

# **The Welsh Government's Legislative Consent Memorandum on the Medical Training (Prioritisation) Bill**

February 2026



# 1. Background

## **The UK Government's Medical Training (Prioritisation) Bill ("the Bill")**

1. The Bill was introduced into the House of Commons on 13 January 2026.<sup>1</sup> It is sponsored by the Department of Health and Social Care.

2. The long title of the Bill states that it is a Bill to "Make provision about the prioritisation of graduates from medical schools in the United Kingdom and certain other persons for places on medical training programmes." According to the Bill's Explanatory Notes:

*"The Bill aims to implement the Government's commitment set out in the 10 Year Health Plan for England to introduce a system of prioritisation for allocation of medical training places."*<sup>2</sup>

3. The Bill had its first reading on 13 January 2026. The House of Commons agreed the UK Government's request for Parliament to fast-track the Bill, and it subsequently passed through all remaining stages of the House of Commons on 27 January 2026. Committee stage in the House of Lords is scheduled for 12 February 2026.<sup>3</sup> At the time of writing, the last day for tabling amendments for inclusion on the marshalled list for the Bill in time for House of Lords Report stage is scheduled to be Thursday 19 February.<sup>4</sup>

4. The Explanatory Notes to the Bill state that:

*"Royal Assent is required by no later than 5 March 2026 to ensure prioritisation for foundation and specialty training places is implemented in the current application round, i.e., for training posts starting in August 2026. This Bill is being fast-tracked because it does not have time to go via normal procedures."*<sup>5</sup>

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<sup>1</sup> Medical Training (Prioritisation) Bill, as introduced (HC Bill 360).

<sup>2</sup> Medical Training (Prioritisation) Bill: Explanatory Notes, paragraph 1

<sup>3</sup> UK Parliament, Medical Training (Prioritisation) Bill

<sup>4</sup> UK Government, Government Whips' Office House of Lords: Forthcoming Business, 4 February 2026, page 5

<sup>5</sup> Medical Training (Prioritisation) Bill: Explanatory Notes, paragraph 38

## Summary of the Bill as introduced

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- 5.** The Bill comprises eight clauses. Clause 1 sets out that places on a UK Foundation Programme must be offered to UK medical graduates or persons in the priority group (which is defined by clause 4), before offering places to other eligible applicants.
- 6.** Clause 2 provides that where offers of places on specialty training programmes are made in 2026, priority must be given to eligible applicants who are UK medical graduates, persons in the priority group, and then those who are in certain other groups of applicants. Clause 2(2) lists people who should be prioritised based on their immigration status.
- 7.** Clause 3 provides that, when offering interviews for, and places on, UK specialty training programmes from 2027 onwards, priority must be given to UK medical graduates, persons in the priority group, and then those who are in certain other groups of applicants. No equivalent of clause 2(2) is set out in clause 3, instead subsections (1)(d) and (2)(d) confer regulation-making powers on both the Welsh Ministers and the Secretary of State, subject to the Senedd annulment procedure (or the negative procedure in the UK Parliament), to add to the list of applicants eligible for interview or places on a training programme. The Secretary of State must obtain the consent of the Welsh Ministers before making Regulations under clause 3 that apply to Wales and contain provision falling within the legislation competence of the Senedd. Clause 3(3) sets out the circumstances in which regulations under clause 3 may be made.
- 8.** Clause 4 defines key terms used in the Bill, including “UK medical graduate” and “priority group”. It also confers a regulation-making power, subject to the Senedd approval procedure (or the affirmative procedure in the UK Parliament), on the appropriate authority to amend the list of countries in the priority group to reflect international agreements. Again, the power can be exercised by both the Welsh Ministers and the Secretary of State. However, unlike the powers in clause 3, the Secretary of State does not require the consent of the Welsh Ministers to exercise the power in relation to Wales to make regulations containing provision in a devolved area.
- 9.** Clause 5 defines “UK specialty training programme” and related terms. It includes a regulation-making power, subject to the Senedd annulment procedure (or the negative procedure in the UK Parliament), to exclude programmes from the definition for the purposes of the prioritisation framework. The power can be exercised by the Welsh Ministers or the Secretary of State, but

the consent of the Welsh Ministers would be needed for the Secretary of State to exercise it in relation to Wales to make regulations containing provision in a devolved area.

**10.** The remainder of the provisions deal with the making of regulations and the coming into force of the Bill. Clause 8(3) provides that the Secretary of State has sole discretion in relation to bringing the Bill into force.

## 2. The Welsh Government's Legislative Consent Memorandum

### Background to the Memorandum

**11.** Standing Orders 29.1 and 29.2 provide that the Welsh Ministers must lay a legislative consent memorandum where a UK Bill makes provision in relation to Wales that has regard to devolved matters ("relevant provision"). A legislative consent memorandum in relation to a UK Government Bill should normally be laid no later than two weeks following the introduction of the UK Bill.<sup>6</sup>

**12.** On 28 January 2026, 15 days after the introduction of the Bill, Jeremy Miles MS, the Cabinet Secretary for Health and Social Care ("the Cabinet Secretary"), laid before the Senedd a legislative consent memorandum in respect of the Bill ("the Memorandum").<sup>7</sup>

**13.** The Business Committee agreed that the Health and Social Care Committee and the Legislation, Justice and Constitution Committee should report on the Memorandum by 10 February 2026.<sup>8</sup> The Senedd is scheduled to debate the legislative consent motion on 10 February 2026.<sup>9</sup>

### Development of the Bill

**14.** In the Memorandum, the Cabinet Secretary states that:

*"Officials from the Welsh Government, Scottish Government, NI Government and UK Government have been in regular contact during the development of the Bill, meeting regularly along with separate meetings held by legal representatives from all four nations."*<sup>10</sup>

**15.** The Memorandum goes on to note that consideration had been given to consulting on prioritisation options, including placing UK medical graduates

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<sup>6</sup> Welsh Parliament, Standing Orders, January 2026

<sup>7</sup> Welsh Government, Legislative Consent Memorandum: Medical Training (Prioritisation) Bill, 28 January 2026

<sup>8</sup> Business Committee, Timetable for consideration: Legislative Consent Memorandum on the Medical Training (Prioritisation) Bill, 4 February 2026

<sup>9</sup> Welsh Parliament, Plenary – Tuesday, 10 February 2026 13.30

<sup>10</sup> Welsh Government, Legislative Consent Memorandum: Medical Training (Prioritisation) Bill, 28 January 2026, paragraph 8

ahead of International Medical Graduates, however “it was decided not to proceed with the consultation”.<sup>11</sup>

**16.** The Explanatory Notes to the Bill also state that the policy has been developed in conjunction with policy officials in the devolved governments. They state that “Regular twice weekly meetings across these organisations have been held since September to take forward proposals which were originally for a UK wide consultation.”<sup>12</sup>

## **Powers to make subordinate legislation**

**17.** The Memorandum sets out that there are “two distinct approaches to regulation-making powers in the Bill”.<sup>13</sup> Both approaches confer concurrent powers on the Welsh Ministers and the Secretary of State:

- Clauses 3(1)(d), 3(2)(d) and 5(4)(d) confer powers on the Welsh Ministers to make regulations for Wales. They also confer powers on the Secretary of State to make UK-wide regulations. Where UK-wide regulations include provision within the legislative competence of the Senedd, the Secretary of State must obtain the consent of the Welsh Ministers (“concurrent-plus powers”).
- Clause 4(6) confers powers on both the Secretary of State and the Welsh Ministers to amend the list of countries in the “priority group” to reflect international agreements. The Secretary of State is not required to obtain the consent of the Welsh Ministers before exercising this power to make regulations containing provisions that are within the legislative competence of the Senedd.<sup>14</sup>

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<sup>11</sup> Welsh Government, Legislative Consent Memorandum: Medical Training (Prioritisation) Bill, 28 January 2026, paragraph 16

<sup>12</sup> Medical Training (Prioritisation) Bill: Explanatory Notes, paragraph 41

<sup>13</sup> Welsh Government, Legislative Consent Memorandum: Medical Training (Prioritisation) Bill, 28 January 2026, paragraph 21

<sup>14</sup> Welsh Government, Legislative Consent Memorandum: Medical Training (Prioritisation) Bill, 28 January 2026, paragraph 21

## Provisions for which the Senedd's consent is required

**18.** The Cabinet Secretary is of the view that the whole Bill makes provision in relation to Wales that has regard to devolved matters. He therefore believes that the Senedd's consent is required for clauses 1 to 8.<sup>15</sup>

**19.** The Cabinet Secretary recommends that the Senedd gives its consent for the inclusion of the above clauses in the Bill. He concludes that:

*"In my view it is appropriate to deal with these provisions in this UK Bill as a UK-wide prioritisation system is essential to protect training places for UK-educated doctors and manage rising oversubscription pressures. Supporting the Bill avoids the significant risks of Wales having to run a separate scheme, which would be costly, operationally complex and could undermine workforce continuity and competitiveness for NHS Wales."*<sup>16</sup>

**20.** The Explanatory Notes to the Bill state that all of the Bill's clauses extend to all parts of the UK.<sup>17</sup> The Memorandum confirms that the UK Government's view is that the legislative consent process is engaged by all clauses of the Bill.<sup>18</sup>

## Financial implications

**21.** The Cabinet Secretary does not consider there to be any financial implications of the Bill for Wales.<sup>19</sup>

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<sup>15</sup> Welsh Government, Legislative Consent Memorandum: Medical Training (Prioritisation) Bill, 28 January 2026, paragraph 22

<sup>16</sup> Welsh Government, Legislative Consent Memorandum: Medical Training (Prioritisation) Bill, 28 January 2026, paragraphs 27-28

<sup>17</sup> Medical Training (Prioritisation) Bill: Explanatory Notes, page 10

<sup>18</sup> Welsh Government, Legislative Consent Memorandum: Medical Training (Prioritisation) Bill, 28 January 2026, paragraph 23

<sup>19</sup> Welsh Government, Legislative Consent Memorandum: Medical Training (Prioritisation) Bill, 28 January 2026, paragraph 26

### 3. Committee consideration

**22.** We considered the Memorandum on 2 February 2026<sup>20</sup> and agreed our report on 9 February 2026<sup>21</sup>.

#### Our view

##### Legislative competence

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**23.** We agree with the Welsh Government's and the UK Government's assessment of the provisions within the Bill that require the consent of the Senedd, as set out in the Memorandum.

**Conclusion 1.** We agree with the Welsh Government's assessment, as set out in the Legislative Consent Memorandum, that the entirety of the Bill (clauses 1 to 8) requires the consent of the Senedd in accordance with Standing Order 29.

##### The scrutiny role of the Senedd

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**24.** The Bill is subject to expedited scrutiny in the UK Parliament. We therefore acknowledge that, all things being equal, it is likely to be more challenging for the Cabinet Secretary and Welsh Government officials to meet their legislative consent deadlines as set out in Standing Orders compared to Bills that are not subject to expedited scrutiny.

**25.** However, as the Memorandum and the Explanatory Notes to the Bill clearly set out, there has been regular engagement between Welsh Government and UK Government officials about this Bill since September. It is therefore unclear to us why the Memorandum was not laid earlier than 28 January. Failure to comply with the deadlines set out in Standing Orders invariably has consequences for democratic scrutiny. Those consequences are even more acute when those delays relate to legislative consent memoranda which, due to the nature of the consent process, are already challenging for the Senedd to scrutinise thoroughly.

**Conclusion 2.** The Cabinet Secretary should have laid the Legislative Consent Memorandum on the Medical Training (Prioritisation) Bill earlier than 28 January 2026 to provide Senedd committees with as much time as possible to consider

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<sup>20</sup> ~~Legislation, Justice and Constitution Committee~~, 2 February 2026

<sup>21</sup> ~~Legislation, Justice and Constitution Committee~~, 9 February 2026



and report on it before the Senedd's debate on the legislative consent motion on 10 February 2026.

**Recommendation 1.** The Cabinet Secretary should explain to the Senedd why the Legislative Consent Memorandum on the Bill was not laid within two weeks of the Bill being introduced.

**26.** The deadline for committees to report on the Memorandum is on the same day as the debate on the legislative consent motion in the Senedd. The consequence of this scheduling decision is that the Cabinet Secretary may not have sufficient time before the debate to read and consider in detail any committee reports on the Memorandum and prepare a response accordingly. Had the Memorandum been laid earlier, as noted above, this could have been avoided.

**Conclusion 3.** We regret that the deadline for committees to report on the Legislative Consent Memorandum is the same day as the debate on the legislative consent motion in the Senedd. Consequently, it is unlikely that the debate in the Senedd will be informed by any concerns raised in any committee report on the Legislative Consent Memorandum.

**27.** We note that, as currently scheduled, the deadline for tabling amendments to be considered during House of Lords Report stage is Thursday 19 February. Given that the debate in the Senedd on the legislative consent motion is scheduled to be held on 10 February, it is not clear whether the debate has been scheduled sufficiently early before the UK Parliament tabling deadline to allow the Welsh Government to pursue amendments with the UK Government, if necessary, should the Senedd reject the legislative consent motion.

**Recommendation 2.** The Cabinet Secretary should clarify whether there is sufficient time between the legislative consent debate in the Senedd on 10 February and the final amending stages of the Bill in the UK Parliament for the amendments to be pursued to the Bill that address any decision of the Senedd to withhold its consent.

**Recommendation 3.** If the Cabinet Secretary considers that there is insufficient time for the Bill to be amended in the UK Parliament following a resolution of the Senedd to withhold its consent (see recommendation 2), the Cabinet Secretary should set out the Welsh Government's reflections on the extent to which the Senedd can meaningfully consider and make a decision on whether

to grant its consent to provisions in UK Bills that are subject to an expedited scrutiny timetable and contain provision that has regard to devolved matters.

### **Delegated powers**

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**28.** Three clauses of the Bill confer regulation-making powers on the Welsh Ministers and the Secretary of State concurrently. One of those confers powers on the Secretary of State to make regulations in devolved areas without seeking the consent of the Welsh Ministers.

**29.** As we have highlighted in previous reports<sup>22</sup>, the Welsh Government's own principles on UK legislation in devolved areas set out that delegated powers which can be used in devolved areas but are created by UK Bills should not be concurrent powers save for in "exceptional cases"<sup>23</sup>

**Recommendation 4.** The Welsh Government should justify how each concurrent or "concurrent-plus" power in the Bill, to which it recommends the Senedd consents, represents an "exceptional case" as set out in its principles on UK legislation in devolved areas.

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<sup>22</sup> For example, see our recent reports: [The Welsh Government's Legislative Consent Memorandum on the Animal Welfare \(Import of Dogs, Cats and Ferrets\) Bill](#) (July 2025) and [The Welsh Government's Legislative Consent Memorandum on the Public Office \(Accountability\) Bill](#) (December 2025)

<sup>23</sup> Welsh Government, [Principles on UK Legislation in devolved areas](#), December 2024