

# Report on the Legislative Consent Memoranda for the Railways Bill

March 2026

## 1. The Railways Bill

1. The Railways Bill (“the Bill”) was introduced in the House of Commons on 5 November 2025.
2. The long title of the Bill states that it is a Bill to make provision about railways and railway services; and for connected purposes.<sup>1</sup>
3. The Bill would establish Great British Railways (“GBR”) as a new publicly-owned body with responsibility for the railway infrastructure and non-devolved passenger train services, including fares and the sale of tickets. The Bill would also establish a Passenger Watchdog and create an ‘access regime’ allowing GBR to make decisions on capacity allocation and which services can access the tracks.

## 2. The Legislative Consent Memorandum

4. The Cabinet Secretary for Transport and North Wales, Ken Skates MS (“the Cabinet Secretary”), laid a Legislative Consent Memorandum (“the LCM”) on 21 January 2026.<sup>2</sup> A supplementary LCM (SLCM) was subsequently laid on 2 February,

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<sup>1</sup> UK Parliament, [Railways Bill](#)

<sup>2</sup> Welsh Government, [Legislative Consent Memorandum on the Railways Bill](#), 21 January 2026



dealing with UK Government amendments to the Bill.<sup>3</sup> A further SCLM was laid on 16 March.<sup>4</sup>

**5.** The Business Committee referred the LCM to the Climate Change, Environment, and Infrastructure Committee (“the Committee”) and the Legislation, Justice and Constitution Committee for consideration with a reporting deadline of 20 March 2026,<sup>5</sup> which was subsequently extended to 27 March 2026.

## The Welsh Government’s position

**6.** The LCM sets out the Welsh Government’s reasons for making provision for Wales in the Bill. It says:

*“In my view it is appropriate to deal with these provisions in this UK Bill as it will reduce complexity of the rail industry and improve overall delivery of passenger train services in Wales and across the UK.”<sup>6</sup>*

**7.** The LCM states that “UK Government and Welsh Government officials have been in regular contact during the development of the Bill” and that “engagement will continue at an official and Ministerial level where necessary”.<sup>7</sup>

**8.** Neither the LCM nor the SLCM include any recommendation as to whether the Senedd should consent to the provisions for which consent is sought. Instead, the Cabinet Secretary confirms that he wants to have further discussions with the UK Government before sharing an assessment as to whether these provisions are in Wales’ best interests. The SLCM states:

*“Whilst I continue to broadly support this Bill and welcome the ongoing engagement of the UK Government, I am seeking further engagement with the UK Government on the role of the Welsh Ministers and the Senedd within the Bill. I will continue to monitor the Bill’s developments and update the Senedd as appropriate. Given the anticipated UK parliamentary timetable*

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<sup>3</sup> Welsh Government, [Supplementary Legislative Consent Memorandum \(Memorandum No 2\) Railways Bill](#), 2 February 2026

<sup>4</sup> Welsh Government, [Supplementary Legislative Consent Memorandum \(Memorandum No 3\) Railways Bill](#), 16 March 2026

<sup>5</sup> Welsh Parliament, [Timetable for consideration: Legislative Consent Memorandum on the Railways Bill](#), January 2026

<sup>6</sup> Welsh Government, [Legislative Consent Memorandum on the Railways Bill](#), 21 January 2026, paragraph 113

<sup>7</sup> Welsh Government, [Legislative Consent Memorandum on the Railways Bill](#), 21 January 2026, paragraph 9

*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>8</sup>*

**9.** The LCM and SLCM highlight several areas where the Cabinet Secretary believes further engagement with the UK Government is required. These are set out below.

#### **Clause 4**

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**10.** Clause 4 of the Bill allows the Welsh Ministers to make arrangements for any of their functions to be delegated to GBR or a subsidiary or company owned jointly by the Welsh Ministers and GBR. The Bill does not provide for reciprocal arrangements to allow the Welsh Ministers to exercise any of GBR’s functions. The Welsh Ministers must consult the Secretary of State and GBR before making, varying or revoking such arrangements. The LCM notes that clause 4:

*“confines the relationship to GBR exercising functions of the Welsh Ministers, but not enabling the reverse. I would like to explore the possibility of the Bill text enabling Welsh Ministers to exercise functions of GBR should circumstances dictate this to be beneficial. This is particularly applicable to cross border services.”<sup>9</sup>*

#### **Clauses 18, 19 and 24**

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**11.** Clause 18 sets out a series of duties on the Welsh Ministers when exercising their functions relating to railways and railway services, for example, to promote high standards of service.

**12.** Clause 19 requires the Welsh Ministers to take into account the need to protect all persons from dangers arising from the operation of railways when exercising their functions relating to railways and railway services.

**13.** Clause 24 imposes a duty on the Secretary of State and the Welsh Ministers to prepare a Memorandum of Understanding (“MoU”) setting out how they will

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<sup>8</sup> Welsh Government, [Supplementary Legislative Consent Memorandum \(Memorandum No 2\) Railways Bill](#), 2 February 2026, paragraph 12

<sup>9</sup> Welsh Government, [Legislative Consent Memorandum on the Railways Bill](#), 21 January 2026, paragraph 103

work together in the exercise of their respective functions in relation to railways and railway services.

**14.** In relation to these clauses, the LCM notes:

*“These clauses (a) require Welsh Ministers to put railway-promotion at the core of decision-making by Welsh Ministers when exercising any function relating to railways and railway services, (b) impose a safety duty on Welsh Ministers when exercising railway and railway services and (c) link the MoU to railway and railway services. They appear to extend beyond the regulatory and service railway functions and into consenting construction etc of railways. To that extent, the provisions are within the legislative competence of the Senedd in relation to planning, as limited by the exception in paragraph 187 of Schedule 7B GoWA to those that start, end and remain in Wales. They also impinge on the functions of the Welsh Ministers –*

*(a) in relation to consents for railways under the Infrastructure (Wales) Act 2024,*

*(b) in relation to planning for railways under the Transport and Works Act 1992, to make orders relating to the construction or operation of a railway which has effect solely in Wales.”<sup>10</sup>*

**15.** The SLCM notes that the UK Government has tabled an amendment to clause 24 which “sets out additional provisions in the non-exhaustive list of provisions which the MoU between the SoS and Welsh Ministers may include, in particular being the use to be made of the power to give directions under section 7.”<sup>11</sup> No further detail is provided in the SLCM regarding the content of the amendment or whether it addresses the concerns noted above regarding clause 24.

## **Clauses 25 and 27**

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**16.** Clause 25 requires the Secretary of State to designate passenger services which must be provided by the Secretary of State. There is a requirement for the

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<sup>10</sup> Welsh Government, [Legislative Consent Memorandum on the Railways Bill](#), 21 January 2026, paragraph 104

<sup>11</sup> Welsh Government, [Supplementary Legislative Consent Memorandum \(Memorandum No 2\) Railways Bill](#), 2 February 2026, paragraph 8

Secretary of State to consult the Scottish Ministers before designating a cross-border service but there is no similar requirement for consultation with the Welsh Ministers regarding Welsh services.

**17.** Clause 27 requires the Welsh Ministers to designate Wales-only services that may be provided under clause 31, and Welsh components that should be provided with such services.

**18.** With regard to clauses 25 and 27, the LCM notes:

*“these are partially equivalent powers to the extent that they relate to Welsh components of Welsh services which are not Wales-only services. Despite being in two separate clauses and there being only a partial overlap, that makes them concurrent powers. Whilst it appears that these clauses look to carry over existing powers, which fundamentally we do not object to, further engagement is required to fully understand the impact and practicalities.”<sup>12</sup>*

## **Clause 63**

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**19.** Clause 62 deals with the preparation of the working timetable, which includes consulting those who have applied to be included in the timetable and a right of appeal to the Office of Rail and Road (“ORR”) for any aggrieved person. When making access decisions or preparing the timetable, GBR must comply with clause 63 which imposes a duty to ensure it retains sufficient capacity.

**20.** In relation to clause 63, the LCM notes:

*“Prioritisation by GBR of its own services could affect services provided or secured by the Welsh Ministers under clause 31 of the Bill in a way that risks the practical ability of devolved authorities and freight operators to secure fair access to the network.”<sup>13</sup>*

## **Clause 72**

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**21.** Clause 72 gives the Secretary of State the power to make regulations about non-GBR infrastructure, including its management and operation; rights to

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<sup>12</sup> Welsh Government, [Legislative Consent Memorandum on the Railways Bill](#), 21 January 2026, paragraph 105

<sup>13</sup> Welsh Government, [Legislative Consent Memorandum on the Railways Bill](#), 21 January 2026, paragraph 107

operate trains; co-operation between GBR and those operating non-GBR infrastructure; provision and supply of facilities and competition. This power includes a Henry VIII power to make consequential provision.

**22.** In relation to clause 72, the LCM notes:

*“the operation of this clause could affect the railway infrastructure which the Welsh Ministers own or services that the Welsh Ministers provide or secure to be run on it under clause 31. This could significantly impact the operation of CVL [Core Valley Lines]”.*<sup>14</sup>

## Clause 81

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**23.** Clause 81 requires the Welsh Ministers (among others) to consult a mayoral combined (county) authority before making a decision relating to a passenger service designated by the Welsh Ministers under clause 27 if the service is provided in the authority’s area and if it appears to the Welsh Ministers that the decision will significantly affect the interests of the economy of the area or of persons living in, working in or visiting the area. The duty does not apply where consultation is not reasonably practicable, in which case the Welsh Ministers must notify the authority of the decision as soon as reasonably practicable.

**24.** In relation to this clause, the LCM states:

*“Whilst we are content with the principle of consulting mayoral authorities on significant changes, we are unclear about how the duty on Welsh Ministers is triggered as currently drafted. Further clarity is needed to understand how DfT and GBR see this clause working in practice.”*<sup>15</sup>

## 3. Committee consideration

**25.** We considered the LCM and SLCM at our Committee meeting on 25 February 2026. We have been unable to consider the further SLCM on the Bill as it was not laid until 16 March 2026, two days before our final meeting of the Sixth Senedd.

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<sup>14</sup> Welsh Government, [Legislative Consent Memorandum on the Railways Bill](#), 21 January 2026, paragraph 108

<sup>15</sup> Welsh Government, [Legislative Consent Memorandum on the Railways Bill](#), 21 January 2026, paragraph 109

**26.** On 29 January 2026 we held an evidence session with Professor Mark Barry on the implications of the Railways Bill and UK Government rail policy for Wales. On the same day, we also discussed rail reform with Transport for Wales (“TfW”) as part of annual scrutiny.

**27.** We asked the Cabinet Secretary for his views on the Railways Bill when he appeared before the Committee on 25 February 2026 for the final general scrutiny session of the Sixth Senedd.

**28.** At our meeting on 5 March 2026, we noted a letter from the Legislation, Justice and Constitution (“LJC”) Committee to the Cabinet Secretary seeking more information regarding the LCM. A response was received on 12 March 2026.

## Devolution settlement

**29.** We note that the Bill maintains the current devolution settlement. Infrastructure planning and funding of Network Rail in Wales remain the responsibility of the UK Government. However, Professor Barry argued that “this is time to properly devolve rail in Wales”.<sup>16</sup> He said:

*“the passing of a Bill through Westminster that looks at structures and finance and organisation and oversight and the role of regulators would seem to me to be a very opportune moment to review the role of rail in Wales in that context. It seems to me that that opportunity has not been taken, in summary.”<sup>17</sup>*

**30.** Professor Barry highlighted that England will benefit from ‘vertical integration’, with GBR managing the track and the operating organisations, while services and infrastructure will continue to be managed separately in Wales. He said that “there were opportunities...to go further under the current arrangements, giving Wales the right to produce its own high-level output specification”. He went on to say:

*“I worry that what progress we are making, despite challenges in Wales, on integration, on working together, especially on bringing together issues of data and asset management with train operations and planning thereof, we’ll get dragged back*

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<sup>16</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 85

<sup>17</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 9

*into a much more complex, cumbersome, bureaucratic process of a GBR rail transformation, when we're already ahead of the game in some respects."*<sup>18</sup>

**31.** Similarly, TfW said:

*"For Wales, the minimum we have to have, in my view, is that the ability to work more efficiently across track and train that GBR will be granted in England needs to be granted to us for CVL in Wales...So, we have to have the ability to integrate CVL and remove some unnecessary bureaucracy."*<sup>19</sup>

**32.** TfW highlighted that the Bill "is really an enabling framework, and the details that follows... is what determines how effective it is".<sup>20</sup>

**33.** The Cabinet Secretary told us that "the Bill delivers on most of what we've been asking for over many, many years."<sup>21</sup> He said:

*"In the absence of full devolution, the importance of the MOU and joint partnership is considered to be the most effective way to get the best outcomes for passengers in Wales."*<sup>22</sup>

## Memorandum of understanding

**34.** We note that the Bill imposes a duty on the Secretary of State and the Welsh Ministers to prepare a MoU setting out how they will work together in the exercise of their respective functions in relation to railways and railway services. However, we note that a MoU is not legally enforceable.

**35.** Professor Barry highlighted that:

*"a huge amount depends upon the memorandum of understanding and what's in it, and how that's enforced or enacted. The observation I'll give is that there's no clarity on*

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<sup>18</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 14

<sup>19</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 310

<sup>20</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 310

<sup>21</sup> Climate Change, Environment, and Infrastructure Committee, 25 February, [Record of Proceedings](#), Paragraph 92

<sup>22</sup> Climate Change, Environment, and Infrastructure Committee, 25 February, [Record of Proceedings](#), Paragraph 92

*what will be in that, and there is no statutory method to enforce anything that's in there. So, whatever may be agreed informally and captured in the memorandum of understanding is fine, it might look good politically, but, in terms of actually how people behave now, in a month, in a year, in five years, it's actually pretty weak and meaningless.”<sup>23</sup>*

**36.** TfW said it would be “better to have it written in statute”, adding “the stronger the wording in the MOU, the bigger the benefit we’re going to get”.<sup>24</sup>

**37.** The Cabinet Secretary told us that the Welsh Government is “in discussion about whether we could have it in statute”.<sup>25</sup> However, he said that he stands to be convinced on the benefits, noting that it would take “a very, very, very brave Government to ignore something that is required by law”.<sup>26</sup>

**38.** The LJC Committee asked the Cabinet Secretary why the Bill provides for a MoU and why it was not possible for this information to be set out on the face of the Bill. The Cabinet Secretary responded:

*“My understanding is that these commitments reflect how the Secretary of State and Welsh Ministers will work together in practice, and recording practical arrangements in legislation would not only provide little flexibility in how services are delivered, and also limit how these commitments can be amended, as the railway and its delivery evolves and develops. I am content with this.”<sup>27</sup>*

**39.** We believe that it would be preferable to set out on the face of the Bill how the Secretary of State and the Welsh Ministers will work together in the exercise of their respective functions in relation to railways and railway services. The Welsh Government should press the UK Government to ensure that this detail is written in statute, rather than in a MoU.

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<sup>23</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 13

<sup>24</sup> Climate Change, Environment, and Infrastructure Committee, 25 February, [Record of Proceedings](#), Paragraph 317

<sup>25</sup> Climate Change, Environment, and Infrastructure Committee, 25 February, [Record of Proceedings](#), Paragraph 98

<sup>26</sup> Climate Change, Environment, and Infrastructure Committee, 25 February, [Record of Proceedings](#), Paragraph 92

<sup>27</sup> [Response from the Cabinet Secretary for Transport and North Wales to the Chair of the Legislation, Justice and Constitution Committee in relation to the Legislative Consent Memoranda on the Railways Bill](#), 12 March 2026

**40.** We were told that a full draft of the MoU will be available in March.<sup>28</sup> We are disappointed that a full draft of the MoU has not been made available to support our consideration of the LCM, and stakeholder scrutiny of the Bill).

### **TfW and GBR partnership agreement**

**41.** We understand that a partnership agreement will be developed between GBR and TfW for Wales and Borders area, to “support operational alignment and ensure that both organisations can work effectively together to deliver high-quality rail services for passengers in the Wales and Borders area”.<sup>29</sup>

**42.** According to the Cabinet Secretary, the MoU and partnership agreement are going to be “a step change in the way that we have greater control over investment, maintenance and enhancements of the railway network”.<sup>30</sup>

**43.** On the current relationships, Professor Barry told us:

*“I’m very impressed with the current leadership of Network Rail in Wales and how closely they’re working with Transport for Wales. It is proactive, and I think, without putting words in anybody’s mouth, they’d like the opportunity to build upon that relationship, which is clearly paying dividends in terms of efficiencies and what they do on the ground, to embed that in a more formal way.”<sup>31</sup>*

**44.** Similarly TfW said that they “genuinely work well with the team in the Network Rail Wales route” and that “quite significant progress has been made”.<sup>32</sup> However they said that the “weak point is that it’s based around relationships rather than anything that’s written in statue”.<sup>33</sup>

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<sup>28</sup> Climate Change, Environment, and Infrastructure Committee, 25 February, [Record of Proceedings](#), Paragraph 106

<sup>29</sup> UK Government, Written statement to Parliament: [Rail Reform in the Wales and Borders area](#), 5 November 2025

<sup>30</sup> Climate Change, Environment, and Infrastructure Committee, 25 February, [Record of Proceedings](#), Paragraph 92

<sup>31</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 134

<sup>32</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 321

<sup>33</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 322

**45.** We have asked TfW to keep our successor Committee updated on the development of partnership arrangements with GBR.<sup>34</sup>

## **GBR Cymru**

**46.** We note that TfW have called for the “creation of an empowered business unit within GBR for Wales”,<sup>35</sup> which would be “at least in part accountable to TfW, so it is, in turn, accountable to the Welsh Government and to committees such as this”.<sup>36</sup> They explained:

*“infrastructure exists for the trains that run on the infrastructure. The trains that run on the infrastructure exist for the benefit of the people and communities who use them. So, to have an edifice on which you say the track is the thing that’s really important and we won’t integrate it is just really quite weird.”<sup>37</sup>*

**47.** Professor Barry called for such a unit to be “sufficiently at arm’s length from GBR so that it can perform and operate efficiently and effectively with TfW in Wales”,<sup>38</sup> otherwise:

*“The worry, of course, is that GBR Cymru just becomes a business unit amongst many in GBR—the larger, huger, corporate entity—and it gets lost, marginalised on the sidelines, with its ability to make decisions proactively with TfW hampered by the necessary bureaucracy of having to go back to headquarters, or whatever governance arrangements GBR eventually has. I think that is a potential risk for Wales, in that the progress that has been made—voluntarily in many cases with some of the working arrangements—is lost or watered down, because we then see GBR Cymru, or Network Rail in Wales as is, subsumed into the governance process*

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<sup>34</sup> Climate Change, Environment, and Infrastructure Committee, [Letter from the Chair to Transport for Wales following the annual scrutiny of Transport for Wales](#), 9 March 2026

<sup>35</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 311

<sup>36</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 312

<sup>37</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 312

<sup>38</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 151

*bureaucracy of a larger organisation that really hasn't been focused enough on Wales.*"<sup>39</sup>

**48.** The Cabinet Secretary told us that having a business unit for Wales within GBR "is important and does answer a number of the asks that we've been making over many years".<sup>40</sup>

## **Access and capacity allocation**

**49.** GBR will be both operator of non-devolved services, and responsible for managing access for third parties such as TfWRail.

**50.** TfW stressed that "granting access over rail infrastructure is not a free good".<sup>41</sup> They noted that the network is congested:

*"Lots of rail infrastructure is highly congested in Wales, particularly as you go in and out of Wales, and therefore this is a really important point, because something that is granted to maybe an open-access operator or to an operator that might benefit England, which is taking up capacity on the tracks that is no longer available for us. And I think that should be granted equal strategic thinking and challenge as investing in new infrastructure, because it's often the thing that stops us. So, if for example, we want to run services into Bristol, in order for us to get into Bristol we are competing with other west country services. And who decides that? GBR, in the future."*<sup>42</sup>

**51.** TfW emphasised the importance of the Welsh Government being able to influence decisions relating to non-devolved passenger services and access to tracks.

**52.** Professor Barry expressed concerned about how "TfW retains its current status as the primary rail operator in Wales", particularly given the recent investment of "£800 million-worth of new rolling stock". He said:

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<sup>39</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 135

<sup>40</sup> Climate Change, Environment, and Infrastructure Committee, 25 February, [Record of Proceedings](#), Paragraph 94

<sup>41</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 328

<sup>42</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 328

*“Where there are cross-border services and where there are clashes on use of infrastructure and freight and other areas as well, you do need an honest broker that can actually negotiate: ‘We can’t do both, how do we come up with an agreement?’ The mechanism we currently have is perhaps bureaucratic, a bit centralised, maybe there’s a modification to that. Inevitably, in a cross-border world, you need mechanisms to deal with those kinds of issues. I’m not worried about that. I’m not going to say how it should work, but that’s something that clearly is working in many other parts of the world, and it shouldn’t be a difficulty for us to implement in a similar kind of way.”<sup>43</sup>*

**53.** He said that “the clarity and role of TfW Rail and TfW in that ecosystem needs to be firmed up”, with UK Ministers “actually paying heed” to Welsh Government policy priorities.<sup>44</sup> He went on to say that:

*“there needs to be careful consideration of what the financial impact would be on what services run where. We don’t want to leave Wales short-changed, shall we say, on the revenue to support rail services.”<sup>45</sup>*

**54.** We note when making access decisions or preparing the timetable, GBR must comply with clause 63 which imposes a duty to ensure it retains sufficient capacity. As noted above, the Cabinet Secretary states in the LCM that:

*“Prioritisation by GBR of its own services could affect services provided or secured by the Welsh Ministers under clause 31 of the Bil in a way that risks the practical ability of devolved authorities and freight operators to secure fair access to the network.”<sup>46</sup>*

**55.** We ask that the future government updates our successor Committee on discussions with the UK Government regarding fair access to the network.

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<sup>43</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 105

<sup>44</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 107

<sup>45</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 117

<sup>46</sup> Welsh Government, [Legislative Consent Memorandum on the Railways Bill](#), 21 January 2026, paragraph 107

## Rail Strategy

**56.** Clause 15 requires the Secretary of State to prepare a long-term strategy for the railway network and services, subject to consultation with the Welsh Ministers. We note that there is no requirement for the Welsh Ministers to approve such strategy.

**57.** Professor Barry believes that “the strategy should be developed consistent with ‘Llwybr Newydd’ (the Wales Transport Strategy). He said:

*“We have a transport strategy in Wales, and the UK Minister should have a duty to consult and use the Welsh Government strategy, which would include rail, in its deliberations, if we’re not going to devolve it.”<sup>47</sup>*

**58.** The Cabinet Secretary told the LJC Committee:

*“My understanding is that the Secretary of State will be responsible for the long term strategy as it relates to Great Britain and so it is considered that a requirement to secure Welsh Ministers’ consent would be inappropriate. I am content with this.”<sup>48</sup>*

**59.** Under clause 16 of the Bill, the ORR and GBR must have regard to the Wales Transport Strategy when exercising their functions. We note there is no requirement for these bodies to act consistently with the strategy.

**60.** Professor Barry questioned whether a requirement for GBR to “have regard to” the Wales Transport Strategy gives sufficient accountability. He said:

*“I think that having regard to something is not strong at all. It’s really meaningless. On a good day, with a good wind, with good people, it will have an impact. But on many days, especially with different political situations or busy civil servants, it won’t have an impact. It needs to be stronger.”<sup>49</sup>*

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<sup>47</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 67

<sup>48</sup> [Response from the Cabinet Secretary for Transport and North Wales to the Chair of the Legislation, Justice and Constitution Committee in relation to the Legislative Consent Memoranda on the Railways Bill](#), 12 March 2026

<sup>49</sup> Climate Change, Environment, and Infrastructure Committee, 29 January, [Record of Proceedings](#), Paragraph 121

**61.** The LJC Committee asked the Welsh Government to set out its position in respect of clause 16, and the requirement to “have regard”. The Cabinet Secretary said:

*“My understanding is that GBR and the ORR will be required to balance the strategies of many stakeholders, including the interests of freight, Mayoral Strategic Authorities and the Secretary of State’s Long Term Railway Strategy. These strategies may not always align and so a duty to comply with them could be unmanageable. I am content with this.”<sup>50</sup>*

**62.** In our view, the requirement to “have regard” should be strengthened. We believe that there should be a requirement for GBR to act consistently with the Wales Transport Strategy.

**63.** Similarly, we believe that the requirement to only consult Welsh Ministers on the rail strategy should be strengthened. There should be a requirement for the Welsh Ministers to approve such strategy.

## **Our view**

**64.** We note that the Cabinet Secretary’s comments that “there’s a huge, huge distance still to travel for the Bill”<sup>51</sup> and that he wants to have further discussions with the UK Government on the role of the Welsh Ministers and the Senedd within the Bill before sharing an assessment as to whether the relevant provisions of the Railways Bill are in Wales’ best interests.

**65.** Without knowing the outcome of these further discussions, we are not in a position to make an informed decision in relation to whether the Senedd should consent to the provisions of the Railways Bill for which consent is sought.

**66.** We note that a legislative consent debate on the Bill will not take place until the Seventh Senedd. We have recommended that our successor committee may wish to follow-up on engagement with the UK Government and progress made on developing and implementing the Memorandum of Understanding (MoU), as well as its statutory status.

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<sup>50</sup> [Response from the Cabinet Secretary for Transport and North Wales to the Chair of the Legislation, Justice and Constitution Committee in relation to the Legislative Consent Memoranda on the Railways Bill](#), 12 March 2026

<sup>51</sup> Climate Change, Environment, and Infrastructure Committee, 25 February, [Record of Proceedings](#), Paragraph 96

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**67.** We hope that the next government will engage constructively with the UK Government on this Bill and keep the Senedd updated.