

SL(6)696 – The Infrastructure (Wales) Act 2024 **(Commencement No. 2) Order 2025**

Background and Purpose

This Order is the second commencement order made under the Infrastructure (Wales) Act 2024 (“the Act”) and brings the provisions specified in the Order into force on the dates specified in the Order.

Procedure

No procedure.

Scrutiny under Standing Order 21.7

The Order brings sections 90 and 91 of the Act into force on 16 March 2026.

Section 147(1)(b) of the Act brought into force on 4 June 2024 the provisions in Parts 2 to 8 of the Act (of which sections 90 and 91 are part) that confer power to make regulations, or make provision about what is (or is not) permitted to be done in the exercise of a power to make regulations.

Section 90 contains an order making power. Section 91 contains regulation making powers.

It therefore appears that section 90 may already be partially in force, although the Welsh Government’s views on whether it considers an order making power to fall within the scope of section 147 would be appreciated, taking into account the effect of section 39(1) of the Legislation (Wales) Act 2019 (power to make subordinate legislation in different forms).

The Committee also considers that section 91 is already partially in force.

In such circumstances, it would be expected that the Order would state that sections 90 and 91 are commenced on 16 March 2026 to the extent that they are not already in force, as has been done with other provisions in the Order. Failure to include words to the effect of the underlined wording may result in confusion as to when certain aspects of sections 90 and 91 were brought into force. Confirmation is therefore requested as to whether the Government considers any aspect of sections 90 and 91 are already in force, and if so, why this is not addressed in the Order.

Government response

A Welsh Government response 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 point above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee