



Y Gwir Anrhydeddus Elin Jones AS

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Right Honourable Elin Jones MS

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Mike Hedges

Chair of Legislation, Justice and Constitution Committee

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1 December 2025

Dear Mike,

Public Office (Accountability) Bill Legislative Consent Memorandum

Thank you for your letter of 6 November 2025. I apologise for the slight delay in providing this response, which is now set out below.

1. Has the Senedd Commission been involved in the development of the Bill and/or has it been consulted about any relevant provisions?

No, the Senedd Commission has not been involved in the development of this Bill, nor consulted about its provisions

2. Do you have any views on the Bill's application to Members of the Senedd and to members of staff of the Senedd? In particular, do you consider that there could be any unintended consequences caused by the way in which the Bill is drafted?

Thank you for drawing to my attention clause 12 and Schedule 4 to the Bill and the application of those provisions to Members of the Senedd and members of staff of the Senedd.

Paragraphs 29 – 37 of the Explanatory Notes to the Bill helpfully clarify that clauses 12 and 13 place on a statutory footing the existing common law offence of misconduct in public office in order to give effect to recommendations made by the Law Commission in its 2020 report. Paragraph 37 confirms there is no intention to change the scope of the existing offence. Clause 16 of the Bill abolishes the common law offence.

The existing common law offence applies to all “public officers acting as such”. There is no clear definition which means that each case falls to be considered on its merits. I consider that Members of the Senedd and members of staff of the Senedd fall within its scope. On that basis, I am content with clauses 12 and 13 and I do not foresee any unintended consequences.

3. Do you have any other comments to make on the Bill or on the Memorandum?

The Bill creates criminal offences relating to the delivery of public services in Wales. In my view, many of the provisions of the Bill fall within the legislative competence of the Senedd. The exception to that general proposition is the extension of legal aid to bereaved families, which is clearly reserved to Westminster. Much of the Bill could, therefore, have been made by the Senedd for Wales, but clearly some provisions are reserved.

Finally, I note that discussions between the Welsh Government and the UK Government are continuing and that the Welsh Government is seeking further information as to the operation of the Bill before it makes a recommendation to the Senedd in relation to consent.

Yours sincerely,



The Rt. Hon. Elin Jones MS/AS

Llywydd