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# **The Welsh Government's Legislative Consent Memorandum on the Passenger Railway Services (Public Ownership) Bill**

## **Response to the LJC Committee Report**

**31 October 2024**

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On 1 August 2024, Ken Skates MS, the then Cabinet Secretary for Economy, Transport and North Wales, and now the Cabinet Secretary for Transport and North Wales laid before the Senedd a Legislative Consent Memorandum in respect of the Passenger Railway Services (Public Ownership) Bill (the Bill).

The Legislation, Justice and Constitution Committee (LJC) produced a report on 23 October 2024 containing one recommendation. This is the Welsh Government response to that recommendation.

### **1. Introduction**

The Passenger Railway Services (Public Ownership) Bill ("the Bill") was introduced in the House of Commons on 18 July 2024 by the new UK Government. The Bill mainly makes provisions on rail passenger services, to bring such train operations back into public ownership.

"Railway services" is a reserved matter under paragraph 117 of Schedule 7A to the Government of Wales Act 2006. However, legislative consent is required as the Bill contains provisions with regard to devolved matters, namely the modification of devolved functions, and devolved Welsh authority public procurement functions which the Senedd has legislative competence in relation to.

Therefore, on 1 August 2024, Ken Skates MS, the then Cabinet Secretary for Economy, Transport and North Wales, and now the Cabinet Secretary for Transport and North Wales laid before the Senedd a Legislative Consent Memorandum.

On 23 October 2024 the Legislation, Justice and Constitution Committee (LJC) produced a report on that Legislative Consent Memorandum which contained one recommendation.

With thanks to the members of LJC for their work, this report contains a response to that recommendation.

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## **2. Response to the recommendation**

The Committee recommends that:

“Given the approach by the UK Government referred to in paragraph 6 of the legislative consent memorandum, the Cabinet Secretary should state whether he used the opportunity provided to raise the prospect of using forthcoming primary legislation on railways to align the Senedd’s legislative competence with the existing executive competence of the Welsh Ministers in this policy area.”

### **Response: Accept in Principle**

We continue to work with UK Government on the detail of railway reform expected in forthcoming legislation, announced in the King’s Speech on 17 July 2024.

Welsh Government has long argued that the railway is a fundamental public service, and that its rightful place is in the public sector rather than in the hands of shareholders and private investors. Whilst the Passenger Railway Services (Public Ownership) Bill achieves this goal, it does not achieve our broader goals for railway reform.

We have consistently called for responsibility for rail infrastructure spending in Wales to be devolved, with a fair funding settlement.

Priorities for railway reform in Wales have already been laid out to the new Secretary of State for Transport. When the Cabinet Secretary met with the new UK Rail Minister, Lord Hendy, over the summer, there was joint commitment to working in partnership to deliver a better railway for Wales.

That includes delivering fundamental reform of Wales’ rail operating model, the most complex of all UK nations.

As part of railway reform, we are seeking that any new Wales & Borders Business Unit within Great British Railways, should be accountable to Welsh Ministers and to the Senedd, as it delivers against Welsh priorities.

We also want Wales to have a real voice on services operating to and from Wales, particularly vital London services. Welsh

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Ministers and the Senedd should be able to hold operators of these services to account.

