

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Video conference via Zoom	P Gareth Williams
Meeting date: 26 January 2026	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 14.05)

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

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

(13.30 – 13.35)

(Pages 1 – 2)

Attached Documents:

LJC(6)–03–26 – Paper 1 – Draft report

Instruments subject to the Senedd annulment procedure

**2.1 SL(6)713 – The Non–Domestic Rating (Demand Notices) (Wales) (Amendment)
Regulations 2026**

Instruments subject to the Senedd approval procedure

**2.2 SL(6)716 – The Food Supplements (Magnesium L–threonate monohydrate)
(Wales) Regulations 2026**



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

(13.35 – 13.40)

Instruments subject to the Senedd annulment procedure, or what was previously known as the negative procedure

3.1 SL(6)706 – The Healthy Eating in Schools (Nutritional Standards and Requirements) (Maintained Primary Schools) (Wales) Regulations 2025

(Pages 3 – 6)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–03–26 – Paper 2 – Draft report

LJC(6)–03–26 – Paper 3 – Written Statement by the Cabinet Secretary for Education, 17 December 2025

3.2 SL(6)707 – The Building (Higher–Risk Buildings Procedures) (Wales) Regulations 2025

(Pages 7 – 11)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–03–26 – Paper 4 – Draft report

3.3 SL(6)708 – The Building etc. (Amendment) (No. 2) (Wales) Regulations 2025

(Pages 12 – 18)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)–03–26 – Paper 5 – Draft report

3.4 SL(6)715 – The Regulated Services (Registration) (Wales) (Amendment) Regulations 2026

(Pages 19 – 21)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-03-26 – Paper 6 – Draft report

Instruments subject to the Senedd approval procedure, or what was previously known as the draft affirmative procedure

3.5 SL(6)704 – The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2026

(Pages 22 – 23)

[Order](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-03-26 – Paper 7 – Draft report

3.6 SL(6)714 – The Annual Returns (Miscellaneous Amendments) (Wales) Regulations 2026

(Pages 24 – 25)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-03-26 – Paper 8 – Draft report

3.7 SL(6)719 – The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Regulation and Inspection of Social Care) (Miscellaneous Amendments) (Wales) Regulations 2026

(Pages 26 – 27)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-03-26 – Paper 9 – Draft report

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

(13.40 – 13.45)

4.1 SL(6)711 – The Building Safety Act 2022 (Commencement No. 6) (Wales) Regulations 2025

(Page 28)

[Regulations](#)

Attached Documents:

LJC(6)-03-26 – Paper 10 – Draft report

4.2 SL(6)712 – The Building Act 1984 (Commencement No. 1) (Wales) Order 2025

(Page 29)

[Order](#)

Attached Documents:

LJC(6)-03-26 – Paper 11 – Draft report

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)

Affirmative Resolution Instruments

5.1 SL(6)703 – The Tax Collection and Management (Visitor Levy Costs) (Wales) Regulations 2026

(Pages 30 – 32)

Attached Documents:

LJC(6)-03-26 – Paper 12 – Report

LJC(6)-03-26 – Paper 13 – Welsh Government response

6 Instruments that raise issues to be reported to the Senedd under Standing Order 21.7 – previously considered

(13.50 – 13.55)

7 Inter-Institutional Relations Agreement

(13.55 – 14.00)

7.1 Correspondence from the Welsh Government: Meetings of inter-ministerial groups

(Pages 33 – 38)

Attached Documents:

LJC(6)–03–26 – Paper 14 – Written Statement by the First Minister of Wales: British–Irish Council meeting, 16 January 2026

LJC(6)–03–26 – Paper 15 – Letter from the First Minister of Wales: British–Irish Council meeting, 16 January 2026

LJC(6)–03–26 – Paper 16 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Memorandum of Understanding between the Department for Energy Security and Net Zero and the Welsh Ministers, 19 January 2026

LJC(6)–03–26 – Paper 17 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Inter–Ministerial Group for Environment, Food and Rural Affairs, 20 January 2026

LJC(6)–03–26 – Paper 18 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: Interministerial Group on Net Zero, Energy and Climate Change, 22 January 2026

7.2 Written Statement by the Cabinet Secretary for Finance and Welsh Language: The Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026

(Pages 39 – 40)

Attached Documents:

LJC(6)-03-26 – Paper 19 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 21 January 2026

7.3 Correspondence from the Cabinet Secretary for Economy, Energy and Planning: The Provision of Services (Amendment and Transitional Provision) Regulations 2026

(Pages 41 – 42)

Attached Documents:

LJC(6)-03-26 – Paper 20 – Letter from the Cabinet Secretary for Economy, Energy and Planning, 22 January 2026

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

(Pages 43 – 44)

Attached Documents:

LJC(6)-03-26 – Paper 21 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 22 January 2026

8 Papers to note

(14.00 – 14.05)

8.1 Correspondence from the Counsel General and Minister for Delivery: Subordinate legislation

(Page 45)

Attached Documents:

LJC(6)-03-26 – Paper 22 – Letter from the Counsel General and Minister for Delivery, 21 January 2026

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

(14.05)

Private meeting

(14.05 – 15.15)

10 Planning (Wales) Bill and Planning (Consequential Provisions) (Wales) Bill: Consideration of Detailed Committee Consideration report

(14.05 – 14.10)

(Pages 46 – 50)

Attached Documents:

LJC(6)-03-26 – Paper 23 – Draft report

11 Secondary legislation previously considered

(14.10 – 14.20)

(Pages 51 – 66)

Attached Documents:

LJC(6)-03-26 – Paper 24 – Paper

12 Legislative Consent Memorandum on the Cyber Security and Resilience (Network and Information Systems) Bill

(14.20 – 14.30)

(Pages 67 – 82)

Attached Documents:

LJC(6)-03-26 – Paper 25 – Legal Advice Note

13 Legislative Consent Memorandum on the Finance (No. 2) Bill: Draft report

(14.30 – 14.35)

(Pages 83 – 88)

Attached Documents:

LJC(6)-03-26 – Paper 26 – Draft report

14 Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Children's Wellbeing and Schools Bill

(14.35 – 14.45)

(Pages 89 – 97)

Attached Documents:

LJC(6)-03-26 – Paper 27 – Legal Advice Note

15 Monitoring report

(14.45 – 14.55)

(Pages 98 – 119)

Attached Documents:

LJC(6)-03-26 – Paper 28 – Monitoring report

16 United Kingdom Internal Market Act 2020

(14.55 – 15.05)

(Pages 120 – 130)

Attached Documents:

LJC(6)-03-26 – Paper 29 – Paper

17 Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Terminally Ill Adults (End of Life) Bill

(15.05 – 15.15)

(Pages 131 – 142)

Attached Documents:

LJC(6)-03-26 – Paper 30 – Draft report

Statutory Instruments with Clear Reports 26 January 2026

SL(6)713 – The Non-Domestic Rating (Demand Notices) (Wales) (Amendment) Regulations 2026

Procedure: Senedd annulment procedure

Billing authorities are required to serve demand notices on ratepayers for properties in their area which are liable for non-domestic rates. The Non-Domestic Rating (Demand Notices) (Wales) Regulations 2017 provide for the content of such demand notices. Schedule 2 to those Regulations sets out the prescribed set of words for the explanatory information which must be provided to ratepayers alongside a demand notice.

These Regulations make administrative amendments to the explanatory information, to ensure it accurately reflects the arrangements which will be in place from 1 April 2026.

Parent Act: Local Government Finance Act 1988

Date Made:

Date Laid: 13 January 2026

Coming into force date: 01 April 2026



Statutory Instruments with Clear Reports

26 January 2026

SL(6)716 – The Food Supplements (Magnesium L-threonate monohydrate) (Wales) Regulations 2026

Procedure: Senedd approval procedure

Regulation 5 of the Food Supplements (Wales) Regulations 2003 (S.I. 2003/1719 (W.186)) prohibits the sale of food supplements manufactured using vitamins or minerals unless that vitamin or mineral is—

- (a) listed in Schedule 1 to the Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/651) (“the 2019 Regulations”);
- (b) in a form which is listed in Schedule 2 to the 2019 Regulations and meets the relevant purity criteria.

The mineral, magnesium, is already listed in Schedule 1 to the 2019 Regulations. The Food Supplements (Magnesium L-threonate monohydrate) (Wales) Regulations 2026 -

- (a) add the mineral form, magnesium L-threonate monohydrate (“the Substance”) to the list in Schedule 2 to the 2019 Regulations;
- (b) set purity criteria for the Substance.

Parent Act: Nutrition (Amendment etc.) (EU Exit) Regulations 2019

Date Made:

Date Laid: 13 January 2026

Coming into force date: 05 March 2026



SL(6)706 – The Healthy Eating in Schools (Nutritional Standards and Requirements) (Maintained Primary Schools) (Wales) Regulations 2025

Background and Purpose

These Regulations apply to local authorities and governing bodies that provide food and drink on a school day to pupils at primary schools, whether the food and drink is provided on school premises or not.

These Regulations set out the types of food and drink that must and must not be provided and the frequency with which certain foods must or must not be provided. They also prescribe the energy and nutrient content of average school lunches.

These Regulations amend the Healthy Eating in Schools (Nutritional Standards and Requirements) (Wales) Regulations 2013 so that they will only apply to secondary schools. Once the changes are in force, the 2013 Regulations will set out mandatory nutritional standards and requirements for food and drink provided in secondary schools in Wales.

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 1 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

In the definition of “maintained nursery school” in regulation 2(1), there are references to the terms “nursery school” and “special school”. We note that these terms are not defined in the Regulations and not included in the definitions referred to in regulation 2(6) as being contained in section 20 of the School Standards and Framework Act 1998. The Welsh Government is asked to clarify the meaning of these terms in the context of the Regulations.



Merits Scrutiny

The following 1 point is identified for reporting under Standing Order 21.3 in respect of this instrument.

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.

While the Regulations set out the requirements and standards for relevant food and drink provision in schools, the Welsh Government is asked to explain how implementation of the Regulations will be monitored and any consequences for non-compliance.

Welsh Government response

A Welsh Government response is required to both reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

20 January 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Pack Page 4

Legislation, Justice and Constitution Committee



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Laying of the Healthy Eating in Schools Regulations**

DATE **17 December 2025**

BY **Lynne Neagle MS, Cabinet Secretary for Education**

I am pleased to confirm that today I have laid the Healthy Eating in Schools (Nutritional Standards and Requirements) (Maintained Primary Schools) (Wales) Regulations 2025 before the Senedd. These Regulations will:

- Strengthen standards for food and drink provided in maintained nursery and primary schools across Wales.
- Support access to healthier, balanced choices for learners, ensuring closer alignment with the latest nutritional guidance.

The laying of these Regulations marks a further important step toward improved health and wellbeing of children and young people in Wales. They reflect a process of co-production between partners which began over 12 months ago and, importantly, reflect the feedback received during public consultation over the summer. I would therefore like to take this opportunity to thank all stakeholders, including children and young people, parents and carers, local authorities, schools, and health professionals, who contributed their views. Their input has been invaluable.

Universal Primary Free School Meals is already a transformational offer and has delivered over 57 million meals since September 2022. These revised standards raise the bar further, maximising the impact of the scheme by ensuring higher standards and meals with increased nutritional value. These efforts align with our ambitions to tackle child poverty, reduce inequalities, and improve attainment and wellbeing.

On 10 December 2025 I announced an increase to the rate paid per Universal Primary Free School Meal, from £3.20 to £3.40. This reflects the priority we place on delivering a quality offer in the face of rising costs and helps ensure our learners have the best possible start.

The Regulations will come into force on 31 October 2026, allowing sufficient time for schools and local authorities to prepare for implementation.

Further details, including the full text of the Regulations is available [here](#).

SL(6)707 – The Building (Higher-Risk Buildings Procedures) (Wales) Regulations 2025

Background and Purpose

These Regulations are made under powers conferred by the Building Act 1984, as amended by the Building Safety Act 2022. They apply specifically to Wales and are part of a suite of reforms aimed at improving building safety following the Grenfell Tower tragedy.

The primary aim of the Regulations is to establish a building control approval process specifically for higher-risk buildings.

The Regulations introduce a structured change control mechanism which aims to ensure that any design or construction changes are properly assessed, documented, and approved, maintaining the integrity of the original design and its safety features. The Regulations also mandate the creation and ongoing maintenance of the “golden thread” of building information - a digital record that supports informed decision-making and transparency throughout the building’s life.

The Regulations require the reporting of any safety occurrences and establish processes for applying for, and issuing, both full and partial completion certificates. Mechanisms are also provided for the regularisation of unauthorised work in order to help bring non-compliant developments into alignment with legal requirements.

The Regulations also empower the Welsh Ministers to make determinations and hear appeals under section 30A of the Building Act 1984.

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

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



In regulation 2(1), in the definition of “applicant”, it notes that the definition applies “except where the context otherwise requires”. It would be clearer and more helpful to the reader if it noted where in these Regulations a different meaning of “applicant” applies.

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

In regulation 2(1), the term “fire safety information” is defined with the meaning given by regulation 38(9) of these Regulations. However, regulation 2(1) gives the term that meaning for the whole of the Regulations but the definition in regulation 38(9) notes that the term only has that meaning “In this regulation”. In addition, the term is also used in regulation 37(5) of these Regulations. Therefore, it is unclear where the definition of the term “fire safety information” applies in these Regulations.

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

In regulation 7(13), in the Welsh text, the different grammatical forms “a bennir” a “penodedig” are both noted for the definition of “specified”. However, in regulation 24(11), only the term “penodedig” is noted for the definition of “specified” although both “a bennir” and “penodedig” are also used in the Welsh text of regulation 24. Therefore, the Welsh text is inconsistent in its approach as to whether all of the grammatical forms that have been used to express a defined term are noted or only a single grammatical form of the term.

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

In regulation 9(2) and (3), there is a varying between the use of “days” and the defined term “working days” when describing a period of time. In regulation 9(2) it refers to “At least 5 working days” but in regulation 9(3), it refers to “Within 5 days”. These different descriptions also occur when describing the same period of time in regulation 17(2) and (3). Is the varying between the use of “days” and “working days” intentional in these descriptions?

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

In regulation 12(1)(e)(i), there is a difference between the English and Welsh text. In the English text, it notes “details of the intended use of each storey” but the meaning given by the Welsh text is “details of the proposed use of each storey”. In this regard, the Welsh text is also inconsistent with the other provisions in these Regulations where “bwriadedig” has been used to express “intended” in the same context, but “arfaethedig” has been used to express “proposed”.

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



In regulation 15(1)(a), it refers to the client's assessment in regulation 12(1)(d)(viii)(bb). However, there is no paragraph (viii)(bb) in sub-paragraph 12(1)(d). Should regulation 15(1)(a) refer to a different provision, for example, regulation 12(1)(e)(viii)(bb)?

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

In regulation 18(2), at the beginning it notes that "Before any controlled change can be carried out, the client must ensure...". However, the word "can" appears to be referring to legal permission rather than only referring to a possibility. In which case, it should use "may" rather than "can".

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

In regulation 27(4)(i), the reference is described as "(as except paragraph (bb))". Should this refer to "(paragraph (ii)(bb))"?

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

In regulation 31(1)(b)(ii), there is a difference between the English and Welsh text. In the English text, it notes "have access to the facility" but the meaning given by the Welsh text is "have access to the electronic facility". In this regard, the Welsh text is correct because "electronic facility" is a defined term that is noted in regulation 31(13).

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

In regulation 31(13), it notes that both of the terms "electronic facility" and "golden thread information" are defined with a meaning "In these Regulations". However, the term "electronic facility" is only used in regulation 31, so it should be introduced as having a meaning "In this regulation". But the term "golden thread information" is also used in other regulations such as regulations 27 and 37, and Schedule 1. Therefore, the definition of "golden thread information" should be included in regulation 2(1) which is the general interpretation provision for terms used in these Regulations.

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

In regulation 32(2), it notes that there are "incidents or situations that should be reported by the reporting person". As the word "should" appears to be referring to a legal obligation placed upon the reporting person, should the word "must" be used instead of "should"?

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



In regulation 35(1), it notes that the definitions bear a meaning “In regulations 32 to 34” of these Regulations. However, the term “construction phase” is also used in regulation 31 of these Regulations but is not used at all in regulation 34. Therefore, it is unclear where the definition of this term applies in these Regulations. In addition, the terms “HRB design work” and “reporting person” are only used in regulation 32 rather than regulations “32 to 34”. Therefore, it may be clearer for both of these definitions to appear in a separate interpretation provision for regulation 32.

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

Regulation 47(5) states that the Welsh Ministers must notify the appellant of the outcome “within 13 weeks beginning with the day after the day on which the person gives a notice under paragraph (2)”. However, paragraph (2) outlines the persons who may appeal the decision in paragraph (1). Should regulation 47(5) refer to a different paragraph, for example, paragraph (3), rather than paragraph (2)?

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

In regulation 49(3), it could be argued that it is not obvious for a reader that terms that are defined for the purposes of the whole of Part 6 would be found in regulation 49(3). It might be more helpful to the reader if those terms were defined in a separate interpretation provision for Part 6. In addition, the definitions are not listed in alphabetical order in the English text of regulation 49(3).

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

In Schedule 1, in paragraph 5(1)(d), it refers to “Schedule 1 of the Building Regulations 2010”. However, the Building Regulations 2010 were defined as “the 2010 Regulations” by regulation 2(1) of these Regulations. Therefore, the defined term “the 2010 Regulations” should have been used in this reference in Schedule 1.

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

In Schedule 2, in paragraph 3, the term “fixed building service” is defined for Schedule 2. However, the term is also used in other provisions such as regulations 37(5), 38(7), and 46(12) of these Regulations. Therefore, it is unclear whether the intention is for the term “fixed building service” to bear the same meaning in these other provisions of the Regulations as well.

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

21 January 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 11

Agenda Item 3.3

SL(6)708 – The Building etc. (Amendment) (No. 2) (Wales) Regulations 2025

Background and Purpose

These Regulations amend the Building Regulations 2010 and other related secondary legislation in Wales to implement provisions of Part 3 of the Building Safety Act 2022. The amendments introduce new procedural requirements, clarify duties and competencies of dutyholders, establish mechanisms for enforcement and appeals in relation to building control, and provide transitional arrangements for work commenced or approved prior to the coming into force date.

These Regulations also make minor, unrelated amendments to the Building Regulations 2010 and consequential amendments to other statutory instruments.

Part 2 (regulations 2-15) of these Regulations amend the Building Regulations 2010.

Part 3 (regulations 16-18) of these Regulations amend the following secondary legislation:

- The Building (Local Authority Charges) Regulations 2010;
- The Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024;
- The Building (Restricted Activities and Functions) (Wales) Regulations 2024.

Part 4 (regulations 19-22) of these Regulations make transitional, supplementary and saving provisions.

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

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

In regulation 6(11)(a), in the new regulation 27(3)(b), it notes “not later than **five days**”. However, many of the other amendments that are made to the 2010 Regulations refer to periods of time that are described as “working days” such as the amendment made by



regulation 6(5)(c). In addition, figures rather than words have been used to express periods of days elsewhere in the amendments. Therefore, should it refer to “not later than **5 working days**” in this amendment as well? This also occurs in the new regulation 16(2A) inserted by regulation 9(1)(d) of these Regulations where it refers to “Not more than 5 days...”.

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

In regulation 6(13)(a), in the new regulation 27B(2)(b), it incorrectly refers to the matters set out in “paragraphs **(1)** to (iii) of sub-paragraph (a)”. However, it should be referred to by using a Roman rather than an Arabic numeral as “paragraphs **(i)** to (iii) of sub-paragraph (a)”. Otherwise it could be interpreted as referring to paragraph (1) of regulation 27B.

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

In regulation 6(13)(a), in the new regulation 27B(3)(b), the reference to the matters mentioned “in sub-paragraphs (aa) to (cc)” is incomplete because it does not note that they are found in sub-paragraph (a)(i) of regulation 27B(3). Therefore, it should refer to the matters mentioned “in sub-paragraphs (aa) to (cc) **of sub-paragraph (a)(i)**” (for a correct example, see the new regulation 27C(3)(b) inserted by regulation 6(14)(a) of these Regulations).

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

In regulation 6(14)(a), in the new regulation 27C(2)(b), it incorrectly refers to the matters set out in “**paragraphs (i) to (iii)** of sub-paragraph (a)”. However, there is no paragraph (iii) in sub-paragraph (a). Therefore, it should refer to the matters set out in “**paragraphs (i) and (ii)** of sub-paragraph (a)”.

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

In regulation 16(2)(a), in the new definition of “local authority” that is inserted in regulation 2 of the Building (Local Authority Charges) Regulations 2010, it refers to “section 91ZD of **the 1984 Act**”. However, the Building Act 1984 has been defined as “the Act” by regulation 2 of those Regulations. Therefore, the new definition fails to use the correct definition of the Building Act 1984. It is also inconsistent with the other new textual amendments made to the Building (Local Authority Charges) Regulations 2010 which have used the correct definition.

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

In regulation 16(7)(b), in the new text that replaces some of the existing text in regulation 14(1) of the Building (Local Authority Charges) Regulations 2010, it refers to “regulation 14E of **the Building Regulations 2010**”. However, the Building Regulations 2010 have been



defined as “**the Principal Regulations**” by regulation 2 of the Building (Local Authority Charges) Regulations 2010. Therefore, the new textual amendment fails to use the correct definition of the Building Regulations 2010. It is also inconsistent with the other new textual amendments made to the Building (Local Authority Charges) Regulations 2010 which have used the correct definition.

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

In regulation 17(4), in the new regulation 6A(1) that is inserted into the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024 it refers to “higher-risk building work”. In addition, there is a related footnote that explains that the definition of “higher-risk building work” is found in section 120I(3) of the Building Act 1984. However, it is not possible to define a term by means of a non-operative part of a statutory instrument such as a footnote. Also, the Legislation (Wales) Act 2019 does not contain a provision corresponding to section 11 of the Interpretation Act 1978, which provides that expressions used in subordinate legislation have the meaning which they bear in the Act under which the subordinate legislation is made. A Welsh subordinate instrument should include express provision wherever the intention is to attract meanings from the parent legislation. A definition of “higher-risk building work” should be inserted in the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024 if it is intended to bear the same meaning as given by the Building Act 1984.

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

In regulation 17(6), in the new regulations 13A(7)(d) and 13B(1) that are inserted in the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024, there are references to “**the Act**” when appearing to refer to the Building Act 1984. However, the Building Act 1984 has been defined as “**the 1984 Act**” by regulation 2 of the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024. Therefore, these new textual amendments fail to use the correct definition of the Building Act 1984. They are also inconsistent with the other textual amendments made to the Building (Local Authority Charges) Regulations 2010 which have used the correct definition such as the new regulation 6A(4) inserted by regulation 17(4) of these Regulations.

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

In regulation 17(10)(c), there is a difference between the English and Welsh text. In the English text, the amendment fails to correctly identify the existing text for substitution in regulation 37 of the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024. It identifies the text as “section 35 of **the Act (penalty for contravening building regulations)** does not apply”. However, the existing text notes “section 35 of **the 1984 Act** does not apply” in regulation 37 of the 2024 Regulations. The Welsh text does



correctly identify the existing text for substitution which is found in regulation 37 of those Regulations.

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

In regulation 17(11), there is a difference between the English and Welsh text. In the English text, the amendment is incorrect because the words “substitute” and “for” are in the wrong order. Therefore, it notes “**substitute** “Parts 2 - 5” **for** “Parts 1-6”” in regulation 42(1) of Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024. But it should note “**for** “Parts 2 - 5” **substitute** “Parts 1-6”” because “Parts 2 to 5” is the existing text in regulation 42(1) and the new text that will replace it is “Parts 1 -6”. The amendment is correctly described in the Welsh text. The same error and difference between the English and Welsh text also occurs in the amendment made by regulation 17(12)(a) of these Regulations.

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

In regulation 17(12)(b), it could be argued that the words “after form 5(W)” should appear at the beginning of the description in both language texts. In addition, the amendment would be clearer if some additional words such as “set out” were included after “form 6(W)”. Otherwise, the amendment could be read as instructing that Form 6(W) is to be inserted in the Schedule to these new Regulations.

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

In regulation 17(13)(a), in the new paragraph 6(d) that is inserted in Schedule 2 to the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024, it refers to “the client’s assessment of when **building control oversight** is required”. However, it also refers to “when the client considers **building control input** is required” in the new paragraph 13 that is inserted in that Schedule to the 2024 Regulations by regulation 17(13)(c) of these Regulations. In addition, the term “building control input” is also used in the new regulation 13B(4) inserted by regulation 17(6) of these Regulations. Therefore, could the Welsh Government confirm whether the use of the term “building control oversight” is correct in the new paragraph 6(d) or whether it should note “building control input”? The same issue arises in the Schedule, in the new Form 1(W), paragraph 4(c)(ii), Form 2(W), paragraph 3(e)(ii), and Form 4(W), paragraph 4(c)(ii), where the term “building control oversight” has also been used.

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

In regulation 17(13)(c), in the new paragraph 13, the term “may” rather than “can” should be used if the paragraph is conferring discretionary legal power on the local authority to reject the building control input rather than only expressing possibility.



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

In regulation 18(2)(a), there is a difference between the English and Welsh text. In the English text, the words “, a power in—” are noted at the end of the new text that will replace some of the existing text in regulation 3(2)(b) of the Building (Restricted Activities and Functions) (Wales) Regulations 2024. But in the Welsh text, the meaning of those words is not included at the end of the new text that replaces the existing text. However, it appears that the English text is incorrect because the words “, a power in-” aren’t noted as part of the existing text for replacement. Therefore, the effect of the textual amendment made by the English text is that those words will appear twice at the end of the amended text so that it will read as “a power in- a power in-” which doesn’t make sense.

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

In the heading of regulation 19, it refers to “the Building Regulations 2010” but those Regulations have been defined as “the 2010 Regulations”. It is also inconsistent with the body of the text in regulation 19 where the defined term “the 2010 Regulations” has been used.

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

In regulation 19(b)(i), there is a reference to “section 16 of the Act” when the term “the Act” appears to be referring to the Building Act 1984. However, the term “the Act” has not been defined as the Building Act 1984 for the purpose of this regulation or in these Regulations. In addition, it is also inconsistent with the transitional provisions of regulations 21 and 22 where the title of that Act has been noted in full in the references.

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

In regulation 19, the terms “building work” and “building notice” are used which are terms that have been defined with a meaning in the Building Regulations 2010. However, those terms have not been defined with the same meaning for the purpose of that regulation in these Regulations.

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

In regulation 21, the term “building notice” is also used which is a term that has been defined with a meaning in the Building Act 1984. Likewise, the terms “initial notice”, “plans”, and “plans certificate” are used in regulation 22 which are also terms that are defined in that Act. However, the only term that is defined with a meaning for either regulation 21 or 22 is “plans certificate” which is defined with a meaning for regulation 22. It would appear that all of the terms that are defined by the Building Act 1984 and that are also used in regulations



21 and 22 should be defined for the purposes of those regulations. Additionally, it appears to be an inconsistent approach to define some of those terms such as “plans certificate” but not all of them.

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

In the Schedule, in the new Form 5(W), in paragraph 2, there is a difference between the English and Welsh text. In the English text, it notes “and the work **described** above was” but the meaning given by the Welsh text is “and the work above was”.

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

In the Schedule, in the new Form 5(W), in paragraphs 9 and 10, in the Welsh text, “it” has been expressed by using “ei fod” when referring to “(2)”. However, the phrase “ei fod neu ei bod” has been used elsewhere in the Welsh text of this Form on each occasion when referring to “(2)”. Therefore, these paragraphs are inconsistent with the approach that has been taken elsewhere in the Welsh text of this Form and in the other Forms.

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

In the Schedule, in the new Form 5(W), in paragraph 13, there is a difference between the English and Welsh text. In the English text, it notes “specified” but it could be argued that the meaning given by the Welsh text is “noted” (“nodwyd”). The word “pennu” is a clearer term for “specify”.

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

In the Schedule, in the new Form 6(W), there is a difference between the English and Welsh text. In the English text, in the heading of the Form, the title of the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024 is defined as “(the 2024 Regulations)”. However, there is no corresponding definition to “(“the 2024 Regulations”)” in the Welsh text of the heading of that Form.

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

In the Schedule, in the new Form 1(W), paragraph 4(a), Form 2(W), paragraph 3(c) and Form 4(W), paragraph 4(a), terms such as “cesspool”, “sewer” and “private sewer” have been used which are defined with a meaning in the Building Act 1984. However, they have not been defined in the Building (Registered Building Control Approvers etc.) (Wales) Regulations 2024 or in these Forms. It appears that these terms should be defined in the 2024 Regulations or in these Forms if they are intended to bear the same meaning as given by the Building Act 1984.



Merits Scrutiny

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

24. 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 2.1 of the Explanatory Memorandum (Matters of special interest to the Legislation, Justice and Constitution Committee) states as follows:

“Further to the LJCC report in relation to the Building etc. (Amendment) (Wales) Regulations 2025 (SL(6)606)¹, we have amended the drafting to regulations 15 of these Regulations to address comments in the Technical Scrutiny points raised.”

Welsh Government response

A Welsh Government response is required in respect of reporting points 1 to 23.

Legal Advisers

Legislation, Justice and Constitution Committee

21 January 2026

¹ <https://business.senedd.wales/mglIssueHistoryHome.aspx?lId=45427>



SL(6)715 – The Regulated Services (Registration) (Wales) (Amendment) Regulations 2026

Background and Purpose

The Regulation and Inspection of Social Care (Wales) Act 2016 (the “**2016 Act**”) provides the statutory framework for the regulation and inspection of social care services, and the regulation of the social care workforce in Wales.

The Regulated Services (Registration) (Wales) Regulations 2017 (the “**principal Regulations**”) make provision about the form and content of applications for registration and applications for variation of registration under the 2016 Act.

The Regulated Services (Registration) (Wales) (Amendment) Regulations 2026 (the “**2026 Regulations**”) amend the principal Regulations to give effect to changes introduced by section 6A(1) of the 2016 Act, which restricts the provision of certain children’s services to local authorities and not-for-profit entities. These services, referred to in these Regulations as “**restricted children’s services**”, include children’s home services, secure accommodation services and fostering services.

The intended effect of the amendments made by the 2026 Regulations is to ensure that applications to register, or to vary registration in respect of restricted children’s services, include sufficient information to demonstrate compliance with the statutory requirement that such services are provided by not-for-profit entities.

Procedure

Senedd annulment procedure

These 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 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 3 states that the principal Regulations are amended in accordance with regulations 4-**10** of the 2026 Regulations. The English text only contains **9** regulations. The Welsh text contains 10 regulations.



As a result, there are inconsistencies between the English and Welsh text.

However, more fundamentally, the effect of omitting regulation 10 in the English text is that new paragraph 7A of Schedule 1 to the principal Regulations is not inserted. As a result, other provisions reliant on new paragraph 7A of Schedule 1 (such as new regulations 3B and 11A of the principal Regulations) are defective.

In turn, the Explanatory Note is incorrect as it states that regulations 8 and 9 insert new regulations 14 and 15 into the principal Regulations, and that regulation 10 amends Schedule 1. In fact, as drafted, regulation 8 alone inserts both regulations 14 and 15, regulation 9 amends Schedule 1 and regulation 10 is erroneously omitted.

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

Regulation 6 inserts new regulation 11A into the principal Regulations. It states:

11A. An application for variation of registration made pursuant to section 6C and paragraph 4 of Schedule 1A must contain the information listed in paragraphs 7 and 7A of Schedule 1.

This is confusing for the reader as both of these Schedules are in separate legislation. Schedule 1A refers to Schedule 1A to the 2016 Act, and Schedule 1 refers to Schedule 1 to the principal Regulations. It would be much clearer if words such as 'to the Act' or 'to these Regulations' were added. We note that this would be in-keeping with the approach in regulation 4(a)(iv).

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

Regulation 8 inserts new regulation 14 into the principal Regulations. This sets out the information a service provider must provide in an application to cancel their registration. We would be grateful for clarification of two points in relation to new regulation 14.

Under new regulation 14(a), the service provider must include the proposed date on which the cancellation should take effect.

The substantive provision governing the cancellation of registration as a service provider is section 14 of the 2016 Act. It provides for the Welsh Ministers to give a notice of the granting of an application for cancellation to the service provider, and provides that such cancellation takes effect on the day falling 3 months after receiving the notice, or an earlier date specified in the notice.

The Welsh Government is asked to explain how new regulation 14(a) of the principal Regulations will work in conjunction with section 14(3) of the 2016 Act. In particular, under what circumstances will section 14(3)(a) of the 2016 Act be applicable in practice?

Secondly, new regulation 14(d) states that a cancellation application must contain "*detail of any notice given about the intention to cease providing the service*". Our understanding is that



this is intended to encompass any notice provided by a service provider about their intention to cease providing services. If this is correct, we consider it would be clearer to state “[...] *detail of any notice given by the service provider about its intention to cease providing the service* [...]”.

Merits Scrutiny

The following 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

Regulation 5 inserts new regulation 3B into the principal Regulations. This provides that the Welsh Ministers may waive certain information requirements where an applicant takes over the provision of restricted children’s services in certain circumstances. One of the criteria for the waiver is that the Welsh Ministers consider that it’s appropriate “*having regard to information which the Welsh ministers hold about the existing provider*” (underline added).

In such circumstances, what assessment is made of the suitability and competence of the applicant to take over provision of the services from a service provider?

Welsh Government response

A Welsh Government response is required in respect of all reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

20 January 2026



Agenda Item 3.5

SL(6)704 – The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2026

Background and Purpose

The UK Emissions Trading Scheme (“ETS”) was established by the Greenhouse Gas Emissions Trading Scheme Order 2020 (“the 2020 Order”) as a UK-wide greenhouse gas emissions trading scheme, to encourage cost-effective emissions reductions from the power, industry, and aviation sectors. It was designed jointly by the four governments in the United Kingdom who jointly operate the ETS as the UK ETS Authority (“the Authority”), replacing the UK’s participation in the EU ETS. It contributes to the UK’s emissions reduction targets and net zero goal, as well as the emissions reduction pathway in Wales.

The ETS incentivises decarbonisation by requiring operators to purchase allowances, which they must monitor, report on and surrender. The ETS runs for 10 years and is split across two allocation periods, being 2021-2025, 2027-2030, and one standalone scheme year (the 2026 scheme year). During those periods, some operators are eligible for free allocation of allowances for greenhouse gas emissions.

In 2023, the Authority consulted on a “Free Allocation Review”. This was followed by a further consultation in 2024 on “Carbon Leakage”. The final policy decisions in the Authority Response to these consultations were developed in line with the UK Government announcement that a UK Carbon Border Adjustment Mechanism (UK CBAM) will be introduced in 2027. They also reflect the agreement between the UK and EU to work towards linking the UK ETS and the EU ETS. The proposed amendment to be made by this Order incorporates these into the ETS legislation on a four nation basis.

This Order amends Commission Delegated Regulation (EU) 2019/331 (the “Free Allocation Regulation”) to make three main changes to the calculation of free allocation for the 2027-2030 allocation period. To implement these main changes across the UK ETS, amendments to the 2020 Order and Commission Implementing Regulation (EU) 2019/1842 are also made.

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



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

Article 19(8) of this Order amends article 16 of the Free Allocation Regulation (2019/331). The Order aims to insert text in the first sentence of paragraph 5, after the phrase "*for the relevant period*". However, this phrase does not appear in the first sentence of paragraph 5. The phrases "*relevant baseline periods*" and "*relevant allocation period*" both appear. Further explanation is required as to where the text referred to in article 19(8)(a) should be inserted.

2. Standing Order 21.2(ix) – that it is not made or to be made in both English and Welsh

We note that paragraph 2.1 of the Explanatory Memorandum states:

"As the Order in Council will be subject to UK, Scottish and Northern Irish Parliamentary scrutiny, it is not considered reasonably practicable for this instrument to be made or laid bilingually."

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 in relation to the first reporting point.

Legal Advisers

Legislation, Justice and Constitution Committee

14 January 2026



Agenda Item 3.6

SL(6)714 – The Annual Returns (Miscellaneous Amendments) (Wales) Regulations 2026

Background and Purpose

These Regulations amend the Regulated Services (Annual Returns) (Wales) Regulations 2017 (“the 2017 Regulations”), which were made under section 10 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”). They also make a minor amendment to the Regulated Services (Penalty Notices) (Wales) Regulations 2019, arising from changes to section 48 of the 2016 Act introduced by section 14(3)(c) of the Health and Social Care (Wales) Act 2025 (“the 2025 Act”).

The amendments to the 2017 Regulations reflect provisions inserted into the 2016 Act by the 2025 Act concerning the regulation of “restricted children’s services”. This term is defined in section 2A of the 2016 Act. Regulation 2(2) of these Regulations inserts a new regulation 6A into the 2017 Regulations. This new provision requires service providers (other than local authorities) who provide a restricted children’s service to include in their annual return a statement confirming that they continue to meet the requirement in section 6A(1) of the 2016 Act.

Section 6A(1) of the 2016 Act provides that a person who is not a local authority may only be registered to provide a restricted children’s service if they are a not-for-profit entity. This requirement does not apply to service providers who are exempt from section 6A by virtue of paragraph 2(4) of Schedule 1A to the 2016 Act. Accordingly, this position is reflected in paragraph (2) of regulation 6A.

Regulation 2(3) amends regulation 10 of the 2017 Regulations to require service providers to publish their annual returns on their websites. In addition to the existing obligation to submit annual returns within a specified timeframe, service providers must now ensure that the annual return is made publicly available on their website within 91 days following the end of the financial year to which it relates.

Regulation 3 makes a consequential amendment to regulation 4 of the Regulated Services (Penalty Notices) (Wales) Regulations 2019. This reflects the change made by the Health and Social Care (Wales) Act 2025 to the heading of section 48 of the 2016 Act, which now refers to both the submission and publication of annual returns.

Procedure

Senedd Approval Procedure

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 point is 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

We note that these regulations have been laid before Senedd Cymru in accordance with the Senedd approval procedure and come into force on 1 April 2026.

One of the enabling powers relied upon, section 10(1)(b) of the Regulation and Inspection of Social Care Wales Act 2016, is not yet in force. Section 10(1)(b) was inserted by section 14(2)(a) of the Health and Social Care (Wales) Act 2025. Article 3(2)(a) of the Health and Social Care (Wales) Act 2025 (Commencement No.1 and Transitional and Saving Provisions) Order 2025 provides that section 14 (other than section 14(2)(c)) comes into force on **1 April 2026**, the same date on which these Regulations come into force.

Section 16 of the Legislation (Wales) Act 2019 provides that a power under provisions of subordinate instruments may be exercised before those provisions come into force.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

20 January 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—
Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 25

Agenda Item 3.7

SL(6)719 – The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Regulation and Inspection of Social Care) (Miscellaneous Amendments) (Wales) Regulations 2026

Background and Purpose

The Regulations amend the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”) in relation to the implementation in relation to Wales of provisions relating to the recognition of professional qualifications contained in:

- (a) the free trade agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland done at London on 8 July 2021 (“the EEA EFTA free trade agreement”), and
- (b) the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications done at London on 14 June 2023 (“the Swiss Agreement”).

The Regulations amend the 2016 Act to give effect, within the framework established for the regulation of social care workers in Wales, to the provisions relating to the recognition of professional qualifications contained in the EEA EFTA free trade agreement and the Swiss Agreement.

Procedure

Approval.

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 two 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 3 inserts various defined terms into the 2016 Act. The definition of “adaptation period” includes reference to “supervised practice”, but this is not a term that is defined in the 2016 Act nor elsewhere in the Regulations. The Welsh Government is asked to confirm what constitutes “supervised practice” and explain why this is not explicitly set out.



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

Regulation 12 inserts provision into the 2016 Act requiring the registrar to give notice of a decision in respect of registration or renewal by a specified state applicant (as defined in the Regulations) within four months after the date on which the application was submitted. The amendment goes on to say that where the registrar fails to give notice of a decision within that time period, that failure is to be treated as a decision of the registrar. It is not clear whether such failure would result in the decision being an approval or rejection of the application and the Welsh Government is invited to provide a further explanation in this regard.

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

20 January 2026



Agenda Item 4.1

SL(6)711 – The Building Safety Act 2022 (Commencement No. 6) (Wales) Regulations 2025

Background and Purpose

These Regulations are the sixth commencement regulations made under the Building Safety Act 2022 (“the Act”).

Regulation 2 brings into force certain provisions of Part 3 (amendments to the Building Act 1984) of, and Schedule 5 to, the Act on 1 July 2026 in relation to Wales.

Procedure

No procedure.

Scrutiny under Standing Order 21.7

The English text of the Regulations brings provisions of Part 3 of, and Schedule 5 to, the Act on 1 July 2026 in relation to Wales. However, the Welsh text of the Regulations shows XXXX instead of 1 July 2026 in each place that it occurs.

Government response

A Welsh Government response is required.

Legal Advisers

**Legislation, Justice and Constitution Committee
15 January 2026**



SL(6)712 – The Building Act 1984 (Commencement No. 1) (Wales) Order 2025

Background and Purpose

This Order is the first commencement order made under the Building Act 1984 (“the Act”) in relation to Wales only. However, two commencement orders prior to the devolution of building safety to Wales brought provisions of the Act into force in relation to England and Wales.

This Order brings into force section 33 of the Act in relation to Wales. Section 33 makes provision in relation to testing and sampling for the purpose of ascertaining whether any provision of building regulations have been or may be contravened.

Procedure

No procedure.

Scrutiny under Standing Order 21.7

The English text of the Order brings section 33 of the Act into force on 1 July 2026 in relation to Wales. However, the Welsh text of the Order shows XXXX instead of 1 July 2026 in each place that it occurs.

Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

15 January 2026



Agenda Item 5.1

SL(6)703 – The Tax Collection and Management (Visitor Levy Costs) (Wales) Regulations 2026

Background and Purpose

Section 24A of the Tax Collection and Management (Wales) Act 2016 (the “2016 Act”) requires the Welsh Revenue Authority (“WRA”) to keep an account of visitor levy proceeds collected for each principal council that has introduced the visitor levy in its area. The WRA must then pay the proceeds to the relevant council after the WRA has deducted the costs of exercising its visitor levy functions for that area.

These Regulations limit the permitted deduction to 10% of the proceeds of the visitor levy. The Regulations also include a mechanism whereby the deduction is further limited if it would result in the WRA deducting sums exceeding its total visitor levy operating costs.

Procedure

Draft Affirmative.

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

Technical Scrutiny

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

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

In these Regulations, the term “visitor levy” has been used on several occasions but has not been defined. It is a defined term in section 192(2) of the 2016 Act, where it has been given the same meaning as in Part 3 of the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025.

The Legislation (Wales) Act 2019 does not contain a provision corresponding to section 11 of the Interpretation Act 1978, which provides that expressions used in subordinate legislation have the meaning which they bear in the Act under which the subordinate legislation is made.

The Welsh Government is therefore asked to clarify why no definition of ‘visitor levy’ appears in these Regulations.



Merits Scrutiny

The following 2 points are identified for reporting under Standing Order 21.3 in respect of this instrument.

- 2. 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.**

Under section 25(3) of the 2016 Act, the WRA must pay into the Welsh Consolidated Fund amounts deducted, in respect of its costs, from proceeds of the visitor levy. These Regulations prescribe limits on the amount of those deductions.

- 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.**

Paragraph 3.1 of the Explanatory Memorandum to these Regulations draws the attention of the Committee to the following statement:

“This instrument has been prepared outside the new software for Welsh statutory instruments; it may be the case that minor formatting improvements need to be made during the registration process if this legislation is approved by the Senedd and made by the Welsh Ministers.”

Welsh Government response

A Welsh Government response to the technical reporting point is required.

Committee Consideration

The Committee considered the instrument at its meeting on 19 January 2026 and reports to the Senedd in line with the reporting points above.



Government Response: *The Tax Collection and Management (Visitor Levy Costs) (Wales) Regulations 2026*

Technical Scrutiny point 1: The Welsh Government notes the reporting point, however, does not agree with it.

These regulations are made under section 24(A)(5)(a) and (b) of the Tax Collection and Management (Wales) 2016 (“the 2016 Act”). Their purpose is to limit the amount that the Welsh Revenue Authority (“the WRA”) can deduct from the proceeds of the visitor levy in respect of its costs and disbursements.

Regulations made under section 24A(5) of the 2016 Act are only relevant when a principal council has introduced the visitor levy in its area. A principal council can only do that under Part 3 of the Visitor Accommodation (Register and Levy) Etc. (Wales) Act 2025 (“the 2025 Act”). Similarly, costs and disbursements can only be deducted (and that deduction limited by regulations under section 24A(5) of the 2016 Act) if the WRA is collecting the visitor levy on behalf of a principal council that has introduced it under Part 3 of the 2025 Act.

As is noted in the Legislation, Justice and Constitution Committee report, the term visitor levy is defined in section 192(2) of the 2016 Act and is given the same meaning as in Part 3 of the 2025 Act.

What this means is that the references to *visitor levy* in these Regulations can only mean a visitor levy introduced by a principal council under Part 3 of the 2025 Act because the term in this context can have no other meaning.

Paragraph 4.2(2) of Writing Laws for Wales states that that “*A definition should not be included unless it will aid clarity or certainty. If a term is intended to have its ordinary dictionary meaning in an Act, or if it is obvious from the context what the term is referring to, there should be no need for a definition....*”.

The term *visitor levy* was not defined in the Regulations on the basis that it was obvious from the context to what the term was referring and the Welsh Government maintains that position.

**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE **British-Irish Council Summit in Wales**

DATE **16 January 2026**

BY **First Minister, Eluned Morgan MS**

I was pleased to welcome political leaders to Wales for the 44th meeting of the British-Irish Council on 4 and 5 December which was held in the Vale of Glamorgan. The theme of this summit was ‘A Creative Future: Unlocking the Potential of the Creative Industries Across These Islands’. Given the theme of the summit, I was joined at the summit by the Cabinet Secretary for Economy, Energy and Planning and the Minister for Culture, Skills and Social Partnership. A joint Communiqué was issued after the meeting, which is available [here](#).

This summit provided the opportunity to showcase Wales’s world class innovation and production within the creative industries sectors, including representation from screen (Bad Wolf Productions; and Ruth Jones), music (Nancy Williams and Harry Nolan-Hampson; Quartet Draig) digital (Rarebit Studios; Rocket Science; Wales Interactive) and publishing (Professor Mererid Hopwood).

I chaired the summit plenary session which focused in particular on the screen sector. The discussion provided an opportunity to share experiences across the governments represented, recognising the creative industries as vital to economic growth, cultural identity, and international influence while acknowledging challenges such as funding, skills development, employment uncertainty, digital transformation and the impact of artificial intelligence.

The Minister for Culture, Skills and Social Partnership outlined recent progress in Wales, highlighting the achievements of Creative Wales, our dedicated government agency for the creative industries. Since its launch in 2020, Creative Wales has provided bespoke production funding and delivered significant economic returns – over £419 million from an investment of £33 million. More than 27,000 people and over 300 companies have benefited from the first round of the Creative Wales Skills Fund. The Minister also highlighted our efforts to promote diversity through partnerships and apprenticeship schemes and stressed our commitment to collaboration to overcome shared barriers and unlock growth. In addition, he emphasised the importance of fair access to UK-wide funding, reform of the UK screen tax regime, and a regulatory framework to ensure the sustainability of public service broadcasting. In comparison to the rapid shift in media consumption

patterns, the Minister noted that Wales is leading in internet-connected TV adoption and daily video viewing.

The plenary session also provided an opportunity to reflect on latest political developments across the governments represented and also globally. In opening the discussion, I noted progress in the Middle East since the previous meeting while recognising that much work remains to secure a stable and lasting peace in Palestine. However, I expressed concern about the ongoing suffering of the people of Ukraine and the increasing hostility from Russia towards Europe. I supported progress on EU/UK trade talks, which are particularly important for Wales given our high proportion of exports to the EU, and noted concerns about the impact of US tariffs, which affect Wales more than other parts of the UK due to our export profile. The discussion gave me a further opportunity to welcome announcements in the recent UK Government Budget, including support for people on low incomes, the lifting of the two-child benefit cap, and increases in the minimum and living wage, all of which will benefit thousands of people across Wales. On top of this I noted the recent UK Government announcement that Wales will host the first small modular nuclear reactors and two AI growth zones.

In addition to the formal plenary discussion the summit enabled a range of bilateral discussions across the governments represented. The next BIC Summit will be hosted by the Government of Guernsey in summer 2026.



Ein cyf/Our ref: PO/FM/0015/25

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

16 January 2026

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement, to notify you that I hosted and chaired the 44th meeting of the British-Irish Council on 4 and 5 December which was held in the Vale of Glamorgan.

I would like to draw your attention to my [written statement](#) of today, and to the joint communique summarising the outcomes of the summit, which is available [here](#).

The theme of this summit was 'A Creative Future: Unlocking the Potential of the Creative Industries Across These Islands'. Given the theme of the summit, I was joined at the summit by the Cabinet Secretary for Economy, Energy and Planning and the Minister for Culture, Skills and Social Partnership.

Whilst at the Summit, I also had the opportunity to hold bilateral meetings with a number of leaders from the Council's other member administrations.

I have copied this letter to the Climate Change, Environment, and Infrastructure Committee, the Economy, Trade and Rural Affairs Committee, the Finance Committee, and the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

Eluned Morgan

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Eluned.Morgan@llyw.cymru
Correspondence.Eluned.Morgan@gov.wales

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.

Huw Irranca-Davies AS/MS
Deputy First Minister and Cabinet Secretary for Climate Change
and Rural Affairs
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid
Hinsawdd a Materion Gwledig



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Legislation, Justice and Constitution Committee

19 January 2026

Dear Mike,

In accordance with the inter-institutional relations agreement, I am writing to notify you that a Memorandum of Understanding (MoU) between the Department for Energy Security and Net Zero (DESNZ) and the Welsh Ministers and was published on 14 January 2026. It can be found [here](#).

This MoU relates to the funding for Local and Community Energy in Wales as part of the work of Great British Energy (GBE). It sets out principles for collaborative working between DESNZ and Welsh Ministers for investing up to £9.495 million to support community and local renewable energy projects in Wales. It sets out:

- Aims of the funding
- The funding schedule
- The principles of collaborative working
- Management and governance arrangements.

I have also copied this letter to the chairs of the Economy, Trade, and Rural Affairs Committee and Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,

Huw Irranca-Davies AS/MS
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion
Gwledig

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Correspondence.Rebecca.Evans@gov.wales
Gohebiaeth.Rebecca.Evans@llyw.cymru

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Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet
dros Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: HID-PO-022-26

Mike Hedges MS
Chair - Legislation, Justice and Constitution Committee

20 January 2026

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to let you know that the Inter-Ministerial Group for Environment, Food and Rural Affairs will be held on 5 February 2026. I will be representing the Welsh Government.

The meeting is expected to focus on a Biodiversity deep dive, the UKG Food Strategy, the UKG Farm Profitability review, SPS engagement and the Fishing and Coastal Growth Fund. After the meeting I will update you on discussions and a communique will be issued.

I have also copied this letter to the Climate Change, Environment and Infrastructure Committee and the Economy, Trade and Rural Affairs Committee.

Yours sincerely,

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

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Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: HID/PO/033/26

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

Llŷr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee

22 January 2026

Dear Mike, Llŷr,

I am writing in accordance with the Inter-Institutional Relations Agreement to notify you of a meeting of the Interministerial Group on Net Zero, Energy and Climate Change, which will take place on 26 January 2026. The discussion will focus on the UK Government's Warm Homes Plan. Given the meeting's focus on housing, the Cabinet Secretary for Housing and Local Government will be representing the Welsh Government.

Please accept my apologies for the short notice provided. The timing of the meeting was confirmed last week. I will provide an update to you after the meeting.

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

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

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**WRITTEN STATEMENT
BY
THE WELSH GOVERNMENT**

TITLE	The Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026
DATE	21 January 2026
BY	Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language

Members of the Senedd will wish to be aware that I have given consent to the Parliamentary Secretary, Cabinet Office to exercise a subordinate legislation-making power in devolved areas in relation to Wales. This consent relates specifically to the inclusion of transitional arrangements in the UK Government’s statutory instrument (UKSI), titled “The Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026”.

Agreement was sought by the Parliamentary Secretary, Cabinet Office to include Transitional Arrangements in “The Procurement Act 2023 (Specified International Agreements and Saving Provision) (Amendment) Regulations 2026” which will amend the Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024 (“the UKG 2024 Regulations”) to cover transitional arrangements for Contracts which remain subject to the former Procurement Regime (e.g. the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2016).

As Welsh Ministers do not have the power to amend these Commencement and transitional provisions, consent is required for the UK Government to legislate in this devolved area. This will ensure that contracts covered by the previous regime continue to comply with the UK’s international obligations under the UK-India Comprehensive Economic and Trade Agreement (CETA).

The UKSI also includes regulations relating to contracts covered by the Procurement Act 2023. The Welsh Ministers will lay separate regulations to implement the procurement chapters of the UK-India Comprehensive Economic and Trade Agreement (CETA) agreement as it applies in Wales.

The UK Statutory Instrument was laid before the UK Parliament by the Minister for the Cabinet Office on 19 January 2026 and the element relating to Contracts under the former procurement regime exercised the power conferred by section 127(2) of the Procurement Act

2023, which can only be exercised by a Minister of the Crown. The SI will come into force on 30 March 2026.

The Regulations are available here: [The Procurement Act 2023 \(Specified International Agreements and Saving Provision\) \(Amendment\) Regulations 2026](#)

Eich cyf/Your ref
Ein cyf/Our ref

Llywodraeth Cymru
Welsh Government

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

22 January 2026

Dear Mike,

I wish to inform the Committee of my intention to consent to Blair McDougall MP, the Parliamentary Under-Secretary of State (Minister for Small Business and Economic Transformation) laying before Parliament, pursuant to the affirmative procedure, a Statutory Instrument (SI), The Provision of Services (Amendment and Transitional Provision) Regulations 2026, which will amend the Provision of Services Regulations 2009 ('the Regulations') in devolved areas.

The Regulations transposed the EU Services Directive 2006/123/EC, which provided a framework of rules for how service activities are regulated in the UK. They ensure that authorisation schemes (e.g. schemes concerning licences that businesses or individuals must secure before providing a service) which are administered by Competent Authorities (CAs) (e.g. local authorities and regulators), are proportionate, justified in the public interest, and conducted in a fair, accessible and transparent way for businesses.

The purpose of making targeted changes to the Regulations is to make authorisation schemes more transparent, efficient, and cost-effective, and to reduce regulatory burdens for businesses while supporting the UK's trade agenda. In summary, the proposed reforms cover six areas, five of which will be implemented by the SI, and one which will be implemented by non-legislative measures:

Reforms to be implemented by the SI:

- a) Expand the benefits of the PoSRs to anyone regardless of nationality or establishment.
- b) Require CAs to provide information to the Secretary of State about tacit authorisation arrangements, including where tacit authorisation does not apply, to state the public interest reason for it not applying.
- c) Add a requirement for CAs running authorisation schemes to keep applicants informed of the status and outcome of their application.
- d) Increase the flexibility of the application process, for example, by requiring CAs to accept licence applications all year round.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Correspondence.Rebecca.Evans@gov.wales
Gohebiaeth.Rebecca.Evans@llyw.cymru

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- e) Clarify that CAs are prohibited from charging fees at the time of application that encompass costs for ongoing management and enforcement of the authorisation scheme.

Reforms to be implemented by non-legislative measures:

- f) Require specific information to be updated on the *Find a Licence* online tool and/or the website of the CA, making the list of information to be provided more comprehensive. This reform is not included in the SI as non-legislative options are being proposed by the UK government to ensure information remains up to date, such as issuing annual reminders to CAs to encourage them to check and update content and conduct regular audits.

The Welsh Government's Principles on UK Legislation in Devolved Areas states that 'subordinate legislation in devolved areas should be enacted by the Welsh Ministers where there is executive competence'. The Principles do however go on to say, 'there may also be situations in which it is in the best interests of Wales for UK government Ministers to make secondary legislative provision which would be within Welsh Ministers' executive competence, with the consent of the Welsh Ministers'. In particular, where the UK legislation covers both devolved and reserved matters and enables policy objectives to be most effectively achieved, it may be appropriate for UK government ministers to act.


In addition, there are clear justifications for supporting consent to the UKSI:

- a) These changes are not a policy priority and therefore it is not sensible to divert resources to making the legislation ourselves. The Welsh Government would not choose to make these changes of its own volition given the minimal benefits that can be expected to be realised.
- b) The benefits to business may be minimal, but they exist, and they could have an impact on small businesses by easing any difficulties some may encounter when applying for authorisations from CAs.
- c) The changes are unobjectionable from a policy perspective.

Consequently, it is sensible to allow the UK government to make the proposed changes in devolved areas so that Wales can realise small benefits for our businesses without the Welsh Government having to expend resources making the changes.

The Regulations will be laid before Parliament in February 2026 and, if approved by UK Parliament, made using the concurrent powers of the Secretary of State in sections 12(1), 14(2) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023, and will come into force on 1 October 2026.

Yours sincerely,



Rebecca Evans AS/MS

Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

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 7.4


Llywodraeth Cymru
Welsh Government

Our ref: MA/HIDCC/0057/26

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

22 January 2026

Dear Mike,

I wish to inform the Committee of the intention to consent, in this instance, to the Secretary of State making and laying the Sea Fisheries (Amendment) Regulations 2026.

The Regulations will be made under section 36(1)(b) and (c) of the Fisheries Act 2020 and section 15 of the Retained EU Law (Revocation and Reform) Act 2023. The Regulations amend assimilated legislation, Council Regulation (EU) 2020/123 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters.

The Regulations make adjustments to the level of European seabass that may be caught within British fishery limits, as specified in Article 10(5) of Council Regulation (EU) 2020/123, for recreational fisheries. Increasing the number of fish which can be retain from two per day to three. The Regulations also remove picked dogfish (spur dog) of over 100cm from the list of prohibited species contained in Article 16 of Council Regulation (EU) 2020/123.

These changes were agreed during the recent UK EU fisheries consultations under the framework of the Trade and Cooperation agreement.

In accordance with section 40 of the Fisheries Act 2020, the Secretary of State has approached the Welsh and Scottish Ministers, and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland for consent to the making of these Regulations.

Although the Welsh Government's general principle is that the law relating to devolved matters should be made in Wales, on this occasion, it is considered appropriate for the Secretary of State to legislate on a UK-wide basis. The purpose of the Regulations is to

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

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make minor technical amendments to existing assimilated legislation of UK-wide application, to implement UK international obligations arising as a consequence of the UK-EU annual Fisheries Consultations. A UK-wide approach to the making of the amendments ensures timely implementation and policy continuity, providing a level playing field for fishers across the UK.

There is no policy divergence between the Welsh and UK Government in this matter, and the Regulations amend retained legislation with UK wide extent that was not made bilingually.

The Regulations will be laid before the UK Parliament on 6 February.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Huw', with a horizontal line underneath it.

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

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

Agenda Item 8.1



Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair, Legislation, Justice and
Constitution Committee

21 January 2026

Dear Mike,

In April 2025 I delivered the Government's annual legislative statement and set out the final year of our primary legislative programme. As we have discussed previously, a significant programme of subordinate legislation sits alongside and underpins our primary legislative programme.

In order to help the Legislation, Justice and Constitution Committee to manage its workload between now and the end of the term, I am writing to provide early warning that the Government is intending to bring forward a significant number of items of subordinate legislation before the Easter Recess. This includes 34 items that will be subject to the Senedd approval procedure.

I have asked my officials to continue to liaise with the Committee clerking team, to discuss the above in more detail in order to facilitate delivery.

Yours sincerely,

A handwritten signature in blue ink that reads 'Julie James'. The signature is written in a cursive, flowing style.

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Cwnsler.Cyffredinol@llyw.cymru
correspondence.Counsel.General@gov.wales

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.

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Agenda Item 10

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Agenda Item 15

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Agenda Item 16

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