

To: All Members of the Senedd
Via email

17 March 2021

Dear Members,

Impact of the Welsh Elections (Coronavirus) Act 2021

I am writing to draw your attention to the impact of the Welsh Elections (Coronavirus) Act 2021 (the Act) on Senedd business.

Business Committee has agreed that, as far as possible, during the election period there should be a level playing field for all candidates, to ensure a fair election and equality of opportunity for all. This principle has been reflected in decisions taken by the Senedd Commission in considering the availability of Senedd resources to Members and Senedd committees during this period. Where applicable, these decisions have been reflected in the 'Election Period Guidance' for Members and support staff. An updated version of the guidance will be reissued during week beginning 15 March.

Decisions relating to Senedd Business in the lead up to the 2021 Senedd Election

Easter Recess (29 March – 6 April)

Easter Recess is scheduled to occur immediately prior to the pre-dissolution recess. No Senedd business is scheduled during recess. This is consistent with previous election years, where Easter recess has led directly into dissolution.

Establishment of pre-dissolution period (7 – 28 April)

The Act shortens the dissolution period, to begin one week before the day of the election. This means that dissolution will commence on 29 April, rather than 7 April.

A consequence of the shortened dissolution period is that Members will continue as Members of the Senedd for three weeks of the election period (i.e. from 7 to 28 April).



The purpose of the shortened dissolution, as expressed in the Explanatory Memorandum to the Act, is:



Senedd Cymru
Bae Caerdydd, Caerdydd, CF99 1SN

 llywydd@senedd.cymru
 0300 200 7403

Welsh Parliament
Cardiff Bay, Cardiff, CF99 1SN

 llywydd@senedd.wales
 0300 200 7403

- i) To enable any new powers (provided for in the Act) to postpone the election (which cannot be exercised during a dissolution period) to be exercised up to one week before the election; and
- ii) To provide a mechanism to enable the current Senedd to respond, if required to do so, to unfolding public health issues in the period leading up to the election.

As such, Business Committee has agreed that:

- the Senedd will be in recess from 7 April until 28 April, to be called the 'pre-dissolution period'; and
- Senedd business will be limited to that related to the specific purposes of the shortened dissolution, as outlined in the Explanatory Memorandum to the Act.

Recall of the Senedd during the pre-dissolution period

Any recall of the Senedd for matters not related to the Bill will only occur in exceptional circumstances.

Committee Business during the pre-dissolution period

All Senedd Committee activity will cease during the pre-dissolution period. This includes (but is not limited to) the publishing of reports, public statements, in any media, including social media or reference to a Member's position on the Committee in any public forum.

The only exception is that the Legislation, Justice and Constitution Committee may meet to consider urgent regulations related to Coronavirus (of the type that would require a Senedd recall), or regulations related to a postponement of the 2021 Senedd election. To note, made affirmative coronavirus regulations would not routinely require a report from the Committee during this period.

Tabling and laying deadlines

The following tabling and laying deadlines apply:

- Laid Documents - 6pm (close of business) on Wednesday 28 April
Documents (including any statutory instruments) will be able to be laid before the Senedd throughout the pre-election period up until dissolution on 29 April. In accordance with past practice, the deadline for accepting laid documents will be close of business, 6pm, on the previous day, Wednesday 28 April. Any documents received for laying after this time will be retained and will be deemed to be laid, and subsequently published, when the Table Office formally reopens for business following the election.



- Written Questions - 4pm (close of business) on Friday 19 March
Although a shorter dissolution period applies this year, Business Committee has agreed a similar deadline to that which applied in 2016. The deadline allows 10 working days (taking into account the Easter bank holidays) for Welsh Ministers (or Senedd Commissioners) to provide answers directly to Members and for them to be published on the Senedd's website before the pre-dissolution period begins on Wednesday 7 April.
- Other tabled business - 4pm (close of business) on Friday 26 March
Emergency and Topical Questions (up until the last scheduled Plenary meeting on 24 March), Statements of Opinion, and No Named Day Motions may be tabled up until the formal end of the spring term, as was the case in 2016 . However, any No Named Day Motions tabled after 22 March are unlikely to be scheduled for debate.

Register of Members' Interests

The requirement on Members to register and record interests, in accordance with Standing Orders 2, 3, 4 and 5, will continue throughout the pre-dissolution period (i.e. until 28 April). Members should continue to register their interests until 6pm on Wednesday 28 April in the usual way. Table Office Clerks will be available to provide confidential advice and to process and publish any submissions received.

Members will cease to hold office when dissolution begins at 00:01 on Thursday 29 April, as such Table Office will not process any changes to the register of interests received after 6pm on Wednesday 28 April.

Petitions

The Senedd's petitions system will be closed during the pre-dissolution period (in addition to during dissolution). Signature collection on existing petitions will be paused and, whilst general advice would still be provided to members of the public, no admissibility decisions will be made or petitions published during this period.

This reflects the position during previous dissolution periods and was agreed in principle by the Petitions Committee at its meeting on 26 January.

Cross-Party Groups

The activities of Cross-Party Groups will be restricted during the pre-dissolution period (i.e. after 7 April). The Chairs and Secretariat of the groups may continue to submit required documentation relating to the activities of Cross-Party Groups until 6pm on Wednesday 28 April.



All Cross-Party Groups will cease to exist and will be automatically de-registered upon dissolution (midnight on 29 April) and will need to be registered afresh after the election if Members wish them to continue. Further advice and assistance is available from the Table Office.

Process to consider any proposal to postpone the 2021 Senedd Election

The Act provides for the postponement of the 2021 Senedd election, where necessary or appropriate for a reason relating to coronavirus. Attached is the process to postpone the election based on the statutory duties established by section 6 of the Act, which has been agreed with the First Minister, and subject to consultation with the Electoral Commission.

Decision making in relation to Senedd Business in the event of a postponed election

In the event of a postponed election, I will convene the Business Committee to consider the Senedd business timetable, including the scheduling of plenary and committee business.

Yours sincerely,



Elin Jones MS

Llywydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English



Annex – Process to postpone the election under Section 6 of the Welsh Elections (Coronavirus) Act

The process to postpone the election is based on the statutory duties established by section 6 of the Welsh Elections (Coronavirus) Act .

- *The First Minister, in a formal letter to the Llywydd, proposes that the election is postponed under section 6(1). Prior to making a proposal, the First Minister must consult the Welsh Government’s Chief Medical Officer in accordance with section 6(2).*
- *In the letter the First Minister will:*
 - a) *include details of how he has determined that the criteria published by the Welsh Ministers under section 6(12) have been met;*
 - b) *set out the reason/s – relating to coronavirus – why he considers it necessary or appropriate to postpone the election, including:*
 - i. *details of the considerations he has given to the public health situation;*
 - ii. *the challenges associated with the administration of the election, and the effect on voters;*
 - c) *enclose separate advice he has received from the Welsh Government’s Chief Medical Officer; and*
 - d) *indicate his preferred window for holding the postponed poll.*
- *The First Minister will simultaneously lay a Written Statement enclosing the same information.*
- *The Electoral Commission, if requested to do so by the Llywydd under section 6(6), will provide advice in relation to postponement of the poll as soon as practicable, and not later than 24 hours after the request has been made.*
- *The Llywydd will consider the First Minister’s proposal, taking account of advice from the Electoral Commission (if it has been requested under section 6(6)).*
- *The Llywydd may or may not accept the First Minister’s proposal.*

If the proposal to postpone is not accepted

- *If the Llywydd does not accept the First Minister’s proposal to postpone the election, she will lay a written statement before the Senedd, explaining why the*



First Minister's proposal has not been accepted.

If the proposal to postpone is accepted

- *If the Llywydd accepts the First Minister's proposal to postpone the election, she will table a motion proposing a new date for the election for approval under section 6(3)(a).*
- *Alongside the motion, the Llywydd will lay a written statement before the Senedd which sets out:*
 - I. The proposed new date of the poll;*
 - II. The reason why the Llywydd believes this date is the earliest day the poll could reasonably practicably be held as required by section 6(4)(a); and*
 - III. The basis on which the decision has been made.*
- *Once the Llywydd has tabled the motion proposing a new date for the election, if the Senedd is in recess then the Llywydd will recall the Senedd to vote on the motion as soon as practicable.*
- *Under Standing Order 12.23(iii), the Llywydd will not select any amendments seeking to change the proposed date, or which cast doubt on the Senedd's decision to postpone the election.*
- *The Senedd will vote on the motion which proposes to fix a new date for the election. The motion will require a "super-majority" to be agreed, as provided by section 6(3)(a).*

If the motion to postpone is agreed

- *As soon as reasonably practicable after a new date for the poll is fixed in accordance with section 6(3), the Llywydd, in accordance with section 6(5), will lay before the Senedd a statement which sets out:*
 - I. The day fixed for the holding of the poll, and*
 - II. The reason for the exercise of the power to fix a day.*

If the motion to postpone is not agreed

- *As soon as reasonably practicable after a new date for the poll is not fixed (the motion is not agreed), the Llywydd will lay before the Senedd a statement which:*
 - I. Confirms that the motion to fix a new date for the poll was not agreed, and*



II. Includes the result of the vote.

- *The Llywydd, under section 6(7), may then begin the process under section 6(3) again, if she so wishes.*

