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Our ref WQ95640

3 March 2025

Dear Adam,

Further to WQ95640, the following provisions contained in Acts passed during this Senedd term have yet to be commenced by the Welsh Government:

Elections and Elected Bodies (Wales) Act 2024

As set out in scrutiny and the bill supporting documentation, we have taken a staged approach to implementation, including power to commence certain Act provisions by order to enable their coming into force, so that the electoral community have sufficient time to plan for implementation before the changes come into effect. In developing the Act, we were mindful of the need to implement reforms in good time ahead of the next scheduled Senedd and local government elections due to take place in 2026 and 2027 respectively, while also respecting the Gould convention that recommends a minimum of six months between legislation being made before the start of any election the legislation affects.

- Section 3.
- Section 4.
- Section 24.
- Section 64.
- Section 27 (will come into force on 1 April 2025 pursuant to SI 2024/1337 (w.226)(C.81)).
- Sections 56-60 (will come into force on 1 April 2025 pursuant to SI 2024/1337 (w.226)(C.81)).
- Section 65 (will come into force on 6 May 2027 pursuant to section 72(3) of the Act).
- Chapter 2 of Part 2 (will come into force on 1 April 2025 under S.I. 2024/1337)

Environment (Air Quality and Soundscapes) (Wales) Act 2024

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

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

Sections 16, 17 and 18 make changes to the existing Local Air Quality Management regime and sections 19, 20 and 21, and Schedule 1 make changes to the existing Smoke Control regime. Both of these regimes are managed by local authorities, therefore, during scrutiny of the Act we committed to update the relevant guidance to reflect the legislative changes when commencing the provisions. The consultation on updated guidance to local authorities closes on 7 March 2025. [Local air quality management and smoke control guidance \[HTML\] | GOV.WALES](#). Following consideration of the consultation responses, we will commence these provisions in line with publication of the final guidance this summer.

Section 7 relates to monitoring of targets made under the Act. We are currently developing a PM_{2.5} target and intend to commence this provision to align with the relevant regulations coming into force. Regulations in relation to PM_{2.5} are required by February 2027.

- Section 7
- Section 16
- Section 17
- Section 18
- Section 19
- Section 20
- Section 21
- Schedule 1

Local Government Finance (Wales) Act 2024

Section 6 comes into force on 1 April 2025, to align with the beginning of the next financial year. This section provides for changes to eligibility for the relevant non-domestic rates relief. It is usual for such changes to be aligned with a new financial year.

Sections 10 & 11 come into force on 1 April 2025, to align with the beginning of the next financial year. These sections provide for the calculation of the non-domestic rates multiplier for Wales, including restatement of existing powers for the Welsh Ministers to alter the setting of the multiplier (as well as the inclusion of new powers to prescribe differential multipliers) by regulations. As it was not known when Royal Assent would occur, the timing of commencement was set to ensure the restatement of existing powers would not interfere with the setting of the multiplier for the 2025-26 financial year.

Section 12 will be commenced by statutory instrument. This section will impose a new duty on ratepayers to provide information to the Valuation Office Agency, using an online service to be provided for that purpose. The duty will be brought into force only when the Welsh Government and the VOA are satisfied that ratepayers can reasonably be expected to comply with it through the service provided, once it has been fully developed and tested. This commitment was made during consultation on the related policy proposals and reiterated during scrutiny of the Act.

Section 18 and 19 relating to council tax discounts and reductions are planned to be commenced in 2026 and 2027, subject to future consultations on proposals which are currently under review.

- Section 6
- Section 10
- Section 11
- Section 12
- Section 18 (note, this has been partially commenced– paragraphs (2)(c) and (5) only for specific purposes)
- Section 19

- Schedule Part 4
- Schedule Part 5 (note this has been partially commenced – paragraph 13(3)(b) only)

Infrastructure (Wales) Act 2024

The Infrastructure (Wales) Act 2024 received Royal Assent on 3 June 2024. Two consultations on the pre-application consultation procedure and fees for the consenting process were held between 13 May 2024 and 22 July 2024. The Welsh Government response was published on 4 September 2024. The main consultation paper on the subordinate legislation required to implement the Act opened on 19 September 2024 and closed on 13 December 2024. Analysis of the responses by officials is informing the final proposals for the subordinate legislation under the Act.

Subject to the outcome of that analysis and Senedd approval of the subordinate legislation, it is anticipated the transition to the new system will be later this year.

The Act commenced:

- Part 1;
- the provisions of Parts 2 to 8 that—
- confer power to make regulations, or
- make provision about what is (or is not) permitted to be done in the exercise of a power to make regulations;
- Part 9, except section 145.

All other sections are yet to be commenced.

Social Partnership and Public Procurement (Wales) Act 2023

Sections 9 and 10 of Part 1 enable the establishment of the procurement subgroup, including its quorum and procedures. Part 3 of the Act relates to the Socially Responsible Public Procurement duties and annual reporting requirements.

During scrutiny and since, Welsh Ministers have consistently emphasised that there will be a significant lead-in time before these provisions can commence. This is to allow for appropriate consultation with social partners, contracting authorities, and others on the development of the necessary statutory guidance and regulations.

Welsh Ministers have repeatedly indicated that these provisions are expected to come into force either by the end of 2025 or no later than early 2026.

- Section 9
- Section 10
- Part 3
- Section 43
- Section 44
- Section 45
- Schedule 1
- Schedule 2

The Environmental Protection (Single-use Plastic Products) (Wales) Act 2023

The Welsh Government intends to commence the bans on the remaining three single-use plastic products (single use plastic carrier bags, polystyrene lids for cups and takeaway food containers and products made of oxo-degradable plastics) by May 2026. A longer

commencement period was provided for these products to ensure sufficient time was provided for businesses to identify and procure suitable alternatives. Work is also currently being undertaken to update the current Economic Impact Assessments for these products in advance of the bans.

- Paragraph 1 of the Schedule. Entries in column 1 and column 2 of the Table for “lids for cups or takeaway food containers”, “carrier bags” and “any product made of oxo-degradable plastic”.

Historic Environment (Wales) Act 2023

Originating in the Historic Environment (Wales) Act 2016, the provision was never commenced because research and stakeholder engagement revealed that it would have acted as a powerful disincentive to owners rescuing listed buildings at risk.

- Section 147

Tertiary Education and Research (Wales) Act 2022

The approach to the implementation of the TER Act and the establishment of the Commission (known as Medr) has been based on a set of core principles and priorities the then Minister for Education and Welsh Language agreed in late June 2022. These principles are:

- ensuring continuity of provision for the sector with no discernible disruption for providers or learners during the establishment of the Commission.
- avoiding undue burden on providers during the implementation.
- early creation of an operational Commission, within the limitations as a consequence of the above, is the priority.
- ensuring the delivery of a robust suite of legislative provisions.

Adopting a phased implementation approach has also allowed Welsh Government and Medr to work collaboratively, both with each other and the Tertiary Education sector to ensure the reforms being delivered are maximised.

Implementation has been progressing with several commencement Orders made to date:

- the Tertiary Education and Research (Wales) Act 2022 (Commencement No. 1) Order 2022, provided for the creation of the Commission as a legal entity, and commenced the provisions necessary to appoint its members, along with other associated provisions,
- the Tertiary Education and Research (Wales) Act 2022 (Commencement No 2 and Transitory Provision) Order 2023 provided for the bringing into force, both partially and in full, of provisions within TERA for September 2023 and April 2024.
- the Tertiary Education and Research (Wales) Act 2022 (Commencement No. 3) Order 2023 provided for the bringing into force of a regulation making power omitted from the second commencement Order and was made in October 2023, and
- the Tertiary Education and Research (Wales) Act 2022 (Commencement No.4 and Transitory and Transitional Provisions) Order 2024 provided for the dissolution of the Higher Education Funding Council for Wales and enabled Medr to start assuming responsibility for its functions. This Order was made in July 2024 ahead of Medr becoming operational on 1st August 2024.

The Minister for Further and Higher Education will make a further Commencement Order in April 2025 with work in progress for the remaining Orders, and associated statutory instruments, necessary to complete implementation of the Act.

- Section 26
- Section 29
- Section 37
- Section 38
- Section 39
- Section 40
- Section 42
- Section 44
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- Section 124
- Section 125
- Section 126
- Section 127
- Section 128
- Section 129
- Section 133
- Section 134
- Section 137
- Section 138
- Schedule 3
- SCHEDULE 4, Paragraphs 1, 4, 9, 10, 11, 13, 16, 17, 21, 23, 26, 29, 30, 35, 39

List of provisions of the Tertiary Education and Research (Wales) Act 2022 not yet fully commenced (i.e. only partially commenced):

Relevant Commencement Orders:

- Commencement Order No. 1 (CO No. 1) SI 2022/1318
- Commencement Order No. 2 (CO No. 2) SI 2023/919
- Commencement Order No. 3 (CO No. 3) SI 2023/1106
- Commencement Order No. 4 (CO No. 4) SI 2024/806

Sections partially in force (and to what extent)	
6	-Subsection (1)(a) (promotion of research and innovation), for the purposes of preparing a strategic plan under section 14 (but not so as to bring the duty under section 6(1)(a) into force) – CO No. 2, art 3(2). -Subsection (1) is fully in force – CO No. 4, art 2(a). -Subsection (2) is in force subject to transitory provision relating to the meaning of ‘relevant person’ which applies until coming into force of s.105 – CO No. 4, art 4.
25	-Subsection (7) in force – CO No. 2, art 2(j). -Subsections (1), (4), (6)(a) and (6)(b) (in so far as it relates to subsections (4) and (5)), in force for the purposes of section 25(7) (but

	not so as to bring any duties under those subsections into force) – CO No. 2, art 3(m). -Subsection (4)(d), for the purposes of section 27(2) (initial registration conditions) (but not so as to bring the duty under section 25(4)(d) into force) – CO No. 2, art 3(n). -Subsection (9)(a) and (10) (in so far as subsection (10) relates to subsection (9)(a)) – CO No. 2, art 3(o). -Whole section in force for the purposes of making regulations – CO No. 2, art 3(l).
27	- Whole section in force for the purposes of making regulations – CO No. 2, art 3(p). -Subsections 27(1), (2) and (8), in force for the purposes of enabling the Commission to prepare the document referred to in section 27(2) (but not so as to bring the duty under section 27(2) into force – CO No. 2, art 3(g).
28	-Subsections (1) to (3) in force for the purposes of enabling the Commission to take steps towards determining the general ongoing registration conditions pursuant to section 28(1) (but not so as to bring the duties under section 28(1) into force) – CO No. 2, art 3(r).
30	-Subsection (1) in force – CO No. 2, art 2(k).
31	-Subsections (1)(a) to (f), (i), (j) and (2) in force for the purposes of enabling the Commission to take steps towards determining the general ongoing registration conditions pursuant to section 28(1) (but not so as to bring the duty under section 31(1) into force) – CO No.2, art 3(s).
32	-Whole section in force for the purposes of making regulations and for the purposes of enabling the Commission to take steps towards determining the general ongoing registration conditions pursuant to section 28(1) (but not so as to bring any duties under sections 32 and 33 into force) – CO No. 2, arts 3(t) and 3(u).
33	-In force for the purposes of enabling the Commission to take steps towards determining the general ongoing registration conditions pursuant to section 28(1) (but not so as to bring any duties under sections 32 and 33 into force) – CO No. 2, art 3(u).
35	-In force for the purposes of enabling the Commission to prepare guidance for registered providers about ongoing registration conditions (but not so as to bring the duty under that section into force) – CO No. 2, art 3(v).
36	-In force for the purposes of enabling the Commission to take steps towards determining how it will monitor compliance with ongoing registration conditions by registered providers (but not so as to bring the duty under that section into force) – CO No. 2, art 3(w).
41	-In force only for the purposes of making regulations under that section – CO No. 2, art 3(x).
43	-In force only for the purposes of making regulations under that section – CO No. 2, art 3(y).
47	-Subsections (1) to (5) in force for the purposes of enabling the Commission to take steps towards determining the fee limit condition pursuant to section 32(3)(a) and the general ongoing registration conditions pursuant to section 28(1) (but not so as to bring any duties under section 47(2) or (4) into force) – CO No. 2, art 3(z).
50	-Section 50(1) to (3), (4)(b) and (c), (7) and (8) in force – CO No. 4, art 2(c). -Section 50(4)(a) in force subject to modifications relating to the reference to 'registered provider' until 31/07/26 – CO No. 4, art 5.

54	-In force only for the purposes of making regulations under that section – CO No. 2, art 3(aa).
57	-In force only for the purposes of making regulations under that section – CO No. 2, art 3(bb).
83	-In force only for the purposes of making regulations under that section – CO No. 2, art 3(cc).
84	-In force except for the definition of ‘excess fees’ – CO No. 2, art 3(dd).
86	-Section 86(2), (3) and (7) in force – CO No. 4, art 2(d). -Section 86(4) in force subject to modifications until coming into force of s.105 – CO No. 4, art 7. -Section 86(1), (5) and (6) in force subject to transitory provisions until coming into force of para 6(3)(c) of Schedule 4 to TERA – CO No. 4, art 6.
87	-Subsection (2) in force – CO No. 2, art 2(o). -Subsections (1) and (5) in force, except for the references to sections 88 and 105 in subsection (5), for the purposes of preparing a statement under section 87(1) (but not so as to bring the duty under that section into force) – CO No. 2, art 3(ee).
88	-In force only for the purposes of making regulations under that section – CO No. 2, art 3(ff).
89	-Subsections (1) and (2) in force – CO No. 2, art 2(p). -Subsections (3) to (5) in force, for the purposes of preparing a statement under section 87 – CO No. 2, art 3(gg).
94	-In force only for the purposes of making regulations under that section – CO No. 2, art 5.
97	-In force for the purposes of preparing a statement under section 87 – CO No. 2, art 3(hh).
101	-In force for the purposes of preparing a statement under section 87 – CO No. 2, art 3(ii).
103	-In force for the purposes of preparing a statement under section 87 – CO No. 2, art 3(jj).
104	-In force for the purposes of preparing a statement under section 87 – CO No. 2, art 3(kk).
105	-In force only for the purposes of making regulations under that section – CO No. 2, art 3(ll).
131	-Subsection (1), (2)(c) and (d), (4) and (5) fully in force – CO No. 4, art 2(e). -Subsection (3)(a) in force to the extent it relates to a person mentioned in subsection (2)(c) and (d) – CO No. 4, art 3(b). -Subsection (6) in force to the extent it relates to section 131(2)(a), (aa), (b)(viii), (c) and (d) – CO No. 4, art 3(b). -Subsection 2(a) and (b)(viii) in force subject to modifications relating to the references to ‘registered provider’ until 31/07/26 – CO No. 4, art 16.
132	-Subsections (1)(a) to (e), (g) to (k) and (2) in force – CO No. 2, art 2(r).
139	Subsections (1), (2) and (4) in force – CO No. 4, art 2(h).

Schedules partially in force	
SCHEDULE 1, Paragraphs:	
16	-Paragraph 16(1)(b) and (3) to (5) in force – CO No. 4, art 14(a). -Paragraph 16(1)(a) in force subject to transitory modification until full coming into force of paragraph 31 of Schedule 4 – CO No. 4, art 15.
17	-Paragraph 17(1) in force – CO No. 4, art 14(b).
SCHEDULE 4, Paragraphs:	
3	-Sub-paragraph (1) and (2)(b) in force – CO No. 4, art 2(k)(ii).

6	-Paragraph 6(1), (2), (3)(e) and (g), (5)(a) and (7) in force – CO No. 4, art 2(k)(iv). -Paragraph 6(3)(b) in force to the extent it omits section 62(1), (3), (4) and (9) of the 1992 Act – CO No. 4, art 3(c)(i). -Paragraph 6(3)(f) in force to the extent it omits section 69(1) and (3) to (7) of the 1992 Act – CO No. 4, art 3(c)(ii). -Paragraph 6(6) in force to the extent it omits the entry for “the HEFCW” in section 92 of the 1992 Act – CO No. 4, art 3(c)(iii).
7	-Paragraph 7(1) to (3), (4)(a)(iii) and (iv) and (b) in force – CO No. 4, art 2(k)(v).
8	-Paragraph 8(1), (3), (4) and (7) in force – CO No. 4, art 2(k)(vi).
12	-Paragraph 12(1), (2)(a)(ii) and (iii), (3) and (4) in force – CO No. 4, art 2(k)(vii). -Paragraph 12(2)(a)(i) in force subject to transitional provisions – CO No. 4, art 11. -Paragraph 12(2)(b) in force subject to transitional provision – CO No. 4, art 12.
14	-Paragraph 14(1), (24) and (26) in force – CO No. 4, art 2(k)(viii). -Paragraph 14(27) in force subject to transitional provision – CO No. 4, art 13.
15	-Paragraph 15(1), (3) and (5) in force – CO No. 4, art 2(k)(ix).
18	-Paragraph 18(1), (6), (8), (9)(a) and (c) and (10) to (13) in force – CO No. 4, art 2(k)(x).
19	-Paragraph 19(1) and (2)(a) in force – CO No. 4, art 2(k)(xi).
20	-Sub-paragraphs (1) and (2)(a) in force – CO No. 2, art 2(x)(i) and (ii). -Sub-paragraph (2)(b) in force – CO No. 4, art 2(k)(xii).
22	-Paragraph 22(1) and (3) in force – CO No. 4, art 2(k)(xiii).
25	-Paragraph 25(1) and (3) in force – CO No. 4, art 2(k)(xiv).
31	In force to the extent it omits the following provisions of the 2015 Act— -sections 25, 49, 50(5) to (7), 51 and 53 – CO No. 4, art 3(c)(iv)(aa); -paragraphs 2, 5 and 7 to 26 in Part 1 of the Schedule – CO No. 4, art 3(c)(iv)(bb) and; -Part 2 of the Schedule – CO No. 4, art 3(c)(iv)(cc).
33	-Paragraph 33(1), (2)(b) and (e) in force – CO No. 4, art 2(k)(xvii). -Paragraph 33(2)(c) and (d) in force to the extent that they omit the word “HEFCW” and substitute it with “the Commission” – CO No. 4, art 3(c)(v) and 3(c)(vi).
38	-Paragraph 38(1) in force – CO No. 4, art 2(k)(xxi). -Paragraph 38(2) in force to the extent it omits paragraphs 7, 8, 11, 17, 18(2), (3) and (5) to (7), 20, 25 and 26(3) of Schedule 11 to the Higher Education and Research Act 2017 – CO No. 4, art 3(c)(vii).

Yours sincerely,



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