

Julie James MS

Counsel General and Minister for Delivery

30 January 2026

Annwyl Julie,

Updated analysis of subordinate legislation requiring correction

Please find enclosed the Committee's latest analysis of instances where the Welsh Government has agreed with a Committee reporting point highlighting errors in subordinate legislation, and where the Welsh Government has committed to correcting those errors via further subordinate legislation.

The Committee discussed the analysis during its meeting on 26 January 2026, and would appreciate your response to the following:

1. In your letter dated 28 April 2025, you stated that you were working on developing the first set of "'omnibus' statutory instruments that will make amendments to various earlier instruments". The Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025 and the Amendments to Subordinate Legislation (Miscellaneous Corrections) (Wales) Regulations 2025 were subsequently laid on 9 July 2025. We would welcome your reflections on the process of developing omnibus instruments to correct errors in multiple items of subordinate legislation, and also, does the Welsh Government intend to bring forward any further omnibus instruments?
2. With reference to the Committee's enclosed analysis, which corrections does the Welsh Government expect to make before dissolution? How will you address any errors that you do not expect to be corrected before dissolution (if there are any)?

The Committee will be producing a final analysis of subordinate legislation requiring correction for inclusion in its legacy report. I would therefore be grateful for your response no later than 6 March 2026 so that this final analysis can take into account the most up-to-date Welsh Government position.

I am copying this letter to the First Minister, Rt Hon Eluned Morgan MS.

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 line.

Mike Hedges

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Annex: Subordinate legislation scrutiny (January 2026)

New issues as of January 2026 (since the Committee previously considered this document in September)¹

Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Relevant correspondence	Welsh Government department / policy area	Status
042	681	21/11/25	<u>The Local Government (Standards Committees and Member Conduct) (Miscellaneous Amendments) (Wales) Regulations 2025</u>	<p>Technical reporting point 3: the existing definition of “registered society” was only inserted into the English text of both paragraphs 1(1) and 10(2)(a)(ix)(bb) of the Schedule to the 2008 Order by paragraph 21 of the Schedule to UK SI 2014/1815. This definition is missing from the Welsh text of paragraph 1(1) of the Schedule to the 2008 Order and also from paragraph 10(2)(a)(ix)(bb).</p> <p>The Welsh Government’s response stated that “a translation of the definition of “registered society” appears to be missing from the Welsh text in paragraph 1(1) of the Schedule to the 2008 Order as a result of an amendment made by a UK SI.” It committed to review the definitions in the schedule as part of the ongoing</p>		Local government	Awaiting corrections.

¹ **Red** – Overdue, **Orange** – Due before dissolution, **Yellow** – Promised but not imminent or no timeframe specified (not applicable for this final report of the Sixth Senedd), **Green** – Amending SI laid/issue otherwise resolved.

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				work by Welsh Government in relation to the Local Government Ethical Standards Framework in Wales.			
041	679	18/11/25	<u>The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025</u>	<p>Technical reporting point 1: in regulation 4(3)(d), there is no reference to an interpretation or definition provision for the term “below-threshold contract”.</p> <p>The Welsh Government’s response stated that “...we recognise there is an argument that a direct reference to s.5(5) of the Procurement Act 2023 might be helpful to readers. We therefore propose to insert this definition through an amending provision to be included in a further set of regulations currently being drafted to amend Schedule 9, and which we anticipate will be laid in February 2026.”</p>		Finance	Regulations due Feb 2026.
040	677	17/11/25	<u>The Infrastructure (Wales) Act 2024 (Consequential, Transitional, Revocation and Saving Provisions) Regulations 2025</u>	<p>Technical reporting points 7, 15, 16, 19 and 21 relate to form or meaning that needs further explanation and inconsistencies between the meaning of the English and Welsh texts.</p> <p>The Welsh Government agreed that amendments are required and committed to bringing forward an</p>		Economy, Energy and Planning	Awaiting corrections this Senedd term.

Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Relevant correspondence	Welsh Government department / policy area	Status
				amending WSI this Senedd term to clarify the amendments.			
039	674	06/11/25	<u>The Official Controls (Import of High-Risk Food and Feed of Non-Animal Origin) (Amendment of Commission Implementing Regulation (EU) 2019/1793) (Wales) Regulations 2025</u>	<p>Technical reporting points 1, 2 & 3 relate to inconsistencies between the meaning of the English and Welsh texts.</p> <p>The Welsh Government acknowledged the error but considered it is a minor one, It made enquiries with the SI Registrar as to the use of a correction slip to correct the error. If it cannot correct the error via this method, it will be considered for further amendment as part of the ongoing duty to review the lists set on a regular basis, not exceeding a period of 6 months.</p>		Food standards/ safety	Reporting points 1 and 2 have been corrected by The National Archives. Reporting point 3 still requires correction via correction slip.
038	672	04/11/25	<u>The Basic Payment Scheme (Tapering, Payment Entitlements and Closure) (Wales) Regulations 2025</u>	<p>Technical reporting point 1: the Regulations reference an EU Regulation Article that has been repealed.</p> <p>The Welsh Government stated that it would not amend it at this stage but will do so when a suitable opportunity arises.</p>		Rural affairs	Awaiting corrections.
037	667	23/10/25	<u>The National Health Service (Optical Charges</u>	Technical reporting point 2: "In the new Schedule 1 to the 1997 Regulations, reference is made on two occasions to		Health	Awaiting corrections.

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			<p><u>and Payments) (Amendment) (No. 2) (Wales) Regulations 2025</u></p>	<p>“the 2006 Act”. This term is not defined in either the Regulations or the 1997 Regulations.”</p> <p>In their response, the Welsh Government stated that “Schedule 1 to the 1997 Regulations is subject to annual amendments. Considering that opportunity we will look to make an amendment in this respect at that next opportunity.”</p>			
036	661	16/10/25	<p><u>The Infrastructure Consent (Miscellaneous Amendments) (Wales) Regulations 2025</u></p>	<p>(Note: 661 is an instrument that aims to correct errors identified in the Committee’s report on 625. See below for more information.)</p> <p>Reporting point 1 misses ‘2025’ from the title of the Regulations referred to in regulation 2(1).</p> <p>Reporting point 2: “... unlike the definition of “EIA [Environmental Impact Assessment] development”, the definition of “the EIA Regulations” is not corrected by these Regulations in line with that relevant reporting point.”</p> <p>On reporting point 1, the Welsh Government stated it would liaise with</p>		Economy, Energy and Planning	Awaiting an amending instrument to be made by Welsh Government “before the end of the Senedd term”.

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				<p>the S.I. Registrar about the suitability of correction slip.</p> <p>On reporting point 2, the Welsh Government “notes the committee’s comments regarding this reporting point. We will look to amend this via a further statutory instrument intended to be made before the end of the Senedd term.”</p>			
029	598	07/03/25	<u>The National Health Service (Pharmaceutical Services) (Wales) (Miscellaneous Amendments) Regulations 2025</u>	<p>Reporting points 1 and 2 relate to a missing definition in the Regulations and errors in the Welsh text.</p> <p>The Welsh Government response states that they undertake to make amendments/clarifications “when further amendments to the 2020 Regulations are planned in summer 2025.”</p>	<u>From CSHSC, dated 14/10/25.</u> There have been further policy developments in this area. The Welsh Government will lay an SI in early 2026 to capture those policy changes and correct the defects identified by the Committee.	Health	Corrections due early 2026.
043	606	25/03/28	<u>The Building etc. (Amendment) (Wales) Regulations 2025</u>	<p>Reporting points 1 and 2 seek clarification of a reference and the definition of a term in the Regulations.</p> <p>In its initial response to the Committee’s report, the Welsh</p>		Housing	Addressed in SL(6)708.

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				<p>Government did not accept that amendments were necessary.</p> <p>However, in the Explanatory Memorandum to SL(6)708, the Welsh Government states that: "Further to the LJCC report in relation to the Building etc. (Amendment) (Wales) Regulations 2025 (SL(6)606) , we have amended the drafting to regulations 15 of these Regulations to address comments in the Technical Scrutiny points raised."</p>			
023	582	04/02/25	<p><u>The Welsh Elections Information Platform Regulations 2025</u></p>	<p>Reporting point 1 relates to defecting drafting.</p> <p>In response, the Welsh Government stated "The Committee is aware that the Welsh Government intends to amend this S.I., once the Conduct Order is made, to cross refer to that Order. The Welsh Government commit to taking that opportunity to make this amendment at the same time. This will be done before the end of 2025."</p>		Constitution	Addressed in SL(6)732.

Issues where there has been no update since the Committee's previous consideration (September 2025)²

Our ref #	SL number	Laid date	SL title	Relevant reporting points, and Welsh Government response	Notes and relevant correspondence	Welsh Government department /policy area	Status update
004	437	20/12/23	<u>The National Health Service (General Medical Services Contracts) (Wales) (Amendment) Regulations 2023</u>	Reporting points 5 to 8 relate to defective drafting. In response to each of those reporting points, the Welsh Government response states "The Welsh Government notes this point and will make an amendment to the principal Regulations when the opportunity arises."	Letter from the Counsel General 28 April 2025: "The Government intends to address reporting points 5 to 8 together with amendments to the 2023 Regulations following contract negotiations during 2024/25; this instrument will be brought forward in the coming months and these amendments will therefore not form part of either of the omnibus amending instruments."	Health	Amending SI due "in the coming months".
031	609	31/03/25	<u>The Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2025</u>	Reporting point 1 relates to defective drafting. In response, the Welsh Government stated "This will be addressed in the next suitable legislative		Planning	Issue to be addressed before the end of 2025.

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				vehicle before the end of the year."			
009	457	20/02/24	<u>The Special Schools Residential Services (Service Providers and Responsible Individuals) (Wales) Regulations 2024</u>	<p>Reporting point 3 relates to defective drafting.</p> <p>In response, the Welsh Government stated that "A small alteration to the wording may assist the reader, but this is not an urgent amendment required to the regulations and will be reviewed at the earliest opportunity to amend."</p>	<p>Letter from the Counsel General of 28 April 2025 states that "it would not be appropriate to alter the wording as this would create an unwelcome difference with the same wording used in five other sets of Regulations. No further action will therefore be taken."</p> <p>The Committee <u>wrote</u> on 9 May 2025 stating "The Committee acknowledges that consistency is important, but notes that this does not necessarily mean that precedent wording should continue to be used when more accessible phrasing is available."</p> <p>Letter from the Counsel General on 4 June 2025 states "It is agreed that the wording contained within</p>	Social Services	Matters to be addressed in 2026-27.

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					the 2019 Regulations, when this detail was picked up and amended, is clearer and more accessible; therefore an amendment will be made to both the 2024 and the 2017 Regulations to address this. We have also identified additional non-urgent amendments to be made to the 2017 Regulations and, subject to the legislative timetable, propose to deal with all of these matters in work to be undertaken in 2026-27."		
035	625	17/6/25	<u>The Infrastructure Consent (Pre-Application and Application Procedure and Transitional Provisions) (Wales) Regulations 2025</u>	Reporting points 2, 3, 6 to 20, and 22 relate to defective drafting, inconsistencies between the meaning of its English and Welsh texts, and that its form or meaning needs further explanation. The Welsh Government response states that they will seek to clarify the reporting points in an amending instrument before the		Planning	Partially addressed in 661. Requires a further amending instrument, which WG states "will be made before the end of the

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				coming into force of the Regulations on 15 December 2025.			Senedd term".
030	600	11/03/25	<u>The Agricultural Wages (Wales) Order 2025</u>	<p>Reporting point 2 relates to the meaning of key terms in the Order.</p> <p>Reporting point 2: The Welsh Government response states "... we note your comments and will take them into account for the 2026 Order."</p>		Agriculture	Issue will be addressed in the 2026 Order.