**Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

—

**Legislation, Justice and Constitution Committee**

**Senedd Cymru**
Bae Caerdydd, Caerdydd, CF99 1SN
SeneddDCC@senedd.cymru
senedd.cymru/SeneddDCC
0300 200 6565

—

**Welsh Parliament**
Cardiff Bay, Cardiff, CF99 1SN
SeneddLJC@senedd.wales
senedd.wales/SeneddLJC
0300 200 6565

Ken Skates MS
Cabinet Secretary for Transport and North Wales

13 November 2024

Dear Ken

Legislative consent: Passenger Railway Services (Public Ownership) Bill

During the Plenary debate on a legislative consent motion on the Passenger Railway Services (Public Ownership) Bill, which took place on 5 November 2024, I drew attention to your written statement (dated 1 November) in which you confirmed that the UK Government had proposed an amendment to the Bill that would add a new clause. While acknowledging that this amendment was only tabled in the UK Parliament that same week, I stated that it was not clear why the Welsh Government had not laid a supplementary legislative consent memorandum before the Senedd. I therefore asked you to confirm why it was the Welsh Government's view that the requirements in Standing Order 29 for a supplementary legislative consent memorandum had not been engaged. In your closing remarks, you stated:

> *"...the UK Government, as I've mentioned, is moving at great pace, and so tabling a statement instead of a supplementary LCM has enabled us to provide as much time as possible for Members to have their say on this before it returns to the Report Stage at the House of Lords tomorrow. Arguably,* ***a supplementary LCM was not needed either, because of the nil effect in terms of the practical effects and the legal effects****, and that's the reason why I've brought forward the statement in the form of a written statement...".* (Our emphasis added)

In our meeting of the Legislation, Justice and Constitution Committee this week, we considered the comments you made during the Plenary debate. In particular, we noted your statement that the relevant amendment had "nil effect in terms of the practical effects and the legal effects" and this meant a supplementary legislative consent memorandum was not needed. While we have not given full consideration to the amendment as we would normally do if it were the subject of a consent

memorandum, we have nonetheless noted that whether a provision in a UK Bill has any practical or legal effect appears to be a different assessment to what is required by Standing Order 29.1. You will know that Standing Order 29.1 states that a "relevant Bill" means a Bill under consideration in the UK Parliament which makes provision in relation to Wales that has regard to devolved matters.

As such, while we do welcome your action to draw the amendment to the attention of the Senedd in advance of the debate on the legislative consent motion, we remind you of the importance of advising Members of the Senedd how any UK Bill (or amendment) meets the specific test set out in Standing Order 29.

Furthermore, the Committee appreciates that, in some circumstances, finding the time to lay supplementary legislative consent memoranda can be challenging. Nonetheless it is a requirement of Standing Orders, and issuing a written statement should not be seen as a substitute for consent memoranda.

I am copying this letter to Eluned Morgan MS, First Minister of Wales, Julie James MS, Counsel General and Minister for Delivery, and the Rt Hon Elin Jones MS, the Llywydd.

Yours sincerely,

Mike Hedges
Chair