



Llywodraeth Cymru
Welsh Government

Report on the implementation of Law Commission proposals

2024-2025



February 2025

“And by the common counsel and agreement ... they examined the old laws, and some of them they allowed to continue, others they amended, others they wholly deleted, and others they laid down anew.”

Book of Iorwerth 1240

Introduction

1. The Law Commissions Act 1965, as amended by the Wales Act 2014, places a duty on the Welsh Ministers to report annually to Senedd Cymru on the extent to which they have implemented proposals of the Law Commission of England and Wales that relate to devolved matters.
2. This is the tenth such report; it covers the period from 15 February 2024 to 14 February 2025 and provides updates on the progress made on a range of issues that have been the subject of Law Commission recommendations. This update and the progress noted demonstrate the value of the Law Commission's proposals to the work of the Welsh Government.

Scope of the report

3. Section 3C of the Law Commissions Act 1965 places a duty on the Welsh Ministers to report annually to Senedd Cymru on the extent to which proposals of the Law Commission of England and Wales have been implemented that year.
4. As stipulated by the Act, this report covers Law Commission proposals relating to Welsh devolved matters that have been implemented during the year, and proposals relating to Welsh devolved matters that have not been implemented, including plans for implementation and decisions taken not to implement proposals.
5. The report covers the reports of the Law Commission of England and Wales as far as they relate to Welsh devolved matters.

Proposals that have been implemented

Automated Vehicles ([LC404](#))

6. On 23 April 2024, the Senedd agreed a [Legislative Consent Motion](#) for what became the [Automated Vehicles Act 2024](#), after the Welsh Government had secured changes to the provisions to better reflect the devolution settlement. The Act implements the recommendations of the four year review of regulation for automated vehicles carried out jointly by the Law Commission of England and Wales and the Scottish Law Commission. It sets the legal framework for the safe

deployment of self-driving vehicles in Britain. We are working with the UK Government on plans to use the new powers in the Act.

Proposals that have not yet been implemented

Regulating Coal Tip Safety in Wales ([LC406](#))

7. On 9 December 2024, the [Disused Mine and Quarry Tips \(Wales\) Bill](#) was introduced into the Senedd by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs.
8. In developing the Bill, we recognised the Law Commission's conclusions about the shortcomings of the existing legislative framework and implemented some of its recommendations. The Bill will establish a new regime to protect human welfare, safeguard communities and protect Wales's critical infrastructure through the establishment of a new public body that will have functions in relation to the assessment, registration, monitoring and management of tips.
9. At the time of this report (February 2025) the Bill was at Stage 1 of scrutiny by the Senedd. This stage involves the consideration of the general principles of the Bill by the Climate Change, Environment, and Infrastructure Committee, the Legislation, Justice and Constitution Committee and the Finance Committee.

Devolved Tribunals in Wales ([LC403](#))

10. As part of its 13th Programme of Law Reform, the Law Commission and the Welsh Government agreed to embark on a project on the law relating to devolved tribunals in Wales. The Law Commission published its report in December 2021. The Welsh Government later published a White Paper [A New Tribunal System for Wales](#) setting out proposals for the reform of devolved tribunals, drawing upon the Law Commission review and recommendations for reform, together with those of the Commission on Justice in Wales, which reported in October 2019. A [summary of responses to the White Paper](#) was published in January 2024.
11. Extensive work to develop the legislation required to implement the programme of reforms relating to devolved tribunals is ongoing.

Residential leasehold and commonhold ([LC392](#))

12. The [Leasehold and Freehold Reform Act 2024](#) was passed by UK Parliament in May 2024, and applies to England and Wales. Once implemented, this will enact many of the Law Commission's recommendations on leasehold enfranchisement. The powers to make subordinate legislation required before implementation of the Act are divided between the Secretary of State and Welsh Ministers. The majority of the enfranchisement powers, for instance those required to set the rates to calculate the enfranchisement premium, as well as powers to commence the Act's provisions, rest with the Secretary of State.
13. The UK Government has announced an intention to bring forward further draft legislation and enact further Law Commission recommendations relating to enfranchisement, right to manage and commonhold recommendations, in late 2025. We are working together with UK Government to ensure that these important further reforms will also be applied to Wales.

Electoral Law ([LC389](#))

14. To support our longer term goal of modernising electoral law and following the successful passage of two major reforming Acts – the [Senedd Cymru \(Members and Elections\) Act 2024](#) and the [Elections and Elected Bodies \(Wales\) Act 2024](#) – in November 2024 the Welsh Government published a draft version of the [Senedd Cymru \(Representation of the People\) Order](#) for consultation. This Order consolidates and updates the rules governing the conduct of elections to the Senedd in full for the first time since 2007 – and in English and Welsh for the first time ever.

Planning law in Wales ([LC383](#))

15. The Law Commission reported on Planning Law in Wales in 2018, with the central premise being the simplification and modernisation of planning law. The Welsh Government position on each of the recommendations of the report was set out in its final response to the Commission in 2020. The Welsh Government has committed to bring forward a Bill to consolidate planning law.
16. During this reporting period, significant progress has been made, with the production of the main consolidation Bill and its supporting documents near to being finalised in preparation for its introduction to the Senedd. The

consolidation exercise will result in a very large Bill (around 420 pages in each language). It will also be necessary to make a series of consequential amendments and repeals to other enactments, as well as provide for certain transitional and savings provisions. Rather than include these matters in a Schedule to the main Bill, work is underway to prepare a second, "consequential provisions" Bill. The intention is to introduce this into the Senedd at the same time as the main Bill, so that the Senedd is able to consider the full picture. Taking this approach is designed to ensure that the substantive provisions (and those that are used the most frequently) are free of lengthy Schedules of consequential and transitional provisions. A similar approach was taken in 1990 when planning law was last consolidated.

17. The Welsh Government intends to bring the Bills forward before the end of the current Senedd term, and the Counsel General has recently confirmed that this is likely to be in September 2025.

18. Work has already begun on developing the subordinate legislation to support the implementation of the Bills, for example new regulations on the protection of trees and woodland to come into force at the same time as the Bills have been the subject of public consultation that closed on 14 February 2025.

Mental Capacity and Deprivation of Liberty ([LC372](#))

19. No further report.

Taxi and Private Hire Vehicle Services ([LC347](#))

20. Officials continue to work with stakeholders on the development of standards and a training package for the taxi and PHV sector. These are likely to be made available for voluntary use early in 2026 prior to being made mandatory at a later stage. The First Minister will make an announcement on the programme of legislation for the final year of this Senedd before the 2025 summer recess.

Proposals that are not to be implemented

21. The Welsh Government has not taken a decision not to implement proposals in a Law Commission report during this reporting period.

Current and future Law Commission projects

Agricultural law in Wales

22. Since the last report the Welsh Ministers have asked the Law Commission to consider whether, and how, agricultural law in Wales could be modernised, simplified and made more accessible through consolidation and codification. This project began in the spring of 2024 and was initially expected to report in spring 2025. More recently it has been agreed the report will be issued in autumn 2025. The Commission has been asked to consider:

- a. what legislation should form part of a code of agricultural law for Wales;
- b. what technical changes or adjustments to the law are desirable or necessary to simplify, streamline and modernise the law into such a code.

23. Because the current intention is that any future work would be taken forward as a consolidation project, the Law Commission's considerations will not extend to suggesting proposals for legislative reform or reviewing the substance of agricultural policy in Wales.

Other projects

24. The Law Commission are currently working on a number of other projects, some of which relate to Welsh devolved matters. The Welsh Government remains committed to working with the Law Commission to develop proposals capable of implementation.