

SL(6)635 – The Amendments to Subordinate Legislation (Miscellaneous Corrections) (Wales) Regulations 2025

Background and Purpose

The Regulations, alongside the Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025, amend existing subordinate legislation to correct errors identified by the Committee. These instruments have been made in line with commitments given to the Committee by the Counsel General and Minister for Delivery.

The Regulations make corrections to the following regulations:

- The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003 [S.I. 2003/3227 (W. 308)];
- The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003 [S.I. 2003/3246 (W. 321)];
- The Nutrition and Health Claims (Wales) Regulations 2007 [S.I. 2007/2611 (W. 222)];
- The Home Energy Efficiency Schemes (Wales) Regulations 2011 [S.I. 2011/656 (W. 94)];
- The Care and Support (Financial Assessment) (Wales) Regulations 2015 [S.I. 2015/1844 (W. 272)];
- The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 [S.I. 2021/77 (W. 20)];
- The Building Control Profession (Charges) (Wales) Regulations 2023 [S.I. 2023/1303 (W. 233)];
- The Independent Schools (Prohibition on Participation in Management) (Wales) Regulations 2024 [S.I. 2024/28 (W. 11)];
- The National Health Service Joint Commissioning Committee (Wales) Regulations 2024 [S.I. 2024/135 (W. 29)]; and
- The Bread and Flour (Wales) Regulations 2025 [S.I. 2025/88 (W. 22)].

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 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.

In Part 4, in regulation 4, the Welsh Government has not addressed reporting points 4 and 5 of the Committee's [report](#) on the Nutrition and Health Claims (Wales) (Amendment) Regulations 2024. The Welsh Government confirmed that it did not intend to make these corrections in its [response](#) to the Committee's report.

However, as a result, the modifications made to section 37 of the Food Safety Act 1990 by the Schedule to the Nutrition and Health Claims (Wales) Regulations 2007 are not entirely successful due to the remaining references to "subsection (1)(c)" and to the "sheriff" in section 37(2) and (4) respectively of that Act.

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

In Part 10, in regulation 12(a), amendments are made to paragraph 4(5) of Schedule 2 to the National Health Service Joint Commissioning Committee (Wales) Regulations 2024, in response to reporting point 6 of the Committee's [report](#) on those Regulations. This means that the terms "NHS Trust" and "Special Health Authority" in paragraph 4(5)(b) and (c) of Schedule 2 to those Regulations will have the same meaning as found in the new definition of "health service body". Therefore, they will include NHS Trusts and Special Health Authorities established by the Secretary of State under the National Health Service Act 2006 as well as those established by the Welsh Ministers under the National Health Service (Wales) Act 2006. However, in paragraph 6(b) and (c) of Schedule 2 to those Regulations the meaning of "NHS Trust" and "Special Health Authority" will be limited to those established by the Welsh Ministers under the National Health Service (Wales) Act 2006.

Could the Welsh Government confirm that this is deliberate, and both "NHS trust" and a "Special Health Authority" are intended to have a broader meaning including those established by the Secretary of State under the National Health Service Act 2006 in paragraph 4(5) of Schedule 2 to the National Health Service Joint Commissioning Committee (Wales) Regulations 2024?

Merits Scrutiny

The following three points are 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 title of the statutory instrument does not give an indication of the nature or contents of the Welsh statutory instruments that are being corrected. This could raise issues of accessibility in drawing readers' attention to any Welsh statutory instruments which are being corrected, and that are of particular interest to them. This could be inevitable if the statutory instruments are generally all unrelated when following an omnibus approach to the correction of statutory instruments.

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.

A number of the corrections made by the Regulations relate to Welsh statutory instruments that were reported upon by the Committee at the end of 2023 and at the beginning of 2024. Therefore, these errors have been present in the text of the legislation for quite a long period of time (e.g. regulations 7, 8 and 9).

The Welsh Government should explain:

- i) Why there has been such a delay before making these corrections; and
- ii) If the Welsh Government's intention is to make corrections via an omnibus statutory instrument on a regular basis, how frequently will such an instrument be made, and how will the Welsh Government ensure that errors do not sit on the statute book for too long.

5. 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.

In relation to the preamble, whilst there are some benefits to splitting the enabling powers into separate paragraphs, there are also some drawbacks, particularly the resulting lengthy preamble which includes some repetition (e.g. section 16(1)(f) of the Food Safety Act 1990 is cited in two separate paragraphs, and references to advice from the Food Standards Agency and consultation under Article 9 of Regulation (EC) No 178/2002 are also repeated). A potential alternative may be to put the enabling powers in a schedule, however, this would not necessarily improve accessibility. As such, it may be that a lengthy and repetitive preamble is the inevitable consequence of an "omnibus" statutory instrument.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

10 September 2025



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee