

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 15 December 2025	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 13.55)

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)684 – Code of Practice on Quality Assurance and Performance
Management, Escalating Concerns, and Closure of Regulated Care and
Support Services**

(Pages 1 – 4)

[Code of Practice](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–36–25 – 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)



**Senedd Cymru
Welsh Parliament**

Made Negative Resolution Instruments

3.1 SL(6)682 – The Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations 2025

(Pages 5 – 8)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–36–25 – Paper 2 – Draft report

LJC(6)–36–25 – Paper 3 – Written Statement by the Minister for Further and Higher Education, 2 December 2025

3.2 SL(6)685 – The Education (Specified Courses of Higher Education) (Wales) Regulations 2025

(Pages 9 – 13)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–36–25 – Paper 4 – Draft report

LJC(6)–36–25 – Paper 5 – Written Statement by the Minister for Further and Higher Education, 2 December 2025

Affirmative Resolution Instruments

3.3 SL(6)689 – The Non-Domestic Rating (Chargeable Amounts) (Wales) Regulations 2025

(Pages 14 – 17)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–36–25 – Paper 6 – Draft report

LJC(6)–36–25 – Paper 7 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 3 December 2025

Made Affirmative Resolution Instruments

3.4 SL(6)690 – The Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) (No. 2) Regulations 2025

(Pages 18 – 20)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–36–25 – Paper 8 – Draft report

LJC(6)–36–25 – Paper 9 – Letter from the Cabinet Secretary for Finance and Welsh Language to the Llywydd, 5 December 2025

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

(13.40 – 13.45)

5 Inter–Institutional Relations Agreement

(13.45 – 13.50)

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

(Page 21)

Attached Documents:

LJC(6)–36–25 – Paper 10 – Written Statement by the Cabinet Secretary for Housing and Local Government: Inter–Ministerial Group for Elections and Registration, 10 December 2025

5.2 Correspondence from the Cabinet Secretary for Finance and Welsh Language: The Procurement Act 2023 (Commencement No. 4) Regulations 2025

(Pages 22 – 23)

Attached Documents:

LJC(6)-36-25 – Paper 11 – Letter from the Cabinet Secretary for Finance and Welsh Language, 11 December 2025

5.3 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The REACH (Amendment) Regulations 2026

(Pages 24 – 25)

Attached Documents:

LJC(6)-36-25 – Paper 12 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 11 December 2025

6 Papers to note

(13.50 – 13.55)

6.1 Correspondence from the Counsel General and Minister for Delivery: Planning (Wales) Bill and Planning (Consequential Provisions) (Wales) Bill

(Pages 26 – 29)

Attached Documents:

LJC(6)-36-25 – Paper 13 – Letter from the Counsel General and Minister for Delivery, 10 December 2025

6.2 Correspondence from Mark Isherwood MS: The Member in charge of the Bill's response to the Committee's report on the British Sign Language (Wales) Bill

(Pages 30 – 32)

Attached Documents:

LJC(6)-36-25 – Paper 14 – Letter from Mark Isherwood MS, 10 December 2025

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

(13.55)

Private meeting

(13.55 – 14.55)

8 Development of Tourism and Regulation of Visitor

Accommodation (Wales) Bill: Draft report

(13.55 – 14.05)

(Pages 33 – 81)

Attached Documents:

LJC(6)-36-25 – Paper 15 – Draft report

9 Legislative Consent Memorandum on the Public Office

Accountability Bill: Draft report

(14.05 – 14.15)

(Pages 82 – 88)

Attached Documents:

LJC(6)-36-25 – Paper 16 – Draft report [To follow]

LJC(6)-36-25 – Paper 17 – Letter from the Welsh Local Government Association, 1 December 2025

LJC(6)-36-25 – Paper 18 – Letter to the Welsh Local Government Association, 6 November 2025

LJC(6)-36-25 – Paper 19 – Letter to the Welsh NHS Confederation, 6 November 2025

10 Planning (Wales) Bill and Planning (Consequential Provisions)

(Wales) Bill: Detailed Committee Consideration

(14.15 – 14.20)

(To Follow)

Attached Documents:

LJC(6)-36-25 – Paper 20 – Approach paper

11 International Agreements

(14.20 – 14.25)

(Pages 89 – 96)

Attached Documents:

LJC(6)-36-25 – Paper 21 – Research briefing

12 Senedd Cymru (Member Accountability and Elections) Bill: Draft report

(14.25 – 14.55)

(To Follow)

Attached Documents:

LJC(6)-36-25 – Paper 22 – Draft report

SL(6)684 – Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services 2026

Background and Purpose

The Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services 2026 ('Code of Practice') sets out the requirements and guidelines which local authorities must act in accordance with when exercising their social services functions in relation to quality assurance and performance management, escalating concerns and closure of regulated services under the Social Services and Well-being (Wales) Act 2014 ('the 2014 Act').

The Code of Practice also constitutes guidance under section 169 of the 2014 Act and guidance under section 2 of the National Health Service (Wales) Act 2006 ('the 2006 Act').

To ensure this Code of Practice has comparable force in relation to Local Health Boards and NHS trusts in Wales, the Welsh Ministers will direct Local Health Boards and NHS trusts in Wales under powers set out in the 2006 Act to exercise their functions in accordance with the requirements contained within this Code of Practice when exercising their respective functions.

Procedure

Draft negative

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

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

Scrutiny under Standing Order 21.7

The following 20 points are identified for reporting under Standing Order 21.7 in respect of this code.

1. In paragraph 1.2, the term "the 2009 Guidance" has been used twice when appearing to refer to the statutory guidance first referred to in paragraph 1.1, Escalating Concerns with, and Closures of Care Homes Providing Services for Adults issued in 2009. However, that guidance was not defined as "the 2009 Guidance" in paragraph 1.1 of the Code and the full title of that guidance has also been used in paragraph 1.2. Should the title of that



guidance be defined as “the 2009 Guidance” in paragraph 1.1 and used consistently on each occasion in paragraph 1.2?

2. In paragraph 1.3, there is an incomplete reference to “1.2(b)” but it should note “paragraph 1.2(b)” (see the cross-reference in paragraph 5.17 for a correct example).
3. In paragraphs 1.4 and 1.5, there are references to the Social Services and Well-being (Wales) Act 2014 and to the National Health Service (Wales) Act 2006. However, these Acts have already been defined as “the 2014 Act” and “the 2006 Act” respectively in the opening words of the preamble of the Code. Therefore, the definitions should have been used in paragraphs 1.4 and 1.5 of the Code.
4. In paragraph 1.6, the reference to “section 147” is incomplete because it does not identify the Act in which that section is found. Other references to sections have correctly included the title of the relevant Act afterwards.
5. In paragraph 1.14, in the final sentence, there is a difference between the English and Welsh text. In the English text, it notes “appropriate monitoring mechanisms” but the meaning given by the Welsh text is “appropriate monitoring and evaluation mechanisms”.
6. In paragraph 3.1, in the final bullet point, it refers to a “registered service provider” and this term is used on approximately 5 occasions in the Code. Elsewhere, there are numerous references to “service provider” in the Code. However, the term “service provider” has been defined by the Glossary as meaning a person or organisation registered by Care Inspectorate Wales to provide a regulated care and support service under section 6 of the 2016 Act. Therefore, the defined term “service provider” should be used on each occasion if there is no difference in meaning between a “registered service provider” and a “service provider” in the Code. In addition, it could also be argued that the words “registered under the 2016 Act” in the third bullet point of paragraph 3.1 are superfluous after the words “service provider” due to the definition.
7. In paragraph 3.4, in the first sentence, there is a difference between the English and Welsh text. In the English text, it notes “Registered service providers” but the meaning given by the Welsh text is “Registered providers”. In addition, there is also a greater significance to the choice of term in both language texts because “service provider” has been defined by the Glossary of this Code.
8. In paragraph 3.5, in the second sentence, there is a difference between the English and Welsh text. In the English text, it notes “for the well-being of the people of Wales” but it could be argued that the meaning given by the Welsh text is “for the welfare of the people of Wales”. This is because “llesiant” rather than “lles” is the term normally used for “well-being” in the Welsh text of legislation and has been used consistently elsewhere in this Code. In addition, the word “lles” is also used later in paragraph 3.5 to convey the meaning of “welfare”. Therefore, the reader of the Welsh text will be unable to distinguish between “well-being” and “welfare” in paragraph 3.5 of the Code.



9. In paragraphs 4.15, 5.13 and 7.11, there are references to “the Registered Manager”. However, this term has not been defined with a meaning by the Glossary or other provisions of the Code. Therefore, it has no clear meaning in the Code.
10. In paragraphs 4.17 and 5.18, there is a difference between the English and Welsh text. In the English text of both of these paragraphs it notes “process flowchart” but there is no word or phrase to convey the meaning of “flowchart” in the Welsh text. In other provisions such as paragraphs 6.9 and 7.1 and the Annexes, the word “siart lif” has been used to correctly convey the meaning of “flowchart” in the Welsh text.
11. In paragraph 5.26, it refers to “registered social care workers or managers”. However, these terms have not been defined with a meaning by the Glossary of the Code unlike the term “registered nurse” in that paragraph. Is there any reason why those terms have not been defined in the Code?
12. In paragraph 6.3, in the first sentence, there is a difference between the English and Welsh text. In the English text, it notes “the desired outcomes or performance” but the meaning given by the Welsh text is “the desired outcomes or standards”.
13. In paragraph 6.7, in the second sentence, there is a difference between the English and Welsh text. In the English text, it notes “arranged by other commissioning bodies” but the meaning given by the Welsh text is “arranged by external commissioning bodies”.
14. In paragraph 7.5, in the second sentence, there is a difference between the English and Welsh text. In the English text, it notes “example procedures and plans for responding to the closure” but the meaning given by the Welsh text is “example procedures and plans for the closure”.
15. In paragraph 7.8, in the first sentence, there is an inconsistency in the choice of word to convey the meaning of “identified” in the Welsh text. In paragraph 7.7 and elsewhere in the Code, “nodi” has been used to express the meaning of “identified” in a similar context but “canfod” has been used in paragraph 7.8.
16. In paragraph 7.9, in the first sentence, there is a difference between the English and Welsh text. In the English text, it notes “must assess a carer’s needs” but the meaning given by the Welsh text is “must assess an unpaid carer’s needs”.
17. In Annex A, on page 25, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the second box down in the centre which has a beige background, it notes in bold “Contract performance management meeting with service provider”. But the meaning given by the Welsh text is “Contract performance management meeting with provider”. The same difference of meaning also occurs in the first sentence immediately after those words in the same box. As already mentioned, “service provider” is a term that is defined by the Glossary of the Code.
18. In Annex A, on page 25, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the fourth box down in the centre which has a beige



background, it notes "risks, breaches in required standards and agreed actions". But the meaning given by the Welsh text is "the areas of improvement and agreed actions". In addition, the formatting of this box is quite different in both language texts in the flow chart.

19. In Annex C, on page 27, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the box at the bottom of the page which has a pink background, in the second line, it notes "(see also Regulated Care and Support Services – Closure Flowchart...)". But the meaning given by the Welsh text is "(see also Regulated Care Services – Closure Flowchart...)".
20. In Annex D, on page 30, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the box at the bottom of the page which has a light blue background, it notes "Regulated Service Closure Team". But the meaning given by the Welsh text is "Regulated Service Team".

Government response

A Welsh Government response is required to the reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

10 December 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

Welsh Parliament

Pack Page 4

Legislation, Justice and Constitution Committee

SL(6)682 – The Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations 2025

Background and Purpose

These Regulations make provision in relation to reviews of decisions made, and notices and directions given, by the Commission for Tertiary Education and Research (“the Commission”) under sections 45 and 78 of the Tertiary Education and Research (Wales) Act 2022 (“the 2022 Act”).

Regulations 3 and 4 set out the procedure to be followed when applying for a review.

Regulation 5 specifies the recommendations that may be made by the decision reviewer and the grounds for those recommendations.

Regulations 6 to 8 deal with the powers and duties of the decision reviewer, the applicant and the Commission during the review process.

Regulation 9 requires the Commission to respond to a recommendation in which the decision reviewer recommends it to reconsider its decision, notice or direction.

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 point is 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.

These Regulations do not define “the applicant”, therefore it is not clear on the face of these Regulations who may apply for a review.



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

Regulation 5(b) provides that the decision reviewer may recommend that the Commission should reconsider its “decision” in four specified circumstances. Does regulation 5(b) apply to decisions, notices and directions, or only decisions? The same is asked in relation to the reference to “decision” in regulation 5(b)(iv).

If regulation 5(b) and regulation 5(b)(iv) apply to decisions, notices and directions, it is asked why it is not specified in the same way as regulation 5(a), which refers to a “decision, notice or direction”? If regulation 5(a) and (b) applies to Commission decisions, notices and directions, the different use of terms in paragraphs (a) and (b) could cause confusion and potentially lead to incorrect interpretation.

Merits Scrutiny

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

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

The Regulations specify section 79(3) and (4) of the 2022 Act as the powers under which the Welsh Ministers make these Regulations, however the Explanatory Memorandum states that these Regulations are made “*pursuant to sections 79(3), 79(4) and 143(2)(a) of the 2022 Act*”.

The Welsh Government is asked why section 143(2)(a) is listed in the Explanatory Memorandum, but not in the Regulations themselves?

Welsh Government response

A Welsh Government response is required to all reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

10 December 2025





Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Implementation of the Tertiary Education and Research (Wales) Act 2022

DATE 02 December 2025

BY Vikki Howells MS, Minister for Further and Higher Education

I am pleased to inform members that I have made two statutory instruments in connection with the implementation of the Tertiary Education and Research (Wales) Act 2022 ('the TER Act') and the bringing into force of the functions of the Commission for Tertiary Education and Research ('Medr'), namely:

- The Education (Specified Courses of Higher Education) (Wales) Regulations 2025 (*"the section 89 Regulations"*), and
- The Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations 2025 (*"the Decision Review Regulations"*).

Following on from Medr becoming operational last year, its functions as provided for in the TER Act have been brought into force in phases, with the most recent phase being delivered in April of this year.

Looking ahead, I intend to make further subordinate legislation to bring into force, on 1 April 2026, the next phase of Medr's functions; primarily in respect of the securing, funding and inspection of further education and training, along with provision within section 89 of the TER Act which enables Medr to fund 'eligible courses' of higher education. I will provide further updates to Members in due course.

The section 89 Regulations specify eligible higher education courses for the purpose of section 89(3) of the TER Act, enabling Medr to provide funding to providers in connection with:

- courses in preparation for a professional examination, the standard of which is higher than A-Level examinations or the examination for the National Certificate or National Diploma of the Business & Technical Education Council ('BTEC') (paragraph 1(g)),

- courses providing education where the standard of those courses is higher than the standard of courses providing education in preparation for such examinations (paragraph 1(h)), and
- courses for the Higher National Diploma or Higher National Certificate of the BTEC which are identified within an apprenticeship framework issued under section 19(1) of the Apprenticeships, Skills, Children and Learning Act 2009.

The policy intention in making these Regulations is two-fold.

Firstly, the Regulations will ensure Medr has sufficient functions to provide funding for higher education courses of a similar nature to those currently funded by the Welsh Ministers through programmes such as higher apprenticeships, the personal learning account programme and mainstream further education provision which includes courses that are at a level to be considered higher education.

Secondly, the Regulations will enable Medr to fund courses falling within para 1(g) or (h) of the ERA 1988 on an ongoing basis, reflecting the Welsh Ministers' functions as set out in section 92 of the TER Act.

Turning to the Decision Review Regulations, these address the duty within section 79(3) of the TER Act whereby the Welsh Ministers are required to make regulations in respect of the arrangements in relation to the review of certain decision made by Medr. Where Medr chooses to issue a notice or direction in reliance on certain of its regulatory powers as set out in the TER Act, the provider in receipt of the notice or direction may request a review of the decision by an independent person or panel appointed by the Welsh Ministers.

The Decision Review Regulations make the necessary provision to enable the process for reviewing relevant decisions made by Medr to be transparent, allow the provider adequate opportunity to present evidence and support the completion of the process in a timely manner.

The Decision Review Regulations are the third of five statutory instruments required to complete the legislative framework which will enable Medr to establish the register in relation to higher education providers in Wales.

I made the first two instruments (the Commission for Tertiary Education and Research (Registration and De-registration of Tertiary Education Providers in Wales) Regulations 2024 and the Tertiary Education and Research (Wales) Act 2022 (Designation of Providers) Regulations 2024) in November 2024 and in the new year I intend to make the final two statutory instruments. Again, I will provide further updates to Members in due course.

SL(6)685 – The Education (Specified Courses of Higher Education) (Wales) Regulations 2025

Background and Purpose

These Regulations are made under section 89(1) and (2) of the Tertiary Education and Research (Wales) Act 2022 ("the Act").

Section 89(3) of the Act enables the Commission for Tertiary Education and Research to provide financial resources to a person in respect of expenditure incurred, or to be incurred, by the person or a collaborating body (as defined in section 89(4) of the Act) for the purpose of the provision of an eligible course wholly or mainly in Wales or the provision of an eligible course to persons who are ordinarily resident in Wales.

Regulation 2 provides that the higher education courses set out in the Schedule to these Regulations are specified for the purposes of section 89(1) of the Act, meaning they are eligible courses for the purposes of that section.

Paragraph 1 of the Schedule sets out courses that fall within paragraph 1(g) or (h) of Schedule 6 to the Education Reform Act 1988 ("the 1988 Act"). A course is within paragraph 1(g) of Schedule 6 if it is a course in preparation for a professional examination and the standard of that examination is higher than the standard of examinations at advanced level for the General Certificate of Education ("GCE A-level") or the examination for the National Certificate or the National Diploma of the Business & Technician Education Council ("BTEC"). A course is within paragraph 1(h) of Schedule 6 to the 1988 Act if the standard of the course (whether or not the course is in preparation for an examination) is higher than the standard of courses providing education in preparation for examinations at GCE A-Level or the examination for the National Certificate or the National Diploma of the BTEC.

Paragraph 2 of the Schedule sets out courses for the Higher National Diploma or Higher National Certificate of the BTEC which are identified within an apprenticeship framework issued under section 19(1) of the Apprenticeships, Skills, Children and Learning Act 2009, namely a recognised Welsh framework, from which recognition has not been withdrawn under section 19(2) of that 2009 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

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

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

1. 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.

It is noted that section 89(3) of the Act (described above), which is referred to in the Explanatory Memorandum accompanying these Regulations, and in the Explanatory Notes, is not fully in force at the date that these Regulations were made or will come into force. The Explanatory Memorandum states at paragraph 3.4 that:

“It is intended to bring section 89(3), along with subsections (4) and (5) which make provision in respect of collaborating bodies, fully into force on 1 April 2026 through an Order to be made by the Welsh Ministers under section 148(2) of the 2022 Act (“the proposed 2026 Order”).”

Paragraph 3.8 of the Explanatory Memorandum explains the Welsh Government’s reasoning for the earlier coming into force date of these Regulations:

“The Regulations come into force on 25 December 2025. This coming into force date will allow Medr the opportunity to include reference to its funding function within section 89(3) when developing its policy on funding powers (as required under section 87 of the 2022 Act) prior to the coming into force of section 89(3) of the 2022 Act.”

2. 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.

It is noted that the Regulations have not been subject to any consultation. In particular, we note the following paragraphs in the Explanatory Memorandum:

“There is no statutory requirement to consult on these regulations, and a formal public consultation did not take place. The Welsh Government has engaged regularly with Medr on the development of these Regulations, and also engaged with certain stakeholders in relation to their purpose.

The aim of the Regulations is to provide Medr with a sufficient statutory basis upon which it may provide funding for certain higher education courses, including but not limited to the types of higher education courses that are currently funded by the Welsh Ministers under statutory functions that are due to be repealed.”



Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

10 December 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 11



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Implementation of the Tertiary Education and Research (Wales) Act 2022

DATE 02 December 2025

BY Vikki Howells MS, Minister for Further and Higher Education

I am pleased to inform members that I have made two statutory instruments in connection with the implementation of the Tertiary Education and Research (Wales) Act 2022 ('the TER Act') and the bringing into force of the functions of the Commission for Tertiary Education and Research ('Medr'), namely:

- The Education (Specified Courses of Higher Education) (Wales) Regulations 2025 (*"the section 89 Regulations"*), and
- The Commission for Tertiary Education and Research (Decision Review) (Wales) Regulations 2025 (*"the Decision Review Regulations"*).

Following on from Medr becoming operational last year, its functions as provided for in the TER Act have been brought into force in phases, with the most recent phase being delivered in April of this year.

Looking ahead, I intend to make further subordinate legislation to bring into force, on 1 April 2026, the next phase of Medr's functions; primarily in respect of the securing, funding and inspection of further education and training, along with provision within section 89 of the TER Act which enables Medr to fund 'eligible courses' of higher education. I will provide further updates to Members in due course.

The section 89 Regulations specify eligible higher education courses for the purpose of section 89(3) of the TER Act, enabling Medr to provide funding to providers in connection with:

- courses in preparation for a professional examination, the standard of which is higher than A-Level examinations or the examination for the National Certificate or National Diploma of the Business & Technical Education Council ('BTEC') (paragraph 1(g)),

- courses providing education where the standard of those courses is higher than the standard of courses providing education in preparation for such examinations (paragraph 1(h)), and
- courses for the Higher National Diploma or Higher National Certificate of the BTEC which are identified within an apprenticeship framework issued under section 19(1) of the Apprenticeships, Skills, Children and Learning Act 2009.

The policy intention in making these Regulations is two-fold.

Firstly, the Regulations will ensure Medr has sufficient functions to provide funding for higher education courses of a similar nature to those currently funded by the Welsh Ministers through programmes such as higher apprenticeships, the personal learning account programme and mainstream further education provision which includes courses that are at a level to be considered higher education.

Secondly, the Regulations will enable Medr to fund courses falling within para 1(g) or (h) of the ERA 1988 on an ongoing basis, reflecting the Welsh Ministers' functions as set out in section 92 of the TER Act.

Turning to the Decision Review Regulations, these address the duty within section 79(3) of the TER Act whereby the Welsh Ministers are required to make regulations in respect of the arrangements in relation to the review of certain decision made by Medr. Where Medr chooses to issue a notice or direction in reliance on certain of its regulatory powers as set out in the TER Act, the provider in receipt of the notice or direction may request a review of the decision by an independent person or panel appointed by the Welsh Ministers.

The Decision Review Regulations make the necessary provision to enable the process for reviewing relevant decisions made by Medr to be transparent, allow the provider adequate opportunity to present evidence and support the completion of the process in a timely manner.

The Decision Review Regulations are the third of five statutory instruments required to complete the legislative framework which will enable Medr to establish the register in relation to higher education providers in Wales.

I made the first two instruments (the Commission for Tertiary Education and Research (Registration and De-registration of Tertiary Education Providers in Wales) Regulations 2024 and the Tertiary Education and Research (Wales) Act 2022 (Designation of Providers) Regulations 2024) in November 2024 and in the new year I intend to make the final two statutory instruments. Again, I will provide further updates to Members in due course.

Agenda Item 3.3

SL(6)689 – The Non-Domestic Rating (Chargeable Amounts) (Wales) Regulations 2025

Background and Purpose

These Regulations provide for transitional relief to assist ratepayers affected by the 2026 non-domestic rating revaluation.

The Regulations prescribe rules to be used to calculate the chargeable amount for eligible hereditaments with increased non-domestic rates liability of more than £300, as a result of the revaluation. The Regulations operate by reducing the liability of eligible ratepayers, allowing their increases following the revaluation to be phased in over a two-year period.

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

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

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

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

The Committee notes the phased introduction of the increase in non-domestic rates liability from 1 April 2026 onwards, and the cost of this to the Welsh Government as set out in the Regulatory Impact Assessment:

This option would support an estimated 25,000 properties, at a cost to the Welsh Government of £77m in 2026-27 and £39m in 2027-28. Relief would be automatically applied to eligible ratepayers' bills.

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

The Committee notes that the Regulations have not been subject to any consultation. The Explanatory Memorandum to the Regulations states:



The Welsh Government's financial position for 2026-27 was not confirmed prior to the UK Government's Autumn Statement on 26 November 2025. To have effect from 1 April 2026, the Regulations must be in force before 1 January 2026. As a consequence of these timing constraints, the Regulations have not been the subject of a consultation. The Regulations benefit ratepayers and are based on those developed to provide transitional relief following the 2023 revaluation. As such, the Welsh Government is confident they will achieve the policy intent.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

9 December 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 15



WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Non-domestic rates support for 2026-27
DATE 03 December 2025
BY Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language

Today, I am announcing that the Welsh Government will provide an additional package of non-domestic rates support worth £116m over the next two financial years.

The next non-domestic rating list will take effect on 1 April 2026, following revaluation. This will be the second revaluation delivered this Senedd term and the first on the three-yearly cycle introduced as part of our programme of non-domestic rates reforms.

As a consequence, the standard multiplier will be reduced substantially in 2026-27, to 0.502. This will be the first reduction of the multiplier in Wales since 2010.

Earlier this year, we [confirmed](#) plans to introduce a lower retail multiplier to re-balance the non-domestic rates system in favour of small to medium sized retail shops. The new retail multiplier will be set at 0.350 for 2026-27. This will reduce the non-domestic rates bills of eligible ratepayers by around £20m.

A higher multiplier will levy a marginal supplement on the largest (by value) properties in the tax-base, to offset the revenue foregone through the retail multiplier and support the overall policy objective. The new higher multiplier will be set at 0.515. This is little more than one penny in the pound higher than the standard multiplier for 2026-27 and substantially lower than the current multiplier for all properties.

Regulations will be brought forward to set the values of the new differential multipliers early in New Year. Subject to the approval of the Senedd, this important structural change to the non-domestic rates system will take effect on 1 April 2026.

The Welsh Government will also provide transitional relief to all ratepayers whose liabilities will increase by more than £300 following the revaluation. Any such increases will be phased in over two years. Eligible ratepayers will pay 33% of their additional liability in the first year (2026-27) and 66% in the second year (2027-28), before reaching their full liability in the third year (2028-29). £116m will be provided over two years fully to fund this relief, supporting all areas of the tax-base in a consistent and straightforward manner.

To provide for transitional relief, I will lay the draft Non-Domestic Rating (Chargeable Amounts) (Wales) Regulations 2025 before the Senedd as soon as possible. Subject to the approval of the Senedd, the Regulations will come into force on 31 December 2025 and apply from 1 April 2026.

This generous package of support is in addition to our fully funded permanent reliefs which are currently worth £250m to businesses and other ratepayers every year. The Welsh Government remains committed to supporting businesses to recover from recent economic challenges and to thrive moving forward.

Agenda Item 3.4

SL(6)690 – The Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) (No. 2) Regulations 2025

Background and Purpose

The Landfill Disposals Tax (Wales) Act 2017 established the framework and operational arrangements for landfill disposals tax (“LDT”), which replaced UK landfill tax in Wales in 2018.

These Regulations prescribe the standard, lower and unauthorised disposals rates of LDT for taxable disposals made on or after 1 April 2026, as follows:

- The standard rate is **£130.75** per tonne (increased from £126.15 per tonne),
- The lower rate is **£8.65** per tonne (increased from £6.30 per tonne), and
- The unauthorised disposals rate is **£196.15** per tonne (increased from £189.25 per tonne).

Taxable disposals made on or after 1 April 2025 but before 1 April 2026 will remain subject to rates set by the Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) Regulations 2025.

Procedure

Made Affirmative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd must approve the Regulations within 28 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were made for them to continue to have effect.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

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

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



Section 25 of the Tax Collection and Management (Wales) Act 2016 provides that the Welsh Revenue Authority (the “**WRA**”) must pay amounts collected in the exercise of its functions relating to devolved taxes into the Welsh Consolidated Fund.

The WRA is responsible for the collection and management of LDT. These Regulations prescribe the three rates of LDT from 1 April 2026.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

9 December 2025



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 19

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

Elin Jones MS
Llywydd
Senedd Cymru
Cardiff Bay
CARDIFF
CF99 1SN

5 December 2025

Dear Llywydd,

The Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) (No.2) Regulations 2025

I have today made the Landfill Disposals Tax (Tax Rates) (Wales) (Amendment) (No.2) Regulations 2025 under sections 14(3) and (6), 93 and 94(1) of the Landfill Disposals Tax (Wales) Act 2017 which comes into force on 1 April 2026. I attach a copy of the statutory instrument and I intend to lay this and an accompanying Explanatory Memorandum once the statutory instrument has been registered.

In accordance with the procedure set out in section 95 of the Landfill Disposals Tax (Wales) Act 2017 this instrument must be approved by the Senedd by 22 January 2026 in order for it to remain in effect. In these circumstances I understand Standing Order 21.4A is relevant and the Business Committee may establish and publish a timetable for the responsible committee or committees to report. It may be helpful to know that I intend to hold the plenary debate for this item of subordinate legislation on 20 January 2026.

I am copying this letter to the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee, Peredur Owen Griffiths MS, Chair of the Finance Committee, Julian Luke, Director of Senedd Business, Bethan Davies, Head of Chamber and Committee Services, Marc Wyn Jones, Head of Policy and Legislation Committee Service.

Yours sincerely,

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

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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	Inter-Ministerial Group for Elections and Registration (IMG Elections)
DATE	10 December 2025
BY	Jayne Bryant MS, Cabinet Secretary for Housing and Local Government

In accordance with the inter-institutional relations agreement, I can report to Members of the Senedd that I represented the Welsh Government at an Inter-Ministerial Group for Elections and Registration meeting on 30 October 2025.

The meeting was held in hybrid format and hosted by the Scottish Government. In attendance were Graeme Dey MSP, Minister for Parliamentary Business, Scottish Government (Chair, in person), Samantha Dixon MP, Parliamentary Under Secretary of State in the Ministry of Housing, Communities and Local Government (in person) and Matthew Patrick MP, Parliamentary Under Secretary of State, Northern Ireland Office (online).

This meeting was an opportunity to hear an update on the UK Government's proposed draft Elections Bill, which will include areas where the Senedd's consent would be sought. I also heard about preparations for the Scottish Parliament elections in May 2026 and gave an update on the Welsh Government's reforms and preparations for the Senedd elections in May 2026. There were also useful discussions on democratic engagement, and security around elections and candidate safety.

A joint communiqué relating to this meeting was issued on Wednesday 10 December 2025 [Interministerial Group for Elections and Registration Communiqué: 30 October 2025 - GOV.UK](#)

We will continue to work together with meetings planned to take place on a quarterly basis and I will keep Members updated.



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair - Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
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SeneddLJC@senedd.wales

11 December 2025

Dear Mike,

Consent to the making of the Procurement Act 2023 (Commencement No. 4) Regulations 2025

I wish to inform the Committee of the intention to consent to the making of the Procurement Act 2023 (Commencement No. 4) Regulations 2025 ("the Regulations").

I received a letter from Chris Ward MP requesting consent to the Regulations on 20 November 2025. In relation to devolved Welsh authorities, the Regulations pertain to sections 69 (Payments compliance notices) and 71 (Assessment of contract performance) of the Procurement Act 2023 ("the Act").

Section 69 requires contracting authorities to publish a payments compliance notice, essentially detailing how quickly contracting authorities pay their invoices (and whether they are in compliance with the implied payment terms set out in section 68 of the Act).

Section 71 requires contracting authorities to publish a contract performance notice setting out how a supplier has performed against the contract's key performance indicators, as well as any breaches of or failure to perform the contract on the part of the supplier.

The Regulations will bring into force these sections of the Act, placing the obligation to publish payments compliance notices and contract performance notices on contracting authorities.

In order to commence these sections, the Regulations need to be made under section 127 (Commencement). UK Government will make the Regulations in accordance with section

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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.

127(3) of the Act and therefore require the consent of the Welsh Ministers.

Although the Welsh Government's general principle is that the law relating to devolved matters should be enacted by the Welsh Ministers where there is executive competence, in this instance it is considered appropriate for a Minister of the Crown to legislate as Welsh Ministers do not have the powers. Providing consent is therefore consistent with our Principles: it ensures the necessary legislative provision is made to commence the relevant provisions of the Procurement Act 2023 and supports the achievement of our policy objectives.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive style and is centered within a white rectangular box.

Mark Drakeford AS/MS

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



Mike Hedges MS Chair,
Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

11 December 2025

Dear Mike,

The REACH (Amendment) Regulations 2026

I wish to inform the Legislation, Justice and Constitution Committee of my intention to consent to the UK Government laying and making the REACH (Amendment) Regulations 2026 (“the Regulations”).

The Regulations will be made by the Secretary of State for Environment, Food and Rural Affairs in exercise of the powers conferred by Articles 68(1), 73(2) and 132A of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)(a) (“UK REACH”). They will apply in relation to England, Scotland and Wales and pursuant to Article 69(1) are subject to the negative procedure. They are to be laid before Parliament on 2 March 2026 and will come into force on 1 April 2026. The Regulations seek to legislate in an area of Senedd competence.

Article 4A(3) provides that the Secretary of State must seek the consent of the Welsh Ministers where the exercise of the function is within Senedd competence. This includes where the exercise of that function also relates to a part of Great Britain other than Wales i.e. it applies when the exercise of the function relates to Wales and other parts of Great Britain.

Pursuant to the powers within UK REACH, in particular Articles 68 and 73, while the consent of the Welsh Ministers is required to make legislation that applies in relation to Wales the Welsh Ministers themselves do not have a regulation-making power. Therefore, these regulations could not be made by the Welsh Ministers.

Baroness Hayman of Ullock wrote to me on the 27 October 2025, requesting the Welsh Ministers’ consent to the 2026 Regulations. A similar request for consent has been sent to Scottish Ministers. I plan to provide my formal consent to Baroness Hayman of Ullock on 12 December 2025, unless the committee raises any concerns before that date.

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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.

Summary of the 2026 Regulations

The Regulations amend Annex XVII of UK REACH, introducing new restrictions on the use and placing on the market of ammunition containing lead and its compounds. These changes align UK law with the latest scientific evidence and policy commitments to reduce environmental and health risks associated with lead in shooting activities.

The Regulations amend Annex XVII to add new entries and requirements for projectiles containing lead, including shot and other types of ammunition. The amendments set concentration limits for lead in projectiles and establish phase-out dates for their use at outdoor shooting ranges and in other contexts. Exemptions are provided for air weapons, elite athletes, certain shooting disciplines, and specific professional uses such as police, military, and technical testing.

Additional provisions require outdoor shooting ranges to implement risk reduction measures and maintain documentation for enforcement authorities. Labelling requirements are introduced for certain projectiles containing lead, and suppliers must keep records of sales to elite athletes. The Regulations also set out notification and record-keeping obligations for both users and suppliers.

Each category of projectile and use is assigned a specific date by which its use or placing on the market is prohibited, with transitional arrangements for compliance. The overall aim is to reduce the risks posed by lead in ammunition to wildlife, livestock, soil, water, and public health, while providing proportionate exemptions for specific users and uses.

Enforcement of these Regulations, in relation to Wales, will sit with Natural Resources Wales.

Welsh Government Position

The Welsh Government's general principle is that subordinate legislation in devolved areas should be enacted by the Welsh Ministers where there is executive competence.

On this occasion, I consider it appropriate for the UK Government's amendments to apply to Wales, as the Welsh Ministers do not have the necessary powers to amend Annex XVII of UK REACH. In addition, timely implementation will ensure compliance with our environmental and public health commitments and maintain regulatory consistency across the UK.

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

Agenda Item 6.1

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

Mike Hedges MS, Chair
Legislation, Justice and Constitution Committee

10 December 2025

Annwyl Mike

Planning (Wales) Bill and Planning (Consequential Provisions) (Wales) Bill

I am grateful to the members of Legislation, Justice and Constitution Committee and your support staff, for their consideration of both Bills. The Government is also grateful to those stakeholders and other interested persons who took their time to help develop the Bill before introduction and those who gave evidence to the Senedd during Initial Committee Consideration.

The Committee made six recommendations to the Government in its report on the Bills, and this letter provides my response to those.

Recommendation 1: During the debate on the Initial Consideration of the Bills, the Counsel General should provide the latest information about the required consent and consultation that is necessary to bring the Planning (Wales) Bill within the legislative competence of the Senedd.

Response: Accept

The Secretary of State for Wales provided the necessary consent on 20 November 2025.

Recommendation 2. During the debate on the Initial Consideration of the Bills, the Counsel General should provide the latest information about any amendments that will be required to be made to the Planning (Wales) Bill or the Planning (Consequential Provisions) (Wales) Bill as a consequence of the UK Government's Planning and Infrastructure Bill, should the Bills proceed to Detailed Committee Consideration.

Response: Accept

The Planning and Infrastructure Bill is expected to conclude ping-pong by the time the UK Parliament rises for its Christmas recess. But subject to the final form of that Bill being

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settled, I currently anticipate that 15 minor amendments will need to be made to three Schedules to the Planning (Consequential Provisions) (Wales) Bill if the Senedd agrees it should proceed as a consolidation Bill. No amendments will be needed to the Planning (Wales) Bill.

Recommendation 3. The Counsel General should confirm that section 9 of the Planning (Wales) Bill does not include any changes to existing law, and clarify her reason for that view

Response: Accept

I confirm that the drafting changes in section 9 of the Planning (Wales) Bill do not change the effect of the provisions being restated. Whereas section 2(1D) of the Town and Country Planning Act 1990 provides that the area of a joint planning board “shall not” include any part of a National Park, the English language text of section 9(1) of the Bill provides that it “may not” include any part of such a Park. Both formulations have the effect of preventing National Parks being included in the areas of joint planning boards (although there is also a power to change that by regulations). The use of “may not” in the English language text of section 9(1) reflects the Office of the Legislative Counsel’s drafting practice, set out in paragraphs 3.13 and 3.14 of *Writing Laws for Wales*, of avoiding the word “shall” in English. The “may not” formulation is commonly used to limit powers and is found in many other places in the Bill, including in section 8(2) which applies to the same power.

Recommendation 4. In response to concerns raised by stakeholders, the Counsel General should give further consideration to whether section 19(9) of the Planning (Wales) Bill may benefit from additional clarity, and should write to all planning authorities to report on her consideration

Response: Accept

For the reasons given in earlier correspondence and in evidence to the Committee, I am satisfied that section 19(9) of the Planning (Wales) Bill will not apply to plans that were adopted before the provision that it restates came into force. However, I note that since my officials and I gave evidence to the Committee, the Committee has received correspondence from another planning authority arguing that express provision should be made to this effect. In order to resolve this issue, if the Senedd agrees that both Bills may proceed as consolidation Bills, I intend to bring forward an amendment to the Planning (Consequential Provisions) (Wales) Bill stating that the provisions in section 19 of the Planning (Wales) Bill relating to the expiry of plans do not apply to local development plans adopted before 4 January 2016.

Recommendation 6. The Counsel General should set out a road map for the making of subordinate legislation under the Planning (Wales) Bill, and highlight the opportunities available to stakeholders to inform the development of subordinate legislation.

Response: Accept

If enacted, the planned implementation of the Bills will take place through two phases of work and officials are preparing to publish the road map for each phase if the next Government is content with the proposed approach.

To assist the Committee’s understanding, I am happy to confirm the proposed approach:

- The road map for the first stage will set out the full 18-month implementation period, culminating in the commencement of the (then) Acts. Officials are working on this being published at the start of the next Senedd term, if the incoming Government are content with the approach. It will include bringing forward Welsh Statutory Instruments making consequential amendments to existing planning-related subordinate legislation, as well as making new provision for the protection of trees. In addition, a small number of the instruments most frequently used by practitioners or requiring substantial updates will be restated as part of this implementation stage, potentially including the Town and Country Planning (Use Class) Order 1987 and the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- The second stage will focus on restating the remaining legislation in a phased approach after the commencement of the Bills. Fuller details (the 'road map') would be set out in the next Government's accessibility of law programme which is due to be published in the next Senedd term.

I am grateful to those stakeholders who have already helped shaped our plans, both from their involvement in the Law Commission's original consultation which resulted in a number of recommendations relating to changes needed to subordinate legislation, through to more recent engagement on proposed new regulations for the protection of trees.

Officials intend to maintain the involvement of stakeholders throughout the implementation phase, mirroring the approach taken during the Bill's development. Where any uncertainties arise during the restatement of subordinate legislation, officials will engage with stakeholders to seek their specialist input. Should any reforms be considered as part of the consolidation process, those elements will be the subject of formal consultation in the usual way. Of course broader engagement on the Planning Directorate's work programme and the wider implementation of the Bills, will ensure stakeholders receive regular updates on the progress of these work packages.

Recommendation 7. The Counsel General should clarify the anticipated role of The National Archives in respect of the creation and maintenance of codes of Welsh law

Response: Accept

The National Archives has no role in the creation of codes of Welsh law; this is because only the Senedd and the Welsh Ministers can establish a code through the passing of primary legislation or the making of subordinate legislation where a statement regarding the legislation forming part of such a code is included.

Similarly, The National Archives are not responsible for the maintenance of codes of Welsh law. Acts of the Senedd and Welsh statutory instruments that form part of a Code will be published by the King's Printer for Wales and, as a result of Part 2B of the 2019 Act, this will include publication online.

As explained in the Government's evidence to the Committee, the Welsh Government will publish the Codes online.

Yn gywir,



Julie James AS/MS

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



Welsh
Conservatives

Ceidwadwyr
Cymreig

Mike Hedges MS
Chair, Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
CF99 1SN

10 December 2025

Dear Mike,

British Sign Language (Wales) Bill

Thank you to the Legislation, Justice and Constitution Committee for your scrutiny of the British Sign Language (Wales) Bill ("the Bill") during Stage 1 and for the report which was published on 4 December 2025. I have set out my response to the Committee's conclusions and recommendations at Annex A.

It has not been possible for me to accept all of the Committee's recommendations, and I have provided reasons for this in the detailed response at Annex A.

Lastly, I wanted to make you aware that I will also be writing to the Chair of the Equality and Social Justice Committee with respect to their Stage 1 Report, and will copy the letter to you at that time. I have already shared with you my response to the Finance Committee's Stage 1 report.

Regards

Mark Isherwood MS
Member of the Welsh Parliament for North Wales

Annex A

Response from Mark Isherwood, MS to the Legislation, Justice and Constitution Committee's Report on the British Sign Language (Wales) Bill

Recommendation 1. The Member in charge should table an amendment to the Bill to require that the statutory guidance issued under section 3, and any future revisions to it, are laid before the Senedd.

Response: Reject

I have considered this recommendation carefully, and have discussed the issue with the Cabinet Secretary for Social Justice. On balance I am rejecting the recommendation.

As the Committee has itself set out, the laying of Welsh Government guidance of this nature would be unusual, and guidance of this sort would not normally be directly scrutinised by the Senedd. Whilst this is the case, and as I outlined in my evidence to the Committee, I do expect that Senedd Members and Senedd committees will have a close eye on the guidance and on how the legislation in its entirety is implemented, and I believe that would be the case whether the guidance is laid or not.

As you may be aware, the Equality and Social Justice Committee has made two recommendations in relation to the BSL guidance required under the Bill. The first of these relates specifically to adding a requirement within the Bill that the guidance is published at the same or similar time to the National BSL Strategy. The second recommendation relates to adding a duty to consult on the guidance.

I will be accepting these recommendations, bringing forward the required amendments at Stage 2. If accepted, this would place a requirement on the face of the Bill that the guidance is published. While this falls short of the LJC Committee's call for it to be laid, it will place the guidance in the public domain as soon as it is available.

Recommendation 2. The Member in charge should consider the merits of specifying a minimum and maximum number of members that should sit on the panel.

Response: Accept

I will be very happy to consider the merits of specifying a minimum and maximum number of members that should sit on the panel. If it is felt necessary, or appropriate, I will bring forward amendment at Stage 2 to include a minimum and maximum number on the face of the Bill.

Recommendation 3. For clarity, the Member in charge should table an amendment to section 8(1)(c) to reflect the full names of the specified Welsh NHS Trusts by reference to their corresponding establishment orders.

Response: Accept

As I outlined to the Committee during Stage 1, I don't believe there would be any confusion caused from the wording of section 8(1) of the Bill. However, as this is purely a drafting issue I will bring forward amendments at Stage 2 to reflect the full names of the specific Welsh NHS Trusts.

Document is Restricted



Dr Chris Llewelyn
Prif Weithredwr / Chief Executive

Cymdeithas Llywodraeth Leol Cymru
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Ein Cyf / Our Ref: CL/PW/POAB/

Dyddiad / Date: 1st December 2025



Mike Hedges MS
Chair, Legislation, Justice and Constitution Committee
Senedd Cymru / Welsh Parliament
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Dear Chair,

Public Office (Accountability) Bill Legislative Consent Memorandum

Thank you for your letter of 6th November 2025 regarding the Committee's scrutiny of the Legislative Consent Memorandum for the Public Office (Accountability) Bill. On receipt of your letter I contacted local authority Chief Executives and Monitoring Officers and welcome the opportunity to provide you with a summary of their views on the proposals contained in the Bill.

Involvement and Consultation

Local authorities in Wales report that they have not been directly involved in the development of the Bill, nor have they been formally consulted on its provisions. Engagement to date has been limited to information shared by Welsh Government and publicly available material. Councils who responded have expressed a desire for more meaningful engagement, particularly given the Bill's significant implications for devolved governance and the operation of local authorities in Wales.

Scope, Impact, and Unintended Consequences

Councils broadly support the principles of transparency, candour, and accountability, especially in relation to public inquiries and investigations. However, there are

concerns about the breadth of the new statutory duties and criminal offences introduced by the Bill. Authorities have highlighted the risk that the Bill's provisions may duplicate or complicate existing Welsh frameworks, such as the Members' Code of Conduct, the Code of Conduct for Local Government Employees, and established whistleblowing arrangements.

There is a particular concern that the Bill could create parallel regimes, leading to uncertainty over which standards apply in a given situation and potential conflicts between UK and devolved law. Councils have also raised the risk of over-deterrence, where officers may feel personally exposed and become hesitant to take proportionate decisions, potentially inhibiting effective public service delivery. The broad drafting of new criminal offences, especially regarding the threshold for "recklessness" or "seriously improper acts", could have a chilling effect on decision-making, discourage openness, and undermine a culture of learning and improvement.

Resource and Operational Implications

Councils anticipate significant resource and administrative implications, including the need to revise codes of conduct, provide additional staff training, and ensure compliance with new statutory duties. There are concerns about increased legal defensiveness, additional costs, and the risk of double jeopardy or conflicting disciplinary and legal processes.

Duplication of Existing Mechanisms

Welsh local government already operates under a comprehensive and mature governance and ethical standards regime. Councils have emphasised the importance of ensuring that any new statutory duties are aligned with, and do not undermine, the effectiveness of existing Welsh frameworks. There is a strong call for clear guidance and legislative clarity on the relationship between the Bill and current mechanisms, as well as on the practical operation of the new duties.

Commitment to the Charter for Families Bereaved by Public Tragedy

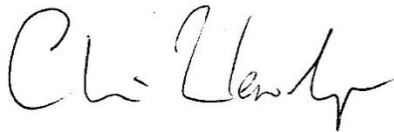
Welsh local authorities are committed to supporting bereaved families and survivors of public tragedies. Earlier this year, all local authorities in Wales signed the Charter for Families Bereaved by Public Tragedy. This Charter commits organisations to openness, transparency, and accountability, and to placing the needs of bereaved families at the heart of their response to major incidents. The Charter represents a significant cultural shift and demonstrates the sector's proactive approach to learning lessons from past tragedies and supporting those affected in the future.

Conclusion

Welsh local government is committed to upholding the highest standards of public service and accountability. Councils urge that any new statutory duties are

developed in close consultation with devolved governments and local authorities, to ensure alignment with existing frameworks and to avoid unintended consequences. Please do not hesitate to contact me if you require any further information or clarification.

Yours sincerely,



Dr Chris Llewelyn
Chief Executive

Dr Chris Llewelyn
Chief Executive, Welsh Local Government Association (WLGA)

6 November 2025

Dear Chris,

Public Office (Accountability) Bill Legislative Consent Memorandum

The Legislation, Justice and Constitution Committee considered the Public Office (Accountability) Bill ("the Bill") Legislative Consent Memorandum ("the Memorandum") during our meeting on 3 November 2025.

The Bill creates new legal duties and criminal offences that will apply to local authorities, their members and staff.

To help us with our scrutiny of the Memorandum, we would appreciate your response to the following questions:

1. To what extent, if at all, have local authorities in Wales been involved in the development of the Bill, and/or have been consulted about any relevant provisions?
2. Do you have any views on the scope of the new legal duties and criminal offences set out in the Bill insofar as they will apply to Welsh local authorities, members or staff of those authorities? Do you believe there could be any unintended consequences caused by the way in which the Bill is drafted?
3. The Memorandum states that some of the Bill's provisions appear to duplicate or expand existing mechanisms on candour such as the Ethical Framework within Local Government via the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001. Do you have any views on any potential implications of this duplication on local authorities?

4. Do you have any other comments to make on the Bill or on the Memorandum to support our scrutiny?

The Senedd's Business Committee has set a reporting deadline for the Memorandum of 19 December 2025. I would therefore be grateful if you could respond to this letter no later than 21 November if possible, so that we can consider your response before we issue our report. If you have any concerns with this timetable please let us know.

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.

Darren Hughes
Director, Welsh NHS Confederation

6 November 2025

Dear Darren,

Public Office (Accountability) Bill Legislative Consent Memorandum

The Legislation, Justice and Constitution Committee considered the Public Office (Accountability) Bill ("the Bill") Legislative Consent Memorandum ("the Memorandum") during our meeting on 3 November 2025.

The Bill creates new legal duties and criminal offences that will apply to NHS bodies and their staff.

To help us with our scrutiny of the Memorandum, we would appreciate your response to the following questions:

1. To what extent, if at all, have NHS bodies in Wales been involved in the development of the Bill, and/or have been consulted about any relevant provisions?
2. Do you have any views on the scope of the new legal duties and criminal offences set out in the Bill insofar as they will apply to Welsh NHS bodies and their staff? Do you believe there could be any unintended consequences caused by the way in which the Bill is drafted?
3. The Memorandum states that some of the Bill's provisions appear to duplicate or expand existing mechanisms on candour such as the Duty of Candour established under the *Health and Social Care (Quality and Engagement) (Wales) Act 2020*. Do you have any views about the implications of this duplication on NHS bodies?
4. Do you have any other comments to make on the Bill or on the Memorandum to support our scrutiny?

The Senedd's Business Committee has set a reporting deadline for the Memorandum of 19 December 2025. I would therefore be grateful if you could respond to this letter no later than 21 November if possible, so that we can consider your response before we issue our report. If you have any concerns with this timetable please let us know.

Yours sincerely,

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Mike Hedges

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

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