

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 2)

Railways 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 regard to devolved matters.
2. The Railways Bill (“the Bill”) was introduced in the House of Commons on 05 November 2025. The Bill can be found at: [Railways Bill](#). I laid an LCM on 21 January 2026.
3. The UK Government tabled 47 amendments on 16 January 2026 for consideration at House of Commons Committee Stage.

Policy Objectives

4. The policy objectives of the Bill, which were provided in the first LCM laid in the Senedd on 21 January 2026, remain accurate.

Summary of the Bill

5. A summary of the Bill, which was provided in the first LCM laid in the Senedd on 21 January 2026, remains accurate.

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

6. This supplementary LCM relates to Government amendments to provisions in the Bill as tabled at House of Commons Committee Stage on 16 January 2026. The provisions listed in this LCM should be read alongside the first LCM laid on 21 January 2026.
7. Dialogue continues between Welsh Government and UK Government officials during the development of this Bill to understand its provisions, their application to Wales and their potential impact on delivering rail services in Wales.

Provisions to the Bill for consideration at introduction for which consent is required

8. In my view, a supplementary LCM is required in relation to the amendments to clauses 2, 7, 24, 31, 61, 69, Schedule 3 and a new, un-numbered clause on charging for removal etc of road vehicles.

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.

- **Clause 2 (Crown Status).** Amendment (Gov 164) clarifies that the clause does not prevent the Welsh Ministers and others from entering into agency agreements for the performance of functions on their behalf.

I consider that this amendment has regard to devolved matters in so far as it clarifies the substantive power to enter into agency agreements in clause 4 of the Bill which is subject to an LCM.

- **Clause 7 (Directions by SoS).** Amendment Gov 167 broadens the circumstances in which the Secretary of State must obtain the consent of the Welsh Ministers when giving directions to GBR.

Amendment (Gov 168) removes provisions which is unnecessary as a result of Gov 167.

I consider that these amendments have regard to devolved matters in so far as it expands a function of the Welsh Ministers.

- **Clause 24 (Memorandum of Understanding: Secretary of State and Welsh Ministers).** Amendment Gov 169 sets out additional provisions in the non-exhaustive list of provisions which the Memorandum of Understanding (MoU) between the SoS and Welsh Ministers may include, in particular being the use to be made of the power to give directions under section 7.

I consider that this amendment has regard to devolved matters in so far as it amends the function of the Welsh Ministers.

- **Clause 31 (Provision of railway passenger services).** Amendments Gov 170 and 171 make provision for the Welsh Ministers to have power to award a public service contract to any public sector company when exercising the Secretary of State's function under clause 31(1).

I consider that this amendment has regard to devolved matters in so far as it makes provision concerning the Welsh Ministers.

- **Clause 61 (The working timetable).** Amendment Gov 174 ensures that changes to the working timetable issued by GBR can be agreed in advance and in general terms, and sets out ways in which agreement may be given.

I consider that this amendment has regard to devolved matters in so far as it concerns the services provided or secured by the Welsh Ministers.

- **Clause 69 (Access agreements).** Amendments Gov 175 and 176 restrict the power of the Office of Rail and Road (ORR) under the Railways Act 1993 to give directions to facility owners to enter into access agreements. The ORR may only require GBR to enter into contracts for use of GBR facilities when use is required in connection with the operation of a network, station or light maintenance depot by the beneficiary ("facility to facility") in limited circumstances.

Amendment Gov 177 replaces the general restriction in the Bill on GBR entering into access contracts with one that will enable, and apply only to, “facility to facility” access contracts in limited circumstances.

Amendment Gov 178 removes the restriction on GBR as a facility owner entering into installation access contracts.

Amendment Gov 179 provides for the ORR’s model clauses powers to be exercisable in relation to access contracts entered into by GBR only where the access contract is a “facility to facility” contract in line with the approach taken by the other amendments about access arrangements.

Amendments Gov 180 and 181 provide for the ORR’s approval to be required for amendment of facility to facility access contracts entered into by GBR in line with the approach taken by the other amendments about facility access agreements.

Amendment Gov 182 restricts the ORR’s powers to give directions under section 22A of the Railways Act 1993 to the parties to an access arrangement in line with the approach taken by the other amendments about access agreements.

Amendment Gov 183 restricts the ORR’s power to give directions about access arrangement amendments under section 22C(1) of the Railways Act 1993, where GBR is a party to an access agreement. This is in line with the approach taken by the other amendments about access agreements.

I consider that the amendments have regard to devolved matters in that they could affect the provision of rail services for which the Welsh Ministers are responsible.

- **New Clause (Charging for removal etc of road vehicles).** Amendment Gov NC23 provides that, where road vehicles are causing an obstruction on railway land, charges may be imposed for the removal etc of those vehicles.

I consider that this new clause has regard to devolved matters in that it could affect the operator of a network providing rail services for which the Welsh Ministers are responsible, or the operator of a station used by rail services for which the Welsh Ministers are responsible.

- **Schedule 3 (Amendments to Railways Act 1993).** Amendment Gov 186 removes provision about franchised and operator of last resort services which will no longer be required.

Amendment Gov 187 removes references to Schedule 4A of the Railways Act 1993, in consequence of the repeal of that Schedule by the Bill.

Amendment Gov 188 makes changes to the penalty fare provisions of the Railways Act 1993 that reflect the way passenger services will be provided under Part 2 of the Bill.

Amendment Gov 189 repeals section 136 of the Railways Act 1993 (grants and subsidies).

Amendment Gov 191 – paragraph 26A makes consequential amendments to provision about railway administration orders.

I consider that this amendment has regard to devolved matters to the extent that they are consequential to clauses identified as requiring an LCM.

- **Schedule 3 (Amendments to Railways Act 2005).**

Amendment Gov 195 repeals sections 3 and 4 of the Railways Act 2005.

Amendment Gov 196 makes provision consequential on provisions in the Bill, particularly the ending of the franchising system. In relation to the following inserted paragraphs –

33A – Section 6 of the 2005 Act makes provision about financial assistance from the SoS.

33C – Section 10(3) to (12) of the 2005 Act makes provision about financial assistance from the Welsh Ministers in relation to railways and railway services.

Amendment Gov 197 makes provision consequential on provisions in the Bill, particularly the ending of the franchising system; see in particular clauses 25 to 32. In relation to the following inserted paragraphs –

34B – removes text inserting provision in Railways Act 1993 in particular qualifying SoS or Scottish Ministers' duty to provide Welsh services where the Welsh Ministers are not providing funding to a certain level.

34D – makes amendments to provisions for proposals by service operators to discontinue non-franchised services.

34E – makes amendments to provision for proposals by railway funding authority to discontinue non-franchised services.

34F – makes amendments to provision for proposals to discontinue franchised services or secured services.

34H and 34I – makes amendments to provision about proposals for minor modifications which are closures of services or stations.

34J – makes amendments to provision about designation of experimental passenger services.

34K – makes amendments to provision about the discontinuance of experimental passenger services.

34L – makes amendments to provision about excluding services, networks and stations from the application of provisions about their discontinuance.

34N – makes amendments to provision about substitute road services.

34Q - makes amendments to provision about closure guidance.

34R - makes amendments to interpretation provisions to include mayoral combined authorities and mayoral combined county authorities, to omit references to section 30 of the Railways Act 1993, to exclude a reference to “Welsh franchise agreements” and to include reference to Acts of the Senedd.

Amendment Gov 198 makes provision consequential on provisions in the Bill, particularly the ending of the franchising system; see in particular clauses 25 to 32. In relation to the following inserted paragraphs –

35B – makes provision about the code of practice for disabled rail users in Wales.

Amendment Gov 199 makes provision consequential on provisions in the Bill, particularly in relation to track and station access; see in particular clause 59 and 69. In relation to the following inserted paragraphs –

36A – omits provision about reviews by ORR of access and licence conditions.

I consider that these amendments have regard to devolved matters to the extent that they are consequential on clauses identified as requiring an LCM.

Welsh Government position on the changes to the Railways Bill following government amendments of 15 January 2026

9. In my previous LCM laid on 21 January 2026, I highlighted that the original clause 31 empowers SoS to secure passenger services designated under clause 25 only through GBR or a GBR company via direct award (Regulation 17 of the Public Service Obligations in Transport Regulations 2023). However, it omitted an alternative pathway whereby the SoS may secure passenger services through arrangements with the Welsh Ministers. Clause 31 amendments (Gov 170 and Gov 171) correct this and now makes provision for the Welsh Ministers to have power to award a public service contract to any public sector company when exercising the Secretary of State’s function under clause 31(1).

Financial implications

10. There are no financial implications for Wales in relation to the UK Government's Railways Bill.

Conclusion

11. I am content with the amendments listed above proposed by the UK Government with respect to clauses 2, 7, 24, 31, 61, 69, and Schedule 3, as well as the additional new clause in respect of 'charging for removal etc of road vehicles'.
12. Whilst I continue to broadly support this Bill and welcome the ongoing engagement of the UK Government, I am seeking further engagement with the UK Government on the role of the Welsh Ministers and the Senedd within the Bill. I will continue to monitor the Bill's developments and update the Senedd as appropriate. Given the anticipated UK parliamentary timetable of the Bill it is likely that a legislative consent debate on this Bill would – based on our established approach on seeking to schedule such debates after the Committee Stage in the Second House – take place in the next Senedd Term.

A handwritten signature in black ink, appearing to read 'Ken Skates', followed by a large, stylized circular flourish.

Ken Skates, MS
Cabinet Secretary for Transport and North Wales

02 February 2026