

# Agenda – Legislation, Justice and Constitution Committee

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Meeting Venue:

Committee Room 4, Tŷ Hywel

Meeting date: 13 October 2025

Meeting time: 14.00

For further information contact:

P Gareth Williams

Committee Clerk

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## Hybrid

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### Public meeting

(14.00 – 15.10)

#### 1 Introduction, apologies, substitutions and declarations of interest

(14.00)

#### 2 Planning (Wales) Bill and Planning (Consequential Provisions)

**(Wales) Bill: Evidence session with Planning Officers Society Wales**

(14.00 – 14.50)

(Pages 1 – 13)

[Planning \(Consequential Provisions\) \(Wales\) Bill](#), as introduced

[Explanatory Memorandum](#)

[Planning \(Wales\) Bill](#), as introduced

[Explanatory Memorandum](#)

Sara Morris, Director of Place and Engagement, Pembrokeshire Coast National  
Park Authority, and Chair, Planning Officers Society Wales

Harriet Lavender, Head of Planning, Pembrokeshire County Council, and  
Treasurer, Planning Officers Society Wales



Dr Sarah Groves-Phillips, Corporate Manager for Planning Services,  
Ceredigion County Council, and Vice Chair, Planning Officers Society Wales

Attached Documents:

LJC(6)-28-25 – Paper 1 – Briefing paper

## **Break**

(14.50 – 14.55)

### **3 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3**

(14.55– 15.00)

Affirmative Resolution Instruments

#### **3.1 SL(6)653 – The Free-Range Poultrymeat Marketing Standards (Amendment) (Wales) Regulations 2025**

(Pages 14 – 16)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-28-25 – Paper 2 – Draft report

LJC(6)-28-25 – Paper 3 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change & Rural Affairs, 30 September 2025

### **4 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered**

(15.00 – 15.05)

#### **4.1 SL(6)634 – The Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025**

(Pages 17 – 22)

Attached Documents:

LJC(6)-28-25 – Paper 4 – Report

LJC(6)-28-25 – Paper 5 – Welsh Government response

#### **4.2 SL(6)648 – The Health Impact Assessment (Wales) Regulations 2025**

(Pages 23 – 25)

Attached Documents:

LJC(6)-28-25 – Paper 6 – Report

LJC(6)-28-25 – Paper 7 – Welsh Government response

#### **4.3 SL(6)652– The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) (Amendment) Regulations 2025**

(Pages 26 – 28)

Attached Documents:

LJC(6)-28-25 – Paper 8 – Report

LJC(6)-28-25 – Paper 9 – Welsh Government response

### **5 Inter–Institutional Relations Agreement**

(15.05 – 15.10)

#### **5.1 Correspondence from the Secretary for Finance and Welsh Language: Procurement Act 2023 (Specified International Agreements) (Amendment)) Regulations 2025**

(Page 29)

Attached Documents:

LJC(6)-28-25 – Paper 10 – Letter from the Cabinet Secretary for Finance and Welsh Language, 9 October 2025

### **6 Papers to note**

(15.10– 15.15)

#### **6.1 Written Statement by the Counsel General and Minister for Delivery: Draft of the Senedd Cymru (Member Accountability and Elections) Bill**

(Pages 30 – 31)

Attached Documents:

LJC(6)-28-25 – Paper 11 – Written Statement by the Counsel General and Minister for Delivery, 6 October 2025

**6.2 Written Statement by the Cabinet Secretary for Finance and Welsh Language:  
Draft of the Development of Tourism and Regulation of Visitor  
Accommodation (Wales) Bill**

(Page 32)

Attached Documents:

LJC(6)-28-25 – Paper 12 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 6 October 2025

**6.3 Correspondence to the Cabinet Secretary for Housing and Local Government:  
Building Safety (Wales) Bill**

(Pages 33 – 38)

Attached Documents:

LJC(6)-28-25 – Paper 13 – Letter to the Cabinet Secretary for Housing and Local Government, 7 October 2025

**6.4 Written Statement by the Deputy First Minister and Cabinet Secretary for  
Climate Change and Rural Affairs: Update on the Review of the Control of  
Agricultural Pollutions Regulations**

(Pages 39 – 40)

Attached Documents:

LJC(6)-28-25 – Paper 14 – Written Statement by the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 8 October 2025

**7 Motion under Standing Order 17.42 (vi) and (ix) to resolve to  
exclude the public from the following items: 8, 9, 10 and 12  
(15.10)**

**Private meeting**

(15.10 – 16.00)

**8 Planning (Wales) Bill and Planning (Consequential Provisions)  
(Wales) Bill: Consideration of evidence**

(15.10 – 15.20)

**9 Chairs' Forum Review of Committee Effectiveness: Consideration  
of response**

(15.20 – 15.30)

(Pages 41 – 44)

Attached Documents:

LJC(6)-28-25 – Paper 15 – Draft response

**10 Environment (Principles, Governance and Biodiversity Targets)  
(Wales) Bill: Draft report**

(15.30 – 15.55)

(Pages 45 – 91)

Attached Documents:

LJC(6)-28-25 – Paper 16 – Draft report

**Break**

(15:55 – 16:00)

**Public meeting**

**11 British Sign Language (Wales) Bill: Evidence session with the  
Member in charge of the Bill, Mark Isherwood MS**

(16.00 – 16.45)

(Pages 92 – 103)

[British Sign Language \(Wales\) Bill](#), as introduced

[Explanatory Memorandum](#)

[Statement of policy intent for subordinate legislation to be made under the  
Bill](#)

Mark Isherwood MS, Member in charge of the Bill  
Gareth Rogers, Bill Manager, Senedd Commission  
Aled Evans, Legal Adviser, Senedd Commission

British Sign Language interpretation is [available on Senedd.tv](#)

Attached Documents:

LJC(6)-28-25 – Paper 17 – Briefing Paper

### **Private meeting**

(16.45 – 17.00)

## **12 British Sign Language (Wales) Bill: Consideration of evidence**

(16.45 – 17.00)

Document is Restricted

# Agenda Item 3.1

## [SL\(6\)653 – The Free-Range Poultrymeat Marketing Standards \(Amendment\) \(Wales\) Regulations 2025](#)

### Background and Purpose

These Regulations amend, in relation to Wales, Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat (EUR 2008/543).

Regulation 2 amends Annex 5 to Commission Regulation (EC) 543/2008 to remove the current maximum time period that poultry reared in accordance with free range production methods can have its access to open-air runs restricted (by measures put in place to protect public and animal health) whilst its meat may continue to be marketed, in Wales, as free-range.

### Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

### Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument.

**1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**

The italic headnotes at the top of pages 1 and 2 note that these Regulations have been laid before the Senedd under “section 50(6) and (7)(n)” of the Agriculture (Wales) Act 2023. However, the third paragraph of the preamble notes that these Regulations have been laid before the Senedd in accordance with “section 50(6)” of that Act. The provisions cited in the headnotes and preamble should be consistent with each other and the headnotes appear to include the more accurate citation on this occasion.

**2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**

In the third paragraph of the preamble, it refers to “section 50(6) **of the Act**”. However, the term “the Act” has not previously been defined and given a meaning in these Regulations. Therefore, the reference should either repeat the title of the Agriculture (Wales) Act 2023 in full or the title of that Act should be defined by noting “the Act” in brackets after the first reference to that Act in the opening paragraph of the preamble.



## Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Welsh Government response

A Welsh Government response is required.

### Legal Advisers

**Legislation, Justice and Constitution Committee**

**7 October 2025**



Senedd Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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Welsh Parliament

**Legislation, Justice and Constitution Committee**

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Llywodraeth Cymru  
Welsh Government

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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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**TITLE**        **The Laying of the Free-Range Poultry Marketing Standards (Amendment) (Wales) Regulations 2025**

**DATE**        **30 September 2025**

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

Today, I have laid a draft of the [Free-Range Poultrymeat Marketing Standards \(Amendment\) \(Wales\) Regulations 2025](#) before the Senedd.

Subject to the Senedd's approval, these Regulations will amend **Commission Regulation (EC) 543/2008** to remove the 12-week derogation which applies to the marketing of free-range poultrymeat in Wales.

Under the current regulations, should the Chief Veterinary Officer for Wales implement mandatory housing measures, then free-range poultrymeat may be marketed and sold for up to 12 weeks without changes to labels on the products or packaging. After this period has lapsed, any poultrymeat produced cannot be marketed as 'free-range'.

The amending regulation will remove the current timings to allow poultrymeat to continue to be marketed as 'free-range' for the duration of any mandatory housing period. These measures, implemented to protect public or animal health, are imposed under the guidance of the Chief Veterinary Officer. This change will ensure that Welsh poultry producers are on a level trading footing with their UK and EU counterparts when complying with mandatory housing measures.

I look forward to the debate on the Regulations in October.

## **SL(6)634 – The Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025**

### **Background and Purpose**

This Order, alongside the Amendments to Subordinate Legislation (Miscellaneous Corrections) (Wales) Regulations 2025, amend existing subordinate legislation to correct errors identified by the Committee.

This Order makes corrections to four existing orders which relate to different areas of law:

- Part 2 makes an amendment to the Animal Gatherings (Fees) (Wales) Order 2018 (S.I. 2018/645 (W.119));
- Part 3 makes amendments to the Cockle Fishing Management and Permitting (Specified Area) (Wales) Order 2024 (S.I. 2024/767 (W. 112));
- Part 4 makes amendments to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (S.I. 2012/801 (W.110)); and
- Part 5 makes amendments to the Developments of National Significance (Procedure) (Wales) Order 2016 (S.I. 2016/55 (W.25)).

Additionally, the Order also makes two amendments: firstly, to the definition of “minimum landing size” within article 9(7)(b) of The Cockle Fishing Management and Permitting (Specified Area) (Wales) Order 2024, following representation from Natural Resources Wales. Secondly, the Order makes changes to both the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and to the Developments of National Significance (Procedure) (Wales) Order 2016 to ensure consistency in references in the 2012 and 2016 Orders to the body known as the “Natural Resources Body for Wales” (see paragraph 4.2.2 of the Explanatory Memorandum accompanying the Order).

### **Procedure**

Negative.

The Order was made by the Welsh Ministers before it was laid before the Senedd. The Senedd can annul the Order within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was laid before the Senedd.

### **Technical Scrutiny**

The following six points are identified for reporting under Standing Order 21.2 in respect of this instrument.



**1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**

The Table of Contents appears to be incorrect. It notes that articles “1-3” relate to Part 1 (only article 1 is contained within Part 1). Article 2 is included within Part 2 of the Order. Part 3 refers to articles 4-13 but should instead refer to articles 3-13. Part 4 and Part 5 do not include reference to specific articles of the Order. We think the use of a Table of Contents is a useful addition to an instrument of this nature, which corrects errors in legislation in a range of subject areas, to increase accessibility. However, the errors in the Table of Contents make it more difficult for the reader to navigate the instrument.

**2. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**

In article 4, the description of the location for the insertion of the new paragraph (3) in article 1 of the Cockle Fishing Management and Permitting (Specified Areas) (Wales) Order 2024 is incorrect. It is described as “In article 1 ... after paragraph 1(2)” but should state “In article 1... after paragraph (2)” instead.

**3. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**

In article 5, the structure of the article is incorrect. The subdivisions following article 5(1) are numbered as (2) to (6), but should instead be numbered (a) to (e). This also occurs in articles 7, 9 and 13 of the Order.

**4. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**

Article 9 is structured differently in each language text. In the Welsh text, article 9 substitutes a new paragraph (1) in article 12 of the 2024 Order to achieve the same legal effect as the amendments made by the English text at article 9(1)-(3). Article 9(1)-(3) exists in the English text but only article 9 exists in the Welsh text. This approach has the potential to create confusion if the same articles are divided and numbered differently in both language texts of an instrument.

**5. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.**

In articles 9 and 10, the Welsh text substitutes the entire paragraph to achieve the same effect of the individual amendments made by the English text of those articles. The amount of text needed to amend to achieve the same legal effect can differ in both language texts. However, if it is thought necessary to substitute a whole paragraph in one language to achieve the same effect as found in the other language text, it would be more consistent to substitute the whole paragraph in both language texts. This would also have avoided the differences in structure of both language texts of article 9 highlighted above. It is unclear whether the Welsh Government



considered substituting the entire paragraphs in both language texts to achieve the necessary legal effect of the amendments made by articles 9 and 10 of the Order.

**6. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.**

In article 15(2), the Welsh text fails to correctly identify the text for substitution in paragraph (j), in the definition of “TAN 15 Defended Zones” under the heading “Interpretation of Table” in Schedule 5 to the Developments of National Significance (Procedure) (Wales) Order 2016. The Welsh text incorrectly identifies the text for substitution as “Gyfoeth Naturiol” but it should note “Gyfoeth Naturiol Cymru” as found in the existing text of that provision in Schedule 5 to the 2016 Order.

## Merits Scrutiny

The following three points are identified for reporting under Standing Order 21.3 in respect of this instrument.

**7. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

The title of the statutory instrument does not give an indication of the nature or contents of the Welsh statutory instruments that are being corrected. This could raise issues of accessibility in drawing readers’ attention to any Welsh statutory instruments which are being corrected, and that are of particular interest to them. This could be inevitable if the statutory instruments are generally all unrelated when following an omnibus approach to the correction of statutory instruments.

**8. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**

The Explanatory Memorandum accompanying the Order highlights a practical enforcement issue that has existed before the corrections made by this Order were made:

*“In relation to the Cockle Fishing Management and Permitting (Specified Area) (Wales) Order 2024, a drafting issue had been identified in the definition of “minimum landing size” that is now addressed by article 7(3) of the Order. This has had some practical implications for enforcement activity. The current wording of the definition limits the ability to take formal enforcement action in cases where undersized cockles are gathered. As a result, enforcement officers have been focusing on providing advice and encouraging the re-distribution of undersized cockles. This approach has been effective to date, and there have been no reported challenges from gatherers. Resolving this matter via the Order is considered an appropriate, and timely, way to deal with this.”*

**9. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.**



The corrections made by the Order relate to Welsh statutory instruments that were previously reported upon by the Committee. The earliest errors corrected by this Order, in the Cackle Fishing Management and Permitting (Specified Area) (Wales) Order 2024, were reported considered by the Committee in July 2024. The errors in the The Animal Health (Miscellaneous Fees) (Amendment and Revocation) (Wales) Order 2024 were considered by the Committee in November 2024. The errors in the Development Procedure (Consultees) (Wales) (Miscellaneous Amendments) Order 2025 were considered by the Committee much more recently, in April 2025.

The Welsh Government should explain:

- Whether the Welsh Government could have made these corrections sooner;
- If the intention is to make corrections via an omnibus statutory instrument on a regular basis, how frequently will such an instrument be made, and how will the Welsh Government ensure that errors do not sit on the statute book for too long?;
- Will the Welsh Government have a mechanism for prioritising correction of those errors causing practical or otherwise more substantial impacts to the relevant legislation?

## Welsh Government response

A Welsh Government response is required.

## Committee Consideration

The Committee considered the instrument at its meeting on 15 September 2025 and reports to the Senedd in line with the reporting points above.



## **Government Response: The Amendments to Subordinate Legislation (Minimum Landing Size and Miscellaneous Corrections) (Wales) Order 2025**

**Technical Scrutiny point 1:** We acknowledge that the Table of Contents is not correct in relation to Parts 1 to 3. However, the Table of Contents is not an operative part of the Order nor is its inclusion a statutory requirement. On this basis, we do not agree that this reporting point results in a defective draft nor a failure to fulfil statutory requirements. We note that information used for the table of contents tab on the legislation.gov.uk website is automatically generated from the content of the instrument and does not feature the version on the printed page to which this reporting point relates.

**Technical Scrutiny point 2 :** We note that the description of the location for the insertion of the new paragraph (3) in article 1 of the Cockle Fishing Management and Permitting (Specified Areas) (Wales) Order 2024 ('the 2024 Order') refers to "In article 1 ... after paragraph 1(2)" where, by convention, a reference to "In article 1 ... after paragraph (2)" would be expected. However, we do not agree that this reporting point results in a defective draft nor a failure to fulfil statutory requirements. The provision is clear as to the location for the insertion of the new paragraph (3) in article 1 of the 2024 Order.

**Technical Scrutiny point 3:** We acknowledge that the numbering of subdivisions within articles 5, 7, 9 and 13 does not follow the conventional scheme of numbering for the subdivisions found in those articles. However, this has not undermined the legal effect of the amendments made by each subdivision. Therefore, we do not agree that the drafting is defective or fails to fulfil statutory requirements.

**Technical Scrutiny points 4 and 5:** We note the point made that the amendments made to the 2024 Order by Articles 9 and 10 of this Order, in both cases, adopted different structures in the Welsh and English language text to achieve the same legal effect. We also note and agree that it would be advisable and more consistent in future, in similar circumstances, to substitute the whole paragraph in both language texts.

**Technical Scrutiny point 6:** The Welsh Government accept the Welsh text for substitution in Article 15(2) should note "Gyfoeth Naturiol Cymru". We do not however consider this affects the meaning or clarity of the Order.

**Merit Scrutiny point 7:** The point is noted, but to have taken an alternate approach would have resulted in an unwieldy title

**Merit Scrutiny point 9:**

When the Government agrees that there is an error in legislation that requires action to correct it an assessment is made as to when it would be appropriate to make that change and whether a suitable vehicle to achieve that is likely to be available. This assessment will always give due weight to the fact that the error will remain on the statute book until corrected.

The Government's intention is to consider lessons to be learned from dealing with corrections to subordinate legislation through an "omnibus" instrument. The Government will then determine whether or not further omnibus instruments should be brought forward.

## **SL(6)648 – The Health Impact Assessment (Wales) Regulations 2025**

### **Background and Purpose**

Part 6 of the Public Health (Wales) Act 2017 (“the 2017 Act”) makes provision for listed public bodies to undertake Health Impact Assessments (HIAs). A HIA is defined as an assessment of the likely effect, both in the short and long term, of a proposed action or decision on the physical and mental health of all or some of the people of Wales.

Under section 108(1) of the 2017 Act the Welsh Ministers must specify the circumstances in which a HIA, and the way in which a HIA is carried out, within regulations. These Regulations make that provision. They require a public body carries out a HIA when it proposes to make a decision of a strategic nature about how to exercise its functions. They provide that the HIA must:

- identify the decision to which it relates;
- identify the population group potentially affected and the effects of the decision on that group;
- identify and assess any measures that may prevent, reduce or mitigate negative effects or increase positive ones;
- identify and assess anything else the public body considers relevant to the HIA.

The regulations also:

- require Public Health Wales issue guidance to assist public bodies carrying out a HIA;
- require publication of a HIA as soon as reasonably practicable after it is carried out;
- amend the list of public bodies required to carry out a HIA under section 110(1).

### **Procedure**

Draft Affirmative.

The Welsh Ministers have laid a draft of these Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

### **Technical Scrutiny**

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

- 1. Standing Order 21.2(ii) that it appears to make unusual or unexpected use of the powers conferred by the enactment under which it is made or to be made**



Section 108(4) of the 2017 Act provides that Welsh Ministers regulations may require Public Health Wales to give assistance to another public body carrying out a HIA. Section 108(5) provides that the regulations may set out how the assistance is to be given. Regulation 5 of these regulations provides that Public Health Wales must publish guidance to assist public bodies carrying out a HIA, and that is the full extent of the provision made under section 108(4) and (5).

Paragraph 4.32 of the Explanatory Memorandum laid before the Senedd in relation to these Regulations says:

*"In addition to guidance, PHW will be required to provide a programme of support to public bodies to include training, toolkits, maintenance of a HIA practitioner network and other activities beneficial to public bodies."*

The Welsh Government is asked to explain the basis upon which PHW will be required to provide this additional support and to clarify why these obligations have not been specified in these Regulations.

## Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

### **2. Standing Order 21.3 (ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

The 2017 Act received Royal Assent on 3 July 2017. Pursuant to section 126 a small number of sections came into force on Royal Assent leaving the majority to be commenced by Order of the Welsh Ministers. The Welsh Ministers made the Public Health (Wales) Act 2017 (Commencement No. 9) Order 2025 on 16 September 2025 to commence Part 6 of the 2017 Act on 19 September 2025, a little over 8 years after Part 6 was enacted. Please can the Welsh Government explain why Part 6 has not been commenced until now?

## Welsh Government response

A Welsh Government response is required.

## Committee Consideration

The Committee considered the instrument at its meeting on 29 September 2025 and reports to the Senedd in line with the reporting points above.



## **Government Response: *The Health Impact Assessment (Wales) Regulations 2025***

### **Technical Scrutiny point 1:**

Regulation 5 of the Regulations provides that Public Health Wales NHS Trust (“PHW”) must publish guidance to assist public bodies carrying out a HIA. As explained in the Explanatory Memorandum to these Regulations, PHW will be required to provide a programme of support to public bodies to include training, toolkits, maintenance of a HIA practitioner network and other activities beneficial to public bodies. The detail of such additional assistance will be contained in directions to be issued by the Welsh Ministers pursuant to section 19(1) of the National Health Service (Wales) Act 2006. This will enable the additional assistance to be provided by PHW to be flexible and reactive to the requirements of the relevant public bodies both before and after the implementation of the requirements contained in these Regulations.

### **Merit Scrutiny point 1:**

Work on implementing the Public Health (Wales) Act 2017 (“the 2017 Act”) started immediately after the passing of the Act in July 2017, and many provisions of the 2017 Act have since commenced.

Preparatory work for the formulation of proposals for health impact assessments set out in Part 6 of the 2017 Act was commenced by officials almost immediately following the passing of the 2017 Act. However, staff were redeployed in 2017 to work on the Brexit response, and again in early 2020 in response to the COVID-19 pandemic. Work resumed on the Regulations required by Part 6 of the 2017 Act during the financial year 2022-23 including a consultation exercise in early 2024. The consultation exercise and ongoing engagement with stakeholders yielded a significant number of informative responses which facilitated the further development of the Welsh Government’s policy in this area and the drafting of regulations.

Our approach has been to ensure there has been strong and effective engagement with stakeholders, including PHW and relevant public bodies, to ensure that Welsh Government policy on health impact assessments can be delivered in a way which can be understood by relevant public bodies and be delivered in a way which avoids being excessively bureaucratic or burdensome for them.

# Agenda Item 4.3

## **SL(6)652 – The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) (Amendment) Regulations 2025**

### **Background and Purpose**

The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011 (“the Principal Regulations”) set out how concerns about services provided by, or under arrangements with, the National Health Service in Wales will be considered.

These Regulations amend the Principal Regulations in order to:

- amend the general principles applicable to the handling and investigation of concerns to ensure the person who notified a concern is kept informed of progress via, as far as reasonably possible, their preferred manner of communication and in a manner which they can understand;
- expand the list of matters relating the investigation that must be discussed with the person who notified the concern, including what resolution they hope to achieve;
- increase the financial compensation that can be offered under the Principal Regulations from £25,000 to £50,000;
- define an early resolution procedure which enables the parties to resolve a concern before a full investigation is commenced;
- provide that after a matter has been investigated and reported on, the person who notified the concern is offered an opportunity for an in-person discussion of the report;
- amend the timeframes for the following elements of the redress arrangements:
  - exchange of information between healthcare providers if the concern involves care provided by more than one Welsh NHS body, primary care provider or independent provider;
  - preparation of an investigation report;
  - communication of the decision on whether to make an offer of redress;
- exclude from the scope of the redress arrangements concerns which are:
  - considered vexatious or frivolous; or
  - dealt with under the newly defined early resolution procedure;
- change to the monitoring and annual reporting requirements imposed on responsible bodies under the Principal Regulations.

### **Procedure**

Draft Affirmative.



The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

## Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

### **1. Standing Order 21.2(vii) that there appear to be inconsistencies between the meaning of its English and Welsh texts**

Regulation 12 inserts a new regulation 22A into the Principal Regulations. In the opening words of the new regulation 22A(4) there is a difference between the English and Welsh text. The English text uses the words “has attempted resolution during the early resolution period” but the meaning given by the Welsh text is “has attempted to resolve the concern during the early resolution period”.

## Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Welsh Government response

A Welsh Government response is required.

## Committee Consideration

The Committee considered the instrument at its meeting on 06 October 2025 and reports to the Senedd in line with the reporting point above.



## **Government Response: The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) (Amendment) Regulations 2025**

**Technical Scrutiny point 1:** The Welsh Government is of the view that there is equivalent meaning between the English and Welsh texts in the opening words of the new regulation 22A(4) inserted by regulation 12.

There are many examples of “resolve a/the concern” in the Principal Regulations which makes it clear that “datrys y pryder” is the intended meaning when referring to “resolution” in this context.

It is accepted that “ceisio datrysiad” could have been used instead of “ceisio datrys y pryder”, but this has not been used in previous legislation, and it is considered that “ceisio datrys y pryder” is more natural in Welsh and conveys the intended meaning.

Mark Drakeford AS/MS  
Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg Cabinet  
Secretary for Finance and Welsh Language

Agenda Item 5.1  


Llywodraeth Cymru  
Welsh Government

Mike Hedges MS  
Chair of the Legislation, Justice and Constitution Committee  
Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN  
[SeneddLJC@senedd.wales](mailto:SeneddLJC@senedd.wales)

9 October 2025

Dear Mike,

I wish to inform the Committee of the intention to consent to the laying and making of the Procurement Act 2023 (Specified International Agreements) (Amendment) Regulations 2025.

The majority of this UK Statutory Instrument (UKSI) is giving effect to the international agreements “the Agreement on Partnership and Cooperation with Iraq” and “the Strategic Partnership and Cooperation Agreement with Kazakhstan” and does not require WM’s consent. However, there is a small element of the UKSI that relates to transitional provisions that amend a current UKSI known as The Procurement Act 2023 (Commencement No. 3 and Transitional and Saving Provisions) Regulations 2024. This element does require WM’s consent.

Welsh Ministers will make separate regulations to give effect to the international agreements for Contracts covered by the Procurement Act 2023 for Wales. We expect to lay “The Procurement Act 2023 (Specified International Agreements) (Amendment) (Wales) Regulations 2025” on 18 November 2025.

The UKSI intersect with devolved policy and will apply to Wales. The Regulations extend to Northern Ireland, England, and Wales. The UKSI is subject to the affirmative procedure and is due to be laid before Parliament on 21 October 2025.

Yours sincerely,



**Mark Drakeford AS/MS**  
Ysgrifennydd y Cabinet dros Gyllid a'r Gymraeg  
Cabinet Secretary for Finance and Welsh Language

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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<b>TITLE</b>	<b>Draft of the Senedd Cymru (Member Accountability and Elections) Bill</b>
<b>DATE</b>	<b>6 October 2025</b>
<b>BY</b>	<b>Julie James MS, Counsel General and Minister for Delivery</b>

I am pleased to announce that today I am publishing a draft of the Senedd Cymru (Member Accountability and Elections) Bill.

The Bill aims to give people in Wales the power to remove Members of the Senedd who seriously break conduct rules. It sets out a recall mechanism for the Senedd with two clear triggers that would lead to a Member becoming subject to a recall poll: where a Member is convicted and sentenced to imprisonment (including suspended sentences); and where the Senedd agrees a recommendation from the Standards of Conduct Committee that a Member should be subject to a recall poll as a result of serious misconduct.

Additionally, the draft Bill includes a statutory requirement for every Senedd to establish a Standards of Conduct Committee, which could – for the first time – include independent lay members. Furthermore, the Commissioner for Standards would gain additional powers to investigate concerns about Members' conduct.

It also amends Welsh Ministers' powers to set rules about how Senedd elections are run. In order to address deliberate deception, this will include a duty on Welsh Ministers to prohibit false statements in future conduct orders governing Senedd elections.

The draft Bill can be found by clicking the following link: <https://www.gov.wales/draft-senedd-cymru-member-accountability-and-elections-bill>.

The aim of publishing a draft of the Bill today is to give Senedd Members and interested stakeholders an opportunity to see the proposed scope and direction of the Bill before its formal introduction in the autumn. It is not published for further consultation at this stage. It is still subject to the Llywydd's determination and there may be changes before introduction. This is not therefore a final version.

I look forward to working with Senedd Members on the provisions of the Bill during scrutiny after the Bill is introduced.





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## WRITTEN STATEMENT BY THE WELSH GOVERNMENT

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<b>TITLE</b>	<b>Draft of the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill</b>
<b>DATE</b>	<b>06 October 2025</b>
<b>BY</b>	<b>Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language</b>

A draft of the Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill has been published today.

The Development of Tourism and Regulation of Visitor Accommodation (Wales) Bill (“the Bill”) provides the legislative framework for a licensing scheme for visitor accommodation. This builds upon the register of visitor accommodation and providers, as set out in the Visitor Accommodation (Register and Levy) Etc. (Wales) Act (“the VARL Act”).

The draft Bill can be found at the following link: <https://www.gov.wales/draft-development-tourism-and-regulation-visitor-accommodation-wales-bill>

The aim of publishing a draft of the Bill is to give Senedd Members and interested stakeholders an opportunity to see the proposed scope and direction of the Bill before its formal introduction in the autumn. It is not published for further consultation at this stage. Work continues on the preparation of the Bill and there are likely to be changes before it is introduced to the Senedd. This is not therefore a final version.

I look forward to working with Senedd Members on the provisions of the Bill during scrutiny after the Bill is introduced in the autumn.

**Y Pwyllgor Deddfwriaeth,  
Cyfiawnder a'r Cyfansoddiad**

**Legislation, Justice and  
Constitution Committee**

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Jayne Bryant MS  
Cabinet Secretary for Housing and Local Government

7 October 2025

Dear Jayne,

**Building Safety (Wales) Bill**

Thank you for appearing before Committee on 29 September 2025 to discuss the Building Safety (Wales) Bill ("the Bill").

During the session you agreed to respond to some questions that we asked during the session in writing. We would also be grateful if you could respond to some additional questions to support our scrutiny of the Bill. These questions are set out at annex A.

Please could you respond no later than 29 October?

I have copied this letter to the Chair of the Local Government and Housing Committee.

Yours sincerely,



Mike Hedges  
Chair

# Annex A: Questions to the Cabinet Secretary for Housing and Local Government re. the Building Safety (Wales) Bill

## Legislative competence

1. We understand that certain provisions of the Bill that may affect the private interests or hereditary revenues of the King or the Duke of Cornwall and so, in our view, will require the signification of Crown consent under section 111(4) of the 2006 Act and Standing Order 26.67. Could you please tell us which provisions in the Bill you anticipate will require King's or Duke of Cornwall's consent and what is the status of those requests?

## Existing legislative framework

2. At our evidence session on 29 September, your official spoke about the Regulatory Reform (Fire Safety) Order 2005, its lack of applicability with housing law, and how the Bill aims to address those inconsistencies. Do you have anything further to add about whether this legislation combined with UK legislation amended by the Senedd, recently enacted UK legislation (e.g. the *Building Safety Act 2022* ("the 2022 Act")), and associated subordinate legislation, will affect the accessibility and coherence of the law in relation to building safety in Wales? We would welcome any additional examples of how the Bill is improving the accessibility and coherence of the statute book in relation to building safety.

## Development of the Bill

3. As we discussed on 29 September, there has been a very significant delay between the Grenfell tragedy in June 2017 and the development of this Bill. During the Local Government and Housing Committee's scrutiny of the Building Safety Bill LCM in November 2021 (already over four years after the Grenfell fire), the then Minister for Climate Change stated that:

*"... in the light of the Grenfell tragedy and the need to respond to the subsequent independent review of building regulations—the Hackitt review that Members will be familiar with—we need to respond as quickly as possible, and this Bill is the most effective way to do that. We've made it clear as a Government that, whilst protecting the devolution settlement remains a critical area of priority for us and that our general principle is to legislate in the Senedd, we should be open to taking*

*a pragmatic approach to using UK legislation to achieve the Welsh Government's objectives where that's necessary and it completely suits our policy agenda."*<sup>1</sup>

How would you respond to concerns that, by enacting legislation in Wales via the UK Parliament in 2021, and taking an additional four years to introduce this Bill to the Senedd, the Welsh Government has failed both to respond quickly to the Grenfell tragedy and to protect the devolution settlement?

4. You have stated that this Bill was developed in response to the Grenfell tower fire of 2017 and the Hackitt review a year later. You issued a white paper on the Bill's proposals in January 2021. However, in evidence to the Local Government and Housing Committee, you explained that some issues are still unresolved, which may lead to substantive amendments to the Bill (for example, in relation to how the Welsh Government can ensure consistency of application of the regulation regime across the 22 local authorities<sup>2</sup>). Why did you not use the time since the White Paper to publish a draft bill for public consultation, which could have resolved some of these issues before the Bill was introduced?

## **Implementation of the Bill**

5. The Bill provides the Welsh Ministers with the power to make subordinate legislation in 65 areas. How many of these regulations will need to be in place in order for the Bill to be fully implemented?
6. Local Authority Building Control (LABC) has highlighted that under regulations currently in force made under the 2022 Act, a building is considered a "higher-risk building" if it contains at least *one* residential unit. However, for the purposes of the Bill, a "regulated building" must contain at least *two* residential units. They argue that this inconsistency "may lead to confusion in the wider industry".<sup>3</sup> How do you respond to these concerns, particularly given your general views about the importance of alignment between this Bill and the 2022 Act?

## **Regulation-making powers**

7. There are 11 regulation-making powers to amend primary legislation (Henry VIII powers) in the Bill. Please set out a justification for why *each* Henry VIII power is necessary, reasonable and proportionate.

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<sup>1</sup> [Local Government and Housing Committee, 17 November 2021](#), RoP [100]

<sup>2</sup> [Local Government and Housing Committee, 17 July 2025](#), RoP [133-206]

<sup>3</sup> [Written evidence: BSWB.19 - LABC](#)

8. Can you set out why you believe that it would be appropriate for a government in the Seventh or Eighth Seneddau to change key matters in the Bill through secondary legislation, as is currently permitted by the broad relegation-making powers in the Bill, rather than by bringing forward primary legislation and allow full Senedd scrutiny, including by means of an expedited process if necessary?
9. Can you confirm whether some of the broad regulation-making powers in the Bill (such as those in section 16) would allow a future government to exclude certain buildings or structures from the regulatory regime? If so, have you considered inserting safeguards that would limit the use of those powers (for example, by limiting the power to *extending* the list of structures that fall within the regulatory framework of the Bill, rather than enabling future Welsh Government to also *remove* structures from that list)?
10. Despite agreeing in principle that the powers granted to Welsh Ministers are appropriate, some key stakeholders including the WLGA have raised concern about how future regulations will be developed, and the extent to which the sector will be consulted.<sup>4</sup> Do you have anything further to add to provide reassurance to these stakeholders and others about the use these powers by future Welsh Governments?
11. Can you confirm that the current duties “to consult such other persons as Welsh Ministers consider appropriate” would in practice oblige future Welsh Governments to consult meaningfully with residents whenever residents have legitimate interests in the regulations or guidance being developed?
12. In your response to our question about why a definition of “storey” is not included on the face of the Bill, you explained that including technical detail such as the definition of a storey or a mezzanine “risks overcomplicating the Bill”. However, a definition of mezzanine is included in section 118(3) of the 2022 Act, and indeed the Act also provides some detail about the definition of a storey itself (section 118(3)). You went on to state that setting out the definition of storey in regulations, rather than on the face of the Bill, will help to ensure consistency with the 2022 Act and its subordinate legislation. Can you provide further clarity about your decision not to include a definition of “storey” and other key terms of the face of the Bill?
13. One of the powers given to the Welsh Ministers in the Bill includes a power for the Welsh Ministers to change the definition of a “building”. During scrutiny, you told us that the definition of building may need to be amended if certain types of structures are being

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<sup>4</sup> Written evidence: BSWB 14 - Welsh Local Government Association; Written evidence: BSWB 22 - Community Housing Cymru



interpreted as buildings in a way that was not intended by the Bill, or if new types of multi-occupied residential accommodation emerge. Please can you:

- a. clarify whether consideration was given to taking alternative drafting approaches to include safeguards against different structures being used as buildings on the face of the Bill?
  - b. set out examples of structures that you may want to exclude from the regulatory regime set out in the Bill (for example, your official cited large floating barges)?
14. Section 29(3) gives regulation-making powers for the Welsh Ministers to specify requirements relating to the competence of fire risk assessors. Given the importance of the qualifications of fire safety risk assessors, why should this be left to regulations and subject only to scrutiny through the annulment procedure?
15. Section 33(7) gives regulation-making powers to the Welsh Ministers to make provision in relation to the making of structural risk assessments, including expertise, qualifications and experience of assessors. Why are you satisfied that this should be left to regulations and subject only to scrutiny through the annulment procedure?
16. Section 65(3) inserts new section 49B to the *Landlord and Tenant Act 1987* requiring a landlord to give the tenant a notice containing relevant building safety information. New section 49B(5)(e) provides a power for the Welsh Ministers to make regulations that can prescribe other information as relevant building safety information. Those regulations are made under the Senedd annulment procedure (new section 49B(8)). However, the Explanatory Memorandum states that this power will be subject to the draft affirmative procedure. Can you confirm which procedure will apply to this power, and whether any changes to the Explanatory Memorandum are necessary?

## Guidance

17. The only guidance that the Welsh Ministers are mandated to issue under the Bill relates to principle accountable persons and landlords of houses of multiple occupation for certain duties relating to the assessment of fire safety risks. Have you given any further consideration to whether a duty should be placed on the Welsh Ministers to produce guidance in other areas (for example, your official cited structural safety as one potential area where compulsory guidance might be worthwhile)?
18. No Senedd scrutiny procedure is in place for the guidance that the Welsh Ministers must issue under section 98(1) or may issue under section 98(2). Do you consider that this guidance should be subject to the draft annulment procedure?

19. Do you have a list of all the guidance that you plan to publish as a result of this Bill? If so, is there a timetable for the publication of the this guidance, and can this be shared with committees, along with a list of all planned guidance?

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**WRITTEN STATEMENT  
BY  
THE WELSH GOVERNMENT**

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<b>TITLE</b>	<b>Update on the Review of the Control of Agricultural Pollutions Regulations</b>
<b>DATE</b>	<b>08 October 2025</b>
<b>BY</b>	<b>Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs</b>

The independently chaired Review of the Control of Agricultural Pollution Regulations (CoAP Regulations) was completed in March this year. On 31 March, I announced my intention to take forward all 23 recommendations in full and at pace. We must clean up our rivers and coastal waters.

There is a role for government, water companies, farmers, environmental organisations, supply chains and many others. We need to go further than we have before, challenge each other more than we have before, and we need to move quickly to make real improvements. The Water Summit, held on 25 September, focussed specifically on agriculture. The implementation of the recommendations resulting from the review is a key component of this work and I want to update the Senedd on progress.

Stakeholder engagement and process

Due to the complex and technical nature of the recommendations and the importance of a collaborative approach, I will be using the experience gained from the SFS stakeholder engagement process to inform the way forward. I have asked my officials to establish a new task and finish group to engage on the recommendations and inform the development of proposals. We will shortly be issuing a call for expressions of interest.

Final decisions will be for Welsh Ministers. However, given the importance of this work to a range of stakeholders, I will make sure the SFS Ministerial Roundtable and the eNGO roundtable are sighted on progress. Furthermore, any proposals for substantive changes to the regulations will require formal consultation and will need to be underpinned by the necessary Impact Assessments.

To underpin this work, officials are drafting technical specifications for work to be carried out by contractors with scientific and agronomic expertise. The specifications include

exploratory work on key recommendations, including alternatives to the closed periods and the 170kg limit and soil protection measures. The Welsh Government is engaging with the Construction Industry Research and Information Association (CIRIA) - a neutral, independent and not-for-profit body - on its review of industry guidance on best practice in relation to slurry storage for designers, contractors and agricultural operators to inform future slurry storage designs.

### Cross compliance and enforcement

The Welsh Government has committed £1.58m for NRW's enforcement of the Regulations in the 2025-26 financial year, which targets high-risk agricultural activities. Officials are reviewing the cross-compliance process with the intention to ensure farms are not penalised where they have taken the appropriate steps to mitigate the risks of pollution in challenging circumstances and a breach of cross compliance is as a result of being under TB restrictions. I am keen for the task and finish group to explore this issue early and to develop a sustainable and long-term solution.

As a reminder, where non-compliance with the Regulations has occurred, my officials and NRW are also able to consider any unforeseen Exceptional Circumstances which may have resulted in a breach of Cross Compliance. Where farmers consider that any non-compliance is due to unforeseen matters beyond their control, circumstances can be considered on a case-by-case basis, this could include being under TB restrictions.

I have also instructed officials to carry forward the changes within the Cross Compliance Verifiable Standards introduced in October 2024, in respect of silage and slurry storage and field sites. This change enabled a more proportionate approach to penalties and will remain in place until regulatory change in this area has been explored.

The review concluded that consideration should be given to provide an appropriate and proportionate enforcement mechanism, through the application of civil sanctions. Independently from the review of the CoAP Regulations, as part of the proposals resulting from the Agriculture (Wales) White Paper, we have been exploring the potential for a more flexible and proportionate enforcement approach through civil sanctions. Subject to the outcome of consultation, the inclusion of civil sanctions will continue to be considered in respect of further changes to the CoAP Regulations.

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# Agenda Item 11

By virtue of paragraph(s) vi of Standing Order 17.42

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