

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 23 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 no reporting issues under Standing Order
21.2 or 21.3**

(13.30 – 13.35)

(Pages 1 – 8)

Attached Documents:

LJC(6)-10-26 – Paper 1 – Draft report

**2.1 SL(6)791 – The Housing Renewal Grants (Amendment) (Wales) Regulations
2026**

**2.2 SL(6)794 – The Tertiary Education and Research (Wales) Act 2022
(Commencement No. 7, Transitory, Transitional and Savings Provisions)
Order 2026**



2.3 SL(6)796 – The Inspection of Education and Training (Wales) Regulations 2026

2.4 SL(6)797 – The Infrastructure (Wales) Act 2024 (Amendment to Commencement Order No. 2) Order 2026

2.5 SL(6)799 – The Senedd Cymru (Returning Officers' Accounts) Order 2026

2.6 SL(6)800 – The Welsh Language and Education (Wales) Act 2025 (Commencement No.1 and Transitional and Transitory Provision) Order 2026

3 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3
(13.35 – 13.45)

Instruments subject to the Senedd annulment procedure

3.1 SL(6)790 – The Building etc. (Amendment) (Wales) Regulations 2026

(Pages 9 – 11)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-10-26 – Paper 2 – Draft report

3.2 SL(6)792 – The Fire and Rescue Services (National Framework and Variation of Combination Schemes) (Wales) Order 2026

(Pages 12 – 14)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-10-26 – Paper 3 – Draft report

3.3 SL(6)793 – The National Health Service (Performers Lists) (Wales) Regulations 2026

(To Follow)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-10-26 – Paper 4 – Draft report

3.4 SL(6)795 – The School Funding, Budget Statements and Outturn Statements (Wales) Regulations 2026

(Pages 15 – 16)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-10-26 – Paper 5 – Draft report

3.5 SL(6)801 – The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2026

(Pages 17 – 18)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-10-26 – Paper 6 – Draft report

Instruments subject to no procedure

3.6 SL(6)798 – The Senedd Cymru (Returning Officers' Charges) Order 2026

(Pages 19 – 20)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-10-26 – Paper 7 – Draft report

**3.7 SL(6)802 – The Elections and Elected Bodies (Wales) Act 2024
(Commencement No. 3) Order 2026**

(Pages 21 – 22)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-10-26 – Paper 8 – Draft report

Instruments subject to the Senedd approval procedure

**3.8 SL(6)804 – The Allocation of Housing and Homelessness (Eligibility) (Wales)
(Amendment) Regulations 2026**

(Pages 23 – 28)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-10-26 – Paper 9 – Draft report

LJC(6)-10-26 – Paper 10 – Written Statement by the Cabinet Secretary for
Housing and Local Government, 18 March 2026

LJC(6)-10-26 – Paper 11 – Letter from the Cabinet Secretary for Housing and
Local Government, 13 March 2026

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

(Pages 29 – 59)

Attached Documents:

LJC(6)-10-26 – Paper 12 – Report

LJC(6)-10-26 – Paper 13 – Welsh Government response

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

(Pages 60 – 67)

Attached Documents:

LJC(6)-10-26 – Paper 14 – Report

LJC(6)-10-26 – Paper 15 – Welsh Government response

Instruments subject to the Senedd approval procedure

4.3 SL(6)785 – The Digital Waste Tracking (Wales) Regulations 2026

(Pages 68 – 74)

Attached Documents:

LJC(6)-10-26 – Paper 16 – Report

LJC(6)-10-26 – Paper 17 – Welsh Government response

Instruments subject to no procedure

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

(Pages 75 – 77)

Attached Documents:

LJC(6)-10-26 – Paper 18 – Report

LJC(6)-10-26 – Paper 19 – Welsh Government response

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

(Pages 78 – 80)

Attached Documents:

LJC(6)-10-26 – Paper 20 – Report

LJC(6)-10-26 – Paper 21 – Welsh Government response

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

(Pages 81 – 83)

Attached Documents:

LJC(6)-10-26 – Paper 22 – Report

LJC(6)-10-26 – Paper 23 – Welsh Government response

5 Inter-Institutional Relations Agreement

(13.50 – 13.55)

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

(Pages 84 – 86)

Attached Documents:

LJC(6)-10-26 – Paper 24 – Letter from the Cabinet Secretary for Economy, Energy and Planning: Inter-Ministerial Group for Trade, 17 March 2026

LJC(6)-10-26 – Paper 25 – Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip: Inter-Ministerial Group for Safety, Security and Migration, 19 March 2026

5.2 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The draft Mandatory Water Efficiency Labelling Regulations 2026

(Pages 87 – 88)

Attached Documents:

LJC(6)-10-26 – Paper 26 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 16 March 2026

6 Papers to note

(13.55 – 14.00)

6.1 Correspondence to the Business Committee: Future Review of Standing Order 29

(Pages 89 – 90)

Attached Documents:

LJC(6)-10-26 – Paper 27 – Letter to the Business Committee, 13 March 2026

6.2 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and the Counsel General and Minister for Delivery: General scrutiny follow-up

(Pages 91 – 98)

Attached Documents:

LJC(6)-10-26 – Paper 28 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and the Counsel General and Minister for Delivery, 16 March 2026

LJC(6)-10-26 – Paper 29 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs and the Counsel General and Minister for Delivery, 3 March 2026

6.3 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Public Accounts and Public Administration Committee: Public Office (Accountability) Bill

(Pages 99 – 104)

Attached Documents:

LJC(6)-10-26 – Paper 30 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Public Accounts and Public Administration Committee, 17 March 2026

LJC(6)-10-26 – Paper 31 – Letter from the Public Accounts and Public Administration Committee to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 6 March 2026

**6.4 Correspondence from the Minister of State for Courts and Legal Services:
Cardiff Civil Justice Centre**

(Pages 105 – 111)

Attached Documents:

LJC(6)-10-26 – Paper 32 – Letter from the Minister of State for Courts and Legal Services, 17 March 2026

LJC(6)-10-26 – Paper 33 – Letter to the Minister of State for Courts and Legal Services, 9 February 2026

**6.5 Correspondence from the Cabinet Secretary for Education: Children's
Wellbeing and Schools Bill**

(Pages 112 – 115)

Attached Documents:

LJC(6)-10-26 – Paper 34 – Letter from the Cabinet Secretary for Education, 18 March 2026

LJC(6)-10-26 – Paper 35 – Letter to the Cabinet Secretary for Education, 16 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 – 14.50)

8 Statutory Instruments laid but not formally scrutinised by the Committee – Sixth Senedd

(14.00 – 14.10)

(Pages 116 – 120)

Attached Documents:

LJC(6)-10-26 – Paper 36 – Covering paper

LJC(6)-10-26 – Paper 37 – Template report

9 Legislative Consent Memoranda on the Railways Bill: Draft report

(14.10 – 14.20)

(Pages 121 – 126)

Attached Documents:

LJC(6)-10-26 – Paper 38 – Legal Advice Note

LJC(6)-10-26 – Paper 39 – Draft report

10 Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Tobacco and Vapes Bill

(14.20 – 14.25)

(Pages 127 – 133)

Attached Documents:

LJC(6)-10-26 – Paper 40 – Legal Advice Note

11 Supplementary Legislative Consent Memoranda (Memorandum No. 2 and Memorandum No. 3) on the Public Office (Accountability) Bill: Draft report

(14.25 – 14.30)

(Pages 134 – 151)

Attached Documents:

LJC(6)-10-26 – Paper 41 – Draft report

LJC(6)-10-26 – Paper 42 – Welsh Government response

12 Legacy report

(14.30 – 14.50)

(Pages 152 – 158)

Attached Documents:

LJC(6)-10-26 – Paper 43 – Draft report

LJC(6)-10-26 – Paper 44 – Draft Annex 2

Statutory Instruments with Clear Reports 23 March 2026

SL(6)791 – [The Housing Renewal Grants \(Amendment\) \(Wales\) Regulations 2026](#)

Procedure: Senedd annulment procedure

These Regulations amend the Housing Renewal Grants Regulations 1996 (S.I. 1996/2890) (“the 1996 Regulations”), which set out the means test for determining the amount of grant which may be paid by local housing authorities under Chapter 1 of Part 1 of the Housing Grants, Construction and Regeneration Act 1996. Certain payments which fall within the definition of “access funds” are disregarded as income for the purpose of the means test.

These Regulations amend the 1996 Regulations to provide that payments made by the Welsh Ministers or the Commission for Tertiary Education and Research under section 97(1)(d) or (e) of the Tertiary Education and Research (Wales) Act 2022 are included in the definition of “access funds” and are therefore disregarded for the purpose of the means test set out in the 1996 Regulations.

Parent Act: Housing Grants, Construction and Regeneration Act 1996

Date Made: 04 March 2026

Date Laid: 05 March 2026

Coming into force date: 01 April 2026



Statutory Instruments with Clear Reports

23 March 2026

SL(6)794 – The Tertiary Education and Research (Wales) Act 2022 (Commencement No. 7, Transitory, Transitional and Savings Provisions) Order 2026

Procedure: No Procedure

This Order brings into force provisions of the Tertiary Education and Research (Wales) Act 2022 (“the Act”) and makes transitory, transitional and savings provision in connection with the coming into force of certain provisions.

Article 1 makes provision in respect of the title and interpretation of this Order.

Article 2 brings provisions of the Act into force in full on 1 April 2026. Article 2(a) brings section 50 of the Act into force, in so far as it is not already in force. Under section 50(5) and (6), the Commission for Tertiary Education and Research (“the Commission”), His Majesty’s Chief Inspector of Education and Training in Wales (“the Chief Inspector”) and the body designated under Schedule 3 to the Act to exercise quality assessment functions must, so far as relevant to the exercise of their functions, have regard to a quality assurance framework published under section 50.

Article 4 brings sections 51 to 53 of the Act into force on 1 April 2026 subject to transitory modifications described in article 4(4) and (5). Section 51 of the Act requires the Commission to monitor and promote improvement in the quality of certain tertiary education. Article 2(vv)(ii) brings paragraph 16(1)(d) of Schedule 1 to the Act into force which provides for the Commission’s annual report to give an assessment of the quality of tertiary education that the Commission must monitor under section 51. Section 52 of the Act enables the Commission to provide, or make arrangements for the provision of, advice or other assistance in respect of certain tertiary education or a particular course of tertiary education for the purposes of improving the quality of that education or course or preventing the quality of that education or course from becoming inadequate. Section 53 of the Act enables the Commission to carry out, or arrange for another person to carry out, a review of any matters that it considers relevant to the quality of certain tertiary education or particular courses of tertiary education.

Article 7(1) brings section 57 of the Act into force on 1 April 2026, in so far as it is not already in force, subject to transitional provisions described in article 7(2). Section 57 of the Act requires the Chief Inspector to inspect certain education and training.



Articles 13 to 15 provide for transitional provisions in relation to inspections of the Chief Inspector being carried out immediately before 1 April 2026; the annual report of the Chief Inspector in respect of the period ending with 31 March 2026; and the annual plan of the Chief Inspector in respect of the financial year ending with 31 March 2027.

Article 11(1) brings paragraph 33(2)(a) of Schedule 4 to the Act into force on 1 April 2026 subject to transitional provisions. Article 2(w)(xliv) brings paragraph 33(2)(c) of Schedule 4 to the Act into force, in so far as it is not already in force and article 12(1) brings paragraph 33(2)(d) into force on 1 April 2026 in so far as it is not already in force subject to transitional provision. Paragraph 33(2)(a), (c) and (d) amends section 10 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. Section 10 of that 2015 Act relates to guidance that may be issued to further and higher education institutions.

Article 16 brings provisions of the Act into force, in full, on 31 July 2026. Article 16(a) brings section 49 of the Act into force which applies where a contract between a provider and a qualifying person undertaking a qualifying course provides for the payment of fees by the person which exceed the applicable fee limit.

Article 18(1) brings section 54 of the Act into force on 31 July 2026 to the extent it is not already in force and subject to a temporary modification to section 54(3). Section 54 requires the Commission to assess, or make arrangements for the assessment of, the quality of higher education provided by registered providers and provided on their behalf. Section 54 also enables the Commission to assess, or make arrangements for the assessment of, the quality of higher education provided in Wales by any tertiary education provider. The Commission must publish a report of such assessments. Article 16(b) provides for section 55 of the Act to come into force. Section 55 requires the governing body of a provider that provides the higher education assessed, or on behalf of which the higher education is provided, to prepare an action plan in response to the Commission's published report.

Article 20 provides for paragraph 6(5)(b) and (c) of Schedule 4 to the Act to come into force on 31 July 2026 subject to transitory modifications. Paragraph 6(5)(b) of Schedule 4 makes amendments to section 91(5) of the 1992 Act which provides a definition of institutions within the higher education sector for the interpretation of the Education Acts. Section 91(5) of the 1992 Act is amended so that it includes reference to certain providers registered with the Commission. Paragraph 6(5)(c) of Schedule 4 provides for the omission of section 91(5A) of the 1992 Act. Article 17 provides for paragraph 31 of Schedule 4 to the Act to come into force on 31 July 2026 to the extent that it omits paragraph 4 of the Schedule to the Higher Education (Wales) Act 2015, which is consequential upon the coming into force of paragraph 6(5)(b) and (c) of Schedule 4 to the Act.

Article 21 provides for paragraphs 13(2)(a) and 19(2)(b) and (3) of Schedule 4 to the Act to come into force on 31 July 2026 subject to transitory modifications. Paragraph 13(2)(a) of



Schedule 4 substitutes a new paragraph 7 into Schedule 2A to the Care Standards Act 2000. Paragraph 19(2)(b) and (3) makes amendments to, respectively, Schedules 2 and 3 to the Commissioner for Older People (Wales) Act 2006.

Article 22 provides for sections 133 and 134 of the Act to come into force on 1 August 2026. Section 133 provides for the Welsh Ministers to require, by notice, certain information from persons providing admissions services to Welsh higher education providers for use for qualifying research. Section 134 sets out how the Welsh Ministers may use information obtained under section 133 and with whom the information may be shared.

Article 24 provides for section 33 of the Act to come into force on 1 January 2027 in so far as it is not already in force. Section 33(1) requires the Commission to ensure that the ongoing registration conditions of providers registered with the Commission include conditions requiring the delivery of measurable outcomes to further the aims set out in section 33(2).

Article 25(c) provides for section 87(5) of the Act to come into force, in so far as it is not already in force, on 1 April 2027. Section 87(5) lists the Commission's funding powers that relate to the Commission's statement of its funding policy to be published under section 87.

Parent Act: Tertiary Education and Research (Wales) Act 2022

Date Made: 04 March 2026

Date Laid:

Coming into force date: 01 April 2026



Statutory Instruments with Clear Reports

23 March 2026

SL(6)796 – [The Inspection of Education and Training \(Wales\) Regulations 2026](#)

Procedure: Senedd annulment procedure

These Regulations revoke and replace the Inspection of Education and Training (Wales) Regulations 2001, which were made under the Learning and Skills Act 2000.

Chapter 2 of Part 2 of the Tertiary Education and Research (Wales) Act 2022 (the “2022 Act”) provides that His Majesty’s Chief Inspector of Education and Training in Wales must carry out inspections in respect of specific education and training and may also carry out area inspections. These Regulations make provision about both forms of inspection.

Regulation 1 provides for the coming into force date of these Regulations and defines the 2022 Act.

Regulation 2 specifies the intervals at which inspections of specific education and training are required.

Regulation 3 specifies the period within which inspection reports are required to be made and published.

Regulation 4 revokes Regulations concerning the inspection of education and training made under the Learning and Skills Act 2000.

Parent Act: Tertiary Education and Research (Wales) Act 2022

Date Made: 04 March 2026

Date Laid: 06 March 2026

Coming into force date: 01 April 2026



Statutory Instruments with Clear Reports

23 March 2026

SL(6)797 – [The Infrastructure \(Wales\) Act 2024](#) **[\(Amendment to Commencement Order No. 2\) Order 2026](#)**

Procedure: No Procedure

This Order makes amendments to the Infrastructure (Wales) Act 2024 (Commencement No. 2) Order 2025 as agreed in the Welsh Government's response to this Committee's report on that Order.

Parent Act: Infrastructure (Wales) Act 2024

Date Made: 04 March 2026

Date Laid:

Coming into force date: 11 March 2026



Statutory Instruments with Clear Reports

23 March 2026

SL(6)799 – [The Senedd Cymru \(Returning Officers' Accounts\) Order 2026](#)

Procedure: No Procedure

This Order sets out how Returning Officers should submit accounts to the Welsh Ministers for payment of their charges in relation to Senedd elections. It requires a Returning Officer to submit accounts and supporting documents for each constituency for which they are responsible within six months of an election date.

It is accompanied by the Senedd Cymru (Returning Officers' Charges) Order 2026 which sets out the maximum amounts recoverable for each Senedd constituency.

Both Orders will apply to the Senedd Election due to be held on 7 May 2026.

Parent Act: Government of Wales Act 2006

Date Made: 04 March 2026

Date Laid:

Coming into force date: 17 March 2026



Statutory Instruments with Clear Reports

23 March 2026

SL(6)800 – The Welsh Language and Education (Wales) Act 2025 (Commencement No. 1 and Transitional and Transitory Provision) Order 2026

Procedure: No Procedure

This is the first Commencement Order made by the Welsh Ministers under the Welsh Language and Education (Wales) Act 2025 ("the Act"). Article 2 brings the provisions of the Act specified in that article into force on 1 April 2026. Article 3 brings section 28(1)(b) of the Act into force on 1 August 2027. This coincides with the date on which the provision establishing the National Institute for Learning Welsh comes into force under section 56(3) of the Act.

Article 4 brings Part 3 of the Act into force on 1 April 2026 for the purpose of the interpretation of "Primarily Welsh Language", "Dual Language" and "Primarily English Language, partly Welsh" language categories in section 37(e) of the Act. Article 5 makes transitional and transitory provisions.

Parent Act: Welsh Language and Education (Wales) Act 2025

Date Made: 10 March 2026

Date Laid:

Coming into force date: 01 April 2026



SL(6)790 – The Building etc. (Amendment) (Wales) Regulations 2026

Background and Purpose

These Regulations modify the Building Regulations 2010 (“the 2010 Regulations”) by:

- amending the definition of “fixed building services” to include fixed lifts, escalators or moving walkways in new buildings (but not in individual dwellings);
- revoking two regulations related to nearly zero energy buildings and consideration of high efficiency systems which are now deemed redundant due to the uplift in energy efficiency standards;
- providing for a new way of measuring energy efficiency, using a new performance metric;
- amending the Part L title (conservation of fuel and power) to recognise the requirements also reduce greenhouse gas emissions;
- providing a new requirement within Part L so that when a dwelling or a building containing a dwelling is erected, a system for renewable electricity generation must be installed on-site; and
- including references to the new notification for building work that has reverted to a local authority.

These Regulations also make changes to other sets of regulations as part of the Welsh Government’s implementation of the Building Safety Act 2022.

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

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

Within regulation 4, several of the provisions incorrectly identify the provisions that they are amending within the 2010 Regulations. It appears that the references relate to the 2010



Regulations as they apply to England, rather than Wales. The erroneous references are set out below:

- (i) paragraph (3)(a) provides that it is amending regulation 44(4)(b)(i). It appears that it should be amending regulation 44(4)(a);
- (ii) paragraph (3)(b) provides that it is amending regulation 44(4)(b)(ii). It appears that it should be amending regulation 44(4)(b);
- (iii) paragraph (4)(a) provides that it is amending regulation 44ZA(3)(b)(i). It appears that it should be amending regulation 44ZA(3)(a); and
- (iv) paragraph (4)(b) provides that it is amending regulation 44ZA(3)(b)(ii). It appears that it should be amending regulation 44ZA(3)(b).

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

A 'new' regulation 17A is inserted into the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024 ("the 2024 Regulations") by regulation 5(3) of these Regulations. In regulation 17A(2) the term "(or sole designer)" appears twice, in paragraph (2)(e) and (2)(e)(iii)(bb).

Regulation 5(2) inserts a provision into the 2024 Regulations clarifying that the term "sole or lead designer" (which appears in regulation 17A(2)(b)) has the same meaning as given in the 2010 Regulations.

However, the term "sole designer" is not mentioned in regulation 5(2) (nor is it defined in the 2010 Regulations). As such, it appears that the defined term "sole or lead designer" should be used in regulation 17A(2) rather than "sole designer".

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

In regulation 5(4)(b), a new paragraph (6) is inserted in the section headed "NOTES" in Form 10(W) of the English text and in the section headed "NODIADAU" in Form 10(C) of the Welsh text in Schedule 1 to the 2024 Regulations.

However, in the Welsh text of these Regulations, the new paragraph (6) is inserted in English in Form 10(C) although the existing Form 10(C) (including the Notes section) was made in Welsh in the 2024 Regulations. Therefore, it appears that the new paragraph (6) should have been inserted in Welsh in the section headed "NODIADAU" in Form 10(C) by the Welsh text of these Regulations.

Merits Scrutiny

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



Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

17 March 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

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Agenda Item 3.2

SL(6)792 – The Fire and Rescue Services (National Framework and Variation of Combination Schemes) (Wales) Order 2026

Background and Purpose

This Order brings into effect a revised Fire and Rescue National Framework for Wales. The new version published on 3 March takes effect from 30 March 2026.

Articles 3 to 5 of this Order vary the following:

- The North Wales Fire Services Combination Scheme (article 3);
- The Mid and West Wales Fire Services Combination Scheme (article 4); and
- The South Wales Fire Services Combination Scheme (article 5).

The Order varies the above schemes (“the Schemes”) to make changes to the constitution of the fire and rescue authorities in Wales. These make changes in respect of membership, varying the number of members and providing for the appointment of members for the executive of the constituent authorities, and for the appointment of one third of the membership by the Welsh Ministers.

The combined fire service fund provisions of the Schemes are also varied to require the Authority (defined in the Schemes) to consult with the constituent authorities, with the view of reaching agreement, on the Authority’s net expenses estimate and amount of contribution to be paid by each constituent authority. The Authority is required to provide a statement to the constituent authorities on how its net expenses estimate will best promote the economic, efficient and effective discharge of its functions.

Procedure

Senedd annulment procedure.

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

Technical Scrutiny

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

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



In article 2, in the Welsh text, the title of the Fire and Rescue National Framework prepared by the Welsh Ministers and published on 3 March 2026 is noted as “Fframwaith **Cenedlaethol** Tân ac Achub Cymru 2026”. However, this is slightly different from the Welsh title of that Framework document which is published on the Welsh Government’s website and entitled “Fframwaith Tân ac Achub **Cenedlaethol** Cymru 2026”. In addition, it would be helpful for the reader in identifying the document if there was a footnote with the ISBN number of the Fire and Rescue National Framework for Wales 2026 and the website address where it can be obtained.

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

Articles 3 to 5 amend the three Schemes which contain pre-existing gender specific language when referring to a member of the Authority. Where provisions of each instrument are amended by this Order, the drafting that has been included is gender neutral. As such, the Order itself does not introduce any gendered language. However, the interaction between the new gender neutral language and the original gendered text of the provisions could be confusing to the reader. For example, articles 3(9), 4(9) and 5(9) make changes to paragraph 16 of the Schedule to each of the Schemes. In each case, the existing drafting of 16(1) refers to a member by reference to “his” and “him”. A new 16(1A)-(1C) is then inserted in each case by the Order, which refers to them/they/their appropriately. Then, in the existing drafting in 16(2), references are again made to “his” and “him”. This could be confusing to the reader, particularly when these references are inconsistent within the same paragraph of the relevant Schedule. It is unclear why each Scheme was not amended by the Order to reflect consistent gender neutral language, especially given that some references to gendered language are removed by the changes being made by this Order.

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

In articles 3(5), 4(5) and 5(5), a new paragraph 12A is inserted in each of the Fire Services Combined Schemes. However, the new paragraph 12A includes a numbered sub-paragraph (1) but there is no subsequent sub-paragraph (2). It is unclear if the addition of a 12(2) was intended. If there is no text missing from that amendment, it should be structured as a new paragraph 12A without any numbered sub-paragraphs.

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

In articles 3(8)(a), 4(8)(a) and 5(8)(a), an amendment is made to paragraph 15(1) of each of the Fire Services Combined Schemes so that it will note on each occasion, “A member of the Authority who ceases to be a member **of the executive** of the council which appointed him shall cease to be a member of the Authority.” However, the term “the executive” is not defined or used in the existing Combined Schemes although it is defined with a meaning in section 11 of the Local Government Act 2000. Could the Welsh Government clarify whether it



is intended to have the same meaning as found in section 11 of the 2000 Act? Otherwise, was the intention to amend paragraph 15(1) to note "A member of the Authority who ceases to be **an executive member** of the council which appointed him shall cease to be a member of the Authority"? In this regard, "executive members" is a new term which is defined as a member of the executive of a local authority appointed in accordance with section 11 of the Local Government Act 2000 which has been inserted in each of the Schemes by this Order.

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

In articles 3(9)(b), 4(9)(b) and 5(9)(b), a new sub-paragraph (1B) is inserted in paragraph 16 of the Schedule to each of the Schemes. In the new sub-paragraph (1B), the verb "will" is repeated on several occasions in phrases such as "will come into office", "will hold office" and "as will be determined by the Welsh Ministers". However, this approach should be avoided and "must" should instead be used for obligations and the present indicative for declaratory provisions. Therefore, it would appear more appropriate to note "comes into office", "holds office" and "**as determined** by the Welsh Ministers" if making a declaratory statement in the new sub-paragraph (1B).

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

In article 4(1), in the English text, the title of the Mid and West Wales Fire Services (Combination Scheme) Order 1995 is incorrect because it notes "Servies" rather than "Services".

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

18 March 2026



SL(6)795 – The School Funding, Budget Statements and Outturn Statements (Wales) Regulations 2026

Background and Purpose

These Regulations revoke and replace the School Funding (Wales) Regulations 2010, the Education (Budget Statements) (Wales) Regulations 2002 and the Education (Outturn Statements) (Wales) Regulations 2003. The majority of the provisions come into force on 1 February 2027 and apply in relation to financial years that commence on or after 1 April 2027. The Regulations make provision for the funding of maintained schools in Wales for those financial years.

The Regulations also make consequential amendments relating to the Tertiary Education and Research (Wales) Act 2022 which come into force on 1 April 2026.

The Regulations make provision for the funding of maintained schools in Wales and establish the financial framework for local authorities and schools. They also specify information about local authority expenditure on education which must be contained in the budget statement of planned expenditure and outturn statement of actual expenditure.

The Explanatory Memorandum to the Regulations notes:

“The legislation will impose no significant additional burdens on local authorities.

The purpose of the changes made by the 2026 Regulations to the way local authorities allocate budgets is to provide greater transparency, comparability and consistency in the school funding system. This will allow informed budget discussions at all levels. They also ensure they reflect current policy and legislation and update terminology accordingly.”

Procedure

Senedd annulment procedure.

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

Technical Scrutiny

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



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

Sections 24(3) and (4) and section 210(7) of the Education Act 2002 are cited as enabling powers for these Regulations, which permit regulations to be made regarding federated schools. They are also referred to in the Explanatory Memorandum to the Regulations. However, these provisions appear to apply to England only, and it appears that for Wales the provisions to be cited should be sections 13, 14 and 32(2) of the Education (Wales) Measure 2011.

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

Regulations 21(6)(b) (in both texts) and (7)(a) (in the English text only) refer to pupil in the singular in relation to determining the incidence of social deprivation in a maintained school. It is not clear whether these references should be to “pupils”, or, if the singular drafting is correct, how this is intended to apply in practice.

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

In the English text, paragraph 31 of Schedule 2 refers to a facility provided partly for the use of “schools”. In the Welsh text, paragraph 31 of Schedule 2 refers to a facility provided partly for the use of “maintained schools”. It is unclear which version is correct, and what the difference could mean in 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

17 March 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Legislation, Justice and Constitution Committee

SL(6)801 – The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2026

Background and Purpose

The Town and Country Planning (General Permitted Development) Order 1995 (the “**GPDO**”), as amended, allows some development to be undertaken, within certain parameters, without the need to submit a planning application. This is known as “permitted development”.

The GPDO currently makes provision for permitted development for the installation of an air source heat pump (“**ASHP**”) and the temporary use of land for campsites for 28 days. The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2026 (the “**Order**”) amends the permitted development for these developments. In particular, the Order:

- removes the limitation for the installation of an ASHP within 3 metres of a boundary of a property, amongst other changes to permitted development rights for ASHPs, subject to compliance with the Microgeneration Certification Scheme requirements for noise and amenity impact;
- extends the temporary use of land for campsites from 28 days to 60 days outside of certain designated landscapes, introduces a prior approval process, and restricts development in areas sensitive to increased camping activity.

Procedure

Senedd annulment procedure.

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

Technical Scrutiny

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

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

There is an inconsistency in the wording of the heading to article 2 of this Order between the English and Welsh texts. From the context, it appears that the Welsh text is correct.



The English heading states '*Amendment of Part 4 of Schedule 2 (temporary buildings and uses)*'. This heading is also used for article 3.

Whilst the heading is appropriate for article 3, it appears that the heading to article 2 should mirror the Welsh text and state '*Amendment of the Town and Country Planning (General Permitted Development) Order 1995*', or similar.

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

17 March 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Legislation, Justice and Constitution Committee

SL(6)798 – The Senedd Cymru (Returning Officers' Charges) Order 2026

Background and Purpose

The Senedd Cymru (Returning Officers' Charges) Order 2026 ("the Order") sets the maximum amounts that a returning officer may recover for services rendered and expenses incurred for, or in connection with, the conduct of a Senedd Cymru election.

The Order is made under article 23 of the Senedd Cymru (Representation of the People) Order 2025 (the "2025 Order") which provides that a returning officer is entitled to recover charges in respect of services rendered or expenses incurred for, or in connection with, a Senedd Cymru election.

The Order is accompanied by the Senedd Cymru (Returning Officers' Accounts) Order 2026, which makes provision as to the time when, and the manner and form in which, accounts are to be submitted for the purpose of the payment of returning officers' charges.

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

Article 4(1) provides that the total amount a returning officer may recover for *services rendered* for, or in connection with, a contested Senedd election must not exceed the amount listed for each Senedd constituency in column 3 of the table in the Schedule.

Article 4(2) lists the services rendered for which an amount may be recovered. This includes, in paragraph (2)(c), "*discharging all of the returning officer's and **electoral administrator's** duties in respect of the election.*"

Unlike "returning officer", "electoral administrator" is not defined for the purposes of the Order. "Returning officer" is defined in article 2 for the purposes of the Order by reference to the definition in the 2025 Order.

As the 2025 Order contains a definition for "electoral administrators" in article 23(3) of that Order, the Welsh Government is asked to explain why it did not define this term for the purposes of the Order, for example by reference to the 2025 Order?



Merits Scrutiny

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

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

The Explanatory Memorandum and Regulatory Impact Assessment make several references to the application of the Order to the 2026 Senedd election, which is scheduled to take place on 7 May 2026.

Whilst this will be the case as the Order comes into force on 17 March 2026, it is noted that the Order sets the maximum amounts that returning officers are able to recover in relation to a Senedd election. Article 2 defines a “Senedd election” as *“an election to return a Senedd member for a Senedd constituency”*. The Order does not contain a sunset provision, which is a provision that would cause the Order (or parts of it) to expire automatically on a specified date, nor is the definition of a “Senedd election” limited to the election scheduled to take place on 7 May 2026.

As such, the Order will continue to apply in relation to other Senedd elections beyond the 2026 Senedd election until the Order is revoked or replaced.

Welsh Government response

A Welsh Government response is required in relation to the first reporting point only.

Legal Advisers

Legislation, Justice and Constitution Committee

17 March 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Legislation, Justice and Constitution Committee

SL(6)802 – The Elections and Elected Bodies (Wales) Act 2024 (Commencement No. 3) Order 2026

Background and Purpose

This Order brings into force section 3 (duty to register local government electors) and section 4 (provision connected to the duty to register eligible local government electors) of the Elections and Elected Bodies (Wales) Act 2024 (the “**2024 Act**”) on 1 October 2026.

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

Section 72(5) of the 2024 Act provides that, save for certain excepted provision, sections 3 and 4 of that Act may not come into force unless—

1. a report on the operation of Welsh election pilot provision regulations (made under section 5(1) of the 2024 Act) has been sent to the Welsh Ministers under section 17(5)(a) of that Act;
2. the Welsh Ministers have laid that report before Senedd Cymru (section 72(5)(c)); and
3. regulations that apply to registers of local government electors for areas in Wales do not require registration officers to prepare edited registers of local government electors or supply such registers or part of them to any person on payment of a fee (section 72(5)(d)).

The Representation of the People (Removal of the Edited Register) (Wales) Regulations 2026 (the “**2026 Regulations**”), which disapply the requirements in the Representation of the People (England and Wales) Regulations 2001 placed upon Electoral Registration Officers to prepare edited registers of local government electors for an area in Wales or supply such registers or part of them to any person on payment of a fee, were made on 11 March 2026 and come into force on 1 October 2026.

The Explanatory Memorandum to this Order:



- refers to the satisfaction of the requirement to lay the report on the operation of Welsh election pilot provision before Senedd Cymru by reference to a [written statement](#) to Members of the Senedd made by the Cabinet Secretary for Housing and Local Government on 17 December 2025¹; and
- states that this Order brings sections 3 and 4 of the 2024 Act into force on 2 October 2026². However, the Order brings those provisions into force on 1 October 2026 pursuant to article 2 of the Order.

The Welsh Government is therefore asked to explain:

1. whether the report on the operation of Welsh election pilot provision regulations (made under section 5(1) of the 2024 Act) was formally laid before Senedd Cymru as required by section 72(5)(c) of the 2024 Act;
2. the reason for this Order bringing sections 3 and 4 of the 2024 Act into force at the same time as the 2026 Regulations (and not after); and accordingly,
3. whether the Welsh Government is satisfied that the requirements of the 2024 Act have been complied with in the making of this Order.

Merits Scrutiny

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

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

18 March 2026

¹ Explanatory Memorandum, paragraph 3.3

² Explanatory Memorandum, paragraphs 1.1 and 3.4



SL(6)804 – The Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations 2026

Background and Purpose

The purpose of these Regulations is to respond to the current crisis in the Middle East and to prevent the Welsh Ministers needing to lay emergency regulations for future crises.

The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 (“the 2014 Regulations”) provide for certain categories of persons from abroad to be eligible or ineligible for an allocation of housing accommodation and/or for housing assistance (essentially, support for homelessness).

The 2014 Regulations are to be amended by these Regulations which make “general crisis” provision that will waive the habitual residence requirement for any person who would otherwise be eligible for housing accommodation or housing assistance in Wales, where they leave a country or territory when His Majesty’s Government (“HMG”) publishes advice to British nationals to leave, or arranges an evacuation from that country or territory. An eligible person would need to make their application for assistance within the period of 6 months, beginning with the date that HMG first published that advice or the first day of an HMG evacuation operation, whichever is later.

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

These Regulations will come into force on 30 March 2026, and the “general crisis” provision will cease to have effect on 30 March 2027. The Explanatory Memorandum provides that this sunset clause will limit their duration and overall impact:



“A sunset clause will also allow the general approach to operate only for a defined period, after which a future Senedd would be able to undertake full scrutiny of any wider, permanent Regulations, which would be developed in consultation with the sector, before they take effect.”

The EM also states that officials will monitor the impact of the amending Regulations whilst they are in force and this evaluation will be presented to the incoming Welsh Government to consider the continuation of these Regulations.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

18 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 **Draft Allocation of Housing and Homelessness (Eligibility) (Wales) (Amendment) Regulations**

DATE **18 March 2026**

BY **Jayne Bryant MS, Minister for Housing, Communities & Local Government**

On 17 March 2026 I laid the draft [The Allocation of Housing and Homelessness \(Eligibility\) \(Wales\) \(Amendment\) Regulations 2026](#).

The situation in the Middle East remains fast-moving and unpredictable. The UK Government has asked British Nationals in several countries to register their presence and may issue “leave now” advice if the position deteriorates further. Although no such advice has yet been issued, it is important that Wales is ready to respond swiftly if circumstances change.

The UK Government has a standing general crisis framework which disapplies the habitual residence test in defined circumstances when “leave now” advice or evacuation arrangements are activated. This ensures that those returning to the UK as a result of a crisis can access support without delay.

To ensure that people who arrive in Wales can access housing accommodation and assistance on the same basis as in the rest of the UK, I intend to amend the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 now, before any advice is issued. This is a precautionary measure that will allow local authorities to respond consistently and provide clarity at a time when circumstances may change quickly.

Given the urgency and the uncertainty, I have decided to accelerate the Senedd procedure. This shortens the normal scrutiny timetable, which I regret, but I consider it necessary to ensure that Wales is prepared should the UK Government activate its crisis arrangements. To support scrutiny by future Senedd Members once the situation is clearer, the draft Regulations include a time-limited provision, (sunset clause) of one year which will allow future Senedd scrutiny of any wider, permanent Regulations, which would be developed in consultation with the sector, before they take effect.

The debate will be held on 24 March 2026 and subject to the will of the Senedd, the Regulations will come into force on 30 March 2026. I am grateful to the Legislation, Justice and Constitution Committee for considering these Regulations on an expedited basis.



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

13 March 2026

Dear Mike

I write to you in relation to the escalating conflict in the Middle East since 28 February 2026. The Committee will be aware that the UK Government has advised British Nationals in several countries in the Middle East to register their presence, with further travel advice expected to change at pace.¹

Currently, the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 do not give certain persons returning to the United Kingdom from the region any exemption from the habitual residence test, should they need to access housing accommodation or assistance on arrival. Those persons are British nationals or persons subject to immigration control who have been given leave to enter or remain in the United Kingdom with access to public funds. We therefore need to act swiftly to ensure that if evacuation advice is issued by the Foreign Office, they can make a claim in Wales for assistance without delay.

It is our intention to lay amendments to the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 as soon as is practicably possible both to respond to the current conflict in the Middle East and to ensure that Wales can respond should the UK Government issue 'leave now' advice. In previous crises, the Welsh Government has made region specific amendments to the regulations; this method provided clarity because the evacuation related to a single, defined location and a clearly identified cohort. This is not the case with the current situation. The present conflict is dispersed across several countries, and the scope may widen or change quickly.

As a result, it is not possible to identify with confidence which countries should be cited in regulations, or whether those choices would remain accurate even in the short term. It is therefore our intention to create a "General Crisis" waiver from the habitual residency test that will be activated if and when the Foreign Office issues "leave now" advice to British Nationals and those with leave to remain in the UK with access to public funds, anywhere in the world. The waiver from the habitual residence test would only apply where an

¹ [Foreign Office travel advice updates - GOV.UK](https://www.gov.uk)

application for housing accommodation or housing assistance is made within six months of the date of the “leave now” advice or from the first day of an evacuation from the region, whichever is later.

This approach will enable Wales to respond to the current conflict as well as providing flexibility, clarity and certainty to deal with potential future crises, making it more straight forward for local authorities to plan and prepare for such events.

I want to provide you with notice of the intention to amend regulations and that I recognise the Committee will not have the usual length of time to scrutinise the amended regulations. I am therefore seeking your assistance to expediate the scrutiny of these regulations.

I appreciate that this is a change in approach and the Senedd is being asked to make a decision at pace. To mitigate this, it is our intention to include a ‘sunset clause’ of one year after the amendments come into force. This will limit their duration and overall impact. It is my hope that this will provide assurance to the Committee that, although the provisions are not geographically specific, they would be strictly time-limited. A sunset clause will also allow the general approach to operate only for a defined period, after which a future Senedd would be able to undertake full scrutiny of any wider, permanent Regulations, which would be developed in consultation with the sector, before they take effect.

I would like to thank the Committee in advance for their assistance in providing support to these arrangements, which will allow people fleeing crises an opportunity to seek housing or homelessness assistance in Wales without undue delay.

Yours sincerely

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

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

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 40 and 41 in the Welsh text, and 41 and 42 in the English text 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" (*"cyffuriau rhestredig, meddyginiaethau rhestredig neu gyfarpar deintyddol rhestredig"*) 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(b) 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) in the English text and 33(3) in the Welsh text, 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, in the English text only, 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 in the English text it is paragraphs 32 to 34 that set out the detail of the risk allocation categories – the same issue arises in paragraph 31 in the English text;
- 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) in the English text, a formatting error has created incorrect paragraphs for paragraphs 23 to 25, which consequently creates cross-referencing errors throughout the remainder of Schedule 1.

However, the changes made to the English text of Schedule 1 have not, where required, been made to the Welsh text of Schedule 1. The Welsh Government is asked to confirm what steps it is taking in this regard.

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

In the English text, 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 contractor 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(3) 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

In the English text, 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 (in the English text, 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 number 77.



Committee Consideration

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



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament **Pack Page 46**

Legislation, Justice and Constitution Committee

Government Response: The National Health Service (General Dental Services Contracts and Patient Charges) (Wales) Regulations 2026

Technical Scrutiny point 1: Section 60(2) of the 2006 Act requires general dental services contracts to require payments to be made in accordance with directions under section 60, although included within the section which provides direction-making powers, section 60(2) itself is not a direction-making power and so section 60(4) does not apply as no directions are being made. The principal Regulations set out what must be included in a contract and so set out that the contract must include provision for payment to be made in accordance with directions under section 60 in order to ensure the contract is compliant with section 60(2). It is accepted that the power to make this requirement by regulations sits in section 61(1) and not in section 60(2).

Technical Scrutiny point 2: The Welsh Government notes the phrase "except where the context otherwise requires" has been identified in drafting guidance as generally unhelpful. The limited circumstances in which it was intended that the definition of "contract" should not apply relates to a contract for telephone services as referred to in paragraph 13 of Schedule 3 to the Regulations and a contract with a sub-contractor as referred to in paragraph 32 of Schedule 3 to the Regulations. The contract and any associated directions may assist in providing context.

This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 3: Although contracts persist until terminated the term "contract year" is intended to convey the annual nature of the contract cycle as it relates to revisions, the period over which the delivery of mandatory services are calculated (see regulation 18) and the annual nature of the payment arrangements. The Welsh Government considers the position to be sufficiently clear and believes the term is likely to be correctly understood by the profession. Further consideration will be given as to whether further clarity can be provided in the contract and payment directions. No amendment is proposed.

Technical Scrutiny point 4: The de-listing process applies "de-listing" to a patient in certain circumstances. It is accepted that the definition may have been clearer if "de-listed" was used. It is framed by reference to a patient who "ceases to be an active patient" because "de-listing" describes the outcome — removal from the contractor's active patient list — rather than a step in a procedure.

The reference should be to paragraph 16 of Schedule 1. The Welsh Government does not consider this will prevent the effective operation of the relevant provisions. This will be considered for amendment when an appropriate opportunity arises.

The definition should also refer to paragraph 3 of Schedule 3. The Welsh Government does not consider this will prevent the effective operation of the relevant provisions. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 5: The de-listing process is designed to ensure procedural fairness. The obligation to de-list does not arise unless and until the full

process, including the exercise of the contractor's discretion based on the response by the patient, has been completed. The obligation to de-list is therefore conditional in some circumstances, not immediate. The "must de-list" outcome only arises then if no such satisfactory response is received within the 14-day period. This will be considered for amendment when an appropriate opportunity arises.

The use of "practice" alongside "contractor" throughout Schedule 3 reflects the operational reality that the physical practice premises and the contracting entity may be distinct; both terms are used to acknowledge this without intending any difference in legal obligation. The Welsh Government acknowledges that using the same term would make the law more accessible. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 6: The General Dental Council (GDC) is a well-established statutory body created by section 1 of the Dentists Act 1984, whose role and status are well understood within the dental sector for whom these Regulations are primarily intended. The Welsh Government considered that the inclusion of a formal definition cross-referring to that Act was unnecessary given the GDC's prominence and the specific professional context of the instrument. The definitions of "dentist", "dental nurse", "dental hygienist", "dental therapist" and "dental care professional" in regulation 2 all describe GDC-regulated professionals by reference to GDC registration, recognition or listing, so the GDC's role is clear from context. No amendment is proposed.

Technical Scrutiny point 7: "Registered dental professional" is used in regulation 2 to describe individuals who are on the register of dental care professionals maintained by the General Dental Council. The term is used as an umbrella description of the various categories of dental care professional who can be enrolled on that register (including dental nurses, dental hygienists, dental therapists and others). The meaning is clear from the regulatory context: the register of dental care professionals is the register maintained under the Dentists Act 1984 and registration on it is what makes an individual a "registered dental professional" for these purposes. The Welsh Government considers this is sufficiently clear in context. No amendment is proposed.

Technical Scrutiny point 8: "Registered" would be an alternative; the use of the word "recognised" links to the definition of "recognised professional titles". It is not considered that the use of the word "recognised" will cause difficulty in understanding what is required because the requirement to be registered is set out elsewhere in the Regulations. Nonetheless, in the interests of clarity and consistency, this will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 9: "Core supportive functions", "extended duties" and "approved training" are recognised terms within the dental profession. 'Core supportive functions' refers to the baseline duties of registered dental nurses as described in the General Dental Council's Scope of Practice. "Extended duties" means additional responsibilities undertaken only following specific post-qualification training, and "approved training" refers to further education delivered by an approved provider and recognised by the General Dental Council or relevant awarding bodies for safely undertaking such duties. Whilst it was not considered that these terms require further clarification in the Regulations as they will be understood by the profession, the Welsh

Government acknowledges that including such clarification would improve the accessibility of the instrument. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 10: The items of treatment listed in the definition of "dental therapist" reflect the scope of practice that a qualified dental therapist is competent to provide, as determined by the General Dental Council's fitness to practise and training framework. The list is not exhaustive of everything a dental therapist may ever do but identifies the treatments relevant to the General Dental Services (GDS) context. Clinical competence is separately governed by professional regulation and is not restated in these Regulations. The contract sets out in more detail how dental therapists are to be deployed within the service. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 11: "A regulator" in the definition of "direction pending an investigation" is intended to encompass any body with regulatory functions over the professional in question in the relevant circumstances. The term is left general to ensure the provision operates correctly in relation to all regulated professionals who might be performing services under a GDS contract, without requiring the instrument to list every regulatory body whose regulatory processes may be relevant. The Welsh Government considers this approach is appropriate but accepts more detail would assist.

This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 12: The Welsh Government accepts this is a surplus definition but does not consider that the fact a definition for "director of a body corporate" is included in the Regulations affects any operative provisions. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 13: An "exempt patient" is a patient who is an "exempt person" and who is receiving a course of treatment to which dental charges would ordinarily apply. "Exempt person" is a wider definition which includes individuals who meet an exemption criterion but are not patients. No amendment is proposed.

Technical Scrutiny point 14: The intended distinction is between planned/routine treatment (standard care) and emergency treatment (urgent care). The definition of "guarantee period" where it refers to "urgent care package" refers to an "urgent care appointment" which is also defined. Whilst the lack of clarity can be addressed through the contract and directions the Welsh Government does not anticipate that the lack of clarity will create any genuine uncertainty. No amendment is proposed.

Technical Scrutiny point 15: The reference to "relevant time" in the definition of "health service body" is intended to accommodate the fact that the names of such bodies may change over time. The definition identifies the bodies currently known by particular names but uses the formula to ensure that a body which was previously known by a different name but is otherwise described in the definition also falls within it. The "relevant time" is the time at which the question whether an entity is a health service body falls to be determined — that is, the time at which the relevant

obligation or right under the Regulations is being exercised. The same formulation applies to the reference in paragraph 67(6) of Schedule 3, which uses it to identify historic incarnations of relevant bodies for the purpose of counting relevant regulatory or disciplinary events. The Welsh Government considers this is a standard and appropriate drafting technique. No amendment is proposed.

Technical Scrutiny point 16: The definition of "interim delivery report" is unused. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 17: The Welsh Government notes the unnecessary repetition. As to the definitions being the same, they are a similar concept described differently because the one only relates to new patients. The Welsh Government does not anticipate that the formulation used will create any genuine uncertainty. No amendment is proposed.

Technical Scrutiny point 18: An "interim suspension order" under the Dentists Act 1984 may be made by the General Dental Council in respect of either a dentist (entered on the dentists' register) or a dental care professional (entered on the register of dental care professionals). Both registers are defined in regulation 2 of the Regulations. The definition of "interim suspension order" is intended to cover both registers and both categories of professional. The Welsh Government considers that, read together with the other definitions and the overall professional regulatory context, this is sufficiently clear and does not give rise to any immediate practical difficulty. However, the Welsh Government acknowledges that distinguishing between the two registers would aid clarity, and this will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 19: "Health care professions" and "health care professionals" in the relevant definitions are intended to refer to the various regulated health care professions whose practitioners may deliver or supervise services under a GDS contract. The terms encompass those regulated under the Health and Social Work Professions Order 2001, the Dentists Act 1984, the Medical Act 1983 and equivalent instruments. No statutory cross-reference was included because the intent is to encompass any regulated health care professional who may be involved in the clinical delivery of dental services, rather than to limit the scope to a fixed statutory list which might not keep pace with changes to the regulatory framework. Whilst the Welsh Government does not consider this approach gives rise to any immediate practical difficulty, it is accepted that the inclusion of further clarification would improve the accessibility of the instrument. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 20: The Welsh Government accepts that defining "listed" as a standalone adjective in the context of "listed drugs, medicines or dental appliances" could cause confusion given other uses of "listed" elsewhere in the Regulations (including listed performers). The term is intended to refer to drugs, medicines and dental appliances that have been approved for use in primary dental care services as published by NHS Wales (previously the Dental Practitioners Formulary and now maintained through NHS Wales arrangements). The Welsh Government considers that defining the full phrase "listed drugs, medicines or dental

appliances" in one composite definition would have been clearer and will bear this in mind for future instruments. Whilst the Welsh Government does not consider the current formulation creates a functional problem, as the context in each case makes the intended reference clear, in the interests of improved accessibility this will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 21: An "authorised prescriber" in the context of the definition of "prescription form" is intended to mean a person who is authorised by law to prescribe the relevant drugs, medicines or dental appliances in a primary dental care setting. That would include a dentist (as a prescriber within the GDS contract), a medical practitioner, or a non-medical prescriber such as a dental therapist or dental hygienist who holds an independent prescribing qualification recognised by the GDC. The term is distinct from "prescriber" because the definition of "prescription form" is concerned with the document (the form used), which may be issued by any person authorised to prescribe in the relevant context, whereas "prescriber" is defined for the purpose of the specific prescribing obligations within the contract. The Welsh Government considers the term is sufficiently clear in context but accepts it could be clearer. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 22: The Welsh Government accepts this point. In the definition of "private dental services" in regulation 2, the reference to "the National Health Service (Wales) Act 2006" should use the defined term "the 2006 Act" as established earlier in regulation 2. This is a non-substantive drafting error that does not affect the meaning of the provision. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 23: "NICE" is an abbreviation for the National Institute for Health and Care Excellence, which is the national body responsible for providing national guidance and advice to improve health and social care. NICE guideline CG19 is the guidance on dental recall: recall interval between routine dental examinations, published by NICE. The Regulations use it to define a "recall appointment" as an appointment for a patient at the interval recommended by NICE guideline CG19. The guideline is publicly available on the NICE website. Whilst the Welsh Government considered a full definition unnecessary given the universal recognition of NICE, it is accepted that a footnote to the specific guidance would assist the reader. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 24: The Welsh Government accepts this point. In the definition of "recognised professional titles" in regulation 2, the reference to "the Dentists Act 1984" should use a defined short title for that Act. This will be considered for amendment when an appropriate opportunity arises. No amendment is proposed in respect of the legislation listed at paragraphs (b)(ii)–(iv).

Technical Scrutiny point 25: The 72-hour period in the definition of "urgent care appointment" is intended to run from the point of first contact by the patient (or on the patient's behalf) with the contractor, seeking an urgent appointment. This is the trigger point in the scheme: the contractor must be able to offer an appointment within 72 hours of that first contact. Where it would be clinically inappropriate to treat the

patient within 72 hours, the contract provides for the appointment to be offered as soon as reasonably practicable thereafter. The Welsh Government accepts that the definition does not expressly state the trigger point and that this could have been made clearer but considers that the operational context makes the intended meaning sufficiently clear in practice. No amendment is proposed.

Technical Scrutiny point 26: The Welsh Government accepts this point. In regulation 3(b), the reference to the Dentists Act (Amendment) Order 2005 should use the defined short title for that instrument (as established in regulation 2). This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 27: The Welsh Government accepts this point. Regulation 4 contains duplicate paragraph numbering: there are two paragraphs numbered (3). This is a drafting error. The second paragraph (3) should be numbered (4) (and the subsequent numbering adjusted accordingly), although it should be noted that consequential corrections to the cross-references within the Regulations would not need to be amended. This is a non-substantive error in the sense that the intended content of both paragraphs is clear, but the duplication creates referencing difficulties. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 28: Regulation 22 requires contractors to report the percentage of NHS activity delivered, and regulation 24 similarly requires a mid-year report on activity percentages. Regulations 27 and 28 impose consequences that depend on the "sum total of the percentage reported" under those provisions. The intended meaning is that regulations 27 and 28 operate by reference to the overall aggregated percentage of activity delivered across all reporting categories, rather than each individual percentage separately. The Welsh Government accepts that "sum total of the percentage" is an unusual formulation — the more natural expression would be "the aggregate of the percentage reported" — and that the references to plural/singular are not entirely consistent across regulations 22, 24, 27 and 28. However, the operational intent is clear and the contract will be used to aid clarity. No amendment is proposed.

Technical Scrutiny point 29: The Welsh Government accepts this point. The cross-reference in regulation 29 to "regulation 27(1)(a)" is incorrect. Regulation 27 does not have a sub-paragraph numbered (1)(a) in the form cross-referenced; the intended reference is to regulation 27(a). This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 30: The reference should be to regulation 30(1)(a). The intention is clear as regulation 30(2) only refers to circumstances where the Local Health Board is making a payment to the contractor. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 31: The Welsh Government does not accept this point. Section 12 of the 2006 Act provides a general power to direct Local Health Boards as to the exercise of their functions. It does not relate to guidance.

Technical Scrutiny point 32: A "cluster" in the NHS Wales primary care context is a defined organisational structure established by the relevant Local Health

Board within its geographical area, through which primary care contractors (including GDS contractors) collaborate on service development, quality improvement and clinical governance. Clusters are the primary vehicle through which primary care professionals in Wales engage with the Local Health Board on planning and improvement activity. Membership of a cluster is a standard requirement for NHS primary care contractors in Wales and the cluster framework has been operational since 2014. The term is well understood within the primary dental care sector but the Welsh Government accepts this could be clarified. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 33: The Welsh Government accepts this point. The intended reference in regulation 36(2) is to regulation 17(2) (and, where the non-existent regulation 16(3) is referenced, to regulation 17(3)). This will be considered for amendment when an appropriate opportunity arises

Technical Scrutiny point 34: The Welsh Government notes the points raised. The errors in sub-paragraphs (a) to (d) have been corrected in the English text of Schedule 1 by the Amending Regulations. The Welsh Government acknowledges that the corresponding corrections have not been made to the Welsh text of Schedule 1 by the Amending Regulations. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 35: The Welsh Government considers that paragraph 20(1)(a) can be taken to be correctly cross-referencing paragraph 17(b), because the operative question at that stage is whether the contractor has completed the paragraph 17(b) consideration and decided to proceed. Whilst the Welsh Government does not consider this gives rise to any immediate practical difficulty, it is acknowledged that a reference to paragraph 18 would have been clearer. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 36: Both paragraphs are intended to carry the same meaning. Whilst the wording is inadvertently different in each, the effect is the same as it is only the LHB that would be carrying out such an audit. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 37: The de-listing provisions in paragraph 45 of Schedule 1 in relation to prevention services form part of the broader de-listing framework. The initiation of the process in relation to prevention services operates through the general grounds for de-listing set out in Schedule 3, paragraph 4, which apply across all services. There is no separate initiating provision for prevention-specific de-listing because the trigger grounds are the same regardless of the service type; the consequence — that the patient ceases to receive prevention services — flows from the general de-listing provisions operating in relation to the specific service. It is accepted this could be clearer. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 38: The Welsh Government accepts this point. The Welsh Government will seek to correct the English shoulder note to read "Regulation 2" and to complete the shoulder note in both languages so that it accurately reflects all the provisions to which Schedule 2 relates. This is a non-

substantive error. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 39: "Contract holder" is used in Schedules 2 and 5 to refer to the person who holds the GDS contract — that is, the "contractor" as defined in regulation 2. The two expressions are intended to be synonymous. "Contract holder" was used in those Schedules (which are primarily tables of charges and activity categories) as a more immediately descriptive term in a tabular context. The Welsh Government accepts that consistent use of the defined term "contractor" throughout would have been preferable. However, the Welsh Government does not consider the terminological variation causes any functional ambiguity given that "contractor" is clearly defined in regulation 2 and "contract holder" is used only in a tabular context where the reference is obvious. No amendment is proposed.

Technical Scrutiny point 40: The Welsh Government accepts that the inconsistencies in presentation between Schedules 2 and 5 — including the abbreviation "3rd OHE visit" in one Schedule and "3rd Oral Health Education visit" in the other, and differing presentations of laboratory charges — are presentational deficiencies that could cause confusion. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 41: The Welsh Government accepts this point. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 42: The Welsh Government accepts this point. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 43: The Welsh Government accepts this point. The Welsh Government will seek to correct the expression in accordance with gender-neutral drafting standards. This is a non-substantive error. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 44: A "preferred performer" in the context of paragraph 2 of Schedule 3 is a dental practitioner nominated by the patient as their preferred provider of dental services under the contract. The term is not separately defined because the concept is immediately clear from context: it is the performer whom the patient prefers to be seen by, not a term of art carrying a wider technical meaning. The use of "practitioner" in paragraph 2(1)(a) and "dental practitioner" elsewhere in paragraph 2 is a presentational inconsistency rather than a substantive distinction — both refer to a dental practitioner within the meaning of regulation 2. No amendment is proposed.

Technical Scrutiny point 45: The Welsh Government does not accept that paragraph 5(3) of Schedule 3 is ambiguous as to the number of notifications required. In any event section 7 of the Legislation (Wales) Act 2019 means this would be interpreted in line with what was intended. The Welsh Government considers the provision is clear and no amendment is proposed.

Technical Scrutiny point 46: The Welsh Government accepts this point. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 47: The provision is intended to require contractors to inform the Local Health Board of their Welsh-language capabilities — for example, the number of Welsh-speaking practitioners and staff they have — so that the Local Health Board can accurately record and report on Welsh-medium dental service availability in its area. It is not intended to require notification on every occasion that services are provided in the Welsh language. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 48: Paragraph 24(3) of Schedule 3 refers to "health care professional" in a context where paragraph 24(1) refers to "dental care professional". The Welsh Government accepts that consistency in terminology would be preferable. Paragraph 24(3) is intended to apply to dental care professionals in the same way as paragraph 24(1). This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 49: Paragraph 25(2) refers only to paragraph 22 because paragraph 23 applies to dental care professionals, not dental practitioners, and is therefore irrelevant in a context where a dental practitioner needs to be temporarily engaged in an emergency. No amendment is proposed.

Technical Scrutiny point 50: The purpose of disapplying paragraph 60 (termination by agreement) is to protect the sub-contractor: without this exclusion, the Local Health Board and the main contractor could use a termination by agreement under paragraph 60 to unwind the deemed variation on terms agreed between themselves to which the sub-contractor is not party, potentially undermining the sub-contractor's operational position. By disapplying paragraph 60, the deemed variation is locked in and cannot be removed by mutual agreement between the LHB and the main contractor alone. The Welsh Government does not accept that there is any error in paragraph 32(3) and no amendment is proposed.

Technical Scrutiny point 51: "Workforce information" in paragraph 36(b)(ii) of Schedule 3 refers to information about the composition of the contractor's dental team — including the number and categories of performers and non-clinical staff employed or engaged. This information is required so that the Local Health Board can understand the resourcing arrangements underpinning the contract and ensure that services are delivered by appropriately qualified personnel. The type and format of workforce information to be provided is further specified in the reporting templates issued by the Local Health Board in accordance with the contract. The Welsh Government considers the term is sufficiently clear in context. No amendment is proposed.

Technical Scrutiny point 52: The Welsh Government accepts this point. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 53: The correct reference is sub-paragraphs (2)(b) and (c). The Welsh Government accepts this point. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 54: The Welsh Government accepts this point. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 55: The Welsh Government accepts this point. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 56: The cross-reference is back to section 7(12) of the National Health Service (Wales) Act 2006. Section 7(12) provides for the legal effect of a determination made following an NHS dispute resolution referral under section 7(6) of the 2006 Act. That procedure applies to General Medical Services contracts under section 7 of the 2006 Act. GDS contracts under section 57 of the 2006 Act are governed by a separate dispute resolution procedure contained in Part 7 of Schedule 3 to these Regulations. Paragraph 55(2) applies section 7(12) of the 2006 Act — by analogy — to determinations of GDS disputes referred under paragraph 54(1) of Schedule 3, so that the same legal consequences flow from a determination of a GDS contract dispute as from a determination of a GMS contract dispute under the 2006 Act. No amendment is proposed.

Technical Scrutiny point 57: The Welsh Government accepts this point. The cross-reference in paragraph 54(1)(b) of Schedule 3 to paragraph 55 is incorrect; the intended reference is to paragraph 53. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 58: The Welsh Government accepts this point. The cross-reference in paragraph 54(13) of Schedule 3 to paragraph 57 is incorrect; the intended reference is to paragraph 55. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 59: The Welsh Government accepts this point. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 60: The Welsh Government accepts this point. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 61: The Welsh Government accepts this point. Paragraph 61(3) of Schedule 3 refers to termination rights under paragraphs 62 to 70, but paragraphs 62 and 63 do not themselves confer termination rights — they are procedural pre-conditions. The termination rights begin at paragraph 64. The correct cross-reference in paragraph 61(3) should therefore be "paragraphs 64 to 70" as identified. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 62: The Welsh Government accepts this point. Paragraph 65(7) of Schedule 3 contains a cross-reference to sub-paragraph (6)(i), which does not exist. The intended reference is to sub-paragraph (6)(a). This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 63: This provision is designed to protect an incoming partner from being subject to termination grounds based on conduct that pre-

dates the notification confirming their eligibility. The reference to paragraph 42(2) is therefore correct and intentional. No amendment is proposed.

Adjusting the alignment will be investigated. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 64: The Welsh Government accepts this point. There is a material divergence between the English text of paragraph 67(2)(b) of Schedule 3 and the Welsh text. The English text correctly reflects the policy intent: the relevant direction is one that is in force whilst an investigation is ongoing, running until a conclusion is reached. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 65: The Welsh Government accepts this point. There is a substantive divergence between the English text of paragraph 67(2)(m) of Schedule 3 and the Welsh text. The intended subject of the provision is "the person" who has refused to be examined. The English text is correct. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 66: The Welsh Government accepts this point. The English text formula correctly reflects the intent. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 67: The Welsh Government accepts this point. The English text correctly reflects the intent. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 68: A "Dental Collaborative" in the context of Schedule 3 is a representative body for dental contractors operating within a cluster in NHS Wales. It brings together NHS primary dental care contractors within a Local Health Board area to engage collectively with the Local Health Board on service planning, development and performance. A "Dental Collaborative representative" is a person designated to represent the Dental Collaborative in its interactions with the Local Health Board. These structures exist within the NHS Wales primary care governance framework and are well established within the dental sector. The Welsh Government considered that they did not require formal definition in the Regulations because they are terms of art recognised by all parties to whom the Regulations apply, and their precise constitution and operating arrangements are elaborated in the associated governance frameworks. Welsh Government accepts that although clear to the profession it may be unclear to the public. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 69: The Welsh Government accepts this point. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 70: The Welsh Government accepts this point. There is an inconsistency between the English and Welsh texts of Schedule 6, paragraph 2(2)(f) in the title given to the relevant instrument. The English language text is correct. Whilst the Welsh Government does not consider that the discrepancy will give rise to operational difficulties, in the interests of consistency between the

English and Welsh texts, this will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 71: The Welsh Government accepts this point. There is an inconsistency between the English and Welsh texts of Schedule 6, paragraph 2(8)(j) in the title given to the relevant instrument. The Welsh language text is correct. Whilst the Welsh Government does not consider that the discrepancy will give rise to operational difficulties, in the interests of consistency between the English and Welsh texts, this will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 72: "Contract holder" is intended to refer to the "contractor" in those Regulations and in the 2026 Regulations. The Welsh Government accepts that consistent use of defined terminology throughout the inserted text and the host instrument would have been preferable. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 73: The Welsh Government notes the Committee's general observation about typographical, formatting and cross-referencing errors. The Welsh Government takes the quality of legislative drafting seriously. Where further errors are identified the Welsh Government will consider amendment when an appropriate opportunity arises.

Merits Scrutiny point 74: The Welsh Government notes the Explanatory Note still incorrectly refers to "the National Health Service Act 2006" rather than "the National Health Service (Wales) Act 2006". The Welsh Government will consider what mechanism is available to correct the Explanatory Note.

Merits Scrutiny point 75: The Welsh Government accepts the Committee's observation that the Contents page contains incomplete and insufficiently descriptive headings. The Welsh Government will consider what mechanism is available to correct the Contents page.

Merits Scrutiny point 76: The National Health Service (Performers Lists) (Wales) Regulations 2026 were made on 3 March 2026, laid on 6 March 2026 and come into force on 28 March 2026. The relevant amendments made by these Regulations come into force on 1 April 2026 (see regulation 1(2) and regulation 43). Regulation 43 refers to the defined term "the 2006 (PDS) Regulations" and is considered to be sufficiently clear.

Agenda Item 4.2

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.



Committee Consideration

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



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

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Government Response: The National Health Service (General Dental Services Contracts and Patient Charges) (Amendment) (Wales) Regulations 2026

Technical Scrutiny point 1: Section 60(2) of the 2006 Act requires general dental services contracts to require payments to be made in accordance with directions under section 60, although included within the section which provides direction-making powers, section 60(2) itself is not a direction making power and so section 60(4) does not apply. The principal Regulations set out what must be included in a contract and so set out that the contract must include provision for payment to be made in accordance with directions under section 60 in order to ensure the contract is compliant with section 60(2). Regulation 30(1)(a) imports the requirement under section 60(2) into the Regulations. It is accepted that the power to make this requirement by regulations sits in section 61(1) and not in section 60(2).

Technical Scrutiny points 2, 3, 4 and 5: The Welsh Government accepts these point. These will be considered for amendments when an appropriate opportunity arises.

Technical Scrutiny point 6. Both paragraphs are intended to carry the same meaning. Whilst the wording is inadvertently different in each the effect is the same as it is only the Local Health Board that would be carrying out such an audit. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 7. The Welsh Government accepts the correct formulation is "sub-paragraph (d)", since the reference is to a sub-paragraph within paragraph 41(1). However, in context the meaning is clear. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 8. The inclusion of "subject to paragraph (d)" in paragraph 41(1)(c) — absent from paragraph 40(1)(c) — reflects that financial recovery under paragraph 41 is more directly conditioned upon the monitoring and audit outcome, making the conditionality explicit. The reference in paragraph 41(1)(d) to "sub-paragraph (2)(a)" — rather than "this Part" as used in paragraph 40(1)(d) — reflects that the paragraph 41 capitation payment specifically remunerates the recall of at least 80% of low risk active patients subject to recall intervals of between 18 and 24 months, a targeted obligation in sub-paragraph (2)(a), whereas the paragraph 40 obligations are broader across Part 4. No amendment is proposed.

Technical Scrutiny point 9. This reporting point is accepted. An equivalent to paragraph 16 for paragraph 44 needs to be inserted. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 10. "Contract holder" is used in Schedules 2 and 5 to refer to the person who holds the General Dental Services contract — that is, the "contractor" as defined in regulation 2. The two expressions are

intended to be synonymous. "Contract holder" was used in those Schedules (which are primarily tables of charges and activity categories) as a more immediately descriptive term in a tabular context. The Welsh Government accepts that consistent use of the defined term "contractor" throughout would have been preferable. However, the Welsh Government does not consider the terminological variation causes any functional ambiguity given that "contractor" is clearly defined in regulation 2 and "contract holder" is used only in a tabular context where the reference is obvious. No amendment is proposed at this stage.

Technical Scrutiny point 11. The Welsh Government accepts that the inconsistencies could cause confusion although it is anticipated that the intended professional readership are highly likely to understand the references. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 12. The Welsh Government confirms there is no substantive difference between "paid directly by the patient" and "paid by patients". The variation and the omissions were inadvertent. In all cases laboratory charges are payable by the patient unless exempt. This will be considered for amendment when an appropriate opportunity arises.

Technical Scrutiny point 13. The figure of £93.50 in the original table was one of the incorrect charges identified during the registration process. It was considered appropriate to make these corrections before the principal Regulations came into force, which is why the Amendment Regulations came into force on 1 March 2026.

Agenda Item 4.3

SL(6)785 – The Digital Waste Tracking (Wales) Regulations 2026

Background and Purpose

These Regulations establish a digital waste tracking system, applicable in Wales, the purpose of which is to track controlled waste. They place mandatory requirements on operators of permitted facilities where controlled waste is received for the recording of information about that waste and the entering of information into the digital system.

Controlled waste is household, industrial or commercial waste and has the meaning given in section 75(4) to (8) of the Environmental Protection Act 1990. Certain waste is excluded from the scope of the Regulations, such as household or other controlled waste deposited at Household Waste Recycling Centres (HWRCs).

Digitally excluded operators of a permitted facility are also exempt from the digital requirements in the Regulations and are instead required to make, keep and, if requested by Natural Resources Wales, provide written records of specified information.

The Explanatory Memorandum (“EM”) explains that, in order to “ensure the effective introduction of the digital system”, all four governments across the UK are planning to implement mandatory requirements in phases. These Regulations are implementing the first phase of the introduction of mandatory digital waste tracking only. In relation to future phases, the EM states:

“A second phase will see the making of a further instrument that will impose mandatory requirements on other waste industry operators once the digital system is sufficiently developed, including commercial waste received at HWRCs. This second phase will see the digital tracking of waste movements from sites where the waste is produced through to waste receiving sites, including while the waste is in transport.”

The Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS, issued a [written statement](#) in relation to these Regulations on 3 March 2026.

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

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

In regulation 2, in the definition of “*digitally excluded operator number*”, reference is made to the unique identifying number assigned to a digitally excluded operator by Natural Resources Wales under regulation 10(2)(a). However, no regulation 10(2)(a) exists in these Regulations and it appears that this should instead be a reference to regulation 9(2)(a).

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 term “*digital waste **tracking** number*” (emphasis added) is used. However, this term is not defined and its use in regulation 4(6) is the only instance of its use in the Regulations. The context suggests that the term “*digital waste **record** number*” (emphasis added), defined in regulation 2, should have been used instead.

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

Regulation 9(2) imposes a duty on Natural Resources Wales regarding digitally excluded operator numbers. Regulation 9(2) of the English text says that the duty must be complied with “on receiving an application”. Regulation 9(2) of the Welsh text says that the duty must be complied with “ar ôl cael cais”, i.e. “after receiving an application”.

The Welsh Government is asked to explain what it means to comply with a duty “on” receiving an application, and what it means to comply with a duty “after” receiving an application, and whether any unintended consequences arise from the apparent inconsistency between the two languages.

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

In the English text, paragraph 4 of Schedule 1 cross-refers to paragraph 2(1)(d). However, in the Welsh text, paragraph 4 of Schedule 1 cross-refers to paragraph 3(1)(d).

While we note the inconsistency, it is clear from the context that the Welsh text is correct.

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

In the English text, paragraph 12 of Schedule 2 says that, in certain circumstances, Natural Resources Wales **may** decide whether to impose a variable monetary penalty. However, in the Welsh text, paragraph 12 of Schedule 2 says that, in the same circumstances, Natural Resources Wales **must** decide whether to impose a variable monetary penalty.



This appears to be an inconsistency between the English text and the Welsh text.

It also raises a question as to why the wording of paragraph 4(1) of Schedule 2 has not been replicated in paragraph 12(1) of Schedule 2 (or vice versa), given that both paragraphs deal with similar enforcement scenarios albeit in relation to fixed monetary penalties and variable monetary penalties respectively.

Paragraph 12(1) of Schedule 2 is drafted on the basis that Natural Resources Wales may/must decide whether to impose the monetary penalty in the notice of intent, with or without modifications. On the other hand, paragraph 4(1) of Schedule 2 is drafted on the basis that Natural Resources Wales may serve a “final notice” imposing a monetary penalty, without expressly referring to a requirement to make a decision.

The Welsh Government is asked to explain whether, in its view, that difference in drafting is likely to affect the clarity of those enforcement scenarios in paragraphs 4 and 12 of Schedule 2.

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

Paragraphs 2 and 10 of Schedule 2 provide that Natural Resources Wales must serve on a person a “notice of intent” where it proposes to impose a fixed monetary penalty or a variable monetary penalty respectively on that person. Accordingly, a person who has received a notice of intent may discharge liability within 28 days of receiving the notice of intent by paying the amount specified, in accordance with paragraphs 4(1) and 12(1) of Schedule 2.

Paragraphs 2(2) and 10(2) of Schedule 2 set out the information that must be included in a notice of intent proposing to impose a fixed or variable monetary penalty respectively. It is noted that, in those provisions, there is no requirement for a notice of intent to set out how payment may be made, despite the indication in paragraphs 4(1) and 12(1) of Schedule 2 that liability may be discharged by a person through payment.

The Welsh Government is asked to clarify how a person will be made aware of their ability to discharge liability through payment of the specified amount upon receipt of a notice of intent, and the method for making payment, without a requirement in the Regulations for the provision of this information in a notice of intent.

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

Paragraph 15(2) of Schedule 2 states that a person may not be convicted of a related offence (unless the contravention is a continuing act or omission) if they pay a **variable** monetary penalty or discharge liability for a **fixed** monetary penalty within 28 days of the notice of intent being served.



However, as this provision and the other provisions within Part 2 of Schedule 2 relate to variable monetary penalties, it would appear that the reference in paragraph 15(2) to a **fixed** monetary penalty should instead be a reference to a **variable** monetary penalty.

Merits Scrutiny

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

8. 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 5 makes provision in relation to the “*digital waste tracking system fee*”. That fee is set at £26 by regulation 5(1).

In accordance with regulation 5(2), the fee is payable to the “designated person” (defined in both regulations 2 and 3(1) as the Welsh Ministers) when the obligation to comply with the specified steps under regulation 4(4) first arises and then annually, on the anniversary of the obligation first arising, for each subsequent year in which the operator of a permitted facility is required to comply with that obligation.

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

Under Chapter 3 of Part 5 of the Regulations, Natural Resources Wales has the power to impose civil sanctions on persons where it is satisfied that, on the balance of probabilities, a person has contravened a relevant requirement. These sanctions include fixed monetary penalties and variable monetary penalties.

Regulation 21 provides that Natural Resources Wales must pay any penalty it receives under Part 5 into the Welsh Consolidated Fund.

Welsh Government response

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

Committee Consideration

The Committee considered the instrument (and Government response) at its meeting on 16 March 2026 and reports to the Senedd in line with the reporting points above.



Government Response: *The Digital Waste Tracking (Wales) Regulations 2026* (“the Regulations”)

Technical Scrutiny point 1: The Welsh Government accepts the reporting point and will seek to amend the reference in regulation 2 to “regulation 9(2)(a)” prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 2: The Welsh Government accepts the reporting point and will seek to amend the reference in regulation 4(6) prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 3: The Welsh Government accepts that there is technically a difference between “ar gael cais” and “ar ôl cael cais”, there is precedent for translating “upon/on receiving...” as “ar ôl cael...”. Given the precedent and the context of regulation 9, the Welsh Government considers that the consequence of this difference is minimal. On this basis the Welsh Government does not propose to make an amendment to address this reporting point.

Technical Scrutiny point 4: The Welsh Government accepts the reporting point and will seek to amend the reference in paragraph 4 of Schedule 1 of the English text prior to the making of the Regulations as set out in the table below.

Technical Scrutiny point 5: The Welsh Government accepts the reporting point in relation to inconsistencies in the references to “must” in the Welsh text and “may” in the English text in paragraph 2 of Schedule 2 and will seek to amend the reference in the Welsh text as set out in the table below.

The wording of paragraph 4(1) of Schedule 2 has not been replicated in paragraph 12(1) of Schedule 2 (or vice versa), however, the Welsh Government considers that the drafting of paragraphs 4(1) and 12(2) of Schedule 2 is sufficiently clear, such that it is unlikely that the difference in drafting could affect the clarity of those enforcement scenarios. On this basis the Welsh Government does not consider that any amendment is required to address this reporting point.

Technical Scrutiny point 6: The provisions in Schedule 2 to the Regulations are drafted to require notices of intent to include only the grounds, proposed amount, and representation rights, while final notices must also include details on how payment is to be made.

A notice of intent does not need to include information on how to pay because it is only a proposal to impose a civil sanction. At this stage, no liability to pay exists, and the purpose of the notice is to give the recipient the opportunity to make representations within the statutory 28-day period. Since no penalty has yet been imposed, providing payment details/instructions would be premature and could potentially blur the distinction between a proposed sanction and an imposed sanction.

The Welsh Government considers that guidance would be the appropriate place for operational information such as payment methods, contact details, and voluntary early payment processes. The policy intention is that future guidance will address these matters.

Technical Scrutiny point 7: The Welsh Government accepts the reporting point and will seek to amend the reference in paragraph 15(2) of Schedule 2 prior to the making of the Regulations as set out in the table below.

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

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
Rheoliadau Tracio Gwastraff yn Ddigidol (Cymru) 2026	The Digital Waste Tracking (Wales) Regulations 2026
In regulation 2, in the definition of “rhif gweithredwr sydd wedi ei allgáu’n ddigidol” the reference to “reoliad 10(2)(a)” will be replaced with “reoliad 9(2)(a)”.	In regulation 2, in the definition of “digitally excluded operator number” the reference to “regulation 10(2)(a)” will be replaced with “regulation 9(2)(a)”.
In regulation 4(6) the reference to “rhif tracio gwastraff yn ddigidol” will be replaced with “rhif cofnod digidol o wastraff”.	In regulation 4(6) the reference to “digital waste tracking number” will be replaced with “digital waste record number”.
	In paragraph 4 of Schedule 1 the cross-reference to paragraph 2(1)(d) will be replaced with a cross-reference to paragraph 3(1)(d).
In paragraph 12 of Schedule 2 “rhaid i Cyfoeth Naturiol Cymru...benderfynu’ will be replaced with “caiff Cyfoeth Naturiol Cymru...benderfynu”.	
	In paragraph 15(2) of Schedule 2, the reference to “fixed monetary penalty” will be replaced with “variable monetary penalty”.
Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.	

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.

Committee Consideration

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



Government Response - *The Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026*

Technical Scrutiny Point 1:

1. The Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026 (“**the Order**”) was made by the Cabinet Secretary on Thursday 12 February 2026, at the very end of, but before the expiry of, the 40-day period. At the time the Order was made, on a practical level, the Senedd had no further opportunity to resolve not to approve the Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025 (“**the Code**”) within the 40-day period. In the event of a resolution being made by the Senedd not to approve the Code before the expiry of the 40-day period i.e. on Friday 13 February 2026, the Welsh Government was prepared to revoke the Order before it brought the Code into force.
2. The Code was issued on 17 February 2026 and will be published by the Electoral Commission in due course.
3. The Welsh Government notes that due to the fact the Order was made before the expiry of the 40-day period and before the Code was issued, the preamble provisions in the Order were not correct at the time of making, although they were correct by the coming into force date on 18 February 2026. However, the Welsh Ministers are satisfied that the requirements of the Political Parties, Elections and Referendums Act 2000 have been complied with for both the approval of the Code and the making of the Order.

Agenda Item 4.5

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.

Committee Consideration

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



Government Response - *The Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026*

Technical Scrutiny Point 1:

1. The Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026 (“**the Order**”) was made by the Cabinet Secretary on Thursday 12 February 2026, at the very end of, but before the expiry of, the 40-day period. At the time the Order was made, on a practical level, the Senedd had no further opportunity to resolve not to approve the Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 (“**the Code**”) within the 40-day period. In the event of a resolution being made by the Senedd not to approve the Code before the expiry of the 40-day period i.e. on Friday 13 February 2026, the Welsh Government was prepared to revoke the Order before it brought the Code into force.
2. The Code was issued on 17 February 2026 and will be published by the Electoral Commission in due course.
3. The Welsh Government notes that due to the fact the Order was made before the expiry of the 40-day period and before the Code was issued, the preamble provisions in the Order were not correct at the time of making, although they were correct by the coming into force date on 18 February 2026. However, the Welsh Ministers are satisfied that the requirements of the Political Parties, Elections and Referendums Act 2000 have been complied with for both the approval of the Code and the making of the Order.

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.

Committee Consideration

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



Government Response - *The Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026*

Technical Scrutiny Point 1:

1. The Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025 (Appointed Day) (Wales) Order 2026 (“**the Order**”) was made by the Cabinet Secretary on Thursday 12 February 2026, at the very end of, but before the expiry of, the 40-day period. At the time the Order was made, on a practical level, the Senedd had no further opportunity to resolve not to approve the Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025 (“**the Code**”) within the 40-day period. In the event of a resolution being made by the Senedd not to approve the Code before the expiry of the 40-day period i.e. on Friday 13 February 2026, the Welsh Government was prepared to revoke the Order before it brought the Code into force.
2. The Code was issued on 17 February 2026 and will be published by the Electoral Commission in due course.
3. The Welsh Government notes that due to the fact the Order was made before the expiry of the 40-day period and before the Code was issued, the preamble provisions in the Order were not correct at the time of making, although they were correct by the coming into force date on 18 February 2026. However, the Welsh Ministers are satisfied that the requirements of the Senedd Cymru (Representation of the People) Order 2025 have been complied with for both the approval of the Code and the making of the Order.

Agenda Item 5.1

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



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair of Legislation, Justice and Constitution Committee

SeneddLJC@assembly.wales

17 March 2026

Dear Mike,

I am writing to inform you, in line with the inter-institutional relations agreement, that a meeting of the Inter-Ministerial Group for Trade took place on 4 March 2026.

The meeting was also attended by

- Sir Chris Bryant, Minister of State for Trade Policy
- Richard Lochhead, Minister for Business and Employment Scottish Government
- Caoimhe Archibald, Minister for Economy, Northern Ireland

The meeting discussed recent developments in the US regarding trade, updates on steel trade measures and the latest information with on negotiations with the Gulf Cooperation Council and the situation in the middle east.

Rebecca Evans AS/MS

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

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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.

Jane Hutt AS/MS
Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y
Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: JH/PO/147/2026

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

SeneddLJC@senedd.wales

Cc Jenny Rathbone MS, Chair of the Equality and Social Justice Committee.

19 March 2026

Dear Mike

Inter-Institutional Relations Agreement: Safety, Security and Migration Interministerial Group

In accordance with the Inter-Institutional Relations Agreement, I am writing to inform you that a meeting of the Interministerial Group for Safety, Security and Migration has been scheduled to take place on Wednesday 25 March 2026. The meeting will take place virtually and will be chaired by the Rt Hon Lord Hanson of Flint.

It has been agreed the meeting will cover a discussion on the results of the 'Lessons Identified from Public Disorder in Summer 2025', the UK Government's Fraud Strategy and the UK Government's recent consultation on settlement 'Fairer Pathways to Settlement'.

In line with the agreement, a joint communique will be published following the meeting and I will notify you of this in due course. I'm afraid the communique from the IMG held on the 12 November 2025 still awaits publication but I will also update the committee on that publication when confirmed.

I am copying this letter to Jenny Rathbone MS, Chair of the Equality and Social Justice Committee.

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

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

Yours sincerely

A handwritten signature in black ink that reads "Jane Hutt". The signature is written in a cursive style with a long horizontal line above the first letter 'J'.

Jane Hutt AS/MS

Ysgrifennydd y Cabinet dros dros Gyfiawnder Cymdeithasol, y Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

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 5.2


Llywodraeth Cymru
Welsh Government

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

16 March 2026

Dear Mike,

I am writing to inform the Committee of my intention to consent to the UK Government making and laying the draft Mandatory Water Efficiency Labelling Regulations 2026.

I received a letter from Baroness Hayman of Ullock, Parliamentary Under-Secretary of State for Animal Welfare & Biosecurity on 2 February 2026, asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The Regulations will extend to England, Scotland, Wales and Northern Ireland and a similar request for consent has been sent to Scottish and Northern Ireland Ministers.

The Regulations will establish a mandatory scheme requiring water using appliances such as washing machines, toilets and other specified appliances to display a label showing the product's water use and overall water efficiency rating relative to comparable products. This will better inform people about the water usage of these appliances when they purchase them and enable them to make informed decisions, similar to the current well established energy rating scheme.

Suppliers will be required to ensure the information on the label is accurate, that the product has been tested according to the relevant standards set out in the regulations, the label has been produced in one of the formats set out in the regulations and technical documentation is produced which is sufficient to enable the accuracy of the information contained in the label to be assessed. These requirements will be enforced by a unit set up and funded by the UK Government.

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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.

Dealers and retailers, whether selling on-line or in a store must ensure the label is clearly displayed on the product packaging or adjacent to the product so the buyer can see it. This will be enforced by local trading standards officers in accordance with established practice. The UK Government Office for Product Safety will enforce the compliance of online retailers.

Consumers will benefit from the labelling scheme, through lower water bills because they will be able to identify, compare and purchase the more efficient water using appliances. They will also have lower energy bills from lower hot water usage. Water companies, their customers and the environment will benefit from lower costs resulting from more efficient appliances using less water from the public network, the consequent reduction of discharges of wastewater requiring treatment and the reduced carbon emission reductions resulting from reduced water and wastewater treatment and storage. In the longer term it will encourage manufacturers to develop more efficient appliances to remain competitive.

The UK Government in accordance with its international obligations has notified the World Trade Organisation and the European Union of this scheme prior to laying these regulations.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for this instrument to apply to Wales as there is no policy divergence between the Welsh and UK Government in this matter. The scheme is also modelled on and complements the existing energy efficiency scheme which operates on a UK-wide basis. I therefore do not consider legislating separately for Wales as being the most efficient, appropriate or practical way to give effect to the necessary changes nor the best use of Government resources.

The UK Government has committed to publishing a Welsh language version of these regulations.

The UK Government intends to lay these regulations on 6 May 2026, so it will not be possible for me to make a Written Statement and send you a letter of confirmation in line with normal practice.

I have written similarly to Llyr Gruffydd MS, the Chair of the Climate Change, Environment and Infrastructure Committee .

Yours sincerely,



Huw Irranca-Davies AS/MS

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

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

The Rt. Hon Elin Jones MS

Y Llywydd and Chair of the Business Committee

13 March 2026

Annwyl Lywydd

Future Review of Standing Order 29

Following our scrutiny of legislative consent memoranda related to the Children's Wellbeing and Schools Bill, we have identified a number of issues for consideration in any future review of Standing Order 29 by the Business Committee in the Seventh Senedd.

In our first report, paragraph 24 noted that the first Memorandum was laid six days after the Report Stage proceedings were completed in the House of Commons but that there was no account or summary of those proceedings included in the Memorandum. Paragraph 61 of our report said:

"We welcome the Cabinet Secretary's willingness to reflect on whether the Memorandum should have contained information about the outcome of Report Stage proceedings. While we acknowledge that this is not a requirement of Standing Order 29, we would have found it helpful to our scrutiny. We intend to draw this matter to the attention of the Business Committee so that it may consider it in any review it undertakes of that Standing Order as we approach the Seventh Senedd and following on from our letter in June 2024 recommending a full procedural review."

It is our view therefore that legislative consent memoranda should summarise proceedings of amending stages to provide Senedd Members and Committees with a fuller context about how legislation that has regard to devolved matters is changing as it progresses through the House of Commons and House of Lords.

In addition, in order to navigate changes to UK Bills as they pass through the UK Parliament, we think it would be useful to include, in an annex, a table identifying the clause numbers that require consent

at each Bill stage, thereby allowing changes to clause numbers to be tracked from introduction in one House to Third Reading in another. This would have the added advantage of providing transparency about the clause numbers that require consent at the time a legislative consent motion comes to be debated.

Finally, in the first Memorandum laid by the Cabinet Secretary, paragraph 47 provided a table listing every regulation-making power in the Bill and the relevant procedure that applies. This proved to be incredibly helpful and we believe there would be merit in making it a requirement in Standing Order 29.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges
Chair

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

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

Agenda Item 6.2



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

16 March 2026

Dear Mike,

Thank you for your letter of 3 March following the evidence session with the Legislation, Justice and Constitution Committee. Outlined below are our answers to the questions included in your letter.

UK Internal Market Act and Common Frameworks

1. What is the Welsh Government's current assessment of the impact of the UK Internal Market Act's market access principles on the effectiveness of Welsh law?

The Welsh Government's position on the impact of the United Kingdom Internal Market Act 2020 (UKIMA) is set out in the Counsel General's letters to this Committee dated 13 October, following the statutory review of UKIMA and 5 January, which provided further clarification.

In summary, when developing legislative proposals, including both primary and secondary legislation, the Welsh Government recognises that UKIMA may have an impact on the effectiveness of Welsh law. For clarity, we recognise the market access principles could apply both to secondary legislation made under Senedd Acts and to Senedd Acts themselves. The application and practical effect of the market access principles are not uniform and will depend on the specific nature and scope of the legislation concerned.

Where there is a risk that the market access principles could impact Welsh Government policy objectives, we will engage on a four-nations basis through the relevant Common Frameworks. These forums provide the primary mechanism for considering alignment, divergence and, where appropriate, whether exclusions from the requirements of UKIMA should be pursued.

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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.

2. To what extent will Common Frameworks be utilised as structures to discuss alignment and divergence with the EU should the UK reach an agreement with the EU to dynamically align in certain sectors in future?

It is too early to be definitive about the implications of any future agreement between the UK and the EU involving dynamic alignment in specific sectors. Where such alignment is pursued, we expect that any divergence would typically be more limited in nature. In those circumstances, the Welsh Government would expect Common Frameworks to continue to provide the principal structured forum for four-government engagement, supporting early notification, monitoring and discussion of alignment decisions, and the management of any resulting divergence.

3. How is the Welsh Government working to improve the transparency of discussions within Common Frameworks for the Senedd, stakeholders and citizens?

The Welsh Government has engaged with relevant technical stakeholders throughout the development of Common Frameworks, working jointly with the UK Government and the other devolved governments. Levels of stakeholder interest have varied, with engagement generally strongest on the underlying policy issues rather than on the intergovernmental working arrangements set out in the Common Frameworks themselves.

This has informed a deliberately proportionate approach to engagement, focusing on stakeholders with a direct technical or operational interest rather than treating Common Frameworks as broad, public-facing consultations. We nevertheless recognise that wider stakeholder engagement may be beneficial, and we will continue to work with the UK Government and the other devolved governments to agree appropriate approaches to future engagement. It is also important to emphasise that Common Frameworks do not replace consultation or Senedd scrutiny. Where Common Framework discussions lead to policy change or legislation in Wales, the Welsh Government's normal consultation and scrutiny processes apply in full.

Justice

4. How is the Welsh Government engaging with the UK Government on the devolution of policing, the UK Government's proposed reforms to police forces and the abolition of Police and Crime Commissioners, amongst other issues?

The Welsh Government is engaging actively with the UK Government on policing reform, including the potential for steps towards the devolution of policing in the light of proposed changes to police force structures and the planned abolition of Police and Crime Commissioners. We have been clear that policing should be devolved to Wales, while recognising that the extent of devolution is not always a simple binary choice and that the first priority is what best serves the interests of communities and victims.

The Welsh Government's approach to engaging on replacement arrangements for PCCs was set out in the [written statement](#) of the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip on 27 January, and the Welsh Government is represented on multiple working groups considering different aspects of policing reform. Most recently, the Policing Minister attended the in-person meeting of the Policing Partnership Board for

Wales on 5 March 2026, chaired by the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, where policing reform was discussed further.

- 5. Lord Timpson, the Prisons Minister, told the Welsh Affairs Committee that a decision on the proposed Women’s Residential Centre in Swansea was expected in January. Can you confirm if a decision has been made and when the outcome will be announced?**

The Counsel General responded on 27 January 2026 to the Committee’s letter of 14 January 2026 regarding the proposed Residential Women’s Centre in Swansea. As set out in that correspondence, decisions on the opening of the Centre rest with the UK Government, although building and planning permission are in place and the Centre remains a priority for the Welsh Government.

The Centre would enable women in Wales to access trauma-informed, rehabilitative support closer to home, helping them maintain family ties and addressing underlying factors associated with offending. The Cabinet Secretary for Social Justice, Trefnydd and Chief Whip and the Counsel General continue to press the case for the Centre’s opening through regular engagement with UK Government Justice Ministers. Most recently, the Cabinet Secretary raised this with Lord Timpson on 25 February 2026.

Lord Timpson confirmed in that meeting that he is supportive of the Centre and is personally seeking to take this forward, although final collective decisions have not been taken. Lord Timpson also agreed that there is obvious synergy between the opening of the Centre and the ambitions of the UK Government’s National Women’s Justice Board, which is exploring alternatives to custody for women in the criminal justice system. Our officials continue to work closely with the UK Government to ensure the Centre remains a priority and is progressed as soon as possible.

- 6. The Lady Chief Justice told us in February that there is an “overwhelming operational case” for a new civil justice centre in Cardiff. What discussions have you had with the UK Government to ensure that work urgently progresses on the centre?**

The Counsel General and Welsh Government have been in discussion with the Ministry of Justice and HM Courts and Tribunals Service Wales over the past year and have proposed a number of options, some of which are understood to be under active consideration.

As responsibility for this area remains reserved, the Welsh Government is not party to all discussions. However, it is understood that detailed work is underway to assess the financial and infrastructure feasibility of potential options.

- 7. Does the Welsh Government still intend to publish a draft tribunals bill before the end of this term? If not please can you explain why this has not been possible?**

Work continues to prepare the Tribunals Bill, and our intention is to have a draft Bill ready for consideration by the government during the first year of the next Senedd.

The Bill will provide the legislative framework for the operation of the devolved tribunals system for many years to come. It is a very complex and substantial piece of legislation, and we are taking a careful and considered approach to its development to ensure it is both robust and effective.

Progress was also affected by the need to divert resources to an emergency Bill, which has now received Royal Assent as the Mental Health Review Tribunal for Wales (Membership) Act 2026.

The Commission on Justice in Wales

We would like to take this opportunity to comment further on the progress made in taking forward the recommendations of the Commission on Justice in Wales, in order to assist the Committee in forming a representative overview of the Welsh Government's significant work on implementation of the Commission's recommendations within our areas of responsibility. While we accept there are areas where we have not met all our aspirations, notable advancements have been made, even if arguments may be made that the recommendations in question have not been wholly completed.

For instance, in response to Recommendation 35 that Family Drug and Alcohol Courts should be established in Wales, the Welsh Government and partners funded a pilot in Cardiff and the Vale of Glamorgan, and the findings of that pilot are contributing to changes being rolled out across courts in Wales.

Similarly, there has been:

- a significant increase in the provision of legal apprenticeships in Wales (recommendation 40);
- considerable investment in legal technology (recommendation 43);
- activity to promote the Welsh legal sector (recommendation 44);
- greater transparency in procurement of legal services (recommendation 41); and
- significant progress towards tribunals reform, including the publication of a White Paper (recommendation 27).

The Welsh Government also took the lead on facilitating the creation of the Law Council for Wales (recommendation 65) and has put significant work alongside the Wales Governance Centre into recommendation 50, which sought improved Wales-specific data for evidence-based policymaking and research. This long-awaited dataset is now routinely published on GOV.UK: [Welsh Justice Data: Annual Release 2025](#), including an Excel file with detailed statistics.

However, as outlined to the Committee, it remains the case that the significant majority of the recommendations, including the most impactful of the recommendations, are ones which require the support and active participation of the UK Government. For our part, as spelt out in the scrutiny session, we have focused increasingly on preparedness for first steps towards the devolution of justice, in the areas of youth justice, probation and policing.

Sewel Convention

8. Can you provide an update on discussions relating to the memorandum of understanding on the Sewel Convention? When do you expect the Memorandum of Understanding to be finalised and published?

The Welsh Government has seen a marked improvement in respect for the Sewel Convention in the UK Government's approach during its current legislative programme.

The proposed Memorandum of Understanding provides an important opportunity to help safeguard the effective operation of the Convention and to establish a stronger, enduring precedent for respect for devolved legislatures. We, along with other Cabinet members, have raised the importance of the Sewel Convention directly with UK Ministers, emphasising the need for genuine strengthening and firm commitments to its operation, including consideration of procedural reforms to improve transparency.

As these matters are the subject of ongoing intergovernmental discussions, it is important to maintain confidence in four-nation engagement, and it would therefore be inappropriate to set out specific details at this stage. We remain keen to see an MoU agreed and published as soon as possible.

9. As the Sewel Convention is an inter-parliamentary convention, what role will the legislatures of the UK have in the Memorandum of Understanding?

The proposed Memorandum of Understanding will be an agreement between governments setting out how we approach our respective roles in the operation of the Sewel Convention. Noting that responsibility for the legislative programme in the UK Parliament rests with the UK Government, commitments by the UK Government will therefore be central to the effective operation of the Convention.

Legislatures are at the heart of the Sewel Convention, and we are keen to ensure that the Memorandum of Understanding strengthens respect for its operation in two key respects: firstly, by reinforcing the fundamental principle of the Convention; and secondly, by supporting the proper and effective functioning of the processes that give effect to the Convention.

10. The Welsh Government has been calling for the Sewel Convention to be placed on a “formalised statutory footing.” What would putting the Convention on a statutory footing look like? Has the UK Government been receptive to these suggestions?

There are a range of possible approaches to placing the Sewel Convention on a more formal footing, including those recommended by the Independent Commission on the Constitutional Future of Wales. Those recommendations were endorsed by both the Welsh Government and the Senedd, and it remains our long-standing view that greater codification of the Convention could provide stronger safeguards for devolution.

The UK Government has, to date, focused on agreeing a revised Memorandum of Understanding and on restoring a more consistent culture of respect for the Sewel Convention.

11. Based on your experiences in the Sixth Senedd, why does the Welsh Government believe placing the Convention on a statutory footing is necessary?

Experience under previous UK Government legislative programmes has demonstrated the difficulties and risks inherent in the current non-justiciable nature of the Sewel Convention. Where governmental will is lacking, the Convention does not in itself provide the legal or enforceable protection for devolved competence which we would like to see.

Yours sincerely,



Huw Irranca-Davies AS/MS

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



Julie James AS/MS

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

Huw Irranca-Davies

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

Julie James MS

Counsel General and Minister for Delivery

3 March 2026

Dear Huw and Julie,

Outstanding issues from 2 March meeting

Thank you for attending yesterday's evidence session.

As discussed, here are the questions that we didn't have the opportunity to ask during the session.

UK Internal Market Act and Common Frameworks

1. What is the Welsh Government's current assessment of the impact of the UK Internal Market Act's market access principles on the effectiveness of Welsh law?
2. To what extent will Common Frameworks be utilised as structures to discuss alignment and divergence with the EU should the UK reach an agreement with the EU to dynamically align in certain sectors in future?
3. How is the Welsh Government working to improve the transparency of discussions within Common Frameworks for the Senedd, stakeholders and citizens?

Justice

4. How is the Welsh Government engaging with the UK Government on the devolution of policing, the UK Government's proposed reforms to police forces and the abolition of Police and Crime Commissioners, amongst other issues?

5. Lord Timpson, the Prisons Minister, told the Welsh Affairs Committee that a decision on the proposed Women's Residential Centre in Swansea was expected in January. Can you confirm if a decision has been made and when the outcome will be announced?
6. The Lady Chief Justice told us in February that there is an "overwhelming operational case" for a new civil justice centre in Cardiff. What discussions have you had with the UK Government to ensure that work urgently progresses on the centre?
7. Does the Welsh Government still intend to publish a draft tribunals bill before the end of this term? If not please can you explain why this has not been possible?

Sewel Convention

8. Can you provide an update on discussions relating to the memorandum of understanding on the Sewel Convention? When do you expect the Memorandum of Understanding to be finalised and published?
9. As the Sewel Convention is an inter-parliamentary convention, what role will the legislatures of the UK have in the Memorandum of Understanding?
10. The Welsh Government has been calling for the Sewel Convention to be placed on a "formalised statutory footing." What would putting the Convention on a statutory footing look like? Has the UK Government been receptive to these suggestions?
11. Based on your experiences in the Sixth Senedd, why does the Welsh Government believe placing the Convention on a statutory footing is necessary?

In order to assist in our timely scrutiny of this matter, we would appreciate receiving a response by 13 March 2026.

We look forward to your response.

Yours sincerely,



Mike Hedges
Chair

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

Agenda Item 6.3

Llywodraeth Cymru
Welsh Government

Our ref: MA HIDCC 0681 26

Mark Isherwood MS
Chair of the Public Accounts and Public Administration Committee
Welsh Parliament
Cardiff Bay
Cardiff,
CF99 1SN

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

17 March 2026

Dear Mark,

Following your letter dated 6 March regarding the Public Office (Accountability) Bill ("the Bill") Legislative Consent Memorandum, please find my responses to your questions set out in Annex A to support your scrutiny.

I would also like to take the opportunity to inform the Committee that following the UK Government's decision to pause the passage of the Bill and their intention to carry it over into the next Parliamentary session, SLCM (No.3), which I laid on 27 January will be withdrawn and re-laid to reflect the current position.

I hope this will make clear to Senedd Members ahead of the LCM debate that the amendments which are the subject of SLCM (No.3) may be subject to further amendments upon the progression of the Bill. This will provide transparency and avoid the risk of any confusion during the plenary debate. I also take this opportunity to confirm that I will be recommending the Senedd gives its consent to the Bill.

In light of their interest and scrutiny of this Bill, I am copying this letter to Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee.

I hope you find my response helpful.

Yours sincerely,



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

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Correspondence.Huw.Irranca-Davies@gov.wales

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

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

Annex A

Welsh Stakeholder Session.

A copy of the Agenda for this event is attached at Annex B. The session was an opportunity for Welsh stakeholders to hear directly from UK Government officials involved in developing the Bill. The aim was to aid better understand of the Bill's main provisions and for stakeholders to ask questions on issues important to them. Most of the questions raised were responded to within the session. Questions and feedback have been captured and where required follow up responses will be provided.

Alignment of Approach

Discussions will remain ongoing with the relevant officials engaged on the Senedd Cymru (Member Accountability and Elections) Bill. Currently, officials do not see an overlap between the two Bills, although the perceived connection between the "offence of misleading the public" and the provision on deliberate deception is noted. As it stands, the Senedd Cymru (Member Accountability and Elections) Bill does not create any criminal offences. Amendments being made to the Government of Wales Act 2006 mean that this is possible in future Statutory Instruments, should that be the policy direction (and if the provision survives as currently drafted until the Senedd Bill is passed).

The offence of misleading the public is intended to apply to Welsh Ministers exercising their executive functions. The Senedd Cymru (Member Accountability and Elections) Bill does not deal directly with Welsh Ministers. The recall and standards provisions apply to Members of the Senedd insofar as they make changes to the Senedd's standards system. Ministers would only be captured by the fact that they are Members of the Senedd, however the Senedd's standards system explicitly carves out the conduct of Ministers acting in their executive function because that is a matter to be dealt with under the Ministerial Code by the First Minister.

In terms of the provisions in the Senedd Cymru (Member Accountability and Elections) Bill on deliberate deception, Part 3 currently places a duty on Welsh Ministers to create provision in the future to prohibit the making or publishing of false or misleading statements of fact before or during an election for the purpose of affecting the return of any candidate. So, it is specifically directed at actions in the election period and not specifically targeted at Ministers or Members of the Senedd acting in those roles at other times. The Bill does not create a deception offence which may be committed by Members of the Senedd. If the Bill is passed, I would expect consideration will be given to the definitions and formulation of the offence of misleading the public in the Public Office (Accountability) Bill, as provision under Part 3 is developed. This can consider the appropriateness of alignment, while recognising that they are seeking to remedy different issues.

New Civil Liabilities

Welsh Government has not made any assessment of how the Bill could create new civil liabilities or impact public bodies' public indemnity insurance arrangements. The UK Government has not referenced any such assessment within their published impact statements. The Bill itself does not introduce such liabilities. Public Authorities will be responsible for reviewing their own existing approaches and insurances.

Parliamentary Privilege

The topic of Parliamentary Privilege has not been part of the discussions with UK Government and is likely not within scope of the Bill.

Senedd Cymru is not a public authority given it is an excluded body for the purposes of Chapters 1 and 3 of Part 2 of the Bill (the Duty of Candour and assistance and misleading the public). However, members of the Senedd will be subject to the new offences which will replace Misconduct in Public Office under Part 3 of the Bill.

It is a longstanding constitutional convention that Parliament regulates its own affairs. Parliament has its own arrangements for ensuring accuracy and truthfulness in proceedings, including processes for determining if members have misled the House.

**PUBLIC OFFICE (ACCOUNTABILITY) BILL WELSH STAKEHOLDER EVENT
AGENDA**

Duty of Candour and Assistance

The Bill establishes a new duty of candour and assistance at inquiries, inquests and other investigations which will be backed by criminal sanctions. Public bodies and officials will be obliged to help investigations to find the truth: providing information and evidence with candour; proactively, and without favouring their own position

Code of Ethics

The Bill will require all public bodies to adopt a Code of Ethics, including a professional duty of candour for staff. These obligations will be underpinned by a new duty requiring public bodies to take steps to maintain high standards of ethical conduct of those that work for them.

Offence of misleading the Public

The Bill creates a new offence of misleading the public. This offence is intended to capture the most serious instances of misleading the public, like those events seen after Hillsborough.

Principles and Guidance for Public Authorities

The Bill will introduce a package of measures to address the conduct of public authorities and their legal teams at inquests and UK public inquiries. It will create a new duty for public authorities to only engage legal representation in a necessary and proportionate way. New statutory guidance from the Lord Chancellor will set out clear principles to guide the conduct and behaviour of public authorities and their legal representatives at inquests and UK inquiries.

Legal aid

The Bill will enable bereaved families to access non-means tested legal aid for inquests in England and Wales whenever a public authority is an interested person.

MIPO

The Law Commission recommended that the current offence of misconduct in a public office is abolished and replaced with two new statutory offences that broadly replicate the common law. The Bill does implement this recommendation, establishing two new offences “seriously improper acts” “breach of duty to prevent death or serious injury”.

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

6 March 2026

Legislative Consent: Public Office (Accountability) Bill

Dear Huw,

Thank you for attending the Public Accounts and Public Administration Committee on 26 February 2026 and giving evidence in relation to the Legislative Consent Memorandum, Supplementary Legislative Consent Memorandum (Memorandum No. 2) and Supplementary Legislative Consent Memorandum (Memorandum No. 3) relating to the Public Office (Accountability) Bill ('the Bill').

The Committee was assured that the Welsh Government has taken steps to engage with stakeholders affected by the Bill and that dialogue between the UK and Welsh governments had improved since the first Legislative Consent Memorandum relating to the Bill was laid in October 2025. Nonetheless we would appreciate responses to the following questions:

- We were encouraged to learn of the stakeholder forum arranged by the Welsh Government for 11 March. We would be grateful if you could clarify what the agenda and intended outputs for the forum will be, and how feedback will be captured and published, including whether this will be made available ahead of the Plenary debate on 24 March?
- During your evidence session, Members raised the potential benefits or drawbacks of aligning approaches across both this Bill and secondary legislation made under Part 3 of the Senedd Cymru (Member Accountability and Elections) Bills, given the overlap in concepts around false or misleading statements. Can you explain how you will ensure standards are coherent and duplication is avoided?

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

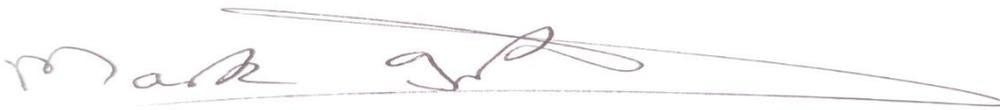
- We are mindful of the practical implications for Welsh public bodies that the proposed duty of candour and offence of misleading the public will have. What assessment has the Welsh Government made of how the Bill could create new civil liabilities or impact public bodies' public indemnity insurance arrangements?

We also note that you made a commitment to provide further information to the Committee on any assessments the Welsh Government has made on the interaction between this Bill and existing mechanisms of parliamentary privilege to ensure clarity for Ministers and Members of the Senedd on the impact of this legislation.

We would be grateful if you could provide this information and a response to the questions outlined above by Monday 16 March to inform the Plenary debate on Tuesday 24 March.

A copy of this letter has been sent to the Legislation, Justice and Constitution Committee.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Mark Isherwood', with a long horizontal line extending to the right.

Mark Isherwood MS

Chair of the Public Accounts and Public Administration Committee

Mike Hedges MS
Chair of the Senedd's Legislation, Justice
and Constitution Committee
Welsh Parliament
Cardiff Bay, Cardiff
CF99 1SN

MoJ ref: ADR131833

17 March 2026

Dear Mike,

CARDIFF CIVIL JUSTICE CENTRE

Thank you for your letter of 9 February regarding the recent session between the Senedd's Legislation, Justice and Constitution Committee and the Lady Chief Justice of England and Wales. I was pleased to note the constructive discussion held on 2 February 2026, covering a wide range of matters concerning the operation of the justice system in Wales.

In your letter you raise the matter of the Civil Justice Centre (CJC) in Cardiff, noting the Lady Chief Justice's comments that there is an operational case for a new civil justice centre in Cardiff. The Lady Chief Justice also observed that cross-governmental collaboration is required to find a solution.

I recognise the importance of the Cardiff CJC as the major civil court in the Welsh capital. I am aware that the building has operational challenges, particularly constraints relating to space and layout. I am also aware that there is strong support locally for the relocation of the Cardiff CJC to improved premises.

HM Courts and Tribunals Service (HMCTS) officials are in ongoing discussions with the Welsh Government and Cardiff City Council on potential relocation options within the city. I recognise the frustration that progress has not kept pace with expectations. Key considerations for relocation include feasibility, funding, terms of occupation, and access and operational requirements. Any relocation would require substantial capital expenditure. Therefore, it is right that relocation options are considered thoroughly, and alongside all other potential approaches.

HMCTS will continue to engage with the Welsh Government and Cardiff City Council to identify relocation options, so that these can be fully considered.

Enclosed with this letter are details of recently completed court estate capital improvement works across Wales, as well as works that are currently underway, or are due to commence shortly.

You will be aware the UK Government recently announced that in 2026/27, £287 million will be invested into the fabric of the HMCTS estate – delivering vital repairs and digital upgrades to courts and tribunals up and down the country and bringing the court system into the 21st century.

This represents significant investment, and for the first time the UK Government and the Judiciary have also agreed firm funding commitments for the next three years simultaneously. This gives HMCTS the long-term stability it needs to plan ahead and deliver improvements across the court and tribunal estate, including in Wales.

I trust my reply is helpful.

A handwritten signature in black ink that reads "Sarah Sackman". The signature is written in a cursive style with a long horizontal flourish at the end.

SARAH SACKMAN KC MP
Minister Of State

Court estate in Wales - Capital maintenance and improvement works

Works completed in 2025/26

Site	Works	Completed Date
Port Talbot Justice Centre	REPLACE HEATING AND COOLING SYSTEM	May-25
Cardiff Magistrates Court	REPLACE AUDIO BROADCAST SYSTEM	June 25
Newport IAT - Columbus House	REPLACE VOICE ALARM SYSTEM	April-25
Haverfordwest Magistrates Court and Family Court	REPLACE SECURITY SYSTEM	April-25
Merthyr Tydfil Combined Court Centre	REPLACE FALL SAFETY SYSTEM	September-25
Wrexham Magistrates Court	REPLACE SHUTTER ON CUSTODY SUITE VAN DOCK	June-25
Newport Civil and Family	REPLACE AIR CONDITIONING SYSTEM SERVING COURTS 1 & 2	November-25
Swansea Crown Court	REPLACE VAN DOCK ROLLER SHUTTER	December-25

In Progress Works

Site	Works	Expected Completion Date
Wrexham Magistrates Court	UPGRADE OF BUILDING POWER SUPPLY	Summer 2026
Wrexham Magistrates Court	FIRE COMPARTMENTATION WORKS, REPLACE FIRE DOORS, INTUMESCENT STRIPS AND SEALS IN VARIOUS AREAS	Spring 2026
Newport IAT - Columbus House	REPLACE LIFT	Spring 2026
Cardiff Crown Court	REPLACE PASSENGER LIFT - VULNERABLE WITNESSES	Summer 2026
Newport Civil and Family	REPLACE PLATFORM LIFT	Spring 2026
Swansea Magistrates Court	REPLACE EXTERNAL PLATFORM LIFT	Spring 2026
Various Courts	REPLACE PANIC ALARM SYSTEMS X 19 SITES	Spring 2026

Swansea Crown Court	REPLACE SITE WIDE LIGHTING SYSTEM	Summer 2026
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Pipeline of Works

Site	Works	Expected Start Date
Cardiff Crown Court	FIRE DOOR REPLACEMENTS	Spring 2026
Port Talbot Justice Centre	REPLACE BUILDING MANAGEMENT SYSTEM	Summer 2026
Swansea Crown Court	REPLACE ROOF AND WINDOWS	Spring 2027
Wrexham Magistrates Court	REPLACE ROOF	Spring 2026
Cardiff Crown Court	ASBESTOS REMOVAL	Spring 2026
Swansea Crown Court	REPLACE AUDIO BROADCAST SYSTEM	Summer 2026
Newport Magistrates Court	REPLACE BUILDING MANAGEMENT SYSTEM	Summer 2026
Cardiff Civil Justice Centre	REPLACE ROOF AND RAINWATER GOODS	TBC
Merthyr Tydfil Combined Court Centre	REPLACEMENT DOOR ACCESS SYSTEM	Autumn 2026
Newport Crown Court	REPLACE MAIN CHILLED WATER PUMPS	Autumn 2026

Sarah Sackman KC MP
Minister of State for Courts and Legal Services
UK Government

9 February 2026

Dear Minister,

Justice – Cardiff Civil Justice Centre

The Senedd's Legislation, Justice and Constitution Committee was pleased to welcome Baroness Carr of Walton-on-the Hill, the Lady Chief Justice of England and Wales, on 2 February 2026 to discuss a range of issues including the operation of the justice system in Wales.

We were interested to hear, during the Lady Chief Justice's opening remarks, about her commitment to pursuing a new Civil Justice Centre for Cardiff, given the "overwhelming" need for a replacement.

Lord Thomas of Cwmgiedd, as part of the work of the Commission on Justice in Wales, described the Civil Justice Centre in Cardiff as being "unfit for purpose" in 2019. In oral evidence to the Commission, members of the judiciary raised serious concerns about the suitability of the facility and separately described the facilities as a "disgrace" and unable to "fulfil its duties as a court premises".

This Committee has pursued this issue over many years and we have seen very little progress being made. It was therefore sobering to hear from the Lady Chief Justice that the situation in 2026 remains unchanged.

The Welsh Government's Counsel General, at the time, Mick Antoniw MS told this Committee in January 2022, in the context of the potential for Cardiff to lead the way in the field of commercial law, that court infrastructure was "grossly inadequate". In May 2022, the Welsh Government cited the replacement of Cardiff Civil Justice Centre as a priority of their Delivering Justice for Wales work programme, which arose in response to the Commission on Justice in Wales.

However, there has been very little progress since then, despite the Law Society Gazette reporting in February 2025 that £420,000 had been spent on maintaining the building in previous three financial years. The current Counsel General, Julie James MS appeared to acknowledge the position in June 2025 when she referred to the Centre as being in a “parlous condition”.

We note that, in response to media coverage of the session with the Lady Chief Justice, a spokesperson for the UK Government is reported as saying that there was a “planned pipeline of future works to improve the resilience and quality of the court estate” and that it is committed to “working with the judiciary to ensure it was fit for purpose”.

Whilst we welcome the Lady Chief Justice’s remarks that there was a “fresh energy” to address the situation, there remains very little detailed information on what the future is for Cardiff Civil Justice Centre and the pace of change remains unacceptably slow. There will need to be fresh energy from both governments to progress change.

We would be grateful to receive further information on how you are engaging with the Welsh Government, His Majesty’s Courts and Tribunals Service, the Lady Chief Justice, the legal profession and other stakeholders to progress the urgent work required to resolve the issues facing Cardiff Civil Justice Centre specifically, given the urgent need for the replacement of that site.

As well as providing a comprehensive response on the future of the Cardiff Civil Justice Centre, we would also welcome information on other planned works to the judicial estate throughout Wales. Please ensure that your response provides granular detail on the works planned or being considered, with timeframes specified for completing these works.

In order to assist in our timely scrutiny of this matter, we would appreciate receiving a response by Wednesday 4 March 2026.

We look forward to your response.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges
Chair

Agenda Item 6.5

Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref LN/PO/146/2026

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

18 March 2026

Dear Mike,

Thank you for your letter of 16 March, requesting clarity on a few points within the supplementary Legislative Consent Memorandum (Memorandum No 5) for the Children's Wellbeing and Schools Bill. I appreciate that there was only a short period of time between the laying of the LCM on 10 March and the reporting deadline of 16 March, and have provided a response to each question below.

For ease of reference I have included the question set out in your letter.

- 1) *Please can you confirm whether the UK Government agrees that the legislative consent of the Senedd is required in relation to the provisions set out in Memorandum No. 5?*

I can confirm that UK Government agree that the legislative consent of the Senedd is required in relation to the provisions set out in Memorandum 5.

- 2) *Please can you confirm that the only change to clause 39 (as referred to in Memorandum No. 5) for which consent is sought, in addition to the matters set out in previous Memoranda, is in relation to the inclusion of the Senedd approval procedure for regulations implementing the pilot scheme referred to in clause 39?*

I can also confirm that the only changes to Clause 39, for which consent is sought under Memorandum 5, relates to the inclusion of the Senedd approval procedure for regulations implementing the pilot scheme for Mandatory meetings, referred to in clause 39.

- 3) *We are aware that the UK Government has disagreed to certain Lords amendments and tabled amendments in lieu to the Bill at ping-pong of amendments between the House of Commons and House of Lords during the Final Stages. Please can you explain any implications of these events generally, and in particular, the impact for*

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Correspondence.Lynne.Neagle@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.

Wales of the amendments in lieu relating to online safety and for the legislative consent process in relation to this Bill?

During the House of Lords Report Stage of the Children's Wellbeing and Schools Bill, in January 2026, amendments were tabled by Conservative Peer Lord Nash and supported by cross-party peers, relating to social media and a ban for under 16 year olds. As these were added during House of Lords Report Stage they returned to the House of Commons for consideration, during the first round of amendments stage between the Commons and the Lords (ping pong), which took place on 9 March.

During the debate on the 9 March the UK Government voted to reject the proposed under-16 social media ban and instead tabled an "amendment in lieu" which will provide the Secretary of State for Science, Innovation and Technology with more flexible powers, which will be exercisable following the currently live consultation on the matter.

UK Government has indicated that if the need for any measures is evidenced by the consultation, the amendments would provide new powers to make regulations that would allow the government to restrict children's access to elements of social media and chatbots, including but not limited to:

- age-restricting children's access to social media services and chatbots;
- limiting access to harmful or addictive features on these services;
- age-restricting or limiting children's VPN use.

The UK Government and the Welsh Government are of the view that any future legislative measures delivered using the delegated powers provided by the "amendment in lieu" will relate to online safety and falls within the scope of the Internet Services reservation. They therefore expect legislative competence to sit with the UK Parliament as a reserved matter.

Kanishka Narayan MP, Minister for AI and Online Safety wrote to me on 20 January to inform me of the UKG plans on the social media consultation. This letter confirms the devolution position will be kept under review as policy develops and that UKG will work closely with Devolved Governments.

I would like to thank you and the Committee for your work on the Bill to date.

Yours sincerely,



Lynne Neagle AS/MS
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

Copied to: Buffy Williams, Chair, Children, Young People and Education Committee

Lynne Neagle MS
Cabinet Secretary for Education

16 March 2026

Supplementary Legislative Consent Memorandum (Memorandum No 5): Children's Wellbeing and Schools Bill

At the Committee's meeting of Monday 16 March 2026, we considered the supplementary legislative consent memorandum (Memorandum No. 5) which you laid in respect of the Children's Wellbeing and Schools Bill on 10 March 2026.

As you will be aware, on 10 March the Business Committee set tomorrow, 17 March 2026, as the deadline for the Committee to report on Memorandum No. 5, ahead of tomorrow's Plenary debate on a legislative consent motion for the Bill. Given the short period of time between the laying of Memorandum No. 5 and the reporting deadline, we have been unable to undertake full and meaningful consideration of, and to report on, the memorandum, which is regrettable.

However, as a result of the consideration we were able to undertake in the time available, we noted a number of issues which we believe should be addressed by you ahead of, or during, tomorrow's debate. We believe that this is necessary so that Members of the Senedd are provided with appropriate clarity.

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

Yours sincerely,



Mike Hedges
Chair



Annex

1. Please can you confirm whether the UK Government agrees that the legislative consent of the Senedd is required in relation to the provisions set out in Memorandum No. 5?
2. Please can you confirm that the only change to clause 39 (as referred to in Memorandum No. 5) for which consent is sought, in addition to the matters set out in previous Memoranda, is in relation to the inclusion of the Senedd approval procedure for regulations implementing the pilot scheme referred to in clause 39?
3. We are aware that the UK Government has disagreed to certain Lords amendments and tabled amendments in lieu to the Bill at ping-pong of amendments between the House of Commons and House of Lords during the Final Stages. Please can you explain any implications of these events generally, and in particular, the impact for Wales of the amendments in lieu relating to online safety and for the legislative consent process in relation to this Bill?

Agenda Item 8

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

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Agenda Item 11

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

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



Llywodraeth Cymru
Welsh Government

Mike Hedges
Chair of the Legislation, Justice and Constitution Committee
Welsh Parliament
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18 March 2026

Dear Mike,

Following the scrutiny report on the Public Office (Accountability) Bill (“the Bill”) Legislative Consent Memorandum, and our initial response, please find attached further updates as requested and agreed. This return also responds to the LJCC’s report on Welsh Government’s Supplementary Legislative Consent Memoranda (Memorandum No.2 and Memorandum No.3) on the Public Office (Accountability) Bill as agreed.

I would also like to take the opportunity to inform the Committee that following pause to the Bill and UK Government’s intention to carry it over into the next Parliamentary session, SLCM (No.3) which I laid on 27 January, has been withdrawn and re-laid to reflect the current position.

I hope this will make clear to Senedd Members ahead of the LCM debate that the amendments which are the subject of SLCM (No.3) may be subject to further amendments upon the progression of the Bill. This will provide transparency and avoid the risk of any confusion during the plenary debate. I also take this opportunity to confirm that I will be recommending the Senedd gives its consent to 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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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.

Updated Welsh Government response to the Committee's report on the Legislative Consent Memorandum, including the response to the report on Supplementary Legislative Consent Memoranda (Memorandum No. 2 and Memorandum No. 3)

March 2026

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

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

I have laid two further memoranda on the Bill, on 11 December 2025 and 27 January 2026.

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

Introduction

The Public Office (Accountability) Bill is complex in its cross-policy nature, and the Welsh Government is responding as expeditiously as possible ahead of the Plenary debate on the Bill.

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

Response to issues raised by the Committee

This response further addresses three recommendations of the Report (2, 6 and 7) where additional information was requested.

Response to recommendations

Recommendation 2 – Point 3

The Committee recommended that:

The Welsh Government should:

- iii. report back to the Senedd on how issues identified by devolved public bodies have been addressed in the Bill before the Senedd debates the legislative consent motion

Additional Response:

Welsh Government Officials have met with public body representatives and taken a number of areas of enquiry back to the UK Government. Examples of types of queries raised have included:

- Request's for clarity on definitions of roles and who falls under scope of the Bill and in what circumstances.
- Potential impacts on the FOI process, legal privilege and confidential commercial information.
- Issues of retroactivity.
- Implications on costs.
- How it relates to any changes proposed in the Employment Rights Act
- Timing and Transition.
- Guidance on codes and ethical conduct frameworks.
- Welsh Statutory Instruments UK Government have, and are, responding in a timely manner to queries raised by Public Bodies and where appropriate have considered requests for amendments.

Recommendation 6 –

The Committee recommends that:

As part of its ongoing discussions about the Bill that will inform its recommendations to the Senedd regarding consent, the Welsh Government should clarify why the Bill does not vest any commencement powers in the Welsh Ministers, nor provide for the Secretary of State to seek the consent of the Welsh Ministers before commencing provisions that relate to devolved matters.

Response: Accept

UK Government has advised that the approach taken is consistent with standard practice in Bills of this nature. Allowing the Duty of Candour and Assistance to be

commenced at different times on devolved and reserved matters creates the possibility it will apply to some aspects of an inquiry but not others, creating significant confusion and the risk of disparity or application. The policy rationale behind a UK-wide approach to this legislation is to ensure consistent obligations across the UK, and this logic carries through to a consistent approach to commencement. Where devolved provisions could be commenced without these risks, the relevant powers have been granted.

Recommendation 7 – Point 2.

The Committee recommends that:

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

- ii. the UK Government's justification for taking these [concurrent] powers.

Response: Accept

In our previous response we advised the Committee that we had asked the UK Government to provide its rationale for taking the concurrent powers included in the Bill. We have now received their response, which is annexed to this report

Annex: UK Government note for the Welsh Government on use of Concurrent Powers in Public Office (Accountability) Bill

The bill contains a number of powers that are capable of being exercised concurrently by: (a) the Secretary of State; and (b) devolved Ministers in respect of devolved matters. The Secretary of State cannot make provision in respect of devolved matters without the consent of the relevant devolved governments.

This approach allows for the UK Government to make UK-wide provision where desirable for practical or policy reasons, whilst still respecting the devolution settlements. For example, UK-wide provision may be preferable where a policy area spans both reserved and devolved matters, or where there are strong reasons for adopting a uniform approach across the UK. This is in keeping with the approach of the Bill more widely, where an Act of UK Parliament is making provision UK-wide, including in devolved areas, with the agreement of the devolved governments and subject to legislative consent. This will ensure public authorities and officials across the UK are held to the same high standards.

Agenda Item 12

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

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