

The Welsh Government's Legislative Consent Memorandum on the Public Office (Accountability) Bill

September 2026



1. Background

The UK Government's Public Office (Accountability) Bill

1. The Public Office (Accountability) Bill (the Bill)¹ gives effect to the Labour Party's 2024 manifesto commitment to introduce a 'Hillsborough Law' which, in addition to other measures, would place "a legal duty of candour on public servants and authorities, and provide legal aid for victims of disasters or state-related deaths."²
2. The Bill was originally introduced to the House of Commons on 16 September 2025. It was paused at report stage for the UK Government to re-consider its application to the security services following concerns raised during the scrutiny process, and did not complete its journey through the UK Parliament before the end of the 2024-26 parliamentary session. It was subject to a carry-over motion on 27 April 2026, and was reintroduced at report stage on 14 May. It is sponsored by the Ministry of Justice.³
3. The long title of the Bill states that it is 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."*⁴

4. The Bill as reintroduced is in the form the Bill had reached at the end of the 2024-26 parliamentary session. Amendments to the Bill that had been tabled

¹ **Public Office (Accountability) Bill (HC Bill 007)** [as reintroduced]

² Labour Party, **Change: Labour Party Manifesto 2024**, June 2024

³ UK Parliament, **Public Office (Accountability) Bill**

⁴ **Public Office (Accountability) Bill (HC Bill 007)** [as reintroduced], page 1

but not agreed during committee stage were not incorporated into the Bill as reintroduced. These amendments, including 121 Government amendments, remained outstanding at that point, to be dealt with by Parliament in this session.

The legislative consent process

5. Standing Orders 29.1 and 29.2 provide that the Welsh Government should lay a legislative consent memorandum when a UK Bill makes provision in relation to Wales that has regard to devolved matters (relevant provision). The memorandum should normally be laid no later than 2 weeks after:

- a Bill that makes relevant provision is introduced into the UK Parliament; or
- any amendment(s) is/are agreed that make relevant provision that goes beyond the limits of any consent previously given by the Senedd; or
- any amendment(s) is/are tabled by a Minister of the Crown (or with the Minister of the Crown's support) that would make relevant provision that goes beyond the limits of any consent previously given by the Senedd.⁵

Legislative consent activity during the Sixth Senedd

6. During the Sixth Senedd, the then Welsh Government laid a legislative consent memorandum in relation to the Bill as introduced during the 2024-26 UK parliamentary session, and two further memoranda in relation to amendments subsequently tabled to the Bill before the parliamentary session came to an end. The Senedd's Legislation, Justice and Constitution Committee reported twice: once in relation to the first legislative consent memorandum, and once in relation to the second and the third legislative consent memoranda combined.⁶

7. On 24 March 2026, the Sixth Senedd resolved to give its consent to the provisions in the Bill and to amendments tabled to the Bill in so far as they had regard to devolved matters.⁷ This included amendments that Parliament had

⁵ Welsh Parliament, **Standing Orders**, April 2026

⁶ Welsh Parliament, **Legislative Consent: Public Office (Accountability) Bill (2024-26)**

⁷ Welsh Parliament, **Plenary – Sixth Senedd – Tuesday 24 March 2026 13.30**

not, at that point, voted on, and which were carried over to this session as outlined in paragraph 4.

2. The Welsh Government's Legislative Consent Memorandum

The Legislative Consent Memorandum

8. On 8 June 2026, the Cabinet Minister for Government Effectiveness and the Constitution (the Cabinet Minister) laid before the Senedd a Legislative Consent Memorandum (the Memorandum) in respect of the Bill as reintroduced on 14 May 2026.⁸ The Business Committee subsequently referred the Memorandum to the Public Accounts and Public Administration Committee and the Legislation Committee with a reporting deadline of 9 October 2026.⁹

Provision for which the Senedd's consent is sought

The Welsh Government's view on consent

9. The Cabinet Minister specifies the following clauses of the Bill as requiring consent:

Implementing the duty of candour etc and performance of public functions: clauses 1 to 5 and 7 to 10

Misconduct in Public Office: clauses 12 and 14 to 16

Miscellaneous and final provisions: clauses 18 (partially), 20 to 25

Application of duty of candour and assistance: Schedule 1 (Parts 1, 2 and 6)

Meaning of “public authority” and “public official” etc: Schedule 2

Offences under Part 2: related provision: Schedule 3

⁸ Welsh Government, [Legislative Consent Memorandum on the Public Office \(Accountability\) Bill](#), 8 June 2026

⁹ Business Committee, [Timetable for consideration: Legislative Consent Memorandum on the Public Office \(Accountability\) Bill](#), December 2025

Holders of public office: Schedule 4

Conduct of public authorities at inquiries and inquests: Schedule 6
(in so far as it confers functions on DWAs/devolved Welsh authorities)¹⁰

10. A summary of the purpose and effect of the parts of the Bill that the Welsh Government considers require the consent of the Senedd can be found at paragraph 11 of the Memorandum.¹¹

11. In the Memorandum, the Cabinet Minister also considers the 121 UK Government amendments re-tabled to the Bill as outlined in paragraph 4. He concludes that “most of these amendments do not meet the test in Standing Order 29”. However, he lists those that do as follows:

Amendments 37 to 39: application of Codes of Conduct (clause 9)

Amendments 40, 41, 70, 71, 98 to 101: extension of offence of misleading the public to the exercise (and purported exercise) of functions relating to Welsh devolved matters (clauses 11 and 24 and Schedule 3)

Amendment 43: direction to a jury determining what is a “seriously improper act” for the purposes of the offence of committing seriously improper acts (clause 12)

Amendments 61 to 64, 93 and 94: the creation of and procedures for Welsh Statutory Instruments (clause 22 and Schedule 1)

Amendments 67 and 68: extension of the application of the Bill to certain educational institutions

Amendment 76: application of a duty of fairness and to avoid unreasonable cost to the chair of non-statutory inquiries

¹⁰ Welsh Government, **Legislative Consent Memorandum on the Public Office (Accountability) Bill**, 8 June 2026, paragraph 9

¹¹ Welsh Government, **Legislative Consent Memorandum on the Public Office (Accountability) Bill**, 8 June 2026, paragraph 11

Amendment 131: exclusion of school staff from the definition of “holders of public office”¹²

12. The Memorandum provides a summary of the purpose and effect of these amendments from paragraph 23.

The UK Government's view on consent

13. The Cabinet Minister sets out the UK Government's view on consent as follows:

- The UK Government agrees with the Welsh Government that consent is required for clauses 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 14, 15, 16, 18, Schedule 1 (but not for Parts 3 to 5 of that Schedule), Schedule 2, Schedule 3, and Schedule 4.
- The UK Government agrees with the Welsh Government that UK Government amendments in relation to clause 11 make relevant provision, and therefore require consent.
- However, the UK Government does not agree that consent is required for Schedule 6 and has not provided a legal analysis of clauses 19 to 26.¹³

Delegated powers

14. The following provisions confer regulation-making powers on the Secretary of State or the Welsh Ministers in relation to devolved Welsh matters:

Provision(s)	Power	Exercisable by	Scrutiny procedure
Clause 15	To add to, omit from, or modify the list of persons who hold public office by regulations	Welsh Ministers and the Secretary of State (with the consent	Approval

¹² Welsh Government, [Legislative Consent Memorandum on the Public Office \(Accountability\) Bill](#), 8 June 2026, paragraph 21

¹³ Welsh Government, [Legislative Consent Memorandum on the Public Office \(Accountability\) Bill](#), 8 June 2026, paragraphs 14 to 20

		of the Welsh Ministers)	
Clause 21	To make consequential provision by regulations	Welsh Ministers (who may make provision consequential on regulations made by the Welsh Ministers under the Act), and the Secretary of State (consent from the Welsh Ministers is not required)	Approval if the regulations amend primary legislation, annulment otherwise
Clause 25	To commence all but Part 5 of the Act	Secretary of State	No procedure
Paragraph 7 of Schedule 1	To extend the duty of candour and assistance to certain types of investigation or to specified investigations	Welsh Ministers and the Secretary of State (with the consent of the Welsh Ministers)	Approval generally. In certain urgent cases, they are subject to a time-limited confirmation procedure
Paragraph 4 of Schedule 2	To specify functions of a public nature for the purposes of paragraph 4(3) of Schedule 2 (the effect of which is to make an entity which exercises those functions a “public authority” for the purposes of Chapter 2 of Part 2	Welsh Ministers and the Secretary of State (with the consent of the Welsh Ministers)	Approval

	'Standards of Ethical Conduct')		
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The Welsh Government's engagement with the UK Government

15. In its report on the first legislative consent memorandum on the Bill during the Sixth Senedd, the Legislation, Justice and Constitution Committee raised concerns about the engagement between the then Welsh Government and the UK Government during the development of the Bill.¹⁴ The Welsh Government's response to the Legislation, Justice and Constitution Committee's report and subsequent memoranda suggest that more productive engagement has taken place between the two governments since that first memorandum.¹⁵

16. The Cabinet Minister does not make any comment about the Welsh Government's engagement with the UK Government in relation to the Bill in the Memorandum.

The Welsh Government's position as set out in the Memorandum

17. The Cabinet Minister makes the following key points about the reasons for making provision for Wales in the Bill:

- "... it may be considered that, as a matter of principle, the UK Government's legislative proposal would also be appropriate for Welsh circumstances."
- "... there may be benefits in UK citizens knowing that the same basic legal protections apply wherever in the UK a future incident might take place."
- "The Bill also appears to strike an appropriate balance between promoting a culture of honesty and transparency, while allowing for

¹⁴ Legislation, Justice and Constitution Committee, **The Welsh Government's Legislative Consent Memorandum on the Public Office (Accountability) Bill**, paragraphs 70 to 72;

¹⁵ Welsh Government, **Welsh Government response to the Legislation, Justice and Constitution Committee's report**, 3 February 2026; **Welsh Government, Supplementary Legislative Consent Memorandum (No 3) [re-laid]**, 17 March 2026, paragraphs 33 to 40

different specific measures and approaches to enforcing that culture in the circumstances of individual areas.”

- Although some provisions in the Bill may duplicate existing mechanisms in Wales, the Bill “may also be regarded as expanding and enhancing expectations across the public sector, with the aim of reinforcing a culture that promotes honesty and integrity, providing reassurance for the public and public officials.”¹⁶

18. However, the Cabinet Minister does not make a recommendation to the Senedd on whether the Senedd should give its consent to the Bill. He states that he recognises “the importance of the Bill and [is] supportive of its aims”, and will bring forward a recommendation on consent “once Welsh Government has analysed the wider impact of the UK legislative programme for Wales”.¹⁷

3. Committee consideration

19. We considered the Memorandum at our meeting on 6 July 2026.¹⁸ During that meeting, we agreed to write to the Cabinet Minister about this Memorandum. This letter was sent on 14 July.¹⁹

20. Later that same day, the Welsh Government released a Written Statement entitled ‘Principles of UK Legislation in Devolved Areas’.²⁰ This statement, and the associated principles themselves (the Welsh Government’s Principles), are directly relevant to our consideration of the Memorandum, and address some of the questions in our 14 July letter.

21. Due to the significant number of legislative consent memoranda that were laid during the summer 2026 Senedd term, we have exchanged correspondence with the Welsh Government about the legislative consent process. The relevant points from that correspondence are set out below.

¹⁶ Welsh Government, **Legislative Consent Memorandum on the Public Office (Accountability) Bill**, 8 June 2026, paragraphs 33 to 37

¹⁷ Welsh Government, **Legislative Consent Memorandum on the Public Office (Accountability) Bill**, 8 June 2026, paragraph 40

¹⁸ **Legislation Committee**, 6 July 2026

¹⁹ **Letter to the Cabinet Minister for Government Effectiveness and the Constitution**, 14 July 2026

²⁰ Welsh Government, **‘Written Statement: Welsh Government Principles on UK Legislation in Devolved Areas’**, 14 July 2026

22. We considered and agreed our report at our meetings on 21 and 28 September 2026.²¹

Provisions that require the Senedd's consent

23. In our 14 July letter, we sought the Cabinet Minister's views on:

- whether consent is required in relation to clauses 13, 19 and 26; and Part 4²² of Schedule 1;
- to what extent the concurrent powers in the Bill are consistent with the Welsh Government's principles on legislating in devolved areas; and
- whether it was likely that the timetable for Senedd scrutiny of the Memorandum would need to change as a result of the Bill's progress through the UK Parliament.²³

24. We received the Cabinet Minister's response to our letter (dated 3 September) on 4 September 2026. In it, the Cabinet Minister:

- reaffirms his view that clauses 13, 19 and 26 and Part 4 of Schedule 1 do not require the Senedd's consent (although the Cabinet Minister states that, to ensure consistency across legislative consent memoranda, the Welsh Government will seek consent for clauses 19 and 26 should further amendments to the Bill trigger a further legislative consent memorandum);
- states that concurrent powers "should not be created" but, if they are "exceptionally agreed", they should be the subject of the explicit consent of the Welsh Ministers and carve outs from the Government of Wales Act 2006 (the 2006 Act). He adds that officials are engaging with the UK Government to seek appropriate carve outs to ensure that the concurrent powers in the Bill can be removed by the Senedd in future;

²¹ **Legislation Committee**, 21 September 2026; **Legislation Committee**, 28 September 2026

²² Our letter dated 14 July referred to clause numbering in the Bill as originally introduced in September 2025, and therefore referenced Part 3 of Schedule 1 rather than Part 4 of Schedule 1, as per the Bill as reintroduced.

²³ **Letter to the Cabinet Minister for Government Effectiveness and the Constitution**, 14 July 2026

- states that Royal Assent is anticipated to be received in November 2026. However, the Cabinet Minister also states that the UK Government has agreed to table an amendment to Part 4 and Schedule 6 of the Bill in relation to 'parity of arms' provisions. This amendment will trigger the consent process. A supplementary legislative consent memorandum will consequently be tabled by the Welsh Government; and
- states that he will "ensure that the Senedd is able to consider and vote upon a legislative consent motion on all LCMs laid before the Bill receives Royal Assent."²⁴

The legislative consent process

Recommendations on consent

25. At the time of writing, a total of 15 legislative consent memoranda have been laid by the Welsh Government in relation to 10 UK Bills. The first seven memoranda laid did not include a recommendation to the Senedd on whether it should give consent. In each of these memoranda, the responsible Welsh Minister stated that they will bring forward a recommendation to the Senedd on whether to give consent to the Bill once the Welsh Government has analysed the wider impact of the UK legislative programme for Wales. In the other memoranda, the Welsh Government has not given a recommendation on consent because engagement between the Welsh Government and the UK Government is ongoing in relation to specific clauses.²⁵

26. In a letter to the First Minister dated 8 July 2026, we asked why the wider impact of the UK legislative programme would influence a recommendation from a Welsh Minister on an individual Bill.²⁶ In his response on behalf of the First Minister, the Counsel General Rt. Hon. Elfyn Llwyd (the Counsel General) stated that:

²⁴ **Letter from Cabinet Minister for Government Effectiveness and the Constitution**, 3 September 2026

²⁵ In relation to the Steel Industry (Nationalisation) Bill, the Welsh Government wrote to the Llywydd and to the Chairs of the committees responsible for scrutinising the legislative consent memorandum one week before the Senedd debate to state the Welsh Government recommended that the Senedd grant its consent to the Bill (see: **Letter from the Cabinet Minister for Enterprise, Connectivity and Energy**, 7 July 2026). This recommendation was not included in the memorandum itself.

²⁶ **Letter to the First Minister of Wales**, 8 July 2026

*"The approach taken at the start of this Senedd term reflected the particular circumstances of the King's Speech announcing a new UK Government legislative programme coinciding with the formation of the new Welsh Government."*²⁷

27. He went on to state that recommendations were not included in memoranda "whilst the Welsh Government was developing and agreeing its Principles of UK Legislation in Devolved Areas". He argued that the purpose of this approach was:

*"...to ensure a coherent, cross-programme approach to legislative consent decisions, with recommendations on individual Bills being informed by a consistent framework rather than in isolation."*²⁸

The two-week deadline for laying legislative consent memoranda

28. The Memorandum was laid on 8 June 2026, a little over three weeks after the re-introduction of the Bill to the UK Parliament. Of the 15 memoranda laid to date by the Welsh Government, none were laid within the two-week deadline set out in Standing Orders.

29. On 3 July 2026, we wrote to the First Minister to urge the Welsh Government to better observe the two-week Standing Order deadline.²⁹ In his response on behalf of the First Minister, the Cabinet Minister for Government Effectiveness and the Constitution, Dafydd Iwan Davies MS, acknowledged that the Senedd would "benefit from early notification in circumstances where a legislative consent memorandum or statutory instrument consent memorandum may need to be laid at short notice or outside the normal Standing Order timescales." He also committed to providing advance notice to the Senedd Business Committee and relevant committees when the usual timescales cannot be met, explaining why they cannot be met, and the expected timetable wherever it is practicable to do so.³⁰

²⁷ **Letter from the Counsel General**, 28 August 2026

²⁸ **Letter from the Counsel General**, 28 August 2026

²⁹ **Letter to the First Minister of Wales**, 3 July 2026

³⁰ **Letter from the Cabinet Minister for Government Effectiveness & the Constitution**, 28 August 2026

30. During general scrutiny on 21 September 2026, the Cabinet Minister for Government Effectiveness and the Constitution highlighted challenges that the Welsh Government can face in relation to the legislative consent process:

“One other point I'd make is that there are certain things that are within our gift. The choice of the UK Government about when to produce legislation and how effectively they've co-operated with us in terms of their timetables is another matter, which I have little ability to influence wholly at the moment. Again, I have raised some of these issues with Hamish Falconer, my opposite number in the Cabinet Office in the UK Government, and there is at least an acknowledgement of the issues and a stated desire to work together. So, I hope that'll be reflected in practice too.”³¹

31. In a response to our question about the volume of forthcoming legislative consent memoranda, the Cabinet Minister for Government Effectiveness and the Constitution stressed that the timing of the King's Speech (on 13 May 2026) was “particularly difficult, given the establishment of the Senedd and the new Government.” However, he went on to state that he is “hoping to make better progress in meeting the fortnight deadline in the future.”³²

4. Our view

Legislative consent

32. We note the Welsh Government's assessment of the provisions within the Bill that require the consent of the Senedd, as set out in the Memorandum. We also note that the Welsh Government and the UK Government differ in their views about which provisions in the Bill require the Senedd's consent, and that the UK Government has not provided a full legal analysis of all the provisions in the Bill.

³¹ [Legislation Committee, Record of Proceedings, 21 September 2026, paragraph 35](#)

³² [Legislation Committee, Record of Proceedings, 21 September 2026, paragraph 137](#)

Conclusion 1. We agree with the Welsh Government that the Senedd's consent is required in relation to clauses 1 to 5, 7 to 10, 12, 14 to 16, 18 (partially), 20 to 25; and Schedules 1 (Parts 1, 2 and 6), 2, 3, 4, and 6 in the Bill as re-introduced on 14 May 2026.

Conclusion 2. We agree with the Welsh Government that the Senedd's consent is required in relation to the following amendments, tabled in the name of the UK Government: 37 to 39, 40, 41, 43, 61 to 64, 67, 68, 70, 71, 76, 93, 94, 98 to 101, and 131.

33. In addition to those provisions, and despite the analysis provided by the Cabinet Minister in his letter dated 3 September, we remain of the view that the following provisions also have regard to devolved Welsh matters, and therefore require the consent of the Senedd:

- **clause 13**, which creates an offence of breaching a duty to prevent death or serious injury, and which will apply to persons performing functions of a public nature in relation to devolved matters in Wales; and
- **Part 4 of Schedule 1**, which amends the Coroners and Justice Act 2009 in relation to the duty of candour and assistance, which relates to the exercise of a range of devolved functions, and which therefore has regard to devolved matters.

34. We note the Cabinet Minister's commitment to include clauses 19 and 26 in any future memoranda. These clauses provide that the Bill binds the Crown and provide for the short title of the Bill and, given the other clauses in the Bill that require the Senedd's consent, also require the consent of the Senedd. However, it is not clear from the Cabinet Minister's response whether he intends to lay a further memorandum to clarify that clauses 19 and 26 require the Senedd's consent, irrespective of whether a further memorandum is required for other reasons (such as additional amendments to the Bill).

35. Standing Order 29.2 states that the Welsh Government must lay a legislative consent memorandum in relation to any relevant provision beyond the limits of any consent previously given by the Senedd. Clauses 19 and 26 meet that definition, and therefore trigger the requirement to lay a legislative consent memorandum.

Conclusion 3. In our view, the Senedd's consent is required in relation to clauses 13, 19 and 26, and Schedule 1 (Part 4) of the Bill.

Recommendation 1. The Cabinet Minister should lay a supplementary legislative consent memorandum to clarify that the Senedd's consent is sought for clauses 19 and 26.

The legislative consent process

The absence of a recommendation on consent

36. The Welsh Government's view on whether the Senedd should grant consent to the relevant provisions in a Bill is an important part of the legislative consent process, and assists Senedd Committees in coming to an informed view on a legislative consent memorandum. As with the other memoranda that have been laid without a recommendation on whether the Senedd should grant its consent, the scrutiny of this memorandum has been more challenging because that recommendation has been withheld.

37. We believe that Senedd Committees considering legislative consent memoranda should receive written confirmation of the Welsh Government's recommendation on consent in sufficient time to consider it as part of their scrutiny. In practice, this means that the Welsh Government should clearly communicate its view on consent, in writing, in time for committees to include that view in their reports.

38. At the very latest, it is our view that the Senedd as a whole must be made aware of the Welsh Government's recommendation on consent sufficiently in advance of the Senedd's debate on the legislative consent motion to enable Members to consider it, alongside the relevant provisions of the Bill, before determining whether to vote in favour of granting consent to the relevant provisions in the Bill.

Conclusion 4. It is regrettable that we have not received written confirmation of the Cabinet Minister's view on consent in sufficient time for it to be taken into account in the drafting of this report.

Recommendation 2. The Cabinet Minister should write to all Senedd Members at the earliest opportunity, and sufficiently in advance of the Senedd's debate on the legislative consent motion, to set out his view on whether the Senedd should grant its consent to the relevant provisions in the Bill.

39. We note the Cabinet Minister's position in the Memorandum that the Welsh Government will bring forward a recommendation to the Senedd on whether to give consent once it has analysed the wider impact of the UK legislative programme for Wales. This is consistent across the first seven memoranda laid by the Welsh Government this Senedd. We also note the Counsel General's assurances that the decision to withhold a recommendation to the Senedd on consent in these memoranda was taken in the very specific context of a King's Speech coinciding with the formation of a new Welsh Government.

40. The Welsh Government can expect a new King's Speech on an annual basis, with a flurry of new legislation potentially being introduced shortly thereafter. If the Welsh Government were to withhold recommendations on consent until it had analysed the UK Government's legislative programme as a whole as set out in every King's Speech it would mean that a significant proportion of all memoranda laid during the Seventh Senedd would not contain a consent recommendation. That would inevitably have consequences for the initial scrutiny that could be carried out in relation to those memoranda, and would therefore be a deeply regrettable position for the Senedd to find itself in. We are raising this issue separately with the Counsel General and the Cabinet Minister for Government Effectiveness and the Constitution.

Conclusion 5. We do not accept that a Welsh Government decision to carry out an analysis of the impact of the UK Government's legislative programme as set out in a King's Speech is an acceptable reason for not including a consent recommendation in an individual Bill.

Recommendation 3. If the Welsh Government is unable to confirm its recommendation on consent in a first legislative consent memorandum laid before the Senedd, it must set out clearly the reasons. Consideration of the wider implications of a King's Speech should not be used as a reason to withhold a view on consent in relation to a specific Bill.

Adherence to the two-week deadline for laying legislative consent memoranda

41. This Bill - as with a number of others triggering the legislative consent process during the first few months of the Seventh Senedd - was introduced very soon after the Welsh Government was formed. We note the reflections of the Cabinet Minister for Government Effectiveness and the Constitution about the challenges of the timing of the King's Speech, and acknowledge that this may have had implications for the ability of the Welsh Government to adhere to the two-week deadline set out in Standing Orders for laying a legislative consent memorandum. In principle, we consider that analysing the relevant provisions of a Bill and coming to a view on consent so soon after the establishment of a new government is a reasonable example of where the two-week deadline may be difficult to meet.

42. However, we do not feel that these extenuating circumstances apply in relation to this Memorandum for the following reasons:

- Officials working under the previous Welsh Government had already carried out a legal analysis of the provisions in the Bill as re-introduced and in the 121 re-tabled UK Government amendments. This analysis was set out across the second and third legislative consent memoranda laid in relation to the Bill at the end of the Sixth Senedd.
- As set out from paragraph 36 above, the Memorandum does not set out a recommendation from the Cabinet Minister about whether the Senedd should grant its consent to the Bill.

43. On balance, therefore, it is not clear to us why the Welsh Government was unable to meet the two-week deadline set out in Standing Order 29 in relation to this Memorandum.

Conclusion 6. We see no reason why the Memorandum could not have been laid within two weeks of the introduction of the Bill, as set out in Standing Order 29.

Recommendation 4. The Cabinet Minister should clarify why he was unable to lay the Memorandum within the two-week deadline as set out in Standing Order 29.2.

Recommendation 5. The Welsh Government should make every effort to observe the two-week deadline for the laying of legislative consent memoranda, as set out in Standing Order 29.2.

The timing of the legislative consent motion

44. We note that, in his letter dated 3 September, the Cabinet Minister states that the Senedd will be able to consider and vote on a legislative consent motion covering all legislative consent memoranda relating to this Bill before the Bill receives Royal Assent.

45. We acknowledge we are a relatively young parliamentary committee, having only been established a few months ago. Nonetheless, we already see a disconnect in the legislative consent process, between the constitutional significance of a Senedd decision on whether or not to grant its consent to provisions in a Bill proceeding through the UK Parliament and the practical possibilities of that decision being consequently reflected in the content of the final Bill.

46. If the Welsh Government routinely plans for votes on consent motions to take place as late as the final amending stage in the UK Parliament, the effect will be that the UK Parliament will routinely not have time to address the Senedd's concerns.

47. The Welsh Government's position on consent is only part of the legislative consent process. If it is supportive of the provisions in a UK Bill that trigger the consent process, it must still accept that the Senedd as a whole may not share that view.

48. The Senedd must have the opportunity to consider and vote upon a legislative consent motion in sufficient time for its views to be taken into account by the UK Parliament. Ultimately, if the Senedd does not grant its consent to relevant provisions being included in a UK Bill, the Welsh Government must do what it can to ensure that the final text of the Bill reflects that refusal of consent. In our view, this necessarily requires that the debate on the legislative consent motion takes place in sufficient time for amendments to the Bill to be drafted, tabled, and agreed. We intend to consider this matter further in the coming months, alongside other matters relating to the legislative consent process.

Recommendation 6. The Welsh Government must ensure that legislative consent motions are tabled and scheduled for debate in sufficient time to allow for amendments which represent the views of the Senedd to be proposed and made to the Bill in the UK Parliament.

Delegated powers

49. The Bill contains four legislative concurrent powers. These include powers to modify the list of persons who are subject to 'misconduct in public office' duties and will subsequently fall within scope of the offences in Part 3; the power to extend the scope of the duty of candour and assistance to new investigations; and the power to subject new public bodies to the 'Standards of ethical conduct' duties in Part 2. These are significant powers.

50. The effect of a true concurrent power – a power that is exercisable by both the Welsh Ministers and the Secretary of State (subject to any parliamentary approval process) with no statutory requirement to gain any consents before doing so – is that these powers could be exercised in a conflicting or inconsistent manner across the two governments. For example, it is possible for a Minister of one government to unilaterally amend or revoke subordinate legislation made under the same powers by a Minister of the other government. The effective use of these powers therefore relies on at least some level of cooperation between governments.

51. As the Cabinet Minister himself highlighted, the Welsh Government's Principles state that concurrent powers should not be created without a consent mechanism.³³ However, there is one such power in this Bill, in clause 21.

Recommendation 7. The Cabinet Minister should set out his views on the concurrent power in clause 21, and what action he has taken, if any, to seek amendments to the Bill to subject the power to a consent mechanism.

52. The remaining concurrent powers in the Bill (in clauses 10 and 15, Schedule 1(7) and Schedule 2(4)) are exercisable by the Welsh Ministers or the Secretary of State with the consent of the Welsh Ministers. We note the Cabinet Minister's comments that Welsh Government officials are engaging with the UK Government to ensure appropriate carve-outs from the 2006 Act so that these concurrent powers are consistent with the Welsh Government's Principles. We expect that the outcome of these discussions will be fully communicated to the Senedd in advance of the Senedd's final debate on the legislative consent motion.

Recommendation 8. The Cabinet Minister should update the Senedd on whether appropriate carve-outs from Schedule 7B of the Government of Wales Act 2006 have been secured in relation to each concurrent power in the Bill in advance of the Senedd's debate on the legislative consent motion.

53. We note the Welsh Government's view as set out in its Principles that concurrent powers "should not be created", unless "exceptionally agreed". However, of the 10 Bills that have triggered the legislative consent process to date, four³⁴ confer a power to take action in a devolved area on both the Secretary of State and the Welsh Ministers (with or without consent mechanisms) or otherwise create a situation whereby both the Secretary of State and the Welsh Ministers have such a power.

³³ Welsh Government, **Annex A – Welsh Government Principles on UK Legislation in Devolved Areas**, 14 July 2026

³⁴ Public Office (Accountability) Bill, Representation of the People Bill, Sporting Events Bill, Railways Bill

54. In light of the number of Bills that have triggered the legislative consent process that contain concurrent powers, we have written to the First Minister and Counsel General to seek their views on the extent to which the UK Government legislative approach is consistent with the Welsh Government's 'Principles of UK Legislation in Devolved Areas', alongside other matters.

55. Concurrent powers that are subject to consent from the Welsh Ministers can be seen as offering a greater level of protection of the devolution settlement when compared to concurrent powers without consent mechanisms. We have some sympathy for this argument.

56. It is important to highlight, however, that the making of subordinate legislation by the Secretary of State under any concurrent power, with or without a consent mechanism, bypasses Senedd scrutiny and approval procedures. Should a Welsh Government be minded to do so, a Welsh Minister could consent to the Secretary of State making subordinate legislation that has regard to devolved Welsh matters, even when the Welsh Minister anticipates that making that same legislation could face significant opposition in the Senedd.

57. Our predecessor Committee regularly raised concern about the use of concurrent powers in UK Bills. In its 2024-25 Annual Report, it called the then Welsh Government's use of Bills introduced to the UK Parliament to legislate in devolved areas "troubling", and stated:

*"It appears to the Committee, based on the evidence we have heard over this reporting period, that there do not appear to be any 'red lines' that would prevent the Welsh Government from using a UK Government Bill, excluding Members of the Senedd from being able to perform their scrutiny duties as legislators, a role for which they are elected."*³⁵

58. We recognise the constitutional significance of concurrent powers, their implications for the role of Members of the Senedd as legislators, and the significant concern of our predecessor Committee about their extensive use.

59. Concurrent powers appear in four of the 10 UK Bills that have triggered the consent process in the first months of the Seventh Senedd. Although we feel

³⁵ Legislation, Justice and Constitution Committee, [Annual Report 2024-25](#), November 2025, paragraphs 92 to 93

that it is too early for us to come to a principled view on the use of concurrent powers, we do not believe that the inclusion of such powers in almost half of the Bills which have engaged the consent process in the first four months of the Seventh Senedd can plausibly be described as 'exceptional', as the Welsh Government's Principles intend.

60. We will continue to pay particular attention to concurrent powers throughout this Senedd, and to scrutinise the Welsh Government's approach to their inclusion in Bills which trigger the consent process. In doing so, we will have regard to both to the Welsh Government's own Principles on UK Legislation in devolved areas, and to the broader principles underpinning the devolution settlement – in particular, the Senedd's role as the body democratically elected to legislate in devolved areas.

61. We ask that the Cabinet Minister responds in writing to the recommendations and conclusions we make in this report.