

Huw Irranca-Davies MS

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

6 November 2025

Dear Huw,

**Public Office (Accountability) Bill Legislative Consent Memorandum**

We considered the Public Office (Accountability) Bill ("the Bill") Legislative Consent Memorandum ("the Memorandum") during our meeting on 3 November 2025. To help us with our scrutiny of the LCM, we would appreciate your responses to the questions set out in Annex A.

The Business Committee has set a reporting deadline for the Memorandum of 19 December. I would therefore be grateful if you could respond to this letter no later than 21 November 2025 so that we can consider your response before we issue our report.

Yours sincerely,



Mike Hedges

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



# Annex A. Questions re. the Public Office (Accountability) Bill Legislative Consent Memorandum

## Provisions for which the Senedd's consent is required

1. In the Memorandum, you state that the parts of the Bill which *do not* make relevant provision for the purposes of Standing Order 29 are clauses 6, 11, 13, 17, 19, 26, schedule 1 (parts 3 to 5) and schedule 5. However, in Annex A to the Explanatory notes to the Bill the UK Government's position is that clauses 6, 13, 17, schedule 1 and schedule 5 require legislative consent. What discussions have you had with the UK Government on this issue? Can you share any more information in relation to these differing assessments?

## Powers to make subordinate legislation

2. Clause 15(4) confers powers on the Welsh Ministers to amend Schedule 4 to amend or add to the list of "holders of public office" for the purposes of Part 3 of the Bill insofar as they relate to Welsh devolved matters. Given the potential implications of this power both for the persons subject to the Bill, and for the operation of the Bill itself, have you considered whether these powers should be subject to an enhanced affirmative procedure?

## Development of the Bill

3. Your LCM states that there has been limited engagement with the UK Government during the development of the final version of the Bill. Yet there are key provisions in the Bill that differ in their territorial extent, suggesting that active policy choices have been made in respect of Wales. The Committee would welcome an explanation of the following territorial differences:
  - a. clause 11, which creates a new offence of misleading the public, does not apply to an act done by a person in exercise, or purported exercise, of functions relating to Welsh devolved matters. Can you share the policy rationale for this? Can you confirm the offence will apply to public authorities and public officials who are exercising functions in Wales in relation to reserved matters?
  - b. clause 12 and 13 create offences which will apply to the holders of public office. Schedule 4 to the Bill set out who holds public office for these clauses and it includes members of the Welsh Government, members of the Senedd, staff of the Senedd, Welsh civil servants, employees of fire and rescue authorities and local authority employees. Schedule 4 does not list equivalent roles in the Scotland and Northern Irish devolved



legislatures and administrations. In your LCM you state that the Senedd has the legislative competence to create offences of a similar type. In view of that, can you clarify why these clauses apply to these office holders in Wales?

- c. In relation to the application of these offences to the Welsh Ministers and members of the Senedd in Senedd proceedings, compared to their application to a Minister of the Crown and member of either House of Parliament, did you consider how the offence will interact with the limited parliamentary privilege available to members of the Senedd, compared to the full parliamentary privilege that members of Parliament are protected by? Has the Welsh Government had any discussions with the UK Government about using this Bill as a vehicle to move towards equality of privilege between Members of the UK Houses of Parliament and Members of the Senedd?
4. The LCM states that "... there is also a vital need for consultation with affected organisations and public bodies, and for consideration of differential impacts in Wales." How were Welsh public bodies consulted? Was consultation undertaken by the UK Government or by Welsh Government? At what stage of policy development were they consulted? Has there been any consultation since the Bill was published? (Please note that we are also writing to the WLGA, the NHS Confederation and the Senedd Commission to seek their views on this matter.)
5. Given the difference between how the Bill will apply to some Welsh devolved public bodies and public officials, compared with their counterparts in Scotland and Northern Ireland, have you had Bill discussions with your counterparts in Scotland and Northern Ireland? Can you share the nature / general outcome of those discussions?
6. The LCM states that "A number of lines of questioning remain unaddressed." Could you provide more information as to a) what these questions are? b) whether you have had any further engagement with the UK Government on these questions and any progress made to address them?
7. The LCM states that: "There is some concern, in some policy areas as to how holders of a public office is defined, where the individual or authority does not expressly fall under one definition or another." Can you clarify to which policy areas this relates and provide an example of where this may be an issue?
8. The LCM states: "... some provisions in the Bill appear to duplicate (or may expand on) existing mechanisms within Wales". Do you have any concerns about whether this could lead to added complexity or confusion for public authorities and public office holders in those sectors?

## **Reasons for including provisions for Wales in the Public Office (Accountability) Bill**

9. You note in the LCM that “I believe it is desirable for UK citizens to know that the same basic legal protections apply wherever in the UK a future incident might take place.” However, different Bill provisions apply to public sector organisations and their employees depending upon whether you are in Wales, England, Scotland or Northern Ireland. Does this therefore undermine your rationale for legislating for Wales via an enactment of the UK Parliament?

