

The Rt Hon Elin Jones MS

Chair,

Business Committee

14 November 2025

Annwyl Lywydd

Business Committee review of the Public Bill and Member Bill processes: publication of pre-introduction Bills

Thank you for your letter of 10 October 2025 seeking views on the Welsh Government's recent practice (as noted in the Business Committee on 20 May 2025) of publishing pre-introduction versions of Bills to be introduced during Year 5 of the Sixth Senedd at the same time as they are provided to the Llywydd for the purposes of making a determination on legislative competence in accordance with Standing Order 26.4 (normally four weeks before a Bill's introduction).

From our perspective, and given that our scrutiny role is more specialist and therefore does not usually engage stakeholders on policy matters, early publication did not have a material benefit to us in general, although we recognise it may have been useful for policy committees. We do acknowledge however that having early sight of the Planning Consolidation Bills was helpful to Commission officials over the summer given the nature of the consolidation process. However, the optimal solution is always to work off legislation that is formally introduced and the broader concerns we expressed in our letter to the Business Committee on 3 July 2025 about the timetable for scrutiny of the Bills remain.

We do however wish to highlight some important points linked to our evidence to the Business Committee on the review.



The publishing of a pre-introduction version of a Bill should not be seen as a means to reduce the amount of time available for that Bill's scrutiny by Committees. The time available for Stage 1 scrutiny of Year 5 Bills has been regrettably curtailed, particularly when compared to the timetables for Bills in the first four years of the Sixth Senedd; it is considerably less than the 12 weeks we recommended for Stage 1 Bill scrutiny in our review submission. Curtailed scrutiny timeframes can result in legislation that has not been fully tested by legislators and stakeholders and, as a consequence, may not deliver the intended outcomes or be fully effective for Welsh citizens.

Furthermore, a pre-introduction version of a Bill cannot be relied on for decision-making or be used to begin gathering evidence as such versions are subject to change and also need to be considered alongside the Presiding Officer's determination on legislative competence, an explanatory memorandum and a statement of policy intent for subordinate legislation.

The Committee's long standing view is that there should be a presumption in favour of publishing draft Bills for scrutiny and consultation in advance of a Bill's introduction. Such pre-legislative scrutiny is a valuable and important part of the legislative process, not least because it provides more opportunities for engagement with stakeholders on the legislation itself and in a way that is different from consulting on broad policy proposals set out in a White Paper. As such we would wish to make it clear that there is a substantive difference between formally consulting on a draft Bill, for example, a year before formal introduction, and publishing a draft version of a Bill four weeks before introduction that has reduced time for Stage 1 scrutiny because of timing issues within the government's control.

We would also respectfully highlight that there is an onus on the Welsh Government to ensure that, in planning its legislative programme across a Senedd term, it builds in adequate time for public consultation and meaningful scrutiny of Bills by Senedd Committees. As we indicate above, we believe that should mean at least 12 weeks for Stage 1 scrutiny. As a general rule, we believe that Bills introduced in the final year of a Senedd should not result in less time for scrutiny by Senedd Committees; nevertheless we recognise that some flexibility may be needed in exceptional circumstances.

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 stroke.

Mike Hedges
Chair