
The Welsh Government's Legislative Consent Memorandum on the Public Office (Accountability) Bill

Welsh Government response to the Legislation, Justice and Constitution Committee's report

February 2026

The Public Office (Accountability) Bill ("the Bill") was introduced in the House of Commons on 16 September 2025. Certain elements of the Bill require the legislative consent of the Senedd, and on 2 October 2025, the Welsh Government laid a Legislative Consent Memorandum (LCM) for the Bill before the Senedd.

This was followed by a supplementary LCM in respect of a UK Government amendment to the Bill, laid on 11 December 2025.

On 18 December the Legislation, Justice and Constitution Committee ('LJCC'), published a report on Memorandum No. 1 (laid on 2 October 2025).

The LCM is currently scheduled for debate in plenary on 24 March 2026.

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1. Introduction

The Public Office (Accountability) Bill is complex in its cross-policy nature, and the Welsh Government is responding as expeditiously as possible in response to the ambitious pace of its passage.

The members of the Legislation, Justice and Constitution Committee are thanked for their report on the Welsh Government's Public Office (Accountability) Bill Legislative Consent Memorandum. The responses to the Report's individual recommendations are set out below.

2. Response to issues raised by the Committee

This response addresses the three conclusions and eight recommendations of the Report and uses the clause numbering in the version of the Bill introduced in the House of Commons.

Conclusion 1.

The Committee noted:

We agree with Welsh Government's assessments, as set out in the Legislative Consent Memorandum laid by the Deputy First Minister, that clauses 1 to 5; clauses 7 to 10; clause 12; clauses 14 to 16; clauses 18 (partially); clauses 20 to 25; schedule 1 (Parts 1, 2 and 6); and schedules 2 to 4 and 6 (partially) require the consent of the Senedd in accordance with Standing Order 29.

Response: The position is noted.

Conclusion 2.

The Committee noted:

Contrary to the views of the Welsh Government, as set out in the Legislative Consent Memorandum, we believe that clauses 11, 13, 19 and 26, and Part 3 of Schedule 1 require the require the consent of the Senedd in accordance with Standing Order 29.

Response: The position is noted. However, pursuant to amendments published on 12 January, clause 11 will apply to Wales as it does to England. The Welsh Government's view is that clause 11, as amended, will meet the test in Standing Order 29. A supplementary LCM reflecting this position was laid on 27 January 2026.

Conclusion 3.

The Committee noted:

In light of its significance and relevance to devolved matters, there should be better and more meaningful engagement by the UK Government with the Welsh Government as this Bill proceeds through its remaining stages in the UK Parliament. This is critical to ensuring that unintended consequences do not arise as a result of the Bill.

Response: The position is noted.

Recommendation 1.

The Committee recommends that:

The Welsh Government should clarify in which "appropriate fora", and with which stakeholders, it has discussed the Bill.

Response: Accept

Welsh Government wrote to stakeholders in December regarding the introduction of the Bill, and the extension of Clause 11 to Wales. This offered further engagement and specifically included:

- Welsh Government arms'-length bodies
 - Non-ministerial departments
 - Welsh Government owned companies
 - Commissioners
 - Estyn
 - NHS Health Boards/Trusts
 - Wales TUC
 - Unison
 - GMB
 - NASUWT
 - Unite
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- UCU
- USADW
- RCN
- PCS
- CBI Wales
- FSB
- Universities Wales
- MAKE UK
- Adult Learning Wales
- Voluntary Sector
- Public Leaders Forum
- WLGA

Policy leads and Ministers have been encouraged to engage and share with other stakeholders as they deem appropriate.

Recommendation 2.

The Committee recommends that:

The Welsh Government should:

- clarify its role in ensuring that consultation about the Bill is carried out with relevant devolved Welsh public bodies, including whether it has liaised/intends to liaise with the UK Government to ensure that adequate consultation is carried out by the UK Government itself;
- clarify what steps it will take, if any, to ensure that any issues identified by Welsh public bodies are fully reflected in amendments to the Bill if the UK Government is not minded to engage directly with bodies affected; and
- report back to the Senedd on how issues identified by devolved public bodies have been addressed in the Bill before the Senedd debates the legislative consent motion

Response: Partially Accept (see point iii)

In relation to the three points set out by the committee:

- The Welsh Government is working with UK Government to ensure that Welsh public bodies are consulted on the implications of the legislation.
UK Government officials are developing an implementation plan, and we will ensure that this is tailored to the Welsh context. A session is being arranged with Welsh
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public bodies and officials that will allow them to raise issues directly with UK Government officials.

- ii. As and when issues have been or are identified, they have been raised with UK Government officials and appropriate official meetings have been convened to discuss.
- iii. Any issues identified by Welsh public bodies which are communicated to Welsh Government or UK Government will be responded to accordingly. Where possible, any issues identified and how they have been addressed in the Bill by UK Government will be notified before the Senedd debate. However, the Committee will note that Report Stage has been paused pending the UK Government giving further consideration to the application of the duty of candour to the intelligence services.

Recommendation 3.

The Committee recommends that:

The Welsh Government should explore the concerns raised by the WLGA about potentially conflicting standards regimes as a result of this Bill, and report back to the Senedd on the outcomes of those discussions before the Senedd debates the legislative consent motion.

Response: Accept

Welsh Government acknowledge the issues raised by the WLGA, which have been the subject of discussion between the Welsh Government and the UK Government as part of the ongoing dialogue in respect of the provisions of the Bill. Welsh Government officials have met with the WLGA about the issues they raised in their evidence and agreed to work together with local government to agree the steps required to enable a smooth transition from existing to the new arrangements.

Recommendation 4.

The Committee recommends that:

As part of its responsibilities to ensuring the effective implementation of the Bill, the Welsh Government should commit to supporting local authorities and other affected public bodies to ensure that their existing codes of conduct and other relevant standards

documents are amended, if necessary, so that they dovetail effectively with any provisions in the Bill if enacted.

Response: Accept.

The professional duties of candour and codes of conduct will be the legal responsibility of local authorities and other bodies to ensure compliance, including incorporation of provisions within local documentation.

Welsh Government will support Welsh bodies to implement appropriate arrangements in line with any UK-wide guidance. UK Government officials have confirmed their intent to publish further guidance following Royal Assent which Welsh Government will ensure is appropriate to a Welsh context and where necessary will work with local authorities and other bodies to identify changes required to existing Welsh specific guidance to ensure appropriate alignment.

Recommendation 5.

The Committee recommends that:

The Welsh Government should seek clarification from the UK Government of the reasons for which clauses 12 and 13 (relating to the offences of misconduct in public office) were extended to Wales in the Bill as introduced, but not to Northern Ireland or to Scotland.

Response: Accept

On 12 January, UK Government amendments to the Bill were published which will extend Part 3 of the Bill (Misconduct in public office) to Scotland and Northern Ireland. Assuming those amendments pass, Part 3 will apply UK-wide.

Recommendation 6.

The Committee recommends that:

As part of its ongoing discussions about the Bill that will inform its recommendations to the Senedd regarding consent, the Welsh Government should clarify why the Bill does not vest any commencement powers in the Welsh Ministers, nor provide for the Secretary of

State to seek the consent of the Welsh Ministers before commencing provisions that relate to devolved matters.

Response: Accept

The Welsh Government will raise this question with the UK Government.

However, the Welsh Government also notes that the Bill is UK-wide and commencement may therefore be on a UK-wide basis to reflect that position. The only exceptions appear to relate to specific inquiries in Scotland (Inquiries in Scotland into fatal accidents and sudden deaths) and Northern Ireland (Investigations under the Coroners Act (Northern Ireland) 1959) as set out in clause 25(5).

Recommendation 7.

The Committee recommends that:

As part of its ongoing discussions about the Bill that will inform its recommendations to the Senedd regarding consent, the Welsh Government should set out:

- i. whether there are any concurrent or concurrent plus powers in the Bill other than those identified in this report; and
- ii. the UK Government's justification for taking these powers.

Response: Accept

Other concurrent plus powers

There are no concurrent or concurrent plus powers in the Bill beyond those identified by the committee.

The UK Government justification

The Welsh Government have asked the UK Government for that justification and is awaiting response.

Recommendation 8.

The Committee recommends that:

The Welsh Government should justify how each concurrent or concurrent plus power in the Bill, to which it recommends the Senedd consents, represents an “exceptional case” as set out in its principles on UK legislation in devolved areas.

Response: Accept

Bullet point 2 of paragraph 4 of the Welsh Government’s Principles on UK legislation in devolved areas states:

“If, in exceptional cases, Welsh Ministers agree to the creation of concurrent powers, such powers should be subject to relevant consent mechanisms and associated ‘carve outs’ from the Government of Wales Act 2006, such that no consent is required for the Senedd to remove the powers in future.”

The Welsh Ministers consider that each of the concurrent plus powers in the Bill is exceptional for the purposes of the above paragraph. Each of them forms part of a new and unusually universal system of overarching duties imposed on many public bodies across the UK. It makes sense that the Secretary of State has powers to amend these functions because of their pan-UK reach.

In addition, some of the functions relate, directly or indirectly, to the reserved matter of legal aid (which is dealt with solely by the UK Government). The Secretary of State is best placed to understand what, if any, changes to the system under the Bill may be required as a result of the impact on the legal aid system.

Where applicable, the requirement for the Welsh Ministers to consent to the use of these powers provides sufficient safeguard for the constitutional position and the devolution settlement
