

Ken Skates MS

Cabinet Secretary for Transport and North Wales

24 February 2026

Dear Ken

### Legislative Consent Memoranda on the Railways Bill

At the Committee's meeting on 23 February 2026, we considered the legislative consent memoranda you laid in respect of the UK Government's Railways Bill on 21 January 2026 and 2 February 2026.

To inform the Committee's consideration of the memoranda, I would be grateful if you could address the questions set out in the annex to this letter.

The Business Committee has set a deadline of Friday 20 March 2026 for reporting on the memoranda. Please could you therefore respond to the questions by Monday 9 March 2026.

I am copying this letter to the Chair of the Climate Change, Environment and Infrastructure Committee.

Yours sincerely,



Mike Hedges

Chair

## Annex

1. Please explain why a legislative consent memorandum was not laid until 11 weeks after the Bill's introduction.
2. Please provide an update on the Welsh Government's position in respect of the clauses set out at paragraphs 103 to 109 of the legislative consent memorandum laid on 21 January 2026 (the Memorandum).
3. Please provide an update on the engagement between the Welsh Government and the UK Government referenced at paragraph 111 of the Memorandum and at paragraph 12 of the supplementary legislative consent memorandum laid on 2 February 2026 (Memorandum No. 2).
4. Please provide your understanding as to why there is no requirement in clause 3 of the Bill for the Secretary of State to engage with the Welsh Ministers when imposing additional functions on Great British Railways (GBR) which affect devolved areas in Wales.
5. Please provide an update on the exploratory work referenced at paragraph 103 of the Memorandum in relation to a proposed amendment of clause 4 of the Bill.
6. Please provide your understanding as to why clause 4(2) of the Bill requires the Welsh Ministers to consult the Secretary of State in relation to the arrangements set out within clause 4(1) of the Bill, and what form such arrangements are anticipated to take.
7. In light of clause 33(1), which enables a direction under clause 7 of the Bill to be issued to GBR on the general level and structure of fares, please provide your understanding as to why clause 7 does not enable the Welsh Ministers to give directions to GBR, and the Welsh Government's position on this matter.
8. Please clarify how amendment Gov 167, referenced in Memorandum No. 2, broadens the circumstances in which the Secretary of State must obtain the consent of the Welsh Ministers when giving directions to GBR under clause 7 of the Bill.
9. In light of clause 33(2), which enables guidance under clause 9 of the Bill to be issued on the general level and structure of fares, please provide your understanding as to why clause 9 does not enable the Welsh Ministers to give guidance to GBR, and the Welsh Government's position on this matter.
10. Please set out the Welsh Government's position in respect of clause 12 of, and Part 1 of Schedule 2 to, the Bill, with regard to there being no requirement for GBR to consult the Welsh Ministers about its business plan, nor a requirement for the Welsh Ministers to



approve GBR's business plan, nor a requirement for the Secretary of State to notify the Welsh Ministers when providing financial assistance to GBR.

11. Please provide your understanding as to why clause 15 of the Bill only requires the Secretary of State to consult, rather than obtain the consent of, the Welsh Ministers when preparing, revising or replacing the rail strategy under its subsection (1), and the Welsh Government's position on this matter.
12. Please set out the Welsh Government's position in respect of clause 16 of the Bill, with regard to its requirement for the Office for Rail and Road (ORR) and GBR to only "have regard to" the Wales Transport Strategy, with no requirement for those bodies to comply with the strategy.
13. Please provide your understanding as to why clause 21 of the Bill only requires the Secretary of State to consult, rather than obtain the consent of, the Welsh Ministers before giving, varying or revoking guidance to the ORR under clause 21(1), and the Welsh Government's position on this matter.
14. Please provide your understanding as to why the Bill provides for a Memorandum of Understanding to be prepared which sets out how the Secretary of State and the Welsh Ministers will work together in the exercise of their respective functions in relation to railways and railway services; and why it was not possible for this information to be set out on the face of the Bill. Please also set out the Welsh Government's position on this matter.
15. Please clarify the content and effect of amendment Gov 169, referenced in Memorandum No. 2, and whether the amendment addresses the concerns regarding clause 24 noted in paragraph 104 of the Memorandum.
16. Please provide your understanding as to why the Secretary of State is not required to consult the Welsh Ministers before designating a Welsh service, while it is required under clause 25 of the Bill to consult the Scottish Ministers before designating a cross-border service. Please also set out the Welsh Government's position on this matter.
17. Please provide your understanding as to why clause 28 of the Bill only requires the Secretary of State to consult, rather than obtain the consent of, the Welsh Ministers before exercising the power to exempt a Welsh service from designation under this clause. Please also set out the Welsh Government's position on this matter.
18. Please set out the Welsh Government's position on the application of the Senedd annulment procedure to regulations made under clause 29 of the Bill, and whether the Senedd approval procedure would be more appropriate.

19. Please clarify the scrutiny procedure applicable to regulations made under clause 72 of the Bill that make consequential amendments to primary legislation regarding non-GBR infrastructure. Please also clarify whether the power in clause 72 may be used to amend primary legislation within the legislative competence of the Senedd, and, if so, whether the Secretary of State will be required to consent to the exercise of the power in this way.
20. Please explain why you do not consider that clause 73 of the Bill requires the consent of the Senedd.
21. Please set out the Welsh Government's position on the absence of a power for the Welsh Ministers to make provision that is consequential to the Bill, congruent to the power of the Secretary of State under clause 88 of the Bill.
22. Please provide further detail about amendment Gov NC23, in respect of the charging for removal etc of road vehicles and referenced in Memorandum No. 2, with particular reference to who will be responsible for such removal etc, how such charges will be made and what will happen in the event that they are not paid.

