

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 1 December 2025	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 14.00)

- 1 Introduction, apologies, substitutions and declarations of interest
(13.30)

- 2 Instruments that raise issues to be reported to the Senedd under
Standing Order 21.7
(13.30 – 13.35)

- 2.1 SL(6)678 – The Children and Families (Wales) Measure 2010 (Commencement
No. 10) Order 2025

(Page 1)

[Order](#)

Attached Documents:

LJC(6)-34-25 – Paper 1 – Draft report

- 3 Instruments that raise issues to be reported to the Senedd under
Standing Order 21.2 or 21.3
(13.35 – 13.40)



Made Negative Resolution Instruments

3.1 SL(6)677 – The Infrastructure (Wales) Act 2024 (Consequential, Transitional, Revocation and Saving Provisions) Regulations 2025

(Pages 2 – 7)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-34-25 – Paper 2 – Draft report

Affirmative Resolution Instruments

3.2 SL(6)679 – The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025

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[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-34-25 – Paper 3 – Draft report

4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.7 – previously considered
(13.40 – 13.45)

4.1 Correspondence from the Cabinet Secretary for Housing and Local Government: Electoral Commission Codes of Practice

(Pages 9 – 12)

Attached Documents:

LJC(6)-34-25 – Paper 4 – Letter from the Cabinet Secretary for Housing and Local Government, 24 November 2025

LJC(6)-34-25 – Paper 5 – Letter to the Cabinet Secretary for Housing and Local Government, 10 November 2025

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

(13.45 – 13.50)

5.1 SL(6)671 – The Agriculture Support Schemes (Eligibility, Enforcement and Appeals) (Wales) Regulations 2025

(Pages 13 – 18)

Attached Documents:

LJC(6)–34–25 – Paper 6 – Report

LJC(6)–34–25 – Paper 7 – Welsh Government response

5.2 SL(6)672 – The Basic Payment Scheme (Tapering, Payment Entitlements and Closure) (Wales) Regulations 2025

(Pages 19 – 22)

Attached Documents:

LJC(6)–34–25 – Paper 8 – Report

LJC(6)–34–25 – Paper 9 – Welsh Government response

5.3 SL(6)648 – The Health Impact Assessment (Wales) Regulations 2025

(Pages 23 – 24)

Attached Documents:

LJC(6)–34–25 – Paper 10 – Written Statement by the Cabinet Secretary for Health and Social Care, 25 November 2025

6 Inter–Institutional Relations Agreement

(13.50 – 13.55)

6.1 Correspondence from the Welsh Government: Meetings of inter–ministerial groups

(Page 25)

Attached Documents:

LJC(6)–34–25 – Paper 11 – Letter from the Cabinet Secretary for Health and

Social Care: Inter-Ministerial Group for Health and Social Care, 25 November 2025

6.2 Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Fourth Bi-Annual Welsh Government REUL Act Update (December 2024 – June 2025)

(Page 26)

Attached Documents:

LJC(6)-34-25 – Paper 12 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 26 November 2025

7 Papers to note

(13.55 – 14.00)

7.1 Correspondence from the Cabinet Secretary for Finance and Welsh Language: Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

(Pages 27 – 37)

Attached Documents:

LJC(6)-34-25 – Paper 13 – Letter from the Cabinet Secretary for Finance and Welsh Language, 25 November 2025

7.2 Correspondence from the Counsel General and Minister for Delivery to the Llywydd: New design of Welsh Statutory Instruments

(Pages 38 – 39)

Attached Documents:

LJC(6)-34-25 – Paper 14 – Letter from the Counsel General and Minister for Delivery to the Llywydd, 25 November 2025

7.3 Written Statement by the Cabinet Secretary for Transport and North Wales: Side Road Zebra Crossings in Wales

(Pages 40 – 41)

Attached Documents:

LJC(6)-34-25 – Paper 15 – Written Statement by the Cabinet Secretary for Transport and North Wales, 26 November 2025

- 8 Motion under Standing Order 17.42(vi) and (ix) to resolve to exclude the public from the remainder of today's meeting**
(14.00)

Private meeting

(14.00 – 14.20)

- 9 Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Victims and Courts Bill**

(14.00 – 14.10)

(Pages 42 – 47)

Attached Documents:

LJC(6)-34-25 – Paper 16 – Legal Advice Note

- 10 Academic research: Oral update**

(14.10 – 14.15)

- 11 Committee update and forward look: Oral update**

(14.15 – 14.20)

SL(6)678 – The Children and Families (Wales) Measure 2010 (Commencement No. 10) Order 2025

Background and Purpose

This is the tenth Commencement Order made by the Welsh Ministers under the Children and Families (Wales) Measure 2010 (“the Measure”). The Order brings into force section 71 of the Measure, which is a general interpretation provision.

Procedure

No procedure.

Scrutiny under Standing Order 21.7

The following point is identified for reporting under Standing Order 21.7 in respect of this Order.

1. It is noted that the Order brings into force section 71 of the Measure, which is a general interpretation provision. It appears unusual that this provision has not been brought into force previously as it contains defined terms which are included in provisions that are already in force. The Welsh Government is therefore asked to confirm why it is bringing section 71 of the Measure into force now and has not done so previously.

Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee
25 November 2025



Agenda Item 3.1

SL(6)677 – The Infrastructure (Wales) Act 2024 (Consequential, Transitional, Revocation and Saving Provisions) Regulations 2025

Background and Purpose

The Infrastructure (Wales) Act 2024 (“the 2024 Act”) establishes a unified application and consenting process to enable the making and consideration of applications for infrastructure consent. The process applies to types of major infrastructure projects that are specified in Part 1 of the 2024 Act. Broadly, they are energy, transport, waste and water projects.

The new process under the 2024 Act replaces, fully or partially, a number of existing statutory regimes for the consenting of significant infrastructure projects, including in particular, planning permission for developments of national significance under Part 3 of the Town and Country Planning Act 1990 (“the 1990 Act”). To the extent that consent under section 19 of the 2024 Act is required for development, the consents referred to in section 20 of the 2024 Act are either not required for, or may not authorise, development.

Regulations 2 to 19 make amendments to secondary legislation which are consequential on the 2024 Act. In particular they ensure the 2024 Act is referenced where appropriate. References to developments of national significance are omitted except to the extent that they are required for the purposes of operation of the transitional provision in section 146 of the 2024 Act.

Regulation 20 makes transitional provision which is supplementary to section 146 of the 2024 Act.

Regulation 21 revokes regulations relating to developments of national significance.

Regulation 22 reflects the saving provision in section 146(10) of the 2024 Act.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following 21 points are identified for reporting under Standing Order 21.2 in respect of this instrument.



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

Regulation 1(2) and regulations 21 and 22 come into force on 14 December 2025, whereas all other regulations come into force one-day later on 15 December 2025. It is unclear why there is a one-day difference with commencement of these provisions.

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

In regulation 3(2), the location for the insertion of the new text in the definition of “relevant consent” is incorrectly described as “after **sub-paragraph** (e)”. However, it should be described as “after **paragraph** (e)” because it is a first division of a definition rather than a division of paragraph (1A) in regulation 2 of the Nuclear Industries Security Regulations 2003. In this regard, there is an existing inconsistency in the cross-references in regulation 2 of the 2003 Regulations where paragraph (aa) within the definition of “nuclear premises” is incorrectly described as a sub-paragraph in a few places unlike the other paragraphs of the same definition.

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

In regulation 5(2)(b), the location for the insertion of the new text in the definition of “appropriate authority” is incorrectly described as “in **sub-paragraph** (a)”. However, it should be correctly described as “in **paragraph** (a)” because it is a first division of the definition rather than a division of paragraph (1) in regulation 2 of the Marine Works (Environmental Impact Assessment) Regulations 2007.

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

In regulation 5(2)(e)(ii), the location for the insertion of the new text in the definition of “regulatory approval” is incorrectly described as “after **sub-paragraph** (d)”. It is also inconsistent with the previous description in regulation 5(2)(e)(i) where it correctly refers to the same provision as “**paragraph** (d)”.

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

In regulation 5(4)(a), the location for the insertion of the new text is incorrectly described as “in **sub-paragraph** (4)”. However, it should be correctly described as “in **paragraph** (4)” because it is a first division of regulation 10A of the Marine Works (Environmental Impact Assessment) Regulations 2007.

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



In regulation 8(2)(c), in the English text, the new definition of “relevant infrastructure consent order” is incorrectly inserted after the definition of “relevant consent order” in regulation 2(1) of the Carbon Capture Readiness (Electricity Generating Stations) Regulations 2013. However, the new definition should have been inserted after the definition of “relevant extension” because the existing definitions are all listed according to English alphabetical order in the English text of that regulation (other than the chronologically ordered definitions of legislation at the beginning).

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

In regulation 8(3)(b), the existing text of regulation 4(1A) in the Carbon Capture Readiness (Electricity Generating Stations) Regulations 2013 is amended so that “or an infrastructure consent order” is inserted after “consent order” in each place it occurs. However, the later amendment made by regulation 8(3)(c)(i) of these Regulations inserts the term “or a **relevant** infrastructure consent order” in regulation 4(3A)(b)(i) and (ii) of the 2013 Regulations which as amended will refer the reader to regulation 4(1A)(a) and (b) of those Regulations. Therefore, should the amendment made by regulation 8(3)(b) insert the term “or a **relevant** infrastructure consent order” rather than “or an infrastructure consent order” in any of those places in regulation 4(1A) of the 2013 Regulations? (both “infrastructure consent order” and “relevant infrastructure consent order” are defined terms)

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

In regulation 12(3)(b), there is a difference between the English and Welsh text. In the English text, it notes “omit the definition of “the 2016 Order” and insert-” without specifying where the new definitions should be inserted. But the meaning given by the Welsh text is “omit the definition of “Gorchymyn 2016” and after the definition of “prif gyngor” insert-” which specifies where the new definition should be inserted in the existing list of definitions. If the intention of the amendment made by the English text is to insert the new definitions in the same place as the omitted definition it should use the description “for the definition of “the 2016 Order” substitute-” to identify that location.

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

In regulation 12(3)(c)(i), the location of the text for amendment is correctly described as found “in paragraph (a)” of the definition of “the consultees” in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, the amendment is described as omitting the words to “the end of **the sub-paragraph**” when still referring to paragraph (a) of that definition. In addition, the existing text of that definition also incorrectly refers to the divisions of that definition as “sub-paragraphs”, but they should be described as “paragraphs”.



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

In regulation 12(3)(d), the location of the text for amendment is incorrectly described as being found “in **sub-paragraph** (a)” of the definition of “EIA application” in regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, it should be correctly described as “in **paragraph** (a)” of that definition in the 2017 Regulations. This also occurs in regulation 12(3)(j) where it notes “omit **sub-paragraph** (a)” in the definition of “relevant planning authority” but it should be described as “**paragraph** (a)”.

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

In regulation 12(7)(a) and (b), the description of the location of the text is incorrectly described as “in **paragraph** (a)” and “in **paragraph** (b)” of regulation 4(1) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, they should be described as “in **sub-paragraph** (a)” and “in **sub-paragraph** (b)” respectively because they are divisions of paragraph (1) in regulation 4 of the 2017 Regulations.

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

In regulation 12(7)(b), the amendment is described as “omit “or the 2016 Order” and insert “the 2025 Application Regulations or the 2025 Examination Regulations”. However, the amendment should be described as “for “the 2016 Order” substitute “, the 2025 Application Regulations or the 2025 Examination Regulations” if it is inserting the new text in the same location as the existing text in regulation 4(1) of Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

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

In regulation 12(17)(d), in the new paragraph (5A)(a) and (b), in the Welsh text, the modifications are made to references to “cais” and “Gweinidogion Cymru” respectively found in regulations 25 and 26 of the 2025 Application Regulations. However, the mutated forms of those phrases are also used in regulations 25 and 26 of the 2025 Application Regulations. Therefore, shouldn't the Welsh text of the new paragraph (5A)(a) and (b) also note the mutated forms that are modified?

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

In regulation 12(25)(a), the location of the text for the amendments is incorrectly described because it notes that the phrases are found “in paragraph (2)(b)” of regulation 27 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, the identified text for the amendment made by regulation 12(25)(a)(ii) is found in the full-out



words after sub-paragraph (b) at the end of paragraph (2) in regulation 27 of the 2017 Regulations.

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

In regulation 12(26)(c), there is a difference between the English and Welsh text. In the English text, the amendment notes that the new text should be inserted “after “planning authority”” in paragraph (2)(b)(i) and (iv) of regulation 28 in the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. However, the term “planning authority” does not occur in paragraph (2)(b)(iv) of regulation 28 in the 2017 Regulations, where it only refers to “the authority”. In the Welsh text, the corresponding amendment has been described differently so that the new text is inserted after “planning authority” and “the authority” in paragraphs (i) and (iv) respectively of regulation 28(2)(b). Therefore, the amendment does not succeed in the English text although it does in the Welsh text due to the different descriptions in both language texts.

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

In regulation 12(42)(l)(i), the location of the text for amendment is incorrectly described as “in the restatement of **paragraph** 56(1)(a)”. However, it should be correctly described as “in the restatement of **regulation** 56(1)(a)” which is modified by paragraph 20 of Schedule 6 to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

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

In regulation 13(2)(a), the location of the text for amendment is incorrectly described as “at the end of **paragraph** (b)”. However, it should be correctly described as “at the end of **sub-paragraph** (b)” because it is a division of paragraph (1) in regulation 7 of the Conservation of Habitats and Species Regulations 2017. Another provision in regulation 7(1) of the 2017 Regulations is correctly described as “sub-paragraph (c)” in the amendment made by the following regulation 13(2)(b) of these Regulations.

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

In regulation 15(1), in the English text, the title of the SI is incorrectly noted as “the Electricity (Offshore Generating Stations) (Variation of **Consent**) (Wales) Regulations 2019”. However, it should be a plural noun “**Consents**” in the phrase “(Variation of **Consents**)” in the title of that SI as already correctly noted in the heading of that regulation and in the corresponding Welsh text.

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



In regulation 19(2), there is a difference between the English and Welsh text. In the English text, it notes "Omit regulation **4**" but the meaning given by the Welsh text is "Omit regulation **14**".

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

In regulation 20(4), the reference is incomplete as it notes "For the purposes of section 146(3)(b)" but it does not identify the Act where that section is located. In the previous paragraphs in regulation 20, the opening references have all included "of the 2024 Act" after citing the relevant section from that Act.

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

In regulation 20(5), the terms "development" and "planning authority" are defined with a meaning for regulation 20. However, these definitions appear to be superfluous as neither of the terms appear to be used in regulation 20 of these Regulations.

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

26 November 2025



Agenda Item 3.2

SL(6)679 – The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025

Background and Purpose

Schedule 9 to the Procurement Act 2023 lists international agreements to which the UK is a party and which contain procurement obligations to which effect must be given in the UK.

These Regulations (alongside the UK Government's the Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2025) amend Schedule 9 to the 2023 Act to reflect the procurement chapters of the international agreements entered between the UK and the Republic of Iraq and the Republic of Kazakhstan. These include requirements that suppliers from those countries receive equal treatment to domestic suppliers when bidding for contracts which are covered by the agreements.

Procedure

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 one 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 4(3)(d), there is no reference to an interpretation or definition provision for the term "below-threshold contract". We note that this is a defined term in section 5(5) of the Procurement Act 2023 but the Legislation (Wales) Act 2019 does not contain a provision which provides that expressions used in subordinate legislation have the same meaning which they bear in the parent Act.

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

25 November 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

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Legislation, Justice and Constitution Committee

Agenda Item 4.1

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref JB/PO/604/25

Mike Hedges
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
CF99 1SN
SeneddLJC@senedd.wales

24 November 2025

Dear Mike,

Electoral Commission Codes of Practice

- Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025
- Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025
- Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025

Thank you for the opportunity to respond in more detail on the situation that resulted in the withdrawal of the Electoral Commission Codes referenced above.

As you know, the Welsh Government and the Electoral Commission accepted that the Codes as originally laid contained some errors that required addressing, and the Codes were duly withdrawn to be re-laid once amended. I understand the Electoral Commission is considering whether any improvements could be made to its overall processes for preparing Codes of Practice.

Although we accept some of the reporting points, we would categorise many of them as stylistic, and not related to the quality and accuracy of the Codes. As the independent regulator of elections and political finance in the UK, the Electoral Commission can follow its own drafting guidelines in all of the Codes and guidance it produces. This will not necessarily conform with the Welsh Government's house style. It should be noted that our *Writing Laws for Wales* guidance, mentioned in the Committee's reports, does not apply to the Electoral Commission.

Codes of Practice in general are drafted in a different language register from Statutory Instruments in both Welsh and English. They may not follow the Welsh Government's *Legislative Style Guide* in every stylistic detail, which is made clear in the introduction to that document.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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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.

We cannot overstate the value we attach to the independence of the Electoral Commission. It is vital that no process of Ministerial approval infringes upon that independence. It is right that, once satisfied that the Codes of Practice are legally accurate, Welsh Ministers lay the Codes before the Senedd without delay.

In building on the text of the preceding 2021 Codes, the Electoral Commission will have sought to preserve consistency with the equivalent Codes for England and Scotland and thereby avoid inequity and confusion between the jurisdictions. The wording used in the 2021 Codes and the equivalent Codes for England and Scotland therefore, understandably, influenced the drafting of these Codes.

It may help the Committee to note that the Welsh Government does not carry out equivalence checking between English and Welsh of codes of practice or other statutory guidance prepared by external organisations. However, in the interest of supporting the Codes of Practice being in place as soon as possible, we will on this occasion commission an external equivalence checking service for the amended Codes.

I am grateful to the Committee for its scrutiny and my officials are now working with the Electoral Commission to finalise and lay the corrected versions of the Codes before the Senedd as soon as possible. The regulated period for the next Senedd election will commence on 6 January. A long delay could risk difficulties with the Electoral Commission's enforcement of the Codes.

In terms of mitigating factors, you will be pleased to know that the Electoral Commission has already published its non-statutory guidance, which reflects the text and intent of the Codes. The Electoral Commission will therefore be able to direct individual candidates, political parties and non-party campaigners to the non-statutory guidance and laid revised Codes, until the revised Codes come into force. Although the revised Codes will not be materially different to the previously laid versions, the Electoral Commission will review its published guidance in light of the revisions.

Yours sincerely,

A handwritten signature in cursive script that reads "Jayne Bryant".

Jayne Bryant AS/MS

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

10 November 2025

Dear Jayne,

Electoral Commission Codes of Practice

Thank you for your letter dated 31 October advising us that the following Codes of Practice would be withdrawn:

- Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025
- Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025
- Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025

We discussed the Codes during our meeting on 3 November, in light of the Codes being formally withdrawn that morning.

We note that your letter highlights that the Codes were drafted and translated by the Electoral Commission. However, the Codes were then sent to the Welsh Ministers for approval, and were subsequently approved subject to relatively minor modifications. The original drafting and translation may have been carried out by the Electoral Commission, but responsibility for the quality and accuracy of the Codes as laid rests wholly with the Welsh Government.

Across the three Codes we identified a total of 87 reporting points, which represents an unacceptably high number of errors, inconsistencies and omissions in the drafting and translation of the Codes that were subsequently not identified by the Welsh Government before approval and being laid before the Senedd.

We would welcome your views on why the Codes came to be laid before the Senedd, and whether you are considering changes to the drafting and approval process and/or to the resource allocated to ensure the quality and readiness of Codes of Practice that are laid before the Senedd.

We would also welcome more background information about the role of the Electoral Commission in drafting and translating documents of this nature and how you collaborate together, including any observations you have about any challenges they may face in undertaking this work.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 5.1

SL(6)671 – The Agriculture Support Schemes (Eligibility, Enforcement and Appeals) (Wales) Regulations 2025

Background and Purpose

Under the Agriculture (Wales) Act 2023 the Welsh Ministers may provide support, financial or otherwise, in connection with agriculture in Wales and for ancillary activities that take place in Wales. The availability of such support may be subject to eligibility criteria and to such conditions as the Welsh Ministers consider appropriate. These Regulations make provision in relation to schemes that provide such support including in relation to checking eligibility for support, for publication of scheme data, inspections, enforcement and for appeals against decisions of the Welsh Ministers under these Regulations. They come into force on 13 December 2025.

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 five points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

Regulation 19 lists circumstances which the Welsh Ministers may investigate under regulation 20. Following such investigation the Welsh Ministers may determine under regulation 22 there has been default by the agreement holder in relation to the listed circumstances. Under regulation 23 the Welsh Ministers can then impose a sanction which range from an advisory letter to recovering on demand support previously paid.

Regulation 19(d) read with regulation 20 provides that the Welsh Ministers may investigate if they reasonably suspect that an agreement holder has prevented an authorised person from carrying out an inspection under regulations 14, 15 or 16.



Regulation 14(1) provides that an authorised person may carry out a virtual inspection of any land or premises owned or occupied by an agreement holder, other than a private dwelling for the purposes of checking compliance. Regulation 14(2) provides that before an authorised person is permitted to carry out a virtual inspection by live video link, the agreement holder must agree to the use of a live video link. Therefore the powers of the authorised person to carry out such an inspection are not absolute, they are dependent upon the agreement holder consenting.

Regulation 15 provides that an authorised person may, on notice, enter land or premises owned or occupied by an agreement holder or over which the agreement holder has control, other than a private dwelling. It is not expressly set out in regulation 15, but we consider the power is subject to the consent of the agreement holder. This is on the basis that if such consent is not provided, or the Welsh Ministers anticipate entry being refused (regulation 16(3)(a)), a justice of the peace may permit an authorised person to enter relevant land by reasonable force (regulation 16(2)).

It is unclear whether the Welsh Government consider that an agreement holder who refuses either a virtual inspection under regulation 14 or a physical inspection under regulation 15 is breaching the regulations. Further, it is unclear whether the Welsh Ministers consider it is appropriate to sanction such an agreement holder under regulation 23 if they exercise that right.

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

Regulation 20 sets out powers for the Welsh Ministers to carry out an investigation if certain circumstances, which are listed in regulation 19 arise.

Regulation 20(5) provides that when such an investigation is underway, the Welsh Ministers may withhold support until the investigation is concluded and they have made a determination under regulation 22. It is not clear how long an investigation may take and the regulations do not impose a time limit. This could have a significant impact on the support holder's business if the Welsh Ministers use their discretion to withhold support.

Until a determination is made, it is not known whether there has been any significant default by the agreement holder that will ultimately lead to a significant financial sanction. A minor default may warrant only a advisory letter (regulation 23(a)). If an agreement holder successfully mitigates based on exceptional circumstances that may result in the Welsh Ministers taking no action (regulation 24).

It is unclear whether the Welsh Ministers considered imposing a limit on how long an investigation can take or alternatively placing a limit on how long support can be withheld pending a determination.

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



Regulation 22 makes provision for the Welsh Ministers to make a determination following an investigation under regulation 20. It provides that if the Welsh Ministers are satisfied that there has been a breach of conditions, or regulation 19 applies, they must make a determination to that effect.

Regulation 19 lists circumstances which, if the Welsh Ministers suspect have arisen, they may investigate under regulation 20.

Regulation 22(2) provides that when the Welsh Ministers make their determination they must make a further determination as to the seriousness of a breach and the appropriate steps, if any, required to be taken in respect of the breach. In making that further determination they must have due regard to any failure on the part of the agreement holder to co-operate with an inspection under regulation 14 or 15. We consider this raises a similar issue to that discussed in reporting point 1 above, if the Welsh Ministers agree that refusing an inspection under regulation 14 or 15 is not a breach of these regulations in itself, it is unclear if they consider it is appropriate to take it into account in determining what action the Welsh Ministers take under regulation 23.

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

Regulation 29 sets out an appeals mechanism that is available to a person who is subject to a decision taken by the Welsh Ministers under regulation 6(2), 10(3) and 25.

Regulation 6(2) makes provision for the consequences of incomplete or erroneous applications for support. Regulation 10(3) applies in the event an applicant for support or an agreement holder experiences a change in circumstances and requires the Welsh Ministers are notified. Regulation 25 applies in the event the Welsh Ministers, following an investigation, determine that there has been a breach of these regulations or of a condition applied to support.

An appeal can be submitted on the grounds that the Welsh Ministers decision under those regulations was based on an error of law, was wrong in law or on the basis that there has been a material procedural error.

Regulation 29 sets out a two stage appeal route with the first stage being a review by officials and the second stage including a hearing by an independent appeals panel. Regulation 29(9) provides that the panel must consider the appeal and make a recommendation to the Welsh Ministers in writing. Regulation 29(10) provides that upon receipt of the panel's recommendation the Welsh Ministers must make a final determination in respect of the stage 2 appeal.

The regulations do not include any information regarding what constitutes an independent appeals appeal, for example who will be eligible for appointment to the panel, how they will be appointed and how the panel will operate. Without such information, it is difficult to



reach a view on how panel will demonstrate independence from the Welsh Ministers and officials who may have been involved in the original decision making or the stage one appeal and therefore to fully consider the appeals mechanism.

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

In regulation 29, the English language text of the Regulations states that

“A person (“the appellant”) may submit a stage one appeal to the Welsh Ministers against a decision or determination made under regulation 6(2), 10(3) or 25...”

The Welsh language text of the Regulations uses “penderfyniad” for both “decision” and “determination”. Whilst the reference to regulations 6(2), 10(3) and 25 provide clarity in regulation 29(1), elsewhere in regulation 29 it is unclear in the Welsh language text whether a “decision”, a “determination” or a “decision or determination” is being referred to, because “penderfyniad” is used on each occasion. The Welsh Government is asked why alternative wording was not used, and how does it consider that a reader of the Welsh language text is able to distinguish between a “decision”, a “determination” and a “decision or determination” in these Regulations and in regulation 29 in particular.

Merits Scrutiny

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

Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 17 November 2025 and reports to the Senedd in line with the reporting points above.



Government response - The Agriculture Support Schemes (Eligibility, Enforcement and Appeals) (Wales) Regulations 2025

Technical scrutiny point 1 and 3: The Welsh Government do not agree with these reporting points and consider no further action is required.

Regulation 19(d) clearly states that it is a breach of the regulations where an agreement holder prevents an authorised person from carrying out inspections in accordance with the relevant provisions. By signing up to the support schemes an agreement holder will be agreeing to allow inspections.

Those carrying out inspections will first try to arrange a convenient time and date agreed by both parties but where that is not possible WMs will inform the agreement holder of the time and date of any inspection. Any refusal or prevention after this stage will be considered a breach.

Technical scrutiny point 2: The Welsh Government note the point raised however feel no further action is required. The Welsh Ministers are bound by the public law principles of proportionality and reasonableness and so any investigation and subsequent withholding of payment will be subject to these principles.

Technical scrutiny point 4: The Welsh Government note the point raised. The appeal process involves the appointment of a panel of persons from outside government who provide recommendations to the Welsh Ministers in appeal cases.

Panel members are appointed by Welsh Ministers following a transparent and robust recruitment process, with vacancies advertised publicly to encourage a wide and diverse pool of applicants, and those shortlisted are then interviewed to assess their suitability and independence.

The final decision will be taken by the Welsh Ministers considering the panel's recommendations. The subsidy appeal process has operated in this way since 2001. Full details of the appeal process will be provided in guidance which will be published in December 2025

Technical scrutiny point 5: The Welsh Government acknowledges the reporting point raised but considers the approach taken is the best option available.

There were two words identified as possible translations for “determination”; these were “penderfyniad” and “dyfarniad”. However, both were already used within the S.I. – the first was used for “decision” and the second (in the form of “dyfarnu”) was used for “award”. In the absence of another option, it was decided that “penderfyniad” was the most appropriate.

For a reader of the Welsh text to understand regulation 29 they must read it in conjunction with regulation 6(2), 10(3) or 25 and this is the same for a reader of the English text.

Agenda Item 5.2

SL(6)672 – The Basic Payment Scheme (Tapering, Payment Entitlements and Closure) (Wales) Regulations 2025

Background and Purpose

The Basic Payment Scheme (Tapering, Payment Entitlements and Closure) (Wales) Regulations 2025 (“these Regulations”) amend assimilated law relating to the Basic Payment Scheme (BPS) in Wales. They provide for the tapering of payments under BPS from 2026 until its closure on 31 December 2028. The Regulations also introduce restrictions on the transfer and use of entitlements, prevent new entrants from accessing the scheme, and close the national and regional reserves. These changes are part of the Welsh Government’s transition to a new agricultural support framework under the Agriculture (Wales) Act 2023.

These Regulations are introduced alongside the Agricultural Support Schemes (Eligibility, Enforcement and Appeals) (Wales) Regulations 2025 and the Agriculture Subsidies and Grants Schemes (Appeals) (Wales) (Amendment) Regulations 2025, which are relevant to the new agricultural support framework.

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 three points are 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 8(2) amends Commission Delegated Regulation (EU) No. 639/2014 by omitting Article 26 (reversion to the national or regional reserve due to retention on transfer of payment entitlements). However, Westlaw indicates that Article 26 has already been repealed by regulation 8(5) of the Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020/1556, which came into force on implementation period completion day (31 December 2020). The provisions in article 26 which remain in force, appear to apply to Northern Ireland and Scotland only.



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

In regulation 2, the definition of “the Direct Payments Regulation” does not use the full title of Regulation (EU) 1307/2013 as it does not include the date “of 17 December 2013” when citing the title. This approach is inconsistent with section 16 of the Agriculture (Wales) Act 2023 which cites the full title, and is inconsistent with references to other legislation in these Regulations, such as regulation 6(1) which does use the full title. Paragraph 6.21 of Writing Laws for Wales provides that the full title consists of, amongst other things, the date on which the instrument was adopted.

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

The Regulations omit provisions relating to the national and regional reserves. However, references to the national or the regional reserves in article 5A of the Direct Payments Regulation, and in article 23(3) of the Commission Implementing Regulation (EU) No 809/2014 have not been amended by these Regulations. The Welsh Government is asked to explain why further amendments have not been made.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument.

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

Paragraph 5 of the Explanatory Memorandum to these Regulations provides that the Welsh Government conducted a public consultation in 2023 on the future of agricultural support in Wales. The EM states that:

*“stakeholders including farming unions, environmental organisations and rural communities **broadly supported** the phased transition and the principles underpinning the new support framework.”*

However, the EM does not refer to other consultation relevant to these Regulations. The Explanatory Memorandum to the Agriculture Support Schemes (Eligibility, Enforcement and Appeals) (Wales) Regulations 2025, refers to the Sustainable Farming Scheme - Keep Farmers Farming 2024 consultation exercise which received substantial engagement from the public, with 12,108 responses received. The EM provides:

*“Overall, the consensus from the farming community to the consultation was **unfavourable**, resulting in widespread protest at the steps of the Senedd on 28 February 2024...”*



*A wide range of opinions were expressed in response to the consultation; both supportive and unsupportive of the proposals. **Opposition to the proposals was most strongly expressed in response to the proposed Universal Actions and changes to the Basic Payment Scheme (BPS) during the transition phase to the SFS***”.

Welsh Government response

A Welsh Government response is required in relation to the three technical reporting points only.

Committee Consideration

The Committee considered the instrument at its meeting on 17 November 2025 and reports to the Senedd in line with the reporting points above.



Government response – The Basic Payment Scheme (Tapering, Payment Entitlements and Closure) (Wales) Regulations 2025

Technical scrutiny point 1: The Welsh Government acknowledge the point raised. Following further consideration, we agree that Article 26 has already been revoked in relation to Wales. However, as Article 26 has already been revoked the provision has no legal effect and therefore, we will not be seeking to amend it at this stage but will do so when a suitable opportunity arises.

Technical scrutiny point 2: The Welsh Government acknowledge the point raised. However, it makes no substantive difference to the operation of the provision and does not create any ambiguity for the reader.

Technical scrutiny point 3: The Welsh Government acknowledge the point raised. The omission of the provisions relating to the national and regional reserves reflects the policy decision to close these reserves as part of the transition away from the Basic Payment Scheme. Those omissions mean that the remaining provisions referred to in the report have no practical ongoing legal effect.

Merit scrutiny point 4: The consultation ran from late 2023 to early 2024 and included views on transition principles. Farming unions and other organisations generally acknowledged the need for a managed, gradual transition from the Basic Payment Scheme in their comments. In contrast, individual farmers expressed fears for those unable to adapt, which explains the intensity of opposition. The term “broadly supported” in the EM reflects this qualitative feedback from key organisations on transition principles.



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **The Health Impact Assessment (Wales) Regulations 2025**

DATE **25 November 2025**

BY **Jeremy Miles MS, Cabinet Secretary for Health and Social Care**

Last week, the Health Impact Assessment (Wales) Regulations 2025 were formally approved by the Senedd.

These [Regulations](#) position Wales as a global leader in public health policy and legislation. They introduce a statutory duty on specified public bodies to undertake Health Impact Assessments (HIAs) when proposing decisions of a strategic nature about how to exercise their functions.

The Regulations apply to a total of 56 organisations, being as follows:

- the Welsh Ministers;
- local authorities in Wales;
- corporate joint committees established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021;
- Local Health Boards in Wales;
- Public Health Wales NHS Trust;
- Velindre University NHS Trust;
- Welsh Ambulance Services University NHS Trust;
- Digital Health and Care Wales;
- Health Education and Improvement Wales;
- National Park authorities for each National Park in Wales;
- Welsh fire and rescue authorities;
- the Natural Resources Body for Wales;
- the Commission for Tertiary Education and Research;
- the Arts Council of Wales;
- the Sports Council for Wales;
- the National Library of Wales;
- the National Museum of Wales.

- Social Care Wales;
- Welsh Revenue Authority;
- Transport for Wales (company number 09476013);
- Centre for Digital Public Services Limited (company number 09341679); and
- Qualifications Wales.

The purpose of the Regulations is to promote consistency and enhance the quality of decision-making across these specified public bodies in Wales, supporting them towards meeting their obligations under the Well-being of Future Generations (Wales) Act 2015.

HIAs will make sure physical and mental health impacts are consistently taken into account when public sector organisations develop new policies or projects. This includes decisions made in areas which are known to impact long-term health outcomes, such as housing, transport, education, employment, culture and the environment.

The Regulations will come into force on **6th April 2027**. This transition phase will help the public bodies prepare for implementation. Guidance, training, and practical support will be coordinated by Welsh Government and Welsh Health Impact Assessment Support Unit (WHIASU) in Public Health Wales, which is internationally recognised for its expertise in the delivery of Health Impact Assessments.

Agenda Item 6.1

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/JMHSC/0608/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Senedd

25 November 2025

Dear Mike,

I am writing to inform you an Inter-Ministerial Group meeting for Health and Social Care was held on 25 September 2025, chaired by the UK Government.

The meeting focused on items relating to innovation, elective care and the programme to bring patients from Gaza to the UK for treatment. Other issues raised included neighbourhood health and pandemic preparedness.

A communiqué was produced following the meeting and is available at this link:
[Interministerial Group for Health and Social Care communiqué, 25 September 2025 - GOV.UK](#)

I am copying this letter to the chair of the Health and Social Care Committee.

Yours sincerely,

Jeremy Miles AS/MS

Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care

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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.

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	The Fourth Bi-Annual Welsh Government REUL Act Update (December 2024 – June 2025)
DATE	26 November 2025
BY	Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

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

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

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

The UK Government Report states that that between December 2024 and June 2025 the UK Government laid twelve SIs using powers under the REUL Act.

Welsh Ministers consented to the use of concurrent powers in the REUL Act for three Statutory Instruments: [The Public Procurement \(Revocation\) Regulations 2025](#); [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) Regulations 2025](#); and [The Food and Feed \(Regulated Products\) \(Amendment, Revocation, Consequential and Transitional Provision\) Regulations 2025](#).

The other nine statutory instruments were in wholly reserved areas and the UK Government did not seek consent from Welsh Ministers.



Eich cyf/Your ref
Ein cyf/Our ref

Mike Hedges MS
Chair, Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

25 November 2025

Dear Mike,

Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill

During the session on 10 November, in which I gave evidence as part of your scrutiny of the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill, I committed to respond in writing to any questions the Committee had that were not reached, to aid your scrutiny of the Bill. As such, please find my response below to the questions as set out in your letter of 12 November.

Legislative consent

- 1. Does the Government consider that any of the provisions of the Bill require the consent of HM The King or the Prince of Wales? If so, when do you anticipate that any required consents will be received?**

The Welsh Government is of the view that given the property interests of the Duchy of Cornwall in Wales (which revert to the Crown when there is no Duke of Cornwall) that the consent of the Duke of Cornwall and the King will be required

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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.

in relation to the Bill. We anticipate these consents will be in place to allow the Bill to proceed at Stage 4, should the Senedd approve it.

Development of the Bill

- 2. The Explanatory Memorandum refers to a “paucity of reliable data currently available” regarding the number of self-catering lets available in Wales and “no data available on the characteristics of premises or levels of compliance with the existing statutory obligations”. Why did you conclude that the Bill is needed?**

There has been a significant growth in the “short term let” type of accommodation in recent years. The number of self-catering properties on the non-domestic rating list increased by 60%, from 7,000 to over 11,000, between April 2019 and April 2023.

This growth reflects the contrasting ease of entry to the market. To let a house out to a long-term tenant, you have to register as a landlord, obtain a licence or appoint an agent and ensure that statutory obligations are being met. To let out a property to visitors on a short term basis, it can simply be listed on an on-line platform, and a person can start taking bookings.

Industry bodies tell us that not all providers in the short term let market are aware of their statutory obligations, and as a result they are able to operate at a lower cost than those who do what is required. This was borne out in Scotland. When they introduced a licensing scheme local authorities in Scotland found that a significant number of applicants were not able to produce the documentation which was required.

The case for the legislation is set out in the explanatory memorandum, which includes references to local authority research, academic analysis, thinktank reports, industry analysis, and a House of Commons library report on changing patterns of providing visitor accommodation in England, as well as our own work, all of which contribute to the evidence of need for this Bill.

The limitations of the evidence about compliance, are part of the reason this Bill is needed, and a paucity of specific data is not sufficient reason not to act on the patterns and impacts which are clearly evident.

- 3. You stated in Committee that: “*The Bill has been consulted upon in one way or another in every single year of this Senedd term. There have been a long series of opportunities particularly with the industry itself to make***

sure that the Welsh Government was made aware of people’s views and to adapt the proposals to take account of that.”

What opportunity, if any, have stakeholders been given to comment on specific proposals as they appear in the Bill?

Stakeholders have been consulted throughout this Senedd term, with regular engagement and specific opportunities for the industry to provide feedback. That feedback has influenced the nature of the Bill that has been introduced.

Officials have discussed key aspects of the Bill with stakeholders and industry bodies in different ways during the lead-up to introduction, including meeting with the Visitor Economy Forum, holding engagement sessions at Regional Tourism Fora meetings, and holding various separate meetings with industry representatives. This is, of course, in addition to the ongoing regular engagement with the sector by both officials and Ministers.

Stage 1 scrutiny provides a further opportunity for stakeholders to share their views. Should the Bill succeed then we will work closely with the sector to shape many of the operational details of the scheme and the development of the regulations and guidance that will underpin it.

4. Did you consider delaying bringing forward the Bill until after the implementation of the registration regime established by Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025?

It was considered, but we chose to bring the registration scheme forward by placing the provisions within the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025 (“the VARL Act”) instead of in this Bill, as originally intended.

As it stands, we expect all providers to be registered by 2027. If we were to take time to consider the data from registration before bringing legislation to the Senedd, we would be delaying this Bill by at least another three years. This would mean the licensing scheme might not be in place until 2032 or 2033 – straddling another Senedd election, and more than a decade after we committed to deliver it in the Co-operation Agreement.

The Bill is intended to create a fair regulatory playing field, meeting the challenges which are significant enough to justify legislating now.

The licensing scheme set out in the Bill will not be implemented until after the national register is in place, allowing that data to inform and influence operational details, procedures and processes. Introducing the Bill now also allows for more coherent and efficient operational arrangements and implementation of both registration and licensing.

5. In Committee, you stated that “the vast bulk of licenses will be issued through as automatic a process as possible by the Welsh Revenue Authority”, but that, “In the minority of cases where a more direct form of inspection or intervention is needed”, the Bill leaves it open for the Welsh Government to work with local authorities or with Visit Wales to physically inspect premises. Why hasn’t this been clarified in advance of the Bill being introduced, and why has this not been included in more detail on the face of the Bill?

The Bill is clear that the licensing scheme is the responsibility of the Welsh Ministers and the Welsh Government, as I set out in my letter to the Economy, Trade and Rural Affairs Committee on 18 November, in order to maintain a national scheme and provide strategic oversight at a national level.

What the Bill allows for is flexibility to make the most efficient and effective arrangements to deliver that legislation in practice. This allows us to work with a range of partners to consider where others might deliver some of those functions on our behalf. It avoids creating a rigid framework so that, as operational plans develop, we are able to maximise opportunities and efficiencies, and exploit synergies, such as with registration and the levy to deliver the Bill if the Senedd chooses to pass it.

In practice Welsh Government and the Welsh Revenue Authority (WRA) will work together to ensure the registration and licensing systems are as seamless as possible for the user, WRA and the licensing authority. I would like to see a single system for visitor accommodation providers to manage their registration, licensing and levy matters in one place, reducing duplication. That is the basis we are working upon, so that the registration system managed by the WRA can be expanded to support the licensing scheme in the future.

We are also considering how large a role technology such as artificial intelligence may be able to play in the application process, which will shape the scale of the team needed to process applications, and the types of decisions they will need to make. We anticipate the majority of applications to be straightforward, and the more we are able to automate via the IT system, the better for all involved.

In what we expect to be a small number of cases, which are more complex and potentially require a physical inspection, we will work with local authorities to explore whether it would make sense for them to support us with those functions. Similarly, we will work with Visit Wales to consider what role they might play in supporting the licensing scheme.

Delegated powers

6. During our meeting on 10 November, in response to a question about whether the Bill strikes the right balance between what is on the face of the Bill and what is provided for in terms of delegated powers, you stated that: *“Sometimes there are things where you might put something on the face of the Bill that actually create a straitjacket for the industry, and where regulations allow a different level of engagement with the industry. Most of the regulations we are talking about will be subject to consultation further to Senedd affirmation, and where the flexibility the regulations allow means that the Bill and its requirements will work better for the industry itself. Sometimes there've been choices between the two aspects you've suggested where my view was, I'd resolve them in favour of what I think works for the industry, rather than the clarity that I know the Senedd would sometimes like to see...”*

Please can you provide us with any examples of specific provisions in the Bill that either reflect requests from the tourism industry to defer detail to regulations rather than placing it on the face of the Bill, or that support your belief that this would be their preferred approach?

The industry has been clear with us in our engagement on the Bill that they want the licensing process to be simple and straightforward for providers who are doing the right things. The industry has asked for flexibility in how the scheme will operate; and in some areas, this can only be achieved by leaving the detail to regulations. This will allow us to work closely with the industry in the development of some of the operational practicalities, whilst still providing the Senedd with oversight of the scheme.

In terms of specific examples, I provided one during our session. Namely, the renewal of licences. Other examples include the training requirement and provisional licences. These are areas where the sector raised points during their engagement with officials, particularly in relation to business continuity and minimising bureaucracy. These views have influenced the decision to take powers to work with the sector in detail to develop operational processes and make regulations to propose to the Senedd. This will allow us to work with the sector to take advantage of future advances in technology and fulfil our wish to keep things as light-touch as possible.

The specific justifications for other powers taken are varied, but follow a similar theme – they provide the flexibility to ensure an agile scheme that works in practice, enable the scheme to be extended to other types of visitor accommodation in future, or, in some cases, relate to similar powers under the VARL Act, recognising the interaction between registration and licensing. The

justification and policy intention for all of these powers has been set out in the Statement of Policy Intent, shared with Committees on 5 November.

7. Please could you explain the Government's justification for taking the Henry VIII powers in the following sections:

These are powers which can only be exercised with the approval of the Senedd. Their exercise is not at the discretion of the Welsh Ministers. Overall, they are intended to reduce the need for repeated new primary legislation to address minor matters, while still preserving parliamentary oversight.

a-c Sections 6(2), 17(1) and 19(3)

As set out in group one of the Statement of Policy Intent, the overarching policy intent for these provisions, alongside other relevant provisions, such as the power under section 5(1)(b) to prescribe additional descriptions of regulated visitor accommodation, collectively, is to allow the Welsh Ministers to extend the scope of the scheme to any other types of visitor accommodation in Wales, should the Senedd deem it appropriate.

The justification for the Henry VIII powers within these provisions, therefore, is to ensure the legislation can be considered holistically in these circumstances. The powers enable key parts of the licensing scheme to be updated or adapted to reflect any extension to the scope of the scheme, including the fitness requirements, the licence conditions that may apply, and the approval requirements for licence applications in light of any changes to the conditions. In addition, the powers provide the flexibility to update and adapt the scheme over time, to keep pace with changes across the visitor accommodation sector as new risks, technology or best practice is identified, and avoid divergence with wider regulatory standards or legislation, unless it is deemed appropriate. In this way they are necessary to ensure the scheme continues to deliver its intended purpose.

d. Section 25(2)

This provision is to ensure the procedures and application processes for the renewal of a licence are provided for, without requiring the duplication of information already held by the licensing authority. The regulations will also provide for the continuity of a licence during the renewal process. Setting these processes and procedures out in regulations also allows the renewal process to evolve over time, allowing for a more nuanced and responsive approach in consultation with stakeholders, and to take advantage of advances in technology

or lessons learned over time, streamlining the process and reducing requirements of providers, wherever possible.

The justification for the Henry VIII power in this provision is as that set out above for sections 6, 17 and 19. It will ensure adaptations to the scheme can be considered holistically, without the need for primary legislation to make minor or technical changes to ensure the scheme remains fit for purpose.

e. Section 49

Partnerships and unincorporated bodies can have complex structures, and the initial provisions may not cover every scenario as business practices evolve. The policy intention for this power, and consequently, the justification for the inclusion of Henry VIII powers within it, is to enable the Welsh Ministers to adapt the legislative framework and the licensing scheme it creates. In this way it will be possible to respond to new types of business arrangements as practical issues arise in the application of the Bill or the VARL Act to partnerships and unincorporated bodies during implementation or over time, and to prevent any loopholes developing that could undermine the efficacy of the licensing scheme. This power replicates corresponding powers under the VARL Act and is necessary to ensure parity between that Act and this Bill, given registration is a licence condition.

f. Section 56(1)

This provision, including the Henry VIII power it contains, is a standard provision in complex legislation such as this, primarily for the purposes of giving effect to the Bill, and ensuring that its effect in practice is as intended. It is particularly important in this Bill, given its interaction and interdependencies with the VARL Act.

Clarity and effect of proposals

- 8. The Bill states that it will form part of a code of Welsh law relating to tourism. We note your comments and the comments of your official made on 10 November. In relation to the proposed code, you stated that the code will make relevant law relating to tourism “available in one place”, and your official later stated that “everything is published together in one place, and described as a code”. From a practical point of view:**

a. Where can a user find a standard definition of what the Welsh Government means by a code?

The publication arrangements for Welsh legislation remain the responsibility of the King’s Printer for Wales. However, by also publishing on a Welsh Government website such as Cyfraith Cymru, we will be able to co-locate all of the legislation that forms part of a Code on one webpage.

Cyfraith Cymru already includes an explanation of what a code of Welsh law is, what it means, and the intended purpose of such codes via their page on [the future of Welsh law](#). And, for the purposes of the Tourism code, we will include information in the tourism context, should the Bill be passed by the Senedd.

b. What changes, if any, will legislation.gov.uk make to their website so that a user knows that a tourism code exists, whether legislation is part of that code, and how to find other legislation that is part of the same code?

We are still in the relatively early stages of creating codes of Welsh law in this way, and the Welsh Government will continue to work with the National Archives (who manage legislation.gov.uk) to ensure, as far as is possible, that all codes of Welsh law are clearly presented and accessible to users.

However, the primary source of legislation and information on codes, at least in the immediate future, will be Cyfraith Cymru; and we will ensure this is promoted in any communications and engagement with the tourism sector and the wider public, so that people are able to easily find the code and all relevant legislation and information contained within it, made under it, or related to it. The intention is that Cyfraith Cymru will create a “one stop shop” for tourism legislation, allowing users to see, at a glance, the legislation in the code, explanatory material, guidance and signposts to any other legislation that may be relevant.

9. Section 39(4) of the Bill provides that disclosure of information between the Welsh Ministers and the list of bodies in subsection (3) does not breach obligations of confidence or “any other restriction on the disclosure of information (however imposed)”. What types of restriction would this provision override and why is it necessary?

Subsection 39(4) has been included to make clear that a visitor accommodation provider cannot restrict the ability of information to be shared, where this is necessary for the effective co-operation between relevant regulators, and there is otherwise a lawful basis for doing so. It is necessary to ensure information can be shared between the licensing authority and other regulators to facilitate compliance, enforcement and the consideration of applications.

However, the provisions under section 39 need to be read alongside section 183A of the Data Protection Act, as set out under 39(5). This emphasises that all processing of personal data must take place lawfully, and in line with data protection legislation.

10. Section 46 prohibits advertising or marketing visitor accommodation at premises without including certain information in a manner and form specified by the Welsh Ministers. How will those requirements be specified in practice and why did you decide not to specify requirements in regulations?

The Bill clearly specifies the information which must be included. This is a registration number, and information about how to access the visitor accommodation directory to find out more about it. Specifying exactly how this is provided in guidance rather than regulations gives us the room to work in detail with platforms and booking agencies to ensure the required information is communicated as clearly and effectively as possible to the visitor.

Visitor accommodation is advertised in a wide variety of ways, on many different types of platforms and in many formats. We need to work through the practical solutions for all involved, without creating an unreasonable administrative burden. This is a detailed operational matter which, I concluded, was not best navigated through regulations.

11. Section 47 creates an offence for failing to comply with the requirements for advertising visitor accommodation in section 46. Could a letting agent or online booking platform be criminalised for non-compliance with section 46? Or just a visitor accommodation provider?

This offence would apply to any platform advertising or otherwise marketing visitor accommodation. I do not think it is unreasonable to expect booking platforms to take responsibility for publishing accurate information. The registration number and associated information will be available through the public register, and latterly the Directory of Visitor Accommodation, for anybody to check.

It is not the purpose of the Bill to punish people who have made mistakes, but it does seek to create a robust system that gives visitors confidence in accommodation they book in Wales. The advertising requirements play a central role in that. It shows all visitors to Wales that their accommodation is operating within a clear regulatory system, and anyone seeking to advertise their visitor

accommodation in Wales should very quickly find out that they cannot do so without registering and, if necessary, obtaining a licence.

This provision will apply to all registered visitor accommodation, not just self-contained self-catering visitor accommodation.

The point at which this provision is commenced will be determined as implementation plans are developed, to ensure a smooth implementation and transition to the new scheme. We will work with booking platforms and destination management organisations to consider the timing and any additional specific transitional arrangements in this regard. This would ensure the scheme has time to bed in, and provides the opportunity to work with booking platforms and the industry, as well as WRA, to put processes in place that are reasonable, sensible and practical. These advertising requirements are an integral part of the way the scheme works, and its consistency with the corresponding enforcement regime across the rest of the Bill reflects that.

Other questions

12. Why has the Cabinet Secretary chosen not to include a provision on the face of the Bill that requires the Welsh Ministers to undertake a post-implementation review?

While there is no explicit provision for a post-implementation review on the face of the Bill, the Welsh Government is committed to reviewing the legislation after implementation to ensure it is operating effectively, as set out in the Explanatory Memorandum.

In addition, following on from the scrutiny of the Bill, the licensing authority and the scheme will remain the responsibility of the Welsh Ministers, who are already subject to all the normal avenues of Senedd scrutiny.

I would also want the terms and timing of any review to be dictated by what could best improve the service we offer visitors and visitor accommodation providers, and the legislative framework to promote tourism in Wales, rather than an arbitrary deadline. Similarly, the responsible Committees in the next Senedd and its successors will also be able to conduct their own inquiries.

I would, however, welcome the Committee's view as to whether they felt the Bill should specify specific aspects of the scheme which should be considered in the review.

13. Are you expecting to bring any particular amendments to the Bill forward at Stage 2?

We always continue to review legislation after it has been introduced, and it is likely that we will identify some areas where the intention of the Bill could be made clearer, to ensure it is interpreted as intended, and has the intended effect. I therefore expect to bring forward some amendments at Stage 2 for this purpose.

I will also, of course, consider the recommendations from all the Committees who consider the Bill during this stage of scrutiny, and whether I need to bring forward any amendments to the Bill at Stage 2 as a result.

14. Should the Bill be passed and enacted, when do you envisage the licensing scheme being implemented?

We expect the national register to be in force in 2027, which should enable the licensing scheme to be operational during 2029/30.

I am copying this letter to the Chairs of the Finance and Economy, Trade and Rural Affairs Committees, for their information.

Yours sincerely,

A handwritten signature in blue ink that reads "Mark Drakeford". The signature is written in a cursive style and is enclosed in a thin black rectangular border.

Mark Drakeford AS/MS

Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg
Cabinet Secretary for Finance and Welsh Language

Ein cyf/Our ref: MA/CG/2213/25

Llywodraeth Cymru
Welsh Government

Elin Jones MS
Llywydd
Senedd Cymru

25 Tachwedd 2025

Annwyl Elin,

WELSH STATUTORY INSTRUMENTS

One of the Government's objectives for improving the accessibility of Welsh legislation is to modernise the form and structure of that legislation. I was therefore very pleased that the Senedd agreed, with the enactment of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025, that there should be a new legal concept of a 'Welsh statutory instrument'. This provides us with the opportunity to choose a new design, fit for current times, for those instruments.

The new design will differ from the dual column format that has been used for UK Statutory Instruments made by or on behalf of the Welsh Ministers (and previously the National Assembly) since 1999. Instead, Welsh statutory instruments will now be printed in a single document with both languages printed sequentially.

A bilingual front cover will precede the Welsh language text of the legislation, which will be printed in its entirety in full page format and will come first. The English language text of the legislation will follow after the Welsh language text, also printed in its entirety in full page format. Therefore, both languages will still be printed in the same document for users to access, and both languages will be as accessible as one another.

In addition to this, the serif typeface Times New Roman that is used on statutory instruments printed as part of the UK series, will not be used on Welsh statutory instruments. Instead, the sans serif typeface Helvetica will be used. This typeface is characterised by a linear, simple design, which means it is extremely legible.

Both the typeface and the format have been chosen following discussions with representatives of the King's Printer for Wales.

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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.

A Welsh language impact assessment has been completed by my officials to explore any potential impacts of this new design and will be published on gov.wales in the usual way.

We are also taking the opportunity to move to continuous numbering of footnotes in each language of Welsh statutory instruments (rather than the numbering restarting on each page). I believe this will simplify for the identification of the relevant footnote for users, when reviewing both language texts in the new design. The procedural and corrective headnotes for Welsh statutory instruments will reflect the new requirements set out in Part 2A of the 2019 Act.

It is important to note that the new design will not be applicable to the HTML version of Welsh statutory instruments accessed on legislation.gov.uk.

Generally speaking, it is now the HTML version that is accessed by the vast majority of users of legislation, not least because it is this version that will be most up to date. In consequence, it is vital that the Welsh and English text of the HTML versions is available in such a way as to enable reader of the legislation to consider both at the same time in a straightforward way. I will, therefore, be writing to the King's Printer for Wales to explain the importance of this issue and to urge him to make this improvement to the legislation.gov.uk website. You may wish to do the same.

Furthermore, Orders in Council, joint and composite instruments will continue to be made as UK statutory instruments. As a result, they will continue to be printed in their current form of single column format and a Times New Roman typeface.

Yn gywir,



Julie James AS/MS

Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE **Side Road Zebra Crossings in Wales**

DATE **26 November 2025**

BY **Ken Skates - Cabinet Secretary for Transport and North Wales**

To support our vision of safe travel for all, I have approved the drafting of legislation to allow highway authorities in Wales to use side road zebra crossings on 20mph roads if they wish to do so.

This work supports Welsh Government's wider vision of supporting accessible and inclusive travel for all, where everyone can move safely and feel safe in their communities.

These crossings will support the 2022 amendments to the Highway Code requiring drivers to give way to pedestrians who are crossing or waiting to cross a road into which they are turning.

A side road zebra crossing uses black and white zebra markings and give way lines but does not have the other features of the crossings people are more used to such as Belisha beacons or zig zag markings. Side road zebra crossings can therefore be installed on the pedestrian's desired walking line, directly across the mouth of the junction and are significantly cheaper and quicker to install and maintain.

The side road zebras were trialled in three locations in Cardiff in 2022 to support the introduction of the 20mph speed limit in built-up areas and to:

- encourage more people to walk and cycle in our communities
- help to improve our health and well-being
- make our streets safer

The aim of the trial was to understand the impacts and user perceptions of these zebra crossings and to decide on their potential further use.

The Welsh Government commissioned Vivacity to collect anonymised data on the use of the crossings and to conduct user research, including with disability groups. Further engagement with Transport for Wales accessibility and inclusion panel was undertaken this

summer. The side road zebras used in Cardiff have proved to be popular and are still in place following the trial.

The trials in Cardiff and similar trials undertaken in Manchester and Westminster found no evidence that using a side road zebra crossing would have a significantly greater risk than one using the full range of features and showed a significant increase in drivers giving way to pedestrians compared to a junction without them.

The proposed changes to legislation will provide highway authorities with the option of installing a side road zebra crossing at junctions, where both the main and side road have a speed limit of 20mph. There is no obligation on highway authorities to use these side road zebra crossings, but the amendments to legislation will allow them to do so where they believe it will improve pedestrian safety.

A four-week stakeholder consultation has recently been launched and will be closing on the 15th of December. Further work with stakeholders will be undertaken to draft guidance for highway authorities to support them in deciding when and where to use these side road zebra crossings.

Legislation will be laid before the Senedd in February 2026, and it is proposed that it will come into force during March 2026.

Document is Restricted