

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

Our ref: MA HIDCC 0681 26

Mark Isherwood MS
Chair of the Public Accounts and Public Administration Committee
Welsh Parliament
Cardiff Bay
Cardiff,
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Cc: Mike Hedges MS
Chair of the Legislation, Justice and Constitution Committee
SeneddLJC@senedd.wales

17 March 2026

Dear Mark,

Following your letter dated 6 March regarding the Public Office (Accountability) Bill ("the Bill") Legislative Consent Memorandum, please find my responses to your questions set out in Annex A to support your scrutiny.

I would also like to take the opportunity to inform the Committee that following the UK Government's decision to pause the passage of the Bill and their intention to carry it over into the next Parliamentary session, SLCM (No.3), which I laid on 27 January will be withdrawn and re-laid to reflect the current position.

I hope this will make clear to Senedd Members ahead of the LCM debate that the amendments which are the subject of SLCM (No.3) may be subject to further amendments upon the progression of the Bill. This will provide transparency and avoid the risk of any confusion during the plenary debate. I also take this opportunity to confirm that I will be recommending the Senedd gives its consent to the Bill.

In light of their interest and scrutiny of this Bill, I am copying this letter to Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee.

I hope you find my response helpful.

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

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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.

Annex A

Welsh Stakeholder Session.

A copy of the Agenda for this event is attached at Annex B. The session was an opportunity for Welsh stakeholders to hear directly from UK Government officials involved in developing the Bill. The aim was to aid better understand of the Bill's main provisions and for stakeholders to ask questions on issues important to them. Most of the questions raised were responded to within the session. Questions and feedback have been captured and where required follow up responses will be provided.

Alignment of Approach

Discussions will remain ongoing with the relevant officials engaged on the Senedd Cymru (Member Accountability and Elections) Bill. Currently, officials do not see an overlap between the two Bills, although the perceived connection between the "offence of misleading the public" and the provision on deliberate deception is noted. As it stands, the Senedd Cymru (Member Accountability and Elections) Bill does not create any criminal offences. Amendments being made to the Government of Wales Act 2006 mean that this is possible in future Statutory Instruments, should that be the policy direction (and if the provision survives as currently drafted until the Senedd Bill is passed).

The offence of misleading the public is intended to apply to Welsh Ministers exercising their executive functions. The Senedd Cymru (Member Accountability and Elections) Bill does not deal directly with Welsh Ministers. The recall and standards provisions apply to Members of the Senedd insofar as they make changes to the Senedd's standards system. Ministers would only be captured by the fact that they are Members of the Senedd, however the Senedd's standards system explicitly carves out the conduct of Ministers acting in their executive function because that is a matter to be dealt with under the Ministerial Code by the First Minister.

In terms of the provisions in the Senedd Cymru (Member Accountability and Elections) Bill on deliberate deception, Part 3 currently places a duty on Welsh Ministers to create provision in the future to prohibit the making or publishing of false or misleading statements of fact before or during an election for the purpose of affecting the return of any candidate. So, it is specifically directed at actions in the election period and not specifically targeted at Ministers or Members of the Senedd acting in those roles at other times. The Bill does not create a deception offence which may be committed by Members of the Senedd. If the Bill is passed, I would expect consideration will be given to the definitions and formulation of the offence of misleading the public in the Public Office (Accountability) Bill, as provision under Part 3 is developed. This can consider the appropriateness of alignment, while recognising that they are seeking to remedy different issues.

New Civil Liabilities

Welsh Government has not made any assessment of how the Bill could create new civil liabilities or impact public bodies' public indemnity insurance arrangements. The UK Government has not referenced any such assessment within their published impact statements. The Bill itself does not introduce such liabilities. Public Authorities will be responsible for reviewing their own existing approaches and insurances.

Parliamentary Privilege

The topic of Parliamentary Privilege has not been part of the discussions with UK Government and is likely not within scope of the Bill.

Senedd Cymru is not a public authority given it is an excluded body for the purposes of Chapters 1 and 3 of Part 2 of the Bill (the Duty of Candour and assistance and misleading the public). However, members of the Senedd will be subject to the new offences which will replace Misconduct in Public Office under Part 3 of the Bill.

It is a longstanding constitutional convention that Parliament regulates its own affairs. Parliament has its own arrangements for ensuring accuracy and truthfulness in proceedings, including processes for determining if members have misled the House.

Annex B

PUBLIC OFFICE (ACCOUNTABILITY) BILL WELSH STAKEHOLDER EVENT AGENDA

Duty of Candour and Assistance

The Bill establishes a new duty of candour and assistance at inquiries, inquests and other investigations which will be backed by criminal sanctions. Public bodies and officials will be obliged to help investigations to find the truth: providing information and evidence with candour; proactively, and without favouring their own position

Code of Ethics

The Bill will require all public bodies to adopt a Code of Ethics, including a professional duty of candour for staff. These obligations will be underpinned by a new duty requiring public bodies to take steps to maintain high standards of ethical conduct of those that work for them.

Offence of misleading the Public

The Bill creates a new offence of misleading the public. This offence is intended to capture the most serious instances of misleading the public, like those events seen after Hillsborough.

Principles and Guidance for Public Authorities

The Bill will introduce a package of measures to address the conduct of public authorities and their legal teams at inquests and UK public inquiries. It will create a new duty for public authorities to only engage legal representation in a necessary and proportionate way. New statutory guidance from the Lord Chancellor will set out clear principles to guide the conduct and behaviour of public authorities and their legal representatives at inquests and UK inquiries.

Legal aid

The Bill will enable bereaved families to access non-means tested legal aid for inquests in England and Wales whenever a public authority is an interested person.

MIPO

The Law Commission recommended that the current offence of misconduct in a public office is abolished and replaced with two new statutory offences that broadly replicate the common law. The Bill does implement this recommendation, establishing two new offences “seriously improper acts” “breach of duty to prevent death or serious injury”.

