LEGISLATIVE CONSENT MEMORANDUM

Public Office (Accountability) Bill

1. This legislative consent memorandum is laid under Standing Order ("SO") 29.2. SO29 prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru1 if a UK Parliamentary Bill makes provision in relation to Wales that has regards to devolved matters.

2. The Public Office (Accountability) Bill ("the Bill") was re-introduced in the House of Commons on 14 May 2026. The Bill as re-introduced can be found at: Public Office (Accountability) Bill

Policy Objective(s)

3. The Public Office (Accountability) Bill gives effect to the commitment in the Labour Party's 2024 UK manifesto 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". The Bill aims to ensure that what happened following the disaster can never take place again. The Bill provides for public officials to be bound by duties of candour with criminal and professional consequences. The Bill will also ensure that action will be taken to help empower bereaved families to effectively participate in inquests where the state is involved — helping to address any imbalance of power and promote transparency and fairness.

Summary of the Bill

4. The Bill is sponsored by the Ministry of Justice.

5. The key provisions of the Bill cover:

- Imposing a duty on public authorities and public officials to act with candour, transparency and frankness.
- Making provision for the enforcement of that duty in their dealings with inquiries and investigations.
- Requiring public authorities to promote and take steps to maintain ethical behaviour within all parts of the authority including the production of a mandatory code of ethics that includes duties relating to candour.
- Creating an offence of public authorities and public officials misleading the public.

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[1] Please note in accordance with Welsh Government policy we refer to the legislature in Wales as "Senedd Cymru" on first use and "the Senedd" thereafter unless the context stipulates otherwise.

- Creating 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.
- Making provision enabling persons to participate at inquiries and investigations where the conduct of public authorities may be in issue, and for connected purposes.
- Expanding non-means-tested legal aid to bereaved families for inquests in England and Wales where a public authority is an Interested Person.
- Including further measures aimed at addressing issues around the conduct of legal representatives at inquests.

Previous Bill history

6. The Bill was originally introduced to Parliament on 16 September 2025. A Legislative Consent Memorandum was laid before the previous Senedd on 2 October 2025, followed by a supplementary Legislative Consent Memorandum on 11 December 2025. On 12-15 January 2026 the UK Government tabled 121 Government amendments, a small number of which related to Wales and had regard to devolved matters. A third Legislative Consent Memorandum was laid on 27 January detailing these amendments to enable scrutiny by the relevant Senedd committee. When Government amendments were tabled by the UK Government in January, it was anticipated that the Bill would move to Report stage soon after. However, the Bill was 'paused', to enable the UK Government to respond to concerns relating to the applicability of the Bill to the security services, consequently the third LCM was re-laid on 17 March 2026 stating that the tabled amendments had not been moved. The Bill was subsequently carried over to the current Parliamentary session and reintroduced on 14 May 2026.

Amendments to Existing Legislation and Implications for Other Legislation

7. The Bill amends the following legislation (that applies to Wales):

- The Inquiries Act 2005, including sections 27 to 30 dealing with the powers and procedures of statutory inquiries; and sections 35 to 56 (dealing with offences and enforcement under that Act).
- The Coroners and Justice Act 2009, including section 36 dealing with reports and advice to the Lord Chancellor from the Chief Coroner; Section 42 dealing with the Lord Chancellor's power to issue guidance; Section 45 dealing with the coroner's rules; and Schedules 5 and 6 which relate to the powers of coroners in investigations conducted in England and Wales and offences under that Act.
- The Legal Aid, Sentencing and Punishment of Offenders Act 2012, including: Section 10 which relates to civil legal aid for exceptional cases; Schedule 1 which relates to civil legal services; and Part 3 which relates to availability of advocacy.
- The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013.

- The Civil Legal Aid (Merits Criteria) Regulations 2013.
- Section 46 of the Victims and Prisoners Act 2024, which requires the government to review whether additional duties of transparency and candour should be imposed on public servants in relation to major incidents. Section 46 is repealed by the Bill.
- The Bill also makes consequential amendments to the following legislative provisions: section 69A of the Charities and Trustee Involvement (Scotland) Act 2005, section 178A of the Charities Act 2011 and section 6 of the Criminal Justice and Courts Act 2015.

8. The Bill creates a new offence of misleading the public (clause 11) and abolishes the common law offence of misconduct in public office subject to transitional provision (section 16).

Provisions in the Bill for which consent is required

9. In my view, due to its cross-cutting nature, almost the entirety of the Bill makes provisions within the legislative competence of the Senedd or which modifies the functions of Devolved Welsh Authorities (DWAs), or both. Specifically, the parts of the Bill which make relevant provision for the purposes of Standing Order 29 are:

- Clauses 1 to 5 and 7 to 10 (Implementing the duty of candour etc and performance of public functions);
- Clauses 12 and 14 to 16 (Misconduct in Public Office);
- Clauses 18 (partially), 20 to 25 (Miscellaneous and final provisions); and
- Schedule 1 (Parts 1, 2 and 6) and Schedules 2 to 4 and 6 (partially).

10. For completeness, the parts of the Bill which do not make relevant provision for the purposes of Standing Order 29 as reintroduced are clauses 6, 11, 13, 17, 19, 26, Schedule 1 (Parts 3 to 5) and Schedule 5.

11. The parts of the Bill which make relevant provision are below.

- Clause 1 summarises the purpose and effect of the Bill. Since the Bill largely meets the test in SO29, this provision also meets that test and so makes relevant provision.

- Clause 2 and Schedule 1 impose a ‘duty of candour and assistance’ on public authorities which relates to the non-reserved matter of inquiries and applies to various DWAs. These provisions therefore make relevant provision.

- Clause 3 is inextricably linked to the duty of candour and assistance, (supplementing it and defining its scope) and so makes relevant provision for the same reasons as clause 2.

- Clause 4 extends the duty in clause 2 to certain entities which are not public bodies. Since it extends a duty which constitutes relevant provision, this clause also makes relevant provision.

- Clause 5 and Schedule 3 provide that it is an offence to breach the duty of candour and assistance. This offence is within the legislative competence of the Senedd and this provision in any event relates closely to clause 2. For these reasons, these provisions make relevant provision.

- Clause 7 makes transitional provision about the temporal scope of the duty of candour and assistance (i.e. whether it will apply to an inquiry begun at a specific point in time). For this reason, it is closely linked to clause 2 and makes relevant provision for the same reasons.

- Clause 8 and Schedule 2 provide definitions of key terms relating to the duty of candour and assistance and so makes relevant provision for the same reasons as the duty itself. In particular, Schedule 2 defines “public authority” and “public official”. These provisions therefore make relevant provision.

- Clause 9 imposes a duty on public authorities to promote and take steps to maintain high standards of ethical conduct by people who work for them. The definition of public authorities (contained in Schedule 2) includes the Welsh Ministers, local authorities and other DWAs. This clause therefore makes relevant provision because it confers functions on DWAs.

- Clause 10 confers a function on the Welsh Ministers of issuing guidance on matters relating to Chapter 2 of Part 2 of the Bill and imposes requirement that public bodies (which include DWAs) have regard to guidance issued under this clause. Since it confers functions on the Welsh Ministers and DWAs, this clause makes relevant provision.

- Clause 12 creates an offence of committing a seriously improper act whilst holding a public office. Those capable of committing this offence include the First Minister of Wales, the other Welsh Ministers, the Counsel General, Members of the Senedd or any body or office established by the Welsh Ministers. The Senedd has the legislative competence to create an offence of a similar type in respect of these individuals and entities, and the clause therefore makes relevant provision.

- Clause 14 defines the territorial scope of, among other things, the offence created by clause 12 and therefore defines its scope. Therefore, this clause makes relevant provision for the same reasons given in respect of clause 12.

- Clause 15 and Schedule 4 define when an individual “holds public office” for the purposes of Part 2 and how the definition can be amended (in some cases by the Welsh Ministers or only with their consent). This provision therefore defines the scope of the offence created by clause 12 and makes relevant provision for the same reasons as given in respect of that provision. In addition, this clause makes relevant provision because it confers functions upon the Welsh Minsters. Schedule 4, paragraph 21 was amended at House of Commons Committee stage to make provision about the determination of whether a function exercised by a person is of a public nature.

- Clause 16 abolishes the offence of misconduct in public office which affects the potential criminal liability of office holders such as those listed in Schedule 4 and so has a material impact on devolved matters. For this reason, this clause constitutes relevant provision.

- Clause 18 and Schedule 6 make provision and amendments to legislation which, among other things, requires public authorities to have regard to certain matters and make provision about when public authorities may engage legal representative to represent them at UK inquiries. In making such provision, clause 18 and Schedule 6 confer functions upon public authorities (some of which are DWAs) and so constitute relevant provision. However, amendments made by these provisions in relation to other matters (e.g. legal aid and coroners) are not making relevant provision.

- Clause 20 repeals section 46 of the Victims and Prisoners Act 2024. Section 46 required the Secretary of State to review whether additional duties of candour and transparency should be imposed on public officials. This provision is within the legislative competence of the Senedd and relates, ultimately, to the functions of DWAs (as public bodies). It therefore constitutes relevant provision.

- Clause 21 confers functions on the Welsh Ministers to make consequential provision and so constitutes relevant provision.

- Clause 22 relates to the powers of the Welsh Ministers to make regulations under the Act and confers on them the function of giving or withholding of consent in relation to the making of regulations by the Secretary of State. It therefore constitutes relevant provision.

- Clauses 23 to 25 (general interpretation, extent and commencement) are operational parts of the Bill. Since most of the Bill makes relevant provision, these provisions also make relevant provision for the same reasons given in relation to other clauses.

Powers to make subordinate legislation

12. The Bill confers the following regulation-making powers on the Welsh Ministers:

- Clause 15(4) – Power to amend the definition of “holds a public office” for the purposes of Part 3 of the Bill by way of adding, omitting or modifying so long as the regulations contain only provision relating to Welsh devolved matters. Regulations under this provision are subject to the affirmative procedure.

- Clause 21(3) – Power to make provision which is consequential upon regulations made under the Bill. Regulations under this provision are subject to the affirmative procedure if they amend, repeal or revoke any provision of primary legislation or Northern Ireland legislation and to the negative procedure if they do not do so.

- Paragraph 7(1) of Schedule 1 – Power to extend the duty of candour and assistance to certain types of investigation. Regulations under this provision are subject to the affirmative procedure unless they are made in urgent cases (see paragraph 8 of the Schedule) and contain provision relating to specific investigations (as opposed to only investigations of a specified description). In such cases the regulations must be laid before the Senedd as soon as reasonably practicable and will cease to have effect after 40 days unless approved by a resolution of the Senedd.

- Paragraph 4(4) of Schedule 2 – Power 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 of the Bill). Regulations under this provision are subject to the affirmative procedure.

13. Since the Bill will receive Royal Assent after 1 January 2026, references to statutory instruments and the procedures for SIs in the Senedd may well have to be amended pursuant to Part 2A of the Legislation (Wales) Bill. Certain of the amendments tabled on 15th May will address this issue in relation to clause 22.

UK Government view on the need for consent

14. Representatives from the Ministry of Justice undertook their own devolution analysis with the Office of the Secretary of State for Wales and have indicated which parts of the Bill they consider require the consent of the Senedd (this analysis is reproduced at Annex A of the Explanatory Notes).

15. The UK Government and Welsh Government agree consent is required for clauses 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 14, 15, 16, 18 (partially), and Schedules 1 (but not for Parts 3, 4 and 5 of that Schedule), 2, 3 and 4 and the LCM process is engaged.

16. The UK Government and the Welsh Government agree that consent was not required for clause 11 on introduction but some of the amendments

tabled on 15th May will alter this position by bringing devolved Welsh matters within the scope of the section. Clause 11 as amended will therefore make relevant provision and require Senedd consent.

17. However, in terms of the clauses that will engage the consent motion process there are some differences of opinion between the UK Government and the Welsh Government. Annex A of the Explanatory Notes to the Bill contains a summary of whether the LCM process is engaged for each clause whereas the UK Government Devolution Analysis contains an overview of competence for each Part of the Bill for Wales, Scotland and Northern Ireland. The Devolution analysis references the Devolution Guidance Note (DGN) in paragraph 1 but does not mention the test set out in SO29.

18. The Welsh Government considers that the LCM process is not engaged for clauses 6, 13 and 17 and Parts 3 to 5 of Schedule 1 and Schedule 5. Clause 6 applies the new duty to an intelligence service as it applies to other public authorities, so relates to "national security" which is a reserved matter, Clause 13 creates an offence in respect of a person who holds public office and it is arguable this could be considered as an "offence against the person" which is a reserved matter under paragraph 4(1)(b) and (2)(b) of Schedule 7B to GoWA given it is listed in the category of offences which are reserved. Paragraph 4(2)(b) of Schedule 7B of GoWA reserves 'other offences against the person…. that are triable only on indictment'. A person who commits an offence under clause 13(4) is liable on conviction on indictment to imprisonment for a term not exceeding 14 years. Clause 17 introduces Schedule 5 which makes amendments to legislation that are consequential on Part 3 of the Bill in areas which are expressly reserved in Schedule 7A of GoWA. The Welsh Government considers the LCM process is partially engaged for clause 18.

19. Conversely for Schedule 6, UK Government do not consider the LCM process is engaged but the Welsh Government considers it partially is as it does modify the functions of Devolved Welsh Authorities due to the duties being a function of a Public Authority (see also Clause 18 which introduces Schedule 6).

20. The UK Government has not provided legal analysis on clauses 19, 20, 21, 22, 23, 24, 25, 26 but the Welsh Government consider clause 19 does not require an LCM as the provision relates to the Crown and (agents of the Crown) and the Crown is a reserved matter. Clauses 20-25 are devolved matters and require an LCM. Clause 26 does not as it relates to the operative part of the Bill and has no legal effect.

Provisions tabled by the UK Government to the Bill for consideration at Report Stage for which Senedd consent is required

21. As noted at paragraph 6 above, in January 2026 121 Government amendments to the Bill were published. However, as a result of the Bill being paused and subsequently carried over, these Government amendments were not moved, and the amendments were re-tabled on 15 May, and can be found

here: public_office_rm_rep_0515.pdf. Most of these amendments do not make provision which meets the test in Standing Order 29. However, the following government amendments relate to Wales and have regard to devolved matters:

- 37-39 – application of Codes of Conduct (clause 9)
- 40, 41, 70, 71, 98-101 – extension of offence of misleading the public (clauses 11 and 24 and Schedule 3)
- 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)
- 61-64 and 93-94 – the creation of and procedures for Welsh Statutory Instruments (clause 22 and Schedule 1)
- 67 and 68 – extension of the application of the Bill to certain educational institutions
- 76 – application of a duty of fairness and to avoid unreasonable cost to the chair of non-statutory inquiries
- 131 – exclusion of school staff from the definition of "holders of public office".

22. The Welsh Government considers the Senedd's consent is required in relation to these amendments in so far as they relate to Wales and make provision which has regard to devolved matters, as set out below.

Gov amendments 37-39 – amendments to Clause 9

23. Government amendment 37 requires that a Code of Conduct mandated by clause 9 (Expected standards of ethical conduct) must set out disciplinary consequences for breaches of standards of behaviour in legislation and other sources as well as those in the Code itself. Clause 9 is within the legislative competence of the Senedd to the extent that it deals with standards of behaviour of those working for DWAs and the amendment alters a function of DWAs (i.e. the function of adopting a Code under the clause). This amendment therefore makes relevant provision.

24. Gov amendment 38 ensures 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. Since education is very largely devolved, this amendment is within the legislative competence of the Senedd and so makes relevant provision.

25. Gov amendment 39 excludes from 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. Among the individuals excluded are Deputy Welsh Minsters. This amendment alters the effect of a function conferred on the Welsh Ministers by clause 9 (adopting a Code of Conduct) and directly impacts Welsh Deputy Ministers – it therefore makes relevant provision.

Government amendments 40, 41, 70, 71, 98-101 – amendments to clauses 11, 24 and Schedule 3

26. Government amendments 40 and 41 expand the scope of clause 11 (Offence of misleading the public) to the exercise (and purported exercise) of functions relating to Welsh devolved matters. An offence of this kind which applied in relation to DWAs would be within the legislative competence of the Senedd and so these amendments meet the test in Standing Order 29 and make relevant provision.

27. Government amendments 70 and 71 amend the extent of various parts of the Bill as set out in clause 24 to take account of the effect of amendments 40 and 41 and therefore also meet the test in Standing Order 29 and make relevant provision.

28. Government Amendments 98 to 101 make amendments to Schedule 3, consequential on the expansion of the scope of clause 11 and make relevant provision for the same reasons given in relation to the amendments which effected that expansion.

Government amendment 43 – amendments to clause 12

29. Government amendment 43 clarifies 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. The offence can be committed by holders of public office (as defined by the Bill) which includes individuals employed by DWAs. For this reason, the amendment meets the test in Standing Order 29 and so makes relevant provision.

Government amendments 61 to 64, 93 and 94 – amendments to clause 22 and Schedule 1

30. Government Amendments 61, 62, 63, 64, 93 and 94 amend clause 22 and Schedule 1 to take account of the creation of Welsh Statutory Instruments and associated new Senedd procedures enacted by section 1 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 which came into force on 1 January 2026. These amendments relate to devolved aspects of Senedd procedure and legislative process and so meet the test in Standing Order 29 and make relevant provision.

Government amendments 67 and 68 – amendments to clause 23

31. Government amendment 67 changes the definition of “school” in clause 23 of the Bill (General interpretation) 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. Since education is devolved to Wales and most parts of the Bill are within the legislative competence of the Senedd, this amendment meets the test in Standing Order 29 and so makes relevant provision. Government amendment 68 is consequential on Government amendment 67.

Government amendment 76 – amendment to Part 2 of Schedule 1

32. This amendment applies the duty under the Inquiries Act 2005 (to act with fairness and avoid unnecessary cost) to Chairs of non-statutory inquiries. Inquiries are within the legislative competence of the Senedd and the Welsh Ministers may set up non-statutory inquiries under the 2005 Act. This amendment therefore meets the test in Standing Order 29 and so makes relevant provision.

Government amendment 131 – amendment to Schedule 4

33. Paragraph 20 of Schedule 4 provides that staff of local authorities in England are “holders of public office” for the purposes of Part 3 of the Bill (Misconduct in Public Office). Paragraph 20(3) excludes staff of a local authority who work at certain schools from the scope of Schedule 4 (and therefore Part 3 of the Bill). Government amendment 128 expands the scope of paragraph 20 to include staff of all local authorities in the United Kingdom. In itself, this amendment does not require an LCM because paragraph 21 of Schedule 4 already made provision for Welsh local authorities equivalent to that made by paragraph 20.

34. The effect of government amendment 131 is to define which schools (and therefore which staff) the exclusion in paragraph 20(3) applies to. 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 which deals with the devolved matter of education. Amendment 131 therefore makes relevant provision.

Reasons for making these provisions for Wales in the Public Office (Accountability) Bill

35. In the case of the Public Office (Accountability) Bill, it may be considered that, as a matter of principle, the UK Government’s legislative proposal would also be appropriate for Welsh circumstances. This is a high-profile Bill that has been supported and called for by stakeholders and welcomed as a means of helping to prevent future failures and miscarriages of justice for Welsh citizens.

36. Given the sensitive nature of the Bill’s origins, 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. There may also be benefits in having consistent rules governing different public servants irrespective of which part of the UK they operate in. The Bill also appears to strike an appropriate balance between promoting a culture of honesty and transparency, while allowing for different specific measures and approaches to enforcing that culture in the circumstances of individual areas.

37. Whilst some provisions in the Bill appear to duplicate (or may expand on) existing mechanisms within Wales (a Duty of Candour was established under the Health and Social Care (Quality and Engagement) (Wales) Act 2020 and Ethical Framework within Local Government via the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001) 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.

Financial implications

38. Broadly the measures in the Bill relate to behaviours, procedures and functions of Public Authorities – some limited costs related to preparation are expected. In relation to the Misconduct in Office measures, as there is no intention to widen or substantially change the scope of the criminal law, the cost of these changes is expected to be negligible.

39. The main financial implications arise from the expansion of non-means tested legal aid where a public authority is named as an interested person at an inquest. The UK Government estimates this will cost between £65-180m per annum, with a further estimated cost of up to £3.1m per annum of operational costs to the Legal Aid Agency. It is part of UK Government's view that public authorities or their responsible government or government departments should have to contribute towards the cost of legal aid for bereaved families where they are an Interested Person at an inquest. However, this is not a legislative requirement, and Legal Aid remains a reserved matter in Wales. So, whilst there is a cost implication, our expectation is that any additional cost will be met by UK Government. We would need to ensure the funding flows appropriately to the places where it is required. On that basis, overall, no financial implications have been identified.

Conclusion

40. I recognise the importance of the Bill and am supportive of its aims, and I will continue to monitor and provide updates on this Bill's passage through Parliament. I will bring forward a recommendation to the Senedd on whether to give consent to the Bill once Welsh Government has analysed the wider impact of the UK legislative programme for Wales.

Dafydd Trystan Davies MS,
Cabinet Minister for Government Effectiveness and the Constitution

8 June 2026

Annex A of the Explanatory Notes to the Bill contains the UK Government's conclusions on which provisions of the Bill require the consent of the Senedd, copied below.

Provision	**Wales**	
	Extends to E & W and applies to Wales?	**Legislative Consent Motion process engaged?**
Clause 1	Yes	Yes
Clause 2	Yes	Yes
Clause 3	Yes	Yes
Clause 4	Yes	Yes
Clause 5	Yes	Yes
Clause 6	Yes	Yes
Clause 7	Yes	Yes
Clause 8	Yes	Yes
Clause 9	Yes	Yes
Clause 10	Yes	Yes
Clause 11	Yes	No
Clause 12	Yes	Yes
Clause 13	Yes	Yes
Clause 14	Yes	Yes
Clause 15	Yes	Yes
Clause 16	Yes	Yes
Clause 17	Yes	Yes
Clause 18	Yes	No
Clause 19	Yes	
Clause 20	Yes	
Clause 21	Yes	
Clause 22	Yes	
Clause 23	Yes	
Clause 24	Yes	
Clause 25	Yes	
Clause 26	Yes	
Schedule 1	Yes	Yes
Schedule 2	Yes	Yes

Provision	Wales	
	Extends to E & W and applies to Wales?	**Legislative Consent Motion process engaged?**
Schedule 3	Yes	Yes
Schedule 4	Yes	Yes
Schedule 5	Yes	Yes
Schedule 6	Yes	No