Intergovernmental relations and workings Research Briefing

March 2025





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Intergovernmental relations and workings

Research Briefing

March 2025

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Authors:

Adam Cooke and Josh Hayman

The Committee for the Scrutiny of the First Minister is holding a session on 28 March 2025 with the First Minister, Eluned Morgan MS, focusing on issues relating to "intergovernmental relations and workings".

This briefing sets out some of the key topics the Committee may cover.



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1. Introduction

On **28 March 2025**, the Committee for the Scrutiny of the First Minister is scrutinising the First Minister, Eluned Morgan MS, on intergovernmental relations and workings. This meeting's topic was agreed by the Committee at its meeting on **13 December 2024**.

2. Intergovernmental Relations

Intergovernmental relations (IGR) refer to the way in which the governments of the UK interact and work together.

Since the UK General Election in July 2024, both **the Welsh** and **UK governments** have insisted that relations have been "reset".

Inter-institutional Relations Agreement

In 2021, the Welsh Government and the Legislation, Justice and Constitution Committee ('LJC Committee' acting on behalf of all Senedd Committees) agreed on the information that the Welsh Government would provide about its participation in formal intergovernmental relations. This included ministerial-level intergovernmental meetings, concordats, agreements, common frameworks and memorandums of understanding. This agreement is known as the **Interinstitutional Relations Agreement** (IIRA).

As part of the IIRA, the Welsh Government agreed to provide Committees with at least one month's notice of formal intergovernmental meeting. This is to enable Committees to raise issues of relevance to the meeting in advance with Welsh Ministers. The Welsh Government also agreed to provide a written summary of issues discussed within two weeks of the meeting taking place, as far as possible.

The Welsh Government also publishes annual reports on intergovernmental relations. The First Minister **said in September** 2024 that the report for 2023 - 2024 would be laid "shortly". At time of writing, it has not been published.

Intergovernmental structures

In January 2022, the UK and devolved governments **agreed new IGR structures**. A three-tier system of IGR was established, consisting of:

- 1. Policy-focused Interministerial Groups (IMGs);
- 2. An Interministerial Standing Committee (IMSC) to provide oversight of the IMGs and to discuss cross-cutting issues, and a Finance Interministerial Standing Committee (F:ISC) to discuss cross-cutting financial matters; and
- 3. A Prime Minister and Heads of Devolved Governments Council at the top.

The IGR Review **included plans** for an independent secretariat made up of officials from all four governments to help facilitate relations. The Welsh Government

confirmed in January 2025 that the secretariat is now fully staffed.

Part of the secretariat's role is to facilitate an independent dispute resolution procedure. The First Minister **said in September 2024** that the process has not yet been used. It is not currently clear what would lead the Welsh Government to trigger the process.

The current Secretary of State for Wales, Jo Stevens MP, has **suggested that** all levels of formal structures for IGR have been underused in recent years. The First Minister **said in February** that formal structures had been "not used much" under the previous UK Government.

In the 8 months since the 2024 UK general election, 16 formal intergovernmental meetings have been confirmed as having met involving the Welsh and UK governments)¹. This does not suggest an increase in the use of formal structures compared with recent years; Senedd Research **analysis noted** 23 formal meetings in 2022 and 35 formal meetings in 2023.

The Welsh Government's reporting, both of advance notice for upcoming meetings and summaries following meetings, is inconsistent. For some meetings, such as the **inaugural meeting of the IMG Health and Social Care** in December 2024, the Welsh Government does not appear to have provided notice, and a **short summary was provided** over three months after the meeting.

The quality of meeting summaries also varies. For example, a summary of a recent meeting of the **F:ISC** contains over 200 words of discussion points, while a summary of the **IMG for Trade** contains fewer than 30 words of discussion points.

While formal meetings have continued, meetings outside of the formal structures have also occurred between UK and Welsh Ministers. These have generally been mentioned in passing, reported through statements, or referenced on social media. Meetings outside of formal structures are not covered by the IIRA, and therefore there is no requirement for the Welsh Government to provide a summary of discussions.

In February 2025, the First Minister **noted that** a "review of intergovernmental relations is being undertaken at the moment".

¹ 'Confirmed' meetings are where a summary has been received from the Welsh Government or the UK Government has published a communiqué/press release. The total number is 17 if the new **UK Tree Planting Taskforce** is included.

The Senedd's Finance Committee published its **report on Fiscal IGR** in October 2024. The report includes a recommendation that the Welsh Government should work with the UK Government to ensure IGR are placed on a statutory basis.

The First Minister, while stating that the existing formal intergovernmental structures have provided machinery which can help facilitate good relations, said that the Welsh Government would seek "to progress and build on the conclusions and recommendations of the **Independent Commission on the Constitutional Future of Wales"** ('the Commission').²

The Commission recommended that the Welsh Government should propose that "the Westminster Parliament should legislate for intergovernmental mechanisms so as to secure a duty of co-operation and parity of esteem between the governments of the UK". The Welsh Government **said it would** seek to progress this recommendation.

Council of the Nations and Regions

The UK Government established a new intergovernmental forum, the Council of the Nations and Regions, which **met for the first time** in Edinburgh on 11 October 2024. The Council, chaired by the Prime Minister, brings together the heads of the UK and devolved governments, as well as mayors from English combined authorities.

The terms of reference for the Council, which sets out membership, objectives and meeting frequency, can be **found here**.

The next meeting of the Council is **scheduled** for spring 2025.

It is unclear how the Council fits in to the existing IGR structures, in particular the Prime Minister and Heads of Devolved Government Council. The Earl of Kinnoull **stated in October 2024 that**:

...for the moment, the Council of the Nations and Regions and the intergovernmental relations body will continue in parallel.

However, on 20 November 2024, the Chancellor of the Duchy of Lancaster, Pat McFadden MP, **suggested that** the new Council of Nations and Regions had "superseded" the Prime Minister and Heads of Devolved Governments Council, but that there would be opportunities for bilateral and quadrilateral meetings between the Prime Minister and First Ministers in the future.

² For more information on the Commission, see Section 4 of the briefing

On 27 November 2024, UK Government Whip, Baroness Anderson of Stoke-on-Trent, then **said that** it was "not the case" that the previous Council was "obsolete".

On 9 December 2024, the Welsh Government's Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS, **said that** "both still exist" and "both are important".

In March 2025, the UK Government **said that** the two existing high-level councils will meet on the same day in future (as happened on 11 October), to avoid duplication and ensure efficient IGR.

Interparliamentary oversight of IGR

The **Interparliamentary Forum** brings together representatives from the legislatures of the UK. The Forum's priorities include the oversight of intergovernmental relations and the impact of constitutional arrangements on the legislative process. The Senedd is represented at the Forum by the Chairs of the Legislation, Justice and Constitution Committee and the Climate Change, Environment and Infrastructure Committee.

The Forum **most recently met** in November 2024. One action point agreed at the meeting was to:

...explore how it can encourage UK Ministers and officials to respond positively and in a timely way to requests from committees in devolved legislatures to give evidence in the spirit of reciprocity.

The LJC Committee has invited **Jo Stevens MP** and **Pat McFadden MP** to appear before the Committee to discuss IGR. While these invitations were sent in September and October 2024 respectively, neither have yet appeared before the Committee.

3. Legislative Consent

A Legislative Consent Memorandum is laid in the Senedd when a UK Bill covers policy areas devolved to Wales. The Senedd then votes on whether or not to give its consent for the UK Parliament to legislate on its behalf.

Motions are subject to a binary vote on whether to grant or withhold consent. There is no opportunity for Senedd Members to propose amendments to the Bills. However, Welsh Government Ministers have recently suggested that they would be open to suggestions from Members for amendments to a Bill for the Welsh Government to present to the UK Government "if they are aligned with our imperatives as Welsh Government".

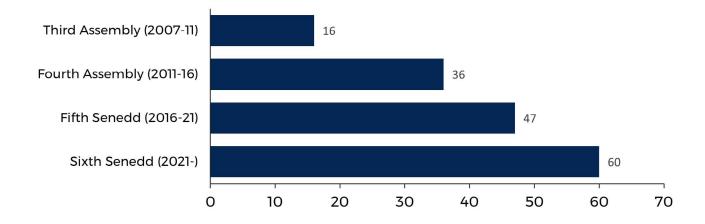
While Senedd decisions on legislative consent cannot stop a UK Bill from becoming law, the **Sewel Convention states that** the UK Parliament will "not normally" legislate if a devolved legislature withholds its consent. However, there have been a number of occasions where **this convention has not been followed**.

Legislative Consent Memoranda in the Sixth Senedd

At the time of the 2024 UK general election, 115 Legislative Consent Memoranda (LCMs) or Supplementary LCMs (SLCMs) relating to 47 Bills had been laid in the Sixth Senedd.

Since the new UK Government came to power, a further 28 LCMs and SLCMs have been laid relating to 13 Bills, bringing the total to 143 LCMs or SLCMs relating to 60 Bills in the Sixth Senedd. This is a substantial increase compared to previous Senedd terms.

Number of UK Bills for which LCMs have been laid during each Senedd term



In July 2024, **the LJC Committee wrote** to the Secretary of State for Wales, Jo Stevens MP, and other UK Ministers with responsibility for devolution and constitutional matters. The Committee highlighted areas where it believes improvements could be made to law-making by the UK Government where provisions intersect with devolved legislative competence. A copy of the letter was sent to the Welsh Government.

In **response to the Committee's letter**, the Secretary of State for Wales said that the UK Government is committed to a "reset" in IGR and to upholding and strengthening the Sewel Convention. She said that "the way we legislate will be at the forefront of demonstrating this".

The Secretary of State added that the UK Government intends to work closely with the devolved governments "to reach consensus and deliver legislation in service of people across the United Kingdom".

In July 2024, **the Welsh Government** welcomed the "early and thoughtful engagement" on legislation which will apply to Wales ahead of the announcement of the **UK Government's legislative programme** for this parliamentary session.

However, the LJC Committee has raised concerns that the Welsh Government's approach to legislating with the new UK Government, where UK Parliament Bills have been used to achieve "shared goals", is sidelining the Senedd.

The Committee has warned that the Welsh Government's use of UK Bills to legislate in devolved areas represents a "regrettable and unwelcome approach to devolution" and is reminiscent of the executive devolution of the First and Second Assemblies.

The Committee has **raised concerns** that legislating in this way does not allow the Senedd to play its proper constitutional role in scrutinising Welsh law in devolved areas.

It has accused the Welsh Government of 'piggybacking' on policy that has been designed for England without proper policy development, detailed scrutiny by the Senedd or full engagement with Welsh stakeholder organisations who represent people who could be affected by the change in the law.

Welsh Government's principles for using UK Bills to legislate in devolved areas

In October 2021, following an evidence session with the former Counsel General, Mick Antoniw MS, the LJC Committee was provided with the Welsh Government's **principles** for using UK Bills to legislate in devolved areas.

On 4 December 2024, the current Counsel General, Julie James MS, **wrote to the Committee** to provide a "refreshed version" of the principles. This version includes both primary and secondary legislation for the first time, stating that subordinate legislation in devolved areas should be enacted by the Welsh Ministers where there is executive competence.

The refreshed principles also state that there may be situations in which it is "in the best interests of Wales" for provision to be included in UK Bills or UK subordinate legislation. The LJC Committee has **previously called** these principles "flawed" due to this "catch-all exemption".

In December 2024, the Counsel General **said that** the Senedd did not have an adequate role in influencing the contents of UK Bills where the Welsh Government recommends legislative consent. She added that she would be:

...very keen to get the Senedd to think properly about at what point in that process we might usefully have a conversation with this committee, or some other committee...

Reforming the Sewel Convention

The Welsh Government has previously expressed support for reforming the Sewel Convention.

The former First Minister, Mark Drakeford MS, has spoken about the need to 'codify' the Sewel Convention, whilst the former Counsel General, Mick Antoniw MS, described the Convention as "wounded at the moment" and said that it "needs to be put on a justiciable basis in order to make it work properly". These comments followed increased instances of the Sewel Convention being broken.

The Independent Commission on the Constitutional Future of Wales **recommended that** the Sewel Convention should be made legally binding except in specific circumstances pre-determined by the governments. The Welsh Government **supported this recommendation** and said it would seek to discuss options with the governments of the UK.

The Welsh Government **said in July 2024 that** it had:

...long argued that the Sewel Convention is in need of reform and [looked] forward to working with the new UK Government, along with other Devolved Governments, with a view to strengthening the operation of this fundamental principle of devolution.

The UK Government has committed to strengthen the Sewel Convention, albeit in a more limited way than suggested by the Commission. The UK Labour manifesto **committed to** establishing a new memorandum of understanding on the Convention. The Welsh Government has **confirmed that** engagement on the new memorandum is underway, and **that it is "open-minded"** on how to reform the Convention.

Private Member's Bills - Terminally III Adults (End of Life) Bill

Standing Order 29.2(ii) provides that an LCM must be laid in respect of a relevant UK Private Member's Bill after it has completed the first amending stage in the House in which it was introduced.

As these Bills are not introduced by the UK Government, there tends to be less engagement between the Welsh and UK governments on the contents of, and potential amendments to, a Bill.

The **Terminally III Adults (End of Life) Bill** is a Private Member's Bill introduced to the House of Commons by Kim Leadbitter MP. It is currently at Committee stage in the Commons. The purpose of the Bill is to "allow adults who are terminally ill, subject to safeguards and protections, to request and be provided with assistance to end their own life".

In October 2024, the Senedd voted against a motion calling on the Welsh Government to support the principles of assisted dying and to support the UK Parliament to introduce a compassionate assisted dying law in England and Wales. However, this vote is not binding and has no impact on the legislative consent process for the Bill.

When asked about the potential impact of the Bill on Wales, Jane Hutt MS, the Cabinet Secretary for Social Justice, Trefnydd and Chief Whip, **told the Senedd** that if the Bill becomes law it will have "significant implications for Wales" but that it will be assessed under Standing Order 29 "once it passes the relevant stages in Parliament".

Mark Drakeford MS, the Cabinet Secretary for Finance and Welsh Language, has

also confirmed that "there is no Government-to-Government" discussion of the Bill. However, responses to written questions tabled by **Darren Millar MS**, **Adam Price MS** and **Andrew RT Davies MS** all refer to the Welsh Government being in contact with the UK Government "to understand and plan for the implications of this Bill for Wales".

In **evidence submitted to the Public Bill Committee** considering the legislation, Professor Emyr Lewis, Emeritus Professor, Aberystwyth University, states that whilst the Bill is "outside the legislative competence" of the Senedd, this does not mean that "distinct aspects relating to Wales need not be considered". He states that it is arguable that there could be a greater needed for that scrutiny given the likelihood of there being less engagement with the Welsh Government than there would have been if this was a Government Bill.

Professor Lewis also states that if the Bill is enacted, it is likely to have "a considerable impact" on the areas of health and social care, both of which are broadly within the legislative competence of the Senedd and executive responsibility of Welsh Ministers.

4. Further devolution and reform

The Welsh Government has called for further devolution in several areas, including justice and welfare, as well as for reforms to the fiscal framework.

In 2021, the Welsh Government established the **Independent Commission on the Constitutional Future of Wales**. It had two broad objectives:

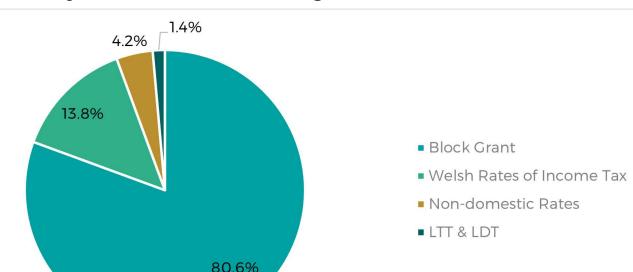
- 1. To consider and develop options for fundamental reform of the constitutional structures of the United Kingdom, in which Wales remains an integral part
- 2. To consider and develop all progressive principal options to strengthen Welsh democracy and deliver improvements for the people of Wales.

The Commission **published its final report** on 18 January 2024, making 10 recommendations in total. Relevant recommendations are highlighted in boxes below.

Fiscal framework

The vast majority of the Welsh budget comes from the UK Government's block grant. The Barnett Formula is used by HM Treasury to adjust the funding allocated to Wales through the block grant to reflect changes in public service spending by the UK Government in England for areas devolved to Wales.

The remainder of the budget is funded through devolved taxes. These are the Welsh Rates of Income Tax, Non-domestic Rates, Land Transaction Tax (LTT) and Landfill Disposals Tax (LDT). The breakdown of Welsh Government funding is set out below.



Summary of Welsh Government funding, 2025/263

For more information on Welsh Government's funding framework and borrowing powers, see this **Senedd Research explainer**.

In 2016, the Welsh Government agreed a **fiscal framework** with the UK Government, which sets out the Welsh Government's funding arrangements to support its devolved fiscal powers. This includes the block grant adjustment model for determining how the Welsh block grant is adjusted to take into account the devolution of Welsh taxes. The framework includes a needs-based factor currently temporarily set at 105%. When funding relative to England has converged to an agreed level this factor will be increased to 115%.

In 2024, the previous **UK Government announced** a new needs-based funding formula for Northern Ireland. This would result in Northern Ireland getting a "24% uplift in the Barnett formula if its funding falls short of its relative need per head".

The Senedd Finance Committee **published its report** on Fiscal Intergovernmental Relations in October 2024. The report makes a series of recommendations relating to reform of Wales' fiscal framework, including for the Welsh Government to engage with the UK Government to advocate for a needs-based funding mechanism to ensure "fairer funding for Wales".

The Welsh Government **accepted this recommendation**, adding that it has "consistently made the case that resources should be allocated across the UK on the basis of relative need".

³ Adapted from Welsh Government Draft Budget 2025/26

UK Labour commitments

The UK Labour Party's manifesto for the 2024 General Election **stated that** "Labour recognises that the Welsh Fiscal Framework is out of date". As such, it committed to "working in partnership with the Welsh Government to ensure the framework delivers value for money with two Labour governments committed to fiscal responsibility".

In November 2024, the UK Government **said that** it had no plans to review the Barnett Formula.

Disputes over rail funding

In recent years, there have been **disagreements between** the Welsh and UK governments regarding consequential funding for HS2. While Scotland and Northern Ireland have received funding as a result of spending on the project, Wales has not.

In March 2023, then Minister for Finance and Local Government, Rebecca Evans MS, **called on the UK Government** to "provide the Welsh Government with its £5 billion share of consequential funding".

More recently, the Cabinet Secretary for Finance and Welsh Language, Mark Drakeford MS, **estimated that** the Welsh Government "would have received an additional £431m between 2016-17 and 2025-26 if it had comparability with HS2 in the Barnett formula".

At a meeting of the **Welsh Affairs Committee in February 2025**, the First Minister said that the classification of HS2 as an 'England-and-Wales project' was "scandalous", and added that the Welsh Government will:

...keep on pushing the UK Government and mak[e] it clear that we think that classification was incorrect. It is not just something that has happened; it is something that will be ongoing, so we will keep on making the case.

While suggesting that a reclassification of HS2 by the UK Government was unlikely, the First Minister welcomed the **UK Government's acknowledgement** of the "historic underfunding" of Welsh railways, and expressed hope that the upcoming Spring Statement will contain funding to start to address this.

Justice

Following the publication of the **Commission on Justice in Wales**, the Welsh Government has consistently supported the devolution of justice to Wales. In its **progress report** on its justice work programme, the former Counsel General, Mick Antoniw MS. said:

Devolution of justice is an essential part of the necessary reforms that need to be implemented if we are to deliver a modern, progressive and effective legal and justice system for, and accountable to, the people of Wales.

The **progress report** sets out the work the Welsh Government is undertaking to prepare for the devolution of justice, including commissioning a review of the youth justice system in Wales, asking the Wales Centre for Public Policy to take forward a piece of research on the devolution of probation services, and publishing a report exploring the benefits and risks of devolving policing.

More recently, the Welsh Government has put out a **tender** for a programme of research to assist in its preparations for the potential devolution of policing and justice.

The Independent Commission on the Constitutional Future of Wales

The Commission **recommended that** responsibility for justice and policing should be devolved to Wales, and that this should start with the devolution of policing, probation and youth justice. The Welsh Government welcomed this recommendation.

The **UK Labour manifesto** for the 2024 General Election made commitments to consider the devolution of certain elements of the justice system:

As part of the strategic review into probation, we will explore the devolution of services to enable them to be more locally responsive. We will work with the Welsh Labour Government to consider devolution of youth justice.

In February 2025, the First Minister **said that** conversations were ongoing regarding the devolution of youth justice, but that "there are areas where we want to go further than the UK Government wants us to go". On the devolution of policing, she said that:

We have been clear in Welsh Government that policing is an area where we would like to see further devolution, but that is not necessarily where the UK Government are at this point.

Welfare

The majority of social security benefits in Wales are reserved, mostly administered by the UK Department for Work and Pensions. The Welsh Government does, however, provide financial support in relation to devolved areas, such as housing, education and skills.

The Welsh Government's **Cooperation Agreement** with Plaid Cymru called for the devolution of the administration of welfare, and committed to "explore the necessary infrastructure required to prepare for it". Plaid Cymru **ended the Cooperation Agreement** on 17 May 2024.

The UK Labour Party's manifesto for the 2024 General Election **committed to** devolving powers over employment support funding to the Welsh Government. It also committed to "work with the Scottish and Welsh Governments, and Mayors and Combined Authorities in England, to ensure all aspects of our new approach to Jobcentre Plus and employment support partner effectively with devolved provision".

In June 2024, the Welsh Government stated that it is:

...exploring the necessary infrastructure which would be required to prepare for any devolution of the administration of welfare...

It added that it is:

...currently commissioning independent research that will provide an evidence-based summary of how the devolution of the administration of social security to the Welsh Government could be taken forward and the potential benefits and consequences of doing so.

Scottish powers

The Scotland Act 2016 **devolved some powers** over welfare to the Scottish Parliament.

For example, powers over the following areas **have been devolved** to the Scottish Parliament:

- Child Disability Payment: support for disabled children and their families;
- Universal Credit: this is a reserved benefit but some powers over how it is paid have been devolved. For example, people in Scotland can choose to be paid either monthly or fortnightly; and

 Pension Age Winter Heating Payment (which will replace the UK Winter Fuel Payment).

The Independent Commission on the Constitutional Future of Wales

The Commission's **sub-group on welfare** said that the devolution of benefits to Scotland has been "complex and expensive" due to "the costs of establishing Social Security Scotland and the extra demand generated by the Scotlish reforms".

It added that the Welsh Government's focus is on "improving the operation of benefits already devolved, to create a reformed Welsh benefits system", and that the devolution of further powers is not a priority for the Welsh Government at present.

The report **contains a paper** with more detail on the devolution of welfare powers in Scotland.

Welsh Benefits Charter

In January 2024, the **Welsh Benefits Charter** was agreed by the Welsh Government, the Welsh Local Government Association and the 22 local authorities. The Charter sets out the Welsh Government's intention to increase awareness and take-up of benefits, to develop financially resilient communities, improve outcomes for children and young people from low-income households, and reduce the need for emergency aid such as food banks.

Key 'Welsh benefits' **identified by the Welsh Government** include the Council Tax Reduction Scheme, the Education Maintenance Allowance, Free School Meals, and the School Essentials Grant. The Welsh Government has committed to delivering a more "coherent and compassionate" system, and has established a **Streamlining Welsh Benefits steering group**, to take this work forward.

In January 2025, **the Welsh Government published a route map** setting out actions it will take to progress phase one of its work in this area by April 2026, although this had **originally been expected last September**. The **route map aims to ensure** "that people can seamlessly claim their entitlement to council tax reduction, free school meals and the school essentials grant in each Welsh local authority by April 2026". The Welsh Government has **allocated an additional £500,000 to support this work**, and has **focussed on these grants** as their eligibility criteria align, and it says there is existing good practice in some local authorities that can be built on.

The Crown Estate

The Crown Estate is a collection of marine and land assets and holdings belonging to the monarch.

The term "Crown Estate" is also used for the body that administers the estate, established by the *Crown Estate Act 1961* and headed by a board - the *Crown Estate Commissioners*. It's independent of government and the monarch with a *public function to*:

- 1. invest in and manage certain property assets belonging to the Monarch; and
- 2. remit its revenue surplus each year to the UK consolidated fund.

Crown Estate Scotland was established in 2017 as a public corporation to oversee the management of the Scottish Crown Estate assets, when responsibility for management of the Crown Estate's assets in Scotland was devolved to the Scottish Parliament.

The Welsh Government's **longstanding position** is that the Crown Estate should be devolved to Wales in line with the position in Scotland.

Since the 2024 general election, there have been **further discussions** in the Senedd about the potential devolution of the management of the Crown Estate to Wales. The UK Government **does not support this**.

The Independent Commission on the Constitutional Future of Wales

The Commission **recommended that** a new expert group should be created to (among other things) advise on options for devolving the Crown Estate to Wales.

The Welsh Government **welcomed the recommendation** for the group, and said that it supports the devolution of the Crown Estate.

At time of writing, it has **been reported that** 17 of the 22 local authorities in Wales have passed motions supporting the devolution of powers over the Crown Estate in Wales.

Crown Estate Bill

In July 2024, the UK Government introduced the **Crown Estate Bill**, which **aims to modernise** the operation of the Crown Estate.

The Bill **will create** "commissioners with special responsibility", which must include a commissioner responsible for giving advice about Wales in relation to the operation of the Crown Estate. The UK Government must consult Welsh Government Ministers before the commissioner is appointed.

An **amendment to the** *Crown Estate Bill* seeking to devolve control over the Crown Estate in Wales to Wales was rejected in the House of Commons.