

# **The Welsh Government's Legislative Consent Memorandum on the Cyber Security and Resilience (Network and Information Systems) Bill**

February 2026



## 1. Background

1. The Cyber Security and Resilience (Network and Information Systems) Bill<sup>1</sup> (the Bill) was introduced into the House of Commons on 12 November 2025. It is sponsored by the Department for Science, Innovation and Technology.
2. The long title of the Bill is as follows:

*"Make provision, including provision amending the Network and Information Systems Regulations 2018, about the security and resilience of network and information systems used or relied on in connection with the carrying on of essential activities."*<sup>2</sup>

3. The Bill had its second reading on 6 January 2026. At the time this report was agreed, the Bill was due to enter Committee stage.

### **The Welsh Government's Legislative Consent Memorandum**

4. 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.
5. On 25 November 2025, the Counsel General and Minister for Delivery (the Counsel General) laid before the Senedd a legislative consent memorandum (the Memorandum).<sup>3</sup>
6. The Business Committee agreed that the Climate Change, Environment, and Infrastructure Committee and the Legislation, Justice and Constitution Committee should report on the Memorandum by 13 February 2026.<sup>4</sup>

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<sup>1</sup> [Cyber Security and Resilience \(Network and Information Systems\) Bill, as introduced](#)

<sup>2</sup> [Cyber Security and Resilience \(Network and Information Systems\) Bill, as introduced](#)

<sup>3</sup> Welsh Government, [Legislative Consent Memorandum: Cyber Security and Resilience \(Network and Information Systems\) Bill](#), 25 November 2025

<sup>4</sup> Business Committee, [Timetable for consideration: Legislative Consent Memorandum on the Cyber Security and Resilience \(Network and Information Systems\) Bill](#), December 2025

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

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**7.** The Counsel General states at paragraphs 13 and 14 of the Memorandum:

*“The Bill’s provisions relate to the reserved matters of telecommunications and wireless telegraphy (Schedule 7A to GoWA, C 9; para 83) and national security (B 3 para 32). Such provision would not be within the Senedd’s legislative competence (ignoring the requirements for consent/consultation in Schedule 7B) for the purpose of section 108A GoWA.*

*However, the Bill makes provision which confers, removes or modifies functions of the Welsh Ministers and/or Devolved Welsh Authorities (DWAs) in non-devolved areas, for which the consent of the Senedd must be sought. The Bill also makes provision which increases, or could be exercised by the Secretary of State in the future to increase, the regulatory burden on water companies that supply drinking water whose area is wholly or mainly in Wales, the regulation of which is devolved.”*

**8.** The Welsh Government’s assessment, as set out in paragraphs 13 to 121 of the Memorandum, is that consent is required for the following clauses of, and Schedules to, the Bill as introduced:

- clause 12 – Critical suppliers;
- clause 15 – Reporting of incidents by regulated persons;
- clause 17 – Powers to impose charges;
- clause 18 – Sharing and use of information under the NIS Regulations etc;
- clause 19 – Guidance;
- clause 20 – Powers to require information;
- clause 21 – Financial penalties;
- clause 22 – Enforcement and appeals;
- clause 25 – Statement of strategic priorities etc;

- clause 27 – Duties of regulatory authorities in relation to statement;
- clause 28 – Report by Secretary of State;
- clause 29 – Regulations relating to security and resilience of network and information systems;
- clause 30 – Imposition of requirements on regulated persons;
- clause 31 – Functions of regulatory authorities: enforcement, sanctions and appeals;
- clause 32 – Provision about financial penalties;
- clause 33 – Regulatory authorities and other persons: information, guidance and other functions;
- clause 34 – Recovery of costs of regulatory authorities;
- clause 35 – Supplementary provision and interpretation;
- clause 36 – Code of practice;
- clause 38 – Effects of code of practice;
- clause 39 – Withdrawal of code of practice;
- clause 40 – Report on network and information systems legislation;
- clause 41 – Regulations under section 24 or Chapter 3;
- clause 45 – Monitoring by regulatory authorities;
- clause 46 – Information gathering;
- clause 47 – Inspections;
- clause 48 – Notification of contravention;
- clause 49 – Penalty amounts;
- clause 50 – Enforcement of notification;
- clause 51 – Enforcement of penalty;
- clause 52 – Enforcement of non-disclosure requirements; and

- clause 56 – Information sharing.<sup>5</sup>

## **UK Government view on the need for consent**

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**9.** The Counsel General states in the Memorandum that the UK Government considers that the Senedd's consent is only required for clauses 12, 17, 19, 20, 21, 22, 29, 31, 32, 33, 34, 35, 45, 48, 49, 50 and 51 of the Bill.<sup>6</sup>

**10.** The Counsel General states that she agrees with this assessment, but considers that other clauses of the Bill also require consent, as set out above.<sup>7</sup>

## **The Welsh Government's position**

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**11.** The Counsel General expresses her view in the Memorandum that it is appropriate for the Bill to make provision for Wales:

*“Welsh Government supports extending regulators’ powers over critical suppliers, addressing a gap in the current NIS Regulations. Following the 2022 Advanced ransomware attack on Welsh patient data, Welsh Government’s ‘Once for Wales’ and ‘defend as one’ approach recognises suppliers as a major risk. New guidance via secondary legislation will enable a risk-based, cross-border response. Similarly, and in relation to the drinking water sector, the Welsh Government supports the Bill’s objective of strengthening cyber defences. The Independent Water Commission’s final report highlighted gaps in the industry’s security arrangements and referred to an increasing number of cyber incidents. A cross-border approach is considered an effective means of safeguarding infrastructure and maintaining cyber resilience across the drinking water sector.*

*It is appropriate to use this UK Bill to make these provisions rather than utilising a Senedd Bill because the provisions made are not within the legislative competence of the Senedd. The provision made in the Bill relates to the reserved matters of telecommunications and wireless telegraphy (Schedule 7A, C 9; para 83) and national security (B 3 para 32).*

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<sup>5</sup> Memorandum, paragraphs 20 to 121

<sup>6</sup> Memorandum, paragraph 122

<sup>7</sup> Memorandum, paragraph 123

*However, an LCM is nonetheless required as a number of provisions in the Bill confer, remove or modify functions of the Welsh Ministers and/or Devolved Welsh Authorities (DWAs) or otherwise have regard to devolved matters as detailed above.”<sup>8</sup>*

**12.** The Counsel General concludes:

*“... in my view it is appropriate to deal with these provisions in this UK Bill. I support this Bill and would recommend the Senedd consents to its provision. However, given the anticipated UK Parliamentary timetable of the Bill it is likely that a legislative consent debate on this Bill would – based on our established approach on seeking to schedule such debates after the Committee Stage in the Second House – take place in the next Senedd Term.”<sup>9</sup>*

### **Financial implications**

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**13.** At paragraph 127 of the Memorandum the Counsel General provides the following assessment of the Bill's financial implications in respect of Wales:

*“The legislative changes are expected to increase costs for water companies to meet enhanced cyber resilience requirements, potentially affecting future price reviews. There are also likely to be implications for the Drinking Water Inspectorate due to greater regulatory responsibilities. In the health sector, expanding the scope to include critical suppliers— many of whom are not currently covered by NIS Regulations—raises financial considerations. The fragmented nature of supplier arrangements across Wales means a significant pre-implementation scoping exercise will be needed to accurately assess costs and identify technical solutions for centralisation.”<sup>10</sup>*

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<sup>8</sup> Memorandum, paragraphs 124 to 126

<sup>9</sup> Memorandum, paragraph 128

<sup>10</sup> Memorandum, paragraph 127

## 2. Committee consideration

**14.** We considered the Memorandum on 26 January 2026<sup>11</sup> and agreed our report on 2 February 2026<sup>12</sup>.

### **Our view**

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

**16.** We also note the position of the UK Government as regards consent.

**Conclusion 1.** We agree with the Welsh Government's assessment, as set out in the Memorandum, of the provisions within the Bill which require the consent of the Senedd in accordance with Standing Order 29.

**17.** Finally, we note the Counsel General's statement in the Memorandum that a motion to seek the Senedd's consent for the inclusion of provision in the Bill that has regard to devolved matters is anticipated to take place during the next Senedd.

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<sup>11</sup> ~~Legislation, Justice and Constitution Committee~~, 26 January 2026

<sup>12</sup> ~~Legislation, Justice and Constitution Committee~~, 2 February 2026