, Edward Argar MP	House of Commons Debate – Parc Prison
7 October 2024	The Parliamentary Under-Secretary of State for Justice, Lord Ponsonby of Shulbrede	House of Lords Question – Commission on Justice in Wales
14 July 2025	Minister of State for Prisons, Probation and Reducing Reoffending, Ministry of Justice, Lord Timpson	Equality and Social Justice Committee – The Criminal Justice System in Wales
25 November 2025	Baroness in Waiting/ Government Whip, Baroness Anderson of Stoke-on-Trent	House of Lords Debate – Wales: Further Devolution
3 December 2025	Lord in Waiting/ Government Whip, Lord Lemos	House of Lords Debate – Sentencing Bill
16 December 2025	The Parliamentary Under-Secretary of State for Justice, Alex Davies-Jones MP	House of Commons Debate – Criminal Justice System: Wales
17 December 2025	The Minister of State, Ministry of Justice, Lord Timpson	Oral Evidence to the House of Commons Welsh Affairs Committee
6 January 2026	The Minister of State, Ministry of Justice, Lord Timpson	House of Lords Debate – Sentencing Bill
22 January 2026	Minister of State (Lords Minister) at the Home Office, Lord Hanson of Flint	House of Lords Debate – Crime and Policing Bill

26 January 2026	Home Secretary, Shabana Mahmood MP	House of Commons Debate – Police Reform White Paper
27 January 2026	Parliamentary Under-Secretary of State for Sentencing, Youth Justice and International, Jake Richards	Written Parliamentary Question – Administration of Justice: Wales
2 February 2026	Secretary of State for Wales, Jo Stevens MP	Response to a Written Parliamentary Question – Devolution: Wales
3 February 2026	Minister of State (Lords Minister) at the Home Office, Lord Hanson of Flint	House of Lords Debate – Police Reform White Paper
11 February 2026	Secretary of State for Wales, Jo Stevens MP	Oral Evidence to the House of Commons Welsh Affairs Committee

Appendix 2: Research questions to be answered

- To what extent have the recommendations of the Commission on Justice in Wales been implemented?
- What actions have the Welsh Government, Senedd, UK Government and others taken in response to the Commission's recommendations?
- How effectively have the Welsh and UK governments worked together to deliver recommendations where they share joint responsibility, particularly those identified and agreed by the two governments as priority areas?
- What impact have the changes of leadership in both the UK and Welsh governments had on the delivery of the Commission's recommendations?
- To what extent has the Law Council for Wales fulfilled the functions recommended by the Commission?
- To what extent does the Commission's report, and its recommendations, remain relevant as a basis for ongoing work to assess the state of the justice system in Wales? Are there any areas that should be prioritised for scrutiny in the Seventh Senedd?