

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (No 3)

Public Office (Accountability) Bill

1. This legislative consent memorandum (LCM) 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 which has regard to devolved matters.
2. The Public Office (Accountability) Bill was introduced in the UK Parliament, the House of Commons, on 16 September 2025. I laid an LCM on 2 October 2025 and a supplementary LCM, in respect of a government amendment which made relevant provision, on the 11 December 2025.

Amendments

3. On 12 January 2026, 119 Government amendments to the Bill were published with a further two following on 15 January. The large majority of these amendments do not make provision which meets the test in Standing Order 29. However, as detailed below, 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”.
4. The Bill as introduced can be found at: [Public Office \(Accountability\) Bill](#).

¹ 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.

5. The Bill as amended at House of Commons Committee Stage can be found at: [Public Office \(Accountability\) Bill](#).

Current Bill position

6. When the amendments covered by this memorandum were tabled by the UK Government in January, it was anticipated that the Bill would move to Report stage soon after. However, the Bill has since been 'paused', to enable the UK Government to respond to concerns relating to the applicability of the Bill to the security services. The amendments described in this memorandum have therefore not been moved.
7. I am anticipating receiving a letter from the Deputy Prime Minister imminently to notify me formally that the Bill will now carry-over into the next Parliamentary session, when these amendments will need to be re-tabled. However, given the significance to Wales of the amendments, particularly the extension of the scope of clause 11 (offence of misleading the public) to the exercise of functions relating to Welsh devolved matters, I wish to give this Senedd the opportunity to express its views on the amendments. No further amendments with implications for devolved matters are anticipated but it is possible that further amendments requiring consent will be tabled once the Bill is reintroduced, and it will be for the next Government to table the necessary Memorandum, and for the seventh Senedd to determine whether to give its consent.

Policy Objectives

8. The UK Government's policy objectives are set out in the [published overview of the Bill](#). In summary, the Public Office (Accountability) Bill gives effect to the commitment in the Labour Party's 2024 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 Hillsborough 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

9. The Bill is sponsored by the Ministry of Justice.
10. 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.
 - 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.
11. The Bill, as introduced, contains 26 clauses and 6 Schedules. The Bill makes provision in the following key areas:
- a. Part 1 relates to implementing the Duty of Candour.
 - b. Part 2 is about the performance of public functions and makes provision as follows:
 - i. Chapter 1 deals with Inquiries and investigations, specifically the new duty of candour and assistance, the extension of the duty to other persons with public responsibilities, including an offence of failing to comply with the duty, the handling of security and intelligence information and makes transitional provision in relation to Chapter 1 of Part 2.
 - ii. Chapter 2 deals with expected standards of ethical conduct including expected standards and a new guidance power for the purposes of this Chapter.
 - iii. Chapter 3 deals with misleading the public and creates a new offence of misleading the public.
 - c. Part 3 relates to misconduct in public office specifically; seriously improper acts, breach of duty to prevent death or serious injury, territorial application, holders of public office, abolition of common law offence of misconduct in public office and makes consequential amendments in Schedule 5.
 - d. Part 4 deals with the participation of persons at inquiries and investigations, including a requirement for parity at inquiries and investigations.
 - e. Part 5 makes miscellaneous and final provisions such as Crown application, consequential repeal of section 46 of the Victims and Prisoners Act 2024 (review of duty of candour in relation to major incidents) and a Welsh Ministers power to make consequential provision on regulations under the Act, regulations, general interpretation, extent, commencement, and short title.

12. The Welsh Government supports the Bill. Prior to the Bill's introduction and subsequently, my officials are regularly engaged with UK Government officials.
13. The Bill will impact Welsh public officials and Welsh public authorities across Welsh public services and cuts across reserved and devolved subject matter. The focus of the Bill is on ensuring candour, transparency and honesty that is supported by a legal framework.
14. The Bill was amended at Committee Stage and an LCM laid on 12 December 2025.
15. Proposed Government amendments which are the subject of this further supplementary LCM were tabled in the House of Commons on 12 and 15 January.

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

16. I consider the Senedd's consent is required in relation to the amendments set out below in so far as they relate to Wales and make provision which has regard to devolved matters.

Gov amendments 37-39 – amendments to Clause 9

17. 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.
18. 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.
19. 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 Ministers. 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

20. 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.
21. 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.
22. 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

23. 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

24. 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

25. 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

26. 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

27. 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.
28. 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.

UK Government view on the need for consent

29. As I set out in the previous Legislative Consent Memorandum, the UK Government accepted that the Senedd’s consent is required for clause 9 and Schedule 1 but not required for Clause 11. The UK Government did not provide any analysis relating to clauses 22 and 24 and has not stated its view on the need for consent in relation to the Gov amendments described in paragraphs 15-24.
30. The Welsh Government supports the Public Office (Accountability) Bill. These amendments have been brought forward by UK Government and support clarity on the positions in the Bill.
31. In my view, it is appropriate for this Bill to make provision for Wales because it makes provision which covers both devolved and reserved matters and our inclusion in this UK legislation enables wider policy objectives of the Hillsborough Report to be most effectively achieved.

32. I support the principles of this Bill and the policy objectives that it seeks to deliver. Subject to any further amendments I look forward to being able to recommend to the Senedd that we should consent to its provisions.

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

33. The Welsh Government supports the Public Office (Accountability) Bill. The UK Government intends the amendments published on 12 and 15 January 2026 to ensure the correct technical language and terminology is used in the Bill, support clarity on the position of application regarding expected standards of ethical conduct and create consistency for the public in their understanding and expectation of the Bill's application.

Technical Language Changes

34. No concerns arise from these amendments; they were advised as required by my officials and subsequently tabled by UK Government.

Standards of Ethical Conduct

35. An issue had been identified within the original Code of Ethics provisions, in that they inadvertently captured junior/deputy ministers in the Devolved governments, who would meet the definition of 'working for' the authority, by virtue of (as of drafting at Introduction) subsection (3) of section 23 paragraph (h), which stated that anyone exercising functions on behalf of the authority is 'working for the authority'. This was not the policy intent.
36. Rather than listing specific exclusions for deputy ministers, the proposal was to disapply (as drafted at Introduction) 23(3)(h) for the purposes of the code of ethics provisions, achieving the same effect, while also excluding councillors and other elected officials. My officials consider this appropriate as the code is intended to apply to employees, agency staff and contractors, but not to Ministers, elected councillors and mayors who are accountable to the electorate, not to their respective authorities.

Offence of Misleading the Public

37. Given the sensitive nature of the Bill's origins, it would be desirable for citizens to know that the clause 11 offence will apply to functions related to devolved matters in Wales. Given the overarching nature of the provision, consistency with other parts of the UK is also desirable.
38. In addition, clause 11 was a critical inclusion for survivors and bereaved family members of the Hillsborough disaster and considered a fundamental part of the overall intentions of the Bill. Therefore, we would expect to come under significant pressure were the amendment to move forward without Wales.

39. Both Scottish Government and Northern Ireland Executive have also approved the extension of clause 11 to devolved matters affecting their areas of operation. However, Northern Ireland's position is subject to their Executive agreeing as part of their final decision on an LCM.

Overall

40. The Bill spans reserved and devolved matters and several policy areas, undertaking our own approach (if appropriate) would be substantial when considering available time and resource. This Bill's impact is far reaching, and a Welsh-made provision could not otherwise be delivered within the same time frame.

Financial implications

41. On the basis that the amendments seeking to adjust terminology and clarify a definition are not changing the financial position and given the limited financial implications identified in my original LCM, no further financial implications have been identified for these elements.
42. The extension of Clause 11 is expected to attract costs in relation to its operational implementation, but, as a new approach, financial modelling is unavailable and therefore we do not know the extent to which resource implications arising from this clause have been understood for us to consider the impacts to Wales. However, whilst this is introducing a brand new offence, changing criminal law, the thresholds remain high and therefore cases are expected to be low. It is too early to fully assess the impact of these changes at this stage, but some additional cost is expected.

Conclusion

43. In my view it is appropriate to make these amendments in the Bill to reduce complexity and maximise the clarity and coherence of the law. and allow for a consistent approach across the UK.
44. I support the principles of this Bill and the policy objectives that it seeks to deliver. Further detailed analysis of the Bill, including all clauses and the amendments currently before Parliament, is ongoing. Subject to any further amendments made during the Bill's remaining Parliamentary stages which will require assessment, I look forward to being able to recommend the Senedd consents to its provisions.

**Huw Irranca-Davies MS,
Deputy First Minister and Cabinet Secretary for Climate Change and
Rural Affairs**

17 March 2026