

Agenda – Legislation, Justice and Constitution Committee

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| Meeting Venue: | For further information contact: |
| Hybrid – Committee Room 4, Tŷ Hywel and videoconference via Zoom | P Gareth Williams Committee Clerk |
| Meeting date: 12 May 2025 | 0300 200 6565 |
| Meeting time: 12.30 | SeneddLJC@senedd.wales |

Hybrid

Public meeting

(12.30 – 14.55)

1 Introduction, apologies, substitutions and declarations of interest

(12.30)

2 Legislative Consent Memorandum on the Children's Wellbeing and Schools Bill: Evidence Session with the Cabinet Secretary for Education and the Minister for Children and Social Care

(12.30 – 13.15)

(Pages 1 – 20)

Lynne Neagle MS, Cabinet Secretary for Education

Dawn Bowden MS, Minister for Children and Social Care

Nicola Edwards, Deputy Director, Equity in Education, Welsh Government

Alistair Davey, Deputy Director, Social Services, Welsh Government

Attached Documents:

LJC(6)-15-25 – Paper 1 – Briefing paper

LJC(6)-15-25 – Paper 2 – Legal Advice Note

Break

(13.15 – 13.30)



3 The Bus Services (Wales) Bill: Evidence Session with the Cabinet Secretary for Transport and North Wales

(13.30 – 14.30)

(Pages 21 – 44)

Ken Skates MS, Cabinet Secretary for Transport and North Wales

Alex Walters, Deputy Director, Public and Integrated Transport

Hannah Dudley, Lawyer, Welsh Government

Catrin Dellar, Head of Bus Reform, Welsh Government

[The Bus Services \(Wales\) Bill](#), as introduced

[Explanatory Memorandum](#)

[Statement of policy intent](#)

Attached Documents:

LJC(6)-15-25 – Paper 3 – Briefing paper

Break

(14.30 – 14.35)

4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3

(14.35 – 14.40)

Affirmative Resolution Instruments

4.1 SL(6)613 – The Procurement (Wales) (Amendment) Regulations 2025

(Pages 45 – 47)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-15-25 – Paper 4 – Draft report

5 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered

(14.40 – 14.45)

5.1 SL(6)600 – The Agricultural Wages (Wales) Order 2025

(Pages 48 – 49)

Attached Documents:

LJC(6)-15-25 – Paper 5 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 7 May 2025

LJC(6)-15-25 – Paper 6 – Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 30 April 2025

6 Inter-Institutional Relations Agreement

(14.45 – 14.50)

6.1 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Phytosanitary Conditions (Amendment) Regulations 2025

(Pages 50 – 51)

Attached Documents:

LJC(6)-15-25 – Paper 7 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 6 May 2025

6.2 Correspondence from the Cabinet Secretary for Economy, Energy and Planning: Inter-Ministerial Group on UK-EU relations

(Page 52)

Attached Documents:

LJC(6)-15-25 – Paper 8 – Letter from the Cabinet Secretary for Economy, Energy and Planning, 8 May 2025

6.3 Correspondence from the Cabinet Secretary for Economy, Energy and Planning: Memorandum of Understanding: Economic Inactivity Trailblazer in Wales

(Page 53)

Attached Documents:

LJC(6)-15-25 – Paper 9 – Letter from the Cabinet Secretary for Economy, Energy and Planning, 8 May 2025

6.4 Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Third Bi-Annual Welsh Government REUL Act Update (June 2024 – December 2024)

(Page 54)

Attached Documents:

LJC(6)-15-25 – Paper 10 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 8 May 2025

7 Papers to note

(14.50 – 14.55)

7.1 Correspondence from the Finance Committee to Committee Chairs: Scrutiny of the Welsh Government draft budget 2025–26

(Pages 55 – 56)

Attached Documents:

LJC(6)-15-25 – Paper 11 – Letter from the Finance Committee to Committee Chairs, 1 April 2025

7.2 Correspondence from the Cabinet Secretary for Housing and Local Government: The draft Senedd Cymru (Disqualification) Order 2025

(Pages 57 – 77)

Attached Documents:

LJC(6)-15-25 – Paper 12 – Letter from the Cabinet Secretary for Housing and Local Government, 2 May 2025

8 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting

(14.55)

Private meeting

(14.55 – 16.25)

9 Legislative Consent Memorandum on the Children's Wellbeing and Schools Bill: Consideration of evidence

(14.55 – 15.05)

10 The Bus Services (Wales) Bill: Consideration of evidence

(15.05 – 15.15)

11 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Product Regulation and Metrology Bill: Draft report

(15.15 – 15.25)

(Pages 78 – 86)

Attached Documents:

LJC(6)-15-25 – Paper 13 – Draft report

12 UK-EU Trade and Cooperation Agreement inquiry: Consideration of key issues

(15.25 – 15.40)

(Pages 87 – 103)

Attached Documents:

LJC(6)-15-25 – Paper 14 – Key issues

13 Legislative Consent Memorandum on the Crime and Policing Bill

(15.40 – 15.55)

(Pages 104 – 115)

Attached Documents:

LJC(6)-15-25 – Paper 15 – Legal Advice Note

14 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Tobacco and Vapes Bill

(15.55 – 16.10)

(Pages 116 – 121)

Attached Documents:

LJC(6)-15-25 – Paper 16 – Legal Advice Note

15 Legislative Consent Memorandum on the Terminally Ill Adults (End of Life) Bill

(16.10 – 16.25)

(Pages 122 – 140)

Attached Documents:

LJC(6)-15-25 – Paper 17 – Legal Advice Note

Document is Restricted

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Document is Restricted

SL(6)613 – The Procurement (Wales) (Amendment) Regulations 2025

Background and Purpose

These Regulations make substantive amendments to the Procurement (Wales) Regulations 2024 (“the 2024 Regulations”) to enable the implementation of the Procurement Act 2023 (“the 2023 Act”).

The purpose of the 2023 Act is to reform the United Kingdom’s public procurement regime following its exit from the European Union (“EU”), by creating a simpler and more transparent system, no longer based on transposed EU Directives. The 2024 Regulations supplement the 2023 Act.

Regulation 3 makes several amendments to the 2024 Regulations. Paragraph (2) removes the definition of “utility” from regulation 4 and paragraph (3) inserts it into regulation 3 instead, to enable the definition to apply to the whole Regulations. Paragraph (4) inserts new regulations 45E and 45F into the 2024 Regulations to set out how a calculation of the percentage of activities carried out by a person is to be made, in relation to vertical and horizontal arrangements.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following eight points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 3(4), in the new regulations 45E(9) and 45F(9), the term “date of contract award” has been defined with the same meaning for both of those regulations. However, the same term is already used in several places in the existing regulations found in Part 3 of the Procurement (Wales) Regulations 2024 as amended, such as regulations 45A to 45D, where its meaning has not been defined.

Could the Welsh Government explain whether the term “date of contract award” bears the same meaning in the existing regulations 45A to 45D in Part 3 of the 2024 Regulations as



given by the definitions for the new regulations 45E and 45F?

If the intention is for the term to bear the same meaning in all of these regulations in Part 3 of the 2024 Regulations, should a new definition of "date of contract award" be inserted in each of regulations 45A to 45D or in a separate provision for the whole of Part 3 of the 2024 Regulations?

Otherwise, the inclusion of the new definitions of "date of contract award" for regulations 45E and 45F suggests that its meaning differs for those regulations when compared to the other existing regulations in Part 3 of the 2024 Regulations.

2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 3(4), in the new regulations 45E and 45F, there are several provisions that set out methods of calculating attributable or non-attributable turnover and total turnover. These provisions refer to credible business projections for various periods which are described as "**beginning with** the date of contract award". However, similar provisions in the existing regulations 45A to 45D of the 2024 Regulations describe the credible business projections as being for periods "**starting from** the date of contract award". This does potentially suggest a difference in meaning as to the date of the beginning of the period for the calculations. This is because the phrase "beginning with the date" is usually interpreted as starting at the beginning of that date but "starting from the date" could be interpreted as excluding that date so that the period starts from the following day - see WLW 8.3(1) and (3). Should the descriptions for the beginning of these periods be consistent with each other in these provisions for the calculations?

3. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 3(4), in the new regulations 45E(9) and 45F(9), in the definitions of "relevant period", there is a cross-reference to "sub-paragraph (a)". However, it should be correctly described as "paragraph (a)" rather than "sub-paragraph (a)" as it is a division within a definition. This error already occurs in the existing definitions of "relevant period" already found in regulations 45A(5), 45B(4), 45C(4) and 45D(4) of the 2024 Regulations.

4. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 3(4), in the new regulations 45E(9) and 45F(9) of the 2024 Regulations, in the definitions of "reorganisation", there is an inconsistency in the expression used in the Welsh text to convey the meaning of the phrase "other than a minimal or incidental change". In regulation 45E(9), the phrase "heblaw newid lleiaf neu achlysurol" has been used to express its meaning, but in regulation 45F(9) a different phrase "heblaw newid bach iawn neu anyslyweddol" has been used. The Welsh text should be consistent in both places.



5. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 3(4), in the new regulation 45F, the term “horizontal arrangement” is used on its own in several places such as paragraphs (1), (3), (6) and (9), and also as part of the term “horizontal arrangement’s activities” which is defined for that regulation by regulation 45F(9). However, the term “horizontal arrangement” is a defined term in paragraph 3(2) of Schedule 2 to the Procurement Act 2023. Therefore, should a definition of “horizontal arrangement” also be included in the new regulation 45F(9) so that it will have the same meaning in that regulation as given by the 2023 Act?

6. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 3(4), in the new regulation 45F(8), in the words before sub-paragraph (a), the term “the arrangement” is used without an earlier reference to “the horizontal arrangement”. Should the phrase “the horizontal arrangement” be used in this place rather than only “the arrangement”?

7. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 3(4), in regulation 45F(9), in the definition of “reorganisation”, in paragraph (b), the term “the arrangement” is used, but the term “the horizontal arrangement” has been noted in full in both places it is used previously in the same definition. Therefore, should the term “the horizontal arrangement” also be used in paragraph (b) of this definition?

8. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 3(4), in regulation 45F(9), in the definition of “relevant period”, in paragraph (b), in the English text, it notes “the timing of the preparation **of the preparation** of accounts”. Therefore, it appears that “of the preparation” has been mistakenly repeated twice in the sentence. In addition, it also means that there is a difference between the English and Welsh text because those words have not been repeated twice in the corresponding place in the Welsh text.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

7 May 2025



Agenda Item 5.1

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 MS
Chair, Legislation, Justice and Constitution Committee

7 May 2025

Dear Mike,

Thank you for your letter of 30 April regarding reporting point 4 of the report on the Agricultural Wages (Wales) Order 2025.

We have noted the committee's observation that the term "qualifying days" in Article 21 of the Order is redundant.

Although this does not affect the provision's functionality within the current Order, we will seek to ensure this is not repeated when preparing the 2026 Order.

Yours sincerely,

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

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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.

Huw Irranca-Davies MS

Deputy First Minister and Cabinet Secretary for Climate Change and
Rural Affairs

30 April 2025

Dear Huw

The Agricultural Wages (Wales) Order 2025

At the meeting of the Legislation, Justice and Constitution Committee on 28 April 2025 the Committee considered the Welsh Government's response to its report on the Agricultural Wages (Wales) Order 2025.

The Committee noted that, in response to the second reporting point – which identified differences in drafting across articles 5(b), 6(a), 7(a) and 8(a) – the Government has stated its intention to take the Committee's comments into account when preparing the 2026 Order.

However it is unclear to the Committee what action, if any, the Government proposes to take in relation to a definition used in article 21, that the Committee considers to be superfluous and which the Government agrees is "an oversight" (reporting point 4). The Committee would welcome clarification on whether the issue identified in the fourth point of our report will also be addressed when the 2026 Order is prepared.

We would be grateful to receive a response by 14 May 2025.

Yours sincerely,



Mike Hedges

Chair





Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/0455/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
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6 May 2025

Dear Mike,

I wish to inform the Committee of the intention to consent to the application of the Phytosanitary Conditions (Amendment) Regulations 2025 ('the Regulations') to Wales. The Regulations will be made by the Secretary of State and apply to Wales, England and Scotland.

I received a letter from Baroness Hayman of Ullock, Parliamentary Under Secretary of State, requesting consent to the Regulations. The Regulations amend Commission Implementing Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 ("the Plant Health Regulation") as regards protective measures against pests of plants. In accordance with the Plant Health Regulation, the Secretary of State approached the Welsh and Scottish Ministers for consent to the application of the Regulations to Wales and Scotland respectively. The Secretary of State has conducted a consultation (a summary of which will appear in the Explanatory Memorandum to the Regulations).

The Regulations protect biosecurity and support trade between Great Britain ("GB") and third countries by introducing and amending protective measures against pests of plants. They make amendments which have been proposed through an ongoing process of risk assessment to identify threats to GB biosecurity. They:

- (a) move the pests, *Neodiprion abietis* (known as the balsam fir sawfly) and *Pseudomonas avellanae* (a bacterial pathogen that causes hazelnut decline), from the list of Provisional Quarantine Pests to the list of Quarantine Pests ("QPs"). QPs are listed pests absent from GB (or under official control) which pose an unacceptable risk to GB, as they would cause economic/environmental damage if

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introduced. These pests have been assessed as meeting the criteria to be QPs, as a result of a risk and horizon scanning process;

- (b) remove the pest Tobacco ringspot virus from the QP list, instead adding it to the Regulated Non-Quarantine Pest list;
- (c) revise the list of plants for planting that are currently regulated as hosts of Tomato ringspot virus;
- (d) amend the list of commodities regulated as hosts of *Agrilus planipennis* (known as emerald ash borer). As with (b) and (c), these measures were introduced on a risk basis to protect GB biosecurity and have since been reviewed following recent scientific developments;
- (e) update the references to conifer species, following taxonomic changes, to cover all conifer plants given these could similarly be associated with high-risk pests;
- (f) introduce consequential amendments to Annex 11 to align the list of plants, plant products and other objects and the respective third countries of origin or dispatch in respect of which phytosanitary certificates are required;
- (g) carry out technical updates to clarify certain import requirements and to formalise an existing trade easement.

Although the Welsh Government's general principle is the law relating to devolved matters should be made by the Welsh Ministers, on this occasion it is considered appropriate for the Regulations to be made by the Secretary of State. The Regulations relate to a devolved area; however, they impact on the biosecurity of GB which has traditionally been approached as a joint concern. GB is an island and plant pests and diseases have no respect for the borders between countries. Much of the Regulations relate to the importation of plants and plant products. Most of these goods which enter Wales come through English ports. Introducing separate regulations in Wales, England and Scotland would risk divergence on matters of biosecurity on which policy is aligned, may hamper enforcement by cross border bodies and place an additional burden on the Animal and Plant Health Agency (which enforces plant health across Wales and England) and businesses. Where policy is aligned, legislating on a GB basis assists those stakeholders who must comply with the requirements within the legislation to maintain our biosecurity.

I have written similarly the Chair of the Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,



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

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Agenda Item 0.2

Rebecca Evans AS/MS
Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair of Legislation, Justice and Constitution Committee

SeneddLJC@assembly.wales

8 May 2025

Dear Mike,

I am writing to inform you, in line with the inter-institutional relations agreement, that a meeting of the Inter-Ministerial Group on UK-EU relations is scheduled for 12 May 2025

The meeting will discuss the reset between the UK and the EU and the summit on 19 May

Yours sincerely,

Rebecca Evans AS/MS
Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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Rebecca Evans AS/MS
Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref:
Ein cyf/Our ref:

Mike Hedges MS
Legislation, Justice and Constitution Committee
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8th May 2025

Dear Mike,


In accordance with the inter-institutional relations agreement, I am writing to notify you that a Memorandum of Understanding between the Department for Work and Pensions and Welsh Government was published on 29th April 2025. It can be found [here](#).

This Memorandum of Understanding sets out a clear set of conditions and principles for joint working between the Department for Work and Pensions and Welsh Ministers for the overall delivery of the Economic Inactivity Trailblazer in Wales (the “Trailblazer”) and covers the following:

- Aims of the Trailblazer
- Funding/Payment Schedule
- The principles of collaborative working

I have also copied this letter to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, Jane Hutt MS, and the chairs of the Equality and Social Justice Committee, and the Economy, Trade, and Rural Affairs Committee.

Yours sincerely,



Rebecca Evans AS/MS
Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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WRITTEN STATEMENT BY THE WELSH GOVERNMENT

| | |
|--------------|--|
| TITLE | The Third Bi-Annual Welsh Government REUL Act Update (June 2024 – December 2024) |
| DATE | 08 May 2025 |
| BY | Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs |

Members of the Senedd will wish to be aware that the UK Government published their [Assimilated Law Parliamentary Report: June 2024 to December 2024](#) ('the UK Government Report') and made a [Written statement](#) on 23 January 2025. The UK Government Report was laid before the UK Parliament pursuant to section 17 of the Retained EU Law (Revocation and Reform) Act 2023 ("the REUL Act").

To complement this report, the Welsh Government has published its [Third Bi-Annual Welsh Government REUL Act Update](#) (June 2024 to December 2024), which reports on Welsh Ministers' interaction with the REUL Act during the same reporting period.

During the reporting period, Welsh Ministers have not made any regulations under the powers conferred on them by the REUL Act.

During the reporting period, Welsh Ministers have consented to the use of concurrent powers in the REUL Act for one Statutory Instrument, [The Official Controls \(Amendment\) Regulations 2024](#).

The UK Government Report states that between June 2024 to December 2024, the UK Government has laid two Statutory Instruments using powers in the REUL Act. Both are in wholly reserved areas and the UK Government did not seek consent from Welsh Ministers.

Chair, Children, Young People, and Education Committee
Chair, Climate Change, Environment, and Infrastructure Committee
Chair, Culture, Communications, Welsh Language, Sport, and International Relations Committee
Chair, Economy, Trade, and Rural Affairs Committee
Chair, Equality and Social Justice Committee
Chair, Health and Social Care Committee
Chair, Legislation, Justice and Constitution Committee
Chair, Local Government and Housing Committee
Chair, Chair's Forum

1 April 2025

Dear Committee Chairs,

Scrutiny of the Draft Budget 2025-26: Evidence provided by the Welsh Government

In our [report](#) on the scrutiny of the [Welsh Government Draft Budget 2025-26](#), we made several recommendations relating to budget presentation improvements. We also agreed to consult Committees on the documentation provided by the Welsh Government alongside its Draft Budget proposals, concluding that:

"Conclusion 1. The Committee will consult Senedd committees involved in budget scrutiny ahead of the Welsh Spending Review and the 2026-27 budget round to explore ways to maximise budgetary scrutiny in the Senedd, in order to mitigate the impact of a curtailed scrutiny window."

As a result, in reflecting on this year's budget scrutiny experience and in seeking improvements to the budget documentation provided by the Welsh Government at the 2026-27 Draft Budget and beyond, I would be grateful for the views of your committee in response to the following questions:

- What improvements would you like to see in the Welsh Government's Draft Budget documentation and subsequent ministerial written evidence? Please make reference to the

timeliness, quality and usefulness of any documentation and/or evidence received in your response.

- Given the UK Spending Review, which is due to be published on 11 June 2025, will provide indicative funding for the Welsh Government future years, do you have any views on information you would require regarding a subsequent Welsh Spending Review, either along with budget documentation or as a separate exercise?

We would appreciate responses by **Friday 23 May 2025**. Your views will then be collated and fed back to the Cabinet Secretary for Finance and Welsh Language, for his consideration in advance of the Budget Priorities 2026-27 Plenary debate that will be led by the Finance Committee and take place before summer recess.

Yours sincerely,



Peredur Owen Griffiths MS
Chair, Finance Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Jayne Bryant AS/MS
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government

Agenda Item 7.2


Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/JP/1062/25

Chair of Legislation, Justice and Constitution Committee
SeneddLJC@senedd.wales

2 May 2025

Dear Mike,

I am writing to you in your capacity as Chair of Legislation, Justice and Constitution Committee to seek views on the draft Senedd Cymru (Disqualification) Order 2025.

Prior to each Senedd election a new Disqualification Order is made under s.16 of the Government of Wales Act 2006 (GoWA 2006). The purpose of the Order is to designate offices which disqualify the holder from being a Member of the Senedd (but not from being a candidate to become a Member of the Senedd).

The current Senedd Cymru (Disqualification) Order 2020 sets out the existing disqualified offices. The new Disqualification Order will revoke the previous Order and set out an updated list of disqualifying offices using the same principles as those used in 2020.

The document attached sets out the proposed disqualifications, based on an internal review of new, modified or obsolete offices, and details of how to respond. We ask for responses by 27 June 2025.

The document also includes for information the additional disqualifying offices and categories of person disqualified from being a Member of the Senedd that are prescribed under Schedule 1A of GoWA 2006. These are not part of the current consultation.

Following consideration of responses, the draft Order will be brought forward for the Senedd's approval in October 2025 before formal submission to His Majesty in Council later this year.

Yours sincerely,



Jayne Bryant AS/MS
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government

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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.

Annex – Consultation on Disqualified Offices in the Senedd Cymru (Disqualification) Order 2025

Criteria for determining offices and membership of bodies for inclusion in the draft Order

We propose the Senedd Cymru Disqualification Order 2025 applies the same criteria that was used for the current Disqualification Order. These were adopted from the principles in the then [National Assembly's Constitutional and Legislative Affairs Committee](#) 2014 inquiry into disqualification arrangements.

The criteria used for the current Order is as follows:

A: General principles set out in Recommendation 1 of the CLA committee's report:

Principle 1: Promoting democratic participation and the right to stand as an Assembly member are paramount.

Principle 2: Disqualification from membership of Senedd Cymru should be restricted to as few citizens as possible.

Principle 3: Political activity is inappropriate for some citizens in order to:

- i. protect the independence of the electoral process;
- ii. prevent conflicts of interest arising on election; and
- iii. protect certain public offices from political bias.

Principle 4: The following citizens should be affected by a disqualification order:

- i. those whose role involves an over-riding requirement for impartiality, including those whose responsibilities include the electoral process itself;
- ii. those who hold any public office which carries with it a significant financial benefit from the Welsh Government;
- iii. those who hold public office and in that role provide formal advice to the Welsh Government;
- iv. those who hold any public office which is subject to scrutiny by the Assembly.

Principle 5: Where disqualifications are necessary they must be:

- i. in line with these principles;
- ii. clear and unambiguous;
- iii. proportionate.

- B: The offices described in Recommendation 12 of the CLA Committee Report should be included in the Disqualification Order unless they are already disqualified under [Section 16](#) or [Schedule 1A](#) of GoWA 2006.
- C: Members of judicial tribunals should be disqualified.
- D: Normally, persons appointed by Welsh Ministers should be disqualified, but there may be instances where such persons should not be disqualified (in which case consideration of the five principles referred to above will be important).
- E: Public staff as described in Recommendation 13 of the CLA Committee Report (e.g. staff of National Park, Police, Fire and Rescue Authorities, staff of Welsh Government Sponsored Bodies) should not be disqualified – the Welsh Government believes it can be safely assumed such staff would give up their employment if elected, as continuing with such employment at the same time as discharging Senedd Member responsibilities would make impossible demands on the individual.

Consultation Responses

The table below sets out the offices and bodies included in the current Disqualification Order. Additions or amendments have been highlighted in bold and any removals have been crossed out.

We would be grateful if stakeholders can review the table and let us know of any corrections, amendments or inclusions that have been missed.

If there are any further offices to be included in the new Order, the reasoning for a new inclusion should refer to the above criteria.

Any queries should be directed to elections.consultation@gov.wales.

Responses should be returned to elections.consultation@gov.wales by 27 June 2025.

Offices and bodies to be included in the Senedd Cymru (Disqualification) Order 2025

The table below sets out the bodies and offices we intend to include in the forthcoming Disqualification Order. This includes very little change from the current [Senedd Cymru \(Disqualification\) Order 2020](#).

The current Disqualification Order was unable to include any non-statutory bodies. This was due to a number of legal considerations. The risk of an appointee to a non-statutory body standing for election was managed through their terms of appointment. It is therefore proposed that this precedence continues, and non-statutory bodies should not be included in the forthcoming disqualification order.

To the best of our knowledge, we have ensured that the names of bodies referred to below are correct.

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|---|----------------------------------|
| A National Park authority for a National Park in Wales | All members |
| A tribunal constituted under section 27 of, and Schedule 3 to the Education Act 2005 ¹ | All members |
| A tribunal referred to in paragraph 10 of Schedule 26 to the School Standards and Framework Act 1998 ² | All members |
| Adjudication Panel for Wales | All members |
| Advisory Committee on Dangerous Pathogens | All members |
| The advisory committee for Wales established under section 5(1) of the Food Standards Act 1999 ³ | All members |
| Advisory, Conciliation and Arbitration Service | All members of the Council |
| Agricultural Land Tribunal for Wales | All members |
| Armed Forces Commissioner(s) | Commissioner(s) |

¹ 2005 c.18. There have been amendments to Schedule 3 to this Act that are not relevant to this Order.

² 1998 c.31. There have been amendments to paragraph 10(2) of Schedule 26 to this Act by section 53 of, and paragraphs 8 and 16(1) and (2) of Part 2 of Schedule 7 to, the Education Act 2005.

³ 1999 c. 28.

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|--|--|
| Arts Council of Wales | All members |
| Big Lottery Fund | All members appointed under paragraph 1 of Schedule 4A to the National Lottery etc. Act 1993 ⁴ or of a committee established under paragraph 7(1)(b) of that Schedule |
| The Board of Community Health Councils in Wales | Chair, and members appointed by the Welsh Ministers under regulation 34(1)(f) of the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010⁵ |
| Board of Medical Referees | All members appointed by the Welsh Ministers ⁶ |
| Boundary Commission for Wales | Commissioners and Secretary |
| British Broadcasting Corporation Board | All members |
| British Council | Chair and Chief Executive |
| British Tourist Authority | The member appointed by the Welsh Ministers |
| British Transport Police Authority | All members |

⁴ 1993 c. 39.

⁵ S.I. 2010/288 (W. 37). Regulation 34(1)(f) was inserted by regulation 23(7) of the Community Health Councils (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2015 (S.I. 2015/509 (W. 43)).

⁶ 1992 c. 52.

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|---|--|
| Certification Officer and any assistant certification officer having functions under the Trade Union and Labour Relations (Consolidation) Act 1992 ⁷ | Certification Officer and any Assistant Certification Officer |
| Citizen Voice Body | Non-executive members |
| Community and Town Councils | <p>A paid officer having responsibility, for the purposes of section 151 of the Local Government Act 1972, for the administration of the financial affairs of the community council;</p> <p>A person holding a paid post that is for the time being specified by the community council in the list maintained in accordance with subsection (2) and any directions under section 3 of the Local Government Act 1972</p> <p>[Community Council Clerks]</p> |
| Consumer Council for Water | All members of the Council and each regional committee of the Council established under section 27A of the Water Industry Act 1991 ⁸ |
| Corporate Joint Committees | All members |
| Channel Four Television Corporation | All members |

⁷ 1991 c. 56. Section 27A was inserted by section 35(1) of the Water Act 2003 (c. 37).

⁸ S.I. 2010/288 (W. 37). Regulation 3(3A) was inserted by regulation 4(4), and regulation 6 was amended by regulation 6(2) and (3), of the Community Health Councils (Constitution, Membership and Procedures) (Wales) (Amendment) Regulations 2015 (S.I. 2015/509 (W. 43)).

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|---|--|
| Community Health Councils | All members appointed under regulations 3(1), 6, 7 and 8, and members co-opted by the Welsh Ministers under regulation 3(3A), of the Community Health Councils (Constitution, Membership and Procedures) (Wales) Regulations 2010⁹ |
| Commission for Tertiary Education and Research | All members |
| Competition and Markets Authority | All members |
| Development Bank of Wales Public Limited Company or any wholly owned subsidiary of Development Bank of Wales Public Limited Company | All Directors |
| Education Tribunal for Wales | All members |
| Education Workforce Council | All members |
| Emergency Ambulance Services Committee | Chair |
| Employment Tribunals and Employment Appeal Tribunal | All members |
| Financial Conduct Authority | All members |

⁹ 2004 c. 21. Relevant amendments were made to section 28 of this Act by section 11 of the Policing and Crime Act 2017 (c. 3).

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|---|--|
| Fire and Rescue Service | Inspector or Assistant Inspector appointed under section 28 of the Fire and Rescue Services Act 2004 ¹⁰ |
| Firefighters Pension Scheme Advisory Board for Wales | All members |
| First-tier tribunal | All members |
| Food Standards Agency | All members |
| Future Generations Commissioner | Advisory Panel |
| Gas and Electricity Markets Authority | All members |
| Health and Safety Executive | All members |
| Higher Education Funding Council for Wales | All members, other than a member who is also an employee of the Council |
| Human Fertilisation and Embryology Authority | All members |
| Human Tissue Authority | All members |
| Independent Adjudicator to Local Authorities in Wales | |

¹⁰ 1993 c. 42. There have been amendments to paragraph 27 of Schedule 7 to this Act that are not relevant to this Order.

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|---|---|
| Independent Case Examiner for the Department of Work and Pensions | The Independent Case Examiner |
| Independent Football Regulator | All members |
| Independent Groundwater Complaints Administrator appointed under section 21 of and paragraph 27 of Schedule 7 to the Cardiff Bay Barrage Act 1993 ¹¹ | |
| Independent Monitoring Authority for the Citizens' Rights Agreements | All members |
| Independent Office for Police Conduct | All members |
| Information Commissioner | |
| Joint Commissioning Committee | Chair |
| Joint Nature Conservation Committee | All members |
| Judicial Appointments Commission | Commissioners |
| Judicial Appointments and Conduct Ombudsman | |
| Law Commission | Commissioners and Non-Executive Board members |

¹¹ 1993 c. 48. There have been amendments to section 145 of this Act that are not relevant to this Order.

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|--|---|
| Local Government Pension Scheme Advisory Board | Chair and Deputy Chair |
| Local Health Board for an area in Wales | All members, other than a member who is also an employee of the Board |
| Marine Management Organisation | All members |
| Meat Promotion Wales | All members |
| Mental Health Review Tribunal for Wales | All members |
| Money and Pensions Service | Directors |
| National Employment Savings Trust Corporation | All members |
| National Health Service Trust all or some of whose hospital establishments or other facilities are situated in Wales | Chair and Non-Executive Director |
| National Library of Wales | Trustees appointed by the Welsh Ministers |
| National Museum Wales | Trustees appointed by the Welsh Ministers |
| Natural Resources Body for Wales known as Natural Resources Wales | Chief Executive, Chair and members |
| Office of Communications | All members |

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|---|---|
| The Pensions Advisory Service | Directors |
| Pensions Ombudsman appointed under section 145 of the Pension Schemes Act 1993 ¹² and any deputy to that Ombudsman appointed under section 145A of that Act | |
| Pension Protection Fund | All members, and the Ombudsman for the Board of the Pension Protection Fund appointed under section 209 of the Pensions Act 2004 ¹³ and any deputy to that Ombudsman appointed under section 210 of that Act |
| Pensions Regulator | All members, and committee members established by the Pensions Regulator under section 9 of the Pensions Act 2004 ¹⁴ |
| Person holding a politically restricted post, within the meaning of Part 1 of the Local Government and Housing Act 1989 ¹⁵ , in: (a) a local authority in Wales, within the meaning of that Part, (b) a National Park Authority for a National Park in Wales | |

¹² 2004 c. 35. There have been amendments to section 209 of this Act that are not relevant to this Order.

¹³ 2004 c. 35. The Pensions Regulator is established by section 1 of this Act.

¹⁴ 1989 c. 42.

¹⁵ 2011 c. 13. There have been amendments to section 1 of this Act that are not relevant to this Order.

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|---|---|
| Police and Crime Commissioner as established by section 1 of the Police Reform and Social Responsibility Act 2011 ¹⁶ , and any Deputy appointed by the Commissioner under section 18 of that Act | |
| Professional Standards Authority for Health and Social Care | All members |
| Qualifications Wales | All members |
| Rent assessment committees for an area or areas every part of which is in Wales | All members of a panel established under Schedule 10 to the Rent Act 1977 ¹⁷ |
| Royal Commission on the Ancient and Historical Monuments of Wales | Commissioners |
| Sianel Pedwar Cymru | All members |
| Social Care Wales | All members |
| Special Educational Needs Tribunal for Wales | All members |
| Special Health Authority performing functions partly or wholly in respect of Wales | Chair and all members, other than a member who is also an employee of the Authority |

¹⁶ 1977 c. 42. There have been amendments to Schedule 10 to this Act that are not relevant to this Order.

¹⁷ 2007 c. 18.

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|--|--|
| Sports Council for Wales known as Sport Wales | All members |
| Statistics Board established by the Statistics and Registration Service Act 2007 ¹⁸ | All members |
| Student Loans Company Limited | Chair and Chief Executive |
| Transport for Wales | Directors |
| Upper Tribunal | All members, other than Judges of the Upper Tribunal(s) |
| Valuation Tribunal for Wales | All members |
| Veterans' Commissioner for Wales | Commissioner |
| Wales Audit Office | All staff and auditors providing audit services to the Wales Audit Office or Auditor General for Wales |
| Water Services Regulation Authority | All members |
| Welsh Health Specialised Services Committee | Chair |
| Welsh Industrial Development Advisory Board | All members |
| Welsh Language Partnership Council | All members |

¹⁸ Judges of the Upper Tribunal are disqualified from being a Member of the Senedd, and from being a candidate to be a Member of the Senedd, by virtue of section 16(A1)(b) of, and the Table in Part 2 of Schedule 1A to, the Government of Wales Act 2006.

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|---|---|
| Welsh Language Tribunal | All members |
| Welsh Revenue Authority | Chairperson and other non-executive members |

Appendix – Government of Wales Act 2006, Schedule 1A

Schedule 1A of the Government of Wales Act 2006 sets out the disqualifications from being a member of the Senedd or a candidate to in an election to be a Member of the Senedd. It is not part of this consultation and is attached for information.

Part 1 Categories of Persons Disqualified

Persons under 18 years of age

1 A person who has not attained the age of 18 before the day on which the person is nominated as a candidate for election as a Member of the Senedd.

Citizenship

2(1) A person who is not—

- (a) a British citizen,
- (b) a qualifying Commonwealth citizen,
- (c) a qualifying foreign citizen,
- (d) a citizen of the Republic of Ireland, or
- (e) a citizen of the European Union who is resident in the United Kingdom.

(2) For the purposes of sub-paragraph (1), a person is a qualifying Commonwealth citizen if that person is a Commonwealth citizen who either—

(a) is not a person who requires leave under the [Immigration Act 1971 \(c. 77\)](#) to enter or remain in the United Kingdom, or

(b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(3) For the purposes of sub-paragraph (1), a qualifying foreign citizen is a person resident in the United Kingdom who—

(a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of the European Union, and

(b) either—

(i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or

(ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(4) But a person is not a qualifying Commonwealth citizen by virtue of sub-paragraph (2)(a) or a qualifying foreign citizen by virtue of sub-paragraph (3)(b)(i) if that person does not require leave to enter or remain in the United Kingdom by virtue only of

section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).

Bankruptcy

3 A person in respect of whom one or more of the following orders has effect—

(a) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the [Insolvency Act 1986 \(c. 45\)](#) or Schedule 2ZB to the [Insolvency \(Northern Ireland\) Order 1989 \(S.I. 1989/2405 \(N.I. 19\)\)](#);

(b) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, Part 13 of the [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#) or Schedule 2A to the Insolvency (Northern Ireland) Order 1989.

4 A person who is disqualified from being a member of the House of Commons under section 427 of the Insolvency Act 1986 because of an award of sequestration made by a court in Scotland.

Persons guilty of corrupt or illegal practices at elections

5 A person who is incapable of being elected to the House of Commons having been reported personally guilty or convicted of a corrupt or illegal practice under the [Representation of the People Act 1983 \(c. 2\)](#).

5A A person who is incapable of being elected to or holding elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) [1962 \(c. 14\)](#) having been reported guilty or convicted of a corrupt or illegal practice.

Persons imprisoned or detained following conviction etc.

6(1) A person found guilty of one or more offences (whether before or after the passing of this Act and whether in the United Kingdom or elsewhere), and sentenced or ordered to be imprisoned or detained indefinitely or for more than one year.

(2) A person is disqualified under this paragraph only while the person is—

(a) detained anywhere in the United Kingdom, the Channel Islands, the Isle of Man, or elsewhere in the European Union, in pursuance of the sentence or order, or

(b) unlawfully at large at a time when the person would otherwise be so detained.

Persons subject to a disqualification order

6A A person subject to a disqualification order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc).

Sex offenders

7 A person subject to—

(a) the notification requirements of, or an order under, Part 2 of the [Sexual Offences Act 2003 \(c. 42\)](#) or

(b) an order under Chapter 2 of Part 11 of the Sentencing Code.

Persons not registered in electoral register at an address in Wales

8 A person who is not registered in the register of local government electors at an address within a Senedd constituency.

Part 2 Offices that Disqualify the Holder

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|--|---|
| Armed forces | <p>Members of the Royal Navy, the Royal Marines, the regular army (as defined by section 374 of the Armed Forces Act 2006 (c. 52)) or the Royal Air Force, not including—</p> <p>(a) an officer on the retired or emergency list of any of the regular armed forces of the Crown,</p> <p>(b) a person who holds an emergency commission in any of those forces,</p> <p>(c) a person who belongs to any reserve of officers of any of those forces,</p> <p>(d) a naval, army, marine or air force pensioner, or former soldier who is liable to be recalled for service, or</p> <p>(e) a person who is an Admiral of the Fleet, a Field Marshal or a Marshal of the Royal Air Force and does not for the time being hold an appointment in the naval, military or air force service of the Crown</p> |
| Auditor General for Wales or Archwilydd Cyffredinol Cymru | The Auditor General |
| Children’s Commissioner for Wales or Comisiynydd Plant Cymru | The Commissioner and deputy Commissioner |
| Civil service | Members of the civil service of the State, including the civil service of Northern Ireland, the Northern Ireland Court Service, Her Majesty’s Diplomatic Service and Her Majesty’s Overseas Civil Service |
| Civil Service Commission | The First Civil Service Commissioner and Civil Service Commissioners |
| Commission for Equality and Human Rights | The Commissioners |

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|---|--|
| Commissioner for Older People in Wales or Comisiynydd Pobl Hŷn Cymru | The Commissioner and deputy Commissioner |
| Commissioner for Public Appointments | The Commissioner |
| Comptroller and Auditor General or Rheolwr ac Archwilydd Cyffredinol | The Comptroller and Auditor General |
| Electoral Commission or Comisiwn Etholiadol | The Electoral Commissioners and members of the staff of the Commission |
| Electoral Registration Officers | Electoral registration officer for any area in Wales |
| Future Generations Commissioner for Wales or Comisiynydd Cenedlaethau'r Dyfodol Cymru | The Commissioner |
| Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru | The Chief Inspector |
| Independent Remuneration Board of the Senedd or Bwrdd Taliadau Annibynnol y Senedd | The members of the Board |
| Independent Remuneration Panel for Wales or Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol | The members of the Panel |

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|--|--|
| Judicial offices | <p>The following judicial offices—</p> <ul style="list-style-type: none"> (a) Judge of the Supreme Court; (b) Judge of the High Court or Court of Appeal in England and Wales; (c) Judge of the Court of Session or Temporary Judge in Scotland; (d) Judge of the High Court or Court of Appeal in Northern Ireland; (e) Judge of the Court Martial Appeal Court; (f) Chairman of the Scottish Land Court; (g) Circuit Judge in England and Wales; (h) Sheriff principal, sheriff, summary sheriff, temporary sheriff principal, part-time sheriff or part-time summary sheriff in Scotland; (i) County Court Judge or deputy County Court Judge in Northern Ireland; (j) District Judge (Magistrates' Courts) (but not Deputy District Judge (Magistrates' Courts)) in England and Wales; (k) District judge (magistrates' courts) or deputy district judge (magistrates' courts) in Northern Ireland; (l) President of Welsh Tribunals or Llywydd Tribiwnlysoedd Cymru; (m) Judge of the Upper Tribunal; (n) legal member of the Upper Tribunal for Scotland; (o) Chief or other Child Support Commissioner for Northern Ireland or deputy Child Support Commissioner for Northern Ireland; (p) Chief or other Social Security Commissioner for Northern Ireland or deputy Social Security Commissioner for Northern Ireland |
| Legislatures | Members of the legislature of any country or territory outside the United Kingdom |
| Lieutenancies | Lord-lieutenant or lieutenant of any area in Wales |
| Parliamentary Commissioner for Administration | The Commissioner |

| Offices and bodies in respect of which there are disqualifying offices | The disqualifying offices |
|---|--|
| Police forces | Members of any police force maintained by— (a) a local policing body (within the meaning given by section 101 of the Police Act 1996 (c. 16)), (b) the Scottish Police Authority, or (c) the Northern Ireland Policing Board, and “member” in relation to a police force means a person holding office as a constable of that force |
| Public Services Ombudsman for Wales or Ombwdsmon Gwasanaethau Cyhoeddus Cymru | The Ombudsman |
| Returning officers for Senedd elections | The returning officer for any Senedd constituency. |
| Senedd Commission | Members of the staff of the Senedd |
| Senedd Commissioner for Standards or Comisiynydd Safonau y Senedd | The Commissioner |
| Sheriffs | The high sheriff of any area in Wales |
| Welsh Language Commissioner or Comisiynydd y Gymraeg | The Commissioner, the Deputy Commissioner and the members of the Advisory Panel to the Welsh Language Commissioner |

Agenda Item 11

By virtue of paragraph(s) vi of Standing Order 17.42

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Agenda Item 13

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