



Llywodraeth Cymru
Welsh Government

Explanatory Memorandum

Legislation (Procedure, Publication and Repeals) (Wales) Act 2025

July 2025



“And by the common counsel and agreement ... they examined the old laws, and some of them they allowed to continue, others they amended, others they wholly deleted, and others they laid down anew.”

Book of Iorwerth 1240

Explanatory Memorandum to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025

Note: this version of the Explanatory Memorandum has been prepared to assist readers in understanding the background to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025. Earlier versions were prepared to meet the requirements of the Senedd's Standing Orders when the Bill (that became the 2025 Act) was before the Senedd. Those earlier documents are available on the Senedd's website at: [Legislation \(Procedure, Publication and Repeals\) \(Wales\) Act 2025](#)

This Explanatory Memorandum has been prepared by the Office of the Legislative Counsel of the Welsh Government.

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Part 1 – Policy objectives of the Act

Description

1. The purpose of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 ('the 2025 Act') is to:
 - a. bring together and formalise:
 - i. the procedural arrangements for making Welsh subordinate legislation; and
 - ii. the requirements for publishing Acts of Senedd Cymru and Welsh statutory instruments, and other subordinate legislation that is not made by statutory instrument.
 - b. improve the accessibility of Welsh law by:
 - i. repealing, amending and otherwise disapplying in relation to Wales provisions and enactments that are no longer of practical utility or benefit;
 - ii. making amendments to the Legislation (Wales) Act 2019.

Current problems

Making and publishing Welsh legislation

2. The Legislation (Wales) Act 2019 ('the 2019 Act') makes provision about the interpretation and operation of Welsh legislation and requires the Counsel General and the Welsh Ministers to take steps to improve the accessibility of Welsh law.
3. The Law Commission of England and Wales (the Law Commission), in their report on the *Form and Accessibility of the Law Applicable in Wales*¹, which preceded the introduction of the 2019 Act, considered (among other matters) the arrangements for publishing legislation together with wider issues relating to its accessibility.
4. At the time the Bill that became the 2019 Act was being considered by the Senedd, the Government explained² that it intended to:

¹ Available at: [The Form and Accessibility of the Law Applicable in Wales - Law Commission](#)

² Welsh Government (June 2019) *Explanatory Memorandum – Legislation (Wales) Bill*, para 78 (available at: [pri-ld11927-em-r-e.pdf \(senedd.wales\)](#))

... consider the current arrangements for the publication of legislation and statutory instrument procedure in the future, with a view to establishing bespoke provision for Wales akin to the arrangements that already exist in both Northern Ireland and Scotland.

5. The Government has concluded that the legislative basis for making and publishing Welsh legislation is currently incomplete in several aspects, available only in the English language, and is scattered across three or four enactments, some of which are very old. Where this existing legislation predates the creation of the Welsh legislature it has sometimes been adapted for Wales. But as would be expected from a retrospective modification, these provisions can be difficult to understand and in certain aspects they do not reflect the constitutional arrangements for Wales. There is lack of a clear legislative obligation to print Acts of Senedd Cymru, and there is no formal recognition of Welsh legislation in the King's Printer of Acts of Parliament's remit. And although statutory instruments made in Wales are labelled "Welsh Statutory Instruments" there is no formal recognition of this concept in legislation, and (unlike the equivalent in Scotland and Northern Ireland) they are published as part of the wider UK "series" of statutory instruments. There are generally only informal arrangements in place for the publication of subordinate legislation not made by statutory instrument.
6. These problems are considered in more detail below.

Acts of the Senedd

7. Section 115 of the Government of Wales Act 2006 makes provision about the process through which Acts of Senedd Cymru receive Royal Assent (and, in that way, are "enacted" having been passed by the Senedd). Sections 115(5) to (5F) refer to the "official print" version of an Act of the Senedd and a "certified copy" of the official print. They also contain requirements about where those are to be sent, and for particular information to be recorded on the official print. The National Library of Wales must preserve, and make available to the public, the official print version and the Letters Patent that signify Royal Assent (section 115(5F)).
8. Under section 115(5A) the calendar year and "*any prefix and number which has been assigned to that Act*" must be written on the official print version of the Act. The Acts of Parliament Numbering and Citation Act 1962 deals with numbering, to an extent, for UK Parliament Acts, while sections 38(1) to (5) of the Interpretation and Legislative Reform (Scotland) Act 2010 (the 2010 Scottish Act) makes provision for numbering of Acts of the Scottish Parliament.

9. Section 39(2) of the 2010 Scottish Act also provides that the King's Printer for Scotland:
- (a) must print copies of the certified Act and make them available for sale,
 - (b) may make other arrangements for the publication of the certified Act.
10. Similar provision for printing and publishing Acts of the Senedd is not made in the Government of Wales Act 2006 (or any other enactment). However, despite not being required to do so, the King's Printer of Acts of Parliament undertakes this function in practice.
11. The Letters Patent for each Act of the Senedd is published online in *The Gazette* and in print in the London, Belfast and Edinburgh Gazettes (there is no "Cardiff Gazette"). It is the duty³ of the First Minister, in the First Minister's capacity as Keeper of the Welsh Seal, to arrange this.

Statutory Instruments

12. The requirements relating to the scrutiny and publication of SIs made by the Welsh Ministers are set out in the Statutory Instruments Act 1946 (the 1946 Act) and the associated Statutory Instruments Regulations 1947 (the 1947 Regulations). The 1946 Act applies to the Welsh Ministers, and instruments made by them, by virtue of section 11A of that Act⁴.
13. There is currently no legal concept of a "Welsh statutory instrument", but "statutory instruments" made by or on behalf of the Welsh Ministers (or a devolved Welsh authority⁵) are printed in a format that has a header block entitled "Welsh Statutory Instrument". They form part of something (informally) known as the 'UK statutory instruments series' and are numbered accordingly.
14. As explained on the legislation.gov.uk website⁶:

UK Statutory Instruments are numbered sequentially each year. Welsh Statutory Instruments and the Orders in Council made under the Northern Ireland Acts are included in the same numbering sequence as UK Statutory Instruments. They are distinguished within that sequence by a subsidiary number in brackets after the S.I. number (e.g. '(W. 22)', '(N.I. 15)', etc.). There are also UK Statutory

³ Article 4, National Assembly for Wales (Letters Patent) Order 2011 (SI 2011/752)

⁴ Inserted by section 160 and paragraph 3 of Schedule 10 to the Government of Wales Act 2006

⁵ Within the meaning given by section 157A of the Government of Wales Act 2006

⁶ See: "Citation and Numbering" (last accessed 19/09/24)

Instruments relating exclusively to Scotland which are included in the UK numbering sequence and distinguished by a subsidiary number (e.g. '(S. 27)'). These are not to be confused with Scottish Statutory Instruments which have their own 'SSI' numbering sequence, as do Statutory Rules of Northern Ireland which have their own 'SR' numbering sequence separate from the UK 'SI' sequence.

15. So this presents a confusing picture. Statutory Instruments made in Wales are called “Welsh Statutory Instruments” despite an instrument of this nature not existing in legislation, and they are given a Welsh number but only as (a subsidiary) part of the UK numbering system. An Order in Council relating solely to Wales is not titled as a ‘Welsh Statutory Instrument’ and does not attract the subsidiary number⁷.
16. The requirements for printing and publishing Scottish Statutory Instruments (SSIs) are set out in 2010 Scottish Act and the Scottish Statutory Instruments Regulations 2011 (SI 2011/195) (the 2011 Scottish Regulations). The 2010 Scottish Act and the 2011 Scottish Regulations broadly restate, with some modifications, provisions originally made in the “Transitional Orders”⁸. The Transitional Orders were enacted in anticipation of the Scottish Parliament coming into being and included an “SI Order” that had the effect of disapplying sections 2 to 8 of the 1946 Act in relation to Scottish subordinate legislation and created a new type of instrument: a “Scottish Statutory Instrument”. Part 2 of the 2010 Scottish Act and the 2011 Scottish Regulations broadly restate the provisions of the SI Order.
17. In Northern Ireland the principal form in which subordinate legislation is made is by way of a “statutory rule”. These are made under the Statutory Rules (Northern Ireland) Order 1979 (SI 1979/1573 (NI 12))⁹. His Majesty also appoints a “Government Printer for Northern Ireland” by Letters Patent.
18. Provision corresponding to Scotland or Northern Ireland was not made for Wales in 1999 with the establishment of the then National Assembly for Wales, nor in 2006 with the constitutional changes brought about by the Government of Wales Act 2006. It therefore remains the case that the instruments labelled as “Welsh Statutory Instruments” are in fact just “statutory instruments” and are part of the UK statutory

⁷ See for example the Education (Inspectors of Education and Training in Wales) (No. 2) Order 2023 (SI 2023/1212)

⁸ These were: The Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999 (SI 1999/1379); The Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (SI 1999/1096); and the Scotland Act 1998 (Transitory and Transitional Provisions) (Orders subject to Special Parliamentary Procedure) Order 1999 (SI 1999/1593).

⁹ This replaced the Rules Publication Act (Northern Ireland) 1925 (c. 6)

instrument series. The 1946 Act has been modified, to an extent, to accommodate the existence of the Welsh legislature, rather than bespoke provision being made, and as a result the requirements for statutory instruments made by the Welsh Ministers are set out in the English language only. The requirement to publish these statutory instruments sits with the King's Printer of Acts of Parliament.

19. Although the 1946 Act appears to provide for the procedures by which instruments are made, in fact only the procedure that has become known as the "negative procedure" is dealt with in detail. Section 4 of the 1946 Act, which needs to be read with section 7, provides for "statutory instruments which are subject to annulment by resolution of either House of Parliament" (which, in relation statutory instruments made in Wales, has to be read as "subject to annulment by resolution of Senedd Cymru"). This, however, presents only part of the picture. Custom and practice has developed over the last 8 decades that means there are now four main procedures used to make statutory instruments: these are often called the "negative procedure", the "draft affirmative procedure", the "made affirmative procedure" and, if an instrument is to be laid but no other Parliamentary control is applied to it, it is known as "no procedure". However, these are informal labels and the enactments that confer the powers to make the subordinate legislation spell out the form of procedure, in some cases in detail. There are other procedures used, albeit much more rarely than the main four; and in some cases, are adaptations of a main procedure. Generally, there is no obvious reason why the rarer procedures, or adaptations, have been adopted.

Subordinate legislation not made as a statutory instrument

20. The legislation.gov.uk site (operated by The National Archives) provides access to Acts of the Senedd and Measures of the National Assembly for Wales, together with statutory instruments made in Wales. The site does not, however, publish subordinate legislation made by or on behalf of the Welsh Ministers that is not contained in a statutory instrument. There have been concerns expressed about the availability and accessibility of such "non-SI" subordinate legislation since the inception of the (then) National Assembly. For example, amendments were proposed in the House of Lords, to the Bill that would become Government of Wales Act 2006, to impose duties on the Welsh Government to publish all legislation, or to establish a register of all subordinate legislation not made by statutory instrument.
21. The Welsh Government has been publishing copies of this form of subordinate legislation on its website. But practice has varied over the years as to whether and how it is numbered, catalogued, made initially available and subsequently retained for public access. Currently the Government procedures are to make a record of the legislation on an internal central register, allocate a unique identifying number to each item of non-SI

subordinate legislation, and to publish that subordinate legislation to the Government website. However, ensuring that the procedure is always followed is not straightforward, partly because the determination of whether a document has the characteristics of legislation can be open to interpretation.

22. A significant proportion of the non-SI subordinate legislation made each year by the Welsh Ministers relates to temporary road orders, generally referred to as “stopping up orders”. Alongside these, the Welsh Ministers also make a number of temporary road orders by way of statutory instrument¹⁰ – over the past four financial years (ending March 2024) just under 500 orders of this kind were made. The Government has generally published these on its website, even though they are also published on the legislation.gov.uk website operated by The National Archives (unlike the stopping up orders). As both types of these orders are published on it, the Government’s website arguably provides a more comprehensive source for users trying to find out whether temporary restrictions or arrangements are, or have been, in place for particular roads.
23. In addition, the requirement to make certain temporary road orders as statutory instruments results in costs to the Government. Equivalent temporary road orders made in relation to England, by National Highways, are not made by statutory instrument.

Legislative provisions that are no longer of practical utility or benefit

24. The Government has an ongoing programme to improve the accessibility of Welsh law¹¹. This programme seeks to tackle problems with the complexity of the law, and the disorganised state of our vast and sprawling statute book. The problems of inaccessible law are caused not only by the sheer volume of legislation but also because that legislation has been amended, re-amended and re-made in inconsistent ways over time. Sometimes those changes can result in legislative provisions that are no longer necessary. Provisions can also fall out of use or are never brought into force (generally because other circumstances have rendered them unnecessary).
25. Removing unnecessary provisions from the statute book can help to “declutter” it and amending provisions so that they no longer apply in relation to Wales helps to bring clarity about what law is relevant to Wales.

¹⁰ These are classified as “local” instruments and under the exemptions provided for in the 1947 Regulations are not printed by the King’s Printer, although they are available on the legislation.gov.uk website

¹¹ The current programme is available at: [The future of Welsh law: revised accessibility programme 2021 to 2026 | GOV.WALES](#)

26. If the unnecessary provisions are found in Acts (of the UK Parliament or of Senedd Cymru) further primary legislation can be needed to remove them. Rather than wait for a suitable Bill dealing with other changes to that area of the law, a Bill that simply repeals or disapplies legislative provisions from across the statute book can be brought forward. When such Bills have been taken through the UK Parliament they have typically been known as 'Statute Law (Repeals)' Bills; approximately 20 Bills of this type have been enacted by the UK Parliament (having been drafted by the Law Commission), though there have been none since 2013 due to cuts to the Law Commission's budget, and none have yet been considered by the Senedd.
27. A "repeals Bill" helps to improve the accessibility of Welsh law by modernising and simplifying the law, reducing the size of the statute book and making it easier to navigate. This saves the time of lawyers and other users of legislation, helps to avoid unnecessary costs and stops people being misled by obsolete laws. It is anticipated a Bill dealing with repeals of this kind will feature in most Government programmes to improve the accessibility of Welsh law.

Legislation (Wales) Act 2019

28. During the passage of the Bill that became the 2019 Act, a commitment was given to review the Act part way during the current Senedd. That review was undertaken in 2023 and the conclusions formed part of the Counsel General's annual report for 2022-23 on progress under the Government's programme to improve the accessibility of Welsh law¹².
29. The review identified certain aspects of Part 2 of the 2019 Act (which makes provision about the interpretation and operation of legislation) that could benefit from clarification, particularly in light of the experiences of drafting consolidation Bills that had taken place since the Bill was enacted. Primary legislation would be needed to make those changes, and therefore a suitable legislative vehicle is required to ensure the 2019 Act works effectively.

Policy objectives

30. As referred to above the purpose of the 2025 Act is to bring together and formalise the arrangements for making and publishing Welsh legislation, and to improve the accessibility of Welsh law. Each aspect of its content considered below.

¹² Available at: [the-future-of-welsh-law-annual-report-2022-to-2023.pdf \(gov.wales\)](https://gov.wales/the-future-of-welsh-law-annual-report-2022-to-2023.pdf)

Making and publishing Welsh legislation

31. The 2025 Act inserts two new Parts and three new Schedules into the 2019 Act in respect of the making and publishing of Welsh legislation. This avoids 'stand-alone' provision being made in a separate Act and instead ensures that these provisions form part of the Welsh Act that already deals with the accessibility, interpretation and operation of the legislation of Wales.
32. New Part 2A to the 2019 Act streamlines and codifies the Senedd procedures for making subordinate legislation and in doing so it properly reflects the existence of a "Welsh statutory instrument". New Part 2B proposes a clear and modern articulation of the process of publishing legislation (Acts of Senedd Cymru, Welsh statutory instruments and other subordinate legislation).
33. As a result, future Acts of the Senedd will provide that subordinate legislation made under them is to be made as a "Welsh statutory instrument" as opposed to by "statutory instrument" (which will attract the relevant aspects of Part 2B as to the numbering, publication and preservation of such instruments).
34. In addition, the provisions essentially codify existing Senedd procedures for making subordinate legislation by giving them formal names (or labels). Because Part 2A establishes sets out what each of the names means, future Acts of the Senedd can use these terms rather than setting out the requirements for each procedure in every Act (as happens presently). As with other aspects of the 2019 Act, this helps to shorten and simplify future legislation, and promote consistency in the language, form and operation of future legislation.
35. Part 2A also ensures that existing powers in Acts, exercisable by the Welsh Ministers or a devolved Welsh authority, to make subordinate legislation in the form of a statutory instrument will in future be exercised in the form of a Welsh statutory instrument. And the existing procedures that apply to the making of the subordinate legislation will be 'converted' into one of the codified Senedd procedures. This is done by the proposed new Schedule 1A.
36. Similarly, Part 2A applies the codified Senedd procedures to other subordinate legislation made by statutory instrument, that isn't to be made by Welsh statutory instrument but is nevertheless scrutinised by Senedd Cymru. Specifically this relates to: (1) subordinate legislation made by the Welsh Ministers together with another person (other than a devolved Welsh authority) – in practice a Minister of the Crown (UK Government minister); and (2) Orders in Council (specific subordinate legislation, generally of a constitutional nature, made by the Privy Council). Provision is made for

each in Schedules 1B and 1C, which includes setting out the codified Senedd procedure in a slightly modified form (changing the terminology as appropriate).

37. Section 2 of the 2025 Act amends certain road traffic enactments so that the Welsh Ministers will no longer make certain temporary local road traffic orders as Welsh statutory instruments (or statutory instruments). A fuller explanation of section 2 and new Parts 2A and 2B to the 2019 Act is provided in the Explanatory Notes to the 2025 Act (available at: [Legislation \(Procedure, Publication and Repeals\) \(Wales\) Act 2025 - Explanatory Notes](#))

Repeals and amendments of provisions no longer of practical utility or benefit

38. Particular consideration has been given to removing certain redundant provisions in existing legislation that relate to, or are connected with, the planning system. This is because one of the key projects in the Government's programme to improve the accessibility of Welsh law is tackling the complexities and inefficiencies of planning law in Wales. The Government will, in September 2025, bring forward a consolidation Bill to simplify and modernise planning law in Wales. The need for that Bill is long standing and was clearly demonstrated when the Law Commission's report on *Planning Law in Wales*¹³ concluded that it is an area of law needing urgent attention. Their report highlighted the detrimental impacts the inaccessibility, quality and complexity of the law are having on the operation of the planning system – findings that have been accepted by the Government.
39. Dealing with some of the redundant planning provisions in the 2025 Act allows some of the decluttering of the statute book in relation to planning to go ahead earlier than would otherwise happen, and will avoid having provisions relating to those repeals being included in the Planning Bill. The Government's intention is for the Planning Bill to stand as the substantive statement on planning law in Wales, and provisions that are spent, unnecessary or obsolete will simply add to the length and complexity of that Bill. The 2025 Act therefore repeals and amends provisions relating to:
- a. Rural Development Boards;
 - b. enterprise zone areas;
 - c. housing action trusts;
 - d. local plans, structure plans and unitary development plans;
 - e. energy policies in development plans; and
 - f. soil removal for development without consent.

¹³ Available at: [Planning Law in Wales - Law Commission](#)

40. Over and above the proposals relating to planning, the 2025 Act also repeals and amends provisions dealing with:
- a. reorganisation of local government;
 - b. statements of special educational needs;
 - c. National Park planning boards;
 - d. the Welsh Development Agency;
 - e. the Development Board for Rural Wales;
 - f. the Land Authority for Wales;
 - g. invasive non-native species;
 - h. unrecorded public rights of way;
 - i. miscellaneous matters in the Government of Wales Acts of 1998 and 2006, and
 - j. an unnecessary cross-reference in the Local Government Finance (Wales) Act 2024.
41. The 2025 Act also repeals, entirely, a Measure and an Act of the Senedd:
- a. the Domestic Fire Safety (Wales) Measure 2011; and
 - b. the Welsh Elections (Coronavirus) Act 2021.
42. An explanation of the background to the provisions being repealed or amended, together with the rationale for including them in the 2025 Act, is set out in the Explanatory Notes (available at: [Legislation \(Procedure, Publication and Repeals\) \(Wales\) Act 2025 - Explanatory Notes](#))

Amendments to the Legislation (Wales) Act 2019

43. The 2025 Act makes minor amendments to Part 2 of the 2019 Act to provide clarification in respect of three matters that have been identified by the Government's specialist drafters of primary legislation:
- a. the application of section 16 of the 2019 Act (about the exercise of powers and duties that are not yet in force);
 - b. bringing Church Measures within the meaning of "enactment" for the purposes of sections 21, 25 and 32 to 35 of the 2019 Act; and
 - c. the effect of section 35 of the 2019 Act on the Crown application of subordinate legislation.

44. In light of the wider changes being made to the 2019 Act in relation to making and publishing in legislation, the 2025 Act makes further changes to that Act by:
- a. amending the meaning of a Welsh subordinate instruments in section 3 of the 2019 Act;
 - b. inserting new provision (section 12A) regarding laying documents before the Senedd;
 - c. adding to (and renaming) section 36 in relation to referring enactments after repeal and revocation;
 - d. replacing existing section 40 (combining subordinate legislation subject to different Senedd procedures) with new section 37G, which will sit within new Part 2A.
45. Finally, following amendment of the Bill (that became the 2025 Act) during Stage 3 of the Senedd's consideration, the 2025 Act also:
- a. amends section 2 of the 2019 Act so that the Government's programme to improve the accessibility of Welsh law must include activities aimed at resolving ambiguities and correcting errors in that law (this will also ensure that there is a regular report on the work undertaken to correct errors, through the Counsel General's annual report on the programme (see section 2(7) of the 2019 Act));
 - b. inserts new section 42A into the 2019 Act that has the effect of requiring the Counsel General to undertake a review of the first two years of operation of new Parts 2A and 2B and lay a report on the findings before the Senedd (and consultation with the Llywydd, the Clerk of the Senedd and other persons with an interest is required as part of this review).
46. A fuller explanation of these changes to the 2019 Act is provided in the Explanatory Notes to the 2025 Act (available at: [Legislation \(Procedure, Publication and Repeals\) \(Wales\) Act 2025 - Explanatory Notes](#)) and an illustration of the amendments in context arising from Schedule 2 is provided at Annex B of this Memorandum.
47. Further consequential amendments to the 2019 Act are dealt with in Schedule 3 to the 2025 Act (see, in particular, paragraphs 9 to 15 of that Schedule).

Legislative competence

48. The Senedd has the legislative competence to make the provisions in the 2025 Act pursuant to Part 4 of the Government of Wales Act 2006, as amended by the Wales Act 2017. Secretary of State consent was, however, required in relation to the provisions that impact upon the King's Printer of Acts of Parliament (who is to be referred as the King's Printer for Wales in so far as the exercise of these functions is concerned). That consent was received on 27 January 2025.

Alternate approaches to achieving policy objectives

Making and publishing Welsh legislation

49. The Government had previously committed to consider the arrangements for making and publishing Welsh legislation. Having now reviewed these, without legislative reform it would not be possible to achieve the objective of bringing together and formalising the arrangements for making and publishing Welsh legislation. As such the only alternate would be to continue with things as they stand. The Government and Senedd could continue to operate with the existing procedures for making legislation, and for the Government this would also include publication of subordinate legislation made other than by statutory instrument. However, this would leave the law failing to fully and correctly reflect the arrangements for publication of legislation and would leave the law made in English only.

Repeals and amendments of provisions no longer of practical utility or benefit

50. As noted above, it may be¹⁴ the case that primary legislation is needed to remove provisions that are no longer required in Acts of the Senedd or UK Parliament. This can be done when a law reform Bill is brought forward dealing with a particular topic¹⁵, but there is no guarantee of a suitable vehicle being available at a suitable time. Inclusion of a proposed repeal may also have implications for the scope and handling of the Bill in question, if it is not directly related to area of law where the issue lies.
51. Redundant provisions may therefore sit on the statute book for many years waiting to be picked up by a suitable Bill. The Welsh Government could continue to operate in this

¹⁴ Acknowledging that some repeals might be possible using powers to make consequential and other amendments in subordinate legislation

¹⁵ See for example section 62(4)(a) of the Local Government and Elections (Wales) Act 2021 which omitted a redundant provision (section 106(6)) in the Local Government Act 2000.

way, but that would not support the overall policy objective of improving the accessibility of Welsh law.

Amendments to the Legislation (Wales) Act 2019

52. In the absence of updating Part 2 of the 2019 Act in respect of the matters set out above, clarification would have to be left to being dealt with in future individual enactments on a case-by-case basis. For example, a Bill on a matter upon which Church Measures would or could have a bearing, specific provision would need to deal with that in the Bill itself, rather than relying on the general arrangements provided for in the 2019 Act. Alternatively, the current minor ambiguities could continue, which undermines (to an albeit limited effect) the intention of an interpretation Act.
53. In so far as the power to make subordinate legislation in advance of other provisions is concerned, it is open to the Welsh Ministers to exercise powers normally conferred upon them to bring Acts into force. This generally includes an ability to bring certain provisions into force for different purposes at different times. In this way, Ministers can bring powers to make subordinate legislation into force before the rest of the Act comes into force (and this is done frequently). However, this leads to considerable unnecessary complication when bringing legislation into force and serves no useful purpose for the user of legislation.
54. The additional changes to the 2019 Act, that arise in consequence of the wider changes being made in respect of the making and publishing of Welsh legislation, would (in the main) no longer need to be made.

Part 2 – Consultation

Consultations undertaken prior to introduction of the 2025 Act into the Senedd

55. The Welsh Government’s consultation on a draft “Statute Law (Repeals) (Wales) Bill” was published on 7 October 2022 on the Government’s website¹⁶. It was drawn to the attention of known stakeholders with an interest in accessibility of the law, as well as those with a potential interest in specific elements of the proposals. The then First Minister wrote to the Llywydd at the start of the consultation, as the proposals included revocation of the Welsh Elections (Coronavirus) Act 2021. Reminders of the consultation and closing date were periodically sent to the list of potential stakeholders. This consultation ran for 13 weeks, closing on 6 January 2023.
56. Four other consultations are relevant to the 2025 Act:
- a. Most of the provisions in the 2025 Act that deal with preparatory matters for the Planning Bill, including for example the provisions relating to housing action trusts, were consulted upon by the Law Commission as part of their work ahead of their report, *Planning Law in Wales*. The detail of that consultation and findings were set out in their report and summarised (in relation to proposed repeals) in the Welsh Government’s consultation on a draft Statute Law (Repeals) (Wales) Bill.
 - b. Part 7 of Schedule 1 to the 2025 Act repeals the Domestic Fire Safety (Wales) Measure 2011 (see below). In November 2020 the Welsh Government consulted on proposals to amend the Building Regulations to require automatic fire suppression measures in care homes for children. A further consultation¹⁷ was held from 14 December 2022 to 7 March 2023 on the specific amendments that would need to be made to the Building Regulations.
 - c. Part 11 of Schedule 1 to the 2025 Act repeals the Industry Act 1979 and the Welsh Development Agency Act 1997 as well as amending the Industry Act 1980. All three matters were proposed in the Law Commission’s report, *Statute Law Repeals: Twentieth Report Draft Statute Law (Repeals) Bill* of June 2015, which followed extensive consultation and discussion.

¹⁶ See: [Statute Law \(Repeals\) \(Wales\) Bill | GOV.WALES](#)

¹⁷ See: [Automatic fire suppression systems in care homes for children | GOV.WALES](#)

- d. Part 14 of Schedule 1 to the 2025 Act amends Schedule 9 to the Wildlife and Countryside Act 1981 (the 1981 Act), so as to remove reference to three non-native species. Section 22 of the 1981 Act and article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 provide the Welsh Ministers with powers to amend Schedule 9 by way of an Order; section 26 of the 1981 Act requires the Welsh Ministers to provide any local authority and other person affected with an opportunity to submit objections or representations on the matter of the proposed Order. Although section 26 does not apply to the amendment of Schedule 9 by way of the 2025 Act, it is worth noting that in January 2021 the Plant Health and Environmental Protection Branch within Welsh Government wrote to the 22 local authorities in Wales, Natural Resources Wales (NRW) and the Joint Nature Conservation Council (JNCC) seeking views on removing the three species from Schedule 9. NRW and JNCC confirmed they were content with the proposal. Only one local authority responded, asking an unrelated question about distribution of New Zealand flatworm in Wales.

Summary of the outcomes of Welsh Government's consultation on the draft Bill

57. The Welsh Government received eight consultation responses on the draft Statute Law Repeals (Wales) Bill. Seven of these have been published, together with a consultation summary report. The eighth response was not published at the request of the respondent.
58. Most responses only commented on one or two matters and were mainly in favour of the proposals. One respondent did not agree with any of the proposed repeals and amendments set out in the draft Bill. Some of the more detailed comments received related to minor technical and drafting points, which were subsequently reviewed by the legislative drafters of the 2025 Act.

Amendments in light of consultation

59. Following consideration of the consultation responses and ongoing development of the provisions, a number of minor changes to the original draft Bill were made. These are summarised in Table 1 below (and references to "final Bill" are to the Bill that became the 2025 Act).

Table 1 – Summary of changes made following consultation

Change made (Section, Part or paragraph reference is to the section in or Part or paragraph of the Schedule to the draft Bill)	Reason for change
Long title updated to reflect scope of final Bill	Identified by legislative counsel
Section 1 title updated and chapeau amended as more than one Schedule in final Bill	Identified by legislative counsel
Section 2 replaced to reflect final Bill and current drafting practice	Identified by legislative counsel
Inclusion of section or Schedule descriptions in paragraphs 1(3), 4(2), 4(3), 4(4), 7(a) to (d), 8, 23(1), 27(2), 27(3)(a) to (d), 27(3)(f), 27(4), 27(5), 31, 33, 43(6), 43(7) and 54 of the Schedule. The section description in paragraphs 26, 43(3) and 51(2), and the paragraph description in paragraph 53(l) have been updated	Consistency of drafting approach and to increase accessibility of Bill
Inclusion of chapter numbers of Acts added to italic headings above paragraphs 16, 27, 49 and in paragraph 51(3)(b)(i)	Consistency of drafting approach
Paragraph 1(2) restructured and amended to avoid suggestion that the provisions in question do not extend to Scotland	Responds to consultation and further consideration by legislative counsel
Paragraph 2 text omitted	Identified by legislative counsel
Paragraph 4(5) omitted	Further analysis revealed that this provision is unnecessary
Minor amendments to paragraphs 5 and 6 to improve drafting of the final Bill and improve consistency	Identified by legislative counsel
Part 3 expanded and amended (addresses amendments to Part 3 of the Housing Act 1988 that	Identified by legislative counsel

Change made (Section, Part or paragraph reference is to the section in or Part or paragraph of the Schedule to the draft Bill)	Reason for change
came into force after the draft Bill was finalised, and other related matters that emerged while addressing those amendments)	
Paragraph 9 restructured and amended to provide clarity and address a further necessary minor amendment	Identified by legislative counsel
Title of Part 4 updated to reflect inclusion of new provisions	To ensure Part is properly described
Minor amendments to paragraph 16 to improve drafting of the final Bill, and address a further necessary minor amendment	Identified by legislative counsel
Paragraph 18 (S.I. 2005/2847) renumbered	Identified by legislative counsel
Part 6 (Energy policies in development plans) renumbered to Part 5	Identified by legislative counsel
Minor amendments and restructuring of paragraphs 19 to 21 to ensure consistency of drafting of the final Bill	Identified by legislative counsel
Paragraph 27(3)(e) amended to provide clarity	Identified by legislative counsel
Paragraph 27(4)(a) and (c) moved to new paragraph in the final Bill dealing with transitional provision under the Local Government (Wales) Act 1994, together with paragraph 36 of the draft Bill. Chapeau to paragraph 27(4) and 27(4)(b) redrafted as a result.	Identified by legislative counsel
Minor amendment to paragraph 30 and restructuring of paragraphs 37 to 39 to ensure consistency of drafting of the final Bill	Identified by legislative counsel
Part 8 amended to improve clarity	Identified by legislative counsel

Change made (Section, Part or paragraph reference is to the section in or Part or paragraph of the Schedule to the draft Bill)	Reason for change
Paragraph 43(4) amended to improve clarity	Identified by legislative counsel
Minor amendments to and restructuring of paragraph 43(9) restructured to provide clarity and ensure consistency of drafting of the final Bill	Identified by legislative counsel
Inclusion of new provision (now at paragraph 47 of final Bill) to amend the Industry Act 1980	Further consideration by legislative counsel
Minor amendments to paragraph 46(a)(i) and (iii) to improve drafting of the final Bill	Identified by legislative counsel
Provision previously in paragraph 46(b)(iii) in Part 10 moved to what is now paragraph 51(4) in Part 12, to reflect closer connection with subject-matter of that Part	Identified by legislative counsel
Part 13 (Unrecorded public rights of way)	Bill amended at Stage 2 proceedings to include provisions
Minor amendments to paragraphs 53(a) to (e), (g), (j) and (o) to (q) to ensure italic headings before relevant paragraphs are omitted, for the avoidance of doubt	Identified by legislative counsel
Inclusion of new provisions (now at paragraphs 54(i)(vii) and (x) of final Bill) to ensure clarity within Government of Wales Act 2006 once omissions by final Bill take effect. In consequence amendments to what was paragraph 53(i) of draft Bill are then required.	Identified by legislative counsel
Paragraphs 53(l) and (m) - combined and amended to include repeals of additional transitional provisions	Identified as spent by legislative counsel
Inclusion of new provision (now at paragraph 60 of final Bill) to address an additional necessary amendment related to other provision in the Part	Identified by legislative counsel

Proposed repeal of provisions relating to unrecorded public rights of way

60. On introduction the Legislation (Procedure, Publication and Repeals) (Wales) Bill did not include the repeal of sections 53, 54, 55 and 56 of the Countryside and Rights of Way Act 2000 that had originally been proposed in the draft Statute Law Repeals (Wales) Bill. This was because in March 2023 the UK Government suddenly announced a change of its position and subsequently commenced sections 53 to 56 of the 2000 Act in relation to England. Whilst not affecting the Welsh Government's position that those sections will not be commenced in relation to Wales, it affected the continuing inclusion of those sections in the Bill as it was introduced.
61. In December 2024, after the Bill had been introduced, the UK Government announced its intention to repeal the cut-off date for recording historic rights of way. During Stage 1 proceedings on the Bill, the Counsel General confirmed to the responsible Committee the Welsh Government's intention seek to amend the Bill to reinstate the repeal of sections 53 to 56 of the 2000 Act. This was subsequently achieved at the Stage 2 proceedings on the Bill.
62. At the same time, the Senedd agreed to also repeal, in relation to Wales, paragraph 4 of Schedule 5 to the 2000 Act. This had not previously been consulted upon as part of the draft Statute Law Repeals (Wales) Bill, but the responsible Committee received evidence from the Open Spaces Society during Stage 1 that this was also suitable for repeal. The Government agreed and included this within its amendment to the Bill.

Matters in the 2025 Act not previously consulted upon

Making and publishing Welsh legislation

63. The arrangements for making and publishing Welsh legislation were not formally consulted upon, although brief reference was made to this in a 2018 consultation¹⁸ on a draft Bill that became the Legislation (Wales) Act 2019. Some comments regarding the wider issues of availability of legislation were received at the time from stakeholders (albeit these do not relate to the matters covered in the Bill to which this Memorandum relates).
64. Although all users of legislation clearly have an interest in the accessibility of the legislation, there has been little to no interest expressed to date by external stakeholders to the Government in the law that underpins the general arrangements for the scrutiny and publication of legislation. This is understandable as the three bodies

¹⁸ Available at: [The Draft Legislation \(Wales\) Bill | GOV.WALES](#)

with a direct interest in the proposals are the Senedd (where decisions on the form and detail of the scrutiny process for Welsh Statutory Instruments lies), the Government (which is concerned with the efficiency of Senedd processes for handling its programme of subordinate legislation) and the King's Printer/The National Archives (who are responsible for publication of most legislation).

65. The Government has engaged regularly with The National Archives on the proposed arrangements for Welsh Statutory Instruments (both recently and over the past 15 years or so). Their experience of the operation of the 1946 Act and associated regulations helped shape the relevant provisions in the 2025 Act. Scrutiny of subordinate legislation is a significant part of the work undertaken by (primarily) the Legislation, Justice and Constitution Committee of the Senedd, and the Business Committee determined they would be the responsible Committee for the scrutiny of the Bill that became the 2025 Act. The Government therefore did not publish the proposals as a draft Bill.
66. Similarly, because the provisions regarding the publication of Acts of the Senedd are restated from the Government of Wales Act 2006, and no fundamental changes are proposed, no consultation was undertaken on this aspect of the 2025 Act.
67. The Senedd determined that the Bill should be amended to include changes to section 2 of the 2019 Act and inclusion of provision (at new section 42A of the 2019 Act) regarding post-legislative scrutiny.

Repeals and amendments of provisions no longer of practical utility or benefit

68. In addition to the inclusion of the Industry Act 1980 (see above), four matters are now included in the 2025 Act that were not part of the consultation on the draft Bill.

Unitary development plans

69. A further matter to help pave the way for the consolidation of planning law was identified subsequent to the consultation on the draft Bill – the repeal of section 186 of the Planning Act 2008. This provision has never been brought into force, and it is now redundant. It would have amended the powers of the High Court on successful legal challenges to unitary development plans adopted under Part 2 of the Town and Country Planning Act 1990, the last of which was adopted in Wales in 2011. No more unitary development plans (UDPs) can be adopted in Wales, because once an authority has a UDP it is required to start moving over to the “new” system of local development plans under Part 6 of the Planning and Compulsory Purchase Act 2004. At the time of the consultation on the draft Bill, there were two remaining UDPs, but the passage of time meant that no legal challenge to which section 186 would apply could be brought

against those. Section 186 of the Planning Act 2008 is now spent and can be repealed. Given section 186 has never been brought into force and can no longer be used, separate consultation on its repeal was not considered necessary.

70. Since the consultation on the draft Bill, both Flintshire and Wrexham Councils adopted Local Development Plans. As such at the time the Bill was introduced there were no longer any UDPs in Wales: the remaining provisions relating to UDPs in Wales were therefore considered spent and could be repealed. Given there were no UDPs in Wales, separate consultation on the inclusion on the spent provisions was not considered necessary.
71. The legal situation in relation to Wrexham Council's UDP however changed again and at Stage 3 of the Senedd's consideration, the Senedd agreed to amend the Bill to reflect the (current) legal position.

Domestic Fire Safety (Wales) Measure 2011

72. The Domestic Fire Safety (Wales) Measure was introduced into the (then) National Assembly for Wales by Ann Jones AM following her campaign to improve fire safety and reduce the incidence of death and injury in residential settings. The Measure introduced new requirements for the inclusion of automatic fire suppression systems (usually referred to as sprinkler systems) into all new and converted residences in Wales. At the time the Measure was introduced, responsibility for building control, including the Building Regulations (the main way in which compliance with building standards are ensured) lay with the UK Government. The Measure was therefore considered the most effective legislative mechanism available to the National Assembly at the time to require fire sprinkler systems in new builds and conversions.
73. The Measure was passed by the National Assembly and a period of implementation was put in place to enable the building and housing sectors to prepare for this change of requirements. During that period responsibility for the system of building control was devolved to the Welsh Ministers. Following consultation on implementation of the 2011 Measure, and because the Welsh Ministers were now able to make amendments to the Building Regulations, only section 1 of the 2011 Measure was eventually brought into force. The use of the Building Regulations (and the associated Approved Documents) to ensure automatic fire suppression systems are installed continues to the present day.
74. The repeal of the 2011 Measure was not consulted upon as part of the main consultation for the Bill that was introduced into the Senedd. However, as noted above a separate consultation considered proposals to amend the Building Regulations to require automatic fire suppression measures in care homes for children. To the extent

that any gaps could be left following the repeal of this Measure, those gaps would be filled by the proposed change to the Building Regulations. In light of that consultation amendments to the Building Regulations have been made by the Building (Amendment) (Wales) Regulations 2024 (SI 2024/742 (W. 103))¹⁹. As a result, rather than wait for a Bill dealing with this subject matter, it was considered appropriate to use the 2025 Act to repeal the 2011 Measure, in full. Part 7 of Schedule 1 to the 2025 Act repeals the 2011 Measure. Further consultation on repealing the 2011 Measure (over and above the two consultations to amend the Building Regulations) was not considered necessary.

Amendment of Schedule 9 to the Wildlife and Countryside Act 1981

75. As noted above, Part 14 of Schedule 1 to the 2025 Act amends Schedule 9 to the Wildlife and Countryside Act 1981 so as to remove reference to three non-native species. Paragraph 56(d) above sets out the engagement undertaken relevant to this repeal.

Local Government Finance (Wales) Act 2024

76. The Senedd agreed to omit a draft section from the Bill that became the Local Government Finance (Wales) Act 2024, during Stage 3 proceedings on that Bill. There remains however a cross reference in the overview of the Act to the omitted section. Part 19 of Schedule 1 to the 2025 Act repeals this cross reference. Consultation on a draft of this repeal was not considered necessary as it was giving full effect to an earlier decision of the Senedd.
77. Further information on these additional matters is set out in the Explanatory Notes (available at: [Legislation \(Procedure, Publication and Repeals\) \(Wales\) Act 2025 - Explanatory Notes](#))

Amendments to the Legislation (Wales) Act 2019

78. No consultation was undertaken on the minor amendments to the 2019 Act set out in Schedule 2 to the 2025 Act. Those matters arose from the Government's review of the 2019 Act, published in November 2023. The other minor amendments to the 2019 Act arise from the wider changes being proposed relating to the making and publishing of Welsh legislation.

¹⁹ Regulations made on 7 June 2024 and came into force on 17 December 2024

Part 3 – Powers to make subordinate legislation

Powers contained within the 2025 Act and amendments made to the 2019 Act

79. The 2025 Act contains one power to make subordinate legislation and inserts new powers to make subordinate legislation into the 2019 Act. These are summarised in Tables 2 and 3 respectively (following). These Tables also provide the information required under the Senedd's Standing Order 26.6(x).
80. A short statement of policy intent for how the powers may be used is provided below each table.
81. The 2025 Act also makes provision about the Senedd procedures that apply to subordinate legislation made as a Welsh statutory instrument (new sections 37C to 37F of and Schedule 1A to the 2019 Act) and the modified Senedd procedures that apply to subordinate legislation made as a statutory instrument (new Schedules 1B and 1C to the 2019 Act). Attention is also drawn to:
- a. new section 37G in the 2019 Act that replaces existing section 40, and deals with the combination in a single Welsh statutory instrument of subordinate legislation made by the Welsh Ministers that would attract different Senedd procedures and ensures the instrument is subject to the stricter of those procedures.
 - b. the form in which the exercise of certain powers to make road traffic orders is to be exercised (see section 2 of the 2025 Act that amends the Highways Act 1980 and the Road Traffic Regulation Act 1984).

Table 2 – Summary of powers and duties to make subordinate legislation that are in the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
Section 7(4)	the Welsh Ministers	Order (as a Statutory Instrument)	<p>Although it is intended to bring sections 1, 3, 5 and 8 (and therefore Schedule 3) into force for 1 January 2026, it was considered appropriate for the Welsh Ministers to have the power to appoint the day (or days) on which these provisions comes into force by order, in case there was any delay in the Bill obtaining Royal Assent or any other change in circumstances.</p> <p>It is intended that section 6 will be brought into force at the start of the Seventh Senedd (i.e. May 2026).</p>	No Senedd procedure	This is a commencement order

82. The intention is that section 1 and Part 2 of the Bill (and therefore also the consequential provisions) come fully into force at the start of a calendar year, so that it is possible to tell from the year included in the title of an instrument that it is a Welsh Statutory Instrument made in accordance with Part 2A of the 2019 Act (and the numbering and publication requirements of Part 2B of the 2019 Act apply to it). As noted in table 2, the intention is that these provisions will come into force on 1 January 2026.

Table 3 – Summary of powers and duties to make subordinate legislation inserted into the Legislation (Wales) Act 2019 via the Bill

Note: the procedure applying to the subordinate legislation made as regulations in the table below is set out in (new) section 43 to the 2019 Act (as for which, see paragraph 15 of Schedule 3 to the 2025 Act)

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
Section 37D(4)(c)	the responsible authority ²⁰	Order (as a Welsh statutory instrument)	This power must be exercised if the Senedd has determined subordinate legislation that had been made subject to the Senedd confirmation procedure, ceases to have effect. The responsible authority must then revoke the subordinate legislation.	No Senedd procedure other than laying	Given this power is used to give effect to a decision of the Senedd, it would not be appropriate for a further Senedd procedure to apply
Section 37E(4)(c)	the responsible authority	Order (as a Welsh statutory instrument)	This power must be exercised if the Senedd has annulled subordinate legislation that had been made subject to the Senedd annulment procedure. The responsible authority must then revoke the subordinate legislation.	No Senedd procedure other than laying	Given this power is used to give effect to a decision of the Senedd, it would not be appropriate for a further Senedd procedure to apply
Section 37F(2)(c)	the Welsh Ministers	Regulations (as a Welsh statutory instrument)	Provides a power for the Welsh Ministers to specify enactments (or specific powers within one or more enactments) where subordinate	Senedd approval procedure	Where regulations amend, repeal or otherwise modify primary legislation, and the

²⁰ New section 37B in the 2019 Act defines “responsible authority” in relation to subordinate legislation contained in a Welsh statutory instrument

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
		instrument)	legislation to be made as a Welsh statutory instrument is not required to be laid before the Senedd. This ensures further primary legislation is not required if the current list of types of subordinate legislation that would not need to be laid before the Senedd needs to be added to.		changes may substantially affect that legislation, affirmative procedure is appropriate
Sch. 1A, para 6(3)(c),	the Welsh Ministers	Regulations (as a Welsh statutory instrument)	See entry for section 37F(2)(c). This power operates in relation to pre-commencement enactments where the instrument is to be made as a Welsh statutory instrument.	Senedd approval procedure	See entry for section 37F(2)(c).
Sch. 1A, para 7	the Welsh Ministers	Regulations (as a Welsh statutory instrument)	Enables the Welsh Ministers to directly amend pre- and post-commencement enactments to reflect the new Senedd procedures.	Senedd annulment procedure	Although the regulations would amend, repeal or otherwise modify primary legislation, the changes would not substantially affect that legislation, simply reflect the effect of Schedule 1A. As such the Senedd annulment procedure is appropriate
Sch. 1B, para	His Majesty in Council	Order in Council (as	This power may be exercised if the Senedd has determined subordinate legislation that had	No Senedd procedure	See entry for section 37E(4)(c).

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
13(4)(c),		a statutory instrument)	been made subject to the (modified) Senedd confirmation procedure in a joint or composite instrument, ceases to have effect. His Majesty may then revoke the subordinate legislation. This is consistent with the principle underpinning section 5 of the Statutory Instruments Act 1946	other than laying	
Sch. 1B, para 14(4)(c),	His Majesty in Council	Order in Council (as a statutory instrument)	This power may be exercised if the Senedd has determined subordinate legislation that had been made subject to the (modified) Senedd annulment procedure in a joint or composite instrument, is annulled. His Majesty may then revoke the subordinate legislation. This maintains the effect of section 5 of the Statutory Instruments Act 1946	No Senedd procedure other than laying	See entry for section 37E(4)(c).
Sch. 1B, para 16	the Welsh Ministers	Regulations (as a Welsh statutory instrument)	Enables the Welsh Ministers to directly amend pre- and post-commencement enactments to reflect the new Senedd procedures.	Senedd annulment procedure	See entry for Schedule 1A, paragraph 7 (but note this power is used to reflect the effect of Schedule 1B)
Sch. 1C, para 11(4)(c),	His Majesty in Council	Order in Council (as a statutory	This power may be exercised if the Senedd has determined subordinate legislation that had been made subject to the (modified) Senedd	No Senedd procedure other than	See entry for section 37E(4)(c).

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
		instrument)	annulment procedure as an Order in Council, is annulled. His Majesty may then revoke the subordinate legislation. This maintains the effect of section 5 of the Statutory Instruments Act 1946	laying	
Sch. 1C, para 13	the Welsh Ministers	Regulations (as a Welsh statutory instrument)	Enables the Welsh Ministers to directly amend pre- and post-commencement enactments to reflect the new Senedd procedures.	Senedd annulment procedure	See entry for Schedule 1A, paragraph 7 (but note this power is used to reflect the effect of Schedule 1C)

Revocation of instruments that have been annulled or cease to have effect (sections 37D(4)(c) and 37E(4)(c); Schedule 1B, paragraphs 13(4)(c) and 14(4)(c); and Schedule 1C, paragraph 11(4)(c))

83. The 2025 Act provides that these powers may only be used in the circumstances where the Senedd has annulled subordinate legislation made subject to the Senedd annulment procedure or determined that subordinate legislation made under the Senedd confirmation procedure should cease to have effect. If those circumstances arise the responsible authority must revoke the subordinate legislation (if it is a Welsh statutory instrument) or His Majesty may, by Order in Council, revoke the joint or composite instrument or Order in Council, as the case may be.

Enactments under which subordinate legislation made as a Welsh statutory instrument need not be laid before the Senedd (section 37F(2)(c) and Schedule 1A, para 6(3)(c))

84. Although there is no immediate intention to use these powers, it is considered prudent to ensure there is an appropriate mechanism available to enable specific enactments to be listed if the Senedd or the Welsh Ministers consider particular instruments need not be laid before the Senedd.

Amending enactments to reflect the new Senedd procedures (Schedule 1A, paragraph 7; Schedule 1B, paragraph 16; and Schedule 1C, paragraph 13)

85. The Welsh Ministers may, if they consider it necessary for the purposes of making the law more accessible, by regulations amend enactments to make provision consequential on Schedules 1A, 1B and 1C (see paragraphs 7, 16 and 13 respectively). These powers could be used, for example, to replace existing references to “instruments being subject to annulment in pursuance of a resolution of Senedd Cymru”, with a reference to the Welsh statutory instrument being made “under the Senedd annulment procedure”.
86. There are no plans for a programme of “tidying up” the statute book in this way. Instead, this power is more likely to be used on a case-by-case basis and potentially when other amendments are being made to enactments.

Part 4 – Regulatory impact assessment

Summary

87. A Regulatory Impact Assessment (RIA) was completed for Parts 1 and 2 of the 2025 Act only and it follows below. The RIA does not cover Parts 3 and 4 as no administrative, compliance or other costs arise because of those provisions.
88. There are no specific provisions in the 2025 Act (either in Part 1 or 2 or as a whole) that charge expenditure on the Welsh Consolidated Fund.
89. Table 4 presents a summary of the costs and benefits for Parts 1 and 2 of the 2025 Act. The table has been designed to present the information required under the Senedd's Standing Order 26.6 (viii) and (ix).

Table 4 – Summary of costs and benefits for Parts 1 and 2 of the 2025 Act

Parts 1 and 2 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025			
Preferred option: Bring together and formalise the procedural arrangements for making Welsh subordinate legislation, and the requirements for publishing Acts of Senedd Cymru and Welsh statutory instruments, and other subordinate legislation.			
Stage: As enacted	Appraisal period: 2025-26 to 2034-35	Price base year: 2024-25	
Total cost Total: £-71.9k Present value: £-54.7k	Total benefits Total: £0 Present value: £0	Net Present Value (NPV): £54.7k	
Administrative costs			
Costs: Transitional costs of £45k will be incurred by The National Archives relating to changes to their publishing system and the legislation.gov.uk website to reflect Welsh Statutory Instruments. There are no quantifiable ongoing costs for the Welsh Government, other public sector body or other person.			
Transitional: £45k	Recurrent: £0	Total: £45k	PV: £45k

Cost savings:			
Recurrent cost savings to the Welsh Government of £12.3k per annum will be achieved by the proposed changes to temporary road traffic orders. These cost-savings are expected to accrue from two months after Royal Assent.			
Transitional: £0	Recurrent: £116.9k	Total: £116.9k	PV: £99.7k
Net administrative cost: £-71.9k			
Compliance costs			
Costs: No compliance costs have been identified.			
Transitional: £0	Recurrent: £0	Total: £0	PV: £0
Other costs			
Costs: No other costs have been identified.			
Transitional: £0	Recurrent: £0	Total: £0	PV: £0
Unquantified costs and disbenefits			
The opportunity costs (to Welsh Government) associated with the very marginal increase in preparing a potential additional 31 Explanatory Memoranda to Welsh statutory instruments each year.			
Benefits			
The 2025 Act will help to ensure the arrangements for making and publishing Acts of the Senedd, Welsh statutory instruments and other subordinate legislation are fit for purpose, bilingual and reflect the practices of Senedd Cymru as a modern legislature. It has not been possible to quantify this benefit.			
Total: £0		PV: £0	
Key evidence, assumptions and uncertainties			
The costs and cost-savings set out in this RIA have been developed through engagement with The National Archives.			

Parts 1 and 2 of the 2025 Act – options, benefits, costs and conclusions

90. Background on the current and proposed arrangements for making and publishing Welsh legislation is set out in Part 1 of the Explanatory Memorandum.

91. Two options were assessed when considering whether to address the absence of bespoke, modern and bilingual provision on these matters:
- a. Option 1: Maintain the current approach of statutory instruments, the procedures that apply to their making and the general application of the Statutory Instruments Act 1946 (the 1946 Act) and associated Regulations together with the existing requirements and arrangements for publishing Acts of the Senedd and other legislation (i.e. "the current arrangements").
 - b. Option 2: Develop new (separate) provisions for Wales that brings together and formalises:
 - i. the procedural arrangements for making Welsh subordinate legislation, and
 - ii. the requirements for publishing Acts of Senedd Cymru and Welsh statutory instruments, and other subordinate legislation that is not made by statutory instrument.
92. A more detailed description of each option is outlined below along with an analysis of the associated costs and benefits.

Option 1 – Maintain the current arrangements for making and publishing Welsh legislation

93. The current arrangements and associated problems are set out in Part 1 of this Memorandum.
94. The Welsh Government is committed to improving the accessibility of the law applying in Wales. Ensuring that the underpinning architecture for legislating in Wales is available in a modern and bilingual form and is fit for purpose contributes to this aim. This includes setting out the Senedd procedures that apply to subordinate legislation and how such instruments are made available to the public.
95. Maintaining the current legislative framework for subordinate legislation made as a statutory instrument would mean that an opportunity to make bespoke, modern provision in Wales that remedies some of the problems associated with the 1946 Act would be lost.
96. For Acts of the Senedd, maintaining the current arrangements would mean a continued lack of clear obligation on the King's Printer to publish such enactments and provision regarding publication only being made in the English language.

Costs of option 1

97. There are no additional costs associated with option 1 as it involves maintaining the current legislative framework for making and publishing Welsh legislation. Nonetheless it is worth noting the costs that fall to the Welsh Government for printing and publishing statutory instruments²¹.
98. The National Archives on behalf of the King's Printer of Acts of Parliament has awarded a publishing services contract to The Stationery Office, part of Williams Lea. This legislation contract sets out the specifications and timescales that need to be adhered to for the publication of legislation and associated items (for example, Explanatory Notes to Acts) both digitally and in print. The most recent contract covers items published on or after 1 October 2023 and represented an increase of around 8% on the arrangements that had been in place since 1 January 2019 (when the contract was last awarded)²². Governments and departments in the UK Government are charged fees²³ at the rate set out in the contract, and of these the ones that are most relevant to the Welsh Government are set out in Table 5 below:

Table 5 – Fees charged under the current and previous publishing services contracts

	Fee from 01/01/2019 to 30/09/2023	Fee from 01/10/2023 (for at least next 2 years)
Printed statutory instrument	£305.00 per instrument	£320.00 per instrument

²¹ There is a further cost involved, that of purchasing a paper copy of an instrument. This cost is met by the individual or organisation. It is based on the number of pages of the instrument and is set for all forms of statutory instrument. There will be no change to the actual costs of purchase because of the changes to the 2019 Act and for the purposes of this RIA is not relevant to the options, costs and benefits analysis.

Separately "free of charge" copies of each item are provided to the legal deposit libraries (in compliance with the Legal Deposit Libraries Act 2003). Free of charge copies can be provided to the instrument's originating authority (which would be Welsh Government in our context) and are provided to The National Archives. Other libraries and similar organisations can have copies at a rate subsidised by The National Archives.

²² Note post Senedd consideration of the Bill: on 1 July 2025 the Welsh Government was advised that the fees charged would increase by approximately 9% from 1 September 2025 (and a further 9% the following year). These costs (and savings in relation to road traffic orders) are not reflected in this RIA, as they were not the basis on which the calculations were made for the Senedd's consideration of the Bill.

²³ The basis for charging authorities publishing fees for their statutory instruments/rules is in accordance with the Treasury's "Managing Public Money"

Manual typesetting for printed statutory instruments (i)	£15.50 per page	£16.75 per page
Non-print statutory instrument	£90.00 per instrument	£95.00 per instrument
Correction slip	£20.50 per slip	£22.00 per slip
<p><i>Notes:</i></p> <p><i>(i) This is for the first round of proofs for typesetting; very occasionally a subsequent proof is required. The charge for subsequent rounds was £12.25 per page from 01/01/2019 to 30/09/2023 and is £13.25 per page from 01/10/2023</i></p>		

99. All general²⁴ statutory instrument made by the Welsh Ministers incur a printing and typesetting charge, this is because there is a manual process involved in creating the dual column format associated with bilingual legislation. By way of example, the charge to the Welsh Government of a six-page instrument prior to October 2023 would have been £398.00; under the new contract it is £420.50. Whereas, in most cases, Scottish Statutory Instruments for example do not have typesetting charges and therefore, regardless of the size of the instrument, the single charge of £305.00 previously or £320.00 currently would be made.
100. All local statutory instruments (such as the temporary road traffic orders) are non-print publications. Prior to 1 October 2023 a local order (regardless of the number of pages it contained) would have been charged at £90.00, under the new arrangements this is now £95.00.
101. Table 6 (overleaf) shows the costs to the Welsh Government for the past five financial years of publishing statutory instruments made by the Welsh Ministers and Orders in Council relating solely to Wales²⁵.

²⁴ These are instruments that deal with matters of general public interest; a "local" instrument is one which relates to matters of local interest (in our context these are mainly temporary road traffic orders affecting one or more named roads)

²⁵ Orders in Council form part of the UK SI Series; the Welsh Government is charged for those which relate solely to Wales, for example the Education (Inspectors of Education and Training in Wales) (No. 2) Order 2023 (SI 2023/1212)

Table 6 – Number and costs, by financial year, to Welsh Government relating to printing and publishing Welsh Statutory Instruments

	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
Number of general instruments (i)	282	222	136	120	121
Cost of general instruments (ii)	£155,449.00	£119,809.00	£72,191.50	£67,447.25	£70,206.50
Number of local instruments	112	130	96	144	159
Cost of local instruments	£10,080.00	£11,700.00	£8,640.00	£14,235.00	£15,105.00
Total number of instruments	394	352	232	264	280
Total cost of instruments	£165,529.00	£131,509.00	£80,831.50	£81,682.25	£85,311.50
<p>Notes:</p> <p>(i) Comprises: statutory instruments made by the Welsh Ministers and Orders in Council that relate solely to Wales</p> <p>(ii) Comprises: typesetting and publication of statutory instruments; additional publication charges, including those arising from second publication of instruments that have been approved by the Senedd under the so-called "made affirmative" procedure; and costs of publishing Orders in Council that relate solely to Wales.</p>					

102. Regulation 10 of the Statutory Instruments Regulations 1947 require an "annual edition" to be prepared and prescribes what this publication must contain. In essence it is a collation of all the general statutory instruments that have been printed in a calendar year. The function of publication is carried out by The Stationery Office as part of the publishing concession contract; the costs of production are met by the

concessionaire in return for a portion of the sales. The last edition containing Welsh UKSIs was published in 2015 (covering instruments published in 2009)²⁶.

Benefits of option 1

103. Under option 1 it is difficult to identify any other benefit than familiarity with the current arrangements and as such any possibility of confusion as to there being separate arrangements for Wales for printing and publication of statutory instruments, to that of England or the wider UK would not arise. The likelihood of this confusion cannot be quantified but is considered negligible if any.

Conclusion

104. Under this option the identified shortcomings and inadequacies of the current legislative framework would remain. No action would be taken to bring about the necessary improvements to the accessibility of the bilingual law applying in Wales, nor the cost savings of no longer requiring temporary road traffic orders to be made by way of statutory instrument. In consequence, this is not the preferred option.

Option 2 – Develop bespoke provisions for making and publishing Welsh legislation

105. Option 2 is to develop new (separate) provisions for Wales that bring together and formalise:
- a. the procedural arrangements for making Welsh subordinate legislation, and
 - b. the requirements for publishing Acts of Senedd Cymru and Welsh statutory instruments, and other subordinate legislation that is not made by statutory instrument.
106. Under this option the intention in relation to Acts of the Senedd is to restate the current effect of section 115 of the Government of Wales Act 2006 but make clear the obligation for publishing.
107. In relation to statutory instruments the intention is to maintain a certain degree of consistency with the current effect of the 1946 Act and associated regulations but to make bespoke provision for Wales, to include:

²⁶ It is understood that The National Archives and the current concessionaire are in discussions about printing annual editions covering 2010 onwards

- a. subordinate legislation to be made in a document to be (formally) known as a “Welsh statutory instrument” and for there to be a simplified and codified set of Senedd procedures applied to the making of such legislation;
 - b. provision regarding the numbering, classification, publication and preservation of each Welsh statutory instrument;
 - c. three main forms of Senedd scrutiny of Welsh statutory instruments: “Senedd approval procedure”, “Senedd confirmation procedure” and “Senedd annulment procedure”. If an instrument is not subject to one of these three procedures, it must be laid before the Senedd after it has been made;
 - d. no longer requiring certain temporary road traffic orders to be made as statutory instruments.
108. The King’s Printer of Acts of Parliament will be responsible for publishing Acts of the Senedd and Welsh statutory instruments, and when performing these functions is to be referred to as the King’s Printer for Wales.
109. For publication of subordinate legislation made by the Welsh Ministers other than as a Welsh statutory instrument, the intention is to codify the existing non-legislative arrangements.

Two Acts

110. The 1946 Act would continue to apply in relation to certain SIs made by the Welsh Ministers: where the Welsh Ministers make a composite instrument or exercise their powers jointly with the Secretary of State, the resulting instrument would form part of the UK Statutory Instrument series. This reflects current arrangements (where such instruments do not attract the Welsh subsidiary series number) and the situation that occurs in relation to Scotland should similar instruments be made by the Scottish Ministers and the relevant Secretary of State. Discussions with The National Archives on this point indicate that it is better to avoid a situation where one document could have multiple, separate, published incarnations in different series.
111. Orders in Council that apply only in relation to Wales will also continue to attract the requirements of the 1946 Act.
112. Having two Acts applying in relation to statutory instruments (including Welsh statutory instruments) that apply in relation to Wales in the way set out above, does not in our view negate the benefits of having a separate Act for Wales, particularly in a context

where there is a recognised need for a bilingual legislation to apply to the bilingual law that is made in Wales. It could be said that having two Acts is an inevitable consequence, in each of the current UK devolution models, of having ‘devolved’ Statutory Instrument Acts operating alongside the 1946 Act. A similar issue arises for Northern Ireland because of the Statutory Rules (Northern Ireland) Order 1979²⁷ and for Scotland through the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) and associated regulations²⁸. There is no evidence that this has caused any particular problems.

113. Bringing the arrangements for publication and preservation of Acts of the Senedd into the new legislation avoids the current situation where provision regarding statutory instruments and Acts are in different enactments. Instead, it would follow the arguably clearer arrangements that apply for Scotland, where provision regarding both Acts of the Scottish Parliament and Scottish Statutory Instruments are in a single Act – the 2010 Act noted above.

Costs of option 2

114. The National Archives have identified there will be some modest transitional costs for to rework the publishing system and legislation.gov.uk platform to treat Welsh statutory instruments as a fully separate series from the current series in which instruments made by the Welsh Ministers sit. The indicative one-off cost, which would arise prior to the new instruments being made, is £45,000.
115. No other transitional costs have been identified for other public bodies or the Welsh Government.
116. The fees associated with the printing and publication arrangements (as explained in Table 5 above) are unchanged by this option.
117. There would be a very marginal increase in the number of statutory instruments laid before the Senedd: at present if an instrument is not required to be laid after being made, it is generally not laid. This does not mean the Senedd may not nonetheless scrutinise it. Senedd Standing Order 21.7 provides that a ‘responsible Committee’ (which for this purpose is currently the Legislation, Justice and Constitution Committee) may consider and report on *“the exercise of commencement powers by the Welsh Ministers”*²⁹, and most commencement orders or appointed day orders are not subject to a requirement to be laid. Additionally, the responsible Committee may consider and

²⁷ SI 1979/1573 (NI 12)

²⁸ The Scottish Statutory Instruments Regulations 2011 (SSI 2011/195)

²⁹ SO 21.7(iv)

report on "*any legislative matter of a general nature within or relating to the competence of the Senedd or Welsh Ministers*"³⁰. Over the last five financial years there has been an average of 13 commencement orders made and approximately 18³¹ further no procedure instruments (including appointed day orders). It is not possible to quantify any costs associated with this marginal increase in instruments being laid; but in terms of costs to the Welsh Government these would be opportunity costs as (if the current Standing Orders continue to apply) staff time and resource would be involved in preparing a short Explanatory Memorandum to be laid alongside the instrument³². There are also marginal impacts for the Senedd of (on the face of it) scrutinising slightly more instruments than at present; however, it is the case that the current responsible Committee already scrutinise some instruments of this type.

118. There would be cost savings in terms of expenditure under this option, because the proposal to no longer require local road traffic orders to be made as statutory instruments would significantly reduce the number of local instruments made. Table 6 sets out the number of such instruments made over the last five financial years and the resultant costs. For this period a total of 641 such instruments were made at a cost of £59,760 to the Welsh Government. Based on the average number of instruments made over these five years (129 instruments), there are potential savings at today's cost of £95.00 per instrument, of £12.3k per annum for the Welsh Government. Such savings would accrue from the commencement of the new arrangements – currently expected to be two months after Royal Assent.
119. All local road traffic orders made by way of statutory instrument are currently published on both the legislation.gov.uk and the GOV.WALES websites; the latter site also includes the so-called "stopping up orders" that are not made as statutory instruments. It is intended that publication of road traffic orders will continue on GOV.WALES but just not in the form of a statutory instrument (or Welsh statutory instrument). There are no new financial implications arising from publishing on GOV.WALES in this way (and the existing costs relate to staff time of preparing and publishing to the site are unaffected).

Benefits of option 2

120. This option would result in modern, bilingual legislation bespoke to Wales. It would be an improvement on the 1946 Act – not only because it would fully reflect the practical arrangements for publication and be bilingual but also because the 2019 Act, unlike the

³⁰ SO 21.7(v)

³¹ This figure includes 29 electoral arrangements orders, which if not included would bring the average total closer to 12 per year

³² See SO 27.1

1946 Act, would only contain provision that is relevant to the law applying in Wales (and not the law applying elsewhere in the UK).

121. The constitutional benefit of a separate Act making provisions for the procedure, printing and publication of Welsh statutory instruments would be of significance and is more consistent with the principle set out in section 5 of the 2019 Act and section 156 of the Government of Wales Act 2006 (equality of languages) than the existing legislative framework.
122. We recognise that two Acts relating to statutory instruments applying to instruments made solely or partly in relation to Wales would necessarily be in operation, under this option. However, our view is that the benefits of creating a separate Act making provisions specifically for the procedure, printing and publication of Welsh instruments would outweigh any potential drawbacks arising from having two Acts.

Competition assessment

123. The competition filter test was applied in relation to the options for Parts 1 and 2 of the 2025 Act. The provisions in those Parts are not expected to impact on competition in Wales or the competitiveness of Welsh businesses.

Conclusion (and preferred option)

124. Wales has developed a body of bilingual legislation that will continue to expand in future. It is important that the arrangements for making and publishing Acts of the Senedd, Welsh statutory instruments and other subordinate legislation are fit for purpose, bilingual and reflects the practices of Senedd Cymru as a modern legislature. The current arrangements, although operating in the background, would benefit from improvement. There is also an opportunity to save costs to the Welsh Government associated with temporary road traffic legislation.
125. For these reasons, option 2 was the preferred option.

Additional note regarding the form of Welsh statutory instruments

126. The Welsh Government has committed to modernise the form and structure of Welsh legislation and in relation to statutory instruments this includes a move away from the dual column printed format³³. One of the benefits of such a change is expected to be a

³³ See paragraph 28(c) of the Government's [Programme to improve the Accessibility of Welsh law](#) (revised January 2024)

reduction in (if not possibly an end to) the costs of the typesetting charges that fall to the Welsh Government.

127. Table 7 shows the number of pages and costs of typesetting over the past five financial years, together with average number of pages and costs per instrument.

Table 7 – Costs, by financial year, to Welsh Government relating to typesetting of statutory instruments made by the Welsh Ministers

	FY 2020-21	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25
Total number of instruments for which typesetting applies (i)	279	220	136	118	120
Total number of pages	3,378	2,948	1,883	1,822	1,787
Total cost of typesetting	£52,359.00	£45,694.00	£29,186.50	£29,617.25 (ii)	£30,846.50 (iii)
Average page count per instrument (iv)	12	13	14	15	15
Average cost of typesetting per instrument (v)	£188	£208	£242	£251	£257
<p><i>Notes:</i></p> <p><i>(i) Comprises statutory instruments made by Welsh Ministers only (does not include Orders in Council)</i></p> <p><i>(ii) During period of FY 2023-24 the typesetting fee per page increased (see Table 5)</i></p> <p><i>(iii) Includes a second proof typesetting charge for one instrument</i></p> <p><i>(iv) Rounded to nearest whole number (actual number of pages divided by actual number of instruments)</i></p> <p><i>(v) Rounded to nearest full pound (actual cost divided by actual number of instruments)</i></p>					

128. Over the last five financial years the typesetting charge amounts to just under £188k.

129. Ways to achieve a reduction in these costs are being explored with The National Archives. As moving away from the dual column format (potentially to Welsh statutory instruments being published in a format more like that of Acts of Senedd Cymru) would not require legislative reform and is not part of the changes brought about by the 2025 Act, the potential costs, savings and benefits are not explored further in this RIA and do not form part of the summary of impacts. Instead, this information is included here for reference only.

Parts 3 and 4 of the 2025 Act

130. An RIA was not completed for Parts 3 and 4 of the 2025 Act. The purpose of those Parts is to remove or disapply provisions of no practical utility or benefit in Wales, and to make minor amendments to the 2019 Act. As such no new duties, rights or obligations are created. There is no implementation programme attached to those elements of the 2025 Act and there is no guidance, subordinate legislation or wider awareness raising that need to be put in place. Therefore, we do not anticipate any administrative, compliance or other costs arising because of these Parts.

131. As identified in the Explanatory Memorandum to the Legislation (Wales) Bill that the Senedd considered in 2019, making legislation more accessible will reduce the time and resource required for research by individuals and lawyers advising on operational matters; however, it is not possible to quantify this benefit in monetary terms with any degree of certainty. At best it could be said that these Parts of the 2025 Act would have a marginal positive impact in terms of time and resource saved, but their primary purpose is to contribute towards decluttering the statute book and bringing clarity about what law is relevant to Wales. The savings are therefore unknown.

Welsh Consolidated Fund

132. There are no provisions in the 2025 Act that charge expenditure on the Welsh Consolidated Fund. Paragraph 7(13) of Schedule 1 to the 2025 Act removes a provision permitting a charge on the Welsh Consolidated Fund in the Housing Act 1988, which will become redundant because of other changes being made to that Act by the 2025 Act. This repeal did not engage the Senedd's Standing Order 26.6(xi).

Part 5 – Impact assessments and post implementation review

Integrated impact assessment

133. A series of impact assessments were undertaken for the 2019 Act, including in relation to Part 1 of that Act which establishes the duties and requirements for improving the accessibility of Welsh law. The 2025 Act forms part of the Government's subsequent programme to improve the accessibility of Welsh law, which was itself subject to a further integrated impact assessment. That integrated impact assessment continues to be kept under review.

Justice impact assessment

134. The potential impacts on the justice system of the proposals have been considered, which has informed an assessment that the 2025 Act is likely to have no impact on the justice system.

Post implementation review

135. The Senedd amended the Bill that became the 2025 Act at Stage 3 of its consideration to include new provision (at section 8) on "post-legislative scrutiny". That has the effect of requiring the Counsel General to undertake a review of the first two years of operation of new Parts 2A and 2B of the 2019 Act and lay a report on the findings before the Senedd. Consultation with the Llywydd, the Clerk of the Senedd and other persons with an interest is required as part of this review.
136. Post-implementation review of the other aspects of this technical Act was not considered necessary because it amends other legislation rather than creating substantive new provision in standalone legislation. In particular:
- a. Once in force, the matters covered in Schedule 1 to the 2025 Act will be repealed or amended and will have no further legal effect.
 - b. The minor amendments to the 2019 Act are being made (a) in response to the earlier review of the operation of the 2019 Act itself and (b) in relation to the proposals for making and publishing Welsh legislation.

Annex A – Table of origins

The Table shows the derivations from existing primary legislation of relevant provisions to be inserted into the Legislation (Wales) Act 2019 by the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 and the following abbreviations are used—

2006	Government of Wales Act 2006 (c. 32)
2019	Legislation (Wales) Act 2019 (anaw 4)
-	New drafting

<i>New provision in 2019 Act</i>	<i>Origin</i>
<i>Part 2A – Procedure for making Welsh subordinate legislation</i>	
s. 37G(1)	2019, s. 40(1)
s. 37G(2)	
s. 37G(3)	2019, s. 40(2)
s. 37G(4)	2019, s. 40(3)
<i>Part 2B – Publication etc. of Welsh legislation</i>	
s. 37J(1)	-
s. 37J(2)	2006, s. 115(5A)
s. 37J(3)	2006, s. 115(5B)
s. 37K(1)	2006, s. 115(5C)
s. 37K(2)(a)	2006, s. 115(5D)
s. 37K(2)(b)	2006, s. 115(5E)
s. 37L	2006, s. 115(5F)

Annex B – Illustration of effect of amendments to the Legislation (Wales) Act 2019

This Annex is intended to illustrate the effect of amendments to certain sections of the Legislation (Wales) Act 2019, arising from section 5, 6 and 7 of and Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025. Consequential amendments are also made to the 2019 Act by Schedule 3 to the 2025 Act, but these are not shown here.

- When text is **omitted** by the 2025 Act, text is ~~struck through and presented in red text~~
- When text is **inserted** by the 2025 Act, text is underlined and presented in blue text
- A superscript number, for example ^{1, 2, 3}, refers to the relevant note in the box that follows each affected section of the 2019 Act.

For a current version of the 2019 Act (which will not include these amendments until they are in force), visit the legislation.gov.uk website.

EXTRACTS FROM THE LEGISLATION (WALES) ACT 2019 (anaw 4)

...

2 Programme to improve accessibility of Welsh law

- (1) The Welsh Ministers and the Counsel General must prepare a programme setting out what they intend to do to improve the accessibility of Welsh law.
- (2) A programme must be prepared for each term of Senedd Cymru that begins after this section comes into force.
- (3) The programme must include proposed activities that are intended to –
 - (a) contribute to an ongoing process of consolidating and codifying Welsh law;
 - (b) maintain the form of Welsh law (once codified);
 - (c) promote awareness and understanding of Welsh law;
 - (d) facilitate use of the Welsh language;
 - (e) resolve any ambiguities and correct any errors, in Welsh law.¹
- (4) The programme may also include proposed activities –

- (a) that may be undertaken in collaboration with the Law Commission (in accordance with the Law Commissions Act 1965 (c. 22)), or
 - (b) of any other kind the Welsh Ministers and the Counsel General consider appropriate.
- (5) The Counsel General must lay a copy of the programme before Senedd Cymru within 6 months of the appointment of a First Minister after a general election held under Part 1 of the Government of Wales Act 2006 (c. 32).
- (6) The Welsh Ministers and the Counsel General may at any time revise the programme, and if they do so the Counsel General must lay a copy of the revised programme before Senedd Cymru.
- (7) The Counsel General must report annually to Senedd Cymru on progress made under the programme.
- (8) In subsection (3), codifying Welsh law includes –
 - (a) adopting a structure for Welsh law that improves its accessibility;
 - (b) organising and publishing consolidated Welsh law according to that structure.

Notes:

- 1 Inserted by section 6 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025

3 Legislation to which this Part applies

- (1) This Part applies to –
 - (a) this Act;
 - (b) Acts of Senedd Cymru that receive Royal Assent on or after 1 January 2020;
 - (c) Welsh subordinate instruments that are made on or after 1 January 2020.
- (2) “Welsh subordinate instrument” means an instrument (whether or not that instrument is a statutory instrument) containing only one or both of the following –
 - (a) subordinate legislation that is made under an Act of Senedd Cymru or an Assembly Measure, whether by the Welsh Ministers or by any other person;
 - (b) subordinate legislation that –
 - (i) is made under an Act of the Parliament of the United Kingdom or assimilated direct legislation,

- (ii) is made only by the Welsh Ministers or any other devolved Welsh authority (within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32)), and
- (iii) applies only in relation to Wales.

~~(3) References in the rest of this Part to an Act of Senedd Cymru or a Welsh subordinate instrument are (unless otherwise provided) references to an Act of Senedd Cymru or Welsh subordinate instrument to which this Part applies by virtue of subsection (1).~~

(3) References in this Part to an Act of Senedd Cymru are (unless otherwise provided) references to an Act of Senedd Cymru to which this Part applies by virtue of subsection (1).

(3A) References in this Part to a Welsh subordinate instrument are (unless otherwise provided) references to the subordinate legislation contained in a Welsh subordinate instrument to which this Part applies by virtue of subsection (1).¹

(4) In relation to subordinate legislation that relates to fishing, fisheries or fish health and is made after section 45 of the Fisheries Act 2020 (c. 22) comes into force, the reference in subsection (2)(b)(iii) to Wales includes the area of the Welsh zone beyond the seaward limits of the territorial sea.

Notes:

- | | |
|---|---|
| 1 | Substituted by paragraph 2 of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 |
|---|---|

...

Laying documents before Senedd Cymru

12A Meaning of references to laying documents before Senedd Cymru

- (1) This section applies where an Act of Senedd Cymru or a Welsh subordinate instrument authorises or requires the laying of any document (including a Welsh statutory instrument) before Senedd Cymru.
- (2) The reference to laying the document is a reference to taking the action specified in relation to laying a document before Senedd Cymru in the standing orders of the Senedd.¹

Notes:

- | | |
|---|--|
| 1 | Inserted by paragraph 3 of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 |
|---|--|

...

16 Exercise of a power or duty that is not in force

- (1) This section applies where a power or duty is conferred or imposed –
- ~~(a) by a provision in an Act of Senedd Cymru which comes into force –~~
 - ~~(i) other than by order or regulations, and~~
 - ~~(ii) more than one day after the day on which the Act receives Royal Assent, or~~
 - (a) by a provision in an Act of Senedd Cymru which does not come into force on the day on which the Act receives Royal Assent or the following day, or¹
 - (b) by a provision in a Welsh subordinate instrument which does not come into force immediately on the instrument being made.
- (2) The power or duty may be exercised (and any instrument made under the power or duty may come into force) during the period –
- (a) beginning when the Act receives Royal Assent or the instrument is made, and
 - (b) ending when the provision conferring the power or imposing the duty comes into force.
- (3) But during that period the power or duty may be exercised only so far as is necessary or expedient for the purpose of giving full effect to –
- (a) the Act or instrument conferring or imposing the power or duty, or
 - (b) a provision in that Act or instrument,
- at or after the time when the Act, instrument or provision comes into force.
- (3A) Subsection (3) does not apply to the exercise of a power or duty to make subordinate legislation unless the subordinate legislation is to come into force before the provision conferring the power or imposing the duty.²
- (4) Where a provision in an Act of Senedd Cymru or a Welsh subordinate instrument which is not in force –
- (a) is incidental or supplementary to a power or duty exercised in accordance with this section, and
 - (b) comes into force other than by order or regulations,
- that provision is to be treated as being in force so far as is necessary for the exercise of the power or duty in accordance with this section.
- (5) The exercise of a power or duty in accordance with this section is subject to any conditions or limitations imposed by the Act or instrument conferring or imposing the power or duty (whether or not the provision imposing the condition or limitation is in force).

- (6) In subsection (1), the references to a provision in an Act of Senedd Cymru or a Welsh subordinate instrument include a provision which amends another enactment.
- (7) Where a provision in an Act of Senedd Cymru or a Welsh subordinate instrument confers or imposes a power or duty by amending another enactment, the references to an Act or instrument in subsections (3)(a) and (b), (4) and (5) include the other enactment as amended.³

Notes:

- | | |
|---|--|
| 1 | Substituted by paragraph 4(a) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 |
| 2 | Inserted by paragraph 4(b) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 |
| 3 | Inserted by paragraph 4(c) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 |

...

21 References to portions of enactments, instruments and documents

- (1) Where an Act of Senedd Cymru or a Welsh subordinate instrument –
- (a) describes or refers to a portion of any enactment, instrument or document, and
 - (b) does so by referring to words, sections or other parts from or to which (or from and to which) the portion extends,
- the portion includes the words, sections or other parts referred to.
- (2) In subsection (1), “enactment” includes an enactment which is, or is contained in, any of the following –
- (a) an Act of the Scottish Parliament;
 - (b) Northern Ireland legislation (within the meaning given by section 24(5) of the Interpretation Act 1978 (c. 30));
 - (ba) a Measure of the Church Assembly or of the General Synod of the Church of England;¹
 - (c) an instrument made under legislation mentioned in paragraph (a) ~~or~~ (b) or (ba)².

Notes:

- | | |
|---|---|
| 1 | Inserted by paragraph 5(a) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 |
|---|---|

2	Substituted by paragraph 5(b) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025
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...

25 References to enactments are to enactments as amended

(1) This section applies where –

- (a) an Act of Senedd Cymru or a Welsh subordinate instrument refers to an enactment (“A”), and
- (b) at any time (whether before, on or after the day on which the Act receives Royal Assent or the instrument is made) A is amended, extended or applied by an enactment (“B”).

(2) The reference to A is a reference to A as amended, extended or applied by B.

(3) Nothing in sections 22 to 24 limits the operation of this section.

(4) In subsection (1), “enactment” includes an enactment which is, or is contained in, any of the following –

- (a) an Act of the Scottish Parliament;
- (b) Northern Ireland legislation (within the meaning given by section 24(5) of the Interpretation Act 1978 (c. 30));
- [\(ba\) a Measure of the Church Assembly or of the General Synod of the Church of England;¹](#)
- (c) an instrument made under legislation mentioned in paragraph (a) ~~or~~ [\(b\) or \(ba\)](#)².

Notes:

- | | |
|---|--|
| 1 | Inserted by paragraph 6(a) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 |
| 2 | Substituted by paragraph 6(b) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 |

...

35 Effect of re-enactment

(1) This section applies where an enactment (“A”) is –

- (a) repealed or revoked by an Act of Senedd Cymru or a Welsh subordinate instrument, and

- (b) re-enacted (with or without modification) by an enactment (“B”) which is, or is contained in, an Act of Senedd Cymru or a Welsh subordinate instrument.
- (2) A reference to A in any enactment, instrument or document is to be read as (or as including) a reference to B.
- (3) So far as any subordinate legislation made under A or having effect as if it were made under A could have been made under B, it is to have effect as if made under B.
- (4) So far as anything done or having effect as if it were done under A could have been done under B, it is to have effect as if done under B.
- (5) [Subsection \(3\) does not cause section 28 to have effect in relation to any subordinate legislation where it did not previously have effect.](#)¹

Notes:

- 1 Inserted by paragraph 8 of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025

36 ~~Referring to an Act of Senedd Cymru by its short title after repeal~~ [Referring to an Act of Senedd Cymru or Welsh subordinate instrument after repeal or revocation](#)³

- (1)¹ An Act of Senedd Cymru may continue to be referred to by the short title conferred on it by an enactment despite the repeal of that enactment.
- (2) [A Welsh subordinate instrument may continue be referred to by its title despite the revocation of the instrument.](#)²

Notes:

- 1 Numbered by paragraph 9(a) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025
- 2 Inserted by paragraph 9(b) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025
- 3 Retitled by paragraph 9(c) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025

37 ~~Meaning of~~ [Interpretation of provisions about amendment](#),¹ repeal and revocation in this Part

- (1) In this Part, references to repealing or revoking an enactment or abolishing a rule of law include –

- (a) substituting anything for the enactment or rule (or for any part of it);
 - (b) limiting the application or effect of the enactment or rule;
 - (c) providing for the enactment or rule to cease to have effect.
- (2) For the purposes of sections 34 to 36 (but not section 33) –
- (a) the expiry of a temporary Act of Senedd Cymru is to be treated as a repeal of the Act by an Act of Senedd Cymru or a Welsh subordinate instrument;
 - (b) the expiry of a temporary Welsh subordinate instrument is to be treated as a revocation of the instrument by an Act of Senedd Cymru or a Welsh subordinate instrument.
- (3) In sections 32 to 35, and in subsection (1) as it applies for the purposes of those sections, “enactment” includes an enactment which is, or is contained in, a Measure of the Church Assembly or of the General Synod of the Church of England or an instrument made under such a Measure.²

Notes:

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| 1 | Substituted by paragraph 7(a) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 |
| 2 | Inserted by paragraph 7(b) of Schedule 2 to the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025 |

...

42A Review of Parts 2A and 2B of this Act

- (1) The Counsel General must review the operation and effect of Parts 2A and 2B.
- (2) The review must be carried out during the period –
 - (a) beginning two years after the day on which those Parts come into force, and
 - (b) ending no later than three years after that day.
- (3) As part of the review the Counsel General must consult the Presiding Officer and the Clerk of the Senedd, and any other person the Counsel General considers appropriate.
- (4) The next annual report prepared by the Counsel General under section 2(7) after the review has been completed must contain –
 - (a) information about the matters considered as part of the review, and
 - (b) the Counsel General’s conclusions.¹

Notes:

- 1 Inserted by section 5 of the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025