

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet
dros Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Mike Hedges
Chair of the Legislation, Justice and Constitution Committee
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18 March 2026

Dear Mike,

Following the scrutiny report on the Public Office (Accountability) Bill (“the Bill”) Legislative Consent Memorandum, and our initial response, please find attached further updates as requested and agreed. This return also responds to the LJCC’s report on Welsh Government’s Supplementary Legislative Consent Memoranda (Memorandum No.2 and Memorandum No.3) on the Public Office (Accountability) Bill as agreed.

I would also like to take the opportunity to inform the Committee that following pause to the Bill and UK Government’s intention to carry it over into the next Parliamentary session, SLCM (No.3) which I laid on 27 January, has been withdrawn and re-laid to reflect the current position.

I hope this will make clear to Senedd Members ahead of the LCM debate that the amendments which are the subject of SLCM (No.3) may be subject to further amendments upon the progression of the Bill. This will provide transparency and avoid the risk of any confusion during the plenary debate. I also take this opportunity to confirm that I will be recommending the Senedd gives its consent to the Bill.

Yours sincerely,

Huw Irranca-Davies AS/MS

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a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs.

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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.

Updated Welsh Government response to the Committee's report on the Legislative Consent Memorandum, including the response to the report on Supplementary Legislative Consent Memoranda (Memorandum No. 2 and Memorandum No. 3)

March 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.

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

I have laid two further memoranda on the Bill, on 11 December 2025 and 27 January 2026.

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

Introduction

The Public Office (Accountability) Bill is complex in its cross-policy nature, and the Welsh Government is responding as expeditiously as possible ahead of the Plenary debate on the Bill.

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 additional responses to the Report's individual recommendations are set out below.

Response to issues raised by the Committee

This response further addresses three recommendations of the Report (2, 6 and 7) where additional information was requested.

Response to recommendations

Recommendation 2 – Point 3

The Committee recommended that:

The Welsh Government should:

- iii. 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

Additional Response:

Welsh Government Officials have met with public body representatives and taken a number of areas of enquiry back to the UK Government. Examples of types of queries raised have included:

- Request's for clarity on definitions of roles and who falls under scope of the Bill and in what circumstances.
- Potential impacts on the FOI process, legal privilege and confidential commercial information.
- Issues of retroactivity.
- Implications on costs.
- How it relates to any changes proposed in the Employment Rights Act
- Timing and Transition.
- Guidance on codes and ethical conduct frameworks.
- Welsh Statutory Instruments UK Government have, and are, responding in a timely manner to queries raised by Public Bodies and where appropriate have considered requests for amendments.

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

UK Government has advised that the approach taken is consistent with standard practice in Bills of this nature. Allowing the Duty of Candour and Assistance to be

commenced at different times on devolved and reserved matters creates the possibility it will apply to some aspects of an inquiry but not others, creating significant confusion and the risk of disparity or application. The policy rationale behind a UK-wide approach to this legislation is to ensure consistent obligations across the UK, and this logic carries through to a consistent approach to commencement. Where devolved provisions could be commenced without these risks, the relevant powers have been granted.

Recommendation 7 – Point 2.

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:

- ii. the UK Government's justification for taking these [concurrent] powers.

Response: Accept

In our previous response we advised the Committee that we had asked the UK Government to provide its rationale for taking the concurrent powers included in the Bill. We have now received their response, which is annexed to this report

Annex: UK Government note for the Welsh Government on use of Concurrent Powers in Public Office (Accountability) Bill

The bill contains a number of powers that are capable of being exercised concurrently by: (a) the Secretary of State; and (b) devolved Ministers in respect of devolved matters. The Secretary of State cannot make provision in respect of devolved matters without the consent of the relevant devolved governments.

This approach allows for the UK Government to make UK-wide provision where desirable for practical or policy reasons, whilst still respecting the devolution settlements. For example, UK-wide provision may be preferable where a policy area spans both reserved and devolved matters, or where there are strong reasons for adopting a uniform approach across the UK. This is in keeping with the approach of the Bill more widely, where an Act of UK Parliament is making provision UK-wide, including in devolved areas, with the agreement of the devolved governments and subject to legislative consent. This will ensure public authorities and officials across the UK are held to the same high standards.