



## Constitutional Law

17 September 2021

### Request for Information.

Thank you for your request received on 20 August in which you asked:

*I am researching various aspects of constitutional law.*

*I am aware under the standing orders of the Senedd before certain Measures and Bills are introduced the "Queen and or the Princes Consent" may be required.*

- 1. Please advise how many Bills and Measures have required consent in the last five years.*
- 2. Typically many acts of the Westminster Parliament include clauses which state the Act binds the Crown but if the Crown is in breach there is no criminal sanction. Please advise how many Acts of the Senedd over the last 5 years contain similar clauses.*

As referenced in your request, the Senedd's rules, and procedures are laid out in **Standing Orders**, in accordance with the Government of Wales Act 2006, and are enforced by the Presiding Officer who is the highest authority in the Senedd.

Standing Order 26.67, Her Majesty's and Duke of Cornwall's consent is required only before the Senedd considers whether or not to pass the bill at Stage 4 of the Senedd's legislative process and is not a requirement prior to the introduction of a Bill.

### ***Her Majesty's and Duke of Cornwall's Consent***

**26.67** *If a Bill contains any provision, or is amended so as to include any provision, that would, if contained in a Bill for an Act of the United Kingdom Parliament,*

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*require the consent of Her Majesty, or the Duke of Cornwall, the Senedd must not debate the question whether the Bill be passed (or approved following Reconsideration) unless such consent to such a provision has been signified by a member of the government at a meeting of the Senedd.*

Further information about the Senedd's legislative process is available on our website at <https://senedd.wales/senedd-business/legislation/guide-to-the-legislative-process/>.

1. *Please advise how many Bills and Measures have required consent in the last five years.*

We can confirm that we hold the requested information.

All Bills that have been laid before the Senedd in the last five years are published on our website at <https://senedd.wales/archive/fifth-senedd-2016-2021/legislation-fifth-senedd-2016-2021/>.

Most Bills that have been introduced in the last five years have gone on to become Acts of Senedd Cymru or, prior to the coming into force of the Senedd and Elections (Wales) Act 2020, Acts of the National Assembly for Wales. Only the Autism (Wales) Bill and the Bus Services (Wales) Bill have been introduced but not passed by the Senedd in the last five years, and neither of these Bills reached Stage 4 of the legislative process.

Most Bills are introduced by the Welsh Government and, where required, it is the responsibility of the Welsh Ministers to obtain Her Majesty's and the Duke of Cornwall's consent for those Bills. For Bills that are not introduced by Welsh Government, for example if a Bill is introduced by a Senedd committee, it is the responsibility of the Member responsible for the Bill.

Where it is required, the person responsible for the Bill will confirm in Senedd proceedings whether consent has been obtained. This information is published on the Record of Proceedings and is available by searching our website: [Search - Welsh Parliament \(senedd.wales\)](#)

To narrow the search parameters, select 'Transcripts' and 'Speeches' and search appropriate terms. Dates can also be selected to limit results to a set period of time.

Search terms that may be appropriate include:

- Her Majesty's Consent;

- Her Majesty the Queen;
- Duke of Cornwall;
- Duke of Cornwall's Consent;
- Queen's Consent.

As the requested information is already available on our website, your request is subject to section 21 of the Freedom of Information Act 2000 which exempts information that is already reasonably accessible by other means.

2. *Typically many acts of the Westminster Parliament include clauses which state the Act binds the Crown but if the Crown is in breach there is no criminal sanction. Please advise how many Acts of the Senedd over the last 5 years contain similar clauses.*

We can confirm that we hold the requested information.

Once a Bill has been considered and passed by the Senedd and given Royal Assent by the Monarch, it becomes an 'Act of Senedd Cymru'. Acts that have received Royal Assent in the last 5 years are published on our website: <https://senedd.wales/archive/fifth-senedd-2016-2021/legislation-fifth-senedd-2016-2021/>.

The general principle, based on the legal doctrine of Crown immunity, is that an Act does not bind the Crown unless it does so expressly or by necessary implication.

Most commonly, where it is intended that an Act of Senedd Cymru should bind the Crown, it will contain a section providing that, *"This Act binds the Crown"*.

As all Acts are published on our website and at <https://www.legislation.gov.uk/browse/wales>, it is possible to carry out a search to determine which of those Acts are intended to bind the Crown.

As the requested information is already available, your request is subject to section 21 of the Freedom of Information Act 2000 which exempts information that is already reasonably accessible by other means.

Yours sincerely,

Buddug Saer

**Freedom of Information Manager  
Welsh Parliament**

Your request has been considered according to the principles set out in the **Code of Practice on Public Access to Information**. If you have any questions regarding this response please contact me. If you feel you have cause for complaint, please follow the guidance below.

Cause for concern or complaint with your FOI response?

If you are dissatisfied with the Welsh Parliament's handling of your request, you can request an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Freedom of Information Manager at:

**Information-request@senedd.wales** or in writing to

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