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Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru
Cabinet Secretary for Transport and North Wales



Llywodraeth Cymru
Welsh Government

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

Thank you for the Legislation, Justice and Constitution Committee's report on the Supplementary Legislative Consent Memorandum for the Bus Services (No. 2) Bill, laid on 2 July. Please find enclosed my response to the issues raised in the report.

Yours sincerely,

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

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

The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Bus Services (No. 2) Bill

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

August 2025

The Bus Services (No. 2) Bill ("the Bill") was introduced in the House of Lords on 17 December 2024. Certain elements of the Bill require the legislative consent of the Senedd, and on 23 May 2025, I laid a Supplementary Legislative Consent Memorandum for the Bill ('the LCM2') before the Senedd. On 7 July, the Legislation, Justice and Constitution Committee ('LJCC') published a report ('the Report') on the LCM2.

To note, on 15 July, I laid a supplementary LCM ('the LCM3') in respect of amendments made to the clauses in the Bill that apply to Wales. This is referred to in my response to the Committee below.

Responses to recommendations

Conclusion 1. We agree with the Welsh Government's assessment, as set out in Memorandum No. 2, that clause 22(6)(b)(i) and clauses 33 to 36 require the consent of the Senedd in accordance with Standing Order 29. We do not agree with the Welsh Government's assessment that the Senedd's consent should be sought for clause 22(6)(b)(ii).

Many thanks to the Committee for its consideration of the supplementary LCM. I am pleased that the Committee is largely in agreement with the Welsh Government's analysis of the provisions in the Bill which require the consent of the Senedd.

I agree with the Committee that clause 22(6)(b)(ii), added to the Bill at Report stage, does not require consent. The supplementary LCM should have been more specific in relation to the appropriate sub-paragraph.

Conclusion 2. We continue to hold the view that the Senedd's consent should be sought for clause 26 of the Bill (clause 22 of the Bill as introduced to the UK Parliament).

Clause 26 (previously clause 19 as introduced and clause 22 as amended at Grand Committee stage) relating to information obtained under Statistics of Trade Act 1947 inserts new sections 9A, 9B and 9C into the Statistics of Trade Act 1947 ("STA

1947"). The provision enables the Secretary of State to publish data on "relevant local services" without the operator's consent. The relevant services are any services with one or more stops in England.

Whilst I recognise that this provision could apply to cross-border services, I do not think that the provision meets the test set out in Standing Order 29.1 in that it does not have regard to devolved matters. In my view, the provision will have no material impact upon the delivery of devolved policies or legislation. It relates to bus services in England and has no more than a consequential impact on cross-border services. For this reason, I have decided not to lay an LCM for clause 26.

Recommendation 1. The Cabinet Secretary should explain why the Senedd's consent is not being sought for clause 24(4) of the Bill.

Clause 24(2) and (3) amend sections 6 and 6I of the 1985 Act to enable the Secretary of State (SoS) to make regulations about the provision of registration information by the applicant to the Traffic Commissioner (TC) and other prescribed persons. It also enables the SoS to make regulations about the manner and form of the information to be provided. The amendments also require franchising authorities to provide information similar to registration information.

My understanding of the intent behind these provisions is to ensure that, going forward, there is more consistency in the information which must be provided by applicants, regardless of whether an area is TC-administered, or an Enhanced Partnership Area, or a franchising area.

We have noted that the UK Government had indicated in their explanatory notes on 30 April that an LCM might be required for sub-clause 24(4) because of the potential impact on devolved matters. However, whilst I recognise that cross-border services might have fallen within the scope of the sub-clause, I am not of the view that the provision satisfied the test set out in Standing Order 29.1 in that it did not have regard to devolved matters. The provision would have had no material impact upon the delivery of devolved policies or legislation. For this reason, I decided not to lay an LCM in relation to sub-clause 24(4).

Following agreement between DfT and the Welsh Government, clause 24 was amended at Report stage (July) to clarify the original intention to only apply these provisions to English bus services. The clause now states that information to which this provision applies can only relate to services with one or more stops in England and only on the parts of a cross-border service that is within England.

Recommendation 2. The Cabinet Secretary should provide an update to the Senedd as soon as possible on the discussions he has had with the UK Government about clauses 33 to 36.

The discussions with the UK Government have been mostly successful, in that, although we continue to differ in our views relating to where competence lies in relation to clauses 33 to 36, we have found a compromise that significantly reduces the potential for encroachment of the Senedd's powers.

The recent supplementary LCM laid on 15 July sets out amendments to the UK Bill which impact devolved services.

With regard to the provisions referred to in recommendation 2, the Committee may want to note the following –

- Clause 33 (Safeguarding duty: drivers of school services) – this will no longer apply to school services for which the Senedd has legislated or will legislate in future – in practice, this will include services for which the Welsh Ministers, Welsh local authorities or governing bodies of schools in Wales are responsible.
 - Clause 34 (Training about crime and anti-social behaviour) – this will no longer apply to local bus services in Wales for which the Senedd has legislated or will legislate in future. This will ensure that the provision does not apply to services secured by the Welsh Ministers under the Bus Services (Wales) Bill.
 - Clauses 35 and 36 (Training about disability) – The training of bus drivers and other front-line staff is within the Senedd's competence because it has regard to devolved matters. Though we are of the view that the same outcome could be delivered through provisions in a Senedd Bill, I do not believe these clauses need necessarily have a significant impact on the delivery of bus services under the proposed new model, nor do I think the provisions will prevent us from ensuring the appropriate training is provided to drivers on Welsh local bus services.
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Conclusion 3. In his letter to the Llywydd on 25 March 2025, the Cabinet Secretary committed to laying a supplementary legislative consent memorandum listing the clauses in the Bill as introduced to the UK Parliament that make provision in relation to Wales and which were not included in the original Memorandum. We are unclear why Memorandum No. 2 was then not laid until 23 May 2025. This approach to the legislative consent process is disrespectful to the Senedd and an unwelcome situation which should not be repeated.

I regret the delays to the laying of the LCMs during the passage of the UK Bill. I understand the difficulties these delays have caused, and that Senedd Committees have been afforded less time to scrutinise. This has been due to the many challenges brought by having our own Bus Services (Wales) Bill and the UK Bill progressing through their respective parliaments simultaneously. I also felt we needed to prioritise overcoming the differences in competence analysis in a way that ensured bus services in Wales, including those crossing the border, are delivered in the best interests of passengers.

I would like to reassure the Senedd that the approach was in no way intended to be disrespectful and we will seek to ensure this delay is not repeated.
