

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 16 June 2025	Committee Clerk
Meeting time: 09.45	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(09.45 – 10.05)

- 1 Introduction, apologies, substitutions and declarations of interest
(09.45)

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

- 3 Instruments that raise issues to be reported to the Senedd under
Standing Order 21.7
(09.45 – 09.50)
 - 3.1 SL(6)617 – Code of Practice on the exercise of social services functions in
relation to Part 4 (direct payments and choice of accommodation) and Part 5
(charging and financial assessment) of the Social Services and Well-being
(Wales) Act 2014

(Pages 1 – 7)

[Code of Practice](#)

[Explanatory Memorandum](#)



**Senedd Cymru
Welsh Parliament**

Attached Documents:

LJC(6)-19-25 – Paper 1 – Draft report

4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered (09.50 – 09.55)

4.1 SL(6)615 – The Senedd Cymru (Representation of the People) Order 2025

(Pages 8 – 31)

Attached Documents:

LJC(6)-19-25 – Paper 2 – Report

LJC(6)-19-25 – Paper 3 – Welsh Government response

LJC(6)-19-25 – Paper 4 – Letter from the Cabinet Secretary for Housing and Local Government, 12 June 2025

LJC(6)-19-25 – Paper 5 – Letter to the Cabinet Secretary for Housing and Local Government, 4 June 2025

5 Inter-Institutional Relations Agreement

(09.55 – 10.00)

5.1 Notifications from the Welsh Government: Meetings of inter-ministerial groups

(Pages 32 – 36)

Attached Documents:

LJC(6)-19-25 – Paper 6 – Letter from the First Minister: Council of the Nations and Regions, 9 June 2025

LJC(6)-19-25 – Paper 7 – Written Statement by the First Minister: Council of the Nations and Regions, 9 June 2025

LJC(6)-19-25 – Paper 8 – Letter from the Cabinet Secretary for Economy, Energy and Planning: Inter-Ministerial Group on UK-EU relations, 9 June 2025

LJC(6)-19-25 – Paper 9 – Letter from the Cabinet Secretary for Housing and

Local Government: Inter-Ministerial Group for Elections and Registration, 11 June 2025

5.2 Written Statement and correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Marking of Retail Goods Regulations 2025

(Pages 37 – 40)

Attached Documents:

LJC(6)-19-25 – Paper 10 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 9 June 2025

LJC(6)-19-25 – Paper 11 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 9 June 2025

6 Papers to note

(10.00 – 10.05)

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

(10.05)

Private meeting

(10.05 – 10.55)

8 Bus Services (Wales) Bill: Draft report

(10.05 – 10.25)

(Pages 41 – 81)

Attached Documents:

LJC(6)-19-25 – Paper 12 – Draft report

9 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Employment Rights Bill: Draft report

(10.25 – 10.30)

(Pages 82 – 98)

Attached Documents:

LJC(6)-19-25 – Paper 13 – Draft report

10 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Planning and Infrastructure Bill: Draft report

(10.30 – 10.40)

(Pages 99 – 107)

Attached Documents:

LJC(6)-19-25 – Paper 14 – Draft report

11 Review of the implementation of the UK–EU Trade and Cooperation Agreement: Draft report chapter

(10.40 – 10.50)

(To Follow)

Attached Documents:

LJC(6)-19-25 – Paper 15 – Draft chapter

12 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Public Authorities (Fraud, Error and Recovery) Bill: Draft report

(10.50 – 10.55)

(To Follow)

Attached Documents:

LJC(6)-19-25 – Paper 16 – Draft report

LJC(6)-19-25 – Paper 17 – Welsh Government response to the Committee's report on the Legislative Consent Memorandum and Supplementary Legislative Consent Memorandum (Memorandum No. 2), June 2025

SL(6)617 – Code of Practice on the exercise of social services functions in relation to Part 4 (direct payments and choice of accommodation) and Part 5 (charging and financial assessment) of the Social Services and Well-being (Wales) Act 2014

Background and Purpose

This Code of Practice (“the Code”) is issued under section 145 of the Social Services and Well-being (Wales) Act 2014 (“the Act”). Local authorities, when exercising their social services functions, must act in accordance with the requirements contained in the Code.

The Code has been revised to add a recently introduced financial recognition scheme to the list of forms of capital that should be fully disregarded in the financial assessment for charging for all forms of care and support.

The scheme was introduced in the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025.

The financial recognition scheme to be added to the Code is the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme.

Producing a revised Code also presents an opportunity to add reference to amending charging and financial assessment regulations that have come into effect since the previous revision. To this effect, the Care and Support (Charging) (Wales) (Amendment) Regulations 2024 and the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2025 have been referenced in the revised Code as appropriate. These revisions have been made to ensure clarity and completeness as the regulations amend principal regulations already referred to in the Code.

Procedure

Draft negative

A draft of the code must be laid before the Senedd. If, within 40 days (excluding any time when the Senedd is dissolved or is in recess for more than 4 days) of the draft being laid, the Senedd resolves not to approve the draft code then the Welsh Ministers must not issue the code.

If no such resolution is made, the Welsh Ministers must issue the code (in the form of the draft) and the code comes into force on a day specified in an order made by the Welsh Ministers.



Scrutiny under Standing Order 21.7

The following 30 points are identified for reporting under Standing Order 21.7 in respect of this code.

1. Section 146(1) of the Act states - "Before issuing or revising a code under section 145, the Welsh Ministers must consult such persons as they think fit on a draft of the code (or revised code)."

The following is noted at paragraphs 5.1 and 5.2 of the Explanatory Memorandum:

As the revised Code includes a single additional disregard which is already implemented by regulation, the revision to the Code does not reflect a change in Welsh Government policy and a formal public consultation has not been undertaken in this instance.

Revisions to the Code are merely technical adjustments to ensure the Code accurately reflects the appropriate amending regulations and identifies the additional financial recognition scheme identified above.

The Welsh Government is asked to explain how it considers that the decision not to undertake a consultation in relation to this revised Code is compliant with section 146(1) of the Act.

2. Defined terms are used inconsistently throughout the Code:
 - i. In paragraphs 1.8 and 1.9, the Social Services and Well-being (Wales) Act 2014 is referred to by its full title. But it has already been defined as "the Act" which has been used in the other paragraphs.
 - ii. In paragraph 9.2, in the English text, "deferred payment agreement" is defined as "DPA". In Annex D, in the English text, there is a varying between using the defined term "DPA" and "deferred payment agreement".
 - iii. In places, "agreement" is used when it appears to be referring to a "DPA", such as in paragraphs 8.1, 9.1, 9.3 and 9.5 of Annex D. Further, "agreement" is used in the headings above paragraphs 10.1 and 11.1 of Annex D.
 - iv. In Annex D, in paragraph 2.1, in the English text, the abbreviation "DPAs" is used as a plural noun of the defined term "DPA". However, in the Code there is a varying in the English text between using "DPAs" as the plural noun or repeating the words in full.
 - v. In Annex D, in paragraph 2.1, the Care and Support (Deferred Payment) (Wales) Regulations 2015 is defined as "the Deferred Payment Regulations". In Annex F, in paragraph 5.1, in the English text,



it refers to “the Deferred Payment Regulations 2015”. There is a difference between the English and Welsh text, as the Welsh text uses the defined term.

3. In paragraph 1.5, it states that a requirement is expressed as “**must**” or “**must not**” in bold in the Code, and guidance where the local authorities have discretion is expressed as “**may**” or “**should/should not**” in bold. In places, those words are used in relation to local authorities but are not formatted in bold, therefore, it is unclear whether this is deliberate and that the words are not intended to have the meaning noted in paragraph 1.5.

In other places, phrases such as “will need to” and “can” are used in relation to local authorities where it is unclear as to how they differ from “must” and “may”. For example, in paragraph 4.1 – “In line with the requirements of the Act, the regulations and this Code, authorities need to decide...” and in paragraph 5.3 – “However, a local authority can assess the income or capital of a couple but only where...”.

There are other examples which could potentially cause confusion; the use of “nor must” in paragraph 5.6, in the English text, with the “must” formatted in bold, - “...nor **must** authorities seek payment of a contribution or a reimbursement towards such costs...” and in Annex C, in paragraph 4.1, in the English text, where only the word “must” is formatted in bold as opposed to “must not” - “...a local authority **must** not set arbitrary amounts or ceilings for particular types of accommodation...”.

4. There is a difference between the numbering of the English and Welsh text after paragraph 1.9. In the English text, the subsequent paragraphs under the heading “Advocacy” are incorrectly numbered as paragraphs 1.7 and 1.8 but in the Welsh text they are correctly numbered as paragraphs 1.10 and 1.11.
5. In paragraph 3.4, in the opening words before the bullet points, it refers to “the Act, the regulations and this Code...”. However, the phrase “the regulations” has not been defined with a meaning. Therefore, it is unclear as to which regulations are being referred to. This occurs elsewhere in the Code, such as paragraphs 4.1 and 5.6. Further, paragraphs 2.1 and 3.6, refer to “this Code, and the regulations to which it refers...” which qualifies the meaning of “the regulations” in a different manner.
6. In paragraph 5.1, in the English text, the title of the SI is incorrect in the list of amending instruments where it refers to “the Care and Support (Charging) and (Financial Assessment) (Miscellaneous Amendments) (Wales) Regulations 2022”. If it is referring to SI 2022/99 (W. 35), the correct title is “the Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2022”.
7. In paragraph 7.2, it notes “This requirement was introduced in 2011 by Ministers”. However, it appears that it should refer to “the Welsh Ministers”.



8. In paragraph 9.1, there is a difference between the English and Welsh text. In the English text, it refers to "Annexes A and B of this Code" but in the Welsh text the words "of this Code" are missing from the meaning of the reference.
9. In Annex A, in paragraph 2.28(g), there is a difference between the numbering of the English and Welsh text. In the English text, there is a paragraph "(xv)" but in the Welsh text the same provision is numbered as "(vx)".
10. In Annex A, in paragraph 2.28(g)(xxix), the new financial recognition scheme added to the Code is worded as follows:

Any payment made to A by the Ministry of Defence under the Lesbian, Gay, Bisexual and Transgender Financial Recognition Scheme

Although this wording appears in the Care and Support (Financial Assessment) (Wales) Regulations 2015, "A" is defined for the purposes of those regulations. Using "A" in the Code could cause confusion, because "A" is not defined in the Code.
11. In Annex A, in paragraph 2.33(g), there is a difference between the English and Welsh text. In the English text, it refers to "Any payment of arrears of contributions by a local authority..." but the meaning given by the Welsh text is "Any arrears of contributions held by a local authority...".
12. In Annex B, in paragraph 3.12(g) it reads "Grant made under a Housing Act which is to be used by the person to purchase a home or pay for repairs to make the home habitable.". The Welsh Government is asked to confirm whether it considers that "Housing Act" is sufficiently clear to identify the relevant legislation in order to establish whether a grant was made under a "Housing Act".
13. In Annex B, in paragraph 2.6(b), in the English text, it notes "any periodic sum" but in the Welsh text "periodic" has been expressed by using the phrase "o bryd i'w gilydd". It could be argued that "o bryd i'w gilydd" suggests "occasionally" or "from time to time" and that a word such as "cyfnodol" would be a more appropriate choice to express the meaning of "periodic" in Welsh.
14. In Annex B, in paragraph 2.6, there is a difference between the numbering of the English and Welsh text. In the English text, there is a paragraph (d) – "any holiday pay...", but in the Welsh text the same provision is numbered as "(b)".
15. In Annex B, in paragraph 2.20(e), there is a difference between the English and Welsh text. In the English text, there is a conjunction "and" at the end of that provision to show the relationship between sub-paragraphs (a) to (f) but there is no conjunction in the corresponding Welsh text.



16. In Annex C, in paragraph 2.1, in the second bullet point, there is a difference between the English and Welsh text. In the English text, it notes "cost the local authority more..." but the meaning given by the Welsh text is "cost the authority more".
17. In Annex C, in paragraph 6.1, there is a difference between the English and Welsh text. In the English text, it notes that a local authority must "set out in writing that it is unable to meet that choice and provide its reason(s) for this." But the meaning given by the Welsh text is that a local authority must "set out in writing that it is unable to meet that choice".
18. In Annex C, in paragraph 10.1, there is a difference between the English and Welsh text. In the English text, it notes that local authorities should also have a role in facilitating access "to financial information and advice...", but the meaning given by the Welsh text is "to information and advice...".
19. In Annex D, the heading of paragraph 2.1 reads "Who to offer deferred payments to" and paragraph 5.3 of the same Annex states "those eligible for a deferred payment...", the Welsh Government is asked to confirm whether they are referring to deferred payment agreements, and if the text should be amended to be clearer.
20. In Annex D, in the bullet points below paragraph 4.3(e), it states - "where a spouse or dependent relative (as defined in the Financial Assessment Regulations)..." and "...becomes a dependent relative (as defined in the Financial Assessment Regulations)". However, "dependent relative" is not defined in the Care and Support (Financial Assessment) (Wales) Regulations 2015, therefore it is unclear what "dependent relative" means.
21. In Annex D, in paragraph 5.5, in the final sentence, there is a difference between the English and Welsh text. In the English text, it notes "The local authority should advise..." but the meaning given by the Welsh text is that "The local authority should note...". Earlier in that paragraph the word "cynghori" rather than "nodi" has been used to express the meaning of "advise", so it means that the Welsh text is also inconsistent.
22. In Annex D, in paragraph 6.1(b), there is a difference between the English and Welsh text. In the English text, it notes "lessor amount" when it appears to mean a "lesser amount" which is the meaning given by the Welsh text.
23. In Annex D, in paragraph 7.3, there is a difference between the English and Welsh text. In the English text, it notes "this **must** be entirely at the decision of the person..." but there is no corresponding phrase to express the meaning of "entirely at" in the



Welsh text. It does lead to a slight difference in meaning and emphasis between both language texts.

24. In Annex D, in paragraph 10.4(c), there is a difference between the English and Welsh text. In the English text, it notes "and specify what notice should be given" but there is no phrase in the Welsh text to convey the meaning of "specify".
25. In Annex E, in paragraph 2.1, there is a difference between the English and Welsh text. In the English text, it refers to regulation 3 of "the Review Regulations" but the meaning given by the Welsh text is regulation 3 of "the Regulations".
26. In Annex E, in paragraph 2.25, there is a difference between the English and Welsh text. In the English text, it notes "Local authorities **must** designate appropriate officers of the authority..." but the meaning given by the Welsh text is "Local authorities **must** designate appropriate officers...".
27. In Annex F, in paragraph 1.3, there is a difference between the English and Welsh text. In the English text, it refers to "a person's deliberate non-payment" but the meaning given by the Welsh text is "a person's deliberate decision not to pay". Therefore, there is slight difference in meaning and emphasis between the language texts.
28. In Annex F, in paragraph 3.1, it states that, "if an invoice was issued giving 30 days to pay, the payment becomes due on day 30...". Does the Welsh Government consider that this drafting is sufficiently clear as to how the period of time is calculated in order to correctly identify "day 30"? In addition, in the Welsh text, the meaning of "issued" in those words has been expressed by using a word meaning "sent" which could lead to a difference in interpretation as to when the period of time begins.
29. In Annex F, in paragraph 9.2, in the English text, it states that "Where a local authority believes that derivation may have occurred...", it appears the word "derivation" should read "deprivation", as that is the meaning given by the Welsh text.
30. In Annex F, in paragraph 16.1, there is a difference between the English and Welsh text. In the English text, it notes "or prejudicing the interests of" where those words appear to refer to "someone who may wish to bring a claim against that person". However, the meaning given by the Welsh text is "or prejudicing the interests of that person". Therefore, the meaning of the Welsh text is "or prejudicing the interest of" the person who has transferred or sold their assets, rather than the "someone who may wish to bring a claim" against that person.



Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

11 June 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Welsh Parliament

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Legislation, Justice and Constitution Committee

Agenda Item 4.1

SL(6)615 – Senedd Cymru (Representation of the People) Order 2025

Background and Purpose

The Senedd Cymru (Representation of the People) Order 2025 (“the Conduct Order”) makes provision for the conduct of elections. The Conduct Order provides for the manner in which elections and election campaigns are conducted, and for legal challenges to an election.

The Conduct Order remakes, updates and consolidates the existing provisions on the conduct of such elections contained in the National Assembly for Wales (Representation of the People) Order 2007 (“the 2007 Order”), which has been amended a number of times previously. The Conduct Order also implements legislative changes required by the Senedd Cymru (Members and Elections) Act 2024 and reflects changes made in the Elections and Elected Bodies (Wales) Act 2024.

The Explanatory Memorandum to the Conduct Order states that it is bilingual for the first time and follows principles set out in the Legislation (Wales) Act 2019 relating to using modern and clear language which is accessible to the reader.

Procedure

Draft affirmative.

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

Technical Scrutiny

The following 36 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

Article 6(5)(c) refers to a “service declaration” and a “declaration of local connection”. These terms are not defined in the article 2 of the Order and when they are used elsewhere in the Order, they are used with reference to where their respective meanings can be found in other legislation. The Welsh Government is asked to explain why it did not define these terms in article 2, or provide further information in article 6(5)(c) to assist the reader in understanding these terms.

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



In article 16(6), there is a difference between the English and Welsh text. In the English text it notes "Schedule 4 makes further provision..." but the meaning given by the Welsh text is "Schedule 4 makes provision...". Elsewhere the meaning of the same phrase has been expressed correctly in the Welsh text in similar provisions such as articles 14(2) and (3), and 15(4), 43(4), 65(5) and 71(8).

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

Articles 26(3) and 119(1) refers to a "scrutiny". This word is not given any specific meaning in the Order and therefore it is not clear to the reader what a scrutiny is.

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

Articles 26(3) and 26(4) refers to "any penalty for voting". This term is not given any specific meaning in the Order and therefore it is not clear to the reader what any penalty for voting refers to.

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

In article 35(1)(d), reference is made to "sections 6A to 6D of the 2000 Act". However, the term "the 2000 Act" has not been defined in the Order. It appears that the reference should be to "the 2000 Political Parties Act" which is defined in article 2(1) of the Order, if the provision is referring to sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000.

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

Articles 47(9) cross refers to rule 70(1) of Schedule 5 with the reference "(destruction of documents)". Rule 70 is headed "Retention and destruction of documents forwarded to relevant registration officer" and rule 70(1) only deals with retention of documents, so referring to "destruction of documents" in the context of rule 70(1) is inaccurate and may be confusing for the reader.

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

Article 54(1) requires an election agent to deliver a "true return" to the returning officer. This term is not defined in the order and the form of a true return is not clear as no form is included for this purpose in Schedule 10 to the Order. Article 54(8) provides the Electoral Commission with the power to prescribe a form of return for this purpose, but that is a discretionary power whereas the requirement to deliver a true return in article 54(1) is mandatory. The Welsh Government is asked to provide further information as to the form of a "true return" should the Electoral Commission not exercise its power under article 54(8).



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

In article 56(3), there is a difference between the English and Welsh text. In the English text, it notes “the registered political party on whose party list the candidate was included” but the meaning given by the Welsh text is “the registered political party on whose list the candidate was included”. In this regard, it is significant because “party list” is a term that is defined by article 2(1) for this Order. In addition, the Welsh Government may also wish to consider that there appears to be a varying throughout the English text of the Order between stating “on whose party list” or “on whose list” in similar phrases, examples include articles 71(3) and 119(2)(b) which use “on whose list” and articles 45(1) and 118(2) which state “on whose party list”.

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

Article 67(4) refers to the sending of communications by candidates, and states that sending such communications is, in part, subject to the condition in article 67(2). However, article 67(2) states that the election communication “may” be a postal communication that contains only matter relating to the election and weighs less than 60 grammes. This appears to be an optional provision rather than a condition – if it was a condition, it would be expected that the word “must” would have been used instead of “may”. The Welsh Government is therefore asked to explain how these two provisions interact.

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

Article 71(4)(a) refers to community, foundation or voluntary aided schools. These terms are not defined in the Order. Other legislation defines these terms with reference to the School Standards and Framework Act 1998 (see, for example, section 51(2) of the recently passed Welsh Language and Education (Wales) Bill). The Welsh Government is asked to explain why these terms are not defined in the Order.

11. Standing Order 21.2(viii) – that it uses gender specific language

Article 72(3) refers to the “chairman” of a meeting. The Welsh Government is asked to explain why the word “chair” or “chairperson” was not used in this instance.

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

Article 73(1) sets out a list of persons who are classed as officials who must not act for candidates. Subparagraph (d) refers to “any partner or clerk of any such person”. It is not clear what the word “partner” here refers to, whether it is a business partner, partner in a personal capacity, civil partner or otherwise. The Welsh Government is asked to clarify what is meant by “partner” in this context.



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

Article 93(4) states that a copy of the evidence transcribed in a trial of a Senedd election petition “must accompany the certificate given by the election court to inform the Senedd”. It is not clear what certificate is being referred to in this context – Part 4 of the Order refers to various instances where a certificate may be required. It may be that this is linked to the obligation on the election court to certify in writing its determination of the petition to the Presiding Officer of the Senedd under article 101(3) but this is not clear, therefore the Welsh Government is asked to clarify the position.

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

Article 104(1) refers to a Senedd election petition being withdrawn with the leave of the election court or “High Court on special application”. There is no further information in the Order as to what a “special application” is. It may be that this should refer to a special case that is brought under article 103 of the Order but clarification would be welcomed from the Welsh Government on this point.

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

Paragraph 7(2) of Schedule 1 to the Order lists persons who can attest and sign an application for a proxy vote on grounds of severe sight-impairment or other disability. The majority of professions listed in sub-paragraph (2) are defined by reference to a specific legislative provision or register. However sub-paragraph (2)(h) refers to “a Christian Science practitioner” with no further definition or reference to any register of such practitioners. The Welsh Government is asked to explain:

- the basis for including a seemingly unregulated profession in this list, and
- whether the inclusion of an unregulated profession creates any risks in relation to the proxy vote system.

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

In paragraph 16(1)(a) of Schedule 2, the English text refers to an “application to remove a person from record of absent voters”, while the meaning of the Welsh equivalent is an “application to remove a person’s **name** from record of absent voters”.

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

In paragraph 18(2)(b) of Schedule 2, the English text provides that the returning officer “must mark the postal ballot box with the words “blwch pleidleisio drwy’r post” or the words



“postal ballot box” or both”. Words meaning “or both” are missing from the Welsh equivalent text.

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

In paragraph 23(9)(b) of Schedule 2, the English text refers to any other ballot paper “with the postal voting statement attached”. The meaning of the equivalent Welsh text is “with the postal voting statement attached to it”, but the phrase “to it” is expressed with the feminine form of the preposition “wrthi”. As “papur pleidleisio” is a masculine noun, the Welsh text does not make sense.

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

In paragraph 23(9)(b) of Schedule 2, the meaning of the provision is unclear because of a difference in syntax between the English and Welsh texts. The English text suggests that it is the postal voting statement that must be marked with the words “gwrthodwyd dros dro”, “provisionally rejected” or both, while the Welsh text provides that it is the ballot paper that must be so marked. The Welsh Government is asked to clarify the meaning of the provision.

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

Paragraph 23(9)(c) of Schedule 2 in the English text provides that in certain circumstances the returning officer must place in the receptacle for rejected votes (verification procedure), any valid postal voting statement marked “provisionally rejected”. The equivalent Welsh text refers to any valid postal voting statement marked “gwrthodwyd dros dro”. Equivalent provisions elsewhere in Schedule 2 refer to postal voting statements marked in English or Welsh **or both** in both language texts. The Welsh Government is asked to explain this inconsistency.

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

In paragraph 11 of Schedule 3, the English text modifies only the English text of the question in Table 1 in rule 44(4), while the Welsh text modifies only the Welsh text of that question. However, as the Table in both language versions includes the question in Welsh and in English, it appears that the modification should be made bilingually in both the Welsh and English texts.

The same issue appears in paragraph 11 of Schedule 4.

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



In paragraph 23(b) of Schedule 3 the English text of modified paragraph (2)(a) refers to “the office of councillor for a county or county borough” while the Welsh equivalent text refers to “the office of councillor for a county or county borough **council**”.

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

Rule 13(7) of Schedule 5 to the Order refers to persons mentioned in paragraph (1)(a) to (d) of rule 13. However, there are no sub-paragraphs in paragraph (1). It appears that the correct reference should be to paragraph (2)(a) to (d) but the Welsh Government is asked to confirm this.

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

Rule 55(1) of Schedule 5 to the Order refers to the steps that must be taken by the presiding officer as soon as practicable “after every voter has cast their vote”. Article 2 defines “voter”, in part, as “a person voting at a Senedd election”. This is a wide definition which appears to mean that the presiding officer must take steps under rule 55 after every person voting in the election has voted, it is not limited to that particular polling station. The Welsh Government is asked to explain how the presiding officer of each polling station is to know or be made aware that every person voting in the election has cast their vote.

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

Rule 66(3)(d) and 67(2)(h) of Schedule 5 to the Order refer to “registration records”. This term is defined for the purpose of other rules, but not for these two rules, therefore it is not clear when looking at these rules what the term means.

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

In Schedule 5, in rule 68(2)(d) and (3)(c), there is a difference between the English and Welsh text. In the English text, it notes “an order for the inspection or production of the whole or part of its contents”. In the Welsh text, the “or production” is expressed by stating “neu i’w ddangos” where “i’w” is a masculine pronoun causing a soft mutation of “dangos” so that it must be referring to an earlier masculine singular noun. However, in the Welsh text “rhan” (“part”) in the phrase “part of its contents” is a feminine noun and will not be included within the phrase “i’w ddangos” which can only apply to a masculine noun. Therefore, the Welsh text does not succeed in fully conveying the meaning of the sentence as an election court may make an order for the production of either the whole or part of the contents of the sealed packets.

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



In Schedule 5, in rule 75(5), there is a difference between the English and Welsh text. In the English text, it refers to a period of time which is “21 days after the day on which...” but the meaning given by the Welsh text is “21 days after the date on which the...”. Elsewhere a more literal word “diwrnod” (“day”) has been used when describing periods of time in the Welsh text of the Order.

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

In Schedule 5, in rule 75(11), in the opening words before sub-paragraph (a), there is a difference between the English and Welsh text. In the English text, it refers to “under paragraph (4)(b)(i)” but the meaning given by the Welsh text is “under (4)(b)(i)”.

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

In Schedule 9, in paragraph 2(1), the interpretation of rule 2(2) of the Election Petition Rules 1960 is modified by inserting additional definitions. However, in the Welsh text, the new definitions have all been inserted in Welsh despite the existing Election Petition Rules 1960 being English only. Therefore, it seems these new definitions should also have been inserted in English by the Welsh text of paragraph 2(1) in Schedule 9 to the Order under the usual convention (as is the case with further modifications to the 1960 Rules in Schedule 9 – see for example paragraph 3 of Schedule 9).

Subject to the Welsh Government’s response to this point, we note the following two connected points relating to paragraph 2(1) of Schedule 9:

- in the definition of “*the Clerk of the Senedd*” that is inserted as a modification to rule 2(2) of the 1960 Rules, there is a difference between the English and Welsh text as the meaning given by the Welsh text is “the Clerk”.
 - The English definition is used in the modification made by paragraph 4(b) of Schedule 9 and in the Petition Template inserted in the 1960 Rules as a modification by paragraph 7 of that Schedule. However, “*Clerc y Senedd*” rather than the defined term “*y Clerc*” is used in the Welsh text of the Petition Template inserted by paragraph 7 of Schedule 9.
- in the definition of “*Senedd Cymru election*” that is inserted as a modification to rule 2(2) of the 1960 Rules, there is a difference between the English and Welsh text as the meaning given by the Welsh text is “*Senedd election*”.
 - The English definition is used in the Petition Template inserted in the 1960 Rules as a modification by paragraph 7 of Schedule 9. However, “*etholiad Senedd Cymru*” rather than the defined term “*etholiad i’r Senedd*” is used in the Welsh text of the Petition Template inserted by paragraph 7.



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

In Schedule 9, in paragraph 7, in the heading of the new Petition Template, there is a difference between the English and Welsh text. In the English text, it notes “Senedd **Cymru** Election Petition Template” but the meaning given by the Welsh text is “Senedd Election Petition Template”. In this regard, the Welsh text has used the new definition for “Senedd election petition” inserted as a modification in rule 2(2) of the 1960 Rules by paragraph 2(1) of Schedule 9. However, the English text has not used the definition “Senedd election petition” that was inserted in rule 2(2) of the 1960 Rules.

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

In Schedule 10, in Form 20, there is a difference between the heading of the English language Forms found in the English and Welsh versions of the Order. In the English version, the heading of the English language Form is “Form of declaration to be made by the companion of a voter **with severe sight impairment or other disability or inability to read**”. But the heading of the English language Form in the Welsh version of the Order is “Form of declaration to be made by the companion of a voter **with disabilities**”. This was the title of the form in the consultation version of the Order. The title has been amended and updated in the English form in the English text of the Order, but not in the English form contained in the Welsh text.

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

In Schedule 10, in Form 23, there is a difference between the English and Welsh text. In the English text in the words in italics after “Note” it states, “in accordance **with rule** 75 of Schedule 5”. But in the Welsh text of the Form, the words “with rule” are missing in the reference so that the meaning given is “in accordance 75 of Schedule 5”.

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

In Schedule 11, in paragraph 1(3), there is a difference between the English and Welsh text. In the English text, in the words in parentheses, it notes “(amendments to the National Assembly for Wales (Representation of the People) Order **2007**)”. But in the Welsh text the year “2007” is missing from the title of the Order and also the closing brackets at the end.

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

In Schedule 11, in paragraph 1(4)(b), there is a difference between the English and Welsh text. In the English text, in the new definition of “2025 Order” it notes the title of the Order as “the Senedd Cymru (Representation of the People) Order **2025**”. But in the Welsh text, the



year in the title of the Order is "2005" so that the meaning given "is the Senedd Cymru (Representation of the People) Order **2005**".

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

We would be grateful for an explanation to the following two points related to paragraph 5 of Schedule 11 to the Order:

- in paragraph 5(2)(b)(ii), the term "an Assembly election" is textually amended so that it notes "a Senedd election" in regulation 2(3) of the Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012. In addition, the same term has been amended in regulation 2A of the 2012 Regulations by paragraph 5(3)(a) and (b) of Schedule 11. However, the term "Assembly election" is defined for regulation 2 by regulation 2(5) of the 2012 Regulations. Therefore, could the Welsh Government explain why they have not textually amended the definition of "Assembly election" in regulation 2(5) of the 2012 Regulations? In addition, should the other relevant defined terms in regulation 2(5) such as "Assembly", "Assembly constituency" and "Assembly electoral region" also have been textually amended to state "Senedd" in regulation 2(5) of the 2012 Regulations?
- in paragraph 5(3), amendments are made to regulation 2A of the 2012 Regulations. However, there is a potential historical error in the previous amendments that were made by SI 2016/300 which inserted regulation 2(3) to (5) and regulation 2A in the 2012 Regulations. As a result of those amendments, regulation 2(5) of the 2012 Regulations only defined "Assembly", "Assembly election" and "Assembly constituency" for regulation 2 of those Regulations. Therefore, those terms have not been defined for use in regulation 2A of the 2012 Regulations. Following the amendments made by paragraph 5(3) of Schedule 11 to this Order, it appears the problem will remain that the terms found in regulation 2(5) of the 2012 Regulations will not have been defined with a meaning for regulation 2A of those Regulations.

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

Schedule 12(11) purports to revoke "*The Senedd Cymru (Returning Officers' Accounts) Regulations 2021*". This seems to be an error as an instrument with this title does not appear to exist. The SI number for this instrument has not been provided in a footnote.

We note that the consultation version of this Order initially purported to revoke the *National Assembly for Wales (Returning Officers' Accounts) Regulations 2011* (SI. 2010/676) under Schedule 12(1). These Regulations are still in force, but their revocation has been omitted from this Order. The reason for this is unclear. It is also unclear whether the erroneous reference to the 2021 regulations in Schedule 12 is connected to the deletion of the 2011 regulations.



Merits Scrutiny

The following six points are identified for reporting under Standing Order 21.3 in respect of this instrument.

37. Standing Order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment

Article 23 of the Order states that a returning officer is entitled to recover their charges in respect of their expenses relating to a Senedd selection. They can also recover charges on behalf of electoral administrators who are listed in article 23(3). Article 23(7) states that any sums recoverable are to be charged on, and paid out of, the Welsh Consolidated Fund. Article 23(8) further states that where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under article 23 as part of a returning officer's charges at a Senedd election, then a sum equal to the increase must be charged on, and paid out of, the Welsh Consolidated Fund to the authority.

38. Standing Order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment

Article 67 of the Order requires the Welsh Ministers to remunerate the service provider that provides a postal service free of charge for election communications, and the sums payable are to be charged on the Welsh Consolidated Fund.

39. Standing Order 21.3(i) – that it imposes a charge on the Welsh Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the government or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment

Article 92 of the Order states that the expenses incurred by judges in relation to a Senedd election petition must be paid out of the Welsh Consolidated Fund.

40. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Various provisions of the Order permit the Electoral Commission to make regulations. The Order makes no provision for such regulations to be laid before the Senedd, nor for any notification of such regulations to the Senedd or the Welsh Ministers. It is noted that under paragraph 21 of Schedule 1 to the Political Parties, Elections and Referendums Act 2000 a copy of the regulations would have to be given to the Secretary of State, and under paragraph 22(4)



would also have to be made available to the public, but the Welsh Government is asked to explain why regulations made by the Electoral Commission in relation to Wales do not have to be laid before the Senedd or a copy provided to the Senedd or the Welsh Ministers.

41. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Paragraph 4(2) of Schedule 6 to the Order states that any donation of less than £500 is to be disregarded as a donation which is subject to the rules in Schedule 6. It is noted that the consultation version of this Order set the figure of £50 for this purpose. The Welsh Government is asked to explain what gave rise to this significant increase.

42. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The consultation version of this Order contained a detailed form (Form 29) in Schedule 10 for the return of individual candidates' election expenses. This form has been omitted from the Order. The omitted form was materially similar to Form CW in the 2007 Conduct Order. The requirement to deliver an election expenses return remains in Article 54. The financial information required is comprehensive, detailed and relatively complex.

Under this Order, the Electoral Commission has a power (but not a duty) to prescribe a form of return which may be used for the purposes of making the necessary returns required by individual candidates.

The Welsh Government is asked to explain the rationale for removing Form 29 and conferring a power on the Electoral Commission to prescribe a form, and whether the Electoral Commission intends to prescribe such a form in time for the 2026 Senedd elections. In the absence of a prescribed form, the Welsh Government is asked whether it's satisfied that an individual candidate could confidently submit the totality of detailed information required by Article 54.

Welsh Government response

A Welsh Government response is required to all reporting points save for merit reporting points 37 to 39 inclusive.

Committee Consideration

The Committee considered the instrument at its meeting on 2 June 2025 and reports to the Senedd in line with the reporting points above.



Government Response: The Senedd Cymru (Representation of the People) Order 2025

Technical Scrutiny point 1: The Welsh Government notes the point made but does not consider that these terms require further definition for the purposes of article 6(5)(c). The drafting reflects the equivalent provisions that apply in relation to absent voting at UK Parliamentary elections and local government elections in Wales (see paragraph 3(5)(b) of Schedule 4 to the Representation of the People Act 2000) which also do not provide for further definition. Applications for absent voting for all elections (reserved and devolved) are taken together, and these terms are well understood by the registration officers who are required to comply with the duty under article 6(5).

Technical Scrutiny Points 2, 8, 16, 17, 19, 21, 22, and 27 to 34: The Welsh Government is grateful to the Committee for identifying these minor equivalence points between the English and Welsh texts. The points raised are accepted and the corrections identified in the table within this response will be made prior to the making of the Order.

Technical Scrutiny Point 3: The Welsh Government notes the point made, however, considers that the provisions are sufficiently clear. In both instances the word would be given its ordinary, everyday meaning. It is also noted that the word is similarly used, without further definition, in the equivalent provisions that apply in relation to UK Parliamentary elections and local government elections in Wales (see sections 49(5) and 166(1) of the Representation of the People Act 1983).

Technical Scrutiny Point 4: The Welsh Government notes the point made, however, considers that the provisions are sufficiently clear. The provisions relate to the penalty imposed on a person who, when voting, commits an offence in respect of which the person would be liable for a penalty. This is a well understood concept, and it replicates the equivalent provision that applies in relation to UK Parliamentary elections and local government elections in Wales (see section 49(5) of the Representation of the People Act 1983).

Technical Scrutiny Point 5: The Welsh Government agrees that this reference should be to “the 2000 Political Parties Act”. This is clear from the footnotes to the citation, though it is accepted that these do not form part of the Order. This is a minor error and the corrections identified in the table within this response will be made prior to the making of the Order.

Technical Scrutiny Point 6: The Welsh Government agrees it would be more helpful to the reader if the words in parentheses stated, “retention of documents”. The words in parentheses are however, intended only to assist the reader and do not

have substantive legal effect. The corrections identified in the table within this response will be made prior to the making of the Order.

Technical Scrutiny Point 7: The Welsh Government does not consider that the words “true return” require further explanation. Article 54(1) requires the submission of a return of a form of election expenses, and states that this return must be a true return, i.e., that it is truthful as to its content. This replicates the equivalent provision that applies in relation to UK Parliamentary elections and local government elections in Wales (see section 81(1) of the Representation of the People Act 1983). The article prescribes the detail of what the return must include (see paragraphs (2) to (4)), so in the event that the Electoral Commission does not prescribe a form, there is already sufficient detail in the provision as to the information that would need to be included in any return.

Technical Scrutiny Point 9: The intention of article 67 is that candidates and parties may send electoral communications if they wish. There is no mandatory element to this provision. Paragraph (2) simply clarifies that the electoral communication may be sent as a postal communication, provided it meets the conditions set out in that paragraph. The Welsh Government is satisfied that the provision is correct as drafted.

Technical Scrutiny Point 10: The Welsh Government notes the point made, however, considers that it is not necessary to define the terms community, foundation or voluntary aided schools. It is noted that these terms may be defined in other legislation, but it is also noted that in equivalent electoral legislation these terms are not defined (see sections 95(2)(a) and 96(2)(a) of the Representation of the People Act 1983). Also, the context in which the terms are used, mean that they will be readily understood without further explanation, as it is local authorities who will need to make rooms in relevant schools available.

Technical Scrutiny Point 11: The Welsh Government agrees that gender neutral language would be preferable here. The correction identified in the table within this response will be made prior to the making of the Order.

Technical Scrutiny Point 12: The Welsh Government notes the point made, however, considers that the provision is sufficiently clear. This is a well understood concept, and the provision replicates the equivalent provision that applies in relation to UK Parliamentary elections and local government elections in Wales (see section 49(5) of the Representation of the People Act 1983). This provision forms part of the offences regime linked to elections, and it is considered essential that there should be uniformity across all elections in respect of this regime.

Technical Scrutiny Point 13: The Welsh Government notes the point made, however, considers that the provision is sufficiently clear. The provision relates

to the certificate provided to the Presiding Officer in accordance with article 101(3) of the election court's decision as to the correctness of the outcome and validity of the election. References to "certificate" in Part 4 are to this certificate unless otherwise stated, for example, in articles 116, 130 and 131. This is a well understood concept, and it replicates the equivalent provision that applies in relation to UK Parliamentary elections and local government elections in Wales (see section 141 of the Representation of the People Act 1983).

Technical Scrutiny Point 14: The Welsh Government notes the point made, however, considers that the provision is sufficiently clear. The provision relates to a situation when the petition is before the High Court as a special case in accordance with article 103. This is a well understood concept, and it replicates the equivalent provision that applies in relation to UK Parliamentary elections and local government elections in Wales (see section 147 of the Representation of the People Act 1983).

Technical Scrutiny Point 15: The Welsh Government notes the comment but does not consider that the term requires further definition. This is a common term that is used in various pieces of electoral (and other) legislation in the UK (see regulation 53(2)(h) of the Representation of the People (England and Wales) Regulations 2001/341). The term has not, to date, been defined in any other legislation and there is no authoritative basis for a definition as these practitioners do not appear to be regulated in the same way as the other practitioners on the list.

The Welsh Government is satisfied that the inclusion of a reference to these practitioners does not create a risk to the absent voting system. Applications for absent voting for all elections (reserved and devolved) are taken together, and introducing differences to the application system would likely pose a greater risk to its operation.

Technical Scrutiny Point 18: The Welsh Government is grateful to the Committee for identifying this grammatical point. The point raised is accepted and the correction identified in the table within this response will be made prior to the making of the Order.

Technical Scrutiny Point 20: The Welsh Government notes the comments and agrees that it would be preferable if there were consistency with other provisions. The provision as drafted is not incorrect but to ensure consistency throughout the Order this minor anomaly will be corrected prior to the making of the Order. The corrections are set out in the table within to this response.

Technical Scrutiny Point 23: The Welsh Government is grateful to the Committee for identifying this cross-referencing point. The point raised is accepted and the correction identified in the table within to this response will be made prior to the making of the Order.

Technical Scrutiny Point 24: The Welsh Government notes the comment but does not accept that the rule would be interpreted in the manner suggested. Rather, a common-sense interpretation would apply so that the presiding officer only needs to take account of when everyone has cast their vote at the polling station over which they are presiding. This provision mirrors the wording in the equivalent elections rules that apply in relation to all local government elections in Wales (the Local Elections (Principal Areas) (Wales) Rules 2021/1459 and the Local Elections (Communities) (Wales) Rules 2021/1460), so this is a concept that is well understood by the persons administering the elections.

Technical Scrutiny Point 25: The Welsh Government does not consider that the term “registration records” requires further definition in either of these provisions. The packets of registration records being referred to are those required by rule 55(3)(c), and the term is already defined for that rule (see rule 55(9)). This is clear from the opening words of rule 66(3), and rule 67 only applies where rule 66 applies, therefore, can only apply to the packets covered by that rule and rule 55(3).

Technical Scrutiny Point 26: The Welsh Government is grateful to the Committee for identifying these grammatical points. The points raised are accepted and the corrections identified in the table within this response will be made prior to the making of the Order.

Technical Scrutiny Point 35: The Welsh Government notes the points made, however, amendments in this Order are limited to those that are directly consequential upon the Order. The references in regulation 2(5) of the 2012 Regulations to the National Assembly for Wales etc. will be read as a reference to Senedd Cymru by virtue of the gloss in section 150A of the Government of Wales Act 2006.

Technical Scrutiny Point 36: The Senedd Cymru (Returning Officers' Accounts) Regulations 2021 were made under article 23(10) of the National Assembly for Wales (Representation of the People) Order 2007 (“2007 Order”). They are subordinate legislation made other than by statutory instrument. As such, they are not registered and do not have an S.I. number to cite in a footnote. However, they remain in force and need to be revoked.

The National Assembly for Wales (Returning Officers' Accounts) Regulations 2011 (SI. 2010/676) were revoked and replaced by the National Assembly for Wales (Returning Officers' Accounts) (Wales) Regulations 2016, also subordinate legislation made other than by statutory instrument. As such they do not need to be included within Schedule 12.

Merit Scrutiny point 40: The Welsh Government notes the point made. The power of the Electoral Commission to make regulations under the Order is

limited to instances relating to the provision of information by individual candidates with regard to their election expenses and donations. Any such regulations will therefore be limited in their application and the Welsh Government is satisfied that it is not necessary for such regulations to be laid before the Senedd or a copy to be provided to the Senedd or the Welsh Ministers.

Merit Scrutiny Point 41: This increase in the reporting threshold is introduced in response to the new Senedd electoral system. From 2026, individual candidates will stand against registered political parties whose reporting thresholds for donations under the Political Parties, Elections and Referendums Act 2000 are significantly higher. Following consultation with the Electoral Commission, and to ensure fairness, the reporting threshold of donations to individual candidates has been raised to £500 which is the level below which donations to parties are disregarded and therefore not regulated.

Merit Scrutiny Point 42: Following consultation with the Electoral Commission the Order no longer prescribes the form. This reflects the position that applies in relation to other elections (see section 81 of the Representation of the People Act 1983). This will bring the procedure in line with other elections and provides flexibility to allow for the adaptation of the form if necessary. The Electoral Commission will prescribe a form ahead of the 2026 Senedd elections. In the event that a form was not prescribed, article 54 sets out the detail of what an expenses return must include.

Technical drafting corrections to be made prior to the making of the Order

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
Gorchymyn Senedd Cymru (Cynrychiolaeth y Bobl) 2025	The Senedd Cymru (Representation of the People) Order 2025
In the Welsh text only, in article 16(6), the word “bellach” will be added after “darpariaeth”.	
In article 35(1)(d), the words “Pleidiau Gwleidyddol” will be added after “Deddf”.	In article 35(1)(d), the words “Political Parties” will be added after “2000”.
In article 47(9), the words “(dinistrio dogfennau)” will be replaced with the words “(cadw dogfennau)”.	In article 47(9), the words “(destruction of documents)” will be replaced with “(retention of documents)”.

In the Welsh text only, in article 56(3), the word “plaid” will be added after “ei rhestr”.	
In article 71(3), the word “plaid” will be added after “ei rhestr”.	In article 71(3), the word “party” will be added after “whose”.
	In the English text only, in article 72(3), the word “chairman” will be replaced with “chairperson”.
In article 119(2)(b), the word “plaid” will be added after the words “ei rhestr”.	In article 119(2)(b), the word “party” will be added after “whose”.
In the Welsh text only, in paragraph 16(1)(a) of Schedule 2, the word “enw” will be removed.	
In the Welsh text only, in paragraph 18(2)(b) of Schedule 2, the words “neu’r ddau” will be added after the words ““postal ballot box””.	
In the Welsh text only, paragraph 23(9)(b) of Schedule 2 will be replaced with the following; “(b) yn y daliedydd ar gyfer pleidleisiau a wrthodwyd (y weithdrefn wirhau), unrhyw bapur pleidleisio arall, â’r datganiad pleidlais drwy’r post wedi ei farcio â’r geiriau “gwrthodwyd dros dro” neu’r geiriau “provisionally rejected” neu’r ddau ynghlwm wrtho;”	
In paragraph 23(9)(c) of Schedule 2, the words ““gwrthodwyd dros dro”” will be replaced with the words ““gwrthodwyd dros dro” neu’r geiriau “provisionally rejected” neu’r ddau”	In paragraph 23(9)(c) of Schedule 2, the words ““provisionally rejected”” will be replaced with ““gwrthodwyd dros dro” or the words “provisionally rejected” or both”.
Paragraph 11 of Schedule 3 will be replaced with the following paragraph; 11. —(1) Mae cwestiynau 1(b), 2(a) a (b), 3(b) a 4 yng ngholofn (2) o Dabl 1 yn rheol 44(4) i’w darllen fel pe bai’r gair “Senedd” wedi ei fewnosod cyn y gair “election”. (2) Mae cwestiynau 1(b), 2(a) a (b), 3(b) a 4 yng ngholofn (3) o Dabl 1 yn rheol	Paragraph 11 of Schedule 3 will be replaced with the following paragraph; 11. —(1) Questions 1(b), 2(a) and (b), 3(b) and 4 in column (2) of Table 1 in rule 44(4), are to be read as if before the word “election” there is inserted the word “Senedd”. (2) Questions 1(b), 2(a) and (b), 3(b) and 4 in column (3) of Table 1 in rule

<p>44(4) i'w darllen fel pe bai'r geiriau "i'r Senedd" wedi eu mewnosod ar ôl y geiriau "yr etholiad hwn".</p>	<p>44(4), are to be read as if after the words "yr etholiad hwn" there are inserted the words "i'r Senedd".</p>
	<p>In the English text only, in paragraph 23(b) of Schedule 3, in the modified text of paragraph (2)(a) the word "council" will be added after the word "borough".</p>
<p>Paragraph 11 of Schedule 4 will be replaced with the following paragraph:</p> <p>11.—(1) Mae cwestiynau 1(b), 2(a) a (b), 3(b) a 4 yng ngholofn (2) o Dabl 1 yn rheol 44(4) i'w darllen fel pe bai'r gair "Senedd" wedi ei fewnosod cyn y gair "election". (2) Mae cwestiynau 1(b), 2(a) a (b), 3(b) a 4 yng ngholofn (3) o Dabl 1 yn rheol 44(4) i'w darllen fel pe bai'r geiriau "i'r Senedd" wedi eu mewnosod ar ôl y geiriau "yr etholiad hwn".</p>	<p>Paragraph 11 of Schedule 4 will be replaced with the following paragraph:</p> <p>11.—(1) Questions 1(b), 2(a) and (b), 3(b) and 4 in column (2) of Table 1 in rule 44(4), are to be read as if before the word "election" there is inserted the word "Senedd". (2) Questions 1(b), 2(a) and (b), 3(b) and 4 in column (3) of Table 1 in rule 44(4), are to be read as if after the words "yr etholiad hwn" there are inserted the words "i'r Senedd".</p>
<p>In rule 13(7) of Schedule 5, the words "mharagraff (1)(a)" will be replaced with the words "mharagraff (2)(a)".</p>	<p>In rule 13(7) of Schedule 5, the words "paragraph (1)(a)" will be replaced with the words "paragraph (2)(a)".</p>
<p>In the Welsh text only, in rule 68 of Schedule 5, in paragraphs (2)(d) and (3)(c), the words "i'w ddangos" will be replaced with "i ddangos y cynnwys i gyd neu ran ohono"</p>	
<p>In the Welsh text only, in rule 75(5) of Schedule 5, the word "dyddiad" will be replaced with "diwrnod" the second time it appears.</p>	
<p>In the Welsh text only, in rule 75(11) of Schedule 5, the word "baragraff" will be added before "(4)(b)(i)".</p>	
<p>In paragraph (2)(1) of Schedule 9—</p> <ul style="list-style-type: none"> (i) the words "'y Clerc" (<i>"Clerk of the Senedd"</i>)" will be replaced with "'Clerk of the Senedd"; (ii) the words "'deiseb etholiad ar gyfer etholiad i'r Senedd" (<i>"Senedd election petition"</i>)" 	<p>In paragraph 2(1) of Schedule 9, the following words will be removed—</p> <ul style="list-style-type: none"> (i) (<i>"ymgeisydd"</i>); (ii) (<i>"y Clerc"</i>); (iii) (<i>"ymgeisydd rhestr plaid"</i>); (iv) (<i>"Llywydd y Senedd"</i>);

<p>will be replaced with “Senedd election petition”;</p> <p>(iii) the words “etholaeth Senedd” (“<i>Senedd constituency</i>”) will be replaced with “Senedd constituency”;</p> <p>(iv) the words “etholiad i’r Senedd” (“<i>Senedd Cymru election</i>”) will be replaced with “Senedd Cymru election”;</p> <p>(v) the words “Llywydd y Senedd” (“<i>Presiding Officer of the Senedd</i>”) will be replaced with “Presiding Officer of the Senedd”;</p> <p>(vi) the words “plaid wleidyddol gofrestredig” (“<i>registered political party</i>”) will be replaced with “registered political party”;</p> <p>(vii) the words “ymgeisydd” (“<i>candidate</i>”) will be replaced with “candidate”;</p> <p>(viii) the words “ymgeisydd rhestr plaid” (“<i>party list candidate</i>”) will be replaced with “party list candidate”.</p>	<p>(v) (“<i>plaid wleidyddol gofrestredig</i>”);</p> <p>(vi) (“<i>etholiad i’r Senedd</i>”);</p> <p>(vii) (“<i>etholaeth Senedd</i>”);</p> <p>(viii) (“<i>deiseb etholiad ar gyfer etholiad i’r Senedd</i>”).</p>
<p>In paragraph 7 of Schedule 9, in the heading of the Welsh text version of the template petition, the word “Cymru” will be added after the word “Senedd”.</p>	<p>In paragraph 7 of Schedule 9, in the heading of the Welsh text version of the template petition, the word “Cymru” will be added after the word “Senedd”.</p>
<p>In the Welsh text only, in Schedule 10, in the English text version of form 20, in the heading of the form the word “disabilities” will be replaced with the words “severe sight impairment or other disability or inability to read”.</p>	
<p>In Schedule 10, in the Welsh text version of form 23 the words “â rheol” will be added after “yn unol”.</p>	<p>In Schedule 10, in the Welsh text version of form 23 the words “â rheol” will be added after “yn unol”.</p>

<p>In the Welsh text only, in paragraph 1(3) of Schedule 11, “2007” will be added after “Bobl”.</p>	
<p>In the Welsh text only, in paragraph 1(4)(b) of Schedule 11, “2005” will be replaced with “2025”.</p>	
<p>Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.</p>	

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



Llywodraeth Cymru
Welsh Government

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

12 June 2025

Dear Mike,

Thank you for your letter of 4 June referring to the technical points the Committee made in its report on the Senedd Cymru (Representation of the People) Order 2025 (the Conduct Order) laid before the Senedd on 8 May.

Please find attached the Government's response to the 39 reporting points that the Welsh Government has been asked to respond to. I can confirm that the Senedd will be asked to consider the Order as laid on 8 July, and that the minor corrections set out in the accompanying table to the response, which will address any points that are accepted, will be made to the Order prior to its making. I do not believe that any of the matters reported on by the Committee give rise to any issues that compromise the overall integrity of Order.

I appreciate the Committee's prompt consideration of the Order.

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.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

4 June 2025

Dear Jayne

The Senedd Cymru (Representation of the People) Order 2025

At our meeting on 2 June 2025, the Committee considered The Senedd Cymru (Representation of the People) Order 2025 (the Conduct Order). Our report has now been laid before the Senedd.

You will be aware that the Committee's report contains 36 technical reporting points: seven relate to potential defective drafting, 14 highlight inconsistencies between the English and Welsh texts, and one notes the use of gender specific language.

The Committee acknowledges that the Conduct Order is large, amounting to around 400 pages in each language. Nonetheless, the high number of potential defective drafting issues and instances where the English and Welsh language texts do not match is of concern to us.

We are aware that the Welsh Government's preparation of the Conduct Order has been in the making for some time, and it was the subject of a lengthy public consultation which began in November last year.

While we have requested a formal response to the specific points raised in our report, and look forward to receiving that in due course, we would welcome clarity on the process which has led to the Conduct Order being laid before the Senedd containing the errors and inconsistencies we identify.

We are aware that the Welsh Government plans to seek the Senedd's approval of the Conduct Order on 8 July 2025. We would therefore also welcome clarity on whether it remains your intention to seek approval of the Conduct Order in its present form.

The Committee would welcome an urgent response by 12 June 2025.

I am copying this letter to the Rt Hon Eluned Morgan MS, First Minister of Wales, and Julie James MS, Counsel General and Minister for Delivery.

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



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

SeneddLJC@senedd.wales

09 June 2025

Dear Chair

Further to my letter of 22 May 2025 and in accordance with the Inter-Institutional Agreement, I am writing to draw to your attention to a [Written Ministerial Statement](#) summarising discussions at the Council of the Nations and Regions and at other intergovernmental meetings on 23 May 2025.

I am copying this letter to Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs; Rebecca Evans MS, Cabinet Secretary for Economy, Energy and Planning; Julie James MS, Counsel General and Minister for Delivery; the Rt Hon Elin Jones MS, the Llywydd; the Chair of the Finance Committee; and the Chair of the Economy, Trade and Rural Affairs Committee.

Yours sincerely

Eluned Morgan

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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.



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Council of the Nations and Regions – 23 May 2025**
DATE **09 June 2025**
BY **Eluned Morgan MS, First Minister**

I attended the second meeting of the Council of the Nations and Regions in London on 23 May 2025, which was chaired by the Prime Minister and also included the Deputy Prime Minister, the Chancellor of the Duchy of Lancaster, the First Minister of Scotland, the First Minister and deputy First Minister of Northern Ireland, and regional Mayors from across England. The discussion focused on developments in international trade, and opportunities arising from artificial intelligence for economic growth and public services. Within the discussion I highlighted the guidance published by the Workforce Partnership Council for Wales on the ethical and responsible use of artificial intelligence across public sector workplaces, which reflects our social partnership approach. A [communiqué](#) is expected to be published on the UK Government's website in the near future.

In addition, I attended a meeting with the Prime Minister, the First Minister of Scotland, the First Minister and deputy First Minister of Northern Ireland and the Chancellor of the Duchy of Lancaster. This meeting gave an important opportunity for collective discussion of significant global developments, including the situation in Russia / Ukraine and Israel / Gaza, and the recent announcements relating to UK trade with the EU, US and India. I welcomed the benefits of trade for Wales, whilst noting concerns about the impact of the remaining US tariffs given the proportion of Welsh goods exports to the US. I highlighted the importance of collaborative discussions between the UK Government and the Devolved Governments in developing and making the most of new trade deals. The discussion also covered the importance of the upcoming UK Government Spending Review in supporting public services and driving economic growth. A [communiqué](#) for this meeting is expected to be published on the UK Government's website shortly.

A separate bilateral meeting with the Prime Minister also enabled discussion of key issues for Wales ahead of the UK Spending Review, as well as UK Government work that has particular significance and implications for Wales, for example underfunding of rail and support necessary for coal tip remuneration, in addition to the need for fairness in relation to future shared prosperity funding. I also emphasised the importance of our combined work to support the future of the steel sector in Wales, and of progressing key elements of constitutional reform in Wales to support economic growth and effective delivery of public

services, including in respect of the Wales fiscal framework, the Crown Estate and devolution of youth justice and probation.

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref

Mike Hedges MS
Chair of Legislation, Justice and Constitution
Committee

SeneddLJC@assembly.wales

09 June 2025

Dear Mike,

I am writing to inform you that the meeting of the Inter-Ministerial Group on UK-EU relations was held on 12 May 2025.

We discussed the reset of the UK-EU relationship. As you will be aware the EU-UK Summit took place on the 19 May and the UK formally announced a renewed approach to UK-EU relations, with new opportunities for enhanced security, safety, and economic prosperity for citizens and businesses on both sides of the Channel.

The UK-EU Common Understanding Agreement contains many of the priorities that we set out to UK government, and it provides the foundations for further negotiations with the EU, which will offer us an opportunity to continue to work with the UK and the EU to ensure Wales interests continue to be reflected in negotiations.

The agreement included a commitment to deliver a 'Common Sanitary and Phytosanitary (SPS) Area' that will benefit the agrifood and drinks sectors in Wales, particularly in the sale of red meat. There will also be closer working to link emissions trading systems and energy to support green growth and green jobs. Improved steel quotas into the EU will also provide much needed support for our steel sector.

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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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.

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref PO/JB/283/2024
Ein cyf/Our ref PO/JB/283/2025

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

SeneddLJC@senedd.wales

11 June 2025

Dear Mike,

In accordance with the inter-institutional relations agreement, I will be representing the Welsh Government at an Inter-Ministerial Group for Elections and Registration on 30 June. I will give an update on our work on reforming elections, as will the Scottish and UK Governments.

The meeting will be held in hybrid format and on this occasion, I have agreed to Chair following the agreement to rotate chairing arrangements between Ministers. Other attendees will be Rushanara Ali MP, Parliamentary Under Secretary of State, Ministry of Housing, Communities and Local Government. Jamie Hepburn MSP, Minister for Parliamentary Business, Scottish Government and Fleur Anderson MP, Parliamentary Under Secretary of State, Northern Ireland Office.

I will write again following the meeting with an update.

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.

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

Ein cyf/Our ref MA/HIDCC/1372/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

Andrew RT Davies MS
Chair
Economy, Trade and Rural Affairs Committee
Welsh Parliament

9 June 2025

Dear Mike, Andrew,

I am writing to inform the Committee that I have given consent to the Secretary of State for Environment, Food and Rural affairs to make and lay the Marking of Retail Goods Regulations 2025. The Regulations apply to England and Wales and Scotland.

I regret I was unable to write to your committee to provide notification of my intention to consent to the Regulations as set out in the Inter-Institutional Relations Agreement between the Senedd Cymru and the Welsh Government. The final draft of the Regulations were received late last week following intergovernmental discussions.

The Regulations provide a power for the Secretary of State to issue notices to require “not for EU” labelling on specific GB market food and drink products with a requirement to consult with devolved governments before making a decision.

I have laid a Written Statement which can be found [here](#).

These Regulations have been made using powers in:

- Section 8C(1) of the European Union (Withdrawal) Act 2018.

The purpose of the Regulations is to provide for a contingency power to introduce ‘Not for EU’ labelling for specific food products in Great Britain. This measure would be enacted where the Secretary of State, is satisfied that the supply of certain retail goods to consumers in Northern Ireland is at risk and considers that intervention is necessary to safeguard food supply to the people of Northern Ireland.

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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.

The possibility of introducing 'Not for EU' labelling for the GB market, is intended to incentivise retailers and manufacturers to make the necessary changes to comply with the labelling requirements for goods moved into Northern Ireland by GB businesses. This would remove any financial incentives for de-listing products in Northern Ireland rather than labelling them, thereby safeguarding the flow of goods to Northern Ireland.

The requirement for labelling would be targeted at specific products rather than the blanket approach the previous UK Government consulted on in February 2024. Small businesses will be exempt from these requirements.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, in order to adopt a consistent and coherent approach which allows the UK Government to meet its commitments to safeguard the supply of food to Northern Ireland, which the Welsh Government supports, I consider it appropriate to consent to the laying of these Regulations. I understand the Scottish Government has also agreed to consent.

The Regulations are subject to the affirmative procedure and were laid before Parliament on 5 June 2025 with a commencement date which will be subject to the SIs approval by resolution of each House of Parliament.

The Regulations can be found [here](#).

Again, I regret that I was unable to provide information to the Committee in advance of the Regulations being laid.

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



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Marking of Retail Goods Regulations 2025**

DATE **9 June 2025**

BY **Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary
for Rural Affairs and Climate Change**

I am writing to inform the Senedd that I have given consent to the Secretary of State for Environment, Food and Rural affairs to lay and make the Marking of Retail Goods Regulations 2025. The Regulations apply to England and Wales and Scotland.

These Regulations have been made using powers in Section 8C(1) of the European Union (Withdrawal) Act 2018.

The purpose of the Regulations is to provide for a contingency power to introduce 'Not for EU' labelling for specific food products in Great Britain. This measure would be enacted where the Secretary of State, is satisfied that the supply of certain retail goods to consumers in Northern Ireland is at risk and considers that intervention is necessary to safeguard food supply to the people of Northern Ireland.

The possibility of introducing 'Not for EU' labelling for the GB market, is intended to incentivise retailers and manufacturers to make the necessary changes to comply with the labelling requirements for goods moved into Northern Ireland by GB businesses. This would remove any financial incentives for de-listing products in Northern Ireland rather than labelling them, thereby safeguarding the flow of goods to Northern Ireland.

The requirement for labelling would be targeted at specific products rather than the blanket approach the previous UK Government consulted on in February 2024. Small businesses will be exempt from these requirements.

These Regulations include provisions for the labelling of food products, and require the

Secretary of State to consult the Welsh Ministers and Scottish Ministers before the Secretary of State determines that labelling is required and issues a notice to that effect. Following discussions with the Secretary of State for Northern Ireland I have received assurances that the powers would be activated as a last resort should consultation with industry fail to improve supply. He has also clarified that these Regulations will only be in place until there is a sanitary and phytosanitary agreement between the UK Government and the European Commission, which will facilitate the smooth flow of agri foods and plants from Great Britain to Northern Ireland after it is implemented.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, in order to adopt a consistent and coherent approach which allows the UK Government to meet its commitments to safeguard the supply of food to Northern Ireland, which the Welsh Government supports, I consider it appropriate to consent to the laying of these Regulations. I understand the Scottish Government has also agreed to consent.

The Regulations are subject to the affirmative procedure and were laid before Parliament on 5 June 2025 with a commencement date which will be subject to the SIs approval by resolution of each House of Parliament.

The Regulations can be found [here](#).

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Agenda Item 9

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

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