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Llywodraeth Cymru
Welsh Government

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Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru

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Dear Mike

Thank you for your letter of 24 February attaching questions from the Legislation, Justice and Constitution Committee relating to the legislative consent memoranda for the UK Government's Railways Bill.

My answers to those questions are attached to this letter.

Yours sincerely,

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

1. Please explain why a legislative consent memorandum was not laid until 11 weeks after the Bill's introduction.

The breadth of the Bill is considerable, and it contains 93 clauses and 3 schedules. Policy officials have been working through the detail required. Although we had some productive discussions with the UK Government before the Bill was published, the size of the Bill and its continuing evolution until introduction posed a challenge in carrying out our analysis.

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).

I am pleased to provide an update as follows.

In relation to paragraph 103 – Having considered further, I do not think that further provision is required in the Bill. If circumstances suggest that further co-operation would be beneficial, I could look into ways of achieving that.

In relation to paragraph 104 - My officials will pursue the issue with UK Government officials.

In relation to paragraph 105 – Having considered the position, my understanding is that the Bill replicates the existing designation position and there is no change to the status quo. I am content with this and so I require no further engagement on this point.

In relation to paragraph 106 - UK Government amendments (Gov 170 and 171) to Clause 31 have addressed the concern originally raised.

In relation to paragraphs 107 and 108 – I intend to use the Memorandum of Understanding referred to in clause 24 (“MoU”) to address the concerns.

Paragraph 109 - it is my understanding that it is highly unlikely the requirement within this clause to consult with Mayoral Strategic Authorities will apply directly. I am content.

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).

Welsh Government and Transport for Wales have worked closely with UK Government officials since the start of the year on the MOU and to specifically consider the points raised in the LCM and to ensure the Railways Bill achieves the best deal for Wales. This

engagement has taken the form of twice weekly meetings and has resulted in constructive dialogue.

- 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.**

My understanding is that adding a consultation requirement is considered unnecessary by UK Government officials as the Railways Bill should provide GBR with most functions the SoS requires it to carry out, and it is therefore unlikely that they will rely on this power. It is also worth noting that under clause 16, GBR and ORR will be required to have regard to strategies, including the Wales Transport Strategy. In addition, this power cannot be used to alter the devolved settlement and I expect the MoU to provide a mechanism for the Welsh Ministers to influence the organisation and design of GBR.

- 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.**

Please see my response to Question 2.

- 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**

My understanding is that clause 4(1) provides Welsh Ministers with the option of asking GBR to provide services on their behalf. This could take varying forms from delivering passenger services to providing a joined-up procurement to save costs. This consultation requirement ensures that the views of the Secretary of State, as sole shareholder of GBR, are considered before GBR is tasked with new activity on Welsh Ministers' behalf.

- 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.**

My understanding is that powers of direction over GBR have been provided where the Secretary of State is a direct funder of GBR railway services and infrastructure. I am content with this.

- 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.**

My understanding is that the original drafting may have inadvertently created a scenario in which consent was not required on a matter that Welsh Ministers had delegated to GBR outside of passenger service. This amendment ensures that Welsh Ministers' consent is required in relation to all things which they might arrange for GBR to do on their behalf, whether under clause 4 of the Bill or under a contract awarded under clause 31(4)(b).

- 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.**

My understanding is that the reasoning in relation to this power to provide guidance is the same as in relation to the power to provide directions (see question 7). I am content with this.

- 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.**

My understanding is that GBR is empowered to deliver an improved and integrated railway, balancing delivery and trade-offs, whilst being accountable to Secretary of State as the funder. The business plan will be developed in-line with GBR's statutory duties which will include requirements to have due regard to Welsh Ministers' strategies, and the statement of objectives and long-term strategy, for which the Welsh Ministers are statutory consultees. I am content with this.

- 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.**

My understanding is that the Secretary of State will be responsible for the long term strategy as it relates to Great Britain and so it is considered that a requirement to secure Welsh Ministers' consent would be inappropriate. I am content with this.

- 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.**

My understanding is that GBR and the ORR will be required to balance the strategies of many stakeholders, including the interests of freight, Mayoral Strategic Authorities and the Secretary of State's Long Term Railway Strategy. These strategies may not always align and so a duty to comply with them could be unmanageable. I am content with this.

- 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.**

My understanding is that the guidance power relates to functions that are exercised on a Great Britain-wide basis by a single independent regulator; requiring consent could create a unilateral veto over GB-wide regulatory direction. The ORR will also provide advice to funders of GBR railway services and infrastructure and so Scottish Ministers, as funders, have also been given the power to issue guidance to the ORR. I am content with this.

- 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.**

My understanding is that these commitments reflect how the Secretary of State and Welsh Ministers will work together in practice, and recording practical arrangements in legislation would not only provide little flexibility in how services are delivered, and also limit how these commitments can be amended, as the railway and its delivery evolves and develops. I am content with this.

- 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.**

Amendment Gov 169 sets out additional provisions in the non-exhaustive list of provisions which the Memorandum of Understanding (MoU) between the SoS and Welsh Ministers may include, in particular being the use to be made of the power to give directions under section 7. See my answer to question 2 in respect of paragraph 104.

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.

I expect the MoU to reiterate that (a) the current devolution settlement for Wales will be preserved and (b) that Ministers agree that the existing devolution settlement represents a baseline of service for which Welsh Ministers are responsible to deliver. It is intended that any future designation will be done in collaboration with the Welsh Ministers. I am content with this.

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.

My understanding is that the power to exempt a service from designation is usually used to facilitate local devolution of services (e.g. to Transport for London). Because of the commitments I expect in the MoU relating to baseline services, it is not considered necessary to add a requirement for the Secretary of State to seek the consent of Welsh Ministers for exemptions from designation. I am content with this.

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.

I believe that the Senedd annulment procedure for regulations made under Clause 29 of the Bill is appropriate. It is consistent with the principles for annulment procedure in paragraph 10.12 the WG Legislation Handbook on Senedd Bills [Legislation handbook on Senedd bills](#). I am content with this.

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.

The scrutiny procedure applicable to regulations made under clause 72 of the Bill is in clause 89(3)(b) of the Bill, ie the affirmative procedure in Parliament. In principle the power may be used to amend primary legislation within the legislative competence of the Senedd. I expect the MoU to deal with operational concerns. I assume that the last reference to "Secretary of State" in the question is intended to refer instead to the Welsh Ministers. There is no requirement for the Welsh Ministers 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.

The omission of clause 73 (interpretation of Chapter 1 of Part 3) is an oversight which I intend to rectify. It does not prevent consideration by the Senedd of the substance of the clauses to which it relates.

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.

Clause 88 enables the Secretary of State to ensure that the statute book is tidy and appropriately reflects the changes made by this Bill. I am content with this.

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.

My understanding is as follows. The relevant operator of a station or network would have the power to remove a vehicle in breach of byelaws. There would likely be a sign making clear that parking was prohibited and the charge for breaching the byelaw. Costs would be recovered as a debt if not paid.