

The Welsh Government's Supplementary Legislative Consent Memoranda (Memorandum No. 2 & Memorandum No. 3) on the Public Office (Accountability) Bill

March 2026



1. Background

The UK Government's Public Office (Accountability) Bill

1. The Public Office (Accountability) Bill ("the Bill") was introduced to the House of Commons on 16 September 2025.¹ It is sponsored by the Deputy Prime Minister and Lord Chancellor and Secretary of State for Justice, David Lammy MP.

2. The long title of the Bill is as follows:

"A Bill to Impose a duty on public authorities and public officials to act with candour, transparency and frankness; to make provision for the enforcement of that duty in their dealings with inquiries and investigations; to require public authorities to promote and take steps to maintain ethical conduct within all parts of the authority; to create an offence in relation to public authorities and public officials who mislead the public; to create further offences in relation to the misconduct of persons who hold public office and to abolish the common law offence of misconduct in public office; to make provision enabling persons to participate at inquiries and investigations where the conduct of public authorities may be in issue; and for connected purposes."

3. The Bill gives effect to the Labour Party's 2024 manifesto commitment to introduce a 'Hillsborough Law', "which will place a legal duty of candour on public servants and authorities, and provide legal aid for victims of disasters or state-related deaths."²

4. The Bill had its second reading on 3 November 2025. At the time of writing it has completed Committee stage in the House of Commons. A date for Report stage has not yet been confirmed.³ In evidence to the Senedd's Public Accounts and Public Administration Committee, Huw Irranca-Davies MS, the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs ("the Deputy First Minister") stated that the UK Government is "committed to this [the Bill] becoming law" and are "drawing up a revised timetable" for its passage through the UK Parliament.⁴

¹ UK Parliament, [Public Office \(Accountability\) Bill \[as introduced\]](#), 16 September 2025 (Bill 306)

² Labour Party, [Change: Labour Party Manifesto 2024](#), page 73

³ UK Parliament, [Public Office \(Accountability\) Bill](#)

⁴ Public Accounts and Public Administration Committee, [26 February 2026](#), Record of Proceedings, paragraphs 7 to 9

5. A summary of the Bill as introduced can be found in our report on the Welsh Government's Legislative Consent Memorandum on the Bill as introduced.⁵

2. The Welsh Government's Legislative Consent Memoranda

6. Standing Orders 29.1 and 29.2 provide that a legislative consent memorandum is required when a relevant UK Bill makes provision in relation to Wales that has regard to devolved matters ("relevant provision").⁶

The Legislative Consent Memorandum ("the Memorandum")

7. The Deputy First Minister laid the Memorandum on the Bill as introduced on 2 October 2025.⁷

8. The Business Committee agreed that the Public Accounts and Public Administration Committee and the Legislation, Justice and Constitution Committee should report on the Memorandum by 19 December 2025.⁸

The Supplementary Legislative Consent Memorandum (No. 2) ("Memorandum No.2")

9. The Deputy First Minister laid Memorandum No. 2 on 11 December 2025 in respect of UK Government amendment 13, which was tabled on 27 November 2025.⁹

10. Following the laying of Memorandum No. 2, the Business Committee revised the reporting deadline to 27 February 2026.¹⁰

⁵ Welsh Parliament, [The Welsh Government's Legislative Consent Memorandum on the Public Office \(Accountability\) Bill](#), 18 December 2025, paragraphs 5 to 35

⁶ Accessible via: Welsh Parliament, [Conduct, Rules and Guidance](#), January 2026

⁷ Welsh Government, [Legislative Consent Memorandum: Public Office \(Accountability\) Bill](#), 2 October 2025

⁸ Welsh Parliament, [Timetable for consideration: Legislative Consent Memorandum on the Public Office \(Accountability\) Bill](#), 7 October 2025

⁹ Welsh Government, [Supplementary Legislative Consent Memorandum \(Memorandum No. 2\): Public Office \(Accountability\) Bill](#), 11 December 2026

¹⁰ Welsh Parliament, [Timetable for consideration: Supplementary Legislative Consent Memorandum \(Memorandum No. 2\) on the Public Office \(Accountability\) Bill](#), 16 December 2025

The Supplementary Legislative Consent Memorandum (No. 3) (“Memorandum No.3”)

- 11.** The Deputy First Minister laid Memorandum No. 3 on 27 January 2026 in respect of UK Government amendments making relevant provision that were tabled on 12 January and 15 January.¹¹
- 12.** Following the laying of Memorandum No. 3, the Business Committee revised the reporting deadline to 20 March 2026.¹²
- 13.** The Deputy First Minister has stated that although he thinks that “it’s right that the Senedd should be allowed to express a view [on the Bill] as it currently stands in this Senedd term”, he expects that the Welsh Government of the Seventh Senedd will need to bring forward further memoranda in future.¹³

Provisions for which the Senedd’s consent is required

The Welsh Government’s view

- 14.** Across Memorandum No. 2 and Memorandum No. 3, the Deputy First Minister states that a series of amendments require the consent of the Senedd, as set out in figure 1 below.

Figure 1. Amendments to the Public Office (Accountability) Bill that the Welsh Government believes require the consent of the Senedd. Adapted from Memorandum No.2 (in relation to amendment 13) and Memorandum No. 3 (in relation to all other amendments).¹⁴

Amendment(s)	Tabled to	Purpose and effect
13	Schedule 4	To makes provision about the determination of whether, for the purposes of paragraph 21 of Schedule 4 to the Bill, a function exercised by a person is of a public nature.
37	Clause 9	To require that a Code of Conduct mandated by clause 9 (expected standards of ethical conduct) must set out disciplinary consequences for

¹¹ Welsh Government, [Legislative Consent Memorandum \(No.3\): Public Office \(Accountability\) Bill](#), 11 December 2026

¹² Welsh Parliament, [Timetable for consideration: Supplementary Legislative Consent Memorandum \(No.3\) on the Public Office \(Accountability\) Bill](#), February 2026

¹³ Public Accounts and Public Administration Committee, 26 February 2026, paragraphs 10 to 11

¹⁴ Welsh Government, [Legislative Consent Memorandum \(No 2\): Public Office \(Accountability\) Bill](#), 11 December 2026; Welsh Government, [Legislative Consent Memorandum \(No 3\): Public Office \(Accountability\) Bill](#), February 2026

Amendment(s)	Tabled to	Purpose and effect
		breaches of standards of behaviour in legislation and other sources as well as those in the Code itself.
38	Clause 9	To ensure that codes of conduct adopted pursuant to clause 9 by the governing bodies of schools and the governing bodies of specified further education institutions will apply to individuals working at those organisations but who are technically employed by someone else.
39	Clause 9	To include in the scope of codes of conduct, adopted pursuant to clause 9, individuals who exercise functions on behalf of a public authority but who do not have an employment or other contractual relationship with it. Codes will apply to employees, agency staff and contractors of a public authority. However it will not apply to certain office holders who operate under an appointment, such as political or statutory appointments by a public authority.
40	Clause 11	To expand the scope of clause 11 (offence of misleading the public) to the exercise (and purported exercise) of functions relating to Welsh devolved matters. The effect of the amendment is that public authorities and public officials exercising or purporting to exercise functions in relation to Welsh devolved matters are subject to this offence provision.
41, 70, 71, 98-101	Clause 11, Clause 24, Schedule 3	To carry out small consequential amendments to clauses 11, 24 and Schedule 3 following the extension of the offence as provided by amendment 40.
43	Clause 12	To clarify that a jury is to be directed to have regard to certain matters in determining whether an act is seriously improper for the purposes of the offence under clause 12 of the Bill (until now, the clause has simply said that they must consider the listed matters). This amendment affects how a judge directs a jury in a criminal trial for an offence under clause 12 ('seriously improper acts').
61-64, 93, 94	Clause 22, Schedule 1	To take account of the creation of Welsh Statutory Instruments and associated new Senedd procedures enacted by section 1 of the Legislation

Amendment(s)	Tabled to	Purpose and effect
		(Procedure, Publication and Repeals) (Wales) Act 2025 which came into force on 1 January 2026.
67, 68	Clause 23	To change the definition of “school” so that it includes maintained nurseries and pupil referral units. The effect of this amendment will be to widen the scope of certain parts of the Bill.
76	Schedule 1	To apply the duty under the Inquiries Act 2005 (to act with fairness and avoid unnecessary cost) to Chairs of non-statutory inquiries
131	Schedule 4	<p>Paragraph 21(2) currently provides that, subject to an exception set out in paragraph 21(3), a person who works for a local authority in Wales is a holder of public office. This brings them within scope of Part 3 of the Bill, including the two new statutory offences that replace the existing common law offence of misconduct in public office (clauses 12 - seriously improper acts and 13 - duty to prevent death or serious injury).</p> <p>Paragraph 21(3) provided that a person does not fall within sub-paragraph (2) solely by virtue of working for a school maintained by a local authority. Paragraph 20 made similar provision in relation to England. Government amendments remove paragraph 21 and expands the scope of paragraph 20 so that it applies to staff of all local authorities in the United Kingdom in consequence of the extension of Part 3 of the Bill to Scotland and Northern Ireland. Paragraph 20(3) maintains the exception for persons who work for a school.</p> <p>Amendment 131 clarifies that the exception will also apply to persons who work <i>at</i> a school, in addition to those who work <i>for</i> a school. Since, by virtue of government amendment 128, paragraph 20(3) now applies to staff at Welsh schools, amendment 131 defines the scope of a provision relevant to Wales.</p>

The UK Government's view

15. The Deputy First Minister states in Memorandum No. 2 that the UK Government has not set out its view on the need for consent in relation to UK Government amendment 13, which was tabled on 27 November 2025. However, the Deputy First Minister also states that the UK Government has agreed that Schedule 4, which is amended by amendment 13, requires the Senedd's consent.¹⁵

16. Similarly, in Memorandum No.3, the Deputy First Minister states that the UK Government has not set out its view on the need for consent in relation to any of the other amendments published on 12 and 15 January.¹⁶ However, the Explanatory Notes state that the UK Government believes that:

- consent is required for clauses 9, 15, Schedule 1 and Schedule 4 (which are amended by amendments 37, 38, 39, 93, 94 and 131), but that
- consent is not required for clause 11 (misleading the public), or clause 18 and Schedule 6 (parity at inquiries and investigations), which are amended by amendments 40 and 41.¹⁷

The Welsh Government's view on whether the Senedd should grant consent

17. The Deputy First Minister believes that the Senedd should grant its consent to UK Government amendment 13 to the Bill, considered in Memorandum No. 2, tabled on 27 November 2025.¹⁸

18. Similarly, he states that he believes that it is "appropriate" to make the amendments to the Bill published on 12 and 15 January 2026, considered in Memorandum No. 3, to "maximise the clarity and coherence of the law and allow for a consistent approach across the UK." The Deputy First Minister concludes by setting out his support for the principles of the Bill:

"I support the principles of this Bill and the policy objectives that it seeks to deliver. Further detailed analysis of the Bill, including all clauses and the amendments currently before Parliament, is ongoing. Subject to any further amendments made during the Bill's

¹⁵ Welsh Government, Legislative Consent Memorandum (No 2): Public Office (Accountability) Bill, 11 December 2026

¹⁶ Welsh Government, Legislative Consent Memorandum (No 3): Public Office (Accountability) Bill, February 2026

¹⁷ UK Government, [Public Office \(Accountability\) Bill: Explanatory Notes](#), pages 36 to 37

¹⁸ Welsh Government, Legislative Consent Memorandum (No 2): Public Office (Accountability) Bill, 11 December 2026, paragraph 16

remaining Parliamentary stages which will require assessment, I look forward to being able to recommend the Senedd consents to its provisions.”¹⁹

19. Memorandum No. 3 states for the first time that the Deputy First Minister is minded to recommend that the Senedd grants its consent to the clauses in, and Schedules to, the Bill that make relevant provision. In the Memorandum and Memorandum No. 2, the Deputy First Minister stated that he would be seeking further information before recommending that the Senedd provides its consent.²⁰

3. Committee Consideration

20. We considered the Memorandum during our meeting on 3 November 2025. We agreed to write to seek further information from:

- the Deputy First Minister. A response was received on 27 November;²¹
- the Llywydd, in her role as Chair of the Senedd Commission. A response was received on 1 December;²²
- the Welsh Local Government Association (“WLGA”). A response was received on 2 December;²³ and
- the NHS Confederation.²⁴ We did not receive a response.

21. We published our report on the Memorandum – which includes a summary of the responses above – on 18 December 2025.²⁵ The report came to three

¹⁹ Welsh Government, Legislative Consent Memorandum (No 3): Public Office (Accountability) Bill, February 2026, paragraph 42

²⁰ Welsh Government, Legislative Consent Memorandum: Public Office (Accountability) Bill, 2 October 2025; Welsh Government, Legislative Consent Memorandum (No 2): Public Office (Accountability) Bill, 11 December 2026, paragraph 20

²¹ [Letter to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs](#), 6 November 2025; [Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs](#), 27 November 2025

²² [Letter to the Llywydd and Chair of the Senedd Commission](#), 6 November 2025; [Letter from the Llywydd and Chair of the Senedd Commission](#), 1 December 2025

²³ [Letter to the Welsh Local Government Association \(“WLGA”\)](#), 6 November 2025; [Letter from the WLGA](#), 1 December 2025

²⁴ [Letter to the NHS Confederation](#), 6 November 2025

²⁵ Welsh Parliament, The Welsh Government's Legislative Consent Memorandum on the Public Office (Accountability) Bill, 18 December 2025, paragraphs 53 to 66.

conclusions and made eight recommendations. The Deputy First Minister responded on 3 February 2026.²⁶

22. Recommendations 1 to 4 of the report sought clarity and assurances about the Welsh Government's and UK Government's engagement with Welsh public bodies in relation to the Bill. In his response, the Deputy First Minister clarifies that the Welsh Government wrote to a series of stakeholders in December 2025 regarding the introduction of the Bill and the extension of clause 11 to Wales (subsequently provided for via amendment 40, as noted in figure 1 above). He also states that:

- the Welsh Government is working with the UK Government to ensure that Welsh public bodies are consulted on the implications of the legislation;
- there is an implementation plan that will be tailored to the Welsh context;
- concerns raised by Welsh public bodies to the Welsh Government are communicated to the UK Government; and
- the Welsh Government intends to support Welsh bodies to implement appropriate arrangements in line with any UK-wide guidance.²⁷

23. The Deputy First Minister recently stated that Welsh Government engagement with the UK Government is “both regular and positive”, and that officials from both governments are meeting at least fortnightly. He added that the Welsh Government is working alongside UK Government to engage with stakeholders in Wales.²⁸ An official accompanying the Deputy First Minister stated:

“I'm not sure we'd necessarily expect the UK Government to engage directly with public authorities in Wales without us being partners to that engagement, which is what we've sought to do. And as I mentioned, the session that's been scheduled for March, which is, as it were, a sort of tripartite session—Welsh Government, UK Government and the affected public authorities—. And so, we hope

²⁶ Welsh Government, [The Welsh Government's Legislative Consent Memorandum on the Public Office \(Accountability\) Bill: Welsh Government response to the Legislation, Justice and Constitution Committee's report](#), 3 February 2026

²⁷ Welsh Government, [The Welsh Government's Legislative Consent Memorandum on the Public Office \(Accountability\) Bill: Welsh Government response to the Legislation, Justice and Constitution Committee's report](#), 3 February 2026, pages 4 to 7

²⁸ Public Accounts and Public Administration Committee, 26 February 2026, paragraphs 47 to 54

that will be a positive way of allowing public authorities in Wales to gain a better understanding of the provisions in the Bill, how they're likely to be affected, and start to think about implementation ahead of Royal Assent and any formal implementation plans being published.”²⁹

24. Recommendations 6 to 8 of the Committee's report related to delegated powers in the Bill, and the extent to which these powers are conferred on the UK Secretary of State, the Welsh Ministers, or both (so-called “concurrent powers”). The report queried why the Bill does not vest any commencement powers in the Welsh Ministers, nor require that the Secretary of State seek the consent of the Welsh Ministers before commencing provisions that relate to devolved matters. In his response, the Deputy Minister stated that he would raise the issue with the UK Government, but noted that, as a UK-wide Bill, commencement “may therefore be on a UK-wide basis to reflect that position”.³⁰

25. In relation to the Committee's concerns about why concurrent powers are included in the Bill, the Deputy First Minister stated that:

“...each of the concurrent plus³¹ powers in the Bill is exceptional for the purposes of the above paragraph. Each of them forms part of a new and unusually universal system of overarching duties imposed on many public bodies across the UK. It makes sense that the Secretary of State has powers to amend these functions because of their pan-UK reach.

In addition, some of the functions relate, directly or indirectly, to the reserved matter of legal aid (which is dealt with solely by the UK Government). The Secretary of State is best placed to understand what, if any, changes to the system under the Bill may be required as a result of the impact on the legal aid system.”

26. The Deputy First Minister went on to confirm that he had asked the UK Government for its justification for taking these powers and is awaiting a response.³²

²⁹ Public Accounts and Public Administration Committee, 26 February 2026, paragraph 55

³⁰ Welsh Government, The Welsh Government's Legislative Consent Memorandum on the Public Office (Accountability) Bill: Welsh Government response to the Legislation, Justice and Constitution Committee's report, 3 February 2026, pages 7 to 9

³¹ Concurrent powers which can only be exercised by the Secretary of State with the consent of the Welsh Ministers are sometimes known as “concurrent-plus powers”.

³² Welsh Government, The Welsh Government's Legislative Consent Memorandum on the Public Office (Accountability) Bill: Welsh Government response to the Legislation, Justice and Constitution Committee's report, 3 February 2026, page 9

Our view

The need for consent

27. We note the view of the Welsh Government, as set out in Memorandum No. 2, that amendment 13 requires the consent of the Senedd. We also note the UK Government's view, as set out by the Deputy First Minister in Memorandum No. 2, that Schedule 4 requires the consent of the Senedd.

Conclusion 1. We agree with Welsh Government's assessment, as set out in Memorandum No. 2 laid by the Deputy First Minister, that amendment 13 to the Public Office (Accountability) Bill requires the consent of the Senedd in accordance with Standing Order 29.

28. We note the view of the Welsh Government as set out in the No. 3 Memorandum that amendments 37, 38, 39, 40, 41, 70, 71, 98-101, 43, 61-64, 93, 94, 67, 68, 76 and 131 require the consent of the Senedd. We also note the view of the UK Government, as set out by the Deputy First Minister in Memorandum No.3, about the provisions in the Bill that require the Senedd's consent, including provisions which are affected by those amendments.

Conclusion 2. We agree with Welsh Government's assessment, as set out in Memorandum No. 3 laid by the Deputy First Minister, that amendments 37, 38, 39, 40, 41, 70, 71, 98-101, 43, 61-64, 93, 94, 67, 68, 76 and 131 require the consent of the Senedd in accordance with Standing Order 29.

Engagement with Welsh public bodies

29. We note – and welcome - the Deputy First Minister's clarification of the engagement with Welsh public bodies that has been undertaken to date, and his commitment both to reflect public bodies' concerns in ongoing discussions with the UK Government, and to support public bodies as they implement the Bill if enacted.

30. We also note the Deputy First Minister's views in relation to the concurrent plus powers in the Bill, and that he has requested the UK Government's justification for those powers.

31. In their correspondence to us, key public bodies set out significant concerns about the work required to understand and implement the Bill, if enacted. In light of those concerns, and the engagement that the Welsh Government has undertaken to address them, it seems unrealistic to expect that the provisions in

the Bill that relate to Welsh public bodies can be commenced without confirmation from the Welsh Ministers that Welsh public bodies are ready to implement them.

32. We consider, therefore, that it would be appropriate for the Secretary of State to have a duty to consult the Welsh Ministers before commencing relevant provisions in the Bill. We therefore await with interest the UK Government's explanation of why commencement powers are conferred on the Secretary of State without a duty to consult the Welsh Ministers.

Recommendation 1. As soon as he receives a response from the UK Government, and no later than the Senedd debates a legislative consent motion on the Bill, the Deputy First Minister should write to this Committee to set out the UK Government's justification for:

- why commencement powers are conferred on the Secretary of State without any duty to consult the Welsh Ministers; and
- the concurrent powers in the Bill.