

**SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM
(MEMORANDUM NO 3)**

Sustainable Aviation Fuel Bill 2025

1. This legislative consent memorandum (LCM) is laid under Standing Order (“SO”) SO 29.2(iii)(b). SO 29 prescribes that an LCM must be laid, and a legislative consent motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes relevant provision in relation to Wales which has regard to devolved matters.
2. The **Sustainable Aviation Fuel Bill 2025** (“the Bill”) was introduced in the UK Parliament, the House of Commons, on 14 May 2025. I laid an [LCM on 9 June 2025](#).
3. The UK Government tabled seven amendments on 6 October 2025 for consideration at the Commons Report Stage, which took place on 15 October 2025. Three amendments had regard to devolved matters, and as such, I laid an [SLCM \(Memorandum No. 2\) on 4 November 2025](#).
4. On 11 November 2025 the Business Committee referred the SLCM to the Climate Change, Environment, and Infrastructure Committee and the Legislation, Justice and Constitution Committee, with a reporting deadline of [16 January 2026](#).
5. The UK Government tabled a further three amendments on 3 December 2025 for consideration at the House of Lords Committee Stage, which took place on 10 December 2025. Two of the amendments are relevant provisions which have regard to devolved matters in that they confer or modify functions of the Welsh Ministers as detailed in paragraphs 10 to 17 below.
6. The Bill as amended at the House of Lords Committee Stage can be found at: [Sustainable Aviation Fuel Bill publications - Parliamentary Bills - UK Parliament](#).

Policy Objective(s)

7. The Policy Objectives of the Bill which were provided in the first LCM laid in the Senedd on 9 June 2025, remain accurate.

Summary of the Bill

8. A summary of the Bill which was provided in the first LCM laid in the Senedd on 9 June 2025, remains accurate.

Update on position since the publication of the second Legislative Consent Memorandum

9. Welsh Government and UK Government officials have been in regular contact during the development of the Bill and engagement has continued at Ministerial and official levels where necessary.

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

10. In my view, a supplementary LCM is required in relation to two amendments: the amendment made to clause 10 and the new clause to be inserted before clause 15, as set out below:

Clause 10:

“Payment of surpluses to levy payers:

[...]

(4) Before making regulations under this section the Secretary of State must consult—

- (a) the Welsh Ministers, if the regulations contain provision which would be within the legislative competence of Senedd Cymru if contained in an Act of the Senedd;
- (b) the Scottish Ministers, if the regulations contain provision which would be within the legislative competence of the Scottish Parliament if contained in an Act of the Scottish Parliament;
- (c) the Department for the Economy in Northern Ireland, if the regulations contain provision which— (i) would be within the legislative competence of the Northern Ireland Assembly if contained in an Act of the Assembly, and (ii) would not, if it were contained in a Bill for an Act of the Northern Ireland Assembly, result in the Bill requiring the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998;
- (d) any other persons the Secretary of State considers appropriate.”

11. The first amendment removes subsection (4) from clause 10, page 6, line 13.
12. This amendment removes the requirement in subsection (4) of clause 10 for the Secretary of State to consult with the Welsh Ministers “if the regulations contain provision which would be within the legislative competence of the Senedd”.
13. The new clause to be inserted before clause 15 requires the Secretary of State to consult with the Welsh Ministers in the case of any regulations made under clause 10 (amongst others – see below).
14. My view is that this is a relevant provision as it modifies functions of the Welsh Ministers in relation to their engagement in a consultation about such regulations and is beyond the limits of any consent previously sought from the Senedd, thereby satisfying the test in SO 29.2(iii).

New clause to be inserted before clause 15:

“Duty to consult about regulations:

(1) Before making regulations under this Act the Secretary of State must consult any persons the Secretary of State considers appropriate.

(2) In the case of regulations under section 1, 3, 10 or 11, that must include —

- (a) the Welsh Ministers,**
- (b) the Scottish Ministers, and**
- (c) the Department for the Economy in Northern Ireland.”**

15. The second amendment inserts the above new clause before clause 15.
16. Subsection (2) of this new clause requires the Secretary of State, before making regulations under clause 1, 3, or 11 of the Bill, to consult with the devolved governments (including the Welsh Ministers).
17. My view is that this is a relevant provision as it confers functions on the Welsh Ministers in relation to their engagement in a consultation about such regulations and makes relevant provision for the first time, thereby satisfying the test in SO 29.2(iii).

UK Government view on the need for consent

18. The position of the UK Government is that all three amendments are minor amendments which do not impact delivery and so do not require an SLCM. However, I believe the stronger argument is that the amendments to clause 10 and the insertion of a new clause before clause 15 of the Bill are relevant provisions for the purposes of SO 29, as they make provision for the first time, in relation to Wales which has regard to devolved matters, in that they confer or modify functions of the Welsh Ministers. It is therefore considered that an SLCM is required in relation to those two amendments.
19. I agree with the UK Government in respect of the amendment to clause 6 of the Bill. While this amendment removes the requirement for the Secretary of State to consult from clause 6, that provision is restated in the new clause to be inserted before clause 15, and does not specifically modify or confer functions on the Welsh Ministers. I therefore do not consider that a SLCM is required for that amendment.

Reasons for making these provisions for Wales in the Bill

20. Decarbonising aviation is one of our biggest global challenges. Whilst aviation contributes only 2-3% of global greenhouse gas emissions today, it is forecasted to become one of the highest residual emitters in 2050 as other sectors with greater abatement potential reduce their emissions. Our ambition is to decarbonise every sector of our economy.

21. Wales' carbon budgets include all emissions from aviation in Wales, including both domestic and international flights. The Welsh Government has set out its ambitions on tackling climate change in Wales through Net Zero Wales and it is also committed to working with other governments in the UK to deliver coordinated policy action that will deliver our respective emissions reduction targets.
22. Aviation policy is a reserved matter for the UK Government (UKG). The nature of air travel in the UK means that many travellers from Wales use, or have the option to use, airports in England, which has implications for the potential effectiveness of Welsh policies.
23. It is widely recognised that the greatest challenge in terms of making civil aviation sustainable is not related to any specific technical solution, but making positive change happen at the required pace. The progress to net zero relies on all parts of the supply chain working towards a common goal, including aircraft manufacturers, airlines, airports and their service providers.
24. We are considering how Wales can best support the development and adoption of more sustainable aviation technologies.
25. With a long-established aerospace sector in Wales, its rich industrial history and highly skilled workforce, that is looking towards a more sustainable future, we are well placed to play a significant role in developing feedstocks of SAF from non-agricultural sources and we are already making positive progress in this regard.
26. Developments in Sustainable Aviation Fuel can be contentious. The world isn't producing enough to meet the current demand from the industry. There are numerous ways of producing it, including from specific crops and feed stocks, but vast areas of farmland would need to be turned over to meet global demand.
27. Nonetheless, we are supportive of the Bill, as it sees SAF as an intermediate carbon reduction solution, as the industry looks to the development of new zero-emission aircraft, such as hydrogen-fuelled and electric powered aircraft.

Financial implications

28. There are no financial implications in Wales.

Conclusion

29. In my view it is appropriate to deal with these provisions in this UK Bill as the Welsh Government is committed to working with other governments in the UK to deliver coordinated policy action that will deliver our respective emissions reduction targets. Decarbonising aviation is one of our biggest global challenges and this requires a UK-wide approach through a UK Bill.

The SAF revenue certainty mechanism introduced as part of the Bill is intended to be a time-limited measure to stimulate an early market for SAF. It will no longer be needed once investors have confidence in the market price and the first-of-a-kind technology has proved itself at commercial scale. We see SAF as an intermediate carbon reduction solution, as the industry looks to the development of new zero-emission aircraft, such as hydrogen-fuelled and electric powered aircraft.

30. Therefore, I recommend that the Senedd supports the amendments and gives its consent.

Rebecca Evans MS
Cabinet Secretary for Economy, Energy and Planning
07 January 2026