# Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:
**Hybrid – Ystafell Bwyllgora 4, Tŷ Hywel a fideogynadledda drwy Zoom**
Meeting date: 3 November 2025
Meeting time: 14.30

For further information contact:
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Committee Clerk
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# Hybrid

## Public meeting

(14.30 – 14.55)

## 1 Introduction, apologies, substitutions and declarations of interest

(14.30)

## 2 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3

(14.30 – 14.35) (Page 1)

Attached Documents:

LJC(6)-30-25 – Paper 1 – Draft report

**Affirmative Resolution Instruments**

**2.1 SL(6)658 – The Carbon Accounting (Wales) (Amendment) Regulations 2025**

(Pages 2 – 3)

Attached Documents:

LJC(6)-30-25 – Paper 2 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 14 October 2025

## 3 Instruments that raise issues to be reported to the Senedd under Standing Order 21.7

(14.35 – 14.40)

3.1 **SL(6)655 – The Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025**

(Pages 4 – 10)

Code of Practice

Explanatory Memorandum

Attached Documents:

LJC(6)-30-25 – Paper 3 – Draft report

3.2 **SL(6)656 – The Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025**

(Pages 11 – 15)

Code of Practice

Explanatory Memorandum

Attached Documents:

LJC(6)-30-25 – Paper 4 – Draft report

3.3 **SL(6)657 – Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025**

(Pages 16 – 23)

Code of Practice

Explanatory Memorandum

Attached Documents:

LJC(6)-30-25 – Paper 5 – Draft report

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

(14.40 – 14.45)

**Affirmative Resolution Instruments**

4.1 **SL(6)659 – The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2025**

(Pages 24 – 27)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-30-25 - Paper 6 - Draft report

LJC(6)-30-25 - Paper 7 - Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 14 October 2025

**4.2 SL(6)660 - The Climate Change (Carbon Budget) (Wales) Regulations 2025**

(Pages 28 - 31)

Regulations

Explanatory Memorandum

Attached Documents:

LJC(6)-30-25 - Paper 8 - Draft report

LJC(6)-30-25 - Paper 9 - Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 14 October 2025

## 5 Inter-Institutional Relations Agreement

(14.45 - 14.50)

**5.1 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Producer Responsibility Obligations (Packaging and Packaging Waste) (Amendment) Regulations 2025**

(Pages 32 - 33)

Attached Documents:

LJC(6)-30-25 - Paper 10 - Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 20 October 2025

**5.2 Correspondence from the Secretary for Finance and Welsh Language: The Procurement Act 2023 (Specified International Agreements) (Amendment) Regulations 2025**

(Page 34)

Attached Documents:

LJC(6)-30-25 - Paper 11 - Letter from the Cabinet Secretary for Finance and Welsh Language, 23 October 2025

**5.3 Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Organic Production (Amendment) Regulations 2025**

(Pages 35 – 36)

Attached Documents:
LJC(6)-30-25 – Paper 12 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 24 October 2025

## 6 Papers to note

(14.50 – 14.55)

**6.1 Correspondence from the Cabinet Secretary for Housing and Local Government to the Finance Committee: Building Safety (Wales) Bill**

(Pages 37 – 59)

Attached Documents:
LJC(6)-30-25 – Paper 13 – Letter from the Cabinet Secretary for Housing and Local Government to the Finance Committee, 17 October 2025

**6.2 Correspondence from the Welsh Government: The Welsh Government's response to the Committee's report on the Welsh Government's Legislative Consent Memorandum on the Dogs (Protection of Livestock) (Amendment) Bill**

(Pages 60 – 61)

Attached Documents:
LJC(6)-30-25 – Paper 14 – Welsh Government response, October 2025

**6.3 Written Statement by the Cabinet Secretary for Housing and Local Government: Consultation on the draft Local Elections (Wales) (Amendment) Rules 2026, and the draft Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026**

(Pages 62 – 63)

Attached Documents:

LJC(6)-30-25 - Paper 15 - Written Statement by the Cabinet Secretary for Housing and Local Government, 27 October 2025

**6.4 Written Statement by the Cabinet Secretary for Housing and Local Government: Review of community arrangements of the City and County of Swansea**

(Page 64)

Attached Documents:

LJC(6)-30-25 - Paper 16 - Written Statement by the Cabinet Secretary for Housing and Local Government, 28 October 2025

**6.5 Written Statement by the Cabinet Secretary for Education: The Education (Scotland) Act 2025 (Consequential Provisions and Modifications) Order 2025**

(Pages 65 - 66)

Attached Documents:

LJC(6)-30-25 - Paper 17 - Written Statement by the Cabinet Secretary for Education, 29 October 2025

**6.6 Supplementary Legislative Consent Memorandum (Memorandum No. 5) on the Public Authorities (Fraud, Error and Recovery) Bill**

(Pages 67 - 69)

Attached Documents:

LJC(6)-30-25 - Paper 18 - Supplementary Legislative Consent Memorandum

**6.7 Correspondence from the Welsh Government: The Welsh Government's responses to Committees' reports on the Welsh Government's Legislative Consent Memoranda on the Children's Wellbeing and Schools Bill**

(Pages 70 - 73)

Attached Documents:

LJC(6)-30-25 - Paper 19 - Letter from the Cabinet Secretary for Education, 29 October 2025

LJC(6)-30-25 - Paper 20 - Welsh Government response, October 2025

LJC(6)-30-25 - Paper 21 - Letter from the Cabinet Secretary for Education to the Children, Young People and Education Committee, 29 October 2025

LJC(6)-30-25 - Paper 22 - Welsh Government response on the Children, Young People and Education Committee report, October 2025

**6.8 Correspondence from the Welsh Government: The Welsh Government's response to the cross-Committee report on the UK-EU implementation review of the Trade and Cooperation Agreement**

(Pages 74 - 93)

Attached Documents:

LJC(6)-30-25 - Paper 23 - Welsh Government response, October 2025

**6.9 Written Statement by the Cabinet Secretary for Economy, Energy and Planning: The Infrastructure (Wales) Act 2024 (Consequential Amendments) Order 2025**

(Page 94)

Attached Documents:

LJC(6)-30-25 - Paper 24 - Written Statement by the Cabinet Secretary for Economy, Energy and Planning, 30 October 2025

**6.10 Correspondence from the Cabinet Secretary for Housing and Local Government: Building Safety (Wales) Bill**

(Pages 95 - 118)

Attached Documents:

LJC(6)-30-25 - Paper 25 - Letter from the Cabinet Secretary for Housing and Local Government, 30 October 2025

LJC(6)-30-25 - Paper 26 - Letter to the Cabinet Secretary for Housing and Local Government, 7 October 2025

## 7 Motion under Standing Order 17.42(vi) and (ix) to resolve to exclude the public from the following items: 8, 9, 10, 11 and 13

(14.55)

## Private meeting

(14.55 - 15.40)

## 8 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Crime and Policing Bill: Draft report

(14.55 - 15.05) (Pages 119 - 133)

Attached Documents:

LJC(6)-30-25 - Paper 27 - Draft report

LJC(6)-30-25 - Paper 28 - Letter from the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, 21 October 2025

LJC(6)-30-25 - Paper 29 - Letter to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, 29 September 2025

## 9 Legislative Consent Memorandum on the Public Office (Accountability) Bill

(15.05 - 15.20) (Pages 134 - 145)

Attached Documents:

LJC(6)-30-25 - Paper 30 - Legal Advice Note

## 10 Supplementary Legislative Consent Memorandum (Memorandum No. 5) on the Planning and Infrastructure Bill

(15.20 - 15.30) (Pages 146 - 151)

Attached Documents:

LJC(6)-30-25 - Paper 31 - Legal Advice Note

## 11 Review of the United Kingdom Internal Market Act 2020: Draft correspondence

(15.30 - 15.40) (Pages 152 - 153)

Attached Documents:

LJC(6)-30-25 - Paper 32 - Draft letter

## Break

(15.40 - 16.00)

## Public meeting

(16.00 - 18.30)

## 12 Planning (Wales) Bill and Planning (Consequential Provisions) (Wales) Bill: Evidence Session with the Counsel General and Minister for Delivery

(16.00 - 18.30) (Pages 154 - 193)

Planning (Wales) Bill

Planning (Consequential Provisions) (Wales) Bill

Julie James MS, Counsel General and Minister for Delivery
Neil Hemington, Chief Planner, Planning Directorate, Welsh Government
James George, Senior Legislative Counsel, Welsh Government
Dion Thomas, Head of Legislation and Performance, Planning Directorate, Welsh Government
Claire Fife, Policy Advisor to the Counsel General and Head of the Legislative Codes Office, Welsh Government

Attached Documents:
LJC(6)-30-25 - Paper 33 - Briefing Paper
LJC(6)-30-25 - Paper 34 - Letter from the Counsel General and Minister for Delivery, 28 October 2025
LJC(6)-30-25 - Paper 35 - Letter to the Counsel General and Minister for Delivery, 21 October 2025

## Private meeting

(18.30 - 18.45)

## 13 Planning (Wales) Bill and Planning (Consequential Provisions) (Wales) Bill: Consideration of evidence

(18.30 - 18.45)

# Statutory Instruments with Clear Reports
# 03 November 2025

## SL(6)658 – The Carbon Accounting (Wales) (Amendment) Regulations 2025

### Procedure: Affirmative

These Regulations form part of a suite of regulations made under the Environment (Wales) Act 2016 ("the 2016 Act") that are referred to collectively as the Climate Change (Wales) Regulations 2025.

These Regulations amend the Carbon Accounting (Wales) Regulations 2018 ("the principal Regulations").

Part 2 of the 2016 Act requires the Welsh Ministers to meet greenhouse gas emissions reduction targets. The targets as set by reference to the "net Welsh emissions account" which is defined in section 33 of the 2016 Act. The account includes both greenhouse gases directly emitted in Wales and may also include qualifying traded carbon units. A carbon unit is a measurement that describes a reduction of emissions or a removal of emissions from the atmosphere as a result of projects designed to achieve this. A carbon unit generated by a project in country A can be purchased by country B and used by country B to help county B meet their emissions reduction targets.

Regulation 3 of the principal Regulations defined "carbon unit" for the purposes of Part 2 of the 2016 Act. Regulation 2 of these Regulations updates that definition.

As required by section 49 of the 2016 Act the Welsh Ministers have obtained and taken into account, advice from the Committee on Climate Change ("the CCC") before making these Regulations.

**Parent Act:** Environment (Wales) Act 2016

**Date Made:**

**Date Laid:**

**Coming into force date:** 05 December 2025

Llywodraeth Cymru
Welsh Government

# WRITTEN STATEMENT
# BY
# THE WELSH GOVERNMENT

| | |
|---|---|
| **TITLE** | **Laying Regulations to Set Carbon Budget 4 and Strengthen Wales' Net Zero Framework** |
| **DATE** | **14 October 2025** |
| **BY** | **Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs** |

Today, I am laying three sets of regulations before the Senedd that mark the next steps in Wales' journey to net zero carbon emissions by 2050.

These regulations set out our legal commitments to reduce emissions, strengthen our carbon accounting framework, and ensure that Wales continues to lead with integrity and ambition in tackling the climate and nature emergencies.

The regulations being laid ahead of a scheduled vote on 2 December 2025 are:

- **The Climate Change (Carbon Budget) (Wales) Regulations 2025** – setting the emissions reduction target for Carbon Budget 4 (2031–2035).
- **The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2025** – setting the carbon credit limit for Carbon Budget 3 (2026–2030).
- **The Carbon Accounting (Wales) (Amendment) Regulations 2025** – updating the definition of a carbon unit to reflect developments in international climate agreements.

Under the Environment (Wales) Act 2016, Welsh Ministers are required to seek and consider advice from the Climate Change Committee before laying regulations to set a carbon budget or offset limit in law. On 14 May 2025, the Climate Change Committee published its advice to the Welsh Government on Wales' Carbon Budget 4. I want to acknowledge the Committee's support and scrutiny in helping shape Wales' approach to net zero.

In their advice, the Climate Change Committee recommended that Carbon Budget 4 be set at a 73% average reduction in net Welsh emissions compared to 1990s levels. This is consistent with our statutory targets: an 89% reduction by 2040 and 100% – net zero – by

2050. These are ambitious targets, but they are necessary, achievable, and reflect the urgency of the challenge we face.

The Climate Change Committee further clarified on 24 July 2025, their recommendation that the offset limit for Carbon Budget 3 should be set at 0%, meaning the budget must be met entirely through domestic action in Wales. This continues the approach taken in Carbon Budget 2 and ensures our investment directly benefits communities in Wales.

The third regulation updates the Carbon Accounting (Wales) Regulations 2018. The current definition of a carbon unit is based on wording found in the Kyoto Protocol and is now outdated. The proposed amendment reflects the latest definition of a carbon unit as detailed in Article 6 of the Paris Agreement. This change will allow Welsh Ministers to be able to use internationally recognised carbon units under the Paris Agreement, if needed, while maintaining transparency. This is again, in line with the Climate Change Committee's advice of 24 July 2025.

Wales' carbon budgets are aligned with international standards. They set a cap on total territorial greenhouse gas emissions over a five-year period, helping us turn long-term goals into measurable action. They support planning across government, strengthen accountability, and ensure we remain on track to meet our target of net zero carbon emissions in Wales by 2050.

These regulations are more than technical instruments. They are a statement of intent – that Wales will continue to act decisively and fairly in response to the climate crisis. They provide the tools to manage future risks, drive progress, and support delivery across government and society.

The creation of green jobs and sustainable economic growth are at the heart of this Government. These priorities, alongside our legal commitments to future generations, equality and social partnership, are shaping our approach to climate action. Tackling climate change is not only about the important task of cutting emissions; it is also about creating opportunities, improving public health, and building a fairer, greener and stronger Wales.

By setting ambitious carbon budgets, modernising carbon accounting, and maintaining transparency, we can build investor confidence, support innovation, and create skilled jobs across Wales – ensuring a just transition to net zero that delivers lasting improvements for people, communities, and the Welsh economy.

# SL(6)655 – The Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025

## Background and Purpose

The amount that can be spent on election expenses by or on behalf of individual candidates for Senedd elections is limited by the *Senedd Cymru (Representation of the People) Order 2025* (the '**2025 Order'**).

Parts 1 and 2 of Schedule 7 to the 2025 Order are relevant to the definition of 'election expenses'.

The *Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025* (the '**Code'**) gives guidance as to what does or does not fall within Parts 1 or 2 of Schedule 7 to the 2025 Order.

The Code does not give guidance to those candidates standing for election to the Senedd on behalf of a political party (i.e. party list candidates).

The draft Code was prepared by the Electoral Commission and submitted to the Welsh Ministers for approval. The Welsh Ministers approved the draft Code with relatively minor modifications. A statement of reasons for making each modification was laid in the Senedd at the same time as the Code.

## Procedure

Draft Negative.

The Welsh Ministers have laid a draft of the Code before the Senedd. If, within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four 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 laid before the Senedd, the Code comes into force on the date appointed by the Welsh Ministers by order made by statutory instrument, and the Electoral Commission must arrange for the Code to be published in the manner it thinks appropriate.

## Scrutiny under Standing Order 21.7

1. The Code makes two references to the fact that it has been "approved" by the Senedd (in paragraphs 1.2 and 1.6). We question this terminology.

   Under paragraph 20(4) of Schedule 7 to the 2025 Order, the Welsh Ministers approve the Code and lay a copy before the Senedd.

Thereafter, the Code is subject to the draft negative procedure under which it will come into force unless the Senedd resolves that it should not be approved within 40 days. Such a resolution would (currently) be a motion for annulment under Standing Order 27.2(ii).

We acknowledge that it may be inferred that the Senedd approves the Code if it has not voted to annul it within 40 days. However, in our view the reference to the Senedd having "approved" the Code connotes that it has actively and consciously voted on a motion for approval under the affirmative resolution procedure in Standing Order 27.5.

We note that under the *Legislation (Wales) Act 2019* (as amended by the *Legislation (Procedure, Publication and Repeals) (Wales) Act 2025*), the draft negative procedure will be subsumed under the new Senedd annulment procedure from January 2026. In our view, it would be curious to describe an instrument subject to the Senedd annulment procedure as having been "approved" by the Senedd by virtue of the fact that the Senedd did not vote to annul it. This is especially the case given that there will be an entirely separate Senedd approval procedure.

Against this context, we invite the Welsh Government to revisit the terminology in paragraphs 1.2 and 1.6 of the Code to reflect that it has been laid before the Senedd, rather than having been "approved" by it.

2. It is unclear why "party list" has not been defined by reference to the 2025 Order (and specifically, article 2 of the 2025 Order), in a consistent manner with the definition of "Candidate" and "Election Expenses" under paragraph 1.3 of the Code.

3. In paragraph 1.3, there is no definition of “party list candidate” despite this term being used within the definition of “Candidate” in paragraph 1.3 and also in paragraph 1.4. The term “party list candidate” is a defined term in article 2(1) of the 2025 Order.

4. "Personal expenses" is defined under paragraph 1.3 of the Code by reference to article 37 of the 2025 Order. The second and third sentence of the definition seem to extend beyond the scope of a definition, and seem inconsistent with the rest of the definitions under paragraph 1.3.

   In particular, the second sentence makes provision as to where personal expenses must be reported, and asserts that it does "not count towards the spending limit". This provision would seem to be more in-keeping with substantive provision in the body of the Code as it relates to the duties and requirements placed on individual candidates in connection with personal expenses.

5. The third bullet point under paragraph 1.4 refers to the definition of "*for the purposes of a candidate's election*" in article 65 of the 2025 Order. Whilst this phrase appears in article 65 of the Order, the underlying definition appears to be in article 37 of the 2025 Order.

6. In paragraph 3.3, in the text that is reproduced from Part 2 of Schedule 7 to the 2025 Order, in the English text, in paragraph 14 of Schedule 7, there is an error where it incorrectly notes "for the individual's personal use". However, it should be identical to the text found in that paragraph of Schedule 7 to the 2025 Order – "for the individual's own personal use".

7. The Code is prepared, laid and issued under Schedule 7 to the 2025 Order. There are numerous references to Schedule 7 in the Code. Paragraph 6.14 of Writing Laws for Wales provides that when referring to Schedules, the drafter should "*refer to a "Schedule to", not "of", an Act […]*". The following provisions in the Code are inconsistent with this convention:

    - Paragraph 1.2
    - Paragraph 1.6
    - Main heading to Section 3 of the Code
    - Paragraph 1.4, first bullet
    - Paragraph 2.1
    - Paragraph 3.3 (two instances)

    We acknowledge that these are minor points in isolation, and that they do not impact on the understanding of the Code. However, we feel justified in reporting given that this inconsistency runs throughout the Code and appears in large prominent font in the main heading for Section 3.

8. A considerable number of inconsistencies have been identified between the English and Welsh texts of this Code.

    The Committee notes that the Code has been prepared by the Electoral Commission. However, by the time the Code is laid in the Senedd, it has also been reviewed and approved by the Welsh Government.

    The Welsh Government is asked for a response in relation to the points identified below and for confirmation of who undertook the translation or dual-drafting of this Code.

Inconsistencies between the Welsh and English texts

9. In paragraph 1.17, in the Welsh text, there is a difference between the English and Welsh text. In the Welsh text, the title of the statutory instrument is noted incorrectly as "Reoliadau Cynllun Cymorth Ariannol Etholiadau Cymru (Ymgeiswyr Anabl) 2025". However, "Cymreig" rather than "Cymru" is noted in the title given by regulation 1(1) of those Regulations and it is noted correctly later in the provisions cited in paragraph 3.3 of the Welsh text.

10. In paragraph 2.5, in the second sentence, there is a difference between the English and Welsh text. In the English text, it notes "must not have their cost apportioned…" but the meaning given by the Welsh text is "should not have their cost apportioned…".

11. In paragraph 4.4, there is a difference between the English and Welsh text. In the English text, it notes "a licensing fee for a software application" but the meaning given by the Welsh text is "a licensing fee or a software application".

12. In paragraph 4.7, in the Welsh text, the first bullet point does not make grammatical sense without a preposition such as "i'w" at the beginning of the bullet point to express "for" as already found at the beginning of the second bullet point.

13. In paragraph 8.2, there is a difference between the English and Welsh text. In the English text, it notes "the management and monitoring of social media channels or platforms" but the meaning given by the Welsh text is "*the management and monitoring of social media*". It is noted correctly elsewhere in similar phrases in the Welsh text of the Code, such as in paragraph 4.7.

14. In paragraph 9.1 (including the heading), there is a difference between the English and Welsh text in respect of the term "office space". The Welsh text used is "swyddfa", which only coveys "office", rather than "office space". We note that this is inconsistent with the draft Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025 and Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 which both use "gofod swyddfa".

15. In paragraph 9.5, there is no "lle" at the beginning of the fourth bullet point to express the meaning of "where" which is found at the end of the words immediately before the third and fourth bullet points

16. In paragraph 9.5, in the bullet points within the box outlined in blue, there are several differences between the English and Welsh text as follows—

    - in the first bullet point, in the English text, it notes "to use in their campaign" but the meaning given by the Welsh text is "for their campaign";
    - in the second bullet point, in the English text, it notes "the phone contract charges" but the meaning given by the Welsh text is "the contract charges";
    - in the third bullet point, in the English text, it notes "for their own personal use" but the meaning given by the Welsh text is "for personal purposes". This is particularly significant because the Welsh does not use the defined term for "personal use" which is noted in paragraph 9.6;

17. at the end of the third bullet point, in the English text, it notes "count as candidate spending" but the meaning given by the Welsh text is "count as spending". It is also inconsistent with the end of the previous bullet points where the meaning of "candidate spending" is correctly noted in the Welsh text.

Inconsistent use of terms in the Welsh text

18. In paragraph 1.2, in the Welsh text, the term "*dyroddi*" is used in the heading to express the meaning of "*issue*" but a different term "cyhoeddi" is used in the body of that

paragraph. Therefore, it is inconsistent and suggests to the reader of the Welsh text that different terms are being used to express a different meaning although the context is identical.

19. In the Welsh text of the Code, the meaning of the word "apply" has been expressed in the majority of places by using "perthnasol", e.g. the opening words of paragraph 1.3 and in paragraphs 1.5 and 1.9. However, this term is also used to express the term "relevant" elsewhere in the Welsh text of this Code. Therefore, the reader of the Welsh text will not be able to distinguish between the meaning of "relevant" and "apply" when reading the Code. It is particularly problematic in paragraph 3.1 where it notes "The lists below are matters which are relevant for the purposes…" before noting "This Code applies to notional spending…" in paragraph 3.2 although "berthnasol" is used in both places in the Welsh text. The term "apply" has been fully standardised as "bod yn gymwys" in the Glossary of the Welsh Government's Legislative Translation Unit. It is already used in a few places in the Welsh text to express "apply" such as the definition of "regulated period" in paragraph 1.3 and also in paragraph 1.18.

20. In the Welsh text of the Code, the meaning of the term "incurred" has been expressed by using "ysgwyddir" in the majority of places. However, "mynd i" is the fully standardised phrase noted for "incur" in the Glossary of the Welsh Government's Legislative Translation Unit. The standardised phrase is used in paragraphs 9.1, 9.3 and 9.5 which means that there is also an inconsistency in the Welsh text of the Code. Separately, we note that "incur" is not defined in paragraph 1.3 of this Code, in contrast to the Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025.

21. In paragraph 1.3, in the Welsh text, the definitions of "Election agent" and "Election expenses" are slightly different from that found in articles 39 and 65 respectively of the 2025 Order. The definition "asiant etholiadol" is used for "Election agent" in the Code, but "asiant etholiad" is the term used in the Welsh text of article 39 of the 2025 Order. Likewise, the definition "treuliau etholiadol" is used for "Election expenses" in the Code, but "treuliad etholiad" is the term used in the Welsh text of article 65 of the 2025 Order. The latter difference is also apparent in the Welsh text of paragraph 1.12 where "treuliau etholiadol" is noted in the opening words but "treuliad etholiad" is noted in the cited provisions of article 65 of the 2023 Order, and also in paragraph 1.13.

22. In the Welsh text of the Code, the meaning of the term "at a discount" in the same context has been expressed by using both the phrases "am bris gostyngol" and "ar ddisgownt" – e.g., see the definition of "notional spending" in paragraph 1.3, and also paragraphs 1.20, 9.1 and 9.3. Therefore, there is an inconsistency in the Welsh text of the Code.

23. In paragraphs 2.10, 4.15 and 5.15, in the Welsh text, "reported" has been expressed by using the phrase "rhoi gwybod am[danynt]". However, the phrase "adrodd am[danynt]" has been used for "report" in the same context elsewhere in the Welsh text of the Code. Therefore, there is an inconsistency in the Welsh text of the Code.

24. In the Welsh text of the Code, "premises" has been expressed by using the term "safle" which is noted on Term Cymru with a status A for use in a general context. However, it does note on Term Cymru with a status A that "mangre" is the standardised term for the meaning of "premises" in a legal context. Therefore, we query whether "mangre" rather than "safle" should have been used to express the meaning of "premises" in the legal context of this Code. In addition, in the reproduced Welsh text of Schedule 7, Part 1, paragraph 4, "mangre" is used to express "premises" although "safle" is used for that term in the Welsh text of paragraph 7.1 immediately afterwards. Therefore, there is also an inconsistency in the Welsh text between the terminology of the 2025 Order and of the Code.

25. In the Welsh text of the Code, there is an inconsistency between the use of "cyfarpar" and "offer" to express the meaning of "equipment" in the same context. For example, in the heading of paragraph 4.1 "cyfarpar" is used to express the meaning of "equipment" but "offer" is subsequently used in the fourth bullet point of that paragraph. In addition, in places such as paragraph 4.14, "offer" is used to express "equipment" in the phrases "photocopying equipment" and "printing equipment" but "cyfarpar" is used in the subsequent bullet points of that paragraph when referring back to the same equipment. Furthermore, "cyfarpar" rather than "offer" is used in the same phrase "photocopying equipment" immediately afterwards in paragraph 4.15 (as occurs in paragraphs 5.13 to 5.15).

26. In paragraph 4.1, in the fifth bullet point, "advertising material" is expressed as "deunydd ar gyfer hysbyseb" in the Welsh text. But in the sixth bullet point of that paragraph and elsewhere in the Welsh text of the Code, "deunydd hysbysebu" is used to express "advertising material". Therefore, the Welsh text of the fifth bullet point of paragraph 4.1 is inconsistent with the rest of the Code when referring to "advertising material" in the same context.

27. In paragraph 9.5, the Welsh text is inconsistent because it notes "prynodd" to express "acquired" in the third bullet point, but in the fourth bullet point it notes "caffael" when also referring to "acquired" in the same context. In addition, "caffael" has been used elsewhere in the Welsh text of the Code to express the meaning of "acquired", e.g. paragraphs 4.14 and 5.13.

28. In the heading above paragraph 9.9, in the Welsh text, the meaning of "employees" has been expressed by using "chyflogeion", but in the body of paragraph 9.10 a different word "gweithwyr" has been used in the same context. Therefore, the terminology is inconsistent and could suggest to the reader of the Welsh text that the heading notes "employees" and that paragraph 9.10 notes "workers".

## Government response

A Welsh Government response is required.

**Legal Advisers**
**Legislation, Justice and Constitution Committee**
**29 October 2025**

# SL(6)656 – The Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025

## Background and Purpose

The Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025 ('the Code') gives guidance as to what does or does not fall within the scope of paragraphs 1 and 2 of Part 1 of Schedule 8 to the Political Parties, Elections and Referendums Act 2000 ('PPERA 2000').

Those paragraphs are relevant to the definition of 'campaign expenditure' and therefore, in particular, to what expenses a political party is required to report to the Electoral Commission. Paragraph 1 lists the expenses which qualify when incurred for election purposes. Paragraph 2 lists the exclusions.

The draft Code was prepared by the Electoral Commission and submitted to the Welsh Ministers for approval. The Welsh Ministers approved the draft Code with modifications. As the draft Code incorporates modifications, the Cabinet Secretary for Housing and Local Government has laid before the Senedd a statement of reasons for making those modifications at the same time as the draft Code was laid.

## Procedure

Draft Negative.

The Welsh Ministers have laid a draft of the Code before the Senedd. If, within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four 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, and is published by the Electoral Commission.

## Scrutiny under Standing Order 21.7

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

(i) Inconsistencies between the meaning of the English and Welsh texts.

A number of inconsistencies have been identified as between the English and Welsh texts of this Code. The Committee notes that the Code has been prepared by the Electoral

Commission. However, by the time the Code is laid in the Senedd, it has also been reviewed and approved by the Welsh Government. The Welsh Government is asked for a response in relation to the points identified below and for confirmation of who undertook the translation or dual-drafting of this Code.

1. In paragraph 1.3, the definition of "Regulated period" has been expressed by using the term "cyfnod rheoleiddiedig" in the Welsh text. However, in the Welsh text of the other related Codes, a different term "cyfnod a reoleiddir" has been used for "Regulated period". The choice of term to express the meaning of "Regulated period" should be consistent in the Welsh text of all the Codes.

2. In paragraph 1.2, in the Welsh text, the term "dyroddi" is used in the heading to express the meaning of "issue" but a different term "cyhoeddi" is used in the body of that paragraph. Therefore, it is inconsistent and suggests to the reader of the Welsh text that different terms are being used to express a different meaning although the context is identical.

3. In the Welsh text of the Code, the meaning of the word "apply" has been expressed in the majority of places by using "perthnasol", e.g. the opening words of paragraph 1.3 and in paragraphs 1.7 to 1.9. However, this term is also used to express the term "relevant" elsewhere in the Welsh text of this Code such as in paragraph 1.5. Therefore, the reader of the Welsh text will not be able to distinguish between the meaning of "relevant" and "apply" when reading the Code. It is also particularly problematic in paragraph 3.1 where it notes "lists of matters which are relevant for the purposes…" before noting "This Code applies to notional spending…" in paragraph 3.3 although "berthnasol" is used in both places in the Welsh text. The term "apply" has been fully standardised as "bod yn gymwys" in the Glossary of the Welsh Government's Legislative Translation Unit.

4. In paragraph 1.27, in the third bullet point, there is a difference between the English and Welsh text. In the English text, it notes "were to be (or are)" but it could be argued that it only clearly states "were to be" in the Welsh text. Where the related phrase "they would be (or are)" is used later in the same bullet point in the English text, the meaning is expressed clearly in the Welsh text by noting "y byddent neu eu bod".

5. In paragraph 2.1, there is a difference between the English and Welsh text. In the English text, it notes "must not" but the meaning given by the Welsh text is "should not".

6. In paragraph 2.5, in the final sentence within the box outlined in blue, there is a difference between the English and Welsh text. In the English text, the sentence notes "At subsequent elections, the party only reports the upkeep and maintenance of the software and database.". But in the Welsh text, the entire sentence is missing other than part of the opening words "At elections…".

7. In the Welsh text, the meaning of the term "incurred" has been expressed by using "ysgwyddir" in the majority of places in the Code. However, "mynd i" is the fully

standardised phrase noted for "incur" in the Glossary of the Welsh Government's Legislative Translation Unit. In this regard, "mynd i" is used to express "incurs" in paragraph 2.12 which means that there is also an inconsistency in the Welsh text of the Code.

8. In paragraph 2.13, there is a difference between the English and Welsh text. In the English text, it notes "count towards the spending limit" but the meaning given by the Welsh text is "considered towards the spending limit". It is also inconsistent with the Welsh text of the previous paragraphs of the Code where the same phrase has been expressed correctly as meaning "count towards the spending limit" in the same context, e.g., paragraphs 2.7, 2.9 and 2.10.

9. In paragraph 3.1, there is a difference between the English and Welsh text. In the English text, it notes "This part of the Code sets out a non-exhaustive lists…" but the meaning given by the Welsh text is "This part of the Code includes non-exhaustive lists…". Therefore, the Welsh text notes "includes" rather than "sets out" and the English text is also grammatically incorrect because it notes "a non-exhaustive lists".

10. In paragraph 4.1, there is a difference between the English and Welsh text. In the English text of the Code, it notes "premises", but the meaning given by the Welsh text is "property" ("eiddo"). The Welsh text continues to use the same word "eiddo" in all of the following provisions throughout the Code. In addition, there is also an inconsistency in the Welsh text between the terminology of the related Codes because a different word "safle" has been used to convey the meaning of "premises" in one of the other Codes. However, it does note on Term Cymru with a status A, and in the Glossary of the Welsh Government's Legislative Translation Unit, that "mangre" is the standardised term for the meaning of "premises" in a legal context.

11. In paragraph 5.2, there is a difference between the English and Welsh text. In the English text, it notes "images", but the meaning given by the Welsh text is "pictures" ("lluniau"). In addition, the more commonly used word "delweddau" is used to correctly express the meaning of "images" in the following provisions such as paragraphs 5.12 and 6.12 etc. Therefore, there is also an inconsistency in the Welsh text of the Code.

12. In paragraph 6.11, there is a difference between the English and Welsh text. At the end of the first sentence of the Welsh text, the words "ar y cyfryngau cymdeithasol, yn ddigidol neu fathau eraill" which means "social media, digital or other forms" are repeated again for no apparent reason although they have already been noted correctly earlier in that sentence.

13. In paragraph 9.6, there is a difference between the English and Welsh text. In the English text, it notes "or other dealings with the media" but the meaning given by the Welsh text is "and any other activities with the media". It is also inconsistent with paragraphs 9.1, 9.3 and 9.4 where a different, more accurate phrase has been used to express the meaning of "or other dealings with the media" in the Welsh text of the Code.

14. In paragraphs 11.1 and 11.5 to 11.7, in the final bullet points, there is a difference between the English and Welsh text. In the English text, it notes "live streaming or broadcasting", but the meaning given by the Welsh text is "streaming or broadcasting". In addition, it is also inconsistent with paragraph 11.3 where a different phrase is used in the Welsh text, which does convey the meaning of "live" in the similar phrase "live streamed or broadcast".

(ii) Use of definitions in paragraph 1.3

Clarification is sought in relation to the following points raised relating to paragraph 1.3:

15. In the definition of "Appropriate amount", should it refer to any other paragraphs in the Code for the meaning of that term such as paragraphs 1.28 and 1.29?

16. In the definition of "Campaign expenditure" should it refer to any other paragraphs in the Code for the meaning of that term such as paragraphs 1.5, 1.19 or 1.22?

17. In the definition of "Notional spending" should it refer to any other paragraphs in the Code for the meaning of that term such as paragraph 1.27?

18. The term "Party list candidate" has been defined for this Code. However, a term should not be defined unless it is actually used in an Act, instrument, or an enactment such as this Code – see WLW 4.3(1). This term does not appear to be used anywhere in the Code and therefore should not have been defined in paragraph 1.3.

19. There is no definition of the term "Candidate" in paragraph 1.3, although that term is used in the definition of "Party list candidate" and elsewhere throughout the Code. The term "Candidate" has been defined in the other related Codes.

(iii) Other drafting issues

20. In paragraph 1.22, the reference to "section 72" should also note "PPERA" to identify the Act where that section is found.

21. In paragraph 1.33, it refers to "the Commission". However, this term has not been defined in the Code although "the Electoral Commission" is defined as "the Commission" by section 160(1) of PPERA for that Act. Therefore, it would have been helpful to the reader if the name of the body "the Electoral Commission" has been noted in full, or if the term had been defined in this Code, particularly as there is already a reference to "the Senedd Commission" in paragraph 1.1 of the Code

## Government response

A Welsh Government response is required.

**Legal Advisers**
**Legislation, Justice and Constitution Committee**
**28 October 2025**

# SL(6)657 – Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025

## Background and Purpose

The Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025 ('the Code') gives guidance as to the operation of Part 6 of Political Parties, Elections and Referendums Act 2000 ('PPERA 2000') for third parties during the regulated period for Senedd elections including during a combined regulated period where applicable.

The Code sets out:

- what a non-party campaigner is;
- what non-party campaigning is;
- the kinds of expenses which are qualifying expenses;
- the circumstances in which expenses are or are not to be regarded as incurred for the purpose of promoting or procuring electoral success;
- the kinds of expenditure which is treated as notional controlled expenditure or donations;
- the circumstances which will be regarded as joint campaigning;
- what targeted controlled expenditure is and when it is relevant; and
- the recording and reporting requirements (including for combined regulated periods).

## Procedure

Draft Negative.

The Welsh Ministers have laid a draft of the Code before the Senedd. If, within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four 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, and published by the Electoral Commission.

## Scrutiny under Standing Order 21.7

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

(i) Inconsistencies between the meaning of the English and Welsh texts.

A number of inconsistencies have been identified as between the English and Welsh texts of this Code. The Committee notes that the Code has been prepared by the Electoral Commission. However, by the time the Code is laid in the Senedd, it has also been reviewed and approved by the Welsh Government. The Welsh Government is asked for a response in relation to the points identified below and for confirmation of who undertook the translation or dual-drafting of this Code.

1. In paragraph 1.1, there is a difference between the English and Welsh text. In the English text, it notes "by the Welsh Ministers" but the meaning given by the Welsh text is "by **one of** the Welsh Ministers".

2. In paragraph 1.2, there is a difference between the English and Welsh text. In the English text, it notes "in accordance with 100C PPERA" but the meaning given by the Welsh text is "in accordance with **section** 100C PPERA". This also occurs in paragraph 1.10, in the definition of "Reporting threshold" where it refers to "94(5) PPERA" in the English text but the meaning given by the Welsh text is "**section** 94(5) PPERA".

3. In paragraph 1.10, in the definition of "Relevant election", there is a difference between the English and Welsh text. In the English text, in the first bullet point, it notes "UK parliamentary elections" but the meaning given by the Welsh text is "Westminster parliamentary elections". The abbreviated term "UK" has been fully standardised as "DU", or "y Deyrnas Unedig" if using the full phrase, by the Glossary of the Welsh Government's Legislative Translation Unit.

4. In paragraph 2.12, there is a difference between the English and Welsh text. In the English text, the reference notes "PPERA" which is the defined term for the Political Parties, Elections and Referendums Act 2000 noted in paragraph 1.10 of the Code. However, in the Welsh text, the title of that Act has been repeated in full in the reference rather than using the definition that was given by paragraph 1.10. In addition, the year "2000" is also missing from the title that is used in the Welsh text of paragraph 2.12.

5. In paragraph 3.5, there is a slight difference between the English and Welsh text. In the English text, it notes "Non-party campaigner spending before an election is regulated" but the meaning given by the Welsh text is "Non-party campaigner spending **in the period** before an election is regulated".

6. In paragraph 3.7, there is a difference between the English and Welsh text. At the end of the English text, it notes "ending **on that date**" but the meaning given by the Welsh text is "ending **on the new poll date**" as found at the end of paragraph 3.6.

7. In paragraph 3.10, there is a difference between the English and Welsh text. In the English text, it notes "relevant part **of the UK**" but the meaning given by the Welsh text is "relevant part **of the countries of Britain**". This is significant because "the UK" includes Northern Ireland but "the countries of Britain" are Wales, England and Scotland. This problem occurs throughout the Welsh text of the Code and is particularly problematic in paragraph 4.2 in the list of bullet points where the same phrase meaning "countries of Britain" is used on each occasion for "UK". The term "UK" has been fully standardised as "DU", or "y Deyrnas Unedig" if using the full phrase, by the Glossary of the Welsh Government's Legislative Translation Unit.

8. In paragraph 3.19, there is a difference between the English and Welsh text. In the English text, it notes "or i**mplicitly** promotes" but the meaning given by the Welsh text is "or promotes". In addition, the meaning of the word "implicit" has been conveyed in the Welsh text of paragraph 3.18, so it is also inconsistent.

9. In paragraphs 3.38 and 3.44, there is a difference between the English and Welsh text. In the English text, it notes at the end of the paragraph, "this will not be **regulated**" but the meaning given by the Welsh text is "this will not be **a regulated activity**". In addition, the Welsh text is inconsistent with the end of provisions such paragraph 3.42 where a more literal phrase has been used that means "will not be regulated".

10. In paragraph 5.6, there a few differences between the English and Welsh text. In the English text, in the second sentence, it notes "do not need to be reported again **in the spending return**" but the meaning given by the Welsh text is "do not need to report again **on the spending**". In addition, in the same sentence, in the English text it also notes "**at the current election**" which is not included in the meaning of the Welsh text.

11. In paragraph 5.25, there is a difference between the English and Welsh text. In the English text, it notes "**must not** be reported" but the meaning given by the Welsh text is "**should not** be reported". The use of "ni ddylid" to express the meaning of both "must not" and "should not" also means that the reader cannot distinguish between those phrases in the Welsh text of the Code. The term "must not" has been standardised as "ni chaiff" by the Style Guide of the Welsh Government's Legislative Translation Unit. The same issue occurs in other places in the Welsh text of the Code, such as paragraphs 6.20 and 7.27.

12. In paragraph 5.26, there is a difference between the English and Welsh text. In the Welsh text, under the heading that corresponds to "Expenses that fall within the regulatory regime", there is an additional introductory sentence before the bullet points which is not found in the English text. The additional sentence notes, "Mae PPERA yn rhestru'n benodol y treuliau canlynol fel rhai sy'n dod o fewn y gyfundrefn

reoleiddio:" ("PPERA specifically lists the following expenses as those that fall within the regulatory regime:").

13. In paragraph 5.26, in the sixth bullet point, there is a difference between the English and Welsh text. In the Welsh text, the words that correspond to "annual conferences of the non-party campaigner" appear in a separate subpoint within the bullet point, and there is also another subpoint with a sentence regarding Northern Ireland which does not exist in the English text.

14. In paragraph 5.26, in the final bullet point, there is a difference between the English and Welsh text. In the English text, it notes "premises", but the meaning given by the Welsh text is "property" ("eiddo"). It also means that the reader of the Welsh text is unable to distinguish between the terms "premises" and "property" in paragraph 5.26 because the same word "eiddo" has been used to express the meaning of both those terms in that paragraph. The same issue occurs throughout the Code where "eiddo" has been used to express the meaning of "premises", e.g. in Annex A, the section for "Schedule 8A, paragraph 1(1)". The term "premises" has been standardised as "mangre" by the Glossary of the Welsh Government's Legislative Unit.

15. In paragraph 6.3, there is a difference between the English and Welsh text. In the English text, it notes "special rates", but the meaning given by the Welsh text is "special prices" ("brisiau arbennig"). In paragraphs 6.6, 6.13 and 6.16 when referring to "commercial rate" a different term is also used for "rate" in the same context, "cyfradd fasnachol". Therefore, it is also inconsistent with these other provisions in the Welsh text of the Code.

16. In paragraph 6.6, there is a difference between the English and Welsh text. In the English text, there is a conjunction "and" after the penultimate bullet point which shows the relationship between the bullet points. But in the Welsh text, there is no conjunction after that bullet point, and it has instead been included at the beginning of the final bullet point. The same issue occurs in the Welsh text of paragraph 8.4 of the Code. Also, in paragraph 6.9, there is an additional conjunction meaning "and the" at the beginning of the final bullet point in the Welsh text of the Code.

17. In paragraph 7.3, there is a slight difference between the English and Welsh text. In the English text, in the second and third bullet points, it notes "involved" but in the Welsh text it has been paraphrased as "involved **in the plan or arrangement**". In addition, in the Welsh text, the following paragraphs are inconsistent as they vary between using the phrase "rhan o" or "ymwneud â" to express the meaning of "involve" in the same context, e.g., paragraphs 7.12 and 7.14.

18. In paragraph 7.3, in the third bullet point, there is a difference between the English and Welsh text. In the English text it notes "**actually incurs** controlled expenditure" but there is nothing to convey the meaning of "actually" in the corresponding Welsh text.

In addition, in the Welsh text, the word that corresponds to "expenditure" appears in bold unlike in the English text.

19. In paragraph 7.7, there is a difference between the English and Welsh text. In the English text, it notes "no spending **will be incurred**" but the meaning of "will be incurred" has not been conveyed in the Welsh text so that it notes "there will be no spending". This is significant because "incur" is a defined term in the Code.

20. In paragraph 7.15, in the third bullet point, there is a difference between the English and Welsh text. In the English text, it notes "one party can veto or must approve another party's material". However, in the Welsh text, the word "party" has been expressed in both places by using the word "parti", but this is incorrect if it is referring to a political party which should be expressed by using "plaid". In addition, there is no word to convey the meaning of "must" so that the meaning given by the Welsh text is "can veto or approve" rather than "can veto or must approve".

21. In paragraphs 7.21 and 7.23, there is a difference between the English and Welsh text. In the English text, it notes "the lead campaigner" which is defined in bold in paragraph 7.20. However, in the Welsh text of paragraphs 7.21 and 7.23, it uses a different term "prif ymgyrchydd" in places to convey the meaning of "lead campaigner" rather than the defined term found in the Welsh text of paragraph 7.20, "ymgyrchydd arweiniol". It is particularly confusing in the Welsh text of paragraph 7.21 where the defined term "ymgyrchydd arweiniol" has been used in the first place where "lead campaigner" occurs but the different term "prif ymgyrchydd" is used later in the same sentence. The correct defined term is used in other provisions such as the Welsh text of paragraphs 7.25 and 7.26.

22. In paragraph 8.6, there is a difference between the English and Welsh text. In the English text it notes "donations from individuals or organisations that are on the list…" but there are additional words found in the Welsh text so that its meaning is "donations from individuals or organisations **located in one of the countries of Britain** that are on the list".

23. In Annex A, in the section for "Schedule 8A, paragraph 1(5)", there is a difference between the English and Welsh text. In a few of the bullet points, the phrase "**live** streaming or broadcasting" is used in the English text, but the meaning given by the Welsh text is "streaming or broadcasting".

24. In the Welsh text of the Code, there is a potential difference between the English and Welsh text. In the Welsh text, the meaning of "accept" has been expressed by using "derbyn" in relation to donations in paragraphs 8.6 and 8.7. However, the same term is used to express the meaning of "receive" in the same context such as in paragraphs 8.3 and 8.8. This is potentially significant because the reader of the Welsh text will be unable to distinguish between "accept" and "receive" in relation to donations. In the

Glossary of the Welsh Government's Legislative Translation Unit, "receive" has been standardised as "cael" rather than "derbyn" to help distinguish between those terms.

(ii) Inconsistent use of terms in the Welsh text

25. In paragraph 1.6, in the Welsh text, the term "Senedd Cymru" has been used on the first occasion, but it has already been defined as "y Senedd" in paragraph 1.4. Therefore, it would seem more appropriate to use "y Senedd" in the Welsh text of paragraph 1.6 as done on the second occasion it occurs in that paragraph.

26. In paragraph 1.10, in the Welsh text, the meaning of the definition "Controlled expenditure" has been expressed by using the definition "gwariant a reolir". However, a different term "gwariant rheoledig" is used in paragraph 4.11, and also for the definition of "notional controlled expenditure" in paragraph 1.10 and the Code. Therefore, the Welsh text is inconsistent and varies for its choice of term for "Controlled expenditure".

27. In paragraph 1.10, in the Welsh text, the meaning of the definition "Regulated period" has been expressed by using the definition "cyfnod a reoleiddir". However, a different term "cyfnod rheoleiddiedig" is used in the majority of provisions in the Code such as paragraphs 3.2 (where it appears in bold) and 3.4 to 3.11 etc (but not, for example, in paragraph 3.6 where the defined term is used). Therefore, the Welsh text is inconsistent and varies for its choice of term for "Regulated period" in this Code. In addition, there is an inconsistency across the Welsh text of the related Codes as to whether the same term is defined as "cyfnod a reoleiddir" or "cyfnod rheoleiddiedig'".

28. In paragraphs 1.13, 2.3 and 7.21, the term "laws" has been expressed by using the term "deddfau" in the Welsh text. However, this could suggest to the reader to the Welsh text that it is referring exclusively to primary legislation, "acts", rather than having a broader meaning. In addition, it is also inconsistent because a different word "cyfraith" has been used elsewhere in the Welsh text of the Code to express the meaning of "law(s)" in the same context.

29. In paragraph 4.11, in the Welsh text, "incur" has been expressed by using the word "gwneud". However, the term "Incur" has been been defined as "ysgwyddir" in the Welsh text of paragraph 1.10 for the Code. Therefore, the defined term should have been used in paragraph 4.11. In addition, the Welsh Government may wish to consider that the standardised term found for "incur" in the Glossary of the Welsh Government's Legislative Translation Unit is "mynd i" rather than "ysgwyddir".

30. In paragraphs 7.12 and 7.14, there is an inconsistency in the Welsh text of the Code. In paragraph 7.12, "share" has been expressed by using a more informal word "siâr" but in the second bullet point of paragraph 7.14 a different term "gyfran" has been used in the Welsh text although the context is the same.

31. In the Welsh text of the Code, the meaning of the word "apply" has been expressed in the majority of places by using "perthnasol", e.g. in paragraphs 1.6, 1.10, 1.13 and 7.1. However, this term is also used to express the term "relevant" elsewhere in the Welsh text of this Code such as paragraphs 1.10, 3.10 and 3.11. Therefore, the reader of the Welsh text will not be able to distinguish between the meaning of "relevant" and "apply" when reading the Code. The term "apply" has been fully standardised as "bod yn gymwys" in the Glossary of the Welsh Government's Legislative Translation Unit.

(iii) Other drafting issues

32. In paragraph 1.10, there is no definition of "Party list candidate" although the term is used in paragraph 3.12 of the Code.

33. In paragraph 1.10, the term "Incur" is defined for the Code. However, this term has not been defined in the other related Codes. Therefore, is there a reason for the different approach and why the term has been defined for this Code but not for the other related Codes?

34. In paragraph 1.10, in the definition of "PPERA", in the English text, the title of the Act is noted incorrectly as "the Political Parties, **Referendums and Elections** Act 2000". However, the correct title of that Act is "the Political Parties, **Elections and Referendums** Act 2000". In addition, it is not usually necessary to state "(as amended)" because legislation is generally interpreted as amended due to the effect of the Legislation (Wales) Act 2019 or the Interpretation Act 1978. In this regard, the definitions of legislation such as "PPERA" in the other Codes have not included that phrase at the end.

35. In paragraph 1.10, the term "Political party" is defined as a party which is registered under Part 2 PPERA. However, in several places in the Code, the phrase "**registered** political party" is used such as paragraphs 2.1, 5.25, 6.17 to 6.19 and 8.7. If the definition of "political party" is noted as a party which is registered under Part 2 PPERA then the word "registered" in those descriptions appear to be superfluous. It is also potentially misleading to the reader if both the terms "political party" and "registered political party" bear the same meaning in the Code.

36. In paragraph 1.10, in the definition of "Regulated period" it notes that it means the "relevant period" for a Senedd election as set out in section 89B(6) and paragraph 6 of Schedule 10 to PPERA. Should it also note "Welsh devolved regulated period" because that is the term found in section 89B(6) of PPERA, and "relevant period" is only found in Schedule 10 to PPERA? Both terms are noted later when explaining the meaning of "regulated period" in paragraph 3.4 of the Code.

37. In paragraph 1.10. in the definition of "Relevant election", are all of the elections set out in section 22(5) of PPERA relevant to Senedd elections, such as elections for Scotland and Northern Ireland?

38. In paragraph 1.10, in the definition of "Relevant election", in the third bullet point, in the Welsh text, it notes "Senedd Cymru" rather than "y Senedd". However, the term "y Senedd" has already been defined as meaning "Senedd Cymru" in paragraph 1.4 of the Code. Therefore, it would seem more appropriate to use "y Senedd" in the Welsh text of this bullet point in the definition of "Relevant election. This also occurs in the final line of the definition of "Targeted expenditure" in the Welsh text of paragraph 1.10.

39. In paragraph 3.10, it refers to "the **Electoral** Commission" but this body has already been defined as "the Commission" in paragraph 1.2, and that definition is used elsewhere in the Code. Therefore, the defined term "the Commission" should also have been used in paragraph 3.10 of the Code.

40. In Annex A, in the section for "Schedule 8A, paragraph 1(4)", the cited text from that paragraph of Schedule 8A to PPRA includes the sentence "Expenses in respect of the transport of such persons include the costs of hiring a particular means of transport.", This sentence isn't included in the html version on legislation.gov.uk or Lexis but does appear in the pdf version on legislation.gov.uk and Westlaw. Presumably the error is in the html version on legislation.gov.uk and Lexis?

## Government response

A Welsh Government response is required.

**Legal Advisers**
**Legislation, Justice and Constitution Committee**
**29 October 2025**

# SL(6)659 – The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2025

## Background and Purpose

These Regulations form part of a suite of Regulations that are referred to collectively as the Climate Change (Wales) Regulations 2025, which also include the Climate Change (Carbon Budget) (Wales) Regulations (which set a carbon budget, known as Carbon Budget 4, for 2031-2035) and the Carbon Accounting (Wales) (Amendment) Regulations 2025 (which amend the definition of a carbon unit).

These Regulations set a limit on the amount of carbon units that may be credited to the net Welsh emissions account, in accordance with section 33(4) of the Environment (Wales) Act 2016 (the "2016 Act").

Regulation 2 limits the number of carbon units that may be credited to the net Welsh emissions account for the budgetary period 2026-2030 to 0% of the carbon budget.

Before laying the draft Regulations, the Welsh Ministers obtained and took into account the advice of the Committee on Climate Change, in accordance with section 49(1) of the 2016 Act.

## Procedure

Draft Affirmative.

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

## Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

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

Regulation 2 refers to a number of terms which are defined by the parent Act to these regulations, the 2016 Act. Section 53 of the 2016 Act defines "carbon unit", "net Welsh emissions account", "budgetary period" and "carbon budget". The Legislation (Wales) Act 2019 does not contain a provision which provides that expressions used in subordinate legislation have the meaning which they bear in the Act under which the subordinate legislation is made. As a result, those terms will not bear the same defined meaning in regulation 2 of these Regulations that they have in Part 2 of the 2016 Act in the absence of

such an express interpretation provision. *Writing Laws for Wales*, paragraph 4.12(1), states as follows:

> *"A Welsh subordinate instrument should therefore include express provision wherever the intention is to attract meanings from the parent legislation".*

## 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**
**28 October 2025**

Llywodraeth Cymru
Welsh Government

# WRITTEN STATEMENT
# BY
# THE WELSH GOVERNMENT

| | |
|---|---|
| **TITLE** | **Laying Regulations to Set Carbon Budget 4 and Strengthen Wales' Net Zero Framework** |
| **DATE** | **14 October 2025** |
| **BY** | **Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs** |

Today, I am laying three sets of regulations before the Senedd that mark the next steps in Wales' journey to net zero carbon emissions by 2050.

These regulations set out our legal commitments to reduce emissions, strengthen our carbon accounting framework, and ensure that Wales continues to lead with integrity and ambition in tackling the climate and nature emergencies.

The regulations being laid ahead of a scheduled vote on 2 December 2025 are:

- **The Climate Change (Carbon Budget) (Wales) Regulations 2025** – setting the emissions reduction target for Carbon Budget 4 (2031–2035).
- **The Climate Change (Net Welsh Emissions Account Credit Limit) (Wales) Regulations 2025** – setting the carbon credit limit for Carbon Budget 3 (2026–2030).
- **The Carbon Accounting (Wales) (Amendment) Regulations 2025** – updating the definition of a carbon unit to reflect developments in international climate agreements.

Under the Environment (Wales) Act 2016, Welsh Ministers are required to seek and consider advice from the Climate Change Committee before laying regulations to set a carbon budget or offset limit in law. On 14 May 2025, the Climate Change Committee published its advice to the Welsh Government on Wales' Carbon Budget 4. I want to acknowledge the Committee's support and scrutiny in helping shape Wales' approach to net zero.

In their advice, the Climate Change Committee recommended that Carbon Budget 4 be set at a 73% average reduction in net Welsh emissions compared to 1990s levels. This is consistent with our statutory targets: an 89% reduction by 2040 and 100% – net zero – by

2050. These are ambitious targets, but they are necessary, achievable, and reflect the urgency of the challenge we face.

The Climate Change Committee further clarified on 24 July 2025, their recommendation that the offset limit for Carbon Budget 3 should be set at 0%, meaning the budget must be met entirely through domestic action in Wales. This continues the approach taken in Carbon Budget 2 and ensures our investment directly benefits communities in Wales.

The third regulation updates the Carbon Accounting (Wales) Regulations 2018. The current definition of a carbon unit is based on wording found in the Kyoto Protocol and is now outdated. The proposed amendment reflects the latest definition of a carbon unit as detailed in Article 6 of the Paris Agreement. This change will allow Welsh Ministers to be able to use internationally recognised carbon units under the Paris Agreement, if needed, while maintaining transparency. This is again, in line with the Climate Change Committee's advice of 24 July 2025.

Wales' carbon budgets are aligned with international standards. They set a cap on total territorial greenhouse gas emissions over a five-year period, helping us turn long-term goals into measurable action. They support planning across government, strengthen accountability, and ensure we remain on track to meet our target of net zero carbon emissions in Wales by 2050.

These regulations are more than technical instruments. They are a statement of intent – that Wales will continue to act decisively and fairly in response to the climate crisis. They provide the tools to manage future risks, drive progress, and support delivery across government and society.

The creation of green jobs and sustainable economic growth are at the heart of this Government. These priorities, alongside our legal commitments to future generations, equality and social partnership, are shaping our approach to climate action. Tackling climate change is not only about the important task of cutting emissions; it is also about creating opportunities, improving public health, and building a fairer, greener and stronger Wales.

By setting ambitious carbon budgets, modernising carbon accounting, and maintaining transparency, we can build investor confidence, support innovation, and create skilled jobs across Wales – ensuring a just transition to net zero that delivers lasting improvements for people, communities, and the Welsh economy.

# SL(6)660 – The Climate Change (Carbon Budget) (Wales) Regulations 2025

## Background and Purpose

These Regulations form part of a suite of regulations made under the Environment (Wales) Act 2016 ("the 2016 Act") that are referred to collectively as the Climate Change (Wales) Regulations 2025.

Part 2 of the 2016 Act requires the Welsh Ministers to meet targets for reducing net emissions of greenhouse gases in Wales.

Section 31(1) of the 2016 Act requires that the Welsh Ministers set carbon budgets for each 5-year budgetary period between 2016 and 2050.

Regulation 2 sets the carbon budget for the budgetary period 2031-2035 so it is limited to an average of 73% lower than the baseline.

Before setting carbon budgets in regulations, the Welsh Ministers must request, and take into account, advice from the Committee on Climate Change ("the CCC"). In May 2025, the CCC provided their advice to Welsh Ministers on the level of Wales' fourth carbon budget for the five-year period between 2031 to 2035 ("Carbon Budget 4"). In the Explanatory Memorandum accompanying the Regulations, the Welsh Government states that the purpose of these regulations is to accept the CCC's recommended level and set Carbon Budget 4 at an average of 73% lower than the baseline.

## 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 point is identified for reporting under Standing Order 21.2 in respect of this instrument.

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

In regulation 2, several terms are used which have been defined as terms for Part 2 of the 2016 Act, which is the parent Act of these Regulations, including "carbon budget", "budgetary period" and "baseline". However, the Legislation (Wales) Act 2019 does not contain a provision corresponding to section 11 of the Interpretation Act 1978, which

provides that expressions used in subordinate legislation have the meaning which they bear in the Act under which the subordinate legislation is made. As noted in Writing Laws for Wales, paragraph 4.12(1),

> *"A Welsh subordinate instrument should therefore include express provision wherever the intention is to attract meanings from the parent legislation".*

As a result, those terms will not bear the same defined meaning in regulation 2 of these Regulations that they have in Part 2 of the 2016 Act, in the absence of such an express interpretation provision.

## 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**
**28 October 2025**

Llywodraeth Cymru
Welsh Government

# WRITTEN STATEMENT
# BY
# THE WELSH GOVERNMENT

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2050. These are ambitious targets, but they are necessary, achievable, and reflect the urgency of the challenge we face.

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Wales' carbon budgets are aligned with international standards. They set a cap on total territorial greenhouse gas emissions over a five-year period, helping us turn long-term goals into measurable action. They support planning across government, strengthen accountability, and ensure we remain on track to meet our target of net zero carbon emissions in Wales by 2050.

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By setting ambitious carbon budgets, modernising carbon accounting, and maintaining transparency, we can build investor confidence, support innovation, and create skilled jobs across Wales – ensuring a just transition to net zero that delivers lasting improvements for people, communities, and the Welsh economy.

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

Ein cyf/Our ref: MA HIDCC 1855 25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
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20 October 2025

Dear Mike,

I am writing to inform the Committee of my intention to consent to the UK Government making and laying the Producer Responsibility Obligations (Packaging and Packaging Waste) (Amendment) Regulations 2025 ("the Regulations").

The Regulations intersect with devolved policy and will apply to Wales. The Regulations will be made by the Secretary of State for Environment, Food and Rural Affairs under the following provisions in the Environment Act 2021:

- sections 50(1), 51(1) and 143(1),
- paragraphs 1-5, 7 and 12-19 of Schedule 4,
- paragraphs 1-9 and 11-17 of Schedule 5.

Sections 50(3) and 51(3) of the Environment Act 2021 provide that such Regulations can be made by the Secretary of State in relation to Wales with the consent of the Welsh Ministers. The Regulations apply in relation to England, Scotland, Northern Ireland and Wales and a similar request for consent has been sent to Scottish Ministers and Northern Ireland Assembly Members.

The Regulations amend the Producer Responsibility Obligations (Packaging and Packaging Waste) Regulations 2024 which introduced an Extended Producer Responsibility (EPR) scheme for packaging and packaging waste on a UK basis from 1 January 2025. The packaging EPR scheme seeks to ensure that the efficient costs incurred by local authorities in managing packaging waste is met by the producers who use and supply packaging, applying the "polluter pays" principle.

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

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

Whilst it is normally the policy of the Welsh Government to legislate for Wales in matters of devolved competence, in certain circumstances there are benefits in legislating collaboratively with the UK Government, where there is a clear rationale for doing so. In this instance it will enable a single UK-wide SI to make provision for the UK-wide scheme as has been consulted upon, thereby ensuring consistency of approach across the UK. Further, the Regulations make amendments to an already existing UK-wide SI. It is therefore appropriate that these Regulations are made on a UK-wide basis.

It is anticipated that the Regulations will be laid before the UK Parliament using the affirmative procedure and are expected to come into force on 1 January 2026.

I have also written to Llŷr Gruffydd, 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

Mark Drakeford AS/MS
**Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg Cabinet Secretary for Finance and Welsh Language**

Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
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23 October 2025

Dear Mike,

I refer to my letter of 9 October 2025. I am writing to inform the Committee I have given my consent to the UK Government laying and making the Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment)) Regulations 2025. I have laid a Written Statement which can be found here.

The majority of this UK Statutory Instrument (UKSI) is giving effect to the international agreements ""the Agreement on Partnership and Cooperation with Iraq" and "the Strategic Partnership and Cooperation Agreement with Kazakhstan" and does not require WM's consent. However, there is a small element of the UKSI that relates to transitional provisions that amend a current UKSI known as The Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024. This element does require WM's consent.

Welsh Ministers will make separate regulations to give effect to the international agreements for Contracts covered by the Procurement Act 2023 for Wales. We still expect to lay "The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025" on 18 November 2025.

The UKSI intersect with devolved policy and will apply to Wales. The Regulations extend to Northern Ireland, England, and Wales. The UKSI is subject to the affirmative procedure and was laid before Parliament on 21 October 2025.

Yours sincerely,

Mark Drakeford

**Mark Drakeford AS/MS**
Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language

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Llywodraeth Cymru
Welsh Government

# WRITTEN STATEMENT
# BY
# THE WELSH GOVERNMENT

| | |
|---|---|
| **TITLE** | **The Organic Production (Amendment) Regulations 2025** |
| **DATE** | **24 October 2025** |
| **BY** | **Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change & Rural Affairs** |

Members of the Senedd will wish to be aware that we are giving consent to the Secretary of State exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Baroness Hayman, Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs, to make a Statutory Instrument (SI) entitled The Organic Production (Amendment) Regulations 2025 to apply in relation to Great Britain.

The above titled SI will be made by the Secretary of State in exercise of powers conferred by Article 22 (2)(b) of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products, as they are “necessary in order to ensure access to feed, seed and vegetative propagating material, live animals and other farm inputs, where such inputs are not available on the market in organic form”.

‘Article 38a(3) provides the WMs can provide their consent for the SoS to make regulations in relation to Wales.’

The Retained EU Regulation (EC) No 889/2008 permits time-limited derogations to be granted for the use of non-organic pullets (young chickens) in organic egg production, for the use of non-organic gellan gum in organic production and for the inclusion of up to 5% non-organic protein feed for pigs and poultry.

While these Regulations make provision in a devolved area of competence, these regulations are minor and ensure alignment for producers across the nations. As such, it is expedient to introduce a Great Britain-wide Statutory Instrument on this occasion.

These regulations expired on 31 December 2025, to allow the extension of the existing transitional provisions for Marketing Standards and Organic Products to 31 December 2026.

The regulations were laid before Parliament on 22 October 2025 to come into force on 1 January 2026.

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

Llywodraeth Cymru
Welsh Government

Peredur Owen Griffiths MS, Chair, Finance Committee

17 October 2025

Dear Peredur,

When I gave evidence on the Building Safety (Wales) Bill to the Finance Committee on 1 October, I agreed to write to you with further information on 3 matters:

1. A breakdown of the costs and benefits as stated in the Regulatory Impact Assessment, in relation to the specific policy requirements of the Bill.

   Annex 1 sets out a breakdown of the costs in relation to the specific policy requirements of the Bill.

   As I explained, we have not estimated the benefits of individual policy requirements, but Annex 2 sets out the method by which the monetised benefits of the Bill were estimated and why I believe the approach was appropriate.

2. A breakdown of the £25.51 million in administrative costs for the Welsh Government in relation to specific activities, and where it will incur ongoing costs.

   Annex 1 also sets out a breakdown of administrative costs for the Welsh Government.

3. Clarification on whether any costs faced by leaseholders or residents in relation to the Bill will be outside of the rent cap.

   For social housing that falls under the purview of the Welsh Government's Rent and Service Charge Standard, service charges are not included in the rent cap. Service charges have to be identified separately to rent. We also require social landlords to ensure rent and service charges are affordable and reasonable for their tenants.

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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.

Thank you for the Committee's work on the Bill. I hope this information helps and I look forward to receiving the Committee's report in due course.

I am copying this to the Chairs of the Local Government and Housing Committee and the Legislation, Justice and Constitution Committee.

Yours sincerely

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

## Annex 1: An estimate of costs arising from the Building Safety (Wales) Bill

### Costs in relation to the specific policy requirements of the Bill

Table 1 shows an estimate of present value costs for each of the specific policy requirements of the Bill.

**Table 1: 10yr NPV (£m) 2023 Prices**

| | Industry | Local Authorities | Fire and Rescue Authorities | Welsh Government | Total |
|---|---|---|---|---|---|
| Fire Safety Measures | £37.208 | £0.000 | £0.000 | £0.000 | £37.208 |
| Safety Case & Building Certificate | £4.326 | £0.623 | £0.648 | £0.000 | £5.597 |
| Golden Thread | £15.822 | £0.000 | £0.000 | £0.000 | £15.822 |
| Building Registration Information | £0.404 | £0.000 | £0.000 | £0.000 | £0.404 |
| Occurrence Recording and Reporting | £0.064 | £0.066 | £0.023 | £0.035 | £0.188 |
| Duties on Residents | £9.418 | £0.000 | £0.000 | £0.000 | £9.418 |
| Engaging Residents | £23.006 | £0.000 | £0.000 | £0.000 | £23.006 |
| Providing systems to receive building safety complaints | £22.233 | £1.262 | £0.302 | £0.000 | £23.797 |
| Sanctions and Enforcement | £1.939 | £0.280 | £1.474 | £21.515 | £25.208 |
| Building Registration | £0.079 | £2.347 | £0.000 | £0.485 | £2.912 |
| | **£114.499** | **£4.578** | **£2.447** | **£22.034** | **£143.560** |
| Familiarisation Costs | £1.296 | £0.037 | £0.017 | £0.000 | £1.350 |
| | **£115.795** | **£4.615** | **£2.464** | **£22.034** | **£144.910** |

### Administrative costs for the Welsh Government in relation to specific activities

In present value, costs for Welsh Government are discounted from £25.51m to £22.03m. Table 1 includes a breakdown of the present value costs for Welsh Government.

Sanction and Enforcement accounts for £21.515m or 98% of the total. This is the estimated cost of the new regime to the Residential Property Tribunal (RPT). The estimate is uncertain, being based on assumptions about the number of cases which the RPT may be asked to consider. Officials are working with the Welsh Tribunals Unit and the RPT to fully understand additional resource implications. If the Bill is passed, we will keep these costs under review throughout the phased implementation period. This will be a recurring cost to Welsh Government.

Other costs for Welsh Government include £0.485m for the development of secondary legislation and guidance. This will be a transitional cost to Welsh Government.

# Annex 2: Building Safety (Wales) Bill - Benefits Model: Assumptions, Methodology and Results

## 1.0 Introduction

1.1 This report outlines the methodology, underlying assumptions, and results of an assessment concerning the benefits associated with the occupation phase of the new building safety regime in Wales, as proposed under the Building Safety (Wales) Bill. It has been prepared to support the Finance Committee, specifically identifying which benefits have been monetised, and detailing the assumptions, methodologies, data sources, and evidence used in estimating the benefits of the Bill. To support understanding of the benefits calculation process, the report includes a worked example detailing the full sequence of benefit estimations for Category 1 buildings—defined as those exceeding 18 metres in height.

1.2 The analysis in the regulatory impact assessment (RIA) draws substantially on the methodology, data sources, and assumptions used in the analysis underpinning the UK Government's Building Safety Act 2022 (referred to as the England analysis). Nonetheless, it also incorporates the distinct policy context of Wales and leverages data that reflects the unique conditions and circumstances specific to the Welsh setting.

## 2.0 Policy Options

The analysis conducted by Adroit Economics evaluates the costs and benefits of two new policy options, in comparison to the baseline scenario:

- **Option 1**: Business as usual (the counterfactual): this represents the current approach with no changes to existing policy.

- **Option 2**: Do minimum: Legislate to introduce a new regime in Wales focusing on the occupation phase of a building's life cycle. The regime would cover the regulation of building safety risks in multi-occupied residential buildings of at least 18m. multi-occupied residential buildings under 18m and certain Houses in Multiple Occupation (HMOs) would be subject to the fire safety duties, including resident fire safety duties, but would be excluded from scope of the other duties in the regime.

- **Option 3**: Preferred option (the Bill): Legislate to introduce a new regime in Wales focusing on the occupation phase of a building's life cycle. It would cover the regulation of building safety risks in multi-occupied residential buildings. There would be three categories of building in scope of the regime as set out in section 6 below. Certain Houses in Multiple Occupation (HMOs) would be subject to the fire safety duties but would be excluded from scope of the other duties in the regime.

## 3.0 Appraisal period

The following appraisal periods are used for costs and benefits estimation:

### Costs – 10-year policy appraisal period

According to HM Treasury's Green Book, a 10-year appraisal period is standard for this type of policy intervention and is sufficient for a steady state to be reached where costs follow a broadly even profile over time and are relatively consistent annually beyond the 10-year appraisal period.

### Benefits – 70-year appraisal period (10-year policy period and 60-year building lifespan)

The 70-year appraisal period used to assess benefits to capture benefits that accrue during the 10-year policy appraisal period and the benefits (such as, health and environmental) that may persist over the lifespan of a building, assumed to be 60 years. This 70-year appraisal period is also consistent with the Green Book guidance on 'persistence' of benefits over longer time periods.

## 4.0 Start year and price year

The analysis uses a start year of 2027-28 and a price year of 2023-24

## 5.0 Monetised benefits

The benefits analysis includes avoided costs due to reduced fire incidents that includes fatalities and injuries, adverse mental health and well-being impacts on directly and indirectly affected individuals, and non-health impacts including property damage, personal possessions loss, displacement, and other service costs. The benefits analysis specifically accounts for the following categories of health and non-health impacts:

- *Health Impacts*
  - Fatalities – residents
  - Serious Injuries – residents
  - Slight Injuries – residents
  - Injuries - rescue services
  - Mental health - depression – residents/non-residents
  - Mental health – screening costs
  - Mental health - treatment – residents
  - Mental health - treatment – non-residents
- *Non-Health Impacts*
  - Lost personal possessions
  - Temporary accommodation
  - Residents' meetings
  - Demolition of building
  - Rebuilding /renovating cost
  - Legal fees
  - Specialist recovery
  - Experts' investigation

- Lost rent from commercial space

In addition, the assessment in the RIA estimates the costs of structural incidents that could be avoided by the policy.

## 6.0 Methodology, Assumptions, and Data Sources

The steps, assumptions and evidence that are used in the benefits analysis are as follows:

### Step 1: Categorising buildings in scope

For the purposes of this analysis, the buildings within scope have been categorised according to their height and size. Initially, they were classified into four broad groups: (i) Category 1 buildings – those measuring at least 18 metres in height or comprising a minimum of seven storeys; (ii) Category 2 buildings – those under 18 metres and fewer than seven storeys, but at least 11 metres or five storeys; (iii) Category 3 buildings – those below 11 metres in height and fewer than five storeys; (iv) Relevant Houses in Multiple Occupation (HMOs). For analytical purposes, category 2 and 3 classifications are further subdivided into three subcategories based on height and size:

- Large blocks of flats (containing more than 25 units) in 4-7 storeys buildings.
- Small blocks of flats (comprising between 6 and 25 units) in 1-3 storeys buildings.
- Converted houses (containing between 2 and 5 units).

This classification by height and size is essential, as these factors influence the potential number of occupants and dwellings that may be directly impacted in the event of a fire.

### Step 2: Identifying common types of fire incident

The fire spread incident types adopted in the analysis are:

- Major incidents - apply to large category 1 and 2 buildings where the fire affects the whole building and there are many casualties.
- Medium incidents – apply to all buildings (including category 3 buildings and HMOs) where the fire affects the whole building, but there are a limited number of casualties, and
- Minor incidents – which apply to all buildings where the fire spreads beyond the room of origin but is limited to 1 or 2 floors.
- Fire ignitions in communal areas that start but do not spread.

In identifying fire spread types, the analysis builds upon the classification used in the England assessment—primarily focused on buildings 18 metres and above—and expands it to include additional categories relevant to multi-occupied buildings of all heights, reflecting the broader scope of the Welsh regime. The analysis also draws on data from the Welsh Fire Statistics to identify fire incidents that originate but do not result in further spread.

### Step 3: Estimating the extent and scale of casualties and other losses associated with each type of fire spread incident

In assessing the impact of a major fire in a large multi-occupied residential building, this analysis adopts the same assumptions regarding the extent of damage and casualty profiles as those used in the England assessment. The England analysis compiled a

comprehensive list of loss types associated with major fire spread incidents by reviewing recent cases in similar buildings and incorporating findings from the Grenfell Tower Inquiry. The table below outlines the estimated scale of losses for an incident comparable to Grenfell Tower.

**Table 1: Scale of Loss for an Accident Comparable to Grenfell Tower**

| | | **Grenfell Tower Economic Costs** |
|---|---|---|
| Type of impact | Type of unit | number of units |
| **Health Impacts** | | |
| Fatalities – residents | number of persons | 72 |
| Serious Injuries – residents | number of persons | 20 |
| Slight Injuries – residents | number of persons | 42 |
| Injuries - rescue services | number of emergency personnel | 114 |
| Mental health - treatment - residents | number of residents | 231 |
| Mental health - op - screening | number of non-residents - family, friends, neighbours | 11,000 |
| Mental health - treatment - other | number of non-residents - family, friends, neighbours | 3,630 |
| Mental health - wellbeing - avoiding depression | number of non-residents - family, friends, neighbours | 3,630 |
| **Non-Health Impacts** | | |
| Demolition of building | number of buildings | 1 |
| Rebuilding cost | number of flats | 120 |
| Lost personal possessions | number of flats | 120 |
| Specialist recovery | number of flats | 120 |
| Temporary accommodation | number of residents | 231 |
| Lost rent from commercial space | number of weeks | 48 |
| Experts' investigation | average cost of investigation | 1 |
| Legal fees | average cost of investigation | 1 |
| Residents' meetings | number of meetings | 10 |

Consistent with the approach taken in the England analysis, this assessment assumes that only a proportion of impacts is likely to occur in future fire spread incidents, due to changes in Fire and Rescue Service strategies and evolving resident evacuation behaviours. This proportion is further adjusted based on building size, including the number of flats, and the extent of fire spread. The table below outlines the assumed

proportion of Grenfell Tower losses applicable to each fire incident type within Category 1 buildings -- those measuring over 18m height.

**Table 2: Assumptions regarding proportion of Grenfell Tower losses to occur in each type of fire spread incident for Cat 1 buildings**

| **Type of impact** | Major incident - with fatalities | Major incident - with reduced fatalities | Medium incident - with casualties | Medium incident - without casualties | Minor incident - 2 floors | Minor incident - 1 floor |
|---|---|---|---|---|---|---|
| **Health Impacts** | | | | | | |
| Fatalities – residents | 25% | 5% | * | 0% | * | * |
| Serious Injuries – residents | 25% | 25% | * | 0% | * | * |
| Slight Injuries – residents | 25% | 25% | * | 0% | * | * |
| injuries - rescue services | 25% | 25% | 5% | 0% | 0% | 0% |
| mental health - treatment - residents | 50% | 25% | 5% | 0% | 0% | 0% |
| mental health - op - screening | 50% | 25% | 5% | 0% | 0% | 0% |
| mental health - treatment - other | 50% | 25% | 5% | 0% | 0% | 0% |
| mental health - wellbeing - avoiding depression | 50% | 25% | 5% | 0% | 0% | 0% |
| **Non-Health Impacts** | | | | | | |
| Demolition of building | 100% | 100% | 0% | 0% | 0% | 0% |
| rebuilding cost | 50% | 50% | 10% | 10% | 1% | 0.5% |
| lost personal possessions | 50% | 50% | 10% | 10% | 1% | 0.5% |
| specialist recovery | 50% | 50% | 10% | 10% | 1% | 0.5% |
| temporary accommodation | 50% | 50% | 10% | 10% | 1% | 0.5% |
| lost rent from commercial space | 50% | 50% | 10% | 10% | 1% | 0.5% |
| experts’ investigation | 50% | 50% | 10% | 10% | 1% | 0.5% |
| legal fees | 50% | 50% | 10% | 10% | 1% | 0.5% |
| residents’ meetings | 50% | 50% | 10% | 10% | 1% | 0.5% |

Regarding medium, minor fire incidents and fires in common areas in all multi-occupied residential buildings and HMOs, this analysis also draws on the incident level fire statistics for Wales which provide data on the number of casualties associated with different types of fires. The extent of damage is estimated in the analysis based on the size of the building (and number of flats) and on the extent of fire spread.

**Step 4: Monetising the losses associated with each type of fire incident**

This analysis incorporates findings from the England assessment, drawing on a combination of published statistics, evidence from the Grenfell Tower fire, and research into several recent major fire incidents. It also utilises additional metrics, including the average cost of a fire and reconstruction expenses. The economic cost per unit values applied to each impact type are presented in the following table and are gathered from the Department for Transport (DfT) TAG Databook, case studies, and consultants' industry expertise.

**Table 3: Unit Values used in the Analysis for Each Type of Impact**

| Type of impact | Type of unit | Economic cost per unit |
|---|---|---|
| **Health Impacts** | | |
| Fatalities – residents | per person | £2,650,033 |
| Serious Injuries - residents | per person | £294,835 |
| Slight Injuries - residents | per person | £22,652 |
| Injuries - rescue services | per person | £98,849 |
| Mental health - treatment - residents | per person | £11,000 |
| Mental health - op – screening - family, friends, neighbours | per person | £200 |
| Mental health - treatment - family, friends, neighbours | per person | £6,000 |
| Mental health - wellbeing - avoiding depression – residents, family, friends, neighbours | per person | £60,000 |
| **Non-Health Impacts** | | |
| Demolition of building | per building | £800,000 |
| Rebuilding cost | per flat | £300,000 |
| Lost personal possessions | per flat | £25,000 |
| Specialist recovery | per flat | £2,000 |
| Temporary accommodation | per resident | £1,200 |
| Lost rent from commercial space | per week | £15,000 |
| Experts' investigation | per building | £250,000 |
| Legal fees | per building | £1,000,000 |
| Residents' meetings | per meetings | £1,250 |

The economic costs of each type of fire incidents for the buildings in scope (e.g., Cat 1 buildings) are estimated by assigning economic cost per unit for each type of impact to the proportion of Grenfell Tower type incident losses assumed to occur for the building categories. For example, the economic costs of fatalities (residents) for a fire type (e.g., major incident with multiple fatalities) are estimated as follows: unit values of fatalities as shown in Table 3 (£2,650,033) * % of Grenfell Tower losses of Table 2 (25%) * number of fatalities of Table 1 (72) = £47m, and this provides the first entry of the following table which presents the estimated losses for each fire incident type within Category 1 buildings in Wales.

**Table 4: Economic Costs of Fire Incidents for Cat 1 Buildings**

| Type of impact | Major incident - with multiple fatalities | Major incident - with reduced fatalities | Medium incident - with fatalities | Medium incident - without fatalities | Minor incident - 2 floors | Minor incident - 1 floor | Fires in common areas |
|---|---|---|---|---|---|---|---|
| **Health Impacts** | | | | | | | |
| Fatalities - residents | £47,700,599 | £9,540,120 | £441,672 | £0 | £82,814 | £82,814 | £ - |
| Serious Injuries - residents | £1,474,174 | £1,474,174 | £147,417 | £0 | £59,888 | £59,888 | £22,593 |
| Slight Injuries - residents | £237,843 | £237,843 | £11,326 | £0 | £4,601 | £4,601 | £1,736 |
| Injuries - rescue services | £2,817,183 | £2,817,183 | £563,437 | £0 | £0 | £0 | £ - |
| Mental health - treatment - residents | £1,270,500 | £635,250 | £127,050 | £0 | £0 | £0 | £ - |
| Mental health - op - screening | £1,100,000 | £550,000 | £110,000 | £0 | £0 | £0 | £ - |
| Mental health - treatment - other | £10,890,000 | £5,445,000 | £1,089,000 | £0 | £0 | £0 | £ - |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Mental health - wellbeing - avoiding depression | £108,900,000 | £54,450,000 | £10,890,000 | £25,200 | £25,200 | £ 25,200 | £25,200 |
| **Total Health Costs, £m** | **£174m** | **£75m** | **£13m** | **£0.03m** | **£0.2m** | **£ 0.2m** | **£0.05m** |
| **Non-Health Impacts** | | | | | | | |
| Demolition of building | £800,000 | £800,000 | £0 | £0 | £0 | £0 | |
| Rebuilding cost | £18,000,000 | £18,000,000 | £3,600,000 | £3,600,000 | £360,000 | £180,000 | £22,100 |
| Lost personal possessions | £1,500,000 | £1,500,000 | £300,000 | £300,000 | £30,000 | £15,000 | |
| Specialist recovery | £120,000 | £120,000 | £24,000 | £24,000 | £2,400 | £1,200 | |
| Temporary accommodation | £138,600 | £138,600 | £27,720 | £27,720 | £2,772 | £1,386 | |
| Lost rent from commercial space | £360,000 | £360,000 | £72,000 | £72,000 | £7,200 | £3,600 | |
| Experts' investigation | £125,000 | £125,000 | £25,000 | £25,000 | £2,500 | £1,250 | |
| Legal fees | £500,000 | £500,000 | £100,000 | £100,000 | £10,000 | £5,000 | |
| Residents' meetings | £6,250 | £6,250 | £1,250 | £1,250 | £125 | £63 | £63 |
| **Total non-health costs, £m** | **£21.5m** | **£21.5m** | **£4.1m** | **£4.1m** | **£0.4m** | **£0.2m** | **£0.02m** |

**Step 5: Scaling up** –

In this final stage, the analysis estimates the number of fire incidents—and the related economic losses—expected to occur in applicable buildings across Wales over a 10-year policy appraisal period, both in the absence of the new building safety regime (counterfactual) and with its implementation. This stage involves estimating the baseline probability of fire incidents, assessing potential risk reductions over time through remediation under the baseline scenario, and additional risk mitigation through the policy measures. The outcome is a reduction in fire incidents attributed to the policy, along with the monetised value of those avoided incidents. The activities and assumptions underpinning both the counterfactual and policy scenarios are outlined below:

**Without the Bill (Counterfactual) --** The annual probability of each fire incident type occurring across building categories in Wales is estimated using baseline figures from the England analysis, adjusted for Welsh proportion of the stock of buildings and fire statistics (pre-counterfactual scenario). Over the 10-year appraisal period, these probabilities are expected to decline due to increased remediation of at-risk buildings, improved building management, and enhanced resident engagement—particularly reducing the risk of fire spread in taller buildings (counterfactual scenario). Adjustments are made to reflect the varying relevance of remediations across building heights.

**With the Bill (Policy Regime) --** The analysis anticipates a further reduction in fire spread risks through measures under the new regime. It assumes that principal accountable persons will proactively assess buildings and collaborate with residents to address identified issues. The Bill is expected to have the greatest impact on mitigating major fire incidents in Category 1 buildings, with more modest risk reductions in smaller buildings and less severe fire types, and adjustments are made to reflect this variation.

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## 7.0 Illustrative calculations sequence for category 1 buildings at step 5 (Scaling up)

This section outlines a worked example demonstrating the methodology used to estimate the benefits—both in terms of reduced fire incidents and their associated economic value—attributable to the Building Safety Bill, beyond those expected under the counterfactual scenario. The example focuses on Category 1 buildings, with similar calculations applied to other building categories.

### 7.1 Estimating baseline fire incident probabilities (pre-counterfactual)

Baseline fire risks are assessed using historical data for the pre-policy (counterfactual) scenario. Major fire incident risks are adapted from England analyses and adjusted to reflect conditions in Wales. Medium and minor fire risks are derived from Welsh fire statistics covering the five-year period from 2018 to 2023.

| Table 5: Estimated Risk of Fires - pre counterfactual (Baseline) - (% probability of fire occurring each year - historic data) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | 2033 | 2034 |
| | Incidents per annum | yr1 | yr2 | yr3 | yr4 | yr5 | yr6 | yr7 | yr8 | yr9 | yr10 |
| Major incident 25% fatalities | 0.00030 | 0.0003 | 0.0003 | 0.0003 | 0.0003 | 0.0003 | 0.0003 | 0.0003 | 0.0003 | 0.0003 | 0.0003 |
| Major incident (whole building loss) | 0.00192 | 0.0019 | 0.0019 | 0.0019 | 0.0019 | 0.0019 | 0.0019 | 0.0019 | 0.0019 | 0.0019 | 0.0019 |
| Medium incident (casualties) | 0.20000 | 0.2000 | 0.2000 | 0.2000 | 0.2000 | 0.2000 | 0.2000 | 0.2000 | 0.2000 | 0.2000 | 0.2000 |
| Medium incident (no casualties) | 0.27000 | 0.2700 | 0.2700 | 0.2700 | 0.2700 | 0.2700 | 0.2700 | 0.2700 | 0.2700 | 0.2700 | 0.2700 |
| Minor incident (2 floors) | 0.07000 | 0.0700 | 0.0700 | 0.0700 | 0.0700 | 0.0700 | 0.0700 | 0.0700 | 0.0700 | 0.0700 | 0.0700 |
| Minor incident (1 floor) | 0.96000 | 0.9600 | 0.9600 | 0.9600 | 0.9600 | 0.9600 | 0.9600 | 0.9600 | 0.9600 | 0.9600 | 0.9600 |
| Fires in common areas | 5.38000 | 5.3800 | 5.3800 | 5.3800 | 5.3800 | 5.3800 | 5.3800 | 5.3800 | 5.3800 | 5.3800 | 5.3800 |

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### 7.2 Risk reduction for remediation efforts under the counterfactual scenario

An improvement in fire safety is expected even without the implementation of the Bill, driven by a proportion of remediated buildings, better building management, fire evacuation practices, and residents' engagement. These efforts are particularly effective in reducing the risk of severe fire spread in taller buildings, with more limited impact on lower-rise structures. A risk reduction adjustment factor is applied to account for this variation.

| Table 6: The anticipated improvement to fire safety without the Bill, based on the increasing proportion of buildings that are remediated (changes to the baseline counterfactual) | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | yr1 | yr2 | yr3 | yr4 | yr5 | yr6 | yr7 | yr8 | yr9 | yr10 |
| risk reduction | | 10% | 20% | 30% | 40% | 50% | 55% | 60% | 65% | 70% | 70% |
| relative risk of fire spread due to defect remediation compared to baseline fire statistics | | 90% | 80% | 70% | 60% | 50% | 45% | 40% | 35% | 30% | 30% |
| Gross impacts net of counterfactual | | | | | | | | | | | |
| | risk reduction adjustment factor | yr1 | yr2 | yr3 | yr4 | yr5 | yr6 | yr7 | yr8 | yr9 | yr10 |
| Major incident 25% fatalities | 100% | 0.0003 | 0.0002 | 0.0002 | 0.0002 | 0.0001 | 0.0001 | 0.0001 | 0.0001 | 0.0001 | 0.0001 |
| Major incident (whole building loss) | 100% | 0.0017 | 0.0015 | 0.0013 | 0.0011 | 0.0010 | 0.0009 | 0.0008 | 0.0007 | 0.0006 | 0.0006 |
| Medium incident (casualties) | 100% | 0.1800 | 0.1601 | 0.1397 | 0.1194 | 0.0990 | 0.0900 | 0.0800 | 0.0700 | 0.0600 | 0.0603 |
| Medium incident (no casualties) | 100% | 0.2430 | 0.2161 | 0.1886 | 0.1612 | 0.1337 | 0.1215 | 0.1080 | 0.0945 | 0.0810 | 0.0814 |
| Minor incident (2 floors) | 30% | 0.0679 | 0.0658 | 0.0637 | 0.0615 | 0.0594 | 0.0585 | 0.0574 | 0.0564 | 0.0553 | 0.0553 |
| Minor incident (1 floor) | 10% | 0.9504 | 0.9408 | 0.9311 | 0.9213 | 0.9115 | 0.9072 | 0.9024 | 0.8976 | 0.8928 | 0.8929 |
| Fires in common areas | 10% | 5.3262 | 5.2727 | 5.2179 | 5.1631 | 5.1084 | 5.0841 | 5.0572 | 5.0303 | 5.0034 | 5.0041 |

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### 7.2.1 Additional risk reductions under the policy regime

Further reductions in fire risk are attributed directly to the implementation of the Building Safety Bill, reflecting the enhanced safety measures it introduces.

| Table 7- Assumptions on Further Risk Reduction for the Building Safety Bill | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | yr1 | yr2 | yr3 | yr4 | yr5 | yr6 | yr7 | yr8 | yr9 | yr10 |
| Further risk reduction attributable to the Building Safety Bill | | *2%* | *5%* | *10%* | *15%* | *20%* | *30%* | *40%* | *50%* | *60%* | *75%* |
| Risk reduction adjustment factor | | yr1 | yr2 | yr3 | yr4 | yr5 | yr6 | yr7 | yr8 | yr9 | yr10 |
| Major incident 25% fatalities | 100% | 2% | 5% | 10% | 15% | 20% | 30% | 40% | 50% | 60% | 75% |
| Major incident - minor fatalities | 100% | 2% | 5% | 10% | 15% | 20% | 30% | 40% | 50% | 60% | 75% |
| Medium incident (casualties) | 75% | 2% | 4% | 8% | 11% | 15% | 23% | 30% | 38% | 45% | 56% |
| Medium incident (no casualties) | 50% | 1% | 3% | 5% | 8% | 10% | 15% | 20% | 25% | 30% | 38% |
| Minor incident (2 floors) | 50% | 1% | 3% | 5% | 8% | 10% | 15% | 20% | 25% | 30% | 38% |
| Minor incident (1 floor) | 25% | 1% | 1% | 3% | 4% | 5% | 8% | 10% | 13% | 15% | 19% |
| Fires in common areas | 50% | 1% | 3% | 5% | 8% | 10% | 15% | 20% | 25% | 30% | 38% |



### 7.4 Estimating the reduction in fire incidents

The reduction in fire incidents is calculated by applying the risk reduction percentages (as shown in Table 7) to the counterfactual probabilities of fire incidents (Table 6).

| Table 8- Resulting Reduced Number of Incidents for the Building Safety Bill | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | yr1 | yr2 | yr3 | yr4 | yr5 | yr6 | yr7 | yr8 | yr9 | yr10 |
| Major incident 25% fatalities | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0000 | 0.0001 | 0.0001 | 0.0001 |
| Major incident - minor fatalities | 0.0000 | 0.0001 | 0.0001 | 0.0002 | 0.0002 | 0.0003 | 0.0003 | 0.0003 | 0.0003 | 0.0004 |
| Medium incident (casualties) | 0.0027 | 0.0060 | 0.0105 | 0.0134 | 0.0149 | 0.0203 | 0.0240 | 0.0263 | 0.0270 | 0.0339 |
| Medium incident (no casualties) | 0.0024 | 0.0054 | 0.0094 | 0.0121 | 0.0134 | 0.0182 | 0.0216 | 0.0236 | 0.0243 | 0.0305 |
| Minor incident 2 floors) | 0.0007 | 0.0016 | 0.0032 | 0.0046 | 0.0059 | 0.0088 | 0.0115 | 0.0141 | 0.0166 | 0.0207 |
| Minor incident (1 floor) | 0.0048 | 0.0118 | 0.0233 | 0.0345 | 0.0456 | 0.0680 | 0.0902 | 0.1122 | 0.1339 | 0.1674 |
| Fires in common areas | 0.0533 | 0.1318 | 0.2609 | 0.3872 | 0.5108 | 0.7626 | 1.0114 | 1.2576 | 1.5010 | 1.8765 |

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### 7.5 Estimating the monetised value of avoided accidents

To quantify the economic benefits or avoided costs, the cost per fire incident type is applied to the estimated reduction in incidents, yielding the total monetised value of avoided fires under the policy regime.

| Table 9- Monetised Value (£) of avoided incidents | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| **Health Impacts** | cost per incident | yr1 | yr2 | yr3 | yr4 | yr5 | yr6 | yr7 | yr8 | yr9 | yr10 |
| Major incident 25% fatalities | 174,390,000 | 927 | 2,062 | 3,600 | 4,613 | 5,101 | 6,955 | 8,243 | 9,016 | 9,273 | 11,642 |
| Major incident - minor fatalities | 75,150,000 | 2,597 | 5,776 | 10,082 | 12,920 | 14,289 | 19,481 | 23,088 | 25,253 | 25,975 | 32,609 |
| Medium incident (casualties) | 13,430,000 | 36,261 | 80,629 | 140,753 | 180,370 | 199,481 | 271,958 | 322,320 | 352,538 | 362,610 | 455,231 |
| Medium incident (no casualties) | 30,000 | 73 | 162 | 283 | 363 | 401 | 547 | 648 | 709 | 729 | 915 |
| Minor incident (2 floors) | 180,000 | 122 | 296 | 573 | 831 | 1,069 | 1,578 | 2,066 | 2,536 | 2,986 | 3,735 |
| Minor incident (1 floor) | 180,000 | 855 | 2,117 | 4,190 | 6,219 | 8,204 | 12,247 | 16,243 | 20,196 | 24,106 | 30,136 |
| Fires in common areas | 50,000 | 2,663 | 6,591 | 13,045 | 19,362 | 25,542 | 38,131 | 50,572 | 62,879 | 75,051 | 93,827 |
| **Total (non-discounted)** | | 40,836 | 97,633 | 159,480 | 205,315 | 228,546 | 312,765 | 372,609 | 410,247 | 425,678 | 534,268 |
| **PV (Discounted value)** | | **£0** | **£35,753** | **£77,147** | **£130,504** | **£161,077** | **£193,089** | **£255,042** | **£295,212** | **£314,525** | **£373,363** |
| **Non-Health Impacts** | | | | | | | | | | | |
| Major incident 25% fatalities | 21,550,000 | 115 | 255 | 445 | 570 | 630 | 859 | 1,019 | 1,114 | 1,146 | 1,439 |
| Major incident - minor fatalities | 21,550,000 | 745 | 1,656 | 2,891 | 3,705 | 4,098 | 5,586 | 6,621 | 7,242 | 7,448 | 9,351 |
| Medium incident (casualties) | 4,150,000 | 11,205 | 24,915 | 43,494 | 55,736 | 61,642 | 84,038 | 99,600 | 108,938 | 112,050 | 140,671 |
| Medium incident (no casualties) | 4,150,000 | 10,085 | 22,424 | 39,145 | 50,162 | 55,478 | 75,634 | 89,640 | 98,044 | 100,845 | 126,604 |
| Minor incident (2 floors) | 410,000 | 278 | 675 | 1,305 | 1,892 | 2,435 | 3,595 | 4,707 | 5,776 | 6,802 | 8,507 |
| Minor incident (1 floor) | 210,000 | 998 | 2,470 | 4,888 | 7,255 | 9,571 | 14,288 | 18,950 | 23,562 | 28,123 | 35,159 |
| **Fires in common areas** | 20,000 | 1,065 | 2,636 | 5,218 | 7,745 | 10,217 | 15,252 | 20,229 | 25,152 | 30,020 | 37,531 |
| **Total (non-discounted)** | | **24,490** | **55,031** | **97,386** | **127,066** | **144,070** | **199,252** | **240,765** | **269,826** | **286,435** | **359,260** |
| **PV (Discounted value)** | | **24,490** | **53,170** | **90,911** | **114,606** | **125,549** | **167,765** | **195,863** | **212,081** | **217,522** | **263,600** |
| Total Discounted Benefits (cumulative) | **19,683,620** | | | | | | | | | | |

In addition to these benefits, the discounted avoided costs for structural incidents in category 1 buildings are estimated at approximately £136k.

A comparable sequence of calculations is undertaken to estimate the monetised value of avoided costs as result of reduced fires for other building types, including 4–6 storey buildings and buildings under 4 storeys.

## 8.0 Non-monetised Benefits

As mentioned in the RIA, several identified benefits have not been monetised due to insufficient evidence to support reliable estimation or because detailed analysis was deemed disproportionate. These may be monetised in future in post-evaluation stage, subject to the availability of robust data.

- **Enhanced resident well-being**: A key non-monetised benefit is the anticipated improvement in residents' sense of safety within multi-occupied buildings, reducing anxiety about fire risks. This outcome is expected through proactive safety measures, improved communication, efficient complaint handling, and the establishment of building safety authorities. Quantifying this benefit remains challenging due to the complexity and cost of gathering preference-based evidence.

- **Increased confidence in mortgage and insurance markets:** The regime may strengthen mortgage and insurance markets by enabling lending against previously excluded properties and reducing insurance premiums through clearer risk differentiation. While evidence on post-remediation insurance costs is mixed, improved confidence could stimulate further investment in affected buildings.

- **Lower firefighting costs:** A reduction in fire incidents would decrease operational costs for Fire and Rescue Services, particularly for retained firefighters who are compensated per response. Avoided fires also reduce expenditure on fuel, materials, and equipment wear.

- **Environmental protection:** Fewer fires would lead to reduced use of firefighting chemicals, thereby lowering environmental contamination and associated health risks.

- **Reduced enforcement costs:** Competency requirements for fire risk assessors and clearer accountability for buildings over 11 metres are expected to streamline inspections and enforcement.

- **Improved sector intelligence:** Enhanced recording and reporting of safety incidents will promote shared learning and provide authorities with better insights into systemic safety issues.

## 9.0 Total Estimated Benefits of the Building Safety Bill

| Total Benefits (in present value), £ | | |
|---|---|---|
| | **Option 2** | **Option 3** |
| 7 storeys+ | £19,820,068 | £19,820,068 |
| 4-6 storeys | £3,228,855 | £6,809,985 |
| Under 4 storeys | £30,307,711 | £34,328,225 |
| HMO | £1,645,106 | £1,645,106 |
| **Total benefits** | **£55,001,740** | **£62,603,384** |

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While these figures provide valuable insight, they do not capture the full picture as many potential benefits are not monetised due to the lack of evidence and data constraints. For example, in the assessment included in the RIA, certain benefits—particularly the broader reduction in anxiety and the enhanced well-being of residents who feel reassured about the safety of their buildings—could not be monetised. Had all these intangible benefits been quantified, they would have contributed toward closing the benefit-cost gap or even shown that the benefits outweigh the costs.

## 10.0 Concluding Remarks and Limitations of the Assessment

The benefits analysis conducted by Adroit Economics evaluates the Building Safety Bill as a complete set of measures. Due to limited supporting evidence and data constraints, it is challenging to isolate and attribute specific benefits to individual policy components—for instance, there is insufficient supporting evidence to quantify the fire risk reduction resulting solely from increased resident engagement or golden thread information. However, this comprehensive approach could be useful in shaping the design and focus of the post-implementation review, particularly when more context-specific data will be available for England and Wales.

It is further important to note that the cost and benefit estimates in the RIA are based on provisional assumptions regarding the operational characteristics of the proposed regime. These assumptions have been reviewed and refined in consultation with key stakeholders, including representatives from industry, the UK Government, the Health and Safety Executive, Community Housing Cymru, Welsh local authorities, the Welsh Local Government Association, and Welsh fire and rescue authorities. Despite these efforts, a degree of uncertainty remains. Specifically, assumptions related to fire risk profiles for the buildings in scope, % of risk reductions over years, risk adjustments for fire and building types, and potential loss estimates are inherently uncertain. While the extent of uncertainty varies across individual assumptions, it collectively contributes to variability in the overall cost-benefit estimates.

**The Welsh Government's Response to the Legislative Consent Memorandum on the Dogs (Protection of Livestock) (Amendment) Bill**

**Welsh Government response to the Legislation, Justice and Constitution Committee's report**

**October 2025**

### Introduction

The Dogs (Protection of Livestock) (Amendment) Bill ("the Bill") was introduced in the House of Commons on 21 October 2024. The Bill is a Private Member's Bill, introduced by Aphra Brandreth MP and is supported by the Department for Environment, Food and Rural Affairs. The Bill makes various provisions to amend the Dogs (Protection of Livestock) Act 1953, including increasing penalties, expanding the definition of livestock and the locations where incidents take place, and giving police more powers of evidence collection and dog detention. These measures are intended to improve enforcement outcomes and act as a preventative for dog attacks on livestock. The Bill completed its passage through the House of Commons on 4 July 2025 and received its Second Reading in the House of Lords on 5 September 2025.

Legislative consent is required as the Bill makes provision with regard to devolved matters in so far as it applies to Wales, notably, animal health and welfare. A Legislative Consent Memorandum (LCM) was laid before the Senedd on 30 May 2025. On 19 September 2025, the Legislation, Justice and Constitution Committee (LJCC) agreed its report on the LCM. The Report contained a single conclusion and two recommendations.

With thanks to the members of the LJCC for their report on the Bill, I have set out my response to the Report's individual conclusion and recommendations below.

## Responses to recommendations

**Conclusion 1. The Committee concludes:**

**"We agree with the Welsh Government's assessment of the provisions within the Bill as set out in the Memorandum that require the consent of the Senedd in accordance with Standing Order 29."**

Response: The Welsh Government notes this conclusion.

**Recommendation 1. The Committee recommends:**

**"The Cabinet Secretary should state whether the Welsh Government agrees with the UK Government's position and considers that reserved matters are engaged to an extent that prevents the Senedd from making this legislation."**

Response: The UK Government is of the view that the Bill does not require a legislative consent motion of Senedd Cymru on the basis that all Bill provisions relate to the matter of dangerous dogs and dogs dangerously out of control which is a reserved matter in accordance with Paragraph 44, Section B6, of Schedule 7A to the Government of Wales Act 2006. However, it is our view that consent is required for the provisions of the Bill as they make provision with regard to devolved matters insofar as they apply to Wales, notably animal welfare and agriculture, the purpose of the provisions being to protect livestock from harm.

Financial Implications: None

**Recommendation 2. The Committee recommends:**

**"Subject to recommendation 1, the Cabinet Secretary should state the reserved matters which it is considered prevent the Senedd from making this legislation."**

Response: See response to recommendation 1.

Financial Implications: None

Llywodraeth Cymru
Welsh Government

# WRITTEN STATEMENT
# BY
# THE WELSH GOVERNMENT

| | |
|---|---|
| **TITLE** | **Consultation on the draft Local Elections (Wales) (Amendment) Rules 2026, and the draft Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026** |
| **DATE** | **27 October 2025** |
| **BY** | **Jayne Bryant MS, Cabinet Secretary for Housing and Local Government** |

I am pleased to launch a 12-week consultation on the draft Local Elections (Wales) (Amendment) Rules 2026, and the draft Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026

The first of the draft statutory instruments (which come into effect for the local elections in 2027) proposes amendments to the rules governing the running of local elections in Wales. We are not proposing making significant changes to those rules aside from some, largely technical, changes or those required to take account of changes to policy and other legislation.

The main changes proposed relate to updating the rules to ensure they are bilingual, and that they reflect recent changes made to the Senedd election rules contained in the Senedd Cymru (Representation of the People) Order 2025. We are consulting on a draft statutory instrument.

For elections to the Senedd, we made changes to ensure that reasonable expenses can be incurred to provide for the personal security of candidates and for the protection of property, without those expenses being treated as campaign expenditure. A separate piece of legislation is required to bring campaign expenditure in local government elections in Wales in line with these recent changes. The draft Representation of the People Act 1983 (Security Expenses Exclusion) (Amendment) (Wales) Order 2026 makes that change, and also forms part of this consultation.

The amendment will ensure that candidates at local government elections will not, as part of their election expenses, have to account for reasonable expenses incurred in providing for their personal security and the protection of property.

Together, these changes will ensure that the local government elections in Wales are as up to date as possible and reflect the most recent changes to Senedd elections. I encourage feedback on our proposals through the consultation:
Changes to local government elections rules in Wales | GOV.WALES

Llywodraeth Cymru
Welsh Government

# WRITTEN STATEMENT
# BY
# THE WELSH GOVERNMENT

| | |
|---|---|
| **TITLE** | **Review of community arrangements of the City and County of Swansea** |
| **DATE** | **28 October 2025** |
| **BY** | **Jayne Bryant MS, Cabinet Secretary for Housing and Local Government** |

The Democracy and Boundary Commission Cymru etc. Act 2013 (the 2013 Act) requires each principal council to monitor the communities and the electoral arrangements for those communities in its area.

These reviews are important as they reflect the changing nature of each community, their populations and planned development, to ensure that each community has fair and equal democratic representation within the local government structure.

Under the 2013 Act, a council can either undertake a community review itself, or it can agree for the Democracy and Boundary Commission Cymru (the Commission) to undertake the review on its behalf. Under the latter arrangement, the Commission is required to submit its report and recommendations to the Welsh Ministers for determination.

The Commission has completed a review on behalf of the City and County of Swansea Council. Having considered the report and recommendations together with the representations received, I wrote to the Leader and Chief Executive of the City and County of Swansea Council yesterday to advise them of my decision that the changes recommended in the report will be implemented.

Work will now be undertaken to progress the drafting of the Order required to implement this decision with the changes coming into force on 6 May 2027.

The preparations for the revised arrangements will require careful consideration and planning to ensure a smooth transition from the current structures to the new arrangements. I have encouraged the Council to begin discussions with the community councils in the County area as soon as possible.

Llywodraeth Cymru
Welsh Government

# WRITTEN STATEMENT
# BY
# THE WELSH GOVERNMENT

| | |
|---|---|
| **TITLE** | **The Education (Scotland) Act 2025 (Consequential Provisions and Modifications) Order 2025** |
| **DATE** | **29 October 2025** |
| **BY** | **Lynne Neagle MS, Cabinet Secretary for Education** |

The Secretary of State for Scotland, the Rt Hon Douglas Alexander MP, yesterday laid The Education (Scotland) Act 2025 (Consequential Provisions and Modifications) Order 2025 (the Order) before both House of Parliament. The Order is being made under section 104 of the Scotland Act 1998. Section 104 of the Scotland Act enables the Secretary of State to make amendments to legislation (both primary and secondary) outside of the Scottish Parliament's competence, in consequence of legislation made by the Scottish Parliament. The draft Order is required to be laid before both Houses of Parliament. This is similar to the mechanism provided for in section 150 of the Government of Wales Act 2007, which enables the Secretary of State to make consequential amendments to legislation outside the Senedd's competence arising from legislation made by the Senedd or the Welsh Ministers.

The Order will make provision in consequence of the Education (Scotland) Act 2025 (the 2025 Act). The Act will establish and confer functions on Qualifications Scotland, a new qualifications body to replace the Scottish Qualifications Authority (SQA) and establish and confer functions on His Majesty's Chief Inspector of Education in Scotland. A copy of the Order and its accompanying explanatory memorandum can be accessed at the following link:

https://www.legislation.gov.uk/ukdsi/2025/9780348276053/contents

The Order will do three things:

First, it will make provision relating to such functions of Qualifications Scotland that may be exercised otherwise than in or as regards Scotland, and repeals the connected functions of the SQA.

Second, it makes limited amendments to primary legislation, and numerous amendments to secondary legislation, in reserved areas and in the law of England, Wales and Northern

Ireland. These amendments are largely updates to statutory references designed to ensure that existing law which refers to the SQA will refer to Qualifications Scotland.

Third, the Order will provide that the Chief Inspector is to be treated as a non-ministerial officeholder in the Scottish Administration to support the delivery model for the new education inspectorate in Scotland.

Further detail on the Order is outlined in the explanatory memorandum.

We have been working closely with the UK Government, the Scottish Government, and the Northern Ireland Executive on the development of the Order. The Order will amend a number of Welsh statutory instruments to update statutory references and ensure they reflect the changes to Scottish law. This will include amendments to Welsh language versions of the relevant legislation. We are satisfied the amendments are consequential and necessary.

**SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 5)**

**THE PUBLIC AUTHORITIES (FRAUD, ERROR AND RECOVERY) BILL**

1. This legislative consent memorandum is laid under Standing Order ("SO") 29 which prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes provision in relation to Wales that has regard to devolved matters.

2. The Public Authorities (Fraud, Error and Recovery) Bill ("the Bill") was introduced in the House of Commons on 22 January 2025. An LCM was laid on the 7 February 2025 and can be found at https://senedd.wales/media/qlsadndi/lcm-ld16978-e.pdf

3. In response to government amendments further Supplementary Legislative Consent Memoranda were laid on 6 March 2025. https://senedd.wales/media/qrthxdes/slcm-ld17040-e.pdf.

4. In response to government amendments further Supplementary Legislative Consent Memoranda were laid on 7 May 2025. https://laiddocuments.senedd.wales/slcm-ld17160-en.pdf

5. In response to government amendments a further Supplementary Legislative Consent Memoranda were laid on 10 October 2025. https://laiddocuments.senedd.wales/slcm-ld17471-en.pdf

6. On 15 October 2025 non-government amendments were agreed to during Report Stage in the House of Lords.

**Policy Objectives**

7. The UK Government's stated policy objectives remain the same as set out in first LCM, which was laid on 7 February 2025 (lcm-ld16978-e.pdf).

**Summary of the Bill**

8. The Bill is sponsored by the Department for Work and Pensions and the UK Cabinet Office.

9. A summary of the Bill was provided in the first LCM and remains accurate.

10. Welsh Government officials and UK Government officials have continued their regular contact in relation to the development of the Bill, including in relation to Government amendments that affect Wales.

**Provisions in the Bill for which consent is required**

11. The clauses of the Bill as introduced which meet the SO29 Test were 1, 2, 5, 6, 7 (and Schedule 1), 9, 10, 64, 65, 67 and 69 (and Schedule 2).

12. The insertion of clause 37 in the latest version of the Bill means that the numbering of clauses has altered from clause 37.

13. The clauses of the Bill as amended which meet the SO29 Test are now 1, 2, 5, 6, 7, (and Schedule 1), 9, 10, 65, 66, 67, 68 and 70 (and Schedule 2).

**UK Government view on the need for consent**

14. UK Government has identified clauses 1, 2, 7 (and Schedule 1), 9, 64, 65 and 69 (and Schedule 2) as requiring an LCM.

15. The insertion of clause 37 in the latest version means the UK Government have identified clauses 1, 2, 7, (and Schedule 1) 9, 65, 66, and 70 (Schedule 2) as requiring an LCM.

**Update on the position since tabling of amendments on 8 October**

16. The amendments were agreed to by the House of Lords on 15 October 2025 during Report Stage. The following amendments make relevant provision for the purpose of SO29:

**Non-Government Amendments**

a) **Clause 2**

Clause 2 (Amendment 2 passed 15 October 2025) included the words –
*"Whether at the request of that public authority or, where the Minister considers it necessary in the public interest, on the Minister's own initiative."*
Previously the PSFA could only act at the request of a public authority (including Devolved Welsh Authorities) but now it alters the way in which the PSFA can interact with DWAs. The effect of this is that if the Minister deems it is in the public interest, the PSFA can investigate without a request from a public authority.

Clause 2 was included in the original LCM as it made provision with regard to devolved matters (SO 29) because it applies to DWA's.

The Public Sector Fraud Authority, acting on behalf of the UK Cabinet Office will assess and prioritise requests made by public authorities in England and Wales to investigate fraud or recover public funds lost through error, or will act upon Ministerial direction to do so, where the Minister considers it necessary in the public interest or on the Minister's own initiative. The Authority will operate under the Police and Criminal Evidence Act having the same powers of the police to search and recover, but without a power of arrest.

## Conclusion

17. In my view, it is appropriate to deal with these provisions in a UK Bill. The legislation is consistent with the Welsh Government's focus on safeguarding public funds from fraud and error.

18. These amendments make supplementary provision to the clauses for which consent was previously sought. As a result, the SLCM remains in line with the consent previously given by the Senedd.

**Jane Hutt MS Cabinet Secretary for Social Justice, Trefnydd and Chief Whip**
**29 October 2025**

Lynne Neagle AS/MS
**Ysgrifennydd y Cabinet dros Addysg**
**Cabinet Secretary for Education**

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/LN/2345/25

Mike Hedges AS/MS
Chair, Legislation, Justice and Constitution Committee
SeneddLJC@senedd.wales

29 October 2025

Dear Mike,

I would like to thank you, and the members of the Legislation, Justice and Constitution Committee, for considering the first three Legislative Consent Memoranda laid in respect of the Children's Wellbeing and Schools Bill.

I have considered the Committee's conclusion and recommendations as set out in the report published on 19th September 2025. The accompanying response includes my response to each recommendation.

I have sent a copy of this response to the Chair of the Children, Young People and Education Committee, for information only.

Once again, I thank the Committee for the time taken to consider the Memoranda.

Yours sincerely,

**Lynne Neagle AS/MS**
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

Copied to: Buffy Williams, Chair, Children, Young People and Education Committee

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

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

**The Welsh Government's Legislative Consent Memoranda on the Children's Wellbeing and Schools Bill**

**Welsh Government response to the Legislation, Justice and Constitution Committee's report**

**October 2025**

The Children's Wellbeing and Schools Bill ("the Bill") was introduced in the House of Commons on 17 December 2024. In March 2025, amendments to the Bill were laid to include Wales in certain provisions. As these require the legislative consent of the Senedd the Welsh Government laid a Legislative Consent Memorandum (LCM) before the Senedd on 24 March 2025. This was followed by two supplementary LCMs, laid on 28 May and 12 June 2025.

In September 2025, the Committee submitted its report on the Welsh Government's memoranda for the Bill, which included five recommendations and a conclusion. This is the Welsh Government's response to the recommendations

## Responses to recommendations

### Recommendation 1

The committee recommends that:

Before stating that the capability and capacity of the Senedd has prevented the Welsh Government from introducing its own Bills to the Senedd and therefore resulted in the Welsh Government requesting and/or accepting the offer of provisions being included in Bills being introduced to the UK Parliament, the Welsh Government should first engage with the Business Committee and discuss the procedural opportunities available to the Welsh Government that would enable it to bring forward its own legislation.

Response: Accept in principle

The Welsh Government does not take the unilateral approach that the Senedd does not have the capacity or capability to introduce its own Bills, or that this is the basis for seeking these provisions via a UK Government Bill. As clarified by the Cabinet Secretary at LJCC session on 12 May, the decision to accept certain provisions in the Children's Wellbeing and Schools Bill was made as the Bill offers

the opportunity to make provisions in the best interests of children in Wales, without negatively impacting the delivery of the Welsh Government's agreed legislative programme.

Primary legislation in this area was considered by the previous government but was discounted at the time in favour of secondary legislation. The 'children not in school' Clauses that we propose to accept, comprise just one element of a much wider, two-part UK Government Bill. Although a significant amount of work has been undertaken in relation to the policy in Wales, there would still be a need to develop this work further to underpin our own Bill and determine what remaining elements relating to children's safeguarding, wellbeing or education, would comprise a Senedd Bill. This would result in a significant delay to the legislation being introduced in Wales whilst a Bill is developed, compared with full implementation of the Children's Wellbeing and Schools Bill in England.

As with any legislative decisions the Welsh Government's priority is to maximise the outcomes for the people of Wales in line with our priorities. That includes working within the constraints of how much capacity we have to introduce our own legislation and what opportunities are available in the UK Government's legislative programme. Given that the Welsh Government and the UK Government are clearly aligned on these proposals, which are ultimately about safeguarding children, a joint, cohesive approach via this UK Government Bill is the preferred way forward.

The Welsh Government remains willing to engage with the Business Committee on how legislation is made in Wales, and any associated impacts on the legislative consent process.

Financial implications – none associated with this recommendation.

**Recommendation 2**

The committee recommends that:

The Cabinet Secretary should explain why clause 11 is subject to commencement by the Secretary of State rather than the Welsh Ministers, including why no requirement for consent is included should that be relevant.

Response: Accept

The Secretary of State retained commencement powers for the clause when the amendment was made. Clause 11 relates to Section 25 of the Children Act 1989

and is about regulating use of secure accommodation in England even though part of what it does is to permit access to children from Wales. Section 119 of the Social Services and Well-being (Wales) Act 2014 deals with use of secure accommodation in Wales; however there is no parallel amendment to section 119. If there was a parallel amendment to section 119 of the Social Services and Well-being (Wales) Act 2014 it would have been appropriate for Welsh Ministers to have commencement powers, but in its absence, it would be unexpected to give Welsh Ministers control over commencement of the provision.

Financial implications - No additional financial implications as there is no new duty on Welsh local authorities.

**Recommendation 3**

The committee recommends that:

The Cabinet Secretary should clarify to which international obligations she is referring in paragraph 26 of Memorandum No. 2.

Response: Accept

The UK is a signatory to international treaties regarding child employment through its ratification of the United Nations Convention on the Rights of the Child (UNCRC) and the International Labour Organization Convention 138 on Minimum Age for Admission to Employment. *The Rights of Children and Young Persons (Wales) Measure 2011* has also incorporated certain parts of the UNCRC (including provisions relevant to child employment) into Welsh law. Both treaties mandate that children must be protected from economic exploitation and work that is harmful to their health, development, and education, and the UK implements this through domestic laws and regulations on child working hours, suitable employment, and age restrictions for different types of work.

Financial implications – none associated with this recommendation.

**Recommendation 4**

The committee recommends that:

The Cabinet Secretary should provide an update on the discussions with UK Government about clause 63 of the Bill (as brought from the Commons) and

confirm that, in line with the Welsh Government's principles on UK legislation in devolved areas, she is seeking conferral of powers on the Welsh Ministers alone and not concurrent powers to be exercised with UK Ministers.

Response: Accept

Following further engagement with UKG, I have requested an amendment to the Bill to ensure that Clause 63 provides for the Welsh Ministers, rather than the Secretary of State to make consequential provision including amendments to primary legislation, including to Acts of the Senedd. The Bill as drafted does not include this power and this issue has been raised with UKG.

Financial implications – none associated with this recommendation.

**Recommendation 5**

The committee recommends that:

The Cabinet Secretary should confirm the scrutiny procedure to be applied to the making of regulations under clause 66 of the Bill (as brought from the Commons).

Response: Accept

I can confirm that as the clause relates to commencement powers, no scrutiny procedure is applied.

Financial implications – none associated with this recommendation.

**Lynne Neagle AS/MS**
**Ysgrifennydd y Cabinet dros Addysg**
**Cabinet Secretary for Education**

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/LN/2345/25

Chair, Buffy Williams AS/MS
Children, Young People and Education Committee
SeneddChildren@senedd.wales

29 October 2025

Dear Buffy,

I would like to thank you, and the members of the Children, Young People and Education Committee, for considering the first three Legislative Consent Memoranda laid in respect of the Children's Wellbeing and Schools Bill.

The accompanying response notes the Committee's recommendation as set out in the report published on 19th September 2025.

I have sent a copy of the response to the Legislation, Justice and Constitution Committee, for information only.

Once again, I thank the Committee for the time taken to consider the Memoranda.

Yours sincerely,

**Lynne Neagle AS/MS**
Ysgrifennydd y Cabinet dros Addysg
Cabinet Secretary for Education

Copied to: Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee

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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 Welsh Government's Legislative Consent Memoranda on the Children's Wellbeing and Schools Bill**

**Welsh Government response to the Children, Young People and Education Committee Report**

**30 October 2025**

In September 2025, the Children, Young People and Education Committee submitted its report on the Welsh Government's Legislative Consent Memoranda for the Children's Wellbeing and Schools Bill. The report included one recommendation, which is addressed in this response.

The Children's Wellbeing and Schools Bill ("the Bill") was introduced in the House of Commons on 17 December 2024. Amendments to the Bill to include Wales in certain provisions were introduced at report stage in the House of Commons on 10 March 2025. In accordance with Standing Order 29, a Legislative Consent Memorandum ("LCM") in respect of the amendments was laid on 24 March. The LCM made reference to the children not in school and social services provisions and sought the Senedd's Consent for these to apply to Wales.

Two supplementary LCM were laid on 28 May and 12 June, to include further amendments tabled by the UK Government, to include Wales in provisions relating to child employment, and to include aspects from the children not in school provisions that were omitted from the first LCM.

The Children, Young People and Education Committee published its report on the three LCM relating to the Bill on 19 September.

## Responses to recommendations

**Recommendation 1.**

The Senedd should grant consent for Clauses 11, 20, 25-30 and Schedule 1 (as set out in the LCM); clause 26 (as set out in SLCM No 2); clauses 35, 63 and 66 (as set out in SLCM No 3) of the Children's Wellbeing and Schools Bill.

Welsh Government Response: No response required.

# Welsh Government Response to the UK-EU implementation review of the Trade and Cooperation Agreement

I would like to thank all four committees for the work they have undertaken to produce these recommendations.

The European Union is our closest and largest trading partner, and the Trade and Cooperation Agreement (TCA) governs the relationship between the UK and the EU.

However, the agreement is not a like-for-like replacement for the market access that the UK had as an EU member, and it has created barriers for Welsh businesses.

The Welsh Government has always advocated for a closer association with the EU. The announcement of a Common Understanding between the UK and EU in May 2025 provides opportunities to open negotiations, reset the relationship between the UK and the EU and reduce barriers for Welsh businesses.

Both these negotiations, and the TCA review, are upcoming negotiations and what can be set out and discussed publicly is necessarily limited due to sensitivities around international negotiations.

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# Responses to the Culture, Communications, Welsh Language, Sport, and International Relations Committee Recommendations

## Recommendation 1.

The Welsh Government should continue to regularly review and update its EU priorities, closely monitoring developments for their potential impact on Wales.

Response: Accept

The Welsh Government actively updates and reviews its priorities as negotiations develop and circumstances change. We will continue to review and update EU priorities and consider any potential impact on Wales as part of this ongoing work.

Financial Implications: None

## Recommendation 2.

The Welsh Government should work to strengthen its relationships with EU institutions in order to advance Welsh interests and gain deeper insight into the EU's position and develop a dedicated EU Strategy.

Response: Accept in Principle

The Welsh Government already has active relationships with many EU institutions, and we will continue to strengthen these as our work progresses. These relationships have developed through the work undertaken by our Brussels office and our dedicated Representative for Europe as part of the delivery remit for our International Strategy, which includes our relationship with Europe and the EU. The focus and foundation of any developments of the relationship with the EU should be around recreating a relationship that works for both sides and this is already happening. As the current International Strategy draws to a close, and we move into a new phase of Wales' relationship with the EU, consideration will be given to whether a dedicated EU Strategy is required as part of our wider work on our approach to international relations.

Financial Implications: None

## Recommendation 3.

The Welsh Government should, in its response to this report, confirm whether it is:

- actively pursuing full participation rights at UK-EU meetings where it has observer status.
- requesting to attend UK-EU meetings that fall outside the TCA institutional framework.

Response: Accept

The Welsh Government can confirm that it is not actively pursuing full participation rights at UK-EU meetings where it has observer status. The EU does not allow devolved governments to have participation rights. This is comparable to individual EU Member States also having observer status. However, we can confirm that we continue to engage with the UK Government on the committees that fall within the TCA institutional framework, to ensure that our interests are represented at these meetings. The Welsh Government will request attendance at any relevant UK-EU meetings that fall outside of the TCA institutional framework, where we believe this is appropriate.

Financial Implications: None

## Recommendation 4.

The Welsh Government should update its review priorities to reflect its stated position, outlined by the Cabinet Secretary in response to the Culture shock report, of fully supporting the PPA's recommendation for a comprehensive solution for touring artists, covering both the movement of people and goods.

Response: Accept

Our International Delivery Plan 2025 reaffirmed our commitment to European engagement and the priority that the Welsh Government places on working with the UK Government on its ambitions to reset the UK-EU relationship. We continue to use all available levers to encourage the UK Government and the EU to ease the difficulties faced by creative sector workers. At the UK-EU relations Inter-Ministerial Group (IMG) meeting on 23 September 2025, the Cabinet Secretary for Economy, Energy and Planning raised the issue of touring artists and the importance of coming to a solution for them.

We welcome the recent re-set in relations between the UK and the EU and the announcement of the UK-EU Common Understanding Agreement. We

particularly welcome the announcement made by the UK and EU governments at the summit on 19 May to establish a mutual commitment to negotiating a youth experience scheme. We believe such a scheme could potentially benefit young artists, as it is generally younger, less-established artists who face the greatest challenges when touring with increased costs, time limits, and bureaucracy resulting from EU exit.

Financial Implications: None

## Recommendation 5.

The Welsh Government should make representations to the UK and the EU to ensure that the issue of touring artists remains a priority. This should include calling for the UK and EU to articulate plans for improvements.

Response 5: Accept

The Welsh Government are using all available levers to encourage the UK Government and the EU to ease the difficulties being faced by creative sector workers, particularly touring artists. This includes actively engaging with the UK Government and the EU, to ensure that the interests of Welsh creative workers are represented and advanced. We recognise that further discussions are needed about supporting touring artists and we will continue to raise this matter with the UK Government. At the UK-EU relations Inter-Ministerial Group meeting on 23 September 2025, the Cabinet Secretary for Economy, Energy and Planning raised the issue of touring artists and the importance of coming to a solution for them.

Financial Implications: None

## Recommendation 6.

The Welsh Government should provide a comprehensive list of EU programmes that it would like to participate in and indicate the extent to which there is agreement between the four UK governments on participation.

Response: Accept

The written Statement[1] published by the Cabinet Secretary for Economy, Energy and Planning following the EU summit in May, set out our ambition for Wales to participate in a broader range of EU programmes, including Erasmus+ as well as accessing other EU programmes such as Creative Europe and European Territorial Cooperation.

[1] Written Statement: EU- UK Summit (19 May 2025) | GOV.WALES

Financial Implications: None

## Recommendation 7.

The Welsh Government should share its understanding of why UK association to additional EU programmes, including Creative Europe, was not agreed in Common Understanding, and whether association to other programmes is still being pursued by the UK Government.

Response: Accept

Access to additional EU programmes such as Erasmus+ and Creative Europe is a priority that we regularly emphasised with the UK Government ahead of the May summit. The Welsh Government is pleased that the UK and EU agreed to work towards association of the Erasmus+ programme and are working intensively with the UK Government to ensure that Welsh interests are represented in these negotiations and the other areas of cooperation agreed as part of the Common Understanding.

We cannot comment on the negotiations that took place between the UK and EU ahead of the May Summit. We note and welcome the commitments in the Summit Joint Political Statement for regular meetings to consider joint strategic interests and ensure opportunities for future cooperation are maximised. In this context, we will continue to press the UK Government to include access to additional EU programmes, such as Creative Europe, as a priority for future EU-UK discussions.

Financial Implications: None

## Recommendation 8.

The Welsh Government should clarify whether changes to the TCA are required to facilitate UK participation in additional EU programmes.

Response: Accept

The written evidence refers to the implementation review of the TCA, the text relating to the review is standard text commonly used by the EU in its trade agreements. Reviews conducted under these agreements have not led to significant changes to the respective agreements in the past.

The Common Understanding Agreement, agreed in May 2025, is a framework agreement which set out areas where the UK and the EU are seeking closer cooperation. The negotiations for this work are currently underway and are separate to the review of the TCA. As negotiations are currently active, we

cannot comment on what may be included in any finalised agreement and if this finalised agreement may lead to amendments to the TCA.

Financial Implications: None

## Recommendation 9.

The Welsh Government should confirm whether it has calculated the cost of participation in Erasmus+ and Creative Europe using the formula set out in the TCA, or whether it has been part of joint UK-wide exercise to do so.

Response: Accept

The decision to rejoin EU programmes such as Erasmus+ and Creative Europe is a reserved matter for the UK Government. The Welsh Government has not undertaken its own cost calculations for rejoining these programmes, nor has it participated in any UK-wide exercise to do so.

However, the UK Government has committed—through the Common Understanding with the EU—to work towards rejoining Erasmus+, and Welsh Government officials have been actively collaborating with the Department for Education (DfE) on this effort.

Additionally, the Welsh Government has clearly communicated to the UK Government its desire to participate in a broader range of EU programmes, including Creative Europe.

Financial Implications: None

# Responses to the Economy, Trade, and Rural Affairs Committee Recommendations

## Recommendation 10.

The Welsh Government should produce a perspectives document on the Trade and Cooperation Agreement in line with its approach to other international trade agreements as a matter of urgency.

**Response:** Reject

The Welsh Government published '*The new relationship with the EU: What it means for Wales'* in 2021[2]. The 'perspective' documents have been published for newly signed trade agreements to provide an overview of potential impacts on Wales. The TCA has been in operation for several years and analysis on its impacts is already available. It should also be noted that the potential outcomes of any new arrangements with the EU as part of upcoming negotiations will render any immediate report out of date almost immediately. Should new arrangements be agreed with the EU, we will publish our views on these at that time.

**Financial Implications:** None

## Recommendation 11.

The Welsh Government should report to the committees on the extent to which the Welsh and UK Governments' implementation review priorities align on trade and what the implications are for Wales. Where the UK and Welsh governments' priorities do not align, the Welsh Government should outline how it is going to support the affected sectors.

**Response:** Reject

I published a Written Statement responding to announcements made at the UK-EU Summit in May, including where the announcements represented the Welsh Government's high-level priorities, for example on seeking an SPS Agreement, cooperation on energy, alignment of Emission Trading Schemes, Youth Mobility and Erasmus+. However, our more detailed priorities on these areas form part of ongoing discussions between the UK and the EU and we cannot comment on upcoming negotiations. The Welsh Government meets regularly with the UK Government and continues to set out its priorities.

**Financial Implications:** None

[2] The new relationship with the EU: What it means for Wales | GOV.WALES

## Recommendation 12.

The Welsh Government should continue to call on the UK and EU to prioritise practical steps to address trade friction and should provide this Committee with quarterly updates on progress in the areas listed in this chapter.

**Response:** Accept

The Welsh Government has always called on the UK and the EU to improve its trading relationship. The EU is our most important trading partner and any steps to reduce trade frictions are welcome. Updates are provided during the Cabinet Secretary's regular appearances before the Committees.

**Financial Implications:** None

## Recommendation 13.

The Committee expects the Welsh Government to raise at intergovernmental meetings, practical steps to address trade barriers. It should provide detailed reports to this Committee on progress in its written statements and meeting notifications.

**Response:** Accept in principle

Intergovernmental meetings are forums for discussing the active trade negotiations. We follow the process of informing committees when meetings will take place and what is discussed. Whilst we are limited in including sensitive information, this includes the key points discussed at the meetings.

The various committees established under the Trade and Cooperation Agreement are often a better forum to discuss existing trade barriers and the Welsh Government makes representations to these committees on trade barriers. Minutes of committees are published by the UK and the EU accordingly.

**Financial Implications:** None

## Recommendation 14.

The Welsh Government should ensure its business support for sectors are tailored to reflect the impacts the different treatment of goods and services are having on companies and sectors.

Response: Accept in Principle

The Welsh Government accepts that support needs to updated and specific; however, the review of the TCA , which is due to take place in 2026, and the active negotiations for the common understanding which are currently underway are both variables which may influence how the treatment of goods and services will be considered, therefore it is prudent to actively monitor these negotiations and tailor support and guidance when information becomes available.

Financial Implications: None

## Recommendation 15.

The Welsh Government should confirm if Common Understanding could require renegotiation of non-EU trade agreements.

Response: Accept

As the negotiation of elements of the Common Understanding, such as a potential SPS agreement, are not yet completed, it is impossible for us to say whether any final agreements will require re-negotiation of non-EU trade deals.

Financial Implications: None

## Recommendation 16.

The Welsh Government should set out how it will ensure that Wales's unique position in post-Brexit trade flows is taken into account in discussions with the UK Government on a UK-EU SPS agreement.

Response: Accept

The Welsh Government recognises the strategic importance of the SPS agreement and is committed to ensuring that Wales's distinct trade profile, and devolved responsibilities, are fully reflected in ongoing discussions with the UK Government. We continue to support the UK Government's position in seeking an SPS agreement with the EU.

The Welsh Government will continue its active engagement with UK Government departments to ensure Welsh priorities are embedded in SPS negotiations. This includes continuing the frequent official level engagement we already have in place

and ensuring that Ministerial engagement takes place in a way that reflects the pace of any negotiations.

Financial Implications: None

## Recommendation 17.

The Welsh Government should ascertain its role in the early consultation mechanism with the EU as part of an SPS agreement and inform the committees as soon as possible.

Response: Accept in Principle

The Welsh Government's role in the early consultation mechanism is a subject for negotiation in the forthcoming UK-EU Common Understanding negotiations and we are unable to comment on live negotiations; we will inform the committee of such a role as soon as possible.

Financial Implications: None

## Recommendation 18.

The Welsh Government should keep the implications of an SPS agreement on border control posts under review and provide the Committee with an update in its response to this report and on a quarterly basis thereafter.

Response: Accept in Principle

The Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs set out the Welsh Government's position on Border Control Posts (BCPs) in Wales and this statement (highlighted under paragraph 154) remains the current position. The decision to pause the implementation of the Border Target Operating Model (BTOM) arrangements was made by the UK Government which has indicated that this will remain subject to review. Working with colleagues in the UK and Scottish governments, the Welsh Government will keep the implications of an SPS agreement on border control posts under review. We will update the Committee as appropriate but, while negotiations are still live, a quarterly review would not be appropriate.

Financial Implications: None

## Recommendation 19.

In line with recommendations 12 and 13 of this chapter, the Welsh Government should provide the Committee with regular updates on the progress of UK-EU discussions, and discussions with the UK Government on the provision of services and the subsequent implications for Wales.

Response: Accept

The Welsh Government will, within the limits of what is possible to report during live negotiations, update the committee on the progress of UK-EU discussions during the Cabinet Secretary's regular appearances before the committee.

Financial Implications: None

## Recommendation 20.

In its response to this report the Welsh Government should set out:

- why further improvements to MRAs on conformity assessments were not pursued in Common Understanding;
- confirm if this issue is still being pursued with the EU; and
- if it will form part of the implementation review.

Response: Accept

Currently the EU does not believe that there is reciprocal value in negotiating a Mutual Recognition Agreement (MRA) on conformity assessment with the UK and, as such, it was not included as part of the Common Understanding. The Welsh Government will continue to pursue both the UK and the EU in the value of a MRA to be included in future UK-EU Summit announcements.

Financial Implications: None

## Recommendation 21.

The Welsh Government should provide an update and analysis of the historic and potential future effects of this issue on the shellfish farming sector and Welsh trade.

Response: Accept:

Due to lack of granular trade data for Wales, it is not currently possible to determine the value of trade in shellfish between Wales and the EU. However, published HMRC data shows, in the year ending June 2025 there was £9.3m worth of seafood exports (of which shellfish is a part of) from Wales to the EU. This is considerably lower than the £23.5m exported the year ending June 2015.

Statistics on Welsh aquaculture production from 2012 to 2023 are currently being developed as part of the UK Data Collection Framework. As these are Official Statistics in development we are unable to share until they are published. When the data is available Welsh Government will provide the committee with an analysis as requested.

Financial Implications: None

## Recommendation 22.

In its discussions with UK Government on its priorities for the implementation review, the Welsh Government should emphasise the importance of addressing issues related to rules of origin.

**Response:** Accept

The Welsh Government has regular dialogues with the UK Government on rules of origin issues. We believe that the UK should seek to open negotiations to join the Pan European Mediterranean (PEM) Convention and have made this view clear to the UK Government.

**Financial Implications:** None

## Recommendation 23.

In line with recommendations 12 and 13 of this chapter, the Welsh Government should provide the Committee with regular updates on progress relating to rules of origin.

**Response**: Reject

We are unable to provide detailed regular updates due to industry sensitivities and/or impact on live negotiations. We can continue to provide high-level updates.

**Financial Implications:** None

## Recommendation 24.

In its response to this report, the Welsh Government should set out what its priorities are for addressing animal welfare issues through both the implementation review and the UK-EU reset and set out how it will balance the benefits of both alignment and divergence in this area.

**Response:** Accept

Welsh Government has always made clear that we will seek the inclusion of firm commitments within trade agreements to help improve animal welfare standards. This remains the case for both the implementation review and the negotiations for the UK-EU reset. We are working closely with the UK Government and other Devolved Governments to ensure that they are aware of our priority to maintain and enhance our high standards and ambitions for animal health and welfare and biosecurity in all UK Government Free Trade Agreement (FTA) negotiations. The UK and the EU both share commitments to improving Animal Welfare standards. We are proud of the high standards we have in Wales, including for animal health and welfare, traceability, and food safety.

**Financial Implications:** None

## Recommendation 25.

In line with recommendations 12 and 13 of this chapter the Welsh Government should provide regular updates to the committees on this matter, including on the animal welfare dimensions of an SPS agreement.

Response: Accept in Principle

The Welsh Government will not be able to provide detailed updates on live negotiations but will comment on the provisions included in the final agreement.

Financial Implications: None

## Recommendation 26.

The Welsh Government should explore with the other UK governments the development of a UK-wide mechanism to monitor alignment and divergence with the EU.

Response: Accept

The Welsh Government will explore with the UK Government, Scottish Government and Northern Ireland Executive, including through the Inter-Ministerial Group on UK-EU Relations, the potential to develop a UK-wide mechanism to monitor alignment with, and divergence from, the EU.

Financial Implications: None

## Recommendation 27.

The Welsh Government should:

- set out how it feeds in Welsh assessments of alignment and divergence into UK intergovernmental discussions;
- clarify what discussions take place currently on alignment and divergence within the Welsh Government and its Trade Policy Advisory Group; and
- set out how it works with other stakeholders to seek their input on the effects of alignment and divergence.

Response: Accept

The Welsh Government meets frequently with the UK Government, Scottish Government and Northern Ireland Executive, including through the Inter-Ministerial Group on UK-EU Relations and the IMG EFRA to discuss a range of topics. This including discussions on alignment and divergence, where it is relevant to upcoming EU negotiations. In addition, the Welsh Government works with stakeholders through the Trade Policy Advisory Group to discuss alignment and divergence and its view on

EU reset work more broadly. We also engage with specific industry bodies when specific discussions on issues are needed.

Financial Implications: None

# Responses to the Climate Change, Environment, and Infrastructure Committee Recommendations

## Recommendation 28.

The Welsh Government should set out its position on whether the TCA meets the environment-related tests outlined in its 2024 approach to trade policy document.

Response: Accept

The Welsh Government's Approach to Trade Policy does not set out formal "environment-related tests." Instead, it outlines a series of policy expectations that trade agreements should meet to support Wales's environmental objectives and legal duties under the Well-being of Future Generations Act.

The expectation is for environmental provisions to be a key part of any trade agreement and that there should be no impact on our ability to meet our existing commitments both domestically or internationally or prevent us from making ambitious commitments in the future. This reflects the importance that the Welsh Government places on the environment, both in terms of addressing climate change and ensuring high levels of environmental protection.

The TCA generally aligns with these expectations, with shared commitments to non-regression, high levels of environmental protection and seeking to improve upon these standards. The environmental scope of the TCA is broad, including detailed provisions related to climate action and nature and biodiversity conservation, which are key Welsh Government priorities, in addition to several other areas related to environmental protection.

Financial Implications: None

## Recommendation 29.

The Welsh Government should clarify whether it supports enhanced or additional UK-EU cooperation and/or agreements beyond the current provisions in the TCA.

Response: Accept

We accept and welcome the importance of enhanced cooperation in the areas identified under the common understanding, whilst recognising that the TCA does not replace the cooperation framework that existed across EU members prior to EU exit. However, the existing TCA does provide several routes for the exchange of views, for sharing information on areas of environmental policy and to identify areas of mutual interest and topics which would benefit from further discussion. For example, at the Level Playing Field -Trade Specialised Committee, the UK and the EU are able

to discuss core policy areas where further discussion may be beneficial. Welsh Government officials engage with counterparts on relevant agenda items.

Financial Implications: None

## Recommendation 30.

The Welsh Government should clarify the Cabinet Secretary's comments, that closer alignment with the EU could lead to "a potential reduction in some of our standards or values around the environment", including examples of where this may be a concern.

Response: Accept

Whilst closer alignment may realise potential benefits, these need to be assessed on a case-by-case basis depending on the specific details of what that alignment might look like, to ensure any changes would support Wales's policy goals. Whilst there are a very small number of environmental regulations in scope of the common understanding, such as around the Emission Trading Schemes (ETS) provisions, the majority are out of scope. The EU and the Welsh Government both have high ambitions for environmental protection and, importantly, the TCA allows the UK and Devolved Governments to develop and implement policies appropriate for our domestic circumstances, including improving on existing levels of protection. However, the Welsh Government does not, and cannot know, what legislation the EU may introduce in the future. Thus, a situation could exist in the future where the EU could introduce legislation that runs counter to some of our environmental standards and values.

Financial Implications: None

## Recommendation 31.

The Welsh Government should publish and share its views on the list of sectors that will be covered as a minimum by a future UK-EU ETS linking agreement, as set out in Common Understanding,

Response: Reject

ETS linkage is a subject for negotiation in the forthcoming UK-EU Common Understanding negotiations, and we are unable to comment in detail on upcoming live negotiations. However, the only sectors that can be covered by a linking agreement are those currently within the UK ETS and the EU ETS.

Financial Implications: None

## Recommendation 32.

The Welsh Government should finalise a clear position on ETS linkage as a matter of priority.

**Response:** Accept in Principle

ETS linkage is subject to negotiation in the forthcoming UK-EU Common Understanding negotiations. There are potential benefits in linking which come with being part of a larger market. However, our view on ETS linkage will be informed by those negotiations, and we are unable to comment on live negotiations.

**Financial Implications:** None

## Recommendation 33.

The Welsh Government should provide its view on the environmental and climate implications of the ETS linkage and CBAM exemptions envisaged by Common Understanding.

**Response:** Accept in Principle

The Welsh Government will take a view on the environmental and climate implications of ETS linkage and Carbon Border Adjustment Mechanism (CBAM) exemptions, once the forthcoming UK-EU Common Understanding negotiations have progressed. We will provide these views once negotiations have been completed.

**Financial Implications:** None

## Recommendation 34.

The Welsh Government should explain how it is promoting the importance of UK-EU cooperation on energy infrastructure in Wales-adjacent seas, including in the Irish and Celtic seas.

**Response:** Accept

The Welsh Government is actively engaged on the energy portfolio between Wales and Ireland. The Welsh Government's Ireland team is an active member and participant in the UK-Ireland MoU meetings, supporting our energy policy officials on active projects.

The Welsh Government's team in Ireland works directly with Irish Government officials in the departments of Foreign Affairs, Transport and Energy on joint opportunities and

this has ensured that the Ireland-Wales 2030 Shared Statement[3], which the First Minister signed in July 2025, had a key theme of collaborative working on energy.

The Welsh Government is also working with Celtic Sea developers on active projects to explore ways in which the Welsh ports and supply chain can maximise the benefits on offshore energy projects in the Celtic Sea. The Welsh Government are also working the Irish Maritime Area Regulatory Authority and undertaking collaborative working with Welsh counterparts. The Welsh Government is also active in exploratory discussions with the UK Government on possible UK access to the single EU electricity market as part of the Common Understanding between the European Commission and the United Kingdom.

Financial Implications: None

## Recommendation 35.

The Welsh Government should confirm whether the mechanisms being considered for the resumption of shellfish trade include the UK's dynamic alignment to EU rules on water quality.

Response: Accept

The Welsh Government will monitor ongoing negotiations but will be unable to report on these until the final agreement is reached.

Financial Implications: None

[3] Ireland-Wales shared statement 2030 [HTML] | GOV.WALES

# Responses to the Legislation, Justice and Constitution Committee Recommendations

## Recommendation 36.

The Welsh Government should provide information on discussions between the UK and the EU and between the UK's governments with the aim of reducing complexity arising from current arrangements.

**Response:** Accept in Principle

While discussions between the UK and the EU are sensitive, and not something the Welsh Government would be able to provide information on without the consent of both the UK and the EU. The Welsh Government does write to the committee to highlight discussions and minutes of IMG meetings. TCA committee meetings are published online.

**Financial Implications:** None

## Recommendation 37.

The Welsh Government should set out the steps it is taking to simplify its own advice and guidance in respect of current UK-EU arrangements

**Response:** Accept in Principle

The Welsh Government is regularly reviewing its advice and guidance and, with the negotiations ongoing for the common understanding, this may amend the current trading arrangements. The Welsh Government will develop guidance when these negotiations have concluded.

**Financial Implications:** None

## Recommendation 38.

The Welsh Government should develop its own guide to UK-EU arrangements, similar to that produced around the time of the UK's exit from the EU.

**Response:** Accept

As the review of the TCA is due to take place in 2026 and with negotiations ongoing for the common understanding, both of which may amend the current trading arrangements, the Welsh Government will develop guidance when negotiations for both have concluded.

**Financial Implications:** None

## Recommendation 39.

The Welsh Government should call on the UK Government to outline its specific priorities for the implementation review and the scope of the review as a matter of urgency.

**Response:** Accept in Principle

The Welsh Government has regular discussions with the UK Government on the upcoming review, including where its priorities lie. The UK Government has currently not publicly outlined its specific positions for upcoming negotiations.

**Financial Implications:** None

## Recommendation 40.

The Welsh Government should keep its priorities under review, monitor developments to understand their implications for Wales, and should notify the four committees if or when changes are made.

**Response:** Accept in Principle

As set out in recommendation 1, the Welsh Government will continue to review and update EU priorities and consider any potential impact on Wales as part of this ongoing work. Whilst we will notify the committee should changes be made to our high-level priorities, such as seeking an SPS Agreement, we will be unable to notify the committees of detailed negotiation positions during the negotiation period.

**Financial Implications:** None

## Recommendation 41.

As we have previously recommended, the Welsh Government should make representations to the UK Government for the Inter-Ministerial Group on UK-EU Relations to take place sufficiently in advance of Trade and Cooperation Agreement meetings and UK-EU negotiations.

**Response:** Agree

The Welsh Government has made representations to the UK Government for IMG to take place in advance of negotiations.

**Financial Implications:** None

## Recommendation 42.

The Welsh Government should call for the terms of reference of the Inter-Ministerial Group on UK-EU relations to be updated to take into account arrangements emanating from the reset, such as Common Understanding and the implementation review. This will make sure they remain fit for purpose for the next phase of UK-EU relations.

**Response:** Accept

The Welsh Government will ask for the terms of reference to be updated.

**Financial Implications:** None

## Recommendation 43.

As we have previously recommended, the Welsh Government should call for a new memorandum of understanding on UK-EU relations to be agreed between the UK Government and the devolved governments.

**Response:** Accept in Principle

The Welsh Government is working with the UK and the other Devolved Governments on updating some of the four nations agreements that are currently in place. These discussions may be a route by which to explore cooperation around the UK and Devolved Governments' relationship with the EU.

**Financial Implications:** None

## Recommendation 44.

The Welsh Government should ascertain how it will be involved in the early stage consultation mechanisms described in Common Understanding and should encourage the UK Government to reach an agreed position with the devolved governments.

**Response**: Accept in Principle

The role of the Welsh Government in early consultation mechanisms is a subject for negotiation in the forthcoming UK-EU Common Understanding negotiations and we are unable to comment on live negotiations. We will inform the committee of such a role as soon as possible.

**Financial Implications:** None

## Recommendation 45.

The Welsh Government, in its response to this report, should provide an updated view on the compliance of border control arrangements with World Trade Organisation rules.

**Response:** Accept

World Trade Organisation (WTO) rules are applicable in situations where trading partners do not have a full scale free-trade agreement in place. As the UK and EU have a trade agreement in place, in the form of the Trade and Cooperation Agreement, preferential treatment on goods between the UK and the EU is permitted.

**Financial Implications:** None

## Recommendation 46.

The Welsh Government should provide its view, in its response to this report, on whether the arrangements to be negotiated as part of Common Understanding could raise compliance issues with Wales's existing international obligations, including non-EU trade agreements.

**Response:** Accept

We are currently unable to comment on compliance of what may be included in the final arrangements that are part of the Common Understanding, as these have not yet been negotiated. However, we can be clear that the Welsh Government takes its international obligations seriously and would immediately raise with the UK Government if it thought that an arrangement being negotiated would lead to non-compliance. Once a final negotiated position has been reached, the Welsh Government will be able to set out its perspectives on any agreed position.

**Financial Implications:** None

## Recommendation 47.

Welsh Government should provide its assessment of the operation of the European Union (Future Relationship) Act 2020, and of its implications for the devolution settlement, in the context of concerns raised with Senedd committees. This should include specific commentary on section 29.

**Response:** Reject

The Welsh Government's positions on the implementation of post-EU legislation has been stated on numerous occasions. The UK Government has committed to not normally legislate in areas of devolved competence without our consent and never without consultation. The Welsh Government will continue to monitor the operation

of the Act and section 29 but does not consider a specific assessment to be required at this time.

Financial Implications: None

## Recommendation 48.

The Welsh Government should provide an update on discussions with the UK Government on the provision of financial support for UK Domestic Advisory Group participants.

Response: Accept

This issue has been discussed directly with the UK Government and it has confirmed that no funding is available and that all UK Domestic Advisory Group (UK DAG) meetings have a hybrid option for attending.

Financial Implications: None

## Recommendation 49.

The Welsh Government should set out how it engaged with the UK Government's 2024 review of the membership of the UK DAG, and should explain the steps it took to raise awareness amongst Welsh organisations of the UK Government's expressions of interest campaign.

Response: Accept

The standard process we follow when membership of groups such as the UK DAG are being recruited for, or reviewed, is to use our existing networks, such as our Trade Policy Advisory Group, to raise awareness of these opportunities. However, in the specific case of the 2024 DAG review we do not have a record of whether this process was followed.

Financial Implications: None

## Recommendation 50.

The Welsh Government should clarify the link, if any, between the Welsh Government's Trade Policy Advisory Group and the TCA's civil society forums.

Response: Accept

There is no formal link between the Trade Policy Advisory Group (TPAG) and the TCA's Civil Society Forum (CSF). The Trade Policy Advisory Group was set up provide the Welsh Government with advice on matters relating to Trade Policy, with its remit increasingly focusing on the EU Trade in 2024. Membership of both TPAG and the CSF is broad, including business bodies and a range of other organisations. Although,

some members of TPAG may also attend CSFs, there is no deliberate effort to ensure that CSF attendees are also TPAG members.

Financial Implications: None

## Recommendation 51.

The Welsh Government should clarify how it monitors and engages with the work of the UK Domestic Advisory Group and the Civil Society Forum.

Response: Accept

While it is the responsibility of the UK Government to monitor the work the UK Domestic Advisory Group (DAG), some members of the Welsh Government's Trade Policy Advisory Group (TPAG) are also members of the UK DAG and as such we are able to hear their views directly. We also actively engage with other DAG members such as APBI, BSI, SMMT and UKAS[4] to understand their views on key matters and identify opportunities to collaborate.

Financial Implications: None

## Recommendation 52.

The Welsh Government should confirm if the governments of the UK are developing a central mechanism to monitor changes to EU law for the purposes of monitoring alignment and divergence.

Response: Accept

The Welsh Government will explore with the UK Government, Scottish Government and Northern Ireland Executive, including through the Inter-Ministerial Group on UK-EU Relations, the potential to develop a UK-wide mechanism to monitor alignment with, and divergence from, the EU.

Financial Implications: None

## Recommendation 53.

The Welsh Government should set out how it has ascertained whether alignment and divergence has occurred between the UK and the EU, and between Wales and the EU, since the UK's exit from the EU.

Response: Accept in principle

This work is already underway in the areas that are currently being negotiated.

[4] APBI -Association of the British Pharmaceutical Industry, BSI - British Standards Institution, SMMT - Society of Motor Manufacturers and Traders, UKAS - United Kingdom Accreditation Service

Financial Implications: None

## Recommendation 54.

The Welsh Government should seek clarity on how EU law will apply in the UK if it is to dynamically align to the EU. It should ensure this process respects the role of the devolved governments and legislatures.

Response: Accept

We are currently engaging with the UK Government on how it intends to take forward legislation to implement any future agreements with the EU, including on the role that devolved legislatures will need to take to implement agreements in devolved areas. We have been clear that any legislative process must respect the devolution settlement and existing processes in the devolved governments.

Financial Implications: None

## Recommendation 55.

The Welsh Government should clarify what role common frameworks will play in decision-making about UK alignment to the EU.

Response: Accept

Common Frameworks are an important mechanism for discussion and cooperation between the four governments in policy areas previously governed by EU law. They provide a forum to share evidence and explore the impacts of regulatory alignment and divergence, helping governments to make informed decisions on EU alignment. Each government retains the right to decide on EU alignment within its own competence. Frameworks help ensure those decisions are transparent and can support coordinated approaches where appropriate, while respecting each government's ability to diverge.

Financial Implications: None

Llywodraeth Cymru
Welsh Government

# WRITTEN STATEMENT
# BY
# THE WELSH GOVERNMENT

| | |
|---|---|
| **TITLE** | **The Infrastructure (Wales) Act 2024 (Consequential Amendments) Order 2025** |
| **DATE** | **30 October 2025** |
| **BY** | **Rebecca Evans MS, Cabinet Secretary Economy, Energy and Planning** |

The Infrastructure (Wales) Act 2024 introduced a new process for the consenting of significant infrastructure projects in Wales.

A small number of technical amendments to UK legislation outside the Senedd's legislative competence are required as a consequence of the 2024 Act.

When issues arising from Senedd legislation require amendments to legislation beyond the Senedd's legislative competence, the Secretary of State for Wales can make an Order under section 150 of the Government of Wales Act 2006 to amend the relevant legislation.

As such the Secretary State for Wales has laid a draft version of The Infrastructure (Wales) Act 2024 (Consequential Amendments) Order 2025 before the UK Parliament for approval.

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

Llywodraeth Cymru
Welsh Government

Ref: PO/JB/535/2025

30 October 2025

Dear Mike,

Thank you for providing the Committee's questions on the Building Safety (Wales) Bill. My responses are attached at Annex A.

I also said I would write to you with my thoughts on the formal consolidation of housing law. Your Committee will be familiar with the criteria the Government set itself for identifying suitable projects for consolidation and codification at the beginning of this Senedd. Those criteria clearly point to housing being a suitable subject for codification in due course. Indeed, this is identified as such in the Government's *Future of Welsh Law* programme.

There is a substantial body of Welsh law in the area of housing, including our work to progressively develop Welsh law in the field of 'Renting Homes'. The Renting Homes (Wales) Act 2016 was the first step in this: the 2016 Act brought together and updated many diverse statutes and incorporated relevant case law. The Renting Homes (Fees Etc.) (Wales) Act 2019 was the second significant step in this process.

We are also engaged, jointly with the UK Government, in the reform and updating of a wide range of legislation governing the operation of leasehold, freehold and commonhold law, with the Leasehold Reform (Ground Rent) Act 2022 and the Leasehold and Freehold Reform Act 2024 already having been passed and further reforms planned.

There is a tension between the need to improve the accessibility of the law through consolidation and codification, and the understandable need to reform existing legislation and make provision for emerging issues. However, I believe we are approaching a point where reforms could operate within a body of codified Welsh housing law and I would hope that the next Government will consider this area of the statute book for formal codification.

I also agreed to write to you about shell companies. Exactly which person or entity is identified as an accountable person will vary depending on the ownership and management model used in each building.

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

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

The Bill primarily places duties on those who own or have certain existing obligations for the building. This ensures accountability is placed on those entities who are in a position to keep the building safe for residents. Typically, we expect building owners and landlords, both social and private, to be identified as accountable persons.

In some buildings where complex ownership models are in place it could be possible for others, e.g. freeholders or head lessees, to be an accountable person depending on which entity in a chain of leases has the repairing obligations.

We know that many of the buildings that would be regulated under the regime established by this Bill would be owned through companies. Section 105 of the Bill means that senior officers of companies may be held criminally liable, if it is proven that they have committed an offence under the Bill. Senior officers of a company are capable of being held to account, for example, where the officer has themselves committed the offence or it is due to neglect on their part. This will help to ensure that individuals that are in practice responsible for breaches cannot avoid accountability by hiding behind a corporate veil. This provision seeks to ensure company directors and others do not avoid liability due to the accountable person or principal accountable person not being an individual.

I'm grateful for the Committee's work on the Bill. I hope this information helps with the Committee's ongoing considerations and I look forward to receiving its report in due course.

I am copying this to the Chairs of the Local Government and Housing Committee and the Finance Committee.

Yours sincerely,

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

## Annex A: Response to Questions from the Legislation, Justice and Constitution Committee on the Building Safety (Wales) Bill

### Legislative competence

1. **We understand that certain provisions of the Bill that may affect the private interests or hereditary revenues of the King or the Duke of Cornwall and so, in our view, will require the signification of Crown consent under section 111(4) of the 2006 Act and Standing Order 26.67. Could you please tell us which provisions in the Bill you anticipate will require King's or Duke of Cornwall's consent and what is the status of those requests?**

   The Bill will bind the Crown, by virtue of section 28 of the Legislation (Wales) Act 2019 (subject to the limitation in section 28(3) of the 2019 Act). This is also subject to the exceptions in section 97 of the Bill (application of this Part to the Crown). The exceptions relate to limitations on investigatory action, enforcement action and powers of entry.

   By way of example as to how the Crown may be affected by the general application of the Bill as introduced, if His Majesty were the owner of the common parts of a building within scope of the regime then His Majesty could be identified as an "accountable person" (subject to section 8 being satisfied) for that building. If this were the case then the duties under the Bill would apply to His Majesty (subject to the aforementioned limitations), see in particular those in Chapter 4 (in respect of "regulated buildings"). The Duke of Cornwall would be capable of being affected by the Bill in the same way as His Majesty.

   The Principal Private Secretary to the First Minister wrote to the Private Secretary to HM The King on 8 July 2025 to ask His Majesty for consent, in so far as he may be affected by the Bill as introduced. The Palace confirmed on 23 September 2025 that His Majesty has granted his consent.

### Existing legislative framework

2. **At our evidence session on 29 September, your official spoke about the Regulatory Reform (Fire Safety) Order 2005, its lack of applicability with housing law, and how the Bill aims to address those inconsistencies. Do you have anything further to add about whether this legislation combined with UK legislation amended by the Senedd, recently enacted UK legislation (e.g. the Building Safety Act 2022 ("the 2022 Act")), and associated subordinate legislation, will affect the accessibility and coherence of the law in relation to building safety in Wales? We would welcome any additional examples of how the Bill is improving the accessibility and coherence of the statute book in relation to building safety.**

The current regulatory system covering safety in multi-occupied residential buildings is not fit for purpose. The failings were laid bare in the Grenfell Tower tragedy and subsequent reviews and inquiries.

Whilst buildings within the scope of the Bill will also be subject to other legislative provisions, such as the Housing Health and Safety Rating System under the Housing Act 2004, the Hackitt Review recommended that there should be greater clarity about who is responsible for managing the safety of buildings in occupation.

The Bill identifies who those duty holders are and places a proportionate and relevant set of duties on them to ensure that risks are managed appropriately in buildings. I consider, therefore, that the changes brought about by this Bill will improve the coherence of the law on building safety.

I do note, however, the Committee's broader concern regarding overall accessibility and the question around whether housing law generally, and building safety law specifically, applicable in relation to Wales should be brought together into bilingual Acts of the Senedd and codified. I refer the Committee to the main body of my letter.

**Development of the Bill**

3. **As we discussed on 29 September, there has been a very significant delay between the Grenfell tragedy in June 2017 and the development of this Bill. During the Local Government and Housing Committee's scrutiny of the Building Safety Bill LCM in November 2021 (already over four years after the Grenfell fire), the then Minister for Climate Change stated that:**

   ***"… in the light of the Grenfell tragedy and the need to respond to the subsequent independent review of building regulations—the Hackitt review that Members will be familiar with—we need to respond as quickly as possible, and this Bill is the most effective way to do that. We've made it clear as a Government that, whilst protecting the devolution settlement remains a critical area of priority for us and that our general principle is to legislate in the Senedd, we should be open to taking pragmatic approach to using UK legislation to achieve the Welsh Government's objectives where that's necessary and it completely suits our policy agenda."***

   **How would you respond to concerns that, by enacting legislation in Wales via the UK Parliament in 2021, and taking an additional four years to introduce this Bill to the Senedd, the Welsh Government has failed both to respond quickly to the Grenfell tragedy and to protect the devolution settlement?**

   The Bill forms part of a much wider programme of work taken forward since the Grenfell Tower tragedy, all aimed at ensuring residential buildings in Wales are as safe as possible. Since Grenfell we have:

- Made significant reforms to the building control system
- Introduced new regulation for higher-risk buildings during the design and construction phase
- Required mandatory registration and regulation of building control professionals
- Made regulations in 2019 preventing the installation of certain cladding on residential buildings of at least 18 metres
- Laid regulations, due to come into force in December, banning metal composite cladding panels with a polyethylene core (the type of cladding that was used on Grenfell Tower) on all buildings that require building regulations approval
- Undertaken a programme of remediation work (which is ongoing) to address in-built fire safety issues in multi-occupied residential buildings of 11m and above

The measures taken forward under the Building Safety Act 2022 are largely related to regulation of the building control profession, procedural reform for the design and construction of buildings and the introduction of dutyholder roles and responsibilities during the design and construction phase. The 2022 Act provided an opportunity to expediate the changes for the design and construction phase of higher risk buildings and create consistency for developers operating across England and Wales.

The scope of the Building Safety (Wales) Bill is wider than the regime currently in place in England and is concerned with buildings once they are occupied. It captures the vast majority of multi-occupied residential buildings in Wales and includes more extensive fire safety reforms. Developing the Bill has involved meaningful and significant stakeholder engagement, helping to make sure we get the regime right for residents and others in Wales, so that those who call these buildings home can feel safe. Time and engagement have been needed to get this right and to ensure that the new regime is fit for purpose.

4. **You have stated that this Bill was developed in response to the Grenfell tower fire of 2017 and the Hackitt review a year later. You issued a white paper on the Bill's proposals in January 2021. However, in evidence to the Local Government and Housing Committee, you explained that some issues are still unresolved, which may lead to substantive amendments to the Bill (for example, in relation to how the Welsh Government can ensure consistency of application of the regulation regime across the 22 local authorities). Why did you not use the time since the White Paper to publish a draft bill for public consultation, which could have resolved some of these issues before the Bill was introduced?**

As outlined in response to question 3 above, the Bill forms part of a much wider programme of work taken forward since the Grenfell Tower tragedy, all aimed at ensuring residential buildings in Wales are as safe as possible.

Work on the policy development for the Bill has proceeded alongside this wider programme of work. This is a broad and complex Bill. The focus of our work has been on the considerable engagement with stakeholders that has been undertaken as part of the policy development stage for the Bill, and this takes time to complete. However, input from that stakeholder engagement has directly contributed to the proposals laid out in the Bill and will be ongoing as we move to develop regulations under the Bill.

The ongoing work that you are referring to is in relation to the operational model. So, it's not that the policy in the Bill is unresolved. The Bill is complete and workable as drafted. However, the Bill is framed in such a way to provide local authorities with a level of flexibility around how they organise themselves to effectively discharge their functions under the Bill. In my evidence to the Local Government and Housing Committee, I discussed the work we are doing with local authorities and fire and rescue authorities to agree the operational model for the new building safety regime.

While all 22 local authorities will be the building safety authority for their area, I've been clear that I do not envisage in practice all 22 will exercise their functions in isolation. Work is ongoing around how local authorities work together to operationalise the new regime.

I do not believe that publishing a draft Bill would have helped in this case. The ongoing work is part of our implementation planning.

Regulation making powers in the Bill, and accompanying guidance, will help to ensure consistent application of the functions given to the building safety authorities.

**Implementation of the Bill**

**5. The Bill provides Welsh Ministers with the power to make subordinate legislation in some 65 areas. How many of these regulations will need to be in place in order for the effect of the Bill to be fully implemented?**

We are planning for a phased commencement of regulations under the Bill. Our Statement of Policy Intent sets out those regulation making powers that we consider are not likely to be required for implementation but may be required in the longer term, for instance, to reflect changes in the built environment. Phasing commencement will allow local authorities and duty-holders to acclimatise and adjust to the new regime and for consultation with key stakeholders and the wider public to take place.

The phased approach also recognises the large number of in-scope buildings. We expect registration of category 1 buildings to be introduced in the first phase in 2027. Category 2 registration is expected to commence in early 2028. With category 3 duties expected to follow later in 2028. We believe this approach will support a smooth transition, recognising that stakeholder awareness and preparedness will be paramount to success.

6. **Local Authority Building Control (LABC) has highlighted that under regulations currently in force made under the 2022 Act, a building is considered a "higher-risk building" if it contains at least *one* residential unit. However, for the purposes of the Bill, a "regulated building" must contain at least *two* residential units. They argue that this inconsistency "may lead to confusion in the wider industry". How do you respond to these concerns, particularly given your general views about the importance of alignment between this Bill and the 2022 Act?**

   For the design and construction phase the definition of a "higher-risk building" is set out in the Building Safety (Description of Higher-Risk Building) (Design and Construction Phase) (Wales) Regulations 2023. A "higher-risk building" is indeed only required to have one residential unit in order to be capable of meeting the definition (or be a hospital, care home or children's home and not be an "excluded building").

   In the White Paper "Safer Buildings in Wales", it was proposed that higher-risk buildings/category 1 buildings across both design and construction and occupation phases would be buildings with at least two residential units (and were at least 18 metres tall or had at least seven storeys). However, for the design and construction phase, this proposal was subsequently amended to one residential unit to bring the definition in line with requirements in respect of combustible cladding.

   The occupation phase's focus continues to be on multi-occupied residential buildings, so it defines category 1 buildings (and other "regulated buildings") as having two or more residential units. Across the occupation phase regime, buildings with only one residential unit would include all conventional houses and bungalows and it has never been the intention to capture such buildings in the occupation phase building safety regime.

   We are confident that we will be able to communicate this difference clearly to stakeholders. As the Committee points out, the intention is generally to align what constitutes a "higher-risk building" under the design and construction phase with what constitutes a category 1 building under the occupation phase, but the policy in relation to this specific matter (and in respect of some "excluded buildings") does not align between the two phases and so different provision is required.

**Regulation-making powers**

7. **There are 11 regulation-making powers to amend primary legislation (Henry VIII powers) in the Bill. Please set out a justification for why *each* Henry VIII power is necessary, reasonable and proportionate.**

   There are 10 regulation-making powers to amend primary legislation in the Bill. The reference in the Statement of Policy Intent to the regulation making power in

section 65(3) being subject to the Senedd approval procedure is incorrect, it is subject to the Senedd annulment procedure and it does not amend primary legislation. My apologies for the original error. The regulation making power in section 59(2) is subject to the Senedd approval procedure, but it does not amend primary legislation. Each of the regulation-making powers that amend primary legislation are set out in turn below.

| **Power** | **Why the power is necessary, reasonable and proportionate** |
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| Section 16(1) (power to amend sections 2 to 14) | This regulation making power is necessary to enable the Bill to be amended to respond to evidence of new and emerging risks and to ensure that the regime can be adapted to respond to such risks. It will also enable amendments to be made e.g. to account for new ownership models or building design. This power to amend Schedule 1 will provide flexibility to enable the list of "excluded buildings" to be amended should the need arise.<br><br>There is a duty to consult each building safety authority, each fire safety authority and such other persons as the Welsh Ministers consider appropriate. Therefore, an appropriate consultation will be taken before making regulations. The regulations are also subject to the Senedd approval procedure which will allow additional Senedd scrutiny. The regulations do not amend any of the duties in the Bill. Rather, they are intended to make minor changes to clarify key terms in the Bill, or to take into account new ownership models etc. The regulation making power is therefore considered to be reasonable and proportionate. |
| Section 27(2) (to modify the definition of "building safety risk") | The Bill is aimed at ensuring that building safety risks are properly assessed and managed. How the risks are assessed and managed, that is, the duties we place on the principle accountable person and accountable persons, and the enforcement of those duties are at the core of this Bill. The Bill is intended to ensure the safety of people in or about regulated buildings by making sure that someone is held accountable for that.<br><br>The regulation making power is necessary as new evidence may emerge that there are risks other than fire and structural safety risks that, if not assessed and managed, may result in a risk to the safety of people in or about a regulated building. For example, this could be a risk arising from climate change such as flooding.<br><br>The regulations may also make provision conferring functions for the regulation of that risk, onto any devolved Welsh Authority.<br><br>Similarly to the power in section 16, there is a duty to consult prior to making any regulations. The regulations are also subject to the Senedd approval procedure which will allow Senedd scrutiny. |

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| Section 41(9) (amend the period of time when a further building certificate application must be made – to change from 5 years). | The regulation-making power is necessary to allow flexibility to decrease or increase the five-year period depending on any emerging evidence about building safety risks.<br><br>The regulation-making power is reasonable and proportionate because new evidence may emerge indicating that this timeframe should be changed. The scope of the regulation making power is limited to only adjusting the time period. |
| Section 56(4) (amend list of "reviewable decisions" and meaning of "affected person") | This regulation making power is necessary to provide flexibility to add decisions of the building safety authority that must be subject to a review before an appeal, or to remove them. The policy intent of this section is to reduce the burden on the tribunal, but it may be the case that some decisions are in fact better left to the tribunal and that requiring them to be reviewed first achieves only delaying a final decision. The regulation making power provides flexibility to make amendments to this process based on experiences at implementation. To ensure that those impacted by a decision can request a review of a reviewable decision, and to ensure that the definition of an affected person captures the right people, the regulation making power also provides flexibility to amend the definition of an affected person should that need to be broadened, based on evidence gathered at implementation.<br><br>The regulation-making power is reasonable and proportionate as it allows for minor amendments to be made to ensure that the review process works as intended, and that people who are affected by decisions may bring a review. It is deemed appropriate for this type of amendments to be made via regulations. |
| Section 62 (new section 30IC of LTA1985 – meaning of building safety measure) – can amend subsections (2), (3) or (4) to amend "building safety measure". | The regulation making power in this section is necessary in order to allow the Welsh Ministers to amend the definition of a building safety measure, should it appear in future that the definition should be amended. It may be necessary to amend the meaning of building safety measure to account e.g. for new information obtained during implementation and subsequently. A regulation making power will enable this flexibility.<br><br>The regulation making power is reasonable and proportionate as it is limited to adding, removing or modifying the definition of a building safety measure. The amendments are likely to be minor and technical in nature and it is therefore considered appropriate for these changes to be made by secondary legislation. |
| Section 64 (new section 20FA of LTA1985 – limitation of variable service charges: excluded costs for regulated buildings). Can | The regulation making power in subsection (5) allows the Welsh Ministers to amend the definition of "excluded costs" in subsection (3) by adding, removing or modifying a description of excluded costs. The regulation making power in subsection (5) is necessary to allow the Welsh Ministers to amend the definition of a "excluded costs" should it appear that the definition should be amended. This is to ensure that the liability for building safety costs is passed down |

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| amend the definition of “excluded costs” in new section 20FA. | correctly. Similarly to the regulation making power in section 30IC above, it may be necessary to amend the meaning of “excluded costs” to account e.g. for new information obtained during implementation and subsequently. A regulation making power will enable this flexibility.<br><br>The regulation making power is reasonable and proportionate as it is limited to adding, removing or modifying the definition of “excluded costs”. The amendments are likely to be minor and technical in nature, and it is therefore considered appropriate for these changes to be made by secondary legislation. |
| Section 67(8) (meaning of relevant HMO) power in section 68(8) to amend this section. | The power in subsection (3)(d) is necessary if it becomes apparent in future that premises are being inadvertently caught by the definition of “relevant HMO”. The regulation making power allows the definition to be amended but cannot make amendments to subsections (1) and (8). It is also necessary, for example, because the power in subsection (8) allows the definition to be extended if, for instance, new forms of tenure or occupancy emerge. The power is therefore to deal with currently unforeseen circumstances, and there are no plans to use the power at present.<br><br>The power is reasonable and proportionate because it is important to ensure that multi-occupied premises which are not intended to be “relevant HMOs” are not inadvertently caught by the definition. Whilst subsection (3) already contains exclusions, this power enables ongoing flexibility i.e. for certain premises not to be capture within the definition. The amendments are likely to be minor and technical in nature, and it is therefore considered appropriate for these changes to be made by secondary legislation. |
| Section 86(7) (appeal against prohibition notice) power in section 86(7) to amend who can appeal against a prohibition notice. | The regulation making power in section 86(7) is necessary in order to amend the list of persons in subsection (2). An example of when this may be necessary is, for instance, where a new entity which had an interest in regulating building safety were created, or if such an interest arose out of a new form of housing tenure. These regulations may be needed in light of future wider policy or legislative change, including new information obtained during implementation and subsequently. This regulation making power provides flexibility should there be a need to amend this list in future. For example, if the meaning of building safety risk is modified using powers in section 27(2), then there may be other persons that have an interest in the management of that type of risk, that would need to be added to this list.<br><br>The amendments are likely to be technical in nature, and it is therefore considered reasonable and appropriate for these changes to be made by secondary legislation. |

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| Section 112(3) (consequential and transitional provision) | This regulation making power is necessary to ensure that consequential amendments to other legislation and transitional provisions can be made to ensure that the Bill works together with other laws. Although the main amendments to primary legislation have been made on the face of the Bill itself, during implementation it may emerge that further consequential amendments are required. It is deemed reasonable and proportionate that consequential amendments are made via secondary legislation. |
| Paragraph 21(3) of Schedule 2 (Welsh Ministers can amend paragraph 24 to change the meaning of "interested person" – who is someone who must, for example, be given certain information about Special Measures Orders) | This regulation making power is necessary to provide flexibility should there be a need to amend this list in future. For example, if the meaning of building safety risk is modified using powers in section 27(2), then there may be other persons that have an interest in the management of that type of risk, that would need to be added to this list.<br><br>The amendments are likely to be technical in nature, and it is therefore considered reasonable and appropriate for these changes to be made by secondary legislation. |

**8. Can you set out why you believe that it would be appropriate for a government in the Seventh or Eighth Senedd to change key matters in the Bill through secondary legislation, as is currently permitted by the broad relegation-making powers in the Bill, rather than by bringing forward primary legislation and allow full Senedd scrutiny, including by means of an expedited process if necessary?**

The way in which buildings are owned and managed, particularly at the smaller end of the spectrum varies considerably. Additionally, the built environment is complex and constantly changing, as are the risks in it whether this be due to advances in technology, building design, construction products or otherwise. The regime may also need to respond to new models of property ownership, occupation and tenure.

The powers are proposed to ensure that if issues arise during implementation, or in the future, we are able to react to these to ensure the regime works as intended, without the need for further primary legislation.

The key terms are designed to ensure that the right buildings are identified and that the appropriate people for those buildings are identified, in order that duties are placed on the most appropriate persons. Whilst a future government could use powers in the Bill to amend the key terms, any amendment would have to have these purposes in mind.

9. **Can you confirm whether some of the broad regulation-making powers in the Bill (such as those in section 16) would allow a future government to exclude certain buildings or structures from the regulatory regime? If so, have you considered inserting safeguards that would limit the use of those powers (for example, by limiting the power to *extending* the list of structures that fall within the regulatory framework of the Bill, rather than enabling future Welsh Government to also *remove* structures from that list)?**

   The power in section 16 is proposed to enable amendments to be made to the key terms sections. This power is not about changing the duties under the Bill. Whilst it is a broad power, it is an important one which ensures that if issues arise during implementation, or in the future, amendments can be made so as to ensure the Bill works as intended. Such regulations could only be made after consultation and with the approval of the Senedd.

   Schedule 1 sets out a list of buildings that are excluded from being regulated buildings. The power to amend Schedule 1 will ensure the list of "excluded buildings" can be amended should the need arise.

   It is possible that a future government could exclude certain buildings or structures from the regime. Such regulations could only be made after consultation and with the approval of the Senedd. Based on the existing available evidence, we believe all of the buildings we have included should be in scope of the regime. But it would be remiss of us not to ensure the regime can respond to evidence if it needs to. This could, for example, be because once the regime has been in operation for some time the evidence suggests that certain types of buildings are better regulated under the Regulatory Reform (Fire Safety) Order 2005 because it would be more appropriate for them to be treated as workplaces for example, making it more appropriate to exclude them from the regime.

   This power is designed to be proportionate and ensure the Government is able to respond to change when there is clear evidence to support such a change and we have included safeguards that limit the use of these powers to that effect. These include the requirement to consult the building safety and fire safety authorities and the use of the Senedd approval procedure thus ensuring it is subject to additional Senedd scrutiny and the Senedd's agreement.

10. **Despite agreeing in principle that the powers granted to Welsh Ministers are appropriate, some key stakeholders including the WLGA have raised concern about how future regulations will be developed, and the extent to which the sector will be consulted. Do you have anything further to add to provide reassurance to these stakeholders and others about the use these powers by future Welsh Governments?**

    We are planning for a phased commencement of regulations which recognises the broader building safety environment and the need to support stakeholders through implementation. Given the large number of in-scope buildings, phasing commencement will allow local authorities and duty-holders to acclimatise and

adjust to the new regime. Local authorities would have time to put in place the systems they need to prepare to take on their new functions.

We expect the registration of category 1 buildings to be introduced in the first phase in 2027. Category 2 registration is expected to commence in early 2028, with category 3 duties expected to follow later in 2028.

Under this phased approach, our initial focus will be on the regulations needed to ensure registration, category 1 duties, and duties in HMOs are in place. We intend to consult on those proposals and subsequently consult on issues more particular to category 2 and 3 buildings, which will be commenced subsequently during the course of 2028.

11. **Can you confirm that the current duties "to consult such other persons as Welsh Ministers consider appropriate" would in practice oblige future Welsh Governments to consult meaningfully with residents whenever residents have legitimate interests in the regulations or guidance being developed?**

Many of the secondary legislation-making powers and the guidance-making powers included in the Bill are accompanied by a duty to consult 'such other persons as Welsh Ministers consider appropriate'. While 'residents' are not a specified consultation group, there would be many instances where they would have legitimate interests in the regulations or guidance being developed and as such it would be appropriate for the Welsh Ministers to consult residents in those cases.

12. **In your response to our question about why a definition of "storey" is not included on the face of the Bill, you explained that including technical detail such as the definition of a storey or a mezzanine "risks overcomplicating the Bill". However, a definition of mezzanine is included in section 118(3) of the 2022 Act, and indeed the Act also provides some detail about the definition of a storey itself (section 118(3)). You went on to state that setting out the definition of storey in regulations, rather than on the face of the Bill, will help to ensure consistency with the 2022 Act and its subordinate legislation. Can you provide further clarity about your decision not to include a definition of "storey" and other key terms of the face of the Bill?**

Whilst section 118 of the Building Safety Act 2022 defines "storey", this definition does not apply in Wales (nor in England in respect of the occupation phase regime established by Part 4 of the 2022 Act).

The power to define "higher-risk building" for the design and construction phase is in section 120I of the Building Act 1984. The Building Safety (Description of Higher-Risk Building) (Design and Construction Phase) (Wales) Regulations 2023 ("the 2023 Regulations") are made under this power. The 2023 Regulations set out, for example, how height is to be measured and how storeys are to be calculated (including in relation to mezzanine floors). The Approved Documents

under the Building Act 1984 set out, for example, how height is measured and this aligns with the provisions in the 2023 Regulations.

The policy is that generally (noting the point already discussed regarding the minimum number of residential units) a “higher-risk building” in the design and construction phase will be a “category 1 building” in the occupation phase.

As such, for the occupation phase regime the power in section 6(5) of the Bill has been proposed partly in order that there can be an alignment, now and in the future, between what constitutes a “higher-risk building” and what constitutes a “category 1 building”. The intention is that regulations under section 6(5) will largely mirror, in terms of height and storeys at least, the provision in the 2023 Regulations. This approach will enable regulations for both phases to be aligned now, and in the future. If the 2023 Regulations were amended then the power in section 6(5) would enable, but not require, the occupation phase regulations to follow suit.

As a secondary matter, we also consider that setting out this level of technical detail on the face of the Bill would risk detracting from the “core” provisions i.e. those currently contained in section 6.

13. **One of the powers given to the Welsh Minsters in the Bill includes a power for the Welsh Ministers to change the definition of a “building”. During scrutiny, you told us that the definition of building may need to be amended if certain types of structures are being interpreted as buildings in a way that was not intended by the Bill, or if new types of multi-occupied residential accommodation emerge. Please can you:**

    a) **clarify whether consideration was given to taking alternative drafting approaches to include safeguards against different structures being used as buildings on the face of the Bill?**

    b) **set out examples of structures that you may want to exclude from the regulatory regime set out in the Bill (for example, your official cited large floating barges)**

    a) **Consideration of alternative drafting approaches and safeguards**

Yes, careful consideration was given to alternative drafting approaches and the need for balance between legislative clarity and the need for flexibility in response to emerging forms of residential accommodation. We explored the options of listing exclusions or defining building types more narrowly on the face of the Bill. However, these approaches were considered too rigid and potentially problematic given the evolving nature of residential accommodation.

It is difficult to anticipate with any certainty whether new approaches to structures and construction will or will not be defined as buildings and whether they should or should not be included in the regime, as we simply don’t know what they will look like yet. The decision to include a regulation-making power to amend the definition of “building” was taken to ensure that the regulatory framework is able

to remain responsive to future developments in the design and construction of residential buildings, including non-traditional structures, in a way that makes sense.

The safeguards we have put in place include the requirement that any changes to the definition must be subject to consultation and will also be subject to the Senedd approval procedure. I believe this provides the appropriate level of transparency and accountability in the exercise of this power in the future.

**b) Examples of structures that may be excluded from the regulatory regime**

As you say, large floating barges used as residential accommodation were cited during scrutiny as a type of structure that may not be suitable for inclusion within the regulatory framework. We do not think they will be interpreted as buildings and as such we do not think they need to be expressly excluded on the face of the Bill. There is a risk that expressly excluding them may suggest that they should be interpreted as a building in the first instance.

As noted above, we do not know what new types of accomodation might emerge because they haven't arisen yet.

**Modular housing example**

During scrutiny when we were discussing the intention behind the power to amend the meaning of "building" to include vehicles, vessels or other movable objects, you asked why a modular building might be excluded from the definition of a building and I agreed to write to you on this.

To clarify, we believe the current meaning of building would capture modular buildings. That is the policy intention, and where modular buildings are used to provide multi-occupied residential occupation, they should rightly be in scope of the Bill. However, there is potentially a risk that future unconventional construction or modular designs may not be considered to meet the meaning of "building". Should that issue arise, the power could be used to amend the meaning of building if necessary to provide clarity or ensure they are included.

**14. Section 29(3) gives regulation making powers for the Welsh Ministers to specify requirements relating to the competence of fire risk assessors. Given the importance of the qualification of fire risk assessors, why should this be left to regulations and subject only to scrutiny through the annulment procedure?**

The requirement that fire risk assessors must be competent is on the face of the Bill and will be directly enforceable without needing any regulations under section 29(3). Such regulations cannot change that requirement. They will merely set out details of how assessors can demonstrate competence, for instance by holding specified academic or vocational qualifications, being members of relevant professional institutions, or their employers being accredited by a suitable

corporate quality assurance scheme. We intend to make the regulations once there is a UK-wide agreement with the fire safety sector on an overall structure of different forms of assurance and their equivalence, and to amend them if new forms of assurance (e.g. new qualifications) become available. We believe the level of detail involved here, the lack of any Henry VIII power and the likely need to amend the regulations frequently, mean that the Senedd annulment procedure is appropriate.

15. **Similarly, section 33 (7) gives regulation making powers to the Welsh Ministers to make provision in relation to the making of structural risk assessments, including experience, qualifications and experience of assessors. Why are you satisfied that this should be left to regulations, and subject only to scrutiny through the annulment procedure?**

The requirement for the person making the structural risk assessment to have sufficient skills and experience to assess the structural safety risks, is on the face of the Bill. This would be enforceable by a compliance notice.

We do not currently intend to make regulations using the power under section 33(7). This means that there will be a degree of flexibility in terms of how it can be demonstrated that the requirements under section 33(3) are met. However, should evidence emerge in future that suggests that introducing a qualification requirement or similar would be helpful to the sector, for example to provide clarity as to how it can be demonstrated that those requirements are met, then this could be done using this regulation making power.

Any regulations would be subject to regulatory impact assessment and consultation.

Regulations made under section 33(7) may need to be updated frequently, for example if different forms of qualifications or requirements emerge.

We believe the level of detail involved here, the lack of any “Henry VIII” power and the potential need to amend any future regulations frequently, mean that the Senedd annulment procedure is appropriate.

16. **Section 65 (3) inserts new section 49B to the *Landlord and Tenant Act 1987* requiring a landlord to give the tenant a notice containing relevant building safety information. New section 49B (5) (e) provides a power for the Welsh Ministers to make regulations that can prescribe other information as relevant building safety information. Those regulations are made under the Senedd annulment procedure (new section 49B (8)). However, the Explanatory Memorandum states that this power will be subject to the draft affirmative procedure. Can you confirm which procedure will apply to this power, and whether any changes to the Explanatory Memorandum are necessary?**

    The power will be subject to the Senedd annulment procedure, and the Explanatory Memorandum will be amended accordingly. Please accept my apology for the original error in the Explanatory Memorandum.

**Guidance**

17. **The only guidance that the Welsh Ministers are mandated to issue under the Bill relates to principle accountable persons and landlords of houses of multiple occupation for certain duties relating to the assessment of fire safety risks. Have you given any further consideration to whether a duty should be placed on the Welsh Ministers to produce guidance in other areas (for example, your official cited structural safety as one potential area where compulsory guidance might be worthwhile)?**

    We have made issuing guidance on the assessment of fire safety risks mandatory because some principal accountable persons and landlords could struggle to discharge their duties properly without it. Article 50 of the Fire Safety Order imposes a similar duty on the Welsh Ministers. If we did not issue new guidance, there would be a risk of principal accountable persons and landlords continuing to rely on the existing guidance made under the Fire Safety Order, when it no longer applied to the building.

    The same is not true of other guidance under the Bill. We have therefore adopted the conventional approach of conferring a discretionary power to issue guidance. However, it is our intention to issue guidance to support all those with duties under the regime, including in relation to structural safety.

18. **No Senedd scrutiny procedure is in place for the guidance that the Welsh Ministers must issue under section 98 (1) or may issue under section 98 (2). Do you consider that this guidance should be subject to the draft annulment procedure?**

    Guidance under section 98 is not law; it aims to support accountable persons and others to discharge their duties under the Bill. Much of the guidance under section 98(2) will be unavoidably technical, and it will need frequent amendment to deal with changes in technology, building design, forms of tenure or recognised good practice. We consider that the duty to consult, before issuing or approving

guidance, in section 98 is appropriate and sufficient. It would be unusual for any Senedd procedure to apply to material like this, and no such procedure is necessary or appropriate here.

**19. Do you have a list of all the guidance that you plan to publish as a result of this Bill? If so, is there a timetable for the publication of this guidance, and can this be shared with committees, along with a list of all planned guidance?**

We recognise the need for comprehensive guidance for the regulatory bodies, accountable persons and residents to be in place in good time ahead of the new building safety regime coming into force. Guidance would be developed in consultation with stakeholders so that we can use the knowledge and expertise of those in the sector to make sure guidance is accessible and operationally sound.

Guidance will cover core aspects of the new regime, including building registration, the operation of a complaints system, preparation of the Safety Case Report, preparation of the resident engagement strategy, occurrence reporting and the duties of regulatory bodies, accountable persons and residents. Guidance will reflect the range of ownership models and organisations who could be principal accountable persons and accountable persons. For residents, we also intend to develop a resident handbook to support their understanding of what the regime means for them.

In terms of timing, we intend to consult with stakeholders on the development of guidance after consultation on the content of regulations, at which stage we will be clearer about the areas where guidance is needed and what it needs to cover.

**Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

—

**Legislation, Justice and Constitution Committee**

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Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

7 October 2025

Dear Jayne,

Building Safety (Wales) Bill

Thank you for appearing before Committee on 29 September 2025 to discuss the Building Safety (Wales) Bill ("the Bill").

During the session you agreed to respond to some questions that we asked during the session in writing. We would also be grateful if you could respond to some additional questions to support our scrutiny of the Bill. These questions are set out at annex A.

Please could you respond no later than 29 October?

I have copied this letter to the Chair of the Local Government and Housing Committee.

Yours sincerely,

Mike Hedges

Mike Hedges
Chair

# Annex A: Questions to the Cabinet Secretary for Housing and Local Government re. the Building Safety (Wales) Bill

**Legislative competence**

1. We understand that certain provisions of the Bill that may affect the private interests or hereditary revenues of the King or the Duke of Cornwall and so, in our view, will require the signification of Crown consent under section 111(4) of the 2006 Act and Standing Order 26.67. Could you please tell us which provisions in the Bill you anticipate will require King's or Duke of Cornwall's consent and what is the status of those requests?

**Existing legislative framework**

2. At our evidence session on 29 September, your official spoke about the Regulatory Reform (Fire Safety) Order 2005, its lack of applicability with housing law, and how the Bill aims to address those inconsistencies. Do you have anything further to add about whether this legislation combined with UK legislation amended by the Senedd, recently enacted UK legislation (e.g. the *Building Safety Act 2022* ("the 2022 Act")), and associated subordinate legislation, will affect the accessibility and coherence of the law in relation to building safety in Wales? We would welcome any additional examples of how the Bill is improving the accessibility and coherence of the statute book in relation to building safety.

**Development of the Bill**

3. As we discussed on 29 September, there has been a very significant delay between the Grenfell tragedy in June 2017 and the development of this Bill. During the Local Government and Housing Committee's scrutiny of the Building Safety Bill LCM in November 2021 (already over four years after the Grenfell fire), the then Minister for Climate Change stated that:

   *"… in the light of the Grenfell tragedy and the need to respond to the subsequent independent review of building regulations—the Hackitt review that Members will be familiar with—we need to respond as quickly as possible, and this Bill is the most effective way to do that. We've made it clear as a Government that, whilst protecting the devolution settlement remains a critical area of priority for us and that our general principle is to legislate in the Senedd, we should be open to taking*

*a pragmatic approach to using UK legislation to achieve the Welsh Government's objectives where that's necessary and it completely suits our policy agenda."*[1]

How would you respond to concerns that, by enacting legislation in Wales via the UK Parliament in 2021, and taking an additional four years to introduce this Bill to the Senedd, the Welsh Government has failed both to respond quickly to the Grenfell tragedy and to protect the devolution settlement?

4. You have stated that this Bill was developed in response to the Grenfell tower fire of 2017 and the Hackitt review a year later. You issued a white paper on the Bill's proposals in January 2021. However, in evidence to the Local Government and Housing Committee, you explained that some issues are still unresolved, which may lead to substantive amendments to the Bill (for example, in relation to how the Welsh Government can ensure consistency of application of the regulation regime across the 22 local authorities[2]). Why did you not use the time since the White Paper to publish a draft bill for public consultation, which could have resolved some of these issues before the Bill was introduced?

**Implementation of the Bill**

5. The Bill provides the Welsh Ministers with the power to make subordinate legislation in 65 areas. How many of these regulations will need to be in place in order for the Bill to be fully implemented?

6. Local Authority Building Control (LABC) has highlighted that under regulations currently in force made under the 2022 Act, a building is considered a "higher-risk building" if it contains at least *one* residential unit. However, for the purposes of the Bill, a "regulated building" must contain at least *two* residential units. They argue that this inconsistency "may lead to confusion in the wider industry".[3] How do you respond to these concerns, particularly given your general views about the importance of alignment between this Bill and the 2022 Act?

**Regulation-making powers**

7. There are 11 regulation-making powers to amend primary legislation (Henry VIII powers) in the Bill. Please set out a justification for why *each* Henry VIII power is necessary, reasonable and proportionate.

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[1] Local Government and Housing Committee, 17 November 2021, RoP [100]

[2] Local Government and Housing Committee, 17 July 2025, RoP [133-206]

[3] Written evidence: BSWB 19 - LABC

8. Can you set out why you believe that it would be appropriate for a government in the Seventh or Eighth Seneddau to change key matters in the Bill through secondary legislation, as is currently permitted by the broad relegation-making powers in the Bill, rather than by bringing forward primary legislation and allow full Senedd scrutiny, including by means of an expedited process if necessary?

9. Can you confirm whether some of the broad regulation-making powers in the Bill (such as those in section 16) would allow a future government to exclude certain buildings or structures from the regulatory regime? If so, have you considered inserting safeguards that would limit the use of those powers (for example, by limiting the power to *extending* the list of structures that fall within the regulatory framework of the Bill, rather than enabling future Welsh Government to also *remove* structures from that list)?

10. Despite agreeing in principle that the powers granted to Welsh Ministers are appropriate, some key stakeholders including the WLGA have raised concern about how future regulations will be developed, and the extent to which the sector will be consulted.[4] Do you have anything further to add to provide reassurance to these stakeholders and others about the use these powers by future Welsh Governments?

11. Can you confirm that the current duties "to consult such other persons as Welsh Ministers consider appropriate" would in practice oblige future Welsh Governments to consult meaningfully with residents whenever residents have legitimate interests in the regulations or guidance being developed?

12. In your response to our question about why a definition of "storey" is not included on the face of the Bill, you explained that including technical detail such as the definition of a storey or a mezzanine "risks overcomplicating the Bill". However, a definition of mezzanine is included in section 118(3) of the 2022 Act, and indeed the Act also provides some detail about the definition of a storey itself (section 118(3)). You went on to state that setting out the definition of storey in regulations, rather than on the face of the Bill, will help to ensure consistency with the 2022 Act and its subordinate legislation. Can you provide further clarity about your decision not to include a definition of "storey" and other key terms of the face of the Bill?

13. One of the powers given to the Welsh Minsters in the Bill includes a power for the Welsh Ministers to change the definition of a "building". During scrutiny, you told us that the definition of building may need to be amended if certain types of structures are being

[4] Written evidence: BSWB 14 - Welsh Local Government Association; Written evidence: BSWB 22 - Community Housing Cymru

interpreted as buildings in a way that was not intended by the Bill, or if new types of multi-occupied residential accommodation emerge. Please can you:

a. clarify whether consideration was given to taking alternative drafting approaches to include safeguards against different structures being used as buildings on the face of the Bill?

b. set out examples of structures that you may want to exclude from the regulatory regime set out in the Bill (for example, your official cited large floating barges)?

14. Section 29(3) gives regulation-making powers for the Welsh Ministers to specify requirements relating to the competence of fire risk assessors. Given the importance of the qualifications of fire safety risk assessors, why should this be left to regulations and subject only to scrutiny through the annulment procedure?

15. Section 33(7) gives regulation-making powers to the Welsh Ministers to make provision in relation to the making of structural risk assessments, including expertise, qualifications and experience of assessors. Why are you satisfied that this should this be left to regulations and subject only to scrutiny through the annulment procedure?

16. Section 65(3) inserts new section 49B to the *Landlord and Tenant Act 1987* requiring a landlord to give the tenant a notice containing relevant building safety information. New section 49B(5)(e) provides a power for the Welsh Ministers to make regulations that can prescribe other information as relevant building safety information. Those regulations are made under the Senedd annulment procedure (new section 49B(8)). However, the Explanatory Memorandum states that this power will be subject to the draft affirmative procedure. Can you confirm which procedure will apply to this power, and whether any changes to the Explanatory Memorandum are necessary?

**Guidance**

17. The only guidance that the Welsh Ministers are mandated to issue under the Bill relates to principle accountable persons and landlords of houses of multiple occupation for certain duties relating to the assessment of fire safety risks. Have you given any further consideration to whether a duty should be placed on the Welsh Ministers to produce guidance in other areas (for example, your official cited structural safety as one potential area where compulsory guidance might be worthwhile)?

18. No Senedd scrutiny procedure is in place for the guidance that the Welsh Ministers must issue under section 98(1) or may issue under section 98(2). Do you consider that this guidance should be subject to the draft annulment procedure?

19. Do you have a list of all the guidance that you plan to publish as a result of this Bill? If so, is there a timetable for the publication of the this guidance, and can this be shared with committees, along with a list of all planned guidance?

# Agenda Item 8

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**Jane Hutt AS/MS**
**Ysgrifennydd y Cabinet dros Gyfiawnder Cymdeithasol, y Trefnydd a'r Prif Chwip**
**Cabinet Secretary for Social Justice, Trefnydd and Chief Whip**

Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JH/PO/516/25

Mike Hedges MS
Legislation, Justice and Constitution Committee

21 October 2025

Dear Mike

Thank you for your letter dated 29 September 2025, in which you requested further information following the Legislation, Justice and Constitution Committee meeting on 22 September 2025. At this meeting, you considered the Supplementary Legislative Consent Memorandum (Memorandum No. 2) laid in relation to the Crime and Policing Bill on 2 July 2025.

1) **As you state in the supplementary legislative consent memorandum, following official engagement, you are now satisfied with the approach taken by the UK Government in respect of the Bill's I-LEAP provisions (clauses 127 to 129 in the version of the Bill as introduced). Please provide further information as to:**

   a. **why you were unable to recommend that the Senedd consents to these provisions at the time of laying the first legislative consent memorandum;**

At the point of laying the first legislative consent memorandum (LCM), discussions with the UK Government and associated analysis were ongoing. I was keen to ensure this did not further delay the laying of the LCM, hence the position was outlined as such in the LCM.

   b. **the discussions held with the UK Government during the engagement that followed the laying of the first legislative consent memorandum; and**

Engagement took place between Welsh Government and UK Government officials, focussing on the UK Government's approach and objectives behind the provisions, coupled with the Welsh Government's existing principles in this area.

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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.

c. **why you are now satisfied with the approach taken by the UK Government.**

Following those discussions, I was satisfied that the UK Government's approach was based upon a credible position relating to the implementation of international agreements rather than a disregard for devolution. We continue to support the devolution of justice in its entirety, as recommended by the Commission on Justice in Wales. I consider this to be an issue of limited devolved application, and with limited constitutional risk.

2) **You also state that the approach taken is a departure from the Welsh Government's usual principles as regards concurrent powers. Please explain why you deem this departure to be appropriate.**

As noted above, I consider this to be an issue of limited devolved application, and with limited constitutional risk. The implementation of the relevant international obligations here will involve a mixture of devolved and reserved technical and operational matters, with the details having been mandated at an international level. In this context there is therefore limited flexibility available to the Welsh Ministers.

3) **In the same context, you state in the supplementary legislative consent memorandum that you recognise the UK's legitimate positions as regards international obligations. Please clarify the intended meaning of this statement given that, in the first legislative consent memorandum, you acknowledge that observing and implementing international obligations is not a reserved matter.**

Whilst I am unable to disclose the specific nature of discussions with the UK Government, it is clear that there is a need to ensure compliance with international obligations from the point they enter into force across the UK. The UK Government position on the ratification of treaties is explored in further detail in the FCDO guidance on treaties and MOUs.

4) **The Welsh Government's principles (referenced above) state that in the exceptional cases in which the Welsh Ministers agree to the creation of concurrent powers, such powers should be subject to relevant consent mechanisms. Please confirm whether or not such mechanisms were sought, and if not, why not.**

The general approach set out in our principles was explored, together with the UK Government position on international obligations, as outlined above. As such, I agreed that there was a need to ensure a UK-wide approach, and that any constitutional risks involved with a concurrent powers approach here were limited.

I thank the members of the Committee for their assessment of the Welsh Government's Supplementary Legislative Consent Memorandum for this Bill.

**Jane Hutt AS/MS**
Ysgrifennydd y Cabinet dros dros Gyfiawnder Cymdeithasol, y Trefnydd a'r Prif Chwip
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

**Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

—

**Legislation, Justice and Constitution Committee**

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Jane Hutt MS
Cabinet Secretary for Social Justice, Trefnydd and Chief Whip

29 September 2025

Dear Jane

Crime and Policing Bill

At its meeting on Monday 22 September 2025, the Committee considered the supplementary legislative consent memorandum (Memorandum No. 2) which you laid in respect of the Crime and Policing Bill on 2 July 2025.

To help inform its scrutiny, the Committee would be grateful to receive further information in respect of some matters emanating from its consideration. These matters are set out in the annex to this letter.

I would be grateful to receive a response from you by Monday 27 October 2025.

Yours sincerely,

Mike Hedges
Chair

## Annex

1. As you state in the supplementary legislative consent memorandum, following official engagement, you are now satisfied with the approach taken by the UK Government in respect of the Bill's I-LEAP provisions (clauses 127 to 129 in the version of the Bill as introduced). Please provide further information as to:

    a. why you were unable to recommend that the Senedd consents to these provisions at the time of laying the first legislative consent memorandum;

    b. the discussions held with the UK Government during the engagement that followed the laying of the first legislative consent memorandum; and

    c. why you are now satisfied with the approach taken by the UK Government.

2. You also state that the approach taken is a departure from the Welsh Government's usual principles as regards concurrent powers. Please explain why you deem this departure to be appropriate.

3. In the same context, you state in the supplementary legislative consent memorandum that you recognise the UK's legitimate positions as regards international obligations. Please clarify the intended meaning of this statement given that, in the first legislative consent memorandum, you acknowledge that observing and implementing international obligations is not a reserved matter.

4. The Welsh Government's principles (referenced above) state that in the exceptional cases in which the Welsh Ministers agree to the creation of concurrent powers, such powers should be subject to relevant consent mechanisms. Please confirm whether or not such mechanisms were sought, and if not, why not.

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

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

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**Julie James AS/MS**
**Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni**
**Counsel General and Minister for Delivery**

Llywodraeth Cymru
Welsh Government

Mike Hedges MS, Chair
Legislation, Justice and Constitution Committee

28 Hydref 2025

Annwyl Mike,

**Planning consolidation Bills**

Thank you for your letter of 21 October 2025. Given the technical nature of a number of the points raised in the written evidence to the Committee, the Office of the Legislative Counsel has prepared an explanation which I attach as an Annex to inform the Committee's deliberations.

There are a handful of matters that I am responding to directly:

1. A number of respondents in the oral and written evidence given to the Committee have referred to the fact that the Planning (Wales) Bill uses the term "relevant considerations" instead of "material considerations". Where respondents have expressed concerns, they have related to whether it will be sufficiently clear that there is no change of meaning and that existing case law about "material considerations" will continue to apply.

   The Law Commission recommended this change in their report on *Planning Law in Wales* (recommendation 5-2). Paragraphs 5.28 to 5.32 of the Commission's consultation paper noted that the duty to have regard to material considerations is a statutory version of the general public law duty for decision-makers to have regard to all relevant considerations, and that the highest courts have stated on a number of occasions that "material" in this context means "relevant". The Commission thought that "relevant considerations" was more likely to be widely understood than the technical-sounding "material considerations".

   The Government accepted the recommendation for the reasons given by the Commission. As set out in paragraph 260 of the Explanatory Notes to the Planning (Wales) Bill, we consider that using "relevant considerations" does not involve any change in the law. That should be clear, because the change of terminology reflects how the existing law has been interpreted by the courts. If the Bill is enacted, guidance to be published by the Welsh Government (as highlighted in paragraph 66 of the Explanatory Memorandum), along with updates to existing guidance to reflect the Bill, can also explain this point.

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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.

As well as being used in the Planning (Wales) Bill, the phrase “relevant considerations” has already been used in both the Historic Environment (Wales) Act 2023 and the Infrastructure (Wales) Act 2024. No concerns have been raised about that, and we consider it desirable to maintain consistency between these related pieces of legislation.

2. Some respondents have also suggested that the sustainable development duties in sections 11 and 51 of the Bill, which apply to making development plans and deciding planning applications, should apply more generally, including to enforcement. Sections 11 and 51 of the Bill reproduce the existing scope of the duty in section 2 of the Planning (Wales) Act 2015, which was debated and agreed by the Senedd during scrutiny of the 2015 Act. Extending the duty to other functions would be a change in the law. There are also planning functions to which the duty is clearly irrelevant (such as powers to make regulations about procedural matters and functions relating to certificates of lawfulness and blight notices), so applying it generally to all functions under the Bill could give a misleading impression about its actual scope.

3. Finally, a number of respondents have raised questions about the effect of the consolidation exercise on existing subordinate legislation. I want to provide some reassurance that the coming into force of the Planning (Wales) Bill will not change the effect of any of the existing subordinate legislation (except in those cases where provisions currently in subordinate legislation are being restated in the Bill – which are all identified in the tables of origins and destinations and the Drafters’ Notes). This is another point that can be addressed in guidance if the Bill is enacted.

   Section 35 of the Legislation (Wales) Act 2019 specifically deals with the situation where existing legislation is repealed and re-enacted in an Act of the Senedd. Section 35(3) provides that, if subordinate legislation that was made under the repealed legislation could also be made under the new Act, it continues to have effect as if it had been made under the new Act. Similar provisions have applied to earlier consolidations. For example, the Town and Country Planning (Use Classes) Order 1987 was made under the Town and Country Planning Act 1971 but now has effect as if it had been made under the Town and Country Planning Act 1990. If the Planning (Wales) Bill is enacted, when the Bill comes into force that order will continue to have effect in relation to England as if made under the 1990 Act, and in relation to Wales as if made under the Bill.

   Section 35(2) of the 2019 Act also ensures that any references in subordinate legislation to provisions that are consolidated in the Planning (Wales) Bill will in future be read as referring to the corresponding provisions of the Bill. Although section 35(2) ensures that subordinate legislation continues to work correctly, it does not help the accessibility of the law in this context. I would therefore expect regulations to be made under section 4 of the Planning (Consequential Provisions) (Wales) Bill textually amending references in subordinate legislation so that they refer to the correct provisions of the Bill.

Yn gywir,

**Julie James AS/MS**
Y Cwnsler Cyffredinol a’r Gweinidog Cyflawni
Counsel General and Minister for Delivery

**ANNEX PREPARED BY THE OFFICE OF THE LEGISLATIVE COUNSEL**

Note: references to the "Planning Bill" are to the Planning (Wales) Bill.

***Tai Hanesyddol Cymru / Historic Houses Wales***

Section 404, Planning Bill – use of "preserve"

1. The response draws attention to the word "preserving" in section 404 of the Planning Bill and suggests that it may be too strict. Section 404 restates section 314A of the Town and Country Planning Act 1990, which already uses the word "preserving". Section 314A was inserted into the 1990 Act by the Historic Environment (Wales) Act 2023, and the question of whether to refer to "conservation" instead of "preservation" was raised in evidence from Historic Houses Wales and CLA Cymru during the Senedd's consideration of the 2023 Act. The Government's reasons for retaining the existing language were recorded in paragraphs 185-195 of the Committee's report on the Bill for the 2023 Act. A further reason for not changing the language in section 404 is that doing so would make it inconsistent with the 2023 Act.

***Charles Felgate, Geldards LLP***

Section 408(3), Planning Bill – location of requirement to have regard to national policies

2. Paragraph 4 of the response suggests that section 408(3) of the Planning Bill should be moved from the interpretation section of the Bill to the provisions about determining planning applications. However, as explained in the Drafters' Notes, section 408(3) applies to *all* of the provisions of the Bill that impose a duty to have regard to the development plan and "any other relevant considerations", not only those relating to applications. Moreover, section 408(3) merely puts beyond doubt that national planning policies and Welsh language considerations may be relevant considerations, so we consider that it is appropriate to include it in the interpretation section.

Section 7, Planning Bill – planning authority

3. Paragraph 5 of the response suggests that section 7 of the Bill, which defines a "planning authority", should indicate that the Welsh Ministers may be a planning authority for the purposes of the provisions about applications and appeals. That would be incorrect. The references to a "planning authority" in the Bill restate existing references to local planning authorities, mineral planning authorities and hazardous substances authorities. They do not include the Welsh Ministers.

Section 75, Planning Bill – variation of an application that has been appealed

4. Paragraph 7 of the response argues for the removal of the provisions limiting the variation of an application that has been appealed. We agree that this would be a policy change that could not be made in a consolidation Bill under Standing Order 26C.2.

*CLA Cymru*

Inclusion of provisions about blight notices (Part 13 of the Planning Bill)

5. Paragraphs 8 to 11 of the response express the view that the provisions about blight notices should not be included in the Planning Bill because they form part of the law on compulsory purchase. The Law Commission recommended including the blight provisions in the Planning Bill (recommendation 6-5), and the government accepted the recommendation in principle. The question was considered carefully during the preparation of the Planning Bill, and on balance it was concluded that it was appropriate to regard the blight provisions as part of planning law and include them in the Bill. Although the provisions apply to things done under various other pieces of legislation, those things relate to the proposed development of land, and the provisions have always been included in the Town and Country Planning Acts.

6. Omitting the blight provisions from the Planning Bill would mean leaving them in the Town and Country Planning Act 1990 until they could be consolidated in another Bill. The 1990 Act would therefore continue to have some relevance to Wales, whereas the current approach taken in the Bill means that it will not. We do not think it would aid accessibility to amend the 1990 Act so that it applied only to England except for the Chapter about blight which would continue to apply to England and Wales.

Changes to terms including "completion notice" and "planning contravention notice"

7. Paragraphs 14 to 19 express the view that the changes to terminology in the Bill will undermine the objective of accessibility and may confuse practitioners working in both England and Wales. The new terms used in the Bill are all intended to give more accurate or simpler descriptions of the things to which they refer. In many cases, such as the names of various orders and notices, the Bill is adopting terms are already used in practice. In the letter from the Counsel General and Minister for Delivery to the Committee dated 10 October, Annex 2 identified the changes that had been subject to consultation undertaken by the Law Commission or engagement with stakeholders undertaken by Welsh Government officials. Where there has been consultation or engagement, stakeholders have generally supported the changes.

Section 43(3), Planning Bill

8. Paragraphs 20 and 21 comment that section 43(3) of the Planning Bill is "very difficult to parse". We agree that section 43(3) is a long sentence, but that reflects the nature of the proposition.

*RTPI Cymru*

9. The comments that follow relate to the bullet points on pages 3 to 5 of the response.

Section 6, Planning Bill – operations that are not development

10. The response suggests that section 6(4) of the Planning Bill should be moved up to become section 6(3)(c). That would not work because section 6(3) is a substantive provision whereas section 6(4) is a signpost to a provision in another Act.

11. The response suggests that section 6(3)(a)(ii) should clarify whether it is referring to development requiring an environmental impact assessment (EIA). It is true that the purpose of the reference to works that "may have significant adverse effects on the environment" is to ensure that works subject to the EIA regime are not excluded from being development. However, section 6(3)(a) is not itself about EIAs, so we do not think it would be helpful to add a reference to them. Doing so would involve using terms defined in the EIA legislation and referring to the definitions of the terms in that legislation. But the definitions in the EIA legislation contain material that is not relevant in this context, and there is no need to engage with them in order to understand the effect of section 6(3)(a). The link to the EIA regime could instead be mentioned in guidance.

National Parks and joint local development plans

12. The response suggests that a National Park authority cannot be a party to a joint local development plan. That is not correct. Section 9 of the Planning Bill limits the power to establish joint planning boards in relation to National Parks, but joint LDPs are dealt with in sections 36 and 37. Under section 36, a National Park authority can agree with another planning authority to prepare a joint LDP, but cannot be directed to do so.

Section 10(2), Planning Bill – conflict between development plan policies

13. The response suggests clarifying that "adopted or approved" in section 10(2) of the Planning Bill is referring to the National Development Framework for Wales. That is not correct. The reference in section 10(2) to a plan being "adopted or approved" is referring to a strategic or local development plan being adopted by a resolution of the authority that prepared it under section 24, or approved by the Welsh Ministers under section 26(5) or 29(5). The reference to a plan being "published" is referring to the Welsh Ministers publishing the National Development Framework under section 14(6).

Section 24(2), Planning Bill – adoption of plan

14. The response suggests that section 24(2) of the Planning Bill needs amending to cover strategic development plans. However, section 24(2) already applies to those plans (see the definition of "plan" in section 20), and the "authority" to which it refers is the plan-making authority mentioned in section 24(1). That is the corporate joint committee in the case of a SDP (see the definition of "plan-making authority" in section 20).

Section 52, Planning Bill – pre-application consultation

15. The response suggests that section 52 should be amended to avoid the impression that it applies to all applications. It is already clear that it does not. Section 52(1) states that the section only applies to proposed applications for permission for development "of a description specified in regulations". That description is specified in article 2B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, which will continue to have effect as if made under section 52 of the Bill if it is enacted.

16. The response also says that section 52(8)(d) should clarify which consultees it is referring to. We do not think that is necessary. Section 52(5) already requires regulations to

impose a duty to consult and specify the persons to be consulted, and section 52(7) makes clear that section 52(8) is only about consultation under section 52.

Section 86, Planning Bill – combining applications

17. The response suggests that section 86 is a new provision that is not appropriate for a consolidation Bill. However, section 86 is not a new provision: it restates section 332 of the Town and Country Planning Act 1990, with minor drafting changes.

Section 113, Planning Bill – enforcement time limits

18. The response suggests that for clarity the last row of the table in section 113 should be amended to say that the breaches of planning control to which it refers include "any other change of use and any breach of condition". However, the wording here is the same as that in section 171B(3) of the 1990 Act, and the definition of "breach of planning control" in section 112 of the Bill (restating section 171A) already makes clear what is covered. In addition, the proposed amendment would change the law in relation to material changes of use that are not development by virtue of section 6 of the Bill or do not require planning permission by virtue of section 43.

19. The response also asks whether the case law on concealed breaches of planning control should be codified. We do not think it should. The Law Commission considered this issue and recommended that it should be addressed in guidance rather than by codifying the case law in the Bill: see recommendation 12-3, which the Government accepted.

Sections 120(5) and 123(3), Planning Bill – temporary stop notices

20. The response suggests that there is a conflict between sections 120(5) and 123(3). We do not understand why that is suggested, and we are satisfied that there is no conflict.

Meaning of "public safety" in section 231(1)(b), Planning Bill

21. The response suggests that the Bill should state that "public safety" in section 231(1)(b) includes highway safety. We are not aware of any reason why the general reference to "public safety" would not include the safety of people on a highway, and we do not think it would be helpful to single out this aspect of public safety.

Section 126(4), Planning Bill – breach of condition notices

22. The response suggests raising the level of fine for failing to comply with a breach of condition notice (as the Law Commission had recommended in recommendation 12-25). We consider that raising the fine would amount to a substantive policy change that could not be made in a consolidation Bill under Standing Order 26C.2.

Sections 165 to 171, Planning Bill – planning obligations and community infrastructure levy

23. The response asks whether the "pooling restriction" has been removed. We understand that this is referring to regulation 123(3) of the Community Infrastructure Levy Regulations 2010, which has been revoked in England but continues to apply in Wales. Chapter 2 of Part 6 of the Planning Bill restates the powers under which the CIL

Regulations were made, but does not affect the CIL Regulations themselves, which will continue to have the same effect as they do now once the Bill comes into force. (There are two exceptions: regulations 4 and 122 are restated in the Bill so they will no longer be needed.) Therefore regulation 123(3) will continue to apply to Wales unless the Welsh Ministers revoke it, so any change will be a matter for regulations rather than the Bill.

Definition of "occupied"

24. The response suggests amending section 408 to include a definition of "occupied". However, we are not aware of the meaning of "occupied" in planning legislation causing problems in practice. The courts have occasionally considered the meaning of "occupy" and "occupier" in the enforcement provisions, but they have held that whether a person is an occupier is a question of fact and degree to be determined in the circumstances of each case (see *Stevens v Bromley LBC* [1972] Ch 400; *Scarborough BC v Adams* (1983) 147 JP 449; *International Traders Ferry Ltd v Adur DC* [2004] 2 PLR 106). As such, the case law does not set out a more detailed test or definition that could be codified in legislation. Nor does the response from RTPI Cymru suggest what definition should be adopted or what issues it should address.

***Awdurdod Parc Cenediaethol Bannau Brycheiniog / Bannau Brycheiniog National Park Authority***

Issue 1: Change to effect of Section 4A of the Town and Country Planning Act 1990

25. The response claims that the Planning Bill changes the effect of section 4A of the Town and Country Planning Act 1990 and creates uncertainty about the role of a National Park authority as a planning authority. We do not agree that it does either of those things.

26. Section 7 of the Bill states clearly that a National Park authority is the planning authority for its National Park. The drafting follows the approach to defining a local planning authority that is already taken in section 78(3) of the Planning and Compulsory Purchase Act 2004, rather than the approach in section 4A of the 1990 Act.

27. The Bill omits most of section 4A of the 1990 Act because it is unnecessary in Wales. In most of England, there are two local planning authorities (the county and district planning authorities) and a mineral planning authority (which is the county planning authority). We think that section 4A provides that a National Park authority is the "sole local planning authority" for its Park and has the functions of "a planning authority of any description" to make clear that it takes the place of all of those other authorities. Under the Planning Bill, an area in Wales can only have one planning authority (normally the county or county borough council), so the approach taken in section 4A is unnecessary. There is no need to say any more than is said in section 7 of the Bill.

28. We do not understand why the response refers to a corporate joint committee's function of preparing a strategic development plan under Part 6 of the 2004 Act. Section 4A of the 1990 Act is about the functions of planning authorities under the planning Acts. A CJC is not a "planning authority" because it is not referred to as a planning authority anywhere

in the existing legislation[1]; and it is not a joint committee of the planning authorities in its area but a separate corporate entity. The 2004 Act is not one of the "planning Acts" because it is not included in the definition of "the planning Acts" in section 336(1) of the 1990 Act. Section 4A of the 1990 Act therefore has no application to CJCs or to functions under the 2004 Act. Instead, Part 6 of the 2004 Act sets out which authorities exercise functions under that Part, and in particular confers the function of a preparing a SDP only on a CJC. Part 2 of the Planning Bill maintains that position.

Issue 2: Omission of Conservation of Habitats and Species Regulations 2017

29. The Welsh Government's position on the inclusion of the Habitats Regulations in the consolidation is set out in the quotation included in the response.

Issue 3: Uncertainty about expiry of local development plans

30. The response claims that there is currently uncertainty about when local development plans expire, which the Planning Bill continues. It might also be suggesting that the Bill could cause plans to expire earlier than would otherwise have been the case. We do not agree that there is any uncertainty or that the Bill would change anything.

31. Section 12 of the Planning (Wales) Act 2015 amended section 62 of the Planning and Compulsory Purchase 2004 with effect from 4 January 2016. It inserted a new section 62(3B) requiring LDPs to specify the periods for which they would have effect. It did not apply retrospectively to LDPs that had already been adopted or require them to be amended. It also inserted section 62(9), which provides for LDPs to cease to have effect "on the expiry of the period specified under subsection (3B)". It does not apply to any periods that had been specified in LDPs adopted before section 62(3B) came into force on 4 January 2016, because those periods were not specified "under subsection (3B)".

32. Section 19(5) and (9) of the Planning Bill restate section 62(3B) and (9) of the 2004 Act in almost identical terms. In particular, section 19(9) provides for a plan to cease to have effect at the end of "the period specified under subsection (5)". The reference to the period "specified under subsection (5)" will include a period that was specified under section 62(3B) when it was in force, but it will not include any period that had been specified in a plan adopted before section 62(3B) came into force. Section 35(2) and (4) of the Legislation (Wales) Act 2019 will ensure that periods specified under section 62(3B) continue to have effect as if specified under section 19(5) of the Planning Bill, and more generally that existing LDPs continue to have the same effect after the Planning Bill comes into force as they had before, so the position will be unchanged. Paragraph 2 of Schedule 5 to the Planning (Consequential Provisions) (Wales) Bill makes clear that the transitional and saving provisions in that Schedule apply in addition to section 35 of the 2019 Act and do not limit the operation of that section.

[1] Sections 60L and 60N of the 2004 Act do apply the procedural provisions about local planning authority surveys and local development plans to CJC surveys and strategic development plans. In order to make those provisions work correctly for CJC surveys and SDPs, sections 60L(3)(a) and 60N(4)(a) treat references to local planning authorities as if they were references to CJCs. That does not have the effect of making a CJC a local planning authority for any purpose. Chapters 3 to 5 of Part 2 of the Planning Bill take a different drafting approach that does not rely on applying provisions about local planning authorities to CJCs.

***Sara Hanrahan, Blake Morgan LLP***

Levelling-up and Regeneration Act 2023

33. Nearly all of the changes to planning legislation made by LURA 2023 apply only to England, so they are not restated in the Planning Bill but affect the amendments that the Planning (Consequential Provisions) (Wales) Bill needs to make to existing legislation.

34. A few provisions of the Planning Bill are restating provisions that are to be inserted into the 1990 Act by LURA 2023 but that are not yet in force. Those provisions of the Planning Bill are to be ignored until the relevant provisions of LURA 2023 come into force: see paragraphs 9, 13 and 22 of Schedule 5 to the Consequential Provisions Bill.

Planning and Infrastructure Bill

35. We have taken the Planning and Infrastructure Bill into account in drafting our Bills. That Bill is mostly amending legislation about infrastructure that is not included in our consolidation, and where it amends the legislation that is being consolidated the amendments relate only to England. The P&I Bill mainly affects the consequential amendments that we need to make to existing legislation, and we will review whether any of those amendments need to change if the P&I Bill is passed.

The *Hillside* case

36. The Supreme Court's decision in *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30 related to the scope of the principle that a planning permission ceases to authorise development if it becomes physically impossible to carry out that development due to the implementation of a conflicting planning permission relating to the same site. Any amendment relating to this issue would be intended to change the law, so it would not be within the scope of consolidation under Standing Order 26C.2.

Future UK planning reforms

37. The Planning Bill cannot take account of changes to legislation that might be included in future Bills to be introduced in the UK Parliament. It is most likely that any future UK Bill relating to planning would apply only to England. If consent were given for it to make changes applying to Wales, it would need to do so by amending the Planning Bill.

**Y Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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**Legislation, Justice and Constitution Committee**

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Julie James MS
Counsel General and Minister for Delivery

21 October 2025

Dear Julie

Planning Consolidation Bills

Thank you for your letter of 10 October 2025 in response to my letter of 23 September 2025 in respect of the Planning (Wales) Bill and the Planning (Consequential Provisions) (Wales) Bill.

As you will be aware, the Committee recently held a public consultation to inform its initial consideration of the Bills.

We considered the responses received at our meeting of 20 October, and agreed to bring them to your attention ahead of your appearance before the Committee on 3 November 2025, when we anticipate to discuss with you the matters raised. Some of those who responded have raised questions which might be useful for further consideration by the drafters, for example; I trust that bringing such questions to your attention at this stage will make for a more informed and effective scrutiny session.

Yours sincerely,

Mike Hedges

Mike Hedges
Chair