SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO.2)

Public Office (Accountability) Bill

1. This supplementary 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 Cymru if a UK Parliamentary Bill makes provision in relation to Wales which has regard to devolved matters.

2. The Public Office (Accountability) Bill ("the Bill") was re-introduced in the House of Commons on 14 May 2026. I laid a legislative consent memorandum on 8 June 2026. The Bill is currently before the Lords, where Committee stage began on 12 October.

3. The Bill as brought from the House of Commons to the House of Lords can be found at Public Office (Accountability) Bill.

Amendments

4. On 5 October 2026, Government amendments to the Bill were published. The amendments can be found here. As detailed below, the following government amendments relate to Wales and have regard to devolved matters:

   - amendment numbers 96-101, 103-104, 126-135, 148 and 152 – amendments to Part 4 and Schedule 6 which will extend the application of Part 4 'parity of arms' provisions to inquiries established by the Welsh Ministers

   - amendment number 139 – disapplies certain restrictions on the legislative competence of the Senedd.

Policy Objectives

5. The UK Government's policy objectives are set out in the published overview of the Bill, and were summarised in the Legislative Consent Memorandum tabled on 8 June.

Summary of the Bill

6. The Bill is sponsored by the Ministry of Justice, and the key provisions of the Bill were set out in the Legislative Consent Memorandum tabled on 8 June.

Clauses 21 (Crown Application) and 28 (Short Title)

7. The memorandum I tabled on 8 June 2026 listed the clauses that in the opinion of the Welsh Government required the consent of the Senedd.

8. In addition, clauses 21 and 28 of the Bill provide, respectively, that the Bill binds the Crown, and provide for the short title of the Bill. In my view it is appropriate for the Senedd to be asked to give its consent to these clauses, in order to ensure consistency across legislative consent memoranda for different Bills.

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

9. 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.

Government amendments to Part 4 [Participation of Persons at Inquiries and Investigations] and Schedule 6 [Conduct of Public Authorities at Inquiries and Inquests] of the Bill (amendment numbers 96-101, 103-104, 126-135, 148 and 152)

10. Part 4 of the Bill makes provision in relation to the participation of persons at inquiries and investigations, by means of amendments to legislation, and other provision, contained in Schedule 6. These can be summarised as:
    a. Provision requiring public authorities to have regard to guidance setting out principles for how they conduct themselves at UK inquiries and investigations (clause 20(1)(a));
    b. Provision requiring public authorities to take a proportionate approach to the engagement of legal representatives to act for them at UK inquiries and investigations (clause 20(1)(b));
    c. Provision enabling concerns to be raised over the conduct of a public authority (clause 20(1)(c));
    d. Provision which seeks to enable the full and effective participation of affected persons at inquiries or inquests (clause 20(1)(d)); and
    e. Provision requiring legal aid to be made available without means testing to bereaved family members at an inquest (clause 20(1)(e)).

11. These are collectively referred to as the 'parity of arms' provisions. However, those relating to the conduct of public authorities currently apply only where an inquiry under the Inquiries Act 2005 is caused to take place by a UK Minister. The Welsh Government has therefore secured UK Government agreement to table a series of amendments extending these provisions to any inquiry established by Welsh Ministers under the Inquiries Act 2005.

12. Government amendment 127 makes provision for the Welsh Ministers to issue guidance to public authorities in respect of their conduct in relation to inquiries established by the Welsh Ministers. This amendment relates to inquiries which is a non-reserved matter and so within the legislative competence of the Senedd. It also confers a function on the Welsh Ministers. For these reasons the amendment makes relevant provision.

13. Government amendments 126 and 134 are consequential on amendment 127 and so also make relevant provision.

14. Government amendment 129 extends section 34B of the Inquiries Act 2005 (inserted by paragraph 1 of Schedule 6 to the Bill), which imposes a duty on public authorities in relation to their engagement of legal representatives at inquiries, to inquiries established by the Welsh Ministers. This amendment is within the legislative competence of the Senedd and affects the operations of inquiries set up by the Welsh Ministers. It therefore makes relevant provision.

15. Government amendment 130 extends section 34C of the Inquiries Act 2005 (inserted by paragraph 1 of Schedule 6 to the Bill), which enables the chair of an inquiry to report on concerns over the conduct of a public authority, so as to include inquiries established by the Welsh Ministers. This amendment is within the legislative competence of the Senedd and affects the operations of inquiries set up by the Welsh Ministers. It therefore makes relevant provision.

16. Government amendment 131 enables the Welsh Ministers to make rules about the overriding objective in relation to inquiries for which they are responsible. This amendment confers a function on the Welsh Ministers and therefore makes relevant provision.

17. Government amendments 132 and 128 are consequential on Amendment 131 and therefore make relevant provision.

18. Government amendment 133 provides for sections 34A to 34C of the Inquiries Act 2005 (inserted by paragraph 1 of Schedule 6 to the Bill) to apply in relation to non-statutory inquiries established by the Welsh Ministers. This amendment is within the legislative competence of the Senedd and therefore makes relevant provision.

19. Government amendments 104, 96, 97, 98, 99, 100, 101, 103, and 152 are consequential on other amendments made to Schedule 6 and therefore make relevant provision.

20. Government amendment 148 is consequential on amendment 152 and therefore makes relevant provision.

21. Government amendment 135 is a drafting clarification related to the amendment of Schedule 6 and therefore makes relevant provision.

Government amendment [OPC297] – amendment to clause 24 (Regulations)

22. Government amendment 139 amends clause 24 to provide for the restrictions on the legislative competence of the Senedd under paragraphs 8(1)(c) and 11(1)(a) of Schedule 7B to the Government of Wales Act 2006 to be disapplied in relation to the concurrent powers conferred by the Bill, thereby modifying the legislative competence of the Senedd and so making relevant provision.

Government amendments 152 and 148 – amendment to clause 27 (Regulations)

23. Amendment 152 confers a new power on the Welsh Ministers to bring into force by regulations Parts 1 and 2 of Schedule 6 as they relate to inquiries caused to be held by the Welsh Ministers. The power is subject to no procedure. Amendment 148 is consequential on amendment 152. Amendment 152 confers a function on the Welsh Ministers and therefore makes relevant provision. Amendment 148 is consequential on amendment 152 in relation to the power it confers and therefore also makes relevant provision.

UK Government view on the need for consent

These amendments have been tabled at the request of the Welsh Government, and the UK Government agrees that consent is required.

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

24. The Welsh Government supports the Public Office (Accountability) Bill. The amendments to Part 4 and Schedule 6 and to clause 24 have been brought forward by the UK Government at the request of Welsh Ministers. They ensure that provisions relating to the conduct of public authorities at inquiries and inquests extend to inquiries instigated by the Welsh Ministers; and they the restrictions on the legislative competence of Senedd Cymru under paragraphs 8(1)(c) and 11(1)(a) of Schedule 7B to the Government of Wales Act 2006 to be disapplied in relation to the concurrent powers conferred by the Bill.

25. 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.

Financial implications

26. The amendments described in this supplementary memorandum have no financial implications.

Conclusion

27. In my view it is appropriate to make these amendments in the Bill as they will extend the Part 4 provisions relating to conduct at inquiries and investigations to cover those instigated by Welsh Ministers and will remove the restriction on the Senedd's legislative competence, whilst maximising the clarity and coherence of the law and allowing for a consistent approach across the UK.

28. I support the principles of this Bill and the policy objectives that it seeks to deliver. I am grateful for the collaborative work with the UK Government to secure these amendments to the Bill. I am pleased to be able to recommend the Senedd gives its consent to this Bill.

Dafydd Trystan Davies MS

Cabinet Minister for Government Effectiveness and the Constitution

16 October 2026