



Llywodraeth Cymru  
Welsh Government

# **ELECTIONS AND ELECTED BODIES (WALES) BILL**

**Explanatory Memorandum**  
incorporating the  
**Regulatory Impact Assessment and  
Explanatory Notes**

**June 2024**

# **Elections and Elected Bodies (Wales) Bill**

## **Explanatory Memorandum to Elections and Elected Bodies (Wales) Bill**

This Explanatory Memorandum has been prepared by the Elections Division of the Welsh Government and is laid before Senedd Cymru.

It was originally prepared and laid in accordance with Standing Order 26.6 in October 2023 and a revised Memorandum is now laid in accordance with Standing Order 26.28.

### **Member's Declaration**

In my view the provisions of the Elections and Elected Bodies (Wales) Bill, introduced by me on 2 October 2023, would be within the legislative competence of Senedd Cymru.

### **Mick Antoniw MS**

Counsel General  
Member of the Senedd in charge of the Bill

25 June 2024

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## List of Abbreviations

<b>Body</b>	<b>Abbreviation</b>
Association of Electoral Administrators	AEA
Community and Town Councils	Community Councils
Electoral Commission in Wales	EC
Electoral Management Board	EMB
Independent Remuneration Panel for Wales	IRPW (the Panel)
Local Democracy and Boundary Commission for Wales	the Commission
Office of Budget Responsibility	OBR
Wales Electoral Co-ordination Board	WECB
<b>Legislation</b>	<b>Abbreviation</b>
Elections Act 2022	2022 Act
Electoral Administration Act 2006	2006 Act
Electoral Registration and Administration Act 2013	ERAA 2013
Local Government Act 1972	LGA 1972
Local Government (Democracy) (Wales) Act 2013	2013 Act
Local Government and Elections (Wales) Act 2021	2021 Act
Local Government (Wales) Measure 2011	2011 Measure
Political Parties, Elections and Referendums Act 2000	PPERA
Representation of the People Act 1983	1983 Act
Representation of the People Act 2000	RPA 2000
Senedd and Elections (Wales) Act 2020	Senedd Act 2020
Senedd Cymru (Members and Elections) Bill	Senedd Cymru Bill
Wales Act 2017	2017 Act
<b>Electoral Terms</b>	<b>Abbreviation</b>
Electoral Registration Officers	EROs
Invitation to Register	ITR
Individual Electoral Registration	IER
Police and Crime Commissioner Election	PCC
Single Transferable Vote	STV
Returning Officers	ROs
Tactile Voting Device	TVD

# PART 1 – EXPLANATORY MEMORANDUM

## 1. Description

- 1.1. The Elections and Elected Bodies (Wales) Bill (the Bill) provides for automatic registration of voters subject to successful piloting and strengthening of electoral administration by establishing an EMB . It will also take forward reforms to the processes for conducting community and electoral reviews and abolishes the he Panel, conferring the majority of the functions previously undertaken by the Panel on the Commission. The Bill will enable us to enhance the accessibility of devolved elections for disabled voters and improve candidate safety by modernising and improving the offence of undue influence.
- 1.2. The Bill, in summary, proposes:
  - To confer the functions of an EMB for Wales on the Commission which will involve the Commission establishing the EMB to take responsibility for oversight of the coordination and administration of devolved elections, collaboration with ROs , and EROs and advising Welsh Ministers on issues related to the democratic health of the nation.
  - The introduction of electoral registration without application, and the ability to pilot the most appropriate means of achieving this.
  - The creation of a duty placed upon the Welsh Ministers to put in place arrangements aimed at improving diversity within Senedd and local government democratic structures, and for individual schemes to be created and tailored to provide support for protected characteristics.
  - Removing the requirement to set out the specific wording and format of the local government candidate survey in regulations.
  - Creating a requirement for a voter information platform that can host candidate and voter information for Senedd and ordinary principal council elections.
  - Holding candidates and agents accountable for notional expenditure only where they direct it, allowing authorised persons to make payments not via an election agent, and restricting who can operate as a third-party campaigner in devolved elections. To support these campaign finance changes, the bill also proposes enabling the Electoral Commission to include them in their codes of practice.

- Adjustments to the role and remit of the Commission, including changes to the name and function of its audit committee, significant strengthening of electoral review arrangements, and the conferring of functions on the Commission to undertake the majority of the functions currently undertaken by the Panel. The Commission will also be responsible for determining the amount of any resettlement payment payable by a local authority (prescribed in regulations made by the Welsh Ministers) to members of those prescribed local authorities , who fail to be re-elected at a local council election.
- The disqualification of town and community councillors in Wales from serving as Members of the Senedd and the removal of the existing “grace period” for principal councillors elected to the Senedd and Members of the Senedd elected as Members of Parliament.
- The disqualification of persons who have been convicted of the offence of deception from being a Member of the Senedd or a candidate to become a Member of the Senedd for a period of 4 years. The creation of a duty placed upon the Welsh Ministers to issue guidance for registered political parties about:
  - Collecting, collating, and publishing diversity information about candidates for Senedd elections.
  - Developing, publishing, implementing and reviewing diversity and inclusion strategies in relation to all Welsh elections.

## **2. Legislative Competence**

- 2.1. Senedd Cymru ("the Senedd") has the legislative competence to make the provisions in the Elections and Elected Bodies (Wales) Bill ("the Bill") pursuant to Part 4 of the Government of Wales Act 2006 ("GoWA 2006") as amended by the Wales Act 2017.

### **3. Purpose and intended effect of the provisions.**

#### **Context**

- 3.1. The Senedd's legislative competence in relation to Senedd elections and Welsh local government elections was extended through the 2017 Act. Since then, several pieces of legislation have been introduced by the Senedd to reform the conduct of elections in Wales, most notably the Senedd Act 2020 and the 2021 Act which reduced the voting age to 16 and enfranchised qualifying foreign citizens.
- 3.2. Electoral law is archaic and complex and does not provide for an electoral system fit for the 21<sup>st</sup> century. This Bill aims to address those issues and bring forward our ambition to enable every citizen to play their full part in our democratic system and lay the foundations for future innovation and improvement.
- 3.3. Encouraging people to register on the electoral roll and to subsequently vote is incredibly important to us, but so is making democratic processes as straightforward as possible for the elector. This Bill will place a duty on EROs to automatically register electors for the local government register. This will mean that citizens won't have to apply to register to vote in either Senedd or local elections and will be on the electoral roll to receive information about forthcoming elections. To do this we are working with local authorities and key electoral stakeholders to develop automatic registration pilot schemes.
- 3.4. Democratic institutions should reflect the communities they serve. We recognise the challenges faced by people in underrepresented groups. This Bill places a statutory duty upon the Welsh Ministers to put in place arrangements aimed at improving diversity within Senedd and local government democratic structures alongside providing support to enable those with protected characteristics to participate.
- 3.5. All voters should be able to feel confident in participating in elections. To support disabled voters in particular, this Bill places a duty on ROs to consider the needs of their voters and make appropriate accessibility arrangements for them to vote, taking account of EC guidance. To help voters make informed choices, this Bill provides for a Voter Information Platform to collect and share information about devolved elections and candidates in an easily accessible way.
- 3.6. Following the completion of the ten-year review programme of principal council electoral arrangements by the Commission, improvements to the review process have been identified. This Bill provides a package of measures which will provide a significant strengthening of the arrangements for delivering effective and convenient government.



- 3.7. To strengthen electoral administration, we will build on existing good voluntary work in the sector to coordinate electoral administration through a new EMB . This will put the good relations between ROs, EROs and other persons responsible for the administration of elections in Wales on a more solid footing. The establishment of an EMB I in Wales as set out in this Bill has the potential to provide ROs and EROs with a considerable amount of the support they will need to manage the divergence between reserved and devolved elections.
- 3.8. Devolved elections take place alongside elections where Westminster have responsibility – for the House of Commons and Police and Crime Commissioners. The 2022 Act made some changes to those elections, including in the area of campaign finance. To support our principle for electoral reform of simplicity, the Bill includes provisions that will reduce complexity for campaigners and administrators. These relate to notional expenditure, persons authorised to make payments, and third parties’ eligibility to participate in devolved elections, and the EC will be able to include these changes in their codes of practice.
- 3.9. In developing this Bill, we have been 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 start of any election the legislation affects. We will work with the electoral community, so that they have sufficient time to plan for implementation before changes come into effect.

## **Background to the Bill**

- 3.10. As detailed in Chapter 4, the Welsh Government has considered and consulted on the options for electoral administration and reform in a series of consultation documents and through a programme of continuous stakeholder engagement.
- 3.11. The White Paper ‘Electoral Administration and Reform’ was consulted upon from October 2022 to January 2023, which sought views on the proposals set out in the Bill. The results of the consultation and engagement showed broad support for the proposals set out in the Bill. A full [summary](#) of the consultation responses was published in March 2023.
- 3.12. The extensive engagement with stakeholders across the proposed areas, particularly with electoral service managers, both directly and through events and working groups is reflected in the way the Bill has been informed and shaped.

- 3.13. The following pages describe the purpose of the legislation set out in the Bill and its intended effect.

## **Part 1: Electoral Administration and Registration**

### **Chapter 1: Electoral Management Board**

- 3.14. There is currently no statutory body responsible for the strategic co-ordination of electoral administration in Wales. This role is currently undertaken by the Wales Electoral Co-ordination Board (WECB), a voluntary group with no statutory powers, currently supported by the Electoral Commission.
- 3.15. The WECB was set up as a result of an Electoral Commission report on the National Assembly for Wales elections in 2016. It co-ordinates the planning of all-Wales electoral events and collaboration between Returning Officers (ROs), Electoral Registration Officers (EROs) and key partners in Wales. Historically the WECB has not received Welsh Government funding, however the Welsh Government recently began funding the Welsh Local Government Association to facilitate the WECB in the interim period before the EMB is established. ROs are not mandated to participate in discussions or take account of the WECB's recommendations.
- 3.16. The increasing divergence of legislation applicable to reserved and Welsh elections, as well as innovations resulting from Welsh Government's ongoing programme of electoral reform, adds further complexity to the existing electoral co-ordination role. This is likely to result in increased pressure for ROs and EROs and demonstrates a need for intervention. The WECB in its current form is unlikely to have the capacity to meet this demand and it is considered necessary to establish an Electoral Management Board (EMB) in time for the next set of scheduled elections in Wales to help administrators, and elections, operate more efficiently.
- 3.17. The intention within this Bill is to establish an EMB with statutory functions to develop the voluntary work of WECB. The EMB will promote best practice in electoral administration and support the electoral community in Wales in the discharge of its functions in respect to Welsh elections. It is not, however, proposed to give the EMB the power to exercise the existing functions of ROs or EROs.
- 3.18. The role of the EMB will involve the coordination of Welsh elections and associated electoral activity, including the delivery of modernisation and reform in electoral administration in Wales. The EMB will also promote best practice, to include providing information, advice, or training. The EMB will provide information, advice, or other assistance to the Welsh Ministers in line with its functions.

3.19. The EMB will have the power to:

- issue directions to ROs and EROs with a duty to comply (not replacing their own personal responsibility to discharge their functions or duties),
- provide advice to ROs and EROs in respect of their functions, similar to section 10(3) of the Political Parties, Elections and Referendums Act 2000 (PPERA) in respect of the Electoral Commission's power to issue advice, again with a duty on ROs and EROs to have regard to the advice.

3.20. Initial options considered for establishing an elections body in Wales were for either a new public body, or a statutory committee (without legal personality or ability to enter into contracts) hosted by another body, similar to the Scottish EMB model. Each model had drawbacks – a public body would have greater overhead costs, and the second option had limitations in terms of ability to enter into contracts and sustainability of provision.

3.21. The Bill provides for the functions of the EMB to be conferred on the Local Democracy and Boundary Commission for Wales (the Commission), giving the benefits of a public body without creating significant new overhead costs. The Commission will be renamed the Democracy and Boundary Commission Cymru as part of the Senedd Cymru (Members and Elections) Bill. The Commission's current aims and functions align well with the proposed functions of the EMB. It is a well-established public body independent of government with established stakeholder relationships. Commissioners are appointed through a rigorous public appointments process. It already carries out reviews of the electoral arrangements for the 22 local authorities in Wales and makes recommendations which it considers to be in the interest of effective and convenient local government.

3.22. Under the Bill, the Commission will be required to establish a committee to discharge the functions relating to Welsh elections and referendums. Mindful of the limited capacity of serving ROs to take on the additional responsibility as chair of the EMB, the Commission will nominate one of its commissioners to act as Chair of the EMB. Further membership will consist of ROs and EROs, one of which will be appointed by the EMB as Deputy Chair. The EMB's role will be complementary to the work of the Electoral Commission and will not replace any of the existing functions of the Electoral Commission.

## Chapter 2: Electoral Registration without Application

3.23. In order to vote in elections or referendums, an eligible person needs to be on the electoral register. Section 9 of the Representation of the People Act 1983 (the RPA 1983), as

amended by the Representation of the People Act 2000 (the RPA 2000), states that:

*“Each registration officer shall maintain -*

- (a) a register of parliamentary electors for each constituency or part of a constituency in the area for which he acts; and*
- (b) a register of local government electors for the local government areas or parts of local government areas included in the area for which he acts”.*

- 3.24. The electoral register is a list of the names and addresses of everyone who is eligible and registered to vote (or soon to become entitled to vote) and is held and maintained by the ERO for each principal council.
- 3.25. EROs have a duty to compile the electoral register and ensure that it is as up to date as possible. The ERO will send an Invitation to Register (ITR) to any individual they become aware of who is not registered. There is a legal requirement to respond and ITRs will be sent to anyone responding to the canvass who is not registered.
- 3.26. In 2014, the UK Government moved from a system of household registration, where the head of the household completed the registration forms on behalf of all members of each household, to a system of individual electoral registration (IER). IER requires an individual when registering to provide their National Insurance number and date of birth in addition to their name and address. National Insurance numbers are used for data matching verification with Department for Work and Pensions’ records and are then disposed of by the ERO. IER can be completed online through the UK Government’s digital system. The rolling registration process enables individuals to register or update their details at any time of the year by informing the ERO.
- 3.27. There are two versions of the electoral register:
  - The full register, also known as the closed register, is updated monthly and published once a year for specific authorities for specific uses. It is used by EROs and ROs for purposes related to elections and referendums.
  - The edited register, also called the open register, largely contains the same information as the full register but is not used for elections or referendums. It is updated and published every month and can be sold to any person, organisation, or company for a wide range of purposes. Users of the register include businesses and charities for checking names and address details, direct marketing firms and online directory firms. Individuals can choose whether to have their details included in the open register.

### *Improving registration*

- 3.28. Local authorities undertake an annual canvass exercise, which was reformed in 2019 to make the process more streamlined and straightforward. Currently electors receive an ITR and are routed down one of three processes for registering to vote, while this process has proved efficient in communicating with electors, it is not always effective.
- 3.29. The current system does not reach all electors and while EROs take all steps to ensure the accuracy and completeness of the register there are still a number of eligible electors that are not registered. In 2022, the Electoral Commission reported 2,362,964 eligible electors on the local government register in Wales.<sup>1</sup> While this number showed an increase in electors registering, around 260,000 eligible electors had not registered to vote which is around 9.9% of those eligible.<sup>2</sup>
- 3.30. The policy intention in this Bill is to make it easier for individuals to be included on the electoral register by promoting data-sharing and removing the requirement for individuals to verify their data by IER where automatic registration and data matching has taken place.
- 3.31. The Local Government and Elections (Wales) Act 2021 made some provision to allow the ERO to register electors for the local government register without application if the registration officer was satisfied that a person not in the register of local government electors was entitled to be registered. This meant that if an ERO wanted they could use data held by the local authority to add a person to the local government register and where required to inform them of this in writing if they had done so. Those provisions were not commenced and have since been reviewed with the aim of ensuring consistency of approach across Wales and the security of electors that may be vulnerable.
- 3.32. We are therefore proposing new provisions in this Bill that will require all EROs to automatically register electors for the local government register and issue a Notice of Registration to each eligible elector. The elector will then have a fixed period of time in which to respond to the notice if they believe they are eligible to be anonymously registered. Once the fixed period has passed then unless the elector has paused the notice period by making an application for anonymous registration or notified the ERO in writing that they do not wish to be automatically registered, the elector will then be added to the local government register.

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<sup>1</sup> Electoral Commission report: *Electoral Registration in Great Britain in 2022* [Electoral registration in Great Britain in 2022 | Electoral Commission](#)

<sup>2</sup> Ibid.

- 3.33. Because this process will be automatic, and to add additional safeguards for young and vulnerable electors, we will be removing the open electoral register in Wales for Welsh elections. This means that the registered elector will only appear on the closed local government electoral register, which has a very limited circulation. While organisations will still be able to access this register, they will only be able to do so if they have a legal right to the information held on the closed electoral register.
- 3.34. The automatic registration process will only apply to the local government register in Wales. Those eligible to be on the Parliamentary register will still have to take part in the IER process either through the annual canvass or through making a direct application to be on the electoral register.
- 3.35. Given that automatic registration will need to sit side by side with IER we have committed to piloting the most effective way of automatically registering electors for the local government register in Wales. Therefore, this Bill makes provision for the necessary powers to allow these pilots to happen.
- 3.36. The Government's intention is that pilots of automatic registration in Wales will take place following Royal Assent of this Bill and the successful model of automatic registration will be rolled out across Wales using the required secondary legislative powers included in this Bill. The pilots programme will be subject to co-production between the Welsh Government, local authorities, and other electoral stakeholders. The Electoral Commission will conduct an evaluation of the pilot schemes following their delivery.

### Chapter 3: Welsh Elections Piloting and Reform

- 3.37. At the moment the RPA 2000 includes provision for the holding of electoral pilots in England and Wales. Section 10 provides that a relevant local authority can submit proposals to the Secretary of State for a pilot scheme that makes provision about one, or all, of the following matters:
- i. when, where and how voting at the election is to take place;
  - ii. how the votes cast at the elections are to be counted;
  - iii. the sending by candidates of election communications free of charge for postage.
- 3.38. Piloting powers are also contained in the Electoral Administration Act 2006 (the 2006 Act) and the Electoral Registration and Administration Act 2013 (the ERAA 2013).
- 3.39. In accordance with section 32 of the 2006 Act, the Secretary of State may undertake a pilot allowing ballot papers to contain photographs of candidates. The powers in the ERAA 2013 are

explicitly concerned with the testing, for a specified period and in relation to a specified area, of how the changes made by any registration provision work in practice. These powers, under sections 9 to 11 of the ERAA 2013, were used to pilot the canvass reform proposals before their full roll out in 2019.

- 3.40. The piloting powers set out above were transferred to Welsh Ministers in relation to Welsh elections by the Welsh Ministers (Transfer of Functions) Order 2018.
- 3.41. The purpose of electoral pilots was intended to trial various electoral reforms on a manageable scale to assess their impact on increasing voter turnout and modernising the voting system. Since the coming in to force of RPA 2000 a number of electoral reform pilots have taken place in England. These pilots were designed to test changes in when, where and how voting at local government elections take place, how votes cast were counted, and the sending of free postal communications by candidates.
- 3.42. In Wales, before 2022 only one all postal ballot pilot had taken place. However, in 2022 a pilot programme focused on early and flexible voting was undertaken and saw four pilots take place for the local government elections. These involved advanced voting in Blaenau Gwent, Bridgend, Caerphilly, and Torfaen, with all four offering a central advance voting location.
- 3.43. The 2022 pilots were designed with the aim of ensuring that elections were as accessible as possible and that everyone wanting to vote could vote. It was stated from the beginning of the programme that the learning from the pilots would inform longer term improvements to the way people vote and help reduce the democratic deficit.
- 3.44. In their evaluation<sup>3</sup>, the Electoral Commission reflected that the pilots were well run and that no issue arose because these innovative pilots had been undertaken. The electronic registers that were trialled worked well and enabled administrators to deliver multiple venue polling stations simultaneously and safely. While the pilots did not increase turnout dramatically, they demonstrated that flexible and more convenient ways of voting can be provided securely and with voters' confidence.
- 3.45. The Electoral Commission also noted that proposed changes to voting processes should be designed to deliver a likely benefit to voters, maintain the security and integrity of the system and be realistically deliverable by electoral administrators.

#### *New piloting powers*

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<sup>3</sup> [Advance voting pilots evaluation | Electoral Commission](#)

- 3.46. This Bill contains new piloting powers for electoral innovations at Welsh elections (Senedd or local elections). These new powers will allow Welsh Ministers, local authorities and registration officers to propose electoral pilots across different areas including: how people eligible to vote in a Welsh election are registered; when, where and how voting at a Welsh election will take place; when, where and how the votes cast are counted; communication with voters about the elections; and administrative processes and procedures before or after polling day.
- 3.47. For the first time these powers will allow pilots to take place at both Senedd and local government elections and will also apply to local government by-elections. This will provide a number of opportunities to trial different pilots in different scenarios with the aim of providing the best possible evidence base for understanding the impact of the piloted activity.
- 3.48. These powers will allow Welsh Ministers, local authorities, and registration officers to make proposals for pilots. They will be required to submit any proposal to the EMB for consideration. The EMB will be required to report on the proposed pilots, setting out their views and recommendations in relation to the feasibility and proposed outcomes. Although the recommendations of the EMB should be considered before making the necessary legislative provision for a pilot, the EMB will not have the power to veto pilot proposals, only to make recommendations.
- 3.49. The provisions in the Bill will also allow for joint proposals of pilots to be put forward. The Electoral Commission will be able to make recommendations for pilots but will not be able to make stand-alone proposals under these provisions. They will, however, still be able to make a joint proposal with a local authority to pilot activity. This will maintain their integral role in evaluating pilots as an independent body.
- 3.50. Once the piloting activity has been completed, and if the evaluation process recommends a permanent change, the activity can be rolled out using legislation subject to the affirmative procedure in the Senedd. This will provide opportunity for further scrutiny of the proposals. In some circumstances, these regulations will be subject to an enhanced affirmative procedure providing for additional scrutiny where the nature of the change is legally more significant.

*Welsh Ministers' power to compel pilots.*

- 3.51. The current arrangements allow pilots only where a local authority initiates the proposal formally. A reflection of the 2022 pilots was that they were not held in a geographically diverse set of local authority areas. These provisions will allow Welsh Ministers to



compel pilots where they believe this is necessary. This means that Welsh Ministers could direct local authorities to undertake pilots, helping to ensure suitable types of innovations could be piloted in a varied mix of local authority areas. This could provide valuable evidence to inform future electoral reform. In these circumstances the Welsh Ministers will be required to consult the EMB and set out the reasons for compelling the pilot before taking forward the necessary legislation.

## Chapter 4: Accessibility and Diversity

### *Assistance for disabled voters*

3.52. As it currently stands, electoral law in Wales is open to challenge in respect of disabled voters having the means to vote independently and in secret, without assistance from a presiding officer or companion. To improve the democratic participation of disabled people, provision will be made within this Bill to bring accessibility rules for elections in Wales in line with UK legislation. The reforms proposed further embed Welsh Government's 'accessibility' principle of electoral reform in electoral legislation and makes further steps to ensure disabled people are able to vote independently and secretly.

### *Elections Act 2022*

3.53. For UK Parliamentary elections prior to the Elections Act 2022 (the 2022 Act), Schedule 1 of the RPA 1983 provided that ROs had to provide to polling stations "*a device of such description as may be prescribed (in regulations) for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion*". Regulation 12 of the Representation of the People (England and Wales) Regulations 2001 contains provisions describing the Tactile Voting Device (TVD). Similar provision is provided for in the National Assembly for Wales (Representation of the People) Order 2007.

3.54. The 2022 Act has recently gone further for Parliamentary elections by amending the Parliamentary election rules contained within Schedule 1 to the RPA 1983. The 2022 Act has created a new, broader requirement intended to expand upon the narrow TVD requirement. It makes requirements for the provision of such equipment as it is reasonable to provide for the purposes of enabling, or making it easier for, voters with disabilities – including (but not limited to) those who have sight loss - to vote independently in the manner directed by rule 37 of the Schedule, which includes the procedure to mark the ballot paper secretly.

3.55. There is also now a requirement on the Electoral Commission to give guidance to support ROs in carrying out the new, broader

requirement to provide assistive equipment. Subsequently, there is a duty on returning officers to have regard to that guidance. The 2022 Act also implements measures requiring the Electoral Commission to report on the steps taken by ROs at elections to assist disabled persons in line with the new requirements.

### *Legislative changes for Welsh Elections*

- 3.56. The Bill makes provision for an additional duty to be placed upon the Electoral Commission with respect to reporting on the steps taken by ROs at elections to assist disabled persons at Senedd and local government elections in Wales. This will be achieved by way of amendment to the Political Parties, Elections and Referendums Act 2000, amending the existing requirements on the Electoral Commission to prepare and publish a report on the administration of particular elections. The Bill also makes provision extending the Electoral Commission's reporting duty to ordinary elections for counties, county boroughs and communities.
- 3.57. The Government intends to bring forward, through secondary legislation, amendments to the existing framework of election rules in Wales set out in secondary legislation to reflect a new broader requirement to provide such equipment as is reasonable for the purposes of enabling, or making it easier for, disabled people to vote independently and subject to the identified needs of disabled voters. There will also be provision in secondary legislation for the Electoral Commission to issue guidance setting out how ROs should fulfil that duty. Similarly, requirements will be placed on ROs to have due regard to relevant guidance in the election rules for Welsh elections in Wales. Amendments to the existing framework will also include bringing the Senedd election rules in line with local government election rules with regards to the criteria of a companion.
- 3.58. The Bill provides a definition of disability for the purposes of the section of the Bill as set out in the RPA 1983 (which includes the Equality Act definition as well as short-term inability to do something).
- 3.59. The proposed changes take account of the need for a consistent definition of disabled people across the various duties applying to ROs in primary and secondary legislation.
- 3.60. This approach is consistent with the responses to the White Paper consultation on proposals for electoral reform to modernise electoral administration in Wales, with several respondents agreeing that a duty should be placed on the Electoral Commission to provide guidance, similar to the UK Government approach with regard to reserved elections.

## *Candidate Survey*

- 3.61. Promoting and supporting diversity amongst local elected members remains a Welsh Government priority. To achieve this, a robust time series of data is important in tracking diversity changes over time.
- 3.62. Since 2011, local authorities have been legally required to monitor the equality and diversity of candidates seeking election to principal and town community councils. The requirement is set out in section 1 of the Local Government (Wales) Measure 2011 (the 2011 Measure).
- 3.63. The questions and form of the survey are prescribed in the Local Election Survey (Wales) Regulations 2012. These were made by Welsh Ministers exercising the powers conferred upon them by sections 1(3)(a), 1(3)(b), 2 (2), and 175 of the 2011 Measure. In particular, section 175 provides the interpretation of the term 'prescribed' to mean prescribed in regulations made by the Welsh Ministers.
- 3.64. These regulations were amended by the Local Election Survey (Wales) (Amendment) Regulations 2016 and more recently The Local Election Survey (Wales) (Amendment) Regulations 2022.
- 3.65. Questions may be asked about gender, sexual orientation, language, race, age, disability, religion or belief, health, education or qualifications, employment, and work as a councillor, party affiliation, involvement with the third sector and length of political activity. Individuals can complete the survey in advance of the election, while they are still candidates, or alternatively, following the election regardless of the outcome. Participation is optional and response rates are lower than we would like.
- 3.66. The purpose of the survey is to understand the characteristics of the broad pool of people actively engaged in seeking election as councillors; and to understand how the profile of this group changes over time. The information collected from the surveys enables the Welsh Ministers to understand the impact of policies aimed at widening participation in local government and to support future policy development.
- 3.67. This is an important survey, but often it competes for attention with other surveys from local authorities and the Electoral Commission, which taken together can be a source of survey fatigue.
- 3.68. Section 26 of this Bill removes the requirement to set out the specific wording and format of the survey in regulations. This will make it easier to change aspects of it as diversity and equality policies develop. In future, the wording of the survey will be reviewed by a group of key partners, including local government,

representatives of equality groups and other interested parties. As a result, the group will make recommendations to the Welsh Ministers about proposed changes and improvements.

- 3.69. The survey will include a core set of questions that will apply to participants in all parts of Wales. This provides for consistency across Wales and allows comparisons to be made across the full set of surveys conducted since the introduction of the surveys in 2012. There will also be provision for local authorities to add questions aimed at providing information about local initiatives.
- 3.70. This approach provides for consistency across Wales, continuity of the time series of the data set, and also enables local flexibility.

#### *Voter Information Platform*

- 3.71. One of the key findings from the Welsh Government commissioned research<sup>4</sup> published in 2020 stated that “a lack of knowledge, finding politics confusing and unappealing and general disillusionment were key engagement barriers”. This lack of knowledge is not exclusive to elections but to politics more generally with participants in the research expressing confusion about the differences between the levels of government and who is responsible for the delivery of services.
- 3.72. There are currently a range of organisations providing information to voters. This includes the Electoral Commission, which has a duty to promote public awareness of the electoral system,<sup>5</sup> and local authorities, where ROs and EROs fulfil their responsibilities to provide voters with information about when an election is taking place and how and where voters can cast their ballots, and how to register to vote.
- 3.73. There is an opportunity to support ROs and EROs to keep voters informed across the country with greater consistency in how and when information is provided to voters. Voters would also be helped to find relevant information about the electoral process in one place. An online platform would helpfully provide a single point of entry that could host and/or signpost the visitor to electoral communications partner websites.
- 3.74. In response to a gap in provision of information, some digital solutions have been developed by not-for-profit organisations to provide citizens with information to make participation easier. Organisations like [TheDemocracyClub.org.uk](https://thedemocracyclub.org.uk) and [MySociety.org](https://mysociety.org) provide tools to allow citizens to easily identify how they can engage

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<sup>4</sup> Beaufort Research. Renewing democratic engagement: Exploratory research. Cardiff: Welsh Government, GSR report number 13/2020. Available at:

<https://gov.wales/renewing-democratic-engagement-exploratory-research>

<sup>5</sup> Section 13 PPERA 2000

with representatives or take part in elections. Digital tools like [WhoCanIVoteFor.co.uk](http://WhoCanIVoteFor.co.uk), [WhereDoIVote.co.uk](http://WhereDoIVote.co.uk), [TheyWorkForYou.com](http://TheyWorkForYou.com) and [WriteToThem.com](http://WriteToThem.com) are regularly cited as examples of best practice in citizen engagement and are promoted by a range of organisations, including Welsh Government and the Electoral Commission. However, these organisations are often resourced by volunteers and do not have secure sources of funding meaning the sustainability of such platforms is at risk.

- 3.75. We have previously consulted on the provision of candidate statements in '[Electoral Reform in Local Government in Wales](#)' (2017). The consultation asked whether respondents agreed that each candidate should be required to provide a personal statement for inclusion on a website provided by the authority to whom they are seeking election. There was strong support for this proposal, both in the main document (84%) and even more so in response to the youth friendly version (89%). A key reason cited in support was that such a move would improve democracy and voters' understanding of what a candidate stood for.
- 3.76. The policy intent is that there will be a duty placed on the Welsh Ministers to put in place arrangements for an online voter information platform. The duty will provide for a website that can host candidate, registered political parties, and voter information for Senedd and ordinary principal council elections as a minimum.
- 3.77. Beyond this, the platform would be able to:
- host information that will increase knowledge and understanding of elections as well as provide practical information about the voting process;
  - provide very simple information to explain to electors the powers, roles, and responsibilities at each level of government, encouraging citizens to see the link between things that matter to them and their local and national representatives;
  - provide a single point of entry for voters looking for more information, rather than the myriad of sources that currently exist; and
  - make accessing relevant information simpler and more accessible for all voters.

### *Improving Diversity of Representation in Senedd and Local Government Democratic Structures*

- 3.78. Creating a more equal Wales, where everyone has the opportunity to participate in society, reach their full potential and is able to contribute fully to the economy, will enable Wales to be more prosperous and innovative. The Welsh Government is committed to increasing diversity across all aspects of public life. This includes

increasing the diversity amongst candidates standing in Welsh elections by tackling the barriers which prevent individuals with protected characteristics from standing for elected office. The intention is to address such barriers and increase opportunities for underrepresented groups to play a full role in supporting and representing their communities. For example, disabled people are likely to face greater costs when seeking elected office due to their impairments.

- 3.79. Section 30 of the Bill introduces a duty on the Welsh Ministers to issue guidance for political parties which is aimed at encouraging greater transparency and promoting diversity in persons seeking elected office. The guidance will encourage political parties to collect, collate, and publish diversity information about Senedd candidates. It will also encourage political parties to develop, publish, implement, and review diversity and inclusion strategies.

#### *Access to Elected Office Fund*

- 3.80. A pilot Access to Elected Office fund was established in 2021 to provide additional support to disabled people to seek elected office. The pilot fund supported individuals seeking election in the May 2021 Senedd elections and the May 2022 local government elections. Changes were made to the rules about spending limits for candidates to ensure the funding provided through the pilot did not count towards the candidates' spending limits.
- 3.81. A number of Access to Politics events were hosted to provide awareness about the support available through the fund and the timescales for applications. The pilot fund, which was delivered by Disability Wales and financed by the Welsh Government, paid for practical support to allow disabled people to fully participate in the political process. The pilot had 21 applicants, with six elected to community councils.
- 3.82. An independent evaluation of the arrangements for the Fund has been completed. The evaluation concluded the fund was welcomed and beneficial to those who submitted applications, the support provided to individuals throughout the process was exceptional and that there was support for the fund to be available for future elections. There were some areas which the evaluation highlighted as areas where improvements could be made. The full report can be found at [Review of the Access to Elected Office Fund for Wales pilot | GOV.WALES](#).
- 3.83. In response to the white paper consultation there was broad support for placing the fund on a legislative footing and section 29 of the Bill requires Welsh Ministers to provide for a scheme of financial assistance (of any specified kind) to help disabled candidates in a Welsh election overcome barriers to their participation in the election

connected to their disability. The effect of this provision is intended to provide certainty for disabled candidates and take account of the experience from the pilot fund.

*Providing for other protected characteristics*

- 3.84. Our Programme for Government includes a commitment to expand our Access to Office Fund to other protected characteristics. A key focus of the disabled protected characteristic group is that there are identifiable and practical ways in which financial assistance can support individuals in a tangible way to put them on a level playing field with non-disabled candidates.
- 3.85. The response to the White Paper consultation and research commissioned by the Welsh Ministers raised concerns about how criteria could be framed to expand the existing fund to other groups.
- 3.86. The mechanism for addressing the identified barriers depends on the nature of those barriers and the needs of the individuals in question. In certain circumstances, it may be possible to tackle those barriers by providing advice and guidance by third parties, for example through training and mentoring schemes. In other cases, such support might involve providing financial assistance to directly support any additional costs a candidate had to incur which were attributable to their needs when standing for election.
- 3.87. On the basis of these concerns the Welsh Ministers conclude the broader policy objective requires a different approach, through the creation of an overarching statutory duty placed upon the Welsh Ministers to put in place arrangements aimed at improving diversity within Senedd and local government democratic structures by providing assistance to remove barriers to participation. Section 28 provides for this approach. The arrangements may take the form of services or financial assistance.
- 3.88. Section 29 provides for individual schemes to be created and tailored to provide support for either a single protected characteristic and / or common barriers across a range of protected characteristics and socio-economic circumstances.
- 3.89. It is important that all of these arrangements are transparent and operate in a politically neutral way. The legislation has safeguards built in so that certain bodies and individuals cannot operate a scheme and the Welsh Ministers cannot make decisions about specific individuals.

## Chapter 5: Campaign Finance

3.90. The 2022 Act made some changes to campaign finance rules for UK elections which are reserved to Westminster. In some areas, we believe it is sensible to have consistency with Welsh elections in Wales to reduce complexity for people participating and administering these elections. This is in line with our principle for electoral reform of simplicity. While the Senedd did not consent to the provisions in the 2022 Act applying to Welsh elections, this was on the basis of the Senedd reserving the right to scrutinise legislation relating to Welsh elections.

### *Notional Expenditure*

3.91. The 2022 Act made amendments to the RPA 1983 and PPERA in relation to reserved elections, to clarify the law in relation to notional expenditure, to ensure that benefits in kind, such as property, goods, services or facilities that are supplied to a candidate, party or campaign for free or at a discount, should only qualify as an election expense for the relevant campaign where it is authorised or directed by the campaign. This clarification came as a result of a Supreme Court judgment (*R v Mackinlay and others [2018]*) that held such notional expenditure was an election expense without the need for authorisation.

3.92. To remove this ambiguity for Welsh elections, the Bill applies the same requirement for notional expenditure to be classified as election expenses only where it is appropriately directed or authorised. To support clarity for participants and administrators, the Bill also amends the Electoral Commission's power to prepare a code of practice on election expenses to ensure that it is sufficiently broad so that they are able to include an explanation of the rules on all forms of expenditure.

### *Persons able to make payments on behalf of a campaign*

3.93. The 2022 Act also made amendments to the RPA 1983 to allow payments to be made on behalf of a campaign by someone other than the election agent – that is, someone authorised by a campaign to make a payment under Section 75 of RPA 1983. If there is a different rule for reserved and Welsh elections on whether only the election agent can make a payment on behalf of a campaign, there may be mistaken breaches of the law. As an example, if a payment was made by a person authorised for one set of elections but not Welsh elections. The Bill allows persons authorised by a candidate or agent to promote them to make a payment, rather than that payment having to be made by the election agent. This is achieved by removing the carve out for local elections in Wales in the new sub-section (5)(ca) of section 73 of



RPA 1983 that was inserted by the 2022 Act. The equivalent change for Senedd elections will be made in the revision of the National Assembly for Wales (Representation of the People) Order 2007, where the equivalent provisions are found.

### *Third Party Campaigners*

- 3.94. The 2022 Act introduced some restrictions on the ability of third parties, meaning individuals or organisations that are not registered political parties, to incur controlled expenditure in regulated periods in advance of elections to the House of Commons or to the Northern Ireland Assembly. Broadly speaking, controlled expenditure relates to reportable expense to support specified activity that meets the purpose of influencing voters to vote in a particular way.
- 3.95. The Bill allows only third parties that are eligible to give notification under Section 88(2) of PPERA to incur controlled expenditure in a regulated period before a Senedd election, normally the four months up to and including the day of the election. The provision introduces a penalty fine for any third-party organisations or individuals incurring expenditure in contravention of this.
- 3.96. The Bill also allows Welsh Ministers to make amendments – additions, removals, or variations – to descriptions on the list of eligible third parties, but an order to remove or vary the parties included on that list can only be made on the recommendation of the Electoral Commission. The third parties eligible to give notification under Section 88(2) of PPERA currently include:
- an individual registered on a UK electoral register or resident in the UK
  - a UK registered company which is incorporated in the UK and carries on business in the UK
  - a UK registered trade union
  - a UK registered building society
  - a UK registered limited liability partnership which carries on business in the UK
  - a UK registered friendly, industrial, or provident society
  - an unincorporated association that has its main office in the UK and carries on the majority of its business or other activities in the UK
  - a body incorporated by Royal Charter
  - a UK charitable incorporated organisation
  - a Scottish partnership which carries on business in the UK

- 3.97. The 2022 Act also allowed unincorporated associations with the requisite UK connection to be an eligible third party able to incur controlled expenditure in relation to reserved elections. The Bill does not introduce the same category, as the requisite UK connection relates to overseas electors, which do not feature in Senedd elections.
- 3.98. To help third party campaigners understand these arrangements, the Bill requires the Electoral Commission to produce a code of practice for third parties, in consultation with the Llywydd's Committee and the Senedd's Legislation, Justice and Constitution Committee, or any successor committee. Welsh Ministers are required to lay a draft of any such code of practice before the Senedd.

## **Part 2: Elected Bodies and Their Members**

### Chapter 1: Arrangements for Local Government

#### *Electoral arrangements reviews: principal councils*

- 3.99. Part 3 of the 2013 Act describes the different types of review of local government areas and their electoral arrangements, who may conduct those reviews and details the procedure which is to be followed in conducting those reviews. It also prescribes the way any recommendations made as a result of a review, are to be implemented.
- 3.100. Section 29(1) of the 2013 Act requires the Commission to undertake a review of each principal area's electoral arrangements at least once in every ten years. The Commission is required to prepare and publish a programme and timetable for conducting those reviews and send a copy of the programme to the Welsh Ministers.
- 3.101. Section 22 of the 2013 Act requires a principal council to monitor the communities in its area and their electoral arrangements. In doing so, the council must have regard to the 10-year programme of principal area electoral arrangements reviews published by the Commission and any directions issued to the council by the Welsh Ministers.
- 3.102. The 2017 programme of principal area electoral arrangement reviews concluded in 2021 and made a number of changes to the electoral arrangements for principal areas across Wales. Welsh Ministers committed to reflect on the current arrangements for the conduct of principal area electoral arrangement reviews, listen to feedback from others and identify opportunities for improvement. As a result of a series of discussions with those involved in the review process, and feedback received during the review process, Welsh

Ministers proposed a package of measures to build upon and strengthen the arrangements for both principal area electoral reviews and community reviews.

3.103. As a result, the Bill includes provisions to:

- address concerns expressed about the time taken to complete reviews and make decisions about recommendations contained in review reports by specifying timescales for each of these elements. In addition, the Commission will now be required to undertake a review of the electoral arrangements for each principal area at least once in every 12-year period. A new duty is placed on principal councils requiring them to undertake a review of the electoral arrangements for each community in their area at least once in every 12 years and in conducting those reviews, the principal council will be required to have regard to the Commission's programme and timetable for the conduct of principal area electoral arrangement reviews.
- expand the nature of the matters to be considered by the Commission and principal councils when developing recommendations to change the electoral arrangements for principal areas and communities. In addition, together with the existing criteria, the Commission will be required to undertake a rounded assessment of all the criteria when determining whether the number of councillors should be the same for each electoral ward in a principal council's area.
- clarify the publicising and consultation requirements to be observed by the Commission and principal councils when conducting electoral reviews.
- provide direction making powers for the Welsh Ministers to pause a review. This will provide flexibility where there are unforeseen circumstances which adversely impact the conduct of the review process, for example, the circumstances experienced as a consequence of the Covid-19 pandemic. Welsh Ministers will have the power to pause a review for a period or periods which cumulatively do not exceed a maximum period of 9 months.
- enable the Welsh Ministers to decide whether to implement a recommendation in an electoral review report either with or without modification or to decide to take no action in respect of that recommendation. Presently Welsh Ministers are unable to do this, and this has led to delays in implementing report recommendations and the risk that Welsh Ministers may have to take no action with regard to all the recommendations in a review report where they have concerns about only one or a few of the review report recommendations.

- increase the transparency regarding the process for determining electoral ward names in both Welsh and English and enable greater engagement with members of the public in the area affected by the review.
- add a number of bodies, including the WLC to the list of mandatory consultees who the Commission and principal councils are required to consult with as part of the various review processes set out in Part 3 of the 2013 Act. The addition of the WLC as a mandatory consultee will provide the WLC with the opportunity to influence all aspects of the review process including the proposed approach to the naming of electoral wards.

3.104. Welsh Ministers consider these provisions, as a package of measures, represent a significant strengthening of the arrangements placed on the Commission and principal councils requiring them to deliver effective and convenient local government.

#### *Seaward Boundary Reviews*

3.105. The Commission is required to monitor and review the areas and electoral arrangements relevant to the local government structure in Wales, in considering whether to make or recommend making changes to those arrangements. In discharging that monitoring duty, the Commission may conduct a review of principal area boundaries, community boundaries (either with or without the agreement of the appropriate principal council), preserved counties and seaward boundaries.

3.106. In respect of seaward boundaries, section 28 of the 2013 Act enables the Commission to review any part of the boundary of a local government area which lies beneath the sea, and which does not form a common boundary with another local government area, and report to the Welsh Ministers if they feel the boundary should be changed.

3.107. There are a number of circumstances in which it makes sense for the Commission to be able to review the seaward boundaries of more than one local government area as part of a single review process. For example, where there are proposals for projects such as tidal lagoons which include within their site area, the boundaries of more than one local government area.

3.108. Provision is made in the Bill to clarify the law to enable the Commission to review the seaward boundary of more than one local government area in a single review process.

## Chapter 2: Remuneration of Elected Members

### *Abolition of Independent Remuneration Panel for Wales*

- 3.109. The Panel is the independent body whose principal function is to make decisions about the allowances and pensions which principal councils, community councils, fire and rescue authorities, National Park authorities and corporate joint committees are required to, or authorised to, pay to their members when those members are undertaking the official business of those bodies. The Panel also has the power to make recommendations on policies relating to the salaries, or proposed changes to the salaries of chief executives of authorities who are required to produce a pay policy statement.
- 3.110. In 2021, an independent ten-year review of the Panel was undertaken to establish whether the organisation remained fit for purpose and provided good value to the public purse. One of the review's recommendations was to reconsider the existing arrangements for the provision of secretariat support to the Panel and to consider whether an independent Welsh body with a similar agenda, rather than the Welsh Government could provide that secretariat support.
- 3.111. The Welsh Ministers agreed that the secretariat support for the Panel should be provided by a body other than the Welsh Government, and that this would also help reinforce the independence of the Panel's operation. The Commission is considered to be the most appropriate body to provide this support, as it is an independent corporate body headed by a chief executive, which also has an effective internal secretariat function.
- 3.112. The Commission draws on the same evidence base and stakeholders to undertake its own work and its purpose is also rooted in promoting effective local democracy. There is already a symbiotic relationship between the work of the two organisations. Both agendas rely on having a real understanding and appreciation of the needs of the population of Wales, the way in which elected members and councils operate and an understanding of elected members' workloads.
- 3.113. The Welsh Ministers propose to go further than the review's recommendation and based on the synergies between the Panel and the Commission, they intend to abolish the Panel and to confer the remuneration functions undertaken by the Panel on the Commission, with the exception of the function relating to the salaries of chief executives which will cease with the abolition of the Panel. This would mean the same set of Commissioners would determine the numbers of councillors across Wales, the electoral arrangements for those councillors, and the remuneration and

pension arrangements for those councillors and the other bodies set out in paragraph 3.109 above.

- 3.114. The Commission will also be given a new function in relation to resettlement payments. The Welsh Ministers will be able to specify the description of member of a local authority to which payment must/can be made (a “local authority” is defined as county and county borough councils and community councils under section 72 of the 2013 Act). This is a function which has been requested and supported by councils to underpin our shared goal of diversity of elected membership in these bodies. Resettlement payments are made to other elected representatives across our democracy and are intended to support diversity by enabling people to put themselves forward for re-election in the knowledge that if they are not returned, they will have a modest level of financial support to enable them to transition to the next phase of their lives. Payments will not be available to councillors who decide to stand down and not seek re-election.
- 3.115. In response to the White Paper consultation, these proposals were broadly supported. As a result, the Bill will:
- abolish the Panel.
  - create new provision in the 2013 Act which confers the remuneration functions and the supporting administrative and reporting requirements currently undertaken by the Panel in respect of those functions, on the Commission.
  - not make provision for the Panel’s current function relating to the remuneration of principal council chief executives to be conferred on the Commission as that function was added in response to a specific set of circumstances which are no longer relevant.
  - enable Welsh Ministers to set out the type and nature of roles to be included in any future arrangements in respect of schemes for resettlement payments for elected members on the relevant bodies within their remit. The Commission will be able to determine the details of any future scheme within the parameters set by Welsh Ministers.

## Chapter 3: Disqualification and Undue Influence

### *Disqualification from being a Member of the Senedd and a community councillor.*

3.116. The purpose and intended effect of this provision is to make changes to the current disqualification regime for Members of the Senedd in Wales to support fairness, equality, and accountability of the Senedd and local government.

3.117. This provision includes the following changes to the current disqualification regime:

- a) prevention of the dual membership of the Senedd and community councils (which includes town and community councils) in Wales by disqualifying community councillors in Wales from serving as Members of the Senedd, bringing the arrangements for community councillors into line with the disqualification regime for principal councillors (members of the council of a county or county borough) in Wales;
- b) the removal of the existing “grace period” for principal councillors elected to the Senedd where the expected day of the next ordinary election of members of the council is within the period of 372 days beginning with return day;
- c) the removal of the existing “grace period” for Members of the Senedd elected as principal councillors where the expected day of the next general election of Members of the Senedd is within the period of 372 days beginning with the return day; and
- d) the removal of the existing “grace period” for a Member of the Senedd returned as a Member of the House of Commons where the expected day of the next general election of Members of the Senedd is within the period of 372 days beginning with the return day.

3.118. These changes will address concerns that individuals who are dual Members of the Senedd and community councillors could be in a potentially advantageous position over and above their peers by being in a position to press certain issues through their access to Welsh Ministers in the Senedd and will address concerns about time commitments and potential conflicts of interests when holding dual posts.

3.119. Members of the Senedd are already disqualified from being members of other elected bodies, however there are grace periods. During the grace periods, principal councillors or members of the House of Commons who are also Members of the Senedd are entitled to remuneration for both roles. This situation places some individuals in a privileged position, even if they were to choose to donate some of their remuneration to charities of their choice.

3.120. The removal of the grace periods will therefore ensure consistency and address issues with dual remuneration. It will also help to ensure that elected representatives are properly capable of carrying out their mandate in terms of time commitment and avoiding conflicts of interest at all times.

*Disqualification for corrupt or illegal practice: local government elections*

3.121. The disqualification regime which applies as a consequence of committing a corrupt or illegal practice broadly works to disqualify an individual from all elections and bodies for the relevant period of time regardless of where the offence was committed. This is to prevent individuals who seek to do harm to democracy being a part of that democracy.

3.122. There is currently a gap in the application of this regime. An individual who commits an offence at a Northern Ireland district council election and is subsequently disqualified from those elections is not currently also disqualified from standing as a candidate or being a member at local elections in Wales. This provision seeks to fill that gap in the application of the regime. The Elections Act 2022 also identified this issue and included legislation to ensure the regime works as intended at local elections in England.

*Disqualification from being a Member of the Senedd or a candidate: offence of deception*

3.123. During Stage 2 of the Bill's legislative scrutiny, an amendment was tabled by Adam Price MS to establish an offence of deception, conviction for which would lead to disqualification from being a Member of the Senedd or being a candidate to be a Member of the Senedd for a period of 4 years. In introducing the amendment, Adam Price MS detailed that:

*“deliberate deception in politics should never be acceptable. That is a cultural norm that I'm sure that we all share, but what we are doing in this amendment is turning that cultural norm, that standard, and giving it legal force by creating a specific criminal offence around deliberate deception.”<sup>6</sup>*

3.124. Adam Price MS stated that the purpose of the amendment was to address the accountability and credibility of politicians, detailing that:

*“there has always been a problem with a small minority of unscrupulous politicians who are prepared to say anything, even though they know it's not true, to get elected or whatever their motivation is, but we are now getting into a*

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<sup>6</sup> Record of Proceedings, Local Government and Housing Committee, 16 May 2024.



*context where that credibility gap is becoming an accountability chasm.”<sup>7</sup>*

- 3.125. The amendment was passed in Stage 2 proceedings, on 15 May 2024.
- 3.126. The resulting provisions provide for the disqualification from being a Member of the Senedd or from being a candidate to be a Member of the Senedd for a period of 4 years from conviction of the offence, (also created by this provision). The provisions creating the offence provide that a Member of the Senedd, or a candidate to become a Member of the Senedd cannot wilfully – and with the intent to mislead – make, publish, cause or permit to be published on their behalf, a statement purporting to be a statement of fact, which they know to be false or deceptive in a material particular.
- 3.127. Although no mode of trial is specified, the provisions detail that it is a defence for any person charged with the offence to show that at the time of the alleged offence they had either acted in the interests of national security, or that the statement could be reasonably inferred to be a statement of opinion, belief or future intention rather than a statement of fact, or that they had retracted the statement and apologised for its inaccuracy within 14 days of either the making or publication of the statement, or of the inaccuracy being brought to their attention.
- 3.128. It will be for the police to investigate complaints received and then present evidence to the Crown Prosecution Service to determine whether a reasonable case could then be prosecuted.
- 3.129. The provisions detail that proceedings for any such offence must be commenced within six months of the date on which the statement was made or published.
- 3.130. In the event that a person is convicted of the offence, they are disqualified from being a Member of the Senedd or standing as a candidate to be a Member for four years, starting from the date of their conviction. The provision does not specify any criminal penalty in the event of conviction of the offence.
- 3.131. The provisions also provide a broad power for Welsh Ministers to add, remove or modify provisions, and otherwise to amend any enactment for the purposes of or in connection with the provisions on the offence of deception. This power is subject to the affirmative procedure.

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<sup>7</sup> Record of Proceedings, Local Government and Housing Committee, 16 May 2024.

3.132. In responding to Adam Price MS’s amendment, the Counsel General commented that the general principle underpinning it was an important one. He detailed that:

*“the truthfulness of Members sits at the heart of the standards by which we must be held. Trust is fundamental to the proper functioning of democracy in Wales.”<sup>8</sup>*

3.133. However, he detailed that the specific provision also raised serious questions of Senedd privilege and potential impact on the justice system. In particular, he commented that:

*“we must be very careful about unintended consequences including in relation to Members’ ability to speak freely on matters that concern their constituents in this Senedd.”<sup>9</sup>*

3.134. The Counsel General also noted that the amendment would effectively remove the existing privilege of Members “in terms of being able to speak freely on those issues that are important to them.”<sup>10</sup> He detailed that this:

*“could be something that has very significant consequences if people consistently look over their shoulder as to whether or not they might be subject to an individual complaint.”<sup>11</sup>*

3.135. In the time available for producing the update to this Explanatory Memorandum, it has not been possible for the Welsh Government to undertake a comprehensive assessment of the provision’s financial and judicial impact implications. As such, these are not considered as part of the Bill’s Regulatory Impact Assessment, Integrated Impact Assessment or Justice Impact Assessment.

#### *Disqualification for corrupt or illegal practice: Senedd elections*

3.136. The same gap referred to above (3.122) presently applies in respect of Northern Ireland district council and Senedd elections. This provision seeks to address a gap in the application of this regime so that an individual who is guilty of having committed a corrupt or illegal practice at a Northern Ireland district council election is also disqualified from being a candidate or a member of the Senedd.

#### *Undue Influence*

3.137. Undue influence is where an individual seeks to apply pressure to force an elector to not vote or vote in a way they would not have

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<sup>8</sup> Record of Proceedings, Local Government and Housing Committee, 16 May 2024.

<sup>9</sup> Record of Proceedings, Local Government and Housing Committee, 16 May 2024.

<sup>10</sup> Record of Proceedings, Local Government and Housing Committee, 16 May 2024.

<sup>11</sup> Record of Proceedings, Local Government and Housing Committee, 16 May 2024.

done if pressure had not been applied. It is one of the historic electoral offences, alongside bribery and treating.

- 3.138. In Wales the current legislation governing the offence is defined in section 115 of the RPA 1983 for local elections and, in relation to Senedd elections, in Article 81 of the National Assembly for Wales (Representation of the People) Order 2007. Additionally, as a result of provisions contained in the Elections Act 2022 the current legislation defining the offence of undue influence committed during a UK Parliamentary or Police and Crime Commissioner election is set out in section 114A of the RPA 1983. The language of the latter has been clarified and modernised by the Elections Act 2022.
- 3.139. The case for clarifying the language of the offence has been well rehearsed in recent years. In 2016, in its review of electoral law, the Electoral Commission recommended the offence be redrafted and modernised. Sir Eric Pickles in his report [Securing the Ballot](#) advised the offence of undue influence in respect of electors should be strengthened. In 2018, the UK Government launched the consultation '[Protecting the Debate: Intimidation, influence and information](#)' asking whether the offence should be redrafted and what it should cover.
- 3.140. Work was subsequently taken forward by the UK Government to strengthen and modernise the language of the offence with amended provisions added to the 2022 Act. Following requests from Welsh Ministers, provisions on undue influence for Welsh elections were carved out of the 2022 Act allowing for Welsh Ministers and the Senedd to consider the appropriate solution for Welsh elections.
- 3.141. The 2022 Act's definition of the offence in respect of reserved elections is particularly strengthened in regard to damage to a person's reputation and intent. The previous definition, where there was more of a focus on physical harm, did not exclude reputational damage specifically but in the new definition there is equal provision given to those less tangible but perhaps equally harmful damages that people can experience.
- 3.142. The new definition is further improved by clarifying the importance of 'intent' in the commission of the offence. The phrase "for the purpose of" in new section outlining the elements of the offence, demonstrates that the intent of the person carrying out the activity is key. To be guilty of undue influence it is enough to establish an intent to unduly influence a person, even if the activity was not actually successful in this regard.
- 3.143. Officials have considered the strengthened language describing the offence of undue influence and consider that it will make it more straightforward to prosecute cases of undue influence. There was overwhelming support for this approach from stakeholders noted in

the white paper consultation. The Bill provides for the clarified and strengthened language of the undue influence offence to apply to local elections in Wales. The intention is the equivalent offence for Senedd elections, which is set out in the National Assembly for Wales (Representation of the People) Order 2007, will be similarly strengthened through this Bill, and will take effect prior to the next Senedd elections in 2026.

## Chapter 4: Democracy and Boundary Commission Cymru

### Governance and audit committee

- 3.144. The Commission's audit committee provides an important check and balance to the Commission's governance arrangements. The Commission has a statutory duty to establish an audit committee under section 17 of the 2013 Act.
- 3.145. As a result of the additional functions being conferred on the Commission, the Welsh Ministers consider it appropriate to strengthen the role of the Commission's audit committee both in terms of the scope of its functions and the level of independent membership on the committee.
- 3.146. The Bill amends section 17 of the 2013 Act to confer additional review and assessment functions on the Commission's audit committee in relation to the management of the Commission's internal and external audit arrangements, handling of complaints and review of financial statements and reports.
- 3.147. The amendment will also enable the Commission to confer further suitable functions on the audit committee and specifies the maximum number of members of the committee, the minimum number of lay members of the committee and requires that both the committee chair and deputy to the chair, must be lay members of the committee.
- 3.148. In taking forward the above, the Bill amends the duty placed on the Commission to establish an audit committee to a duty to establish a Governance and audit committee.

### *Power to charge*

- 3.149. To further support the discharge of the Commission's new and revised functions, the Bill inserts a new section into the 2013 Act giving a power to the Commission to charge recipients for goods or services, if they agree to receive those goods or services. This would be in relation to its newly added electoral administration functions (exercisable by the EMB ) or its functions in relation to Part 3 of the 2013 Act (arrangements for local government). For example, the Commission may procure optional training sessions to the electoral community, for which it could impose a charge on attendees to recover the cost of providing the training.

## 4. Consultation

- 4.1. The Welsh Government published a [consultation paper](#) on Electoral Reform in Local Government in Wales on 18 July 2017, following the transfer of legislative competence for Senedd and local government elections to the Senedd Cymru. . The consultation sought views on a wide range of proposals for electoral reform in local government, primarily relating to how people register to vote and cast their vote. As a result of this consultation and other related stakeholder engagement, reforms on extending the franchise for devolved elections and improving the process for the annual canvass were brought forward.
- 4.2. As a consequence, two Acts were passed by the Senedd:
  - the Senedd Act 2020 which extended the electoral franchise for elections to the Senedd; and
  - the 2021 Act which extended the electoral franchise for local government elections and gave an optional power to introduce STV at elections to principal councils.
- 4.3. In July 2021, Mick Antoniw MS, Counsel General and Minister for the Constitution, made a statement on the Welsh Government's Framework for electoral reform which gave a commitment to designing reforms in collaboration with stakeholders in accordance with the six principles of equity, accessibility, participation, improving citizen experience, simplicity, and integrity.
- 4.4. A [White Paper](#) setting out a wide range of proposals for Electoral Administration and Reform was published on 11 October 2022 and was subject to a twelve-week public consultation period. The White Paper set out the Welsh Government's proposals to modernise electoral administration and reform devolved elections. The consultation was published in youth friendly, easy read and British Sign Language formats. The consultation received 137 responses. Most areas consulted upon received support from respondents and details of this can be found in the [summary report](#) to the consultation.
- 4.5. While stakeholders were generally supportive, we identified a number of themes across the responses received where there were concerns. ROs , the AEA and electoral service managers raised concerns about the potential additional administrative and financial pressures of some of the reforms and the capacity of electoral management systems to implement the proposed changes. Stakeholders stressed the importance of carefully managing differences between reserved elections and Welsh elections to minimise administrative pressures for electoral staff. The importance of early and clear communications was also highlighted to ensure voters understand the changes and avoid confusion.

- 4.6. As part of the consultation process, targeted engagement events were held with key stakeholders designed to inform, seek views and test the practical application of the proposals. These included:
- A virtual conference between the Counsel General and Minister for the Constitution, ROs , the AEA and electoral service managers which focussed on the capacity of the sector to deliver reform and how to manage a divergence between devolved and reserved elections.
  - A round-table workshop for third sector and local authorities hosted by the Electoral Reform Society which focused on the needs of the voter in relation to electoral reform.
  - A technical session hosted by the Commission for electoral services managers to assess the detail of proposals relating to the Commission and the impact this would have on local authorities.
  - Three closed technical sessions with electoral software providers hosted by Welsh Government officials, giving those providers the opportunity to discuss the implications of the proposed reforms on electoral management systems and to ask Welsh Government officials any points of clarification.
  - A series of Diversity in Democracy events, including candidate safety workshops, which considered how to encourage greater diversity among candidates standing for election and how to protect candidates and elected members from abuse.
  - A drop-in session for Members of Senedd on Diversity in Democracy and candidate safety.
- 4.7. Following the outcomes of the consultation exercise, the legislation has been shaped to consider the views expressed by stakeholders and respondents to the White Paper
- 4.8. Specifically, views were sought on the introduction of an All-Wales Database of electoral registration data as part of the wider modernisation of electoral registration systems in Wales. Respondents to the consultation raised concerns about the scale of the proposal at this time in the context of wider electoral changes both within Wales and across the UK. As a result, it was subsequently decided not to progress this within the Bill at this time.
- 4.9. We consulted on our proposal to legislate for the establishment of an EMB in Wales, to perform functions independently of government that are currently undertaken by the WECEB. In response to the consultation, supporters of an EMB broadly preferred a statutory committee model to a public body model due to its reduced costs and complexity. The consultation responses helped shape our approach to the development of the Bill which seeks to legislate for the EMB functions to be conferred on the Commission, with the Commission

required to establish a committee to discharge the functions relating to Welsh elections and referendums. This gives the benefits of a public body without creating significant new overhead costs.

- 4.10. Welsh Government officials have also undertaken a programme of ongoing engagement with key stakeholders which will continue as we further develop our policies to deliver reform. Two working groups have been established to help inform the detailed policy design:
- The Welsh Democratic Engagement Partnership consisting of Welsh Government, third sector organisations, community groups with an interest in promoting engagement in democracy and Local Authority electoral services teams, which is helping to identify best practice approaches, share digital resources and address barriers to increasing democratic engagement; and
  - A working group on Automatic Registration, established to develop a suite of informed and deliverable pilots, with a clear understanding of the costs and resource implications for taking that policy forward in this Bill using evidence provided in consultation responses. The membership of that group is made up of local authority electoral services managers.
- 4.11. Work has also been undertaken to consult informally upon the technical changes required to be made to digital systems to enable the proposed administrative changes to work effectively in practice. Welsh Government has had detailed discussions with electoral management software providers to assess the time and cost implications of making administrative changes, and to ensure that such changes would suit the needs of electoral administrators.
- 4.12. No formal consultation on the draft Bill has been undertaken in advance of its introduction to the Senedd because an extensive and constructive programme of engagement and collaboration with stakeholders, which builds on earlier consultations, is taking place and will continue through the life of the Bill.



## **5. Power to make subordinate legislation**

5.1 The Bill contains provisions to make subordinate legislation and issue determinations. Table 5.1 (subordinate legislation) and Table 5.2 (directions and guidance) set out in relation to these:

- i. the person upon whom, or the body upon which, the power is conferred;
- ii. the form in which the power is to be exercised;
- iii. the appropriateness of the delegated power;
- iv. the applied procedure; that is, whether it is “affirmative”, “negative”, or “no procedure”, together with reasons why it is considered appropriate.

5.2 The Welsh Government will consult on the content of the subordinate legislation where it is considered appropriate to do so. The precise nature of consultation will be decided when the proposals have been formalised.

**Table 5.1: Summary of powers to make subordinate legislation in the provisions of the Elections and Elected Bodies (Wales) Bill**

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
New section 20E(3)(c) of the 2013 Act (as inserted by section 1)	Welsh Ministers	Regulations	<p>This allows Welsh Ministers to confer further functions (in addition to new sections 20A to 20D of the 2013 Act and chapter 3 of Part 1 of the Elections and Elected Bodies (Wales) Act 2024 (Welsh elections piloting and reform)) on the Commission, to be exercised by the Electoral Management Board. In particular, it is envisaged that regulations made under section 27 (Welsh Elections Information Platform) could confer functions on the Commission in relation to that platform.</p> <p>Also there may be a need in future for Welsh Ministers to confer other functions related to electoral administration on the Commission.</p>	Negative or affirmative	Where the conferral of any new function requires amendments to be made to an Act of the UK Parliament, a Measure of the National Assembly for Wales or an Act of the Senedd, the regulations conferring that new function will be subject to the affirmative resolution procedure. In all other cases the negative procedure will apply (section 71(2) and (3) of the 2013 Act (as amended by paragraph 1(5)(b) of Schedule 1 to this Act refers). Where the

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					power is used to amend primary legislation, the affirmative procedure is considered to be appropriate. However, in other cases it is considered that the nature of the regulations justifies the negative procedure.
New section 9ZA((6)(a)-(c) of the 1983 Act (as inserted by section 3)	Welsh Ministers	Regulations	This allows Welsh Ministers to make provision about what is required on the notice of election sent to each automatically registered elector. It will allow Welsh Ministers to update the list of required information in line with piloted activity and in the future if evaluation of the automatic registration scheme highlights the need for essential elector information.	Negative	The substance of this power is set out on the face of the bill i.e. what is required of an ERO to be included in the notice of registration. These regulation making powers would be used to update this list following recommendations from automatic registration pilots, or in the future to reflect

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					any further recommended changes that would support the elector in understanding this process.
Section 5	Welsh Ministers	Regulations	This enables the Welsh Ministers to make regulations for the holding of electoral pilot schemes in connection with relevant electoral matters (as defined by section 5 (3)) at Welsh elections (ordinary elections of Senedd Cymru, ordinary local government elections and local government by-elections). The Welsh Ministers can also use this power to trial the amended registration provisions introduced by section 3(4) (section 5 (4)).	Affirmative & negative	Where pilot regulations; <ul style="list-style-type: none"> <li>i. are made without the consent of the local authority required to implement the pilot scheme ;</li> <li>ii. are trialling the amended registration provisions introduced by section 2(4); or</li> <li>iii. create, remove or modify criminal offences,</li> </ul>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>the regulations are subject to the affirmative resolution procedure (section 7 (3) and (4)). It is considered appropriate that in such circumstances the Senedd should be provided with the opportunity to debate the merit of such pilots.</p> <p>All other pilot regulations will be subject to the negative procedure (section 7 (5)). It is considered that this is appropriate as before any pilot regulations are made the Democracy and Boundary Commission Cymru (through its</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					Electoral Management Board) will be required to report on the proposed scheme, and a copy of the report must be laid before the Senedd with the regulations.
Section 15 (3)	Welsh Ministers	Regulations	This power allows Welsh Ministers to prescribe relevant factors that the Democracy and Boundary Commission Wales (to be exercised by its Electoral Management Board) must have regard to when assessing and evaluating any proposals for pilot schemes. The list of relevant factors will be able to be amended by way of further regulations thereby providing flexibility in the future if Welsh Ministers wish to stipulate other criterion that should be taken into account when proposals for pilot schemes are evaluated.	Negative	This power is limited to enabling the Welsh Ministers to prescribe specific criteria that should be taken into account when pilot proposals are evaluated. The matters which are to be assessed and reported on are set out on the face of the legislation. The negative procedure is therefore considered appropriate.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			Any such changes could based upon experience or government commitments.		
Section 17 (4)	Welsh Ministers	Regulations	This power enables Welsh Ministers, by regulation, to set out what the Democracy and Boundary Commission Cymru report on proposed pilots should contain. In addition to the requirements set out on the face on the Bill, and in addition to anything the Commission deem relevant, the Welsh Ministers can require additional issues to be reported on when the Commission are evaluating pilots that have been submitted to them for consideration.	Negative	This power only allows Welsh Ministers to add requirements to the issues that will be reported on by the Commission. The negative procedure is recommended because the Bill contains the basic requirements of the report and the Commission, through the Bill provisions, are free to report of anything they feel relevant, and this does not require Welsh Ministers agreement. This power is largely administrative.
Section 19 (3)	Welsh Ministers	Regulations	This power enables Welsh Minister to make permanent	Negative enhanced	Where reform regulations;

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>changes to electoral law following a successful pilot. Such regulations can however, only be made on the recommendation of the Electoral Commission.</p>	<p>&amp; Affirmative enhanced</p>	<ul style="list-style-type: none"> <li>i. modify primary legislation;</li> <li>ii. create or widen the scope of a criminal offence; or</li> <li>iii. create or amend a power to legislate,</li> </ul> <p>they will be subject to the affirmative procedure (section 20 (3) and (4)), but the Senedd or a committee of the Senedd reporting on the regulations can resolve, within 30 days of the draft regulations being laid, that an enhanced affirmative should apply to such regulations (section 20(13)). This enhanced affirmative procedure requires the</p>



Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>Welsh Ministers to have regard to any representations; any resolutions of the Senedd; and any recommendations of a committee of the Senedd charged with reporting on the draft regulations, made within 60 days of the regulations being laid. The Welsh Ministers may only make the regulations (without material changes) if the Senedd approves them after the 60 day period expires. If after the 60 day period the Welsh Ministers wish to proceed with the draft regulations, but with material changes, the revised draft regulations must be</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>laid before the Senedd together with a statement summarising the changes, for approval by the Senedd. Welsh Ministers must also lay a statement setting out why they have chosen not to follow the committee recommendation wholly or in part.</p> <p>For all other statutory instruments containing reform regulations an enhanced negative procedure will apply (section 20 (5)). This requires the Welsh Ministers, where they consider the negative procedure to be appropriate, to make a statement to that effect</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>and to lay a draft of the regulations before the Senedd together with a memorandum setting out their statement and the reasons for their opinion. The Welsh Ministers may only proceed to make the regulations by way of the negative procedure if a relevant Senedd Committee makes a recommendation as to the appropriate procedure, or 14 days pass from the laying of the draft regulations and no recommendation is received from the committee. Welsh Ministers must also lay a statement setting out</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>why they have chosen not to follow the committee recommendation wholly or in part.</p> <p>It is considered that both of these procedures are appropriate as they provide for additional Senedd scrutiny reflecting the nature of the reform regulations.</p>
Section 26(1)	Welsh Ministers	Regulations	This requires Welsh Ministers, through regulations, to provide for a Welsh elections information platform. Welsh Ministers may decide who is the best organisation to provide for such a platform and what information, in addition to that prescribed in primary legislation, should be provided to voters to support their	Affirmative and negative	The affirmative procedure is applicable where regulations made under this section relate to subsection (4)(c), that is to say where the regulations confer exemptions from civil and criminal

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>participation in Senedd and principal council elections in Wales with a power to include information in relation to local government elections. The regulations must also set out a reporting regime on the running and effect of the Welsh elections information platform.</p>		<p>liability in connection with the publication of candidate statements and other candidate information. This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this area due to the political importance to the whole Senedd of limiting such liability.</p> <p>The negative procedure is to be used where regulations are made in relation to conferring functions on persons, about the publication of information on the platform, including the publication of candidate statements</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					and other information in relation to candidates, and making the information on the platform available other than by electronic means. This allows the requirements around reporting on the running and effectiveness of the platform to be set out. This procedure is appropriate as it is likely to be relate to administrative issues rather than issues of policy substance.
Section 27(8)	Welsh Ministers	Regulations	Enables the Welsh Ministers to add, amend or remove services added to those that may be provided to promote diversity in persons seeking elected office.	Affirmative	This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>area due to the political importance to the whole Senedd. It is felt the affirmative procedure is appropriate for these regulations to ensure transparency and political neutrality.</p> <p>In addition, as this power includes the amendment of primary legislation the affirmative procedure is felt to be appropriate.</p>
Section 28(1)	Welsh Ministers	Regulations	Enables Welsh Ministers to provide for schemes of financial assistance to help candidates, who have specified characteristics or circumstances, overcome barriers to their participation in the election connected to those characteristics or circumstances.	Affirmative	This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this area due to the political importance to the whole Senedd. It

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>Requires Welsh Ministers to appoint or provide for the appointment of a person to operate the scheme for which they provide.</p> <p>Enables Welsh Ministers to confer functions on a person and provide for the delegation of those functions, requires a person upon who functions are conferred to keep and make available for inspection, accounts and other records and requires another person, to publish specified information about financial assistance given in accordance with the scheme (however such a duty to publish is not imposed when such would (taking the duty into account) contravene the data protection legislation within the meaning of the Data Protection Act 2018.</p>		<p>is felt the affirmative procedure is appropriate for these regulations to ensure transparency and political neutrality.</p>



Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			Enables financial assistance to be given subject to conditions and specify the circumstance in which such assistance is to be repaid.		
Section 28 (2)	Welsh Ministers	Regulations	<p>Requires Welsh Ministers to set out in regulations arrangements to provide financial support to disabled candidates standing in a Welsh election overcome barriers to their full and effective participation in the election connected to their disability.</p> <p>Enables Welsh Ministers to confer functions on a person and provide for the delegation of those functions, requires a person upon who functions are conferred to keep and make available for inspection, accounts and other records and requires another person, to publish specified information about financial assistance given in accordance with the scheme</p>	Affirmative	This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this area due to the political importance to the whole Senedd. It is felt the affirmative procedure is appropriate for these regulations to ensure transparency and political neutrality.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>(however such a duty to publish is not imposed when it would (taking the duty into account) contravene the data protection legislation within the meaning of the Data Protection Act 2018.</p> <p>Enables financial assistance to be given subject to conditions and specify the circumstance in which such assistance is to be repaid.</p>		
Section 156 of the 2000 Act (as amended by section 34(2))	Welsh Ministers	Order	Paragraph 14A of Schedule 4A to the RPA 1983 (as amended by the Bill) allows the Electoral Commission to prepare guidance for use by campaigners, setting out the legal requirements around campaign expenditure at local government elections. Welsh Ministers bring the guidance into force by order. The Bill amends section 156(3) of	No procedure	Prior to the making of an order to bring any guidance into force, the Welsh Ministers must lay the draft guidance before the Senedd for a period of 40 days. If the Senedd resolve not to approve the guidance no order bringing it into force

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			PPERA so that such orders are not the subject of a Senedd procedure.		can be made by the Welsh Ministers. As the draft guidance is subject to the full scrutiny, it is considered appropriate that a subsequent order to bring that guidance into force is not subject to a further Senedd procedure,
Section 88(11) of the 2000 Act (as amended by section 37(2))	Welsh Ministers	Order	This enables the Welsh Ministers to amend the list of descriptions of third parties, provided for in section 88(2) of PERA, who are able to register to campaign in a regulated Senedd election period, thus allowing them to incur expenditure of over £700. An order can add, remove or modify a description of those third parties. The descriptions of third parties can however, only be removed or modified on the	Affirmative	As this power allows for primary legislation to be amended it is considered appropriate that the Senedd should be afforded the opportunity of debating the merits of any such amendment and the use of the power is therefore subjected to the affirmative procedure. In

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>recommendation of the Electoral Commission. This will ensure the list of eligible third parties can be maintained in the face of any developments, and avoiding unnecessarily preventing a new type of third party from being able to campaign in an election.</p>		<p>addition, where the Welsh Ministers propose removing third parties from the list, or amending the description of those third parties, in respect of the relevant campaign period, they will only be able to do so on the recommendation of the Electoral Commission.</p>
<p>New sections 100A and 100C of the 2000 Act (as inserted by section 38(2) and (4))</p>	<p>Welsh Ministers</p>	<p>Order</p>	<p>Section 38 of the Act inserts new provision into PPERA requiring the Electoral Commission to prepare a code of practice about the controls on third party expenditure during a Senedd election campaign (section 38(2)(a) inserts a new section 100A(1A) into PPERA). Section 38 (4) inserts a new section 100C into PPERA setting out the procedure for the</p>	<p>No procedure</p>	<p>Any order bringing a relevant code of practice into force is not subject to a Senedd procedure. This is considered appropriate as before such an order can be made, the code of practice must be prepared and consulted upon by the</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			preparation and adoption of the code of practice. Any such code of practice is brought into force by order of the Welsh Ministers (section 100C(8) of PPERA).		Electoral Commission, which includes consultation with the Llywydd's Committee and the Legislation, Justice and Constitution Committee (or any successor committee). In addition, any draft code of practice approved by the Welsh Ministers, must be laid before the Senedd for a period of 40 days before the Welsh Ministers can make an order bringing that code into force. If the Senedd resolve not to approve the draft code no order bringing it into force can be made by the Welsh Ministers.

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
Section 41(2)(b)	Welsh Ministers	Regulations	Enables the Welsh Ministers to change the review period and reset the start date for the review period for reviews of electoral arrangements for a principal area by the Commission.	Negative	Changing the review period and re-setting the start date of a review period is a technical detail which may be needed in the event of disruption to a review programme. Examples of situations which would trigger the use of this power includes a public health emergency, a change in the date for local government elections or to provide greater synergy between the review periods of both county and community arrangements.
Section 51(3)(a)	Welsh Ministers	Regulations	Enables the Welsh Ministers to change the review period and reset the start date for the review period for reviews of electoral arrangements for a	Negative	Changing the review period and re-setting the start date of a review period is a technical detail which

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			community by a principal council.		may be needed in the event of disruption to a review programme. Examples of situations which would trigger the use of this power includes a public health emergency, a change in the date for local government elections or to provide greater synergy between the review periods of both county and community arrangements.
Section 57 - Section 69R of the 2013 Act as inserted by section 57(2) of the Bill	Welsh Ministers	Regulations	Enables Welsh Ministers to modify Part 5A to add, vary or omit provision concerning or imposing a function on the Commission.	Affirmative	The affirmative procedure is considered appropriate as the power could be used to modify primary legislation. It replicates the power and the procedure in section 158 of the

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
					Local Government (Wales) Measure 2011.
Section 64 (inserted into the Bill at Stage 2)	Welsh Ministers	Regulations	A power for the Welsh Ministers to add remove or modify provisions, as well a power to amendment any other enactment in consequence etc. of the provisions. .	Affirmative	This is a broad power to make amendments to primary legislation and so the affirmative is the appropriate procedure providing for an additional level of scrutiny by the Senedd.
Section 71	Welsh Ministers	Regulations	Provides the power for the Welsh Ministers to make regulations of general application to make supplementary, incidental, consequential, transitional, transitory or saving provision in respect of provisions within the Bill.	Negative and Affirmative	These will be technical and procedural in nature.  Where regulations would amend, repeal or otherwise modify a provision of an Act of Parliament or and Act or Measure of Senedd Cymru, the instrument containing the regulations may not be



<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
					made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
Section 72	Welsh Ministers	Order	Power to commence certain Bill provisions by order to enable coming into force and implementation to be appropriately timed.	No procedure	This is a power to set a coming into force date for provisions already agreed in the Bill, it is considered appropriate that this does not require a procedure.
Schedule 1  Section 69K(2)(d) of the 2013 Act as inserted by section 57(2) of the Bill	Welsh Ministers	Regulations	Enables Welsh Ministers to designate a public body relevant for the purposes of the information that may be included in an annual remuneration report under section 69K.	Negative	To enable full transparency of the remuneration councillors, receive from public bodies as well as their own council.
Schedule 1					

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
Section 69C(2)(e) of the 2013 Act as inserted by section 57(2) of the Bill.	Welsh Ministers	Regulations	Enables Welsh Ministers to specify bodies that fall within the definition of the term relevant authority for the purposes of Part 5A.	Negative	This power would enable Welsh Ministers to add bodies within the local government family to the list of bodies which would be required to follow the determinations of the Commission in relation to payments and pensions.
Schedule 1  Section 69D(1)(b) of the 2013 Act as inserted by section 57(2) of the Bill	Welsh Ministers	Regulations	Enables Welsh Ministers to specify in regulations a description of members to whom a resettlement payment would apply.	Negative	This is largely technical in nature and would enable Welsh Ministers to specify the description of members for which any future resettlement payments would apply. The Commission would

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					then be responsible for setting the qualifying conditions which individuals would have to meet prior to receiving payment.

**Table 5.2: Summary of powers to make directions and issue guidance in the provisions of the Elections and Elected Bodies (Wales) Bill**

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
Section 20B(1) of the 2013 Act, as inserted by section 1(2)	Democracy and Boundary Commission Cymru	Directions	Power to issue directions to returning officers about the exercise of their functions in relation to devolved Welsh elections and referendums. Directions will not replace their existing personal responsibility to discharge their functions or duties.	No procedure	The Democracy and Boundary Commission Cymru (acting through the Electoral Management Board) will be required to consult with the Electoral Commission before issuing directions.
Section 20C(1) of the 2013 Act, as inserted by section 1(2)	Democracy and Boundary Commission Cymru	Directions	Power to issue directions to EROs about the exercise of their functions in relation to devolved Welsh elections and referendums. Directions will not replace their existing personal responsibility to discharge their functions or duties.	No procedure	The Democracy and Boundary Commission Cymru (acting through the Electoral Management Board) will be required to consult with the Electoral Commission before issuing directions.
Electoral reviews Section 50(2)	Welsh Ministers	Directions	Enables Welsh Ministers to issue a direction to pause a	No procedure	In the event of disruption such as a

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
			review until a specified date or further direction.		public health emergency or change in date of local government elections Welsh Ministers would be unable to mitigate the impact on the review process without this provision.
Section 57(2) (inserts section 69H(1) into the 2013 Act)	Welsh Ministers	Directions	Enables the Welsh Ministers to direct the Commission to reconsider a provision of a draft annual or draft supplementary report.	No procedure	This provision already exists within the 2011 Measure. It is being replicated as a result of the functions being conferred on the Commission through this Act and the dissolution of the Panel.
Section 57(2) (inserts section 69M(1) into the 2013 Act)	Welsh Ministers	Directions	Enables Welsh Ministers to issue a direction to a local authority to comply with a requirement set out by the Commission in an annual or supplementary report.	No procedure	This provision already exists within the 2011 Measure. It is being replicated as a result of the functions being conferred on the Commission through

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
					this Act and the dissolution of the Panel.
Section 57(2) (inserts section 69O(3) into the 2013 Act)	Welsh Ministers	Directions	Enables Welsh Ministers to direct a local authority to withhold payments in respect of remuneration or resettlement.	No procedure	This provision already largely exists within the 2011 Measure. It is being replicated (and will include resettlement payments) as a result of the functions being conferred on the Commission through this Act and the dissolution of the Panel.
Section 57(2) (inserts section 69P(2) into the 2013 Act)	Welsh Ministers	Guidance	Enables the Welsh Ministers to issue guidance to the Commission in relation to the exercise of its functions under the Bill.	No procedure	The power to issue guidance is intended to facilitate the application of the primary legislation. This guidance is largely concerned with process and, as such, Senedd procedure is not appropriate.

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
Section 57(2) (inserts section 69P(1) into the 2013 Act)	Commission	Guidance	Enables the Commission to issue guidance to local authorities in relation to its functions under Part 5A.	No procedure	The power to issue guidance is intended to facilitate the application of the primary legislation. This guidance is largely concerned with process between the Commission and local authorities and, as such, Senedd procedure is not appropriate.
Section 1(3) of the Local Government (Wales) Measure 2011, as amended by section 25 (2)	Welsh Ministers	Directions	Enables Welsh Ministers to issue directions to a local authority to specify the scope and format of the survey	No procedure	This is a technical provisions to ensure consistency of the core survey questions in all county and county borough council areas.
Section 14 of the 2013 Act, as amended by paragraph 1(4) of Schedule 1	Welsh Ministers	Directions	This is an existing power in the 2013 Act which is being amended to ensure the independence of the Commission in relation to the exercise of its functions in	No procedure	There is no change to the existing procedure but the scope of the power is being amended.

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
			respect of the Electoral Management Board		
Section 30 of the Elections and Elected Bodies (Wales) Bill – inserted into the Bill at Stage 2	Welsh Ministers	Guidance	Places a duty on the Welsh Ministers to issue guidance for political parties on the publication of diversity information and diversity and inclusion strategies	No procedure	The guidance will be advisory in nature and thus will contain no mandatory requirements on political parties. The Welsh Government will engage key stakeholders, including political parties, in developing the guidance.



## **PART 2 – REGULATORY IMPACT ASSESSMENT**

### **6. Regulatory Impact Assessment (RIA) summary**

6.1 A Regulatory Impact Assessment has been completed for the Bill and it follows below.

6.2 There are no specific provisions in the Bill which charge expenditure on the Welsh Consolidated Fund.

6.3 The following table presents a summary of the costs and benefits for the Bill as a whole. The table has been designed to present the information required under Standing Order 26.6 (viii) and (ix).

#### **Preferred option:**

6.4 Introduce the following legislation:

- Co-ordination of electoral administration –
  - Establishing the EMB by conferring functions in respect of the oversight of electoral administration upon a new committee of the Democracy and Boundary Commission Cymru
  
- Electoral registration without applications –
  - placing a duty upon electoral registration officers (ERO's) to register persons to the register of local government electors in Wales without application,
  - launching of pilot schemes to test various methods of implementing this new duty.
  
- Welsh election pilots –
  - amending and expanding the powers of the Welsh Ministers to introduce electoral pilots in respect of all aspects of the electoral process for Welsh elections.
  
- Reports on assistance for disabled voters –
  - Creating a duty for the Electoral Commission to report on steps taken by returning officers to assist disabled people to vote.
  - This is linked to new duties which will be set out in secondary legislation, for Returning Officers to provide such equipment as is reasonable to assist disabled people to vote in line with Electoral Commission guidance.
  
- Candidate survey (of equality and diversity of candidates standing in local government elections) –

- removing the requirement to set out the specific wording and format of the survey in regulations to make it easier to change aspects of it as policy develops.
- Welsh elections information platform –
    - provisions to ensure the delivery of an online voter information platform to support Welsh citizens to take part in democracy.
- Diversity in persons seeking elected office –
    - duty on the Welsh Ministers to put in place arrangements aimed at improving diversity within Senedd and Local Government democratic structures by providing assistance to remove barriers to participation including initiatives and schemes for underrepresented individuals seeking election to Senedd and local government election.
    - duty on the Welsh Ministers to issue guidance for political parties aimed at promoting diversity in persons seeking elected office.
- Campaign finance –
    - Clarifying the law so that campaigns should only be responsible for notional – or “in-kind” – expenditure when it is directed or authorised by the candidate, political party or third party,
    - Enabling payments to be made on behalf of a candidate or campaign during a local government election campaign in Wales, by an authorised person other than an election agent,
    - Restricting third parties able to participate in Senedd election campaigns,
    - Enabling the Electoral Commission to include guidance on the above in Codes of Practice.
- Electoral and community arrangements reviews –
    - extending review cycles from 10 to 12 years,
    - setting time limits for carrying out reviews,
    - expanding the list of mandatory consultees within the review processes
    - extending the periods when the Democracy and Boundary Commission Cymru must not make or publish recommendations and prohibiting the Welsh Ministers from exercising functions in the six months preceding an ordinary local government election,
    - revising the matters to be considered by reviews,
    - providing Welsh Ministers with the ability to pause a review process,

- requiring the Welsh and English names of wards to be published in both the Welsh and English versions of reports,
  - requiring all orders to be published by the order maker, and
  - implementation and notice of resolutions of status of communities as towns.
- Reviews of seaward boundaries –
- clarifying the law to provide that the Commission is able to review the undersea boundaries of more than one local authority area when it is conducting a review
- Remuneration of elected members –
- Dissolving the Independent Remuneration Panel for Wales and transferring its functions to the Democracy and Boundary Commission Cymru, and
  - Providing for the creation of a scheme to enable payments to be made to members of a local authority who stand for election at an ordinary council election but who fail to be re-elected.
- Disqualification –
- disqualifying town and community councillors in Wales from serving as Members of the Senedd, and
  - removing the grace periods for principal councillors elected to the Senedd, for Members of the Senedd elected to principal councils and for Members of the Senedd elected as Members of the House of Commons.
- Undue influence –
- updating and modernising the offence of undue influence for Local Government Elections in Wales.
- Democracy and Boundary Commission Cymru –
- Enhancing and improving the role of the governance and audit committee
  - Giving a power to the Commission to charge recipients for goods or services, if they agree to receive those goods or services.

Table 6.1 – Preferred Option

<b><i>Elections and Elected Bodies (Wales) Bill</i></b>		
<b>Preferred option:</b> Introduce the legislation set out above.		
<b>Stage:</b> Introduction	<b>Appraisal period:</b> 2024/25 – 2033/34	<b>Price base year:</b> 2022/23
<b>Total Cost</b> Total: £19,857,000 Present value: £16,246,000	<b>Total Benefits</b> Total: £0 Present value: £0	<b>Net Present Value (NPV):</b> £-16,246,000

## Administrative cost

Table 6.2 – Administrative Costs and Savings

<p><b>Costs:</b></p> <p>There will be administrative costs of £575,000 for the Welsh Government, all transitional costs incurred in 2024-25 and 2025-26.</p> <p>Local authorities are expected to incur administrative costs of £15,161,000 over the appraisal period, of which £44,000 is a transitional cost and £15,117,000 recurrent. The bulk of the cost to local authorities relates to the registration of voters without application.</p> <p>The Local Democracy and Boundary Commission for Wales is expected to incur a cost of £6,022,000, this includes transitional costs of £1,030,000 and recurrent costs of £4,992,000.</p> <p>Administrative costs for the Electoral Commission are expected to be £68k, which is all transitional costs. .</p>			
<b>Transitional: £1,717,000</b>	<b>Recurrent: £20,110,000</b>	<b>Total: £21,826,000</b>	<b>PV: £17,864,000</b>
<p><b>Cost-savings:</b></p> <p>There are minor cost savings for the Welsh Government in relation to:</p> <ul style="list-style-type: none"> <li>• Electoral Management Board - £70,000 per year from 2025-26 onwards for running costs of the Wales Electoral Coordination Board.</li> <li>• Candidate survey – £9,500 in two financial years – opportunity cost savings for no longer needing to make regulations.</li> <li>• Independent Remuneration Panel for Wales – costs savings to the Welsh Government of £60,000 in 2024-25 and £140,000 per year after that.</li> </ul> <p>As is explained in the assessment, part of the cost-savings identified here are expected to transfer to the Local Democracy and Boundary Commission for Wales to fund the operation of the Electoral Management Board and the new functions around the remuneration of elected members.</p>			
<b>Transitional: £0</b>	<b>Recurrent: £1,969,000</b>	<b>Total: £1,969,000</b>	<b>PV: £1,617,000</b>
<b>Net administrative cost: £19,857,000</b>			

## Compliance costs

Table 6.3. – Compliance Costs

No compliance costs have been identified.			
<b>Transitional: £0</b>	<b>Recurrent: £0</b>	<b>Total: £0</b>	<b>PV: £0</b>

## Other costs

Table 6.4. – Other Costs

No other costs have been identified.			
<b>Transitional: £0</b>	<b>Recurrent: £0</b>	<b>Total: £0</b>	<b>PV: £0</b>

## Unquantified costs and disbenefits

As set out in the RIA, there are some areas where it is not possible to estimate costs at this stage. Given the uncertainty around what electoral piloting will be undertaken in future years, it is not possible to present a best estimate of likely costs and/or cost-savings. The financial impacts are therefore unknown at this stage.

For piloting automatic registration, the costs to Welsh Government will centre on the changes required to the Electoral Management Systems (EMSs). Detailed discussions will need to take place between EMS providers, local authorities and Welsh Government to ascertain a reasonable estimate for these costs. Illustrative figures have been provided later in this document, but the actual costs are unknown at this stage and cannot be estimated due to the specialist nature of this work and commercial sensitivity.

As stated throughout the RIA, where there is the intention to bring forward secondary legislation, detailed costs will be provided as part of the RIA.

## Benefits

Table 6.5. - Benefits

<p>Benefits of the Bill are unquantified. The intention of the proposals is to remove the democratic deficit. Expected unquantified benefits include:</p> <ul style="list-style-type: none"><li>• making democracy and voting more accessible to all members of our society and encouraging active participation in democratic life in Wales,</li><li>• helping people become more active, engaged citizens and in doing so contribute to better socio-economic outcomes,</li><li>• modernising the administration of elections in Wales,</li><li>• improving the use of technology to make it easier for voters and candidates to participate in democracy.</li></ul>	
<b>Total: £0</b>	<b>PV: £0</b>

### Key evidence, assumptions and uncertainties

The information set out in this RIA is based on the best information available in relation to the proposals. This has been informed by the White Paper consultation and further extensive engagement with electoral stakeholders and consideration of existing information, such as impact assessments for recent electoral legislation.

There are some areas within the Bill where costs are not yet known but will be assessed fully when subsequent secondary legislation is made. We have provided information where possible to explain the type of costs that will be likely to arise and to give costs of comparative activities for context.

In assessing the costs of this Bill, we have assumed that the Senedd Cymru (Members and Elections) Bill will gain Royal Assent. This would include provisions to change Senedd terms from five years to four years. Based on this, our assumption for Welsh election cycles during the ten-year appraisal period for this Bill is as follows:

2024-25 – None  
2025-26 – None  
2026-27 – Senedd election May 2026  
2027-28 – Local elections May 2027  
2028-29 – None  
2029-30 – None  
2030-31 – Senedd election May 2030  
2031-32 – None  
2032-33 – Local elections May 2032  
2033-34 – None

## 7. Options - Summary

- 7.1 This RIA focuses on legislative provisions within the Elections and Elected Bodies (Wales) Bill. The Welsh Government is also taking forward a range of policy through secondary legislation and other actions. Where secondary legislation is closely linked to provisions within this Bill, we have attempted to set out some of the expected financial impacts within this RIA.
- 7.2 There are a number of interdependencies with the Senedd Cymru (Members and Elections) Bill and officials are working together on those areas. Financial costs and benefits set out in this assessment are based on the assumption that the Senedd Cymru (Members and Elections) Bill will receive Royal Assent. Therefore, baseline figures are based on the provisions of that Bill being introduced. Costs and benefits are assessed separately, but we have co-ordinated work where possible, for example using similar assumptions and approaches for estimating costs.
- 7.3 For some of the provisions, we considered a number of options. We have included information about those options within this RIA, but the focus is on the costs and benefits of the option to introduce the proposed legislation compared to the business as usual scenario.
- 7.4 Following consultation and stakeholder engagement, we are now proposing two options for consideration in this Regulatory Impact Assessment.

### **Option 1: Business as usual**

- 7.5 Electoral arrangements would continue as they are in Wales in all areas covered by the draft Bill.

### **Option 2: Introduce an Elections and Elected Bodies (Wales) Bill**

- 7.6 The Bill will deliver a range of proposals to support the Programme for Government commitment to reduce the democratic deficit in Local Government.
- 7.7 It will make provision to drive up participation in Welsh elections and improve accessibility for disabled voters and candidates, enable registration of voters without application, subject to successful piloting improve and modernise the offence of undue influence and establish an Electoral Management Board to support electoral administration. It will also reform the processes for conducting community and electoral reviews and confer the functions of the Independent Remuneration Panel for Wales to the Democracy and Boundary Commission Cymru.



## 8. Costs and benefits – Summary

- 8.1 This Regulatory Impact Assessment has been informed by a previous draft Regulatory Impact Assessment published with Electoral Administration and Reform White Paper in October 2022. That draft assessment set out a range of options considered for each policy intention and considered the types of impacts and some potential costs and benefits. The White Paper consultation provided further information to develop the policy proposals and refine assessments of costs and benefits. Following analysis of responses and engagement with stakeholders, the set of provisions in the Bill is different to that set out in the draft assessment. Some proposals have changed, and some have not been progressed. This Regulatory Impact Assessment focuses on two options only - a 'business as usual' option and the preferred option.
- 8.2 The costs and benefits associated with the options have been assessed over a ten-year period, 2024-25 to 2033-34. This allows for consideration of two election cycles. A 10-year planning horizon has been used throughout the Regulatory Impact Assessment.
- 8.3 Where appropriate, the costs and benefits are presented in Present Value terms using a discount rate of 3.5%. This is in line with the guidance in HM Treasury's Green Book. The base year for all Present Value calculations is 2022-23.
- 8.4 Each option has been assessed using the best available information to the Welsh Government. The costs and benefits are calculated at an all-Wales level. Throughout the Regulatory Impact Assessment, costs and benefits are estimated on an annual basis and then collated over a ten-year period.
- 8.5 Summary cost tables for the whole Bill can be seen at Appendix A.
- 8.6 Throughout the Regulatory Impact Assessment, costs have been attributed according to where they are first incurred. For example, the cost of establishing an Electoral Management Board have been attributed to the Democracy and Boundary Commission Cymru despite the expectation that the costs will ultimately be funded by the Welsh Government.
- 8.7 Welsh Government staff costs have been based on the average pay band costs for 2022-23, which use a 52-week year and five-day working week. The standard working week is considered 37 hours a week as per the National Agreement 'Green Book'. Staff costs include on costs.
- 8.8 Local Government staff costs are based on the 2022-23 costs set out in the National Joint Council for Local Government Services (NJC) agreement of November 2022. 30 per cent has been added to account for on costs.
- 8.9 As detailed in Chapter 3 of this Explanatory Memorandum, during Stage 2 of the Bill's legislative scrutiny, an amendment was tabled by Adam Price

MS to establish an offence of deception. The amendment was subsequently passed. In the time available for producing the update to this Explanatory Memorandum, it has not been possible for the Welsh Government to undertake a comprehensive assessment of the provision's financial implications. As such, these are treated as unknown in the Regulatory Impact Assessment. The Government will complete this aspect once the final form of the Bill is known.

8.10 Figures have been rounded throughout the impact assessment to a level of precision that is considered appropriate for the relevant calculations. In some tables, rows and columns may not sum up to the total column due to this rounding process.

8.11 The benefits identified are largely discussed in qualitative terms, and have not been quantified or monetised, due to the nature of the provisions. Any costs included are forecasts.

## Chapter 9 – Costs and benefits

### Part 1 – Electoral administration and registration

#### Chapter 1 – Co-ordination of electoral administration

9.1 The issue under consideration is whether an Electoral Management Board should be established in respect of Welsh elections.

#### **Background**

9.2 The *Electoral Management Board for Scotland* was established, as a statutory committee, by the *Local Electoral Administration (Scotland) Act 2011*. It has the general functions of co-ordinating the administration of Scottish parliamentary elections, and local government elections in Scotland, including:

- assisting regional returning officers, constituency returning officers, local authorities and other persons in carrying out their functions in relation to Scottish parliamentary elections,
- assisting returning officers, local authorities and other persons in carrying out their functions in relation to local government elections, and
- promoting best practice in Scottish parliamentary elections and local government elections by providing information, advice or training (or otherwise).

9.3 In Wales, the *Wales Electoral Coordination Board* (WECB) was established in 2017 to help facilitate the coordination of electoral events, activity, modernisation and reform in Wales. It also facilitates greater collaboration between ROs, EROs and other key partners. The WECB is a voluntary board, currently facilitated by the Electoral Commission and does not receive Welsh Government funding at present, though this is expected to change. It is the intention in this Bill to place the WECB's role on a statutory footing, and as such, consideration has been given to the design of a statutory EMB.

#### Previous options considered.

9.4 In the previous draft RIA we set out three options summarised as follows:

- i. Maintaining the status quo with the WECB retaining its current role.
- ii. Establishing an electoral management board as a statutory committee (as in Scotland) to undertake the functions currently within the remit of the WECB independently of government.
- iii. Establishing an electoral management board as a new public body to undertake the functions currently within the remit of the WECB

independently of government.

9.5 The option to create a public body was ultimately discounted due to the related estimated overhead costs to establish such a model, meaning a statutory committee was the preferred model. We were presented with challenges in relation to identifying a suitable body with the required capacity and one that was willing to host the EMB.

9.6 We subsequently considered a role for the Local Democracy & Boundary Commission for Wales (to become the Democracy and Boundary Commission Cymru) (the Commission), the benefits of which are set out below. We considered options relating to the Commission either hosting the EMB or taking on the proposed functions of the new EMB.

9.7 Following consideration of these proposals, it is considered that the preferred approach is to confer the functions of the EMB on to a committee of the Commission. The Commission is considered a suitable vehicle with the sufficient capability to carry out the proposed EMB functions. Establishing the Board to sit under an independent arms-length body such as the Commission is considered a sustainable solution.

9.8 We have considered two options for this RIA, as follows:

- Maintaining the status quo with the WECB retaining its current role.
- Conferring the proposed functions on the Commission, to be exercisable by a new statutory committee of the Commission known as the 'electoral management board'.

**Option 1: Maintaining the status quo with the WECB retaining its current role.**

9.9 The WECB is not a statutory body and is facilitated and administrated by the Electoral Commission. The participation of ROs and EROs is not mandated and the WECB has no statutory functions or powers of direction.

9.10 The WECB has limited capacity to support the implementation of Welsh Government's programme of electoral reform. Funding could be allocated by the Welsh Government to increase its capacity, but this funding would presumably need to be managed on behalf of the WECB by the Electoral Commission. This could raise questions of conflict of interest, as the Electoral Commission would potentially be required to report on the conduct of tasks that a body it facilitates (and whose funding it manages) had been funded to carry out.

**Option 2: Establishing an electoral management board as a statutory board of the Commission (the preferred option)**

- 9.11 This option has been developed from the statutory committee option in the previous draft RIA, taking account of stakeholder comments and the opportunity to expand the role of the Commission alongside it taking on the functions of the Independent Remuneration Panel for Wales (Section 57 of the Bill).
- 9.12 This option involves establishing the EMB as a statutory committee of the Commission. As such, it is intended that the functions in respect of the oversight of electoral administration will be conferred upon the Commission, but delegated to and exercisable by the EMB and this will be set out in legislation.
- 9.13 The EMB will have the general function of co-ordinating the administration of Welsh elections and referendums, which will include (in relation to the administration of Welsh Elections and referendums only):
- providing advice to those involved in the administration of those elections to carry out those functions,
  - promoting best practice by providing information, advice or training (or otherwise).
- 9.14 The Commission may also provide information, advice or other assistance to the Welsh Ministers. These functions will be delegated to the EMB and only exercisable by the EMB, not the Commission.
- 9.15 The Commission, through the EMB, will also be capable of delivering the Welsh elections information platform (Section 27 of the Bill). It will also have powers to issue directions to returning officers and EROs (not intended to replace their own personal responsibility to discharge their functions or duties), with a duty for returning officers and EROs to comply. Also, to provide advice to those returning officers and EROs in respect of their functions, similar to section 10(3) of PPERA in respect of the Electoral Commission's power to issue advice, with a duty on returning officers and EROs to have regard to the guidance. The purpose of issuing directions or advice would be to achieve consistency and best practice in the administration of elections in Wales. Some examples of how directions could be used include:
- Interpreting and applying guidance, such as was seen in response to the coronavirus emergency
  - Establishing a consistent date across Wales for the issue of postal ballot papers
  - Production of standard templates, e.g. notice of election, notice of poll.
- 9.16 The Commission will nominate one of its Commissioners (who must be a former returning officer or ERO), to act as Chair of the EMB and one further Commissioner to be a member of the EMB. Further membership will consist of at least four current or former Returning Officers and/or Electoral Registration Officers, who will not be Commissioners of the

Commission. The EMB will appoint one of those members as Deputy Chair. This covers the core members who would make decisions, such as on the issuing of directions. As with the WECB currently, there would also be a wider membership of advisors and experts, such as other electoral administrators, the Electoral Commission, and the Association of Electoral Administrators Wales.

## **Costs and benefits**

### **Option 1 - Maintaining the status quo with the Wales Electoral Co-ordination Board retaining its current role.**

#### **Costs**

9.17 Although no funding is currently provided to support the running of the WECB, as mentioned above, even if funding is provided, it is unlikely that the Electoral Commission will be able to continue to provide facilitation. This is due to a potential conflict of interest between its role as an advisor to the WECB and as facilitating the WECB. We anticipate annual costs of around £70,000 per year, starting in 2024-25 to fund another organisation to facilitate the WECB.

#### **Benefits**

9.18 This option maintains the status quo and we have identified no additional benefits associated with it.

### **Option 2 – Establishing an electoral management board as a statutory board of the Commission/**

#### **Costs**

##### **Costs to the Commission**

9.19 We would expect transitional costs for the Commission during 2024-25 for recruitment of new staff and training in electoral law and administration, in the region of £30,000.

9.20 We would also anticipate annual running costs for the Commission of approximately £130,000, starting in 2024-25. This is based on the cost of running the EMB in Scotland, which includes staff time and running costs for Edinburgh Council to host the EMB. We are working with the Commission to consider general staffing needs for the range of new functions and expanded role for the Commission, from these provisions, the voter information portal and the conferring of the functions of the Independent Remuneration Panel for Wales. At present, we expect at least one dedicated officer to oversee the EMB, likely at Grade 7 or SEO level as well as a proportion of FTE time of a number of other staff.

9.21 We would also expect costs for the Commission to obtain external legal advice on electoral law of approximately £10,000 in a pre-election year and £2,500 in other years (5 days FTE during each financial year, rising to 20 days in each year before an election).

9.22 This estimate is based on external legal advice provided for the Welsh Government for electoral policy work in 2020-21, the estimated daily cost of £500 has been rounded and includes an uplift to take in account ONS data which shows median gross earnings in Wales increased by 10.5% between 2020 and 2022.

Table 9.1 – EMB legal advice costs

<b>External legal costs</b>	<b>Daily cost (based on a 7.5 hour day)</b>	<b>Days</b>	<b>Total</b>
<b>In a year before an election</b>	£500	20	£10,000
<b>In a year which does not precede an election</b>	£500	5	£2,500

9.23 More accurate costs will be known as staffing structures of the Commission are finalised.

9.24 These costs have been attributed to the Commission for the purposes of the RIA, however, the expectation is that they would ultimately be met by the Welsh Government.

9.25 There would be further specific costs associated with the delivery of a voter information platform (which it is intended the EMB would deliver) and those are set out in the voter information platform section of this RIA.

#### Welsh Government Staff costs

9.26 A Welsh Government staff cost of £20,600 per annum for project management and implementation of the EMB has been estimated for the years 2024-25 and 2025-26. The costs presented below will be met from within existing resources and therefore represent opportunity costs rather than an additional financial outlay to the Welsh Government.

Table 9.2. – WG staff costs for management of the EMB

<b>Grade</b>	<b>FTE</b>	<b>Average Band cost (including on costs)</b>	<b>Total annual cost (rounded to nearest £100)</b>
Grade 7	0.1	£86,731	£8,700
SEO	0.1	£66,364	£6,600
HEO	0.1	£52,774	£5,300
<b>Total</b>			<b>£20,600</b>

## Cost savings for the Welsh Government

9.27 Under this option the approximate £70,000 per annum costs the Welsh Government is expected to incur for facilitating the WECB (identified under Option 1) would be needed for transitional arrangements in 2024-25 but would not be needed after that. As such, there would be cost savings of £70,000 per year from 2025-26.

## **Benefits**

9.28 An EMB with statutory functions around co-ordination of electoral activity and a power of direction over Returning Officers and Electoral Registration Officers will help ensure a consistent, all-Wales approach to administration for Welsh elections. This option would provide sustainability as part of a public body with existing infrastructure and funding arrangements. This would provide an EMB capable of continuing and building on the work currently undertaken by the WECB.

9.29 There is an alignment between the EMB function and the wider purpose of the Commission in terms of supporting democratic participation. One of the benefits of this option is that it will provide the necessary independence from the Welsh Government. The Commission was established to operate as an independent Welsh Government sponsored body. Its Commissioners are appointed through a rigorous public appointments process which follow the Code of Practice for Public Appointments. Establishing the Board to sit within an independent arms-length body such as the Commission will only strengthen the Board's independence from political interests.

9.30 As there will be a legal requirement for the Commission to support the EMB, it secures the long-term sustainability of the EMB.

9.31 As part of the Commission, the EMB would be able to recover costs, procure services and enter into contracts. The planned expansion of the Commission for other functions means the timing of the establishment of the EMB in legislation represents good value for money in terms of adding functions to an existing body.

9.32 We believe the Commission has a range of expertise relevant to the proposed functions of the EMB. This is demonstrated, for example, by its knowledge of the Welsh electoral landscape, and its already established relationships and engagement processes with local authority electoral management teams. It also has a range of other expertise relevant to the EMB functions, such as communications and engagement.



## **Preferred option**

9.33 The preferred option is Option 2 – Establishing an electoral management board as a statutory board of the Commission – for the reasons set out above.

## **Chapter 2 – Electoral registration without application**

9.34 Two options have been considered in developing this policy:

- Business as usual; and
- Introduce the registration of electors without application (automatic registration) for local government electors in Wales.

9.35 A non-legislative option is not possible in this case, as all arrangements for the registration of electors are set out clearly in primary and secondary legislation.

### **Option 1: business as usual**

9.36 This option would continue the current practice of Individual Electoral Registration (IER) whereby each elector is required to take part in the annual canvass in order to be registered to vote.

### **Option 2: the registration of electors without application (automatic registration)**

9.37 This option would provide for registration of local government electors without application where the electoral registration officer is satisfied that they have reliable information that an individual is eligible for registration.

9.38 Whilst voters would be added to the register of local government electors without having to make an application, they will, having been identified, be contacted by the electoral registration officer to inform them of their proposed registration. This would provide the elector, in certain limited situations, to be 'anonymously registered' (a category available to someone where disclosure of their address might endanger them or others in their household).

9.39 To ensure the data of automatically registered electors is used in the most appropriate way, the bill will make provision to ensure the open electoral register will no longer be available for the local government register prior to the roll out of automatic registration. This means that only the full, or closed, register will be made available to those granted access via legislation.

9.40 Given that the move to automatic registration for Welsh elections would be a significant change to the administration of elections in Wales, the Welsh Government has established a working group with local authorities and other key electoral stakeholders to develop a pilot scheme ahead of the secondary legislation to fully implement automatic registration. The working group will develop a small number of pilots to be delivered across supporting local authorities in Wales following Royal Assent of this Bill. The purpose of this pilot scheme is to develop a suite of deliverable pilots, with a clear understanding of costs and resource implications. While the pilots developed as part of this scheme will focus on ensuring the

accuracy of the register, it will also consider the best possible means of engaging with the elector as well as understanding the full financial implications of all pilots.

9.41 As the pilot models are developed, the Working Group will establish the full financial implications of each model before roll-out. The Welsh Government will meet the costs of these pilots and will publish the full financial implications ahead of the roll-out of the scheme.

9.42 If a decision is taken to proceed with automatic registration, a full costs analysis will accompany the necessary secondary legislation that will be required ahead of the full roll out, this will provide the most up-to-date financial implications based on the model that will be implemented across all local authorities in Wales.

### **Costs and benefits**

#### **Option 1: Business as usual Costs**

##### Costs to local government and Welsh Government

9.43 Option 1 would introduce no additional costs.

#### **Benefits**

##### Benefits to local government and Welsh Government

9.44 This option would deliver a benefit to voters due to a reduced complexity in the system. If automatic registration is introduced, some voters will still need to register to vote on an annual basis through the Individual Electoral Registration system. This will apply to those voters eligible to be on both the local government and parliamentary electoral registers.

#### **Option 2: The registration of electors without application (automatic registration)**

#### **Costs**

##### Costs to the Welsh Government

9.45 The costs to Welsh Government will centre on the changes required to the Electoral Management Systems (EMS). Detailed discussions will need to take place between EMS providers, local authorities and Welsh Government to ascertain a reasonable estimate for these costs. However, in 2020-21 around £1.6million was paid to EMS providers to support the required changes to systems following the extension of the franchise. This figure is provided for illustrative purposes only, the actual costs are unknown at this stage and cannot be estimated due to the specialist nature of this work and commercial sensitivity.

9.46 Costs will continue to be calculated during the piloting period as the final model of automatic registration is developed and before a decision is taken as to any final model for automatic registration ahead of any roll out across Wales. These costs will be one-off costs as the Welsh Government will meet the initial costs of changes to EMS systems resulting from this policy.

9.47 There will be no costs to the Welsh Government of removing the open register in relation to Wales.

Table 9.3 - Welsh Government staff costs (opportunity costs) of producing regulations during 2025-26

Staff costs	Annual salary plus on costs (£)	Daily cost (rounded) (£)	Days required	Total (rounded) (£)
Deputy Director	120,174	462	1	462
Grade 7	86,731	334	5	1,670
SEO	66,364	255	10	2,550
HEO	52,774	203	5	1,015
Lawyer (Grade 7)	86,731	334	10	3,340
Translation (SEO)	66,364	255	2	510
			<b>Total</b>	<b>9,500</b>

Table 9.4 - Welsh Government staff opportunity costs for running working group to develop pilots (incurred in 2024-25)

Staff costs	Annual salary plus on costs (£)	FTE		Total (rounded) (£)
Grade 7	86,731	0.1		8,673
SEO	66,364	0.05		3,318
			<b>Total</b>	<b>12,000</b>

#### Costs to local government

9.48 At the moment we have identified two areas of additional costs to local government, however this may change following the piloting period. The point at which these costs will be incurred is uncertain since it will depend on the outcome of the pilot exercises, however, for the purposes of the RIA, it is assumed the costs will be incurred from 2026-27 onwards.

9.49 Given the requirement for additional data mining to be undertaken by each local authority we are currently estimating that this would require an additional officer working full time for 3 days per week in the first two years of implementation and 2 days per week after that.

9.50 As set out in the table below, costs in 2026-27 and 2027-28 are estimated to be £495,900. For subsequent years, we have estimated these costs at around £330,600 per annum. This would equate to around £15,000 per authority based on a spine point 21 salary of the national Local Government pay agreement (2022-23) where a full-time officer worked 2 days a week specifically on the data mining work. This additional cost would be a long-term cost for the local authority as it is likely the additional data mining functions would be required ahead of the production of the electoral register on an annual basis.

Table 9.5 – Local authority costs for data mining

Year	Days p/w	Annual cost per local authority	Total annual cost (rounded)
2026-27 and 2027-28	3	£22,542	£495,900
Following years	2	£15,028	£330,600

9.51 Additionally, there will be an added cost to local authorities in making contact with electors to give provide them with a notice of registration. We propose to allow flexibility to local authorities to use the most appropriate methods of communication (in line with the current canvass regulations) however, we have estimated costs for a letter to be sent to each elector directly.

9.52 These figures have been calculated based on the average cost of sending an Invitation to Register (ITR) to electors in July 2022 along with the numbers of people registered within each local authority.

9.53 We currently estimate that to send a paper letter to each elector in Wales will cost around £1.5million each year. The cost per authority will vary between £30,000 and £150,000 depending on the size of the authority and electorate.

9.54 There will be capacity for savings to be made if electors are contacted via email or other electronic communication methods.

9.55 These costs will be additional to the cost of the annual canvass, as these two systems for registering will need to run concurrently and will require the local authority to make contact with potential electors twice. While there are cost saving opportunities it is likely that the additional cost will be long term given the additional duty placed on each authority.

9.56 Local authorities will lose a modest amount of income from the removal of the open register in relation to Welsh elections. While this cost has not been calculated and is therefore unknown, anecdotal evidence suggests it will be in the hundreds of pounds on an annual basis. However, the open register will still be in place for the parliamentary register and income will continue to be generated from this.

## **Benefits**

### Benefits to local government

9.57 The registration of electors without application would help increase the completion of the register of local government electors. Piloting this activity ahead of full roll out will allow for the most suitable and effective model to be introduced on a Wales wide basis. This approach will ensure that electors are given the best possible opportunity for being placed on the local government electoral register (which is also used for Senedd elections) without application.

### Benefits to other people

9.58 Whilst this would be beneficial for all electors, it is expected to be of particular benefit in respect of 'attainers' (14 and 15 year olds who would become eligible to vote in the next two years), where data could be provided to the electoral registration officer by schools and educational services. The Electoral Commission have welcomed the ambition to modernise electoral registration and support plans to explore how automatic registration could improve the completeness of the local government register. This is particularly true for young people and other under-registered groups. For qualifying foreign citizens, it would mean that they did not have to register to vote in order to participate in the elections for which they are eligible to vote. Overall automatic registration will help simplify the relationship between the elector and democratic services.

9.59 The removal of the open register in Wales will be of primary benefit to young people and those considered vulnerable. The current open register is sold to a number of organisations that are willing to pay for access to electors' data. If a young or vulnerable person's data is sold via the open register it is possible they may be targeted by organisations that could do them harm. Removing the open register in relation to Welsh elections will mean that those people automatically registered, or those young people and qualifying foreign citizens not eligible to vote in reserved elections will not have their details sold on to third parties. Electoral data will continue to be supplied via the closed register to those organisations that are allowed access by law.

9.60 The open register would still be in place in Wales for the parliamentary register, but this would only apply for those people 18 years of age and over, and those that had made an application to register to vote via IER.

## **Preferred Option**

9.61 Option 1 would maintain the status quo.

9.62 Option 2 would allow for the individuals to be included on the electoral register without application by promoting data-sharing between local authorities and other organisation that hold relevant data. This would also

remove the requirement for individuals to verify their data by IER where automatic registration and data matching has taken place in relation to the local government register. Option 2 is the preferred option.

## **Chapter 3 - Welsh Elections Piloting and Reform**

### **Background**

9.63 In July 2021 we invited all local authorities in Wales to submit proposals to pilot different ways of voting, which resulted in four authorities piloting advance voting at the local government elections in May 2022. This has provided useful evidence about how electoral innovations work in practice, as well as identifying areas which would need to be addressed before consideration could be given to any further rollout of advance voting. We are likely to want to test further innovations in electoral administration to respond to lifestyle changes and emerging technologies and will use the evidence provided by the advance voting pilots, the Electoral Commission's report and responses from the consultation to consider what innovations should be piloted in the future.

### **Options**

9.64 During the consultation on electoral reform, respondents put forward a number of suggestions for areas where electoral pilots should take place in the future. To allow for the range of suggested pilots to take place in the future we are proposing to broaden current piloting powers to provide for the framework that would allow piloted activity across a number of areas. We are also including a power of direction for Welsh Ministers which would enable them to compel a local authority to pilot electoral innovations.

**Option 1 – Business as usual - Welsh Ministers could continue to approve proposals from local authorities to pilot electoral innovations in specified areas but would not be able to direct them.**

**Option 2 – Introduce legislation to expand electoral piloting powers for Welsh elections and to enable Welsh Ministers to compel a local authority to pilot electoral innovations.**

### **Costs and benefits**

#### Option 1 – Business as usual

#### **Costs**

9.65 Powers exist within current primary legislation to allow for the piloting of electoral activity in very specific areas. Any cost of delivering pilots for future elections would depend on the nature and scale of the pilots and the number of local authorities that brought forward pilot proposals which were approved by Welsh Ministers. For comparison, the cost of the four pilots delivered in May 2022 was around £1.5m.



## Benefits

9.66 Piloting different types of innovations could provide valuable evidence to inform future electoral reform, however this benefit would be limited by the number of local authorities bringing forward proposals.

Option 2 – Introduce legislation to expand existing electoral piloting powers and enable Welsh Ministers to compel a local authority to pilot electoral innovations.

## Costs

9.67 Costs would likely be higher than Option 1, but would depend on the amount, nature and scale of pilots undertaken. The number and nature of electoral pilots is unknown at this stage. In planning for future electoral pilots Welsh Ministers will need to give consideration to proposals in line with their usual budgetary processes. Any electoral pilot costs will need to be met by the Elections budget and will need to be considered in line with other government priorities.

### Costs of pilots delivered in May 2022

9.68 The table below sets out the total costs of the four pilot schemes, broken down into the main categories of spend, as provided to Welsh Government by the pilot authorities. The data represents the costs they have incurred directly (such as in relation to some of the IT provision) or have provided to local authorities to fund aspects of the pilots. This gives an indication of potential costs of delivering future pilots of a similar scale and level of complexity.

Table 9.6 – Costs of electoral pilots in 2022

Type of spend	Cost
Staffing	£54,046
Equipment	£25,297
Building hire, transport and storage	£13,600
Communications	£56,970
EMS	£268,000
Electronic Registers*	£1,093,890
Total	£1,511,803

\* This includes the costs incurred directly by local authorities for ongoing use of software licences plus the additional cost borne directly by Welsh Government for pilot-specific activities.

9.69 There could be small additional costs for the Electoral Commission for evaluating future pilots. As noted above it is not possible to calculate those costs at this stage.

## **Benefits**

9.70 The main benefit of this option would be the ability to allow proposals for a wider range of electoral pilots to take place, these pilots could be proposed by the Electoral Commission, local authorities, electoral registration officers or Welsh Ministers. It would also provide the ability for the Welsh Government to direct local authorities to undertake pilots, helping to ensure suitable types of innovations could be piloted in a varied mix of local authority areas. This could provide valuable evidence to inform future electoral reform, with the purpose of reducing the democratic deficit and improving the running of Welsh elections.

9.71 There could potentially be a benefit to voters in piloting new innovative and flexible approaches, which could lead to changes to make elections more accessible and easier for participation. For example, some disabled people's organisations have suggested that flexible arrangements, such as being able to vote in different locations, could support disabled people in being able to vote.

## **Preferred option**

9.72. For the reasons set out above, the preferred option is Option 2 – Introduce legislation to expand existing electoral piloting powers and enable Welsh Ministers to compel a local authority to pilot electoral innovations.

## **Chapter 4 - Accessibility and diversity: Welsh elections**

### **Reports on assistance for disabled voters**

- 9.73 We have considered what measures can be put in place to remove barriers that disabled voters can face when exercising their democratic right to cast their vote independently and in secret.
- 9.74 We want to ensure the physical environment in which voting takes place is accessible for all voters, and we will work with the Electoral Commission, electoral administrators and other stakeholders to consider whether changes can be made to guidance and training for polling station staff to better support disabled people.
- 9.75 There is a need to consider legislative changes as a package to reflect the electoral law framework in Wales, where the rules for the conduct of Senedd and Local Government elections are set out in the following secondary legislation:
- Rule 32(6) and (8) of the Local Elections (Principal Areas) (Wales) Rules 2021 and the Local Elections (Communities) (Wales) Rules 2021 in relation to local elections.
  - Rule 37(7) and (8)-(10) the National Assembly for Wales (Representation of the People) Order 2007 in relation to Senedd Elections.
- 9.76 We have considered the equipment made available to disabled voters at polling stations during Welsh elections following the Elections Act 2022. The Act amended Schedule 1 of the Representation of the People Act 1983, which previously required Returning Officers at reserved elections to provide each polling station with a device for voters with sight loss. It replaced it with a new broader requirement to provide such equipment as is reasonable for the purposes of enabling or making it easier for disabled people to vote independently. The related provisions for Wales are contained in the above orders.
- 9.77 We consulted in our White Paper to establish views as to whether we should introduce legislation mirroring the provisions in the Elections Act 2022 with regard to the equipment to be made available to disabled voters at polling stations during Welsh elections, or whether we should take a different approach. The consultation included questions on improving the accessibility of Welsh elections for disabled voters. We have taken on board the responses received to this consultation in development of the legislative proposals.
- 9.78 We considered whether changes are required to electoral legislation to ensure Welsh elections can be administered in a manner that is accessible for all, while also safeguarding the integrity of the elections. Our ongoing conversations with stakeholders and other governments in

the UK have identified innovations which could be used to help disabled people vote whilst also protecting their right to cast their vote in secret.

9.79 In taking account of the legislative framework described above we have also considered how provision could be made in Welsh legislation, to:

- require the Electoral Commission to issue guidance to returning officers in Wales, setting out how returning officers should fulfil their duty to provide such equipment as is reasonable for the purposes of enabling or making it easier for disabled people in general to vote independently and subject to the identified needs of disabled voters in their area.
- Place a duty on returning officers to have regard for that Electoral Commission guidance.
- Make it easier for disabled people to be supported by companions for Senedd elections by changing the criteria to a person over the age of 16, as long as they have not previously assisted more than one voter with disabilities to vote at the election. This mirrors the approach taken for local elections.

9.80 The intention is to achieve the above through amendments to the existing framework of election rules in Wales which are set out in secondary legislation. These will be introduced separately to the Bill.

9.81 To support the above, this Bill will amend PPERA 2000 to add a further duty on the Electoral Commission to include, in the reports it prepares about Welsh elections in Wales, a description of the steps taken by returning officers to assist disabled voters.

9.82 For the purposes of this RIA, we have sought to assess the costs and benefits of this whole package of measures.

### **Option 1: Business as Usual**

9.83 The related legislation with regards to Welsh elections in Wales remains unchanged.

### **Option 2 (preferred option):**

9.84 Legislative changes are made through the Bill and relevant subordinate legislation (as above). This will include provision via the Bill to make amendments to Section 5 of PPERA 'reports on elections referendums etc'. The amendment would expand the existing requirements on the Electoral Commission to prepare and publish a report under that section, to include the steps taken by returning officers to assist disabled persons to vote at the election. This will mirror similar provisions introduced for most reserved elections in the Elections Act 2022.

## Costs

**Option 1** - No monetised costs are associated with option 1.

## Option 2

### Costs for the Electoral Commission

9.85 Costs of the Bill: Costs to the Electoral Commission for the requirement to assess steps taken by returning officers to assist disabled voters, within its election reports, would be low and would form part of normal post-poll activity. These costs are included within the overall costs for the EC set out on page 147.

9.86 Costs of secondary legislation: There would be additional costs for producing guidance to returning officers on assisting disabled voters at elections. It is likely that this would be similar to guidance already produced for reserved elections, therefore costs would likely be low. These costs have not been quantified but will be assessed fully when secondary legislation is developed.

### Costs for local government

9.87 As set out in the Elections Act 2022 Impact Assessment, there are no direct monetised costs relating to changes to the Electoral rules set out above. Whilst ROs are likely to buy new equipment to aid voters in polling stations, there is a lack of data to indicate what equipment they may purchase, or the quantity. Like the 2022 Act, the package of legislative changes gives ROs greater flexibility to purchase equipment to aid voters as is required. Therefore, the equipment purchased to enable disabled people to cast their vote independently and in secret is likely to vary across polling stations so that ROs can tailor the equipment purchased to the needs of their specific electorate. There is also no data to indicate how much increases in accessibility are worth so these costs are not able to be monetised.

9.88 However, the UK Government has made additional funding available<sup>12</sup> with regards to the related provisions introduced for reserved elections through the 2022 Act. We anticipate that there will be similar expectation of the Welsh Government to also make funding available and this was raised during the consultation.

9.89 It is not possible to use the UK Government's funding formula for reserved elections in Wales as a clear guide to illustrate the comparative projected cost for each local authority in Wales. The UK Government table illustrates UK Government determined costs in relation to Voter ID

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<sup>12</sup> [Elections Act New Burdens funding methodology: voter identification and accessibility - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/elections-act-2022-impact-assessment)

and accessibility costs as a whole.<sup>13</sup> We also note that any comparisons made would need to be adjusted to reflect up to date demand.

9.90 The guidance produced by the Electoral Commission in respect of reserved elections does not specify the purchase of specific costly equipment (beyond those already required). However, in exercising the proposed duties for ROs to support disabled people, there may be additional costs. An advantage of the proposed approach is that equipment already purchased for reserved elections could potentially be used to support disabled voters in Welsh elections and vice versa.

9.91 The below figures from the UK Government’s Elections Act New Burdens Methodology provides an illustrative cost of different types of equipment. As stated above, cost will be assessed when introducing the relevant subordinate legislation.

Table 9.9 – Costs of assistive equipment for voting

<b>Equipment to be made available in all polling stations for UK elections (estimated costs per unit)</b>	<b>Estimated cost per unit</b>
Pack of large pencils	£4.77
Pack of pencil grips	£4.75
‘Here to help’ badges for staff	£0.14
Magnifiers	£3.19
Chairs	£20.46
Equipment which should be considered:	
Accessible Audio device*	£54.99
Headset*	£14.40
USB sticks*	£3.58
USB duplicator	£641.80
Text to voice software subscription (estimate)	£3.04

\* For reserved elections it was estimated that 20% of polling stations in the UK would require this equipment<sup>14</sup>

#### Costs for Welsh Government

9.92 Costs arising from secondary legislation: It is anticipated that the Welsh Government will provide funding to local authorities for any additional burdens arising from these requirements. As highlighted above these costs will be determined when the secondary legislation is made. This would not cover the entirety of local government expenditure on

<sup>13</sup> [New Burdens Funding Allocations 22/23 and 23/24: voter ID, accessibility, training & contact centre costs \(England and Wales\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

<sup>14</sup> [Elections Act New Burdens funding methodology: voter identification and accessibility - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

accessibility measures for elections, some of which would be business as usual.

9.93 We would not expect any additional costs to the Welsh Government for making secondary legislation as it was already due to be reviewed as part of business-as-usual activity.

9.94 We would expect to meet any costs of measures taken forward within existing budgets. The availability and nature of funding from 2025-26 onwards will need to be considered as part of our future budget planning.

## **Benefits**

9.95 The principal benefit is ensuring the appropriate support is in place to enable disabled people to vote independently and in secret, by removing the barriers which might currently prevent them from being able to do so. This is in line with the Welsh Government's use of the social model of disability which tells us that individuals may have an impairment or difference, but it is society that disables them by the obstacles we put in their way. Using the Social Model requires that barriers are removed so that disabled people are able to participate fully.

9.96 The changes to secondary legislation mentioned would ensure that people with a wider range of impairments are supported in polling stations, improving accessibility in voting. The legislative steps also allow for a greater degree of flexibility in not specifying equipment and measures, ensuring the changes will cover emerging improved technology. Legislating for the Electoral Commission to provide guidance will ensure that the guidance can be consulted upon and updated as necessary.

9.97 The duty on the Electoral Commission in the Bill to report on the steps taken by returning officers to assist disabled voters would ensure returning officers are accountable.

9.98 There is also a potential indirect benefit to businesses supplying returning officers with the new equipment.

## **Preferred option**

9.99 For the reasons set out above, Option 2 is the preferred option

## **Candidate Survey: Local government Elections**

### **Background**

- 9.100 The membership of Welsh local authorities does not currently reflect the communities it serves. The Welsh Government has introduced a number of initiatives to encourage people from underrepresented groups to consider standing for election. The candidate survey is intended to help build a picture of the characteristics of those standing for and being elected to local authorities and help develop policy in this area.
- 9.101 Part 1 of the Local Government (Wales) Measure 2011 introduced a duty on local authorities to monitor the equality and diversity of candidates in ordinary elections to principal and town and community councils. Section 1(1) and (2) requires a local authority to conduct a survey of councillors and unsuccessful candidates at ordinary elections to a county or county borough and to a town and community council.
- 9.102 Section 1 (3)(a) and (b) provide that the questions asked, the manner in which they are asked and how the information is collated is as prescribed in regulations.
- 9.103 Section 1(4) sets out the fields of questions which may be asked in the survey. The fields are - gender, sexual orientation, language, race, age, disability, religion or belief, health, education or qualification, employment and work as a councillor.
- 9.104 The questions and form of the survey are prescribed in the Local Election Survey (Wales) Regulations 2012 (“the 2012 Regulations”). These were amended by the Local Election Survey (Wales) (Amendment) Regulations 2016 and more recently The Local Election Survey (Wales) (Amendment) Regulations 2022.
- 9.105 This is an important survey, but often it competes for attention with other surveys from local authorities and the Electoral Commission, which taken together can be a source of survey fatigue. One way of reducing the number of surveys is to approach the candidate survey in two parts, specifying a core set of questions and enabling local authorities to add a limited number of questions in respect of local matters.
- 9.106 The Welsh Ministers want to retain an all-Wales approach to the survey but propose to remove the requirement for the survey to be prescribed within the regulations. This would allow greater flexibility for the survey to be taken forward on a national basis, with core questions for all local authorities and the flexibility for local questions to be asked.



## **Options**

9.107 Two options have been considered:

Option 1 – Business as usual

Option 2 – Remove the need to prescribe the form and questions of the survey within regulations.

### **Option 1 – Business as usual**

9.108 Option 1 would introduce no change. The form and questions for the review would continue to be prescribed through regulations, with new regulations required for any change in questions and form for each ordinary election.

## **Costs**

9.109 Option 1 would introduce no additional costs

## **Benefits**

9.110 Option 1 would introduce no additional benefits

### **Option 2 - Remove the need to prescribe the form and questions of the survey within regulations and replace with a direction.**

9.111 Option 2 would remove the requirement for the form of the survey and the questions to be prescribed in regulations and as a result the need to make new regulations in advance of each ordinary election, which has been the experience to date. The form of the survey would instead be set out in a direction.

9.112 A process involving co-operation between principal councils, community and town councils, the Electoral Commission, Welsh Local Government Association, One Voice Wales and equality groups would be established in advance of each ordinary election to consider the form of the survey and the questions to be asked. A similar process of co-operation would also take place with Option 1, so this would not present any additional costs. Ministers would be able to amend / add / remove questions before final approval of the survey.

## **Costs**

### Costs to Welsh Government

9.113 There would be no additional costs to Welsh Government as the practice in recent years has already been to establish a group of partners to discuss changes to the survey and for Ministers to consider the proposed questions in advance of making new regulations. There will be

opportunity cost savings as a result of not needing to make regulations, in 2026-27 and 2031-32.

Table 9.10 - Opportunity cost savings associated with not having to make regulations

Staff costs	Annual salary plus on costs (£)	Daily cost (rounded) (£)	Days required	Total (rounded) (£)
Deputy Director	120,174	462	1	462
Grade 7	86,731	334	5	1,670
SEO	66,364	255	10	2,550
HEO	52,774	203	5	1,015
Lawyer (Grade 7)	86,731	334	10	3,340
Translation (SEO)	66,364	255	2	510
			<b>Total</b>	<b>9,500</b>

### Costs to local government

9.114 This option would introduce no additional costs as the duty placed on local authorities to conduct a survey will remain. While each local authority is free to conduct its own survey, for the last two surveys the Welsh Ministers have agreed to fund Data Cymru directly to undertake the survey on behalf of all local authorities. A similar option is expected to be available in the future. Providing local government with the option to add questions to the survey in connection with local initiatives taken forward in their areas does not entail any direct costs as it provides the individual organisations to use its discretion when considering whether or not to make use of this option. Any costs to an individual authority of adding a limited number of questions to the survey is considered to be minimal and is likely to be absorbed with the broader exercise.

### **Benefits**

9.115 Option 2 will provide flexibility for both national and local questions to be asked within a single survey and potentially reduce the number of surveys issued to candidates to complete. It is hoped that this will increase the response rate and as a result provide a greater level of information about candidates to assess whether both national and local initiatives to encourage people from underrepresented groups to consider standing for election is having an impact. The information captured will also help inform future policy in this area.

### **Preferred Option**

9.116 Option 1 maintains the status quo, will continue to require new regulations to be made in advance of each ordinary election without allowing for flexibility for local questions.

9.117 Option 2 would remove the requirement for new regulations to be made in advance of each ordinary election and would allow flexibility to have national core questions and local questions. Option 2 is the preferred option.

## **Welsh elections information platform**

### **Background**

9.118 We have considered what measures can be put in place to:

- ensure voters have access to the information they need to confidently take part in elections,
- how this information is best presented and by whom.

9.119 We know from research and stakeholder engagement that a lack of information is a barrier to participating in elections and the democratic process more generally. Feedback from the white paper reinforced the view that candidate statements will be used and valued by voters, but that there isn't currently a securely funded, reliable electronic platform to deliver this policy. Consultation responses suggested that the actual delivery of the platform would appropriately sit with an organisation external from the Welsh Government and the proposed EMB is the preferred host.

### **Options**

#### **Option 1 – Business as usual**

9.120 For some elections, provision is made for the distribution of hard-copy election material to be sent to voters.

- For Senedd elections, the Welsh Government pays for each candidate to send one piece of election material to each registered elector in their constituency. For the 2021 Senedd election, cost of this exercise was around £6.6 million, subject to audit.
- For principal council elections in Wales, the cost of distributing election material to electors falls directly to political parties.
- For Combined Authority mayoral elections in England, there is provision for an election booklet to be posted to all electors (Schedule 5 of The Combined Authorities (Mayoral Elections) Order 2017). Candidates can have their statement in this booklet only after paying a 'reasonable sum' towards the costs of printing it, as determined by the returning officer.

9.121 Ahead of the Senedd and PCC elections in May 2021, the Electoral Commission produced and distributed a voter information booklet that was distributed to electors across Wales. The cost of this was £250,000.

## **Option 2 – Legislate to provide for a Welsh elections information platform**

9.122 Placing a duty on Welsh Ministers to make regulations to deliver a Welsh elections information platform to support Welsh citizens to take part in democracy. The platform will centralise and simplify the provision of voter information for Welsh elections, providing an online platform to accommodate information about candidates and registered political parties including candidate statements, and support the principles of electoral reform promoting participation, improving the citizen experience, accessibility, and simplicity. Details of the platform will be set out in secondary legislation which will include who will carry out this function. The intention is that the Electoral Management Board will be charged with delivering this duty. Regulations will set out in detail what they will be required to deliver.

### **Costs and benefits**

#### Option 1 – Business as usual

##### **Costs**

9.123 Senedd election accounts for 2021 show that the cost to provide voter information to every elector within the existing provisions cost around £6.6 million, subject to audit. This cost falls to the Welsh Government.

##### **Benefits**

9.124 The current system does provide for some election related material to be sent to electors ahead of Senedd elections.

#### Option 2 – Legislate to provide for a Welsh elections information platform

##### **Costs**

9.125 Since hard-copy election material will still be sent to electors ahead of elections, the costs identified under Option 1 will continue to be incurred in this option. The estimated additional cost of this option is based on information gathered during a pre-market engagement exercise with potential suppliers.

9.126 Costs are likely to fall into the following categories:

- a) Capacity/resource within the EMB. An exercise will need to be carried out to identify the appropriate capacity within the EMB to manage the work related to the information platform. However, we believe resourcing within the Commission would need to accommodate a contract/content manager (SEO FTE at £66,364 annual average gross cost), and business analyst (G7 FTE at £86,731 annual average gross cost). It is anticipated that these staff would also provide procurement support. It is likely the resource employed by the

EMB will be utilised for work in addition to the voter information platform. This would balance against other staff capacity needed to deliver the platform, such as administration and communications.

b) Cost of third-party service provider to design and build the voter information platform. Cost will vary depending on platform design but based on pre-market engagement exercise we estimate an initial set up cost of £750,000 to £1m, this cost will be incurred in 2025-26. There will be an annual cost of £80,000 to £110,000 for maintenance and development starting in 2026-27. For the purposes of the RIA, we have taken a conservative approach and assumed costs will be at the upper end of these ranges.

9.127 The costs in the table below are best estimates relating to the development and maintenance of a minimum viable product – i.e. the development of a platform to host candidate statements. Additional functionality will need to be separately costed and will likely fall into Y2/Y3 spending. All costs are revenue costs.

Table 9.7 – Cost of Voter Information Platform

<b>Activity</b>	<b>Y1 (2025-26)</b>	<b>Y2 (part of sponsorship of new LDBCW) (2026-27)</b>	<b>Y3 (part of sponsorship of new LDBCW) (2027-28 onwards)</b>
Resource within EMB	£153,095	£153,095	£153,095
Third party service provider	£750,000 to £1million	£80,000 to £110,000	£80,000 to £110,000
<b>TOTAL*</b>	<b>£1,153,095</b>	<b>£263,095</b>	<b>£263,095</b>

\*highest estimate

9.128 There are additional costs which could be incurred as the platform develops and looks to incorporate routinely published data that is currently held on EMS. Getting EMS software to talk to the platform so that it can aggregate data across Wales to present to voters is likely to require the building of APIs (Application Programme Interface) – these will provide a bridge between the EMS and the voter information platform. It is almost impossible to know the cost of API development as this will depend on several factors (e.g. complexity). It is not possible to calculate these costs.

9.129 However, in 2020-21 around £1.6million was paid to EMS providers to support the required changes to systems following the extension of the franchise. This figure is provided for illustrative purposes only, the actual costs are unknown at this stage and cannot be estimated due to the specialist nature of this work and commercial sensitivity.

9.130 There will be Welsh Government staff costs (opportunity costs) during 2024-25 for making Regulations to set out the detail of what is required for the platform, shown in the table below.

**Table 9.8. - Welsh Government staff costs of producing regulations in 2024-25**

Staff costs	Annual salary plus on costs (£)	Daily cost (rounded) (£)	Days required	Total (rounded) (£)
Deputy Director	120,174	462	1	462
Grade 7	86,731	334	5	1,670
SEO	66,364	255	10	2,550
HEO	52,774	203	5	1,015
Lawyer (Grade 7)	86,731	334	10	3,340
Translation (SEO)	66,364	255	2	510
			<b>Total</b>	<b>9,500</b>

## **Benefits**

9.131 A number of benefits could be realised if we legislate to provide a Welsh elections information platform.

9.132 Current legislation provides that at Senedd elections each candidate is able to send one piece of hard copy mail to each household or each elector in Wales. The Welsh Government provides funding for this through the Consolidated Fund as part of the costs of running Senedd elections in Wales. This does not apply for local government elections in Wales.

9.133 The Welsh Elections Information Platform will provide additional information for those electors at Senedd elections, allowing them to access information digitally and not just in hard copy print. This will help to improve engagement in elections by recognising that different groups access information through different means. For local government elections, the Welsh Elections Information Platform will provide a free platform to candidates to communicate with the electorate digitally. Hard copy communication will continue to follow the current regime where candidates and parties are free to communicate with the electorate but they must providing the funding for this themselves.

9.134 The provision of a platform similar to the model used in PCC elections will provide a single point of entry for electors wishing to better understand who is standing for election in their constituency. This offers benefits over the existing system which allows for candidates to send one piece of election material to each registered elector for a number of reasons, for example:

- Election material is often inaccessible by people with a visual impairment. An electronic platform will allow for accessibility using screen readers etc.
- Election material can be thrown away by the person in the household who typically sorts the post and could therefore be unavailable to other electors in the household.

9.135 An information platform could provide an opportunity for electors to find information that not only relates to candidates standing, but also information on casting their vote, the electoral system being used etc. This could help address any knowledge gap. Different groups in society choose and prefer to access information via different means. By providing an online voter information platform in addition to the current hard-copy election material, it is possible that engagement in elections could be improved.

9.136 election teams who answer frequently asked questions multiple times in the period building up to an election.

#### **Preferred option**

9.137 For the reasons set out above, the preferred option is Option 2 – Legislate to provide for a Welsh elections information platform.

### **Services to promote diversity in persons seeking elected office**

#### **Background**

9.138 Creating a more equal Wales, where everyone has the opportunity to participate, reach their full potential and is able to contribute fully to the economy, will enable Wales to be more prosperous and innovative. The Welsh Government is committed to increasing diversity across all aspects of public life. This includes tackling the barriers which prevent individuals' active participation in local democracy through standing for elected office.

9.139 Disabled people are likely to face greater costs when seeking elected office due to their impairments. A pilot Access to Elected Office fund was established to provide additional support to disabled people to seek elected office. The pilot fund supported individuals seeking election in the May 2021 Senedd elections and the May 2022 local government elections. Because of changes made to the rules about spending limits for candidates, the funding provided through the pilot did not count towards the candidates' spending limits. As part of the approach a number of Access to Politics events were hosted to provide awareness about the support available and the timescales for applications.

9.140 The pilot fund which was delivered by Disability Wales and financed by the Welsh Government paid for practical support to allow disabled

people to fully participate in the political process. The pilot attracted 21 applicants, with six elected to community councils.

- 9.141 An independent [Review of the Access to Elected Office Fund Wales Pilot](#) has been concluded and published. The report concludes the arrangements put in place were welcomed and valued by candidates and that there is clear support for the fund to be continued. As with any pilot there are lessons to learn. In this case key points included the limited amount of time the fund was available to candidates, the need for greater clarity about what support is available, and the need for greater awareness and promotion of the fund.
- 9.142 Our Programme for Government includes a commitment to extend the Fund to support for candidates from other underrepresented groups and socio-economic circumstances. Feedback from our research and engagement with stakeholders suggest a fund on its own may not deliver the desired outcome of increasing the diversity of candidates standing in devolved Welsh elections as other barriers to participation exist such as lack of knowledge and training.
- 9.143 On this basis the Bill includes a duty on the Welsh Ministers to put arrangements in place to promote diversity in the protected characteristics and socio-economic circumstances of persons seeking elected office. Schemes / initiatives put in place under this provision would be able to target support or services to a specific group of people or a number of groups.
- 9.144 The financial assistance for disabled candidates would be a mandatory scheme under this broader umbrella duty. It is intended that financial assistance for disabled candidates will be available for all Welsh ordinary and by elections, with detailed arrangements to be set out in regulations. The detailed arrangements to be developed in conjunction with stakeholders and interested parties. Schemes of financial assistance could also be put in place for groups with the other protected characteristics specified in the Bill.

## **Options**

Option 1 – Business as usual. There is no legal requirement for a fund to be established and maintained to support underrepresented groups. Whether or not there is a fund in the future would be left to individual ministers to decide, creating uncertainty within underrepresented communities about whether support will be available when needed.

Option 2 – Legislate to place a duty on the Welsh Ministers to put arrangements in place to promote diversity in the protected characteristics and socio-economic circumstances of persons seeking elected office. Welsh Ministers would be required under this broad duty to establish and maintain a scheme of financial assistance for disabled candidates seeking elected office.



## Costs

9.145 Option 1 – The budget allocated for the operation and management of the pilot fund, which included Senedd, principal, and community and town councils was:

- 2020-2021 - Preparation for fund - £50,000  
- Management and allocation - £30,000
- 2021-2022 - Management and allocation - £86,000
- 2022-2023 - Wind up and review of fund - £20,000

9.146 It was not possible to determine how much funding would be required for third party recipient awards as this would depend on the number of applicants and the level of support required by each individual. An initial £120,000 was set aside for this purpose, which in the case of the local government pilot was in excess of what was required.

9.147 In respect of establishing a non-legislative future fund, which could support the individuals protected from all underrepresented groups, costs would be expected to be at least at the level of those indicated above but would depend on the detailed arrangements to support each underrepresented group. It is not possible to define costs at this stage, as they would be developed in collaboration with partners and interested parties.

## Benefits

9.148 Option 1 would allow work to be continued in terms of establishing approaches to support individuals from underrepresented groups to stand for election in future local government elections. However, this would not be put on a legislative footing, individuals would not have assurance that assistance would be available for future elections. This uncertainty could impact on the numbers of candidates coming forward from under-represented groups.

9.149 Option 2 - to place a duty on the Welsh Ministers to put arrangements in place to promote diversity in the protected characteristics and socio-economic circumstances of persons seeking elected office. Welsh Ministers would be required under this broad duty to establish and maintain a financial assistance scheme for disabled candidates seeking elected office.

9.150 This option would place a duty on the Welsh Ministers to put arrangements in place to promote diversity in the protected characteristics and socio-economic circumstances of persons seeking elected office. Under this duty the Welsh Ministers would be required to establish and maintain a financial assistance scheme for disabled candidates seeking elected office with details to be set out in regulations. The Welsh Ministers would also have the power to make further

regulations to support arrangements for candidates with other protected characteristics based on the particular needs of those groups. The arrangements would be developed in collaboration with partners and interested parties and would provide assurance to individuals that support would be available to assist them to stand for election. This would shift the debate to focus on detailed interventions.

## Costs

9.151 There are no costs introduced through a power to require Welsh Ministers to establish and maintain a scheme of financial assistance for candidates with other protected characteristics. Any costs would arise from the arrangements put in place through regulations to support specific underrepresented groups. As such, the costs are unknown at this stage. A Regulatory Impact Assessment will be published alongside any Regulations, this will set out the anticipated costs and benefits of the proposed legislative changes. However, as an example, the costs and comments set out for Option 1 are likely to be similar to establishing arrangements to support disabled people to stand for election, as one strand of any new arrangements. Costs associated with other schemes / initiatives established under this duty would be considered as part of the development of arrangements. It is expected the Welsh Government will incur costs preparing regulations in 2025-26 to give full effect to the operation of the financial assistance scheme for disabled candidates.

Table 9.11 - Welsh Government staff costs of producing regulations relating to the financial assistance scheme for disabled candidates

Staff costs	Annual salary plus on costs (£)	Daily cost (rounded) (£)	Days required	Total (rounded) (£)
Deputy Director	120,174	462	1	462
Grade 7	86,731	334	5	1,670
SEO	66,364	255	10	2,550
HEO	52,774	203	5	1,015
Lawyer (Grade 7)	86,731	334	10	3,340
Translation (SEO)	66,364	255	2	510
			<b>Total</b>	<b>9,500</b>

## Benefits

9.152 This option will provide a firm legal foundation upon which to build a series of arrangements to support underrepresented people to stand for election. As with costs, the benefits of any future arrangements will be set out when regulations are made. Feedback from the evaluation of the Pilot Fund for Disabled Candidates has reported that a number of individuals would not have been able to stand for election without the option of accessing the fund and benefitting from the resources available through it. The broader duty is expected to provide a range of support for other individuals by removing barriers for other under-represented

groups enabling a more diverse group of individuals to participate fully in democracy by standing for election.

### **Preferred option**

9.153 Option 1 while enabling work to continue to identify support arrangements, it will not provide the assurance individuals need that support will be available when needed.

9.154 Option 2 provides the comfort and certainty arrangements will be in place to support, individuals, that it will be codified and partners and interested parties will be part of the development of future arrangements. Option 2 is the preferred option.

### **Guidance for political parties to promote diversity in persons seeking elected office**

#### **Background**

9.155 A number of recommendations have been made in recent years on increasing the diversity of the Senedd as part of wider work on Senedd Reform. A Senedd [Special Purpose Committee](#) (SPC) was established in October 2021 with a remit to consider the conclusions previously reached by the Committee on Senedd Electoral Reform and to make recommendations for policy instructions for a Welsh Government Bill on Senedd Reform.

9.156 The SPC made recommendations that information on the diversity of Senedd candidates should be made public and that political parties should be encouraged to publish diversity and inclusion strategies.

9.157 The Welsh Ministers have committed to taking forward these recommendations as part of the broader Senedd reform programme.

#### **Options**

9.158 Two options have been considered:

Option 1 - Business as usual, which would mean no legislative requirement on the Welsh Ministers to issue guidance and no public commitment to encourage and support political parties to take steps towards increasing diversity and inclusion in elected office.

Option 2 - Legislate to place a duty on the Welsh Ministers to issue guidance to encourage political parties to publish diversity information and diversity and inclusion strategies, and for this guidance to be reviewed periodically.

#### **Option 1 – Business as usual**

9.159 Option 1 would introduce no change. There would be no legal requirement for the Welsh Ministers to issue guidance to encourage political parties to publish diversity information and diversity and inclusion strategies. Political parties would not be able to draw on any standard guidance or templates for surveying their Senedd candidates and developing their diversity and inclusion strategies, and for key stakeholders (particularly those representing groups with particular characteristics who face barriers to representation) there would be no clear commitment from the Government to take action in this area.

### **Costs**

9.160 Option 1 would introduce no additional costs.

### **Benefits**

9.161 Option 1 would introduce no benefits compared to the current situation.

### **Option 2 – Legislate to place a duty on the Welsh Ministers to issue guidance for political parties.**

9.162 Option 2 would place a duty on the Welsh Ministers to issue guidance to encourage political parties to publish diversity information and diversity and inclusion strategies.

9.163 This would involve the development and publication of guidance documents and stakeholder engagement, including possible public consultation. It would also require Welsh Ministers to review the guidance on an ongoing basis.

### **Costs**

#### Welsh Government staff costs

9.164 There would be some administration costs for the Welsh Government in producing the guidance, this cost is estimated to be £100,500. This has been included as part of the £900k Welsh Government staff costs for Senedd reform in the RIA for the Senedd Cymru (Members and Elections) Bill and therefore has not been included in total costs for this Bill.. An allocation of £900k has been made for 2024-2025 to undertake implementation work arising out of the recommendations of the Special Purpose Committee on Senedd Reform which reported in 2022. As the work involved in implementing Option 2 would fall in the 2024-2025 financial year, the costs would be met from within the £900k. Ongoing work to review the guidance would be considered business as usual for the Welsh Government and costs have not been included.

## Costs for political parties

9.165 This guidance will be voluntary for political parties and each political party's starting point will be different. The costs and savings would not be possible to quantify as the extent to which political parties may respond to the guidance and the degree to which the guidance will necessitate internal organisational changes or additional measures and resources within parties could vary extensively between parties. The costs and savings to political parties (if any) are therefore unknown at this stage.

### **Benefits**

9.166 This option will help political parties to promote diversity in persons seeking elected office. It will provide clarity to political parties on what action they may take to collect, collate, and publish diversity information. It will also inform political parties how they could use this information to inform their diversity and inclusion strategies going forward.

9.167 If political parties choose to follow the guidance, it should help remove the barriers to participation in elections for people with protected characteristics and other individuals in particular circumstances. It will improve understanding of the current state of play in terms of the diversity of candidates, who are the pipeline for elected representatives.

### **Preferred option**

9.168 For the reasons set out above, the preferred option is Option 2 – legislate to place a duty on the Welsh Ministers to issue guidance to political parties.

## **Chapter 5 - Campaign Finance**

### **Background**

9.169 The existing regulatory framework governing the spending and funding (political finance) of candidates, political parties and third-party campaigners and other campaigners is contained within the RPA 1983 and PPERA. Part 4 of the UK Elections Act 2022 expanded and strengthened the law about political finance by:

- clarifying the rules on notional spending;
- strengthening the rules so that third-party spending is restricted to UK based entities and eligible overseas electors only during election campaigns; and
- increasing transparency around third-party campaigning.

9.170 It also made provision for changes to the registration of political parties and prohibits dual registration to prevent parties and campaigners from unfairly expanding their spending limits.

9.171 Registration of political parties is a reserved responsibility and so those changes applied to all elections. The provisions relating to notional spending, and those strengthening the rules around third-party spending apply only to reserved elections. As a result, in future there will be a difference in the political finance rules as they apply to reserved and Welsh elections in Wales. This has the potential to create voter confusion and administrative complexity for the electoral community.

## **Options**

**Option 1:** Business as Usual - This option would maintain the current arrangements for political finance with regard to Welsh elections.

**Option 2:** Introduce legislation to replicate the provisions in Part 4 of the Elections Act 2022 in respect of Welsh elections, specifically notional expenditure, allowing authorised persons to make payments on behalf of a candidate or campaign, non-party campaigning and expand the Electoral Commission's ability to prepare codes of practice in connection with these matters.

Option 1: Business as usual

## **Costs**

9.172 This is the baseline option and, as such, there are no additional costs associated with it. However, changes made in the Elections Act 2022 mean maintaining the status quo for Welsh elections will likely increase costs for candidates, political parties, and non-party campaigners as they will need to comply with two different political finance systems, adding cost and further complexity.

## **Benefits**

9.173 There are no benefits to maintaining the status quo. Candidates, political parties and non-party campaigners will already need to adjust to the changes included in campaign financing which arise from the Elections Act 2022. Campaigners would have to plan and account for their spending differently for Welsh and reserved elections, even if they had undertaken the same kind of activity across both.

Option 2: Introduce legislation to replicate the provisions in Part 4 of the Elections Act 2022 in relation to Welsh elections.

## **Costs**

9.174 The two legislative vehicles which will need to be utilised to fully introduce these changes are the Elections and Elected Bodies (Wales)

Bill and legislation to replace the National Assembly (Representation of the People) Order 2007, which contains detailed provision for Senedd elections. Costs for those provisions in the Bill only are included here. A separate analysis on the costs of the provisions that will need to be included in legislation replacing the National Assembly (Representation of the People) Order 2007 will be submitted when that legislation is laid before the Senedd. Provisions included in the Bill are:

- clarification of the law in relation to local government elections so candidates and agents will be liable for notional expenditure in for local elections only when that expenditure is directed or authorised by them. Specify that registered parties and third parties are liable for notional expenditure during regulated periods of Senedd elections only when that expenditure is directed or authorised by them;
- restrict which third parties can incur expenditure over a £700 de minimis threshold during regulated periods of standalone Senedd elections;
- allow Welsh Ministers to amend the list of third party who can incur such expenditure during regulated periods of standalone Senedd elections on the Electoral Commission's advice;
- remove the requirement that election expenses incurred by a candidate at local elections may only be paid through the electoral agent;
- the Electoral Commission will be enabled to produce guidance for campaigners on all expenses for local elections;
- require the Electoral Commission to produce a code of practice on third party expenditure during regulated periods of standalone Senedd elections.

9.175 In relation to campaign finance, this RIA is consistent with any impacts identified in the Elections Act 2022 for a number of reasons. The changes are replicating those first introduced in the Elections Act 2022. In addition, as policing and justice are both non-devolved issues, the impact assessment for the Elections Act contains the most accurate assessments of any impact the changes may have on those areas.

#### *Notional Expenditure, Guidance and Code of Practice*

##### Costs to Electoral Commission:

9.176 The impact assessment for the Elections Act 2022 suggested that the primary cost associated with the clarification of this measure would be the cost to the EC for updating its guidance for the wider stakeholders affected by this policy, although data on the cost of amending this guidance was limited and difficult to accurately quantify. However, the work already carried out by the EC to update the guidance in respect of this change will likely be replicated for Welsh elections and should incur

minimal additional costs. These costs will form part of the overall costs for the Electoral Commission, set out on page 147.

*Restrict which third parties can incur expenditure over a £700 de minimis threshold during regulated periods of standalone Senedd elections.*

#### Cost to the Electoral Commission

9.177 Restricting third-party campaigning to UK-based entities could potentially increase the regulatory functions costs for the EC, which includes registering and advising campaigners. According to the EC, there were 11 third-party offences since April 2018, which represents around 5% of third parties that have been registered in that time.

9.178 There is limited available evidence on the number of possible third-party campaigners who are not currently registered but will be impacted by this proposal. However, it is likely that the introduction of this policy will increase the EC's need to provide advice. The impact assessment of the Elections Act 2022 suggested that, in light of the limited data on how many additional staff may be required as a result of this policy, it is not possible to accurately quantify this cost due to the limited available evidence. However, this cost is expected to form part of the overall costs for the EC, set out on page 147.

#### Costs to policing and the wider criminal justice system

9.179 Existing offences concerned with incurring third-party expenditure when it is prohibited (e.g. spending more than the registration thresholds without being registered) can be resolved by either civil or criminal means. In practice, the EC generally resolves such offences themselves and overseeing enforcement of rules against foreign spending is already required in respect of the existing third-party campaigner registration thresholds. The impact assessments for the Elections Act 2022 suggests that in respect of reserved elections any increase in these offences could increase the costs for the police, the wider justice system, where they are passed on by the EC. Also, that it would be difficult to quantify this due to the limited available evidence on spending by foreign entities. This is also true where we are replicating the provisions in the Elections and Elected Bodies (Wales) Bill.

9.180 As a proxy for giving further consideration to what the impact on policing and the wider justice system may be consideration has been given to the broad spectrum third-party spending offences committed in recent years in Wales.

9.181 There have been no prosecuted third party spending offences in Wales or allegations raised since 2017 (earliest date for published data). For this reason and in the absence of any contradictory evidence in the



Elections Act 2022 impact assessments we would anticipate there to be no or negligible impact on police and justice in Wales. Our best estimate is therefore that there is zero additional cost.

### Potential increase in fine costs for campaigners

9.182 The introduction of this lower de minimis level of spending could increase fine costs for campaigners if the number of offences increase, however data on this is limited. The levels of fines can vary, but the penalty cap for civil sanctions ranges from between £5,000 and £20,000 for some offences relating to third-party campaigner registration. All fines are based on an individual case-by-case basis, and therefore it is difficult to accurately quantify. In any case, these costs would be disregarded for the purposes of the RIA because they would only be incurred as a result of illegal activity.

### **Benefits**

9.183 Whenever there is policy alignment, we want a clear and consistent regulatory framework for both reserved and Welsh elections in Wales as far as possible. We consider that this would be beneficial for voters, candidates and campaigners. Operating two different systems in this instance would not be desirable. Therefore, where appropriate, we propose to introduce equivalent provisions in respect of Welsh elections.

9.184 Providing clarity around notional expenditure will lead to a greater understanding for all candidates, their agents, political parties and other campaigners. This will ensure that the candidates and their agents will have more confidence that they are not subject to a legal risk that they cannot control.

9.185 The legislation will increase the transparency of third-party campaigning and ensure all third-party campaigning is undertaken by those individuals and groups with legitimate interest in UK elections. There is minimal regulation to avoid excessive burdens on low spending third-party campaigners.

### **Preferred option**

9.186 For the reasons set out above, the preferred option is Option 2: Introduce legislation to replicate the provisions in Part 4 of the Elections Act 2022 in relation to Welsh elections.

## **Part 2 - Elected Bodies and their Members**

### **Chapter 1 – Arrangements for Local Government**

#### **Background**

- 9.187 Part 3 of the 2013 Act describes the types of review of local government areas and arrangements that may be conducted and details the procedure which is to be followed in conducting a review. It also deals with the manner in which any recommendations made as a result of the review are to be implemented.
- 9.188 In particular, section 29(1) and (2) of the 2013 Act requires the Commission to undertake an electoral review of each principal area's electoral arrangements at least once every ten years and to prepare and publish a programme for conducting all of those reviews.
- 9.189 Section 22 of the 2013 Act requires principal councils to monitor the community areas and their electoral arrangements in its area. In doing so the council must have regard to the 10-year programme of electoral reviews published by the Commission and any directions issued to the council by the Welsh Ministers.
- 9.190 The 2017 programme of reviews concluded in 2021 and made a number of changes to the electoral arrangements across Wales. Welsh Ministers committed to reflect on the current arrangements for reviews, listen to feedback from others and identify opportunities for improvement.
- 9.191 As a result of a series of discussions with those involved in the review process and feedback received during the review process Welsh Ministers have proposed a package of measures to build upon and strengthen the arrangements for both electoral and community reviews.
- 9.192 The proposed changes will:
- address concerns expressed about the time taken to complete reviews and make decisions about recommendations contained in review reports by specifying timescales for each of these elements.
  - expand the nature of the matters to be considered by the Commission and principal councils when developing recommendations to change the electoral arrangements for principal areas and communities. In addition, together with the existing criteria, the Commission will be required to undertake a rounded assessment of all the criteria when determining whether the number of councillors should be the same for each electoral ward in a principal council's area.
  - provide direction making powers for Welsh Ministers to pause a review. This would provide flexibility in circumstances such as those experienced in the pandemic, periods of flooding or changes to the date of an ordinary election.

- increase the transparency of the process for determining electoral ward names in Welsh and English and enable greater engagement with members of the public in the area affected by the review.
- add a number of bodies, including the WLC to the list of mandatory consultees who the Commission and principal councils are required to consult with as part of the various review processes set out in Part 3 of the 2013 Act. The addition of the WLC as a mandatory consultee will provide the WLC with the opportunity to influence all aspects of the review process including the proposed approach to the naming of electoral wards.

9.193 Welsh Ministers consider these provisions, as a package of measures, represent a significant strengthening of the arrangements placed on the Commission and principal councils requiring them to deliver effective and convenient local government.

## **Options**

9.194 For the purposes of this RIA, two options have been considered for this proposal.

Option 1 - Business as usual

Option 2 - Changes to the arrangements for electoral and community reviews

### **Option 1 Business as usual**

9.195 This option would maintain the status quo. It would mean the arrangements for electoral and community reviews would continue as currently and the concerns raised both during and at the conclusion of the 2017 programme of reviews are not addressed.

## **Costs**

Costs to Welsh Government, the Commission and local government

9.196 This option would not introduce any additional costs. However, the benefits of building on, and improving the current arrangements would not be realised. The opportunities to strengthen effective and convenient government would be missed and would result in the concerns raised as a result of the recent 2017 programme of reviews being repeated in future review programmes.

## **Benefits**

9.197 This option would not deliver any benefits.

### **Option 2 - Changes to the arrangements for electoral and community reviews**

9.198 This option would introduce a package of measures to address concerns raised by those involved in the review process and by members of the public through correspondence and petitions.

9.199 It would improve the timeliness of reviews, strengthen the consultation arrangements, provide greater clarity of purpose about aspects of the process and increase flexibility to manage the arrangements in light of prevailing circumstance such as the recent pandemic. Taken together the following measures are designed to strengthen the current arrangements.

9.200 The following changes to the 2013 Act are therefore proposed:

- Change the length of a cycle of reviews from 10 to 12 years
- Amend the period during which the Commission is not able to make or publish recommendations from nine to twelve months.
- Introduce new provision to prevent Welsh Ministers making an electoral arrangements order within the six month period preceding an ordinary local government election.
- Amend section 37 of the 2013 Act to provide an opportunity for representations to be made to Welsh Ministers rather than the Commission in respect of the final recommendations contained within a final report.
- Introduce time limits for reviews from start to submission of final recommendations so that reviews of principal area boundaries, preserved counties and electoral arrangements for a principal area should be no more than 12 months in length, the timetable for reviews of seaward boundaries should be no more than 18 months in length and community boundary reviews and electoral arrangements for communities should be no more than 24 months.
- Introduce new provision to require Welsh Ministers, to use their best endeavours, to make a decision, within three months of receiving the final report from the Commission. In the case of community reviews the Order making body is required to make a decision within three months of receipt of the final recommendations.
- Expand the number of things to be considered when developing recommendations, to include items such as the geographical size, shape and accessibility of an electoral ward and maintaining local ties. These expanded criteria to apply to community reviews as well as electoral reviews.
- Addition of powers for Welsh Ministers to direct the Commission or a principal council to pause a review.
- Strengthen the arrangements for consultation by expanding the list of mandatory consultees to include further bodies including the WLC , National Park authorities and Port Health authorities.
- Clarify the requirement for principal councils to undertake a full review of the community electoral arrangements in their area at least once in every review period.

- Require the Commission and principal councils to specify both Welsh and English ward names in the Welsh and English versions of their reports.

## Costs

### Cost to Welsh Government

9.201 The main requirements for electoral and community reviews remain as at present. The improvements contained within the proposals are not expected to add significant costs throughout the processes. However, there will be opportunity costs associated with the production of guidance to support both the Commission and principal councils. The costs associated with the production of the guidance are set out in the table below. It is expected to be incurred 2024-25.

Table 9.12 – Costs of the Production of Guidance on electoral and community reviews.

Staff costs	Annual salary plus on costs (£)	Daily cost (rounded) (£)	Days required	Total (rounded) (£)
Grade 7	86,731	334	10	3,340
EO	40,504	156	10	1,560
Lawyer (Grade 7)	86,731	334	5	1,670
Translation (SEO)	66,364	255	5	1,275
			<b>Total</b>	<b>7,800</b>

### Cost to the Commission

9.202 The main requirements for electoral and community reviews remain as at present. The improvements contained within this proposal are not expected to add significant costs throughout the process. As now costs associated with community reviews can be recouped from the appropriate principal council. However, we do anticipate additional costs for advertising to facilitate strengthening the consultation process to support these provisions. We expect this to be in the region of £3,500 to £5,500 in the years when reviews will be undertaken (2024-25, 2025-26, 2027-28 and 2030-31).

### Cost to local government

9.203 The expectation for each principal council in respect of electoral and community reviews was set out in the 2013 Act. We do not anticipate any significant additional costs for local government as a result of these proposals. However, we anticipate the requirement to produce an annual report to Council each year and the wider consultation requirements associated with the provisions, will have small additional recurrent costs. We anticipate this would amount to one day per year for an Electoral

Services Manager and two days per year for an electoral administrator for each council. This equates to an annual opportunity cost of £14,200 across Wales, starting in 2024-25 (estimated on the assumption of salary costs being equivalent to Welsh Government G7 and EO respectively). We also anticipate small transitional costs for activities such as staff training of approximately £2,000 per local authority in 2024-25, totalling £44,000.

Table 9.13 – Local government staff costs for electoral and community reviews.

Staff costs	Annual salary plus on costs (£)	Daily cost (£)	Days required	Total (£) (rounded)
Electoral Services Manager	86,731	334	22	7,348
Electoral Administrator	40,504	156	44	6,864
			<b>Total</b>	<b>14,200</b>

## **Benefits**

### Benefits to local government

9.204 The measures introduced through this proposal will allow for a greater degree of planning between the Commission and local government. This will ensure all parties are clear when each review will commence and finish and will therefore assist in the allocation and management of resources to support the reviews.

9.205 The inclusion of the provision prohibiting Welsh Ministers from making Orders during the six months prior to an ordinary election will provide assurance to principal councils that they can proceed with preparations for their elections knowing there will be no change.

9.206 The introduction of additional criteria to be considered when undertaking reviews will enable recommendations to better reflect local circumstances and improve the arrangements for effective and convenient local government.

### Benefits to others

9.207 The measures in this proposal will ensure all recommendations are consulted upon, with greater emphasis on ensuring voters are aware of and have the opportunity on recommendations about the areas in which they live.

9.208 This proposal will strengthen local democracy and accountability and is intended to generate greater trust between local government and local citizens.

## **Preferred Option**

9.209 Option 1 would maintain the status quo. The opportunities to strengthen arrangements would be lost and those who raised concerns about the current arrangements would be left feeling that their voices were not heard or acted upon.

9.210 Option 2 will strengthen the current arrangements, provide greater opportunities for planning review programmes and as a result resource allocation. It will also provide a greater focus on ensuring voters have the opportunity to be fully engaged in the process, with the confidence that they have been consulted on all recommendations. It will enable arrangements that better reflect effective and convenient local government.

9.211 Option 2 is the preferred option.

## **Reviews of seaward boundaries**

### **Background**

9.212 Section 28 of the 2013 Act makes provision for the Commission to review the seaward boundaries of local government areas (and preserved counties), while section 46 sets out the extent to which parts of the seashore and projections from the seashore (whether natural or artificial) form part of the community and county bordering on the shore.

9.213 The provisions were carried forward from the Local Government Act 1972 and were made before the advent of the possibility of developments such as tidal lagoons. It is likely that Wales could see more proposals for such developments, and it is important the legislation relating to seaward boundaries is considered in terms of its fitness for purpose to accommodate such developments, which might span the seaward boundaries of multiple local government areas or require an area's or areas' seaward boundary to be extended and then contracted to provide for construction.

9.214 The White Paper proposed a change to the provision of the 2013 Act to enable the Commission to review the undersea boundaries of more than one local authority area when it is conducting a review under section 28.

### **Options**

Option 1 – Business as usual

Option 2 – Amend the legislation to make clear that a Seaward Boundary Review may include consideration of undersea boundaries of multiple local authority areas.

### **Option 1 – Business as usual**

9.215 Option 1 proposes no change to the status quo. This option would entail no change from current arrangements and there would continue to be confusion and ambiguity about the number of local authority areas could be considered as part of a single review.

### **Costs**

#### Costs to Welsh Government, Local Government and the Commission

9.216 Option 1 would introduce no additional costs to the Welsh Government, Local Government or the Commission.

### **Benefits**

#### Benefits to Welsh Government, Local Government and the Commission

9.217 Option 1 would introduce no additional benefits. Consideration of seaward boundary reviews would continue as at present.

**Option 2 - Amend the legislation to make clear that a Seaward Boundary Review may include consideration of undersea boundaries of multiple local authority areas.**

9.218 This option would insert a new subsection (3) into section 28 of the 2013 Act, which clarifies that the Commission is able to review the seaward boundaries of more than one local authority area when it is conducting a review under section 28.

### **Costs**

#### Costs to Welsh Government, Local Government and the Commission

9.219 Option 2 would introduce no additional costs to the Welsh Government, local government or the Commission. The Commission has confirmed this reflects what already happens and that no additional costs would be incurred. In reality this change is to ensure there is a collective understanding of the scope of the provision.

### **Benefits**

#### Benefits to Welsh Government, Local Government and the Commission



9.220 This option provides clarity about the scope of seaward boundary reviews and enables reviews to consider multiple seaward boundaries where appropriate.

**Preferred Option**

9.221 Option 1 proposes no change from the status quo.

9.222 Option 2 is the preferred option because it clarifies the scope of Seaward Boundary Reviews and provides flexibility to include the seaward boundaries of more than one local authority where appropriate.

## Chapter 2 - Remuneration of Elected Members

### Background

- 9.223 The Panel is the independent body whose principal function is to make determinations on the salaries and payments principal councils, community councils, fire and rescue authorities and National Park authorities make to their elected members. Its current powers also include making recommendations on any proposed changes to the salaries of the chief executives of principal councils.
- 9.224 In 2021 an independent Ten-Year review of the Panel was undertaken to establish whether the organisation remained fit for purpose and provided good value to the public purse. One of the recommendations was to reconsider the existing arrangements for the secretariat support to the Panel and consider whether an independent Welsh body with a similar agenda could provide secretariat support rather than the Welsh Government.
- 9.225 Following consideration of independent Welsh Bodies, the commonalities, and dependencies between the work of the Panel and the Commission were highlighted, and the potential to bring together the functions of the two bodies into one body was also considered.
- 9.226 The Welsh Ministers agreed with the recommendation that secretariat support for the Panel should be provided by a body other than the Welsh Government, which would reinforce the independence of the Panel's operation.
- 9.227 The Commission is considered to have the closest fit, as it is independent, a body corporate, and has an effective internal secretariat function headed by a chief executive. The Commission draws on the same evidence base and stakeholders to undertake its work and its purpose is also rooted in promoting effective local democracy.
- 9.228 In reality there is already a symbiotic relationship between the work of the two organisations. Both agendas rely on having a real understanding and appreciation of the needs of the population, the way elected members and councils operate and the impact of these issues on elected members' workloads.
- 9.229 On this basis, as part of the White Paper consultation, the Welsh Ministers proposed the transfer of the Panel's functions to the Commission and as a result the abolition of the Panel. There was broad support for this proposal.
- 9.230 This Bill is proposed as the vehicle to enable this change. The Bill would mean the same set of Commissioners would determine the numbers of councillors across Wales, their electoral arrangements, and their remuneration.

9.231 In making these changes, the Welsh Ministers propose not to confer the Panel's functions in section 143A of the Local Government (Wales) Measure 2011 (the Measure) relating to the remuneration of principal council chief executives. This function will cease to exist. Remuneration of all officers is an integral part of the employer / employee relationship and councils themselves should be accountable to their electorate for the decisions they make in this regard.

9.232 The Bill would introduce a new function enabling the Commission to set out a scheme of resettlement payments for councillors who stand for re-election but are not returned to their seat. The Welsh Ministers would, by regulations, determine the relevant councillors eligible for the scheme.

## **Options**

9.233 Two options have been considered:

Option 1: Business as usual.

Option 2: Conferring of functions from the Panel to the Commission and the abolition of the Panel.

9.234 Option 1 would result in no change. While the Panel could proceed with a number of the non-legislative improvements proposed by the Ten year review a key recommendation, that the secretariat be provided by a body external to Welsh Government, would not be addressed.

## **Costs**

Costs to the Welsh Government, the Panel and local government

9.235 Option 1 would introduce no additional costs.

## **Benefits**

Benefits to the Welsh Government, the Panel and local government

9.236 Option 1 would introduce no additional benefits.

Option 2: Conferring of functions from the Panel to the Commission and the abolition of the Panel

9.237 Option 2 would see Part 8 of the 2011 Measure repealed. The Panel's functions (and its functions in relation to voluntary mergers and other restructuring set out in the 2021) would be incorporated into the Commission's functions and operating arrangements as currently set out in the 2013 Act.

9.238 In terms of membership, Schedule 2 to the 2011 Measure currently provides that the Panel consists of not fewer than 3, and not more than 7, members appointed by the Welsh Ministers. There are currently 5 members of the Panel, including the Chair. The Commission currently has 5 members. In line with the current guidance, members of the Commission and the Panel are remunerated at different levels. It is not intended that the Commission operate on the basis of the combined number of members i.e. 12. Given the overlap of the functions and the ability to effectively programme workloads, it is proposed the Commission operates on the basis of eight members (this is expected to rise to nine on the basis of the functions to transfer to the Commission as a result of Senedd Reform. The costs associated with this are included in the supporting documents to the Senedd Cymru (Members and Elections) Bill).

### Costs to the Welsh Government

9.239 Option 2 is not expected to introduce significant costs to the Welsh Government, there are however expected to be some costs associated with the production of guidance to support the Commission and local government. The costs associated with the production of guidance is set out in the table below. The costs are expected to be incurred during 2024-25.

Table 9.14 – Costs of producing guidance for the Commission.

Staff costs (opportunity costs)	Annual salary plus on costs (£)	Daily cost (rounded) (£)	Days required	Total (rounded) (£)
Grade 7	86,731	334	5	1,670
EO	40,504	156	10	1,560
Lawyer (Grade 7)	86,731	334	5	1,670
Translation (SEO)	66,364	255	5	1,275
			<b>Total</b>	<b>6,200</b>

9.240 There would also be some transfers of funding from the Welsh Government, which would not result in any additional costs. These are set out below under Costs to the Commission.

### Costs to the Commission

9.241 Option 2 will require the Commission to revisit its staffing structure to establish the optimum structure to deliver these functions which would be met by the Welsh Government. This is made up as follows:

9.242 It is expected the Panel's current annual running budget of £60,000 will transfer to the Commission. This budget was increased from £50,000 to £60,000 in 2023/2024 to take enable research and engagement and

preparatory work for the transfer of functions. It is anticipated, subject to the budget process this additional £10,000 would continue to be provided in 2024/2025, with the full £60,000 being consolidated into the Commission's allocation from 2025/2026. This would also cover other costs currently provided by the Welsh Government such as hosting of the Panel's website, translation and other incidental costs.

9.243 The Welsh Government will transfer a further £80,000 to the Commission, which is the cost of the current secretariat support provided by Welsh Government staff. This additional cost would be met by the Welsh Government; however, it would be offset by equivalent opportunity cost savings for the staff time currently spent on the secretariat function. Therefore, this element would be cost neutral.

9.244 The Welsh Government will continue to work with the Commission to ensure sufficient resources and capacity to meet these functions. These estimates are based on the best available information.

#### Cost to local government

9.245 Option 2 is not expected to introduce any material, recurrent additional cost to local government.

### **Benefits**

#### Benefits to the Commission and local government

9.246 Option 2 – In order to determine the appropriate arrangements and levels of remuneration for elected members, the Panel must gather evidence to understand the workload of elected members and how the nature of the workload changes depending on a range of factors. This includes the demographics of the electorate in a council area, the socio-economic circumstances of the wards and the extent to which the population is transient. The Bill will ensure more effective arrangements are in place across a range of issues including timing and duration of reviews, enabling greater joint planning of review programmes. It will enable research commissioned to consider the broader aspects of boundaries and the number of elected members and consider how different issues such as rurality and deprivation, for example, impact on the arrangements for an area.

9.247 The Commission sets the ratio of elected members to electors. It does this by attempting to ensure the ratio of elected members to electors is as near the same for all areas within a county/county borough area. It can be argued it is likely that this, essentially numerical exercise it not sufficient to reflect the differences in communities and far from considering the differences in workloads of elected members, it generalises the issues to one of numerical balance regardless of the prevailing circumstances in any or all communities. However, recent

experience from the 22 electoral reviews tells us this is far from the case and feedback from those processes was that the Commission should be building into its methodology the very same factors mentioned above in relation to the work of the Panel.

9.248 The Bill provides for a greater recognition of the factors affecting individual areas and enables the Commission and local government to work together to identify issues that need to be considered.

### **Preferred Option**

9.249 Option 1 would retain the status quo. Both organisations would continue to operate separately and miss the opportunities for a holistic approach informing more rounded policies.

9.250 Option 2 – would build on the synergies that underpin the full set of functions, capitalise on exploring dependencies between councillors, workload capacity and electoral arrangements. This will lead to more rounded policy. This is the preferred option.

## Chapter 3 - Disqualification and Undue Influence

### Disqualification

9.251 Within the White Paper, we set out proposals to disqualify town and community councillors from serving as Members of the Senedd, bringing arrangements into line with the disqualification regime for principal council members in Wales. We also asked whether the existing grace periods for Members of Senedd also serving as principal councillors should be retained. The purpose is to support fairness, equality and accountability of the Senedd and local government.

9.252 Responses to the White Paper were strongly supportive of the first proposal. On the second question, a majority supported retaining the grace period, however for some respondents that was on the condition of local and Senedd election cycles remaining the same. Also, a number of respondents raised the importance of consistency of rules across different tiers of government.

9.253 Taking account of the responses, the Welsh Government intends to take forward the following measures in the Bill:

- a) prevention of the dual membership of the Senedd and community councils (which includes town and community councils) in Wales by disqualifying community councillors in Wales from serving as Members of the Senedd, bringing the arrangements for community councillors into line with the disqualification regime for principal councillors (members of the council of a county or county borough) in Wales;
- b) the removal of the existing “grace period” for principal councillors elected to the Senedd where the expected day of the next ordinary election of members of the council is within the period of 372 days beginning with return day;
- c) the removal of the existing “grace period” for Members of the Senedd elected as principal councillors where the expected day of the next general election of Members of the Senedd is within the period of 372 days beginning with the return day; and
- d) the removal of the existing “grace period” for a Member of the Senedd returned as a Member of the House of Commons where the expected day of the next general election of Members of the Senedd is within the period of 372 days beginning with the return day.

9.254 Two options are being considered for this RIA:

Option 1 – Business as usual: The current arrangements would continue.

Option 2 – Introduce legislation to implement the changes outlined above. Provisions in the Bill would make amendments to the Government of Wales Act

2006 in order to enact the changes outlined above.

## **Costs and benefits**

### Option 1 – Business as usual

9.255 No additional costs or benefits identified.

### Option 2 – Introduce legislation to implement the changes.

## **Costs**

### Costs to the Electoral Commission

9.256 There would be a need for the Electoral Commission to update guidance in light of the new arrangements, however we anticipate this would be within business as usual activity and therefore would be cost neutral.

### Costs to local government

9.257 The changes in arrangements could potentially lead to more local government by-elections for which there would be an additional cost. It is not possible to estimate these costs, due to uncertainty around likelihood of different scenarios, however they would likely be negligible. There could potentially be vacancies in community councils, in the event the member is required to stand down if they are also elected to the Senedd. However, in practice, it is not a common occurrence for Members of the Senedd to also serve as community councillors. Based on the information publicly available in the Senedd Register of Members' Interests, it appears that one Member of the Senedd is currently also a Community Councillor. Also, community councils would likely co-opt new community councillors in such scenarios rather than holding a by-election. In the scenario where a principal councillor gives up their council seat, where, under current arrangements they would have kept two roles during the grace period, this could lead to increased costs for holding a by-election if one is required. These costs would be general costs of administering a by-election, for example costs of poll cards, polling stations, the count, etc. It is not possible to predict how often this scenario would occur, therefore we have not estimated costs for this and the costs are unknown. But we would not anticipate that this would lead to significant additional costs for local government. These changes will come into effect for the purposes of a Senedd election held on or after 5 April 2026.

## **Benefits**

9.258 The proposed changes to the current disqualification regime for local councillors in Wales would benefit local democracy in Wales by making



the election process more equitable. This would bring parity in arrangements for community councillors and principal councillors. This would address concerns that have been raised about time commitments of holding dual posts and potential conflicts of interest. This is because the Senedd has a key role in matters impacting on community councils. It is also clear that a community councillor who is also a Senedd member would have far greater access to decision making that impacts on community councils than community councillors who are not members of the Senedd.

9.259 Similar benefits would arise from removing the grace periods during which principal councillors are also able to serve as Members of the Senedd and Members of Senedd are also able to serve as principal councillors or members of the House of Commons, ensuring that the potential benefits are realised immediately, rather than after the grace period.

### Local government

9.260 There would be greater fairness between principal councils and community councils, by removing the advantage that some may have from their members being Members of the Senedd. There could potentially be cost savings in terms of councils no longer needing to remunerate councillors for the “grace period”, if they chose to give up their council seat. However, it is not possible to accurately quantify what these savings might be, and they are therefore unknown.

### **Preferred Option**

9.261 Given the benefits set out above, Option 2 is the preferred option.

### Undue influence

#### **Background**

9.262 Undue influence is the electoral offence where an individual seeks to apply pressure to force an elector to not vote or vote in a way they would not have done if pressure had not been applied.

9.263 The electoral offence of undue influence in relation to local government elections in Wales is defined in section 115 of the RPA 83 and, in relation to Senedd elections, in Article 81 of the National Assembly for Wales (Representation of the People) Order 2007. It is one of the historic electoral offences, alongside bribery and treating.

9.264 A number of reports (e.g. Electoral Commission, Parliamentary Committees) recommended the offence should be redrafted and modernised.

9.265 Work was subsequently taken forward by the UK Government to strengthen and modernise the language of the offence with amended provisions added to the Elections Act 2022. This definition currently only applies to reserved elections.

9.266 The Elections Act 2022 new definition of the offence in respect of reserved elections is particularly strengthened in regard to damage to a person's reputation and intent. The previous definition, where there was more of a focus on physical harm, did not exclude reputational damage specifically but in the new definition there is equal provision given to it.

9.267 The new definition for reserved elections is further improved by clarifying the importance of 'intent' in the commission of the offence. The phrase "for the purpose of" in new section outlining the elements of the offence, demonstrates that the intent of the person carrying out the activity is key. To be guilty of undue influence it is enough to establish an intent to unduly influence a person, even if the activity was not actually successful in this regard.

9.268 Officials have considered the strengthened language describing the offence of undue influence (now included in section 114A of RPA 83 for reserved elections) and propose extending the changes made by the Elections Act 2022 so that they apply to Welsh elections.

## **Costs and benefits**

### Option 1 – Business as usual

9.269 The existing definition of undue influence would be maintained for Welsh elections.

9.270 No monetised costs or benefits expected. In line with the approach taken by the Elections Act 2022 Impact Assessments an estimate of the current monitoring and enforcement costs of the undue influence offence has not been included as there is no data on how much is expended on this particular offence. As this option would be maintaining the status quo there would be no need for the Electoral Commission to update current guidance for electoral administrators and polling station staff or to update the Code of Conduct for campaigners.

Option 2 – Introduce legislation to strengthen and modernise the definition of the electoral offence of Undue Influence, extending the language provided by section 114A of the Representation of the People Act 1983 so that it applies to Welsh Elections.

## **Costs**

### Increased monitoring and enforcement costs

9.271 Clarifying the law on undue influence will make it clearer when the corrupt practice has occurred. The main beneficiaries of the updated legislation will be electors and police and prosecutors who are required to consider whether undue influence has been committed when an accusation is made. The clarified language of the redrafted offence will provide disincentives to those who would seek to apply undue pressure to an elector but will also ensure the offence will be more straightforward to prosecute should cases be brought forward.

9.272 The Elections Act 2022 Impact Assessments suggested any increase in cases of undue influence could translate into an increase in costs for the police, courts system and prosecutors. However, the Impact Assessments also acknowledged the number of reserved elections where such enforcement would be required would be low.

9.273 With respect to Welsh elections, there is expected to be no increase in cases or a low number of cases. Cases across the UK are already low and even less so at Welsh elections. (The table below sets out the number of cases at recent elections). Since 2013, the Electoral Commission electoral fraud data indicates that of four possible cases which could have been prosecuted, three resulted in no action and there is no data available on the fourth.

Table 9.15 – Cases of Undue Influence offences in recent elections

Year	Number of UI accusations	Election Type	Outcomes
2013	3	Local elections in Wales	No further action:2 Data unavailable:1
2021	1	Senedd election	No further action

9.274 If the clearer legislation were to result in more cases of undue influence being prosecuted that may also lead to more election petitions challenging the election results as well as successful prosecutions of instances of undue influence.

9.275 In line with the approach taken by the Elections Act 2022 Impact Assessments, these costs have not been monetised as there is no data on how much relevant bodies spend on monitoring and enforcement, relating to undue influence. Similarly, there is no data to indicate how many additional prosecutions there will be as we do not know how many allegations / election petitions would have led to further action, had the law been clearer at the time. These costs are therefore unknown at this stage.

Costs to the Electoral Commission

9.276 The Electoral Commission will need to update its guidance for electoral administrators and polling station staff, setting out what is and what is not allowed at polling stations. The Code of Conduct for campaigners on what should be considered when campaigning outside polling stations will also need to be updated. The Electoral Commission's public awareness campaigns will also need to be updated with information to electors on undue influence. However, as the Electoral Commission will already be making these changes in respect of the new description of undue influence included in the Elections Act 2022 there should be no additional costs arising as the language of the offence will be once again identical for reserved and Welsh elections.

## **Benefits**

9.277 Strengthening legislation around undue influence could reduce the incidence of elector intimidation. The improved language of the offence will enable police and prosecutors to have increased confidence in applying the clarified legislation in operational situations.

9.278 Whenever there is policy alignment, we want a clear and consistent regulatory framework for both reserved and Welsh elections in Wales as far as possible. We consider that this would be beneficial for voters, candidates and campaigners. Operating two different systems in this instance would not be desirable. Therefore, where appropriate, we propose to introduce equivalent provisions in respect of Welsh elections in Wales.

9.279 Lower incidence of undue influence and intimidation of electors may increase turnout, as people are likely to feel more comfortable to freely vote and participate in elections. Ensuring the undue influence offence properly reflects the range of activities that can be used to deter electors from voting or cause them to change their vote will provide clarity and credibility for voters in relation to Welsh elections.

## **Preferred Option**

9.280 There are no identified benefits to option 1. The preferred option is option 2 to introduce legislation to strengthen and modernise the definition of the electoral offence of Undue Influence.

## **Chapter 4 - Democracy and Boundary Commission Cymru**

### **Governance and Audit Committee**

#### **Background**

- 9.281 An audit committee provides important checks and balances to an organisation's governance arrangements. It reviews its financial affairs, risk management, internal controls and corporate governance arrangements.
- 9.282 As a result of the additional functions being conferred on the Commission, the Welsh Ministers consider it appropriate to strengthen the role of the committee both in terms of its scope and the level of independent membership on the committee.
- 9.283 The Bill amends section 17 of the 2013 Act to require the Commission to establish a governance and audit committee and to confer additional review and assessment functions on the committee in relation to the Commission's internal and external audit arrangements, handling of complaints and review of financial statements and reports.
- 9.284 It will also enable the Commission to confer further suitable functions on the committee and specifies the maximum number of members of the committee, the minimum number of lay members of the committee and requires that both the committee chair and deputy to the chair, must be lay members of the committee.
- 9.285 In taking forward the above the Bill amends the current duty to establish an audit committee to a duty to establish a governance and audit committee which reflects the above changes.

Option 1 – Business as usual - Maintain the status quo, with no changes to current governance and audit arrangements of the Commission.

#### **Costs and benefits**

9.286 We have not identified any additional costs or benefits of this option.

Option 2 – Introduce legislation to strengthen the governance and audit arrangements of the Commission. - Introduce legislation to make the changes set out above.

#### **Costs**

##### Costs to the Commission

9.287 We anticipate annual costs, starting in 2024-25, for remuneration of the Chair and Deputy Chair of the audit committee (based on 3 reading days and 3 meeting days each) of £3,000, comprised as follows:

- Chair £1,600
- Deputy Chair £1,400

9.288 It is anticipated that the governance and audit committee will continue with the arrangement of meeting 3 times a year.

### **Benefits**

9.289 This option would ensure the audit and governance arrangements of the Commission are strengthened to take account of its new functions, conferred by this Bill and the Senedd Cymru (Members and Elections) Bill. This includes an expanded scope and enhanced independence, with a requirement for the chair and deputy chair to be lay members.

### **Preferred Option**

9.290 Given the benefits set out above, option 2 is the preferred option.

### **Power to charge**

### **Background**

9.291 To further support the discharge of the Commission's new and revised functions, the Bill inserts a new section into the 2013 Act giving a power to the Commission to charge recipients for goods or services, if they agree to receive those goods or services. This would be in relation to its newly added electoral administration functions (exercisable by the Electoral Management Board) or its functions in relation to Part 3 of the 2013 Act (arrangements for local government). For example, the Boundary Commission may procure optional training sessions to the electoral community, for which it could impose a charge on attendees to recover the cost of providing the training.

Option 1 – Business as usual. This option would maintain the status quo.

### **Costs**

9.292 We have not identified any monetised costs for this option, however there could be negative impacts on the ability of the Commission to undertake its new functions.

### **Benefits**

9.293 We have not identified any benefits of this option.

Option 2 – Introduce legislation to give a power to the Commission to charge for goods or services.

## Costs

9.294 We have not identified any costs associated with this option.

## Benefits

9.295 This option would enable greater flexibility and scope in the way the Commission could carry its new functions for electoral administration added by this Bill (exercisable by the Electoral Management Board). This would also apply to the way it carries its functions in relation to arrangements for local government. An example would be the Commission procuring optional training sessions for the electoral community, for which it could impose a charge on attendees to recover the cost of providing the training.

## Preferred option

9.296 For the reasons set out above, Option 2 - Introduce legislation to give a power to the Commission to charge for goods or services – is the preferred option.

## General costs of implementation

### Welsh Government staff - estimated costs for implementation

9.297 The Bill team consisting of 4.2 FTE Welsh Government staff at varying grades (as per the table below), will continue implementation work ahead of the 2026 Senedd election and the 2027 local government elections in Wales. The cost of 4.2 FTE staff will be approximately £239,400 per annum. Costs have therefore been included for two years post anticipated Royal Assent. Any costs incurred associated with the implementation of the Bill provided by Welsh Government legal services are considered operational costs, and therefore have not been included. The costs presented below will be met from within existing resources and therefore represent opportunity costs rather than an additional financial outlay to the Welsh Government. These costs relate to general administrative costs associated with implementation of the Bill, e.g. project management and stakeholder engagement.

Table 9.16 – WG Staff costs for implementation of the Bill

Grade	FTE	Average Band cost (including on costs)	Total annual cost (rounded to nearest £100)
Deputy Director	0.2	£120,174	£24,000
Grade 7	0.8	£86,731	£69,400
SEO	0.6	£66,364	£39,800
HEO	0.6	£52,774	£31,700

EO	1	£40,504	£40,500
Team Support	1	£33,927	£34,000
<b>Total</b>			<b>£239,400</b>

### **Electoral Commission costs**

9.298 Following the revised financial estimate for 2024-25, agreed by the Llywydd's Committee there have been updated costs to the Electoral Commission resulting from the Elections and Elected Bodies (Wales) Bill.

9.299 The costs have changed since the initial RIA as a result of a legislation team being set up in Autumn 2023, which was after the initial RIAs for the Senedd Cymru (Members and Elections) Bill and the Elections and Elected Bodies Bill.

9.300 The new team within the Commission was set up to focus on responding to legislation and electoral reform across the UK. This includes the reform programmes in Wales and Scotland, potential future reforms at a UK level, and ongoing implementation of the Elections Act 2022.

9.301 The team will manage the coordination of new legislation to ensure it is workable for electoral administrators, voters, political parties, and campaigners.

9.302 It will also develop and manage delivery plans to ensure reforms can be implemented successfully and will support other teams within the Commission to work with governments and other stakeholders to identify and monitor delivery risks and issues.

9.303 The costs below are those for the team which are attributable to the Elections and Elected Bodies (Wales) Bill. The costs for the Senedd Cymru (Members and Elections) Bill and the Senedd Cymru (Electoral Candidate Lists) Bill will be covered in the RIAs for those pieces of legislation.

9.304 In addition to the costs in the table, there are costs of £2,000 incurred early in 2024-25 which are considered 'sunk costs' as they will be incurred prior to Royal Assent.

### **Estimated costs over a 10 year period**

	<b>Estimated costs (£000s)</b>							
	<b>2024/ 25</b>	<b>2025/ 26</b>	<b>2026/ 27</b>	<b>2027/ 28</b>	<b>2028/ 29</b>	<b>2029/ 30</b>	<b>2030/ 31</b>	<b>2031/32 onwards</b>
<b>Election s and Elected Bodies (Wales) Bill</b>	8	10	10	10	10	10	10	0



## Appendix A – Cost summary tables

### Table A – Costs for the Welsh Government

		2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34
		(£)	(£)	(£)	(£)	(£)	(£)	(£)	(£)	(£)	(£)
EMB	Transitional	20,600	20,600								
	Recurrent										
Automatic Registration	Transitional		9,500								
	Recurrent										
Voter Information Platform	Transitional	21,500									
	Recurrent										
Financial assistance schemes	Transitional		9,500								
	Recurrent										
Electoral arrangement reviews	Transitional	7,800									
	Recurrent										
Remuneration of elected members	Transitional	6,200									
	Recurrent										
Implementation	Transitional	239,400	239,400								
	Recurrent										
<b>Total</b>		<b>295,500</b>	<b>279,000</b>								

574,500

**Table B – Costs for the Local Democracy and Boundary Commission for Wales**

		2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)	
EMB	Transitional	30,000										
	Recurrent	132,500	140,000	140,000	132,500	132,500	140,000	132,500	140,000	132,500	140,000	
Voter Information Platform	Transitional		1,000,000									
	Recurrent		153,095	263,095	263,095	263,095	263,095	263,095	263,095	263,095	263,095	
Electoral arrangement reviews	Transitional											
	Recurrent	5,500	5,500		5,500			5,500				
Remuneration of elected members	Transitional											
	Recurrent	60,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000	
Audit committee	Transitional											
	Recurrent	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	
<b>Total</b>		<b>231,000</b>	<b>1,441,595</b>	<b>546,095</b>	<b>544,095</b>	<b>538,595</b>	<b>546,095</b>	<b>544,095</b>	<b>546,095</b>	<b>538,595</b>	<b>546,095</b>	<b>6,022,355</b>

**Table C – Costs for local authorities**

		2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)	
Automatic Registration	Transitiona l											
	Recurrent	-	-	1,995,90 0	1,995,90 0	1,830,60 0	1,830,60 0	1,830,60 0	1,830,60 0	1,830,60 0	1,830,60 0	
Electoral arrangemen t reviews	Transitiona l	44,00 0										
	Recurrent	14,20 0	14,20 0	14,200	14,200	14,200	14,200	14,200	14,200	14,200	14,200	
<b>Total</b>		<b>58,20 0</b>	<b>14,20 0</b>	<b>2,010,10 0</b>	<b>2,010,10 0</b>	<b>1,844,80 0</b>	<b>1,844,80 0</b>	<b>1,844,80 0</b>	<b>1,844,80 0</b>	<b>1,844,80 0</b>	<b>1,844,80 0</b>	<b>15,161,40 0</b>

**Table D – Costs for the Electoral Commission**

		2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)	
Implementation of the EEB Bill	Transitional	8,000	10,000	10,000	10,000	10,000	10,000	10,000	0	0	0	
	Recurrent											
<b>Total</b>		<b>8,000</b>	<b>10,000</b>	<b>10,000</b>	<b>10,000</b>	<b>10,000</b>	<b>10,000</b>	<b>10,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>68,000</b>

**Table E – Cost savings for the Welsh Government**

		2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)	
EMB	Transitional											
	Recurrent		70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	
Candidate survey	Transitional											
	Recurrent			9,500					9,500			
Remuneration of elected members	Transitional											
	Recurrent	60,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000	140,000	
<b>Total</b>		<b>60,000</b>	<b>210,000</b>	<b>219,500</b>	<b>210,000</b>	<b>210,000</b>	<b>210,000</b>	<b>210,000</b>	<b>219,500</b>	<b>210,000</b>	<b>210,000</b>	<b>1,969,000</b>

## 10. Affordability Assessment

### Approach

- 10.1 While an RIA assesses social value and therefore includes cultural, social and environmental impacts alongside economic costs and benefits, an affordability assessment is a purely financial assessment. As such, only cash costs and cash-releasing benefits are included. Any environmental, social, cultural and wider economic costs and benefits identified in an RIA would be removed from an affordability assessment.
- 10.2 The affordability assessment considers the same time period as the RIA, 2024-25 to 2033-34.
- 10.3 The RIA identified a number of opportunity costs associated with the time spent by existing members of staff on activities related to the implementation of the Bill and in relation to the development of regulations. Since these opportunity costs do not represent an additional financial outlay to the organisations concerned, they have been removed from this affordability assessment.
- 10.4 The cash costs and cash-releasing benefits in this assessment have been adjusted to reflect anticipated inflation during the appraisal period. This adjustment has been made on the basis of the GDP deflator projections included in the Office for Budget Responsibility's (OBR) Economic and Fiscal Outlook<sup>15</sup> which was published in March 2024. The OBR's projections only extended to 2028-29 and so the average of the OBR's projections have been used for the remainder of the appraisal period. Although inflation is now falling, there remains a degree of uncertainty around its future path. Welsh Government will continue to monitor the impact of inflation on the financial costs of the Bill.
- 10.5 Unless otherwise stated, all costs have been rounded to the nearest £100. Some of the totals in tables may not sum due to this rounding.

### Bodies

#### *Local Authorities*

- 10.6 There is currently a degree of uncertainty around the costs to the Local Authorities in relation to provisions around Electoral registration without application.
- 10.7 However, the current estimates on the implications of the Bill for Local Authorities will include two areas of additional costs to local government, however it is noted that this may change following the piloting period.

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<sup>15</sup> [CP 1027 – Office for Budget Responsibility – Economic and fiscal outlook – March 2024 \(obr.uk\)](#)

The point at which these costs will be incurred is uncertain since it will depend on the outcome of the pilot exercises, however, for the purposes of the RIA, it is assumed the costs will be incurred from 2026-27 onwards. There will be initial recurrent costs of £1,995,900 in 2026-27 and 2027-28, following which there will be an estimated recurrent cost of £1,830,600 per year until 2033-34. It is anticipated that the Welsh Government will provide additional funding to local authorities to cover the costs of these new burdens.

**Table 10.1 – Costs to local authorities 2024 – 2034**

	2024-25	2025-26	2026-27	2027-28	2028-29
Capital costs	-	-	-	-	-
Revenue costs	44,000	-	1,995,900	1,995,900	1,830,600
Total costs	44,000	-	1,995,900	1,995,900	1,830,600
<b>Total adjusted for inflation</b>	<b>47,200</b>	<b>-</b>	<b>2,207,400</b>	<b>2,249,300</b>	<b>2,102,200</b>

	2029-30	2030-31	2031-32	2032-33	2033-34
Capital costs	-	-	-	-	-
Revenue costs	1,830,600	1,830,600	1,830,600	1,830,600	1,830,600
Total costs	1,830,600	1,830,600	1,830,600	1,830,600	1,830,600
<b>Total adjusted for inflation</b>	<b>2,142,200</b>	<b>2,182,900</b>	<b>2,224,400</b>	<b>2,266,600</b>	<b>2,309,700</b>

### *Welsh Government*

10.8 All Welsh Government direct costs are opportunity costs and so have not been included within the assessment of affordability. There are some cost savings for the Welsh Government set out in the table below for running costs for the Wales Electoral Co-ordination Board and for the Independent Remuneration Panel for Wales. However, these savings will be transferred to the Local Democracy and Boundary Commission for Wales, which will take on responsibility for these functions.

10.9 Although costs have been attributed according to where they are first incurred in the RIA, there is an expectation that the costs will ultimately be funded by the Welsh Government. An example of this is the cost of establishing an Electoral Management Board which have been attributed to the Local Democracy and Boundary Commission for Wales in the RIA and this assessment.

Table 10.2 – Costs to Welsh Government 2024-2034

	2024-25	2025-26	2026-27	2027-28	2028-29
Capital costs	-	-	-	-	-
Revenue costs	-60,000	-130,000	-130,000	-130,000	-130,000
Total costs	-60,000	-130,000	-130,000	-130,000	-130,000
<b>Total adjusted for inflation</b>	<b>-64,400</b>	<b>-141,400</b>	<b>-143,800</b>	<b>-146,500</b>	<b>-149,300</b>

	2029-30	2030-31	2031-32	2032-33	2033-34
Capital costs	-	-	-	-	-
Revenue costs	-130,000	-130,000	-130,000	-130,000	-130,000
Total costs	-130,000	-130,000	-130,000	-130,000	-130,000
<b>Total adjusted for inflation</b>	<b>-152,100</b>	<b>-155,000</b>	<b>-158,000</b>	<b>-161,000</b>	<b>-164,000</b>

10.10 It is our assessment that, given the anticipated benefits of improved democratic engagement, these costs are affordable.

*Electoral Commission*

10.11 The costs to the Electoral Commission relating to the implementation of the legislation have been estimated at £10,000 per annum. The overall budget of the Electoral Commission for devolved activity in Wales in 2023-24 is £1,414,000.

Table 10.3 – Costs to the Electoral Commission 2024 -2034

	2024-25	2025-26	2026-27	2027-28	2028-29
Capital costs	-	-	-	-	-
Revenue costs	8,000	10,000	10,000	10,000	10,000
Total costs	8,000	10,000	10,000	10,000	10,000
<b>Total adjusted for inflation</b>	<b>8,600</b>	<b>10,900</b>	<b>11,100</b>	<b>11,300</b>	<b>11,500</b>

	2029-30	2030-31	2031-32	2032-33	2033-34
Capital costs	-	-	-	-	-
Revenue costs	10,000	10,000	-	-	-
Total costs	10,000	10,000	-	-	-
<b>Total adjusted for inflation</b>	<b>11,700</b>	<b>11,900</b>	<b>-</b>	<b>-</b>	<b>-</b>



*Local Democracy and Boundary Commission Wales*

10.12 The cost of the Bill to the Commission are set out below. As noted above, although these costs have been attributed to the Commission, the expectation is that they would ultimately be funded by the Welsh Government. The annual running costs associated with the EMB and the transfer of the Panel functions will partially be met from the transfer of the Welsh Government cost-savings identified above. The majority of the remaining costs are expected to be met from within existing resources with resulting re-prioritisation elsewhere.

10.13 As set out in the table below, the annual costs on the Commission range from £248,000 to £1,567,700 (in 2025-26). These costs represent a small proportion of the Welsh Government's annual budget (£24,138,851,000<sup>16</sup>) which is drawn from the Welsh Consolidated Fund and are therefore considered to be affordable.

**Table 10.4 – Costs to the Commission 2024 -2034**

	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>2028-29</b>
Capital costs	-	1,000,000	-	-	-
Revenue costs	231,000	441,600	546,100	544,100	538,600
Total costs	231,000	1,441,600	546,100	544,100	538,600
<b>Total adjusted for inflation</b>	<b>248,000</b>	<b>1,567,700</b>	<b>604,000</b>	<b>613,200</b>	<b>618,500</b>

	<b>2029-30</b>	<b>2030-31</b>	<b>2031-32</b>	<b>2032-33</b>	<b>2033-34</b>
Capital costs	-	-	-	-	-
Revenue costs	546,100	544,100	546,100	538,600	546,100
Total costs	546,100	544,100	546,100	538,600	546,100
<b>Total adjusted for inflation</b>	<b>639,000</b>	<b>648,800</b>	<b>663,600</b>	<b>666,900</b>	<b>689,000</b>

<sup>16</sup> [Final budget 2023 to 2024: motion \(gov.wales\)](https://gov.wales/motion)

## Overall Summary

10.14 The total costs of the Bill are included in the table below. Based on the information outlined above, it is our assessment that the Bill will be affordable over the appraisal period.

Table 10.5 – Total costs of the Bill 2024 - 2034

		2024-25	2025-26	2026-27	2027-28	2028-29
<b>Local Auth/ties</b>	Capital					
	Revenue	44,000	-	1,995,900	1,995,900	1,830,600
<b>Welsh Govt</b>	Capital					
	Revenue	60,000	-130,000	-130,000	-130,000	-130,000
<b>LDBCW</b>	Capital		1,000,000			
	Revenue	231,000	441,600	546,100	544,100	538,600
<b>Electoral Commission</b>	Capital					
	Revenue	8,000	10,000	10,000	10,000	10,000
<b>Total</b>		223,000	1,321,600	2,422,000	2,420,000	2,249,200
<b>Total adjusted for inflation</b>		239,400	1,437,200	2,678,600	2,727,300	2,583,000

		2029-30	2030-31	2031-32	2032-33	2033-34
<b>Local Auth/ties</b>	Capital					
	Revenue	1,830,600	1,830,600	1,830,600	1,830,600	1,830,600
<b>Welsh Govt</b>	Capital					
	Revenue	130,000	130,000	-130,000	-130,000	-130,000
<b>LDBCW</b>	Capital					
	Revenue	546,100	544,100	546,100	538,600	546,100
<b>Electoral Commission</b>	Capital					
	Revenue	10,000	10,000			
<b>Total</b>		2,256,700	2,254,700	2,246,700	2,239,200	2,246,700
<b>Total adjusted for inflation</b>		2,640,800	2,688,600	2,730,000	2,772,500	2,834,700

## 11. Impact Assessments

11.1 A full Integrated Impact Assessment (IIA) has been undertaken which considers the impact of the Bill's provisions on particular groups of people. Chapters 1 and 8 of the IIA were published in draft alongside the White Paper on Electoral Administration and Reform in October 2022 in which we consulted on a series of major proposals to reform and modernise elections and electoral administration in Wales. The consultation ran for 12 weeks and was also published in easy read, youth-friendly and British Sign Language versions. A summary report of that consultation was published, and the Counsel General and Minister for the Constitution confirmed his intention to legislate on electoral reform in an Oral Statement to the Senedd in May 2023.

11.2 Respondents to the consultation expressed broad support for our ambitions set out in the White Paper. We have also taken account of comments raised during the Bill's preparation and will continue to engage with stakeholders as we prepare for the implementation of our proposals.

11.3 The draft IIA has been updated following the consultation. Chapters 1 and 8 of the updated IIA are published on the Welsh Government's website and the full IIA and specific impact assessments are available on request from [Etholiadau.elections@gov.wales](mailto:Etholiadau.elections@gov.wales)

11.4 The Bill will deliver the Programme for Government commitment to reform local government elections to reduce the democratic deficit. It supports the Future Generations goal of a more equal Wales, will help make democracy and voting more accessible to all members of society and encourage active participation in democratic life in Wales. Our reforms will help people become more active, engaged citizens and in doing so can contribute to better socio-economic outcomes.

11.5 We have completed the following full specific impact assessments:

- Children's rights
- Equality
- Welsh language
- Economic / RIA
- Justice

11.6 We have also identified likely privacy and rural impacts which will be considered as we further develop policies. If necessary, the relevant impact assessments will be developed alongside the secondary legislation which flows from the Bill.

## 12. Competition Assessment

The competition filter test	
Question	Answer yes or no
<b>Q1:</b> In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
<b>Q2:</b> In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
<b>Q3:</b> In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
<b>Q4:</b> Would the costs of the regulation affect some firms substantially more than others?	No
<b>Q5:</b> Is the regulation likely to affect the market structure, changing the number or size of firms?	No
<b>Q6:</b> Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	Yes
<b>Q7:</b> Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
<b>Q8:</b> Is the sector characterised by rapid technological change?	No
<b>Q9:</b> Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

12.1 A competition assessment has been undertaken and concluded that this Bill will have no significant impacts on market competition.

12.2 Additional information to Q6: There are some potential suppliers who have existing experience in this field and offer similar but different solutions elsewhere in their business offer. These companies would likely be able to develop a product quicker, and therefore presumably at lower cost, than a supplier who didn't have similar expertise.

## 13. Post implementation review

- 13.1. The Elections and Elected Bodies (Wales) Bill provides the legislative framework to modernise electoral practice and administration for Welsh elections and deliver the Programme for Government commitment to reform local government elections to reduce the democratic deficit.
- 13.2. Our electoral reform package drives our long-term ambition to increase voter participation and ensure that every citizen is able to play their full part in our democracy. Our policies build on achievements delivered in the fifth Senedd where the franchise was extended to 16 and 17-year-olds and qualifying foreign citizens in Wales, and the work to deliver a set of electoral innovations at the local elections in May 2022 testing ways of improving participation in the electoral process.
- 13.3. The Bill will implement reforms in time for the next set of planned Welsh elections in 2026 and 2027. There were other reforms in the White Paper that will be implemented at those elections using secondary legislation (including the new Senedd Conduct Order) or administrative vehicles.
- 13.4. The Electoral Commission will continue to carry out statutory reviews 6 months after elections and we will consider the evidence from those reviews in developing our approach post-implementation.
- 13.5. For registration without application, there will be a period of developing and evaluating pilots to determine the most appropriate mechanism for implementing the provisions.
- 13.6. Our election pilot proposals have a requirement to evaluate built into the legislation and those evaluations will assist us when implementing provisions from this Bill and assessing their success prior to subsequent elections.
- 13.7. For the Commission f, there is an existing requirement to produce an annual report which must be laid before the Senedd. This would include new functions of the Commission conferred by this Bill, i.e. the EMB and the Panel.
- 13.8. For the elections information platform, there is a requirement that the body delivering that platform (anticipated to be the EMB ) must publish a report within 12 months of the poll, which is laid before the Senedd.
- 13.9. We will also aim to align with evaluation of the Senedd Cymru (Members and Elections) Bill where possible. That Bill provides that the Llywydd must table a motion as soon as practicable, and in any event within six months of the first meeting of the Senedd following the May 2026 election, which (if approved by the Senedd) would establish a

Committee to undertake a review of the operation and effect of parts of this Bill.

- 13.10 That review must cover Parts 1 and 2 of the Bill, being the provisions in respect of the Senedd and its Members, the number of Welsh Ministers, and the voting system in Senedd general elections. In addition, the motion must propose that the review also covers the extent to which the elements of a healthy democracy are present in Wales, allowing significant discretion to the Committee to determine the scope of the review. The Bill provides that the Committee must report within 12 months of the first meeting of the Senedd following the 2026 election.
- 13.11 There is an opportunity for the elements of those Committee reviews looking at a “healthy democracy” to also consider the outcomes of the Bill.
- 13.12 The Welsh Government will also consider the findings of work currently being undertaken by the Wales Centre for Public Policy - Defining, measuring, and monitoring democratic health in Wales. This will help to inform the way we evaluate the success of this Bill over the longer term.
- 13.13. We will work with stakeholders to prepare for implementation of the 2026/2027 reforms ensuring any legislative, administrative, and digital requirements are in place at least six months prior to those elections in accordance with the Gould Convention, meaning electoral law should be settled at least six months before the election that it would impact. We will seek stakeholder views and participation in planning when and how to review success.
- 13.14. For all provisions in the Bill, the Welsh Government will ensure continuous assessments of how the legislation has taken effect and influenced the policy intent. Additional powers, their costs and benefits against the baseline set out in the RIA will be monitored and Welsh Government officials will inform Ministers of progress following implementation.

# ELECTIONS AND ELECTED BODIES (WALES) BILL

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## EXPLANATORY NOTES

### INTRODUCTION

1. These Explanatory Notes are for the Elections and Elected Bodies (Wales) Bill “**(the Bill)**” as introduced to Senedd Cymru on 2 October 2023. They have been prepared by the Elections Division of the Welsh Government to assist the reader of the Bill. The Explanatory Notes should be read in conjunction with the Bill but are not part of it. They are not meant to be a comprehensive description of the Bill, and where an individual section of the Bill does not require explanation or comment, none is given.

### GENERAL OVERVIEW OF THE BILL

2. The Bill is divided into 3 Parts containing 73 sections and a Schedule of minor and consequential amendments to other legislation.

#### **Part 1 - Electoral Administration and Registration**

3. Part 1 contains provisions about electoral administration and electoral registration in respect of Senedd Cymru elections and local government elections in Wales and is divided into 5 chapters.
4. Chapter 1 is about the co-ordination of electoral administration for Senedd Cymru elections, local government elections in Wales and devolved referendums. The Chapter confers new functions on the Democracy and Boundary Commission Cymru (hereafter referred to as “**the Boundary Commission**”) and requires the Boundary Commission to establish an Electoral Management Board to discharge the functions.
5. Chapter 2 places a duty on electoral registration officers in Wales to register persons as local government electors without applications being made for registration if they are satisfied that the persons are entitled to be registered. Registration as a local government elector entitles a person to vote in Senedd Cymru elections as well as local government elections. The Chapter also provides for procedure by which electoral registration officers give people notice of their intention to register them as local government electors and it makes provision for the circumstances in which the duty to register does not apply.

6. Chapter 3 provides the Welsh Ministers with power by regulation to authorise piloting of reforms to the law relating to Senedd Cymru elections and local elections in Wales. The Chapter makes provision for public authorities with functions relating to electoral administration to make proposals to the Welsh Ministers for electoral pilots, provision for evaluation of proposals for pilots and for the evaluation of the pilots and gives the Welsh Ministers power by regulations to make permanent changes to the law following pilots.
7. Chapter 4 contains provision about accessibility and diversity matters relating to Senedd Cymru elections and local government elections in Wales. It includes provision—
  - conferring duties on the Electoral Commission to report on the administration of ordinary local government elections in Wales (the Commission is already required by section 5 of the Political Parties, Elections and Referendums Act 2000 (hereafter referred to as “PPERA”) to report on Senedd Cymru elections)) and to include in its reports on Senedd Cymru and local government elections in Wales a description of the steps taken by returning officers to provide assistance for disabled voters;
  - conferring power on the Welsh Ministers to give directions to local authorities (instead of a power to make regulations) specifying requirements regarding the survey of candidates at local government elections that local authorities are required to conduct by section 1 of the Local Government (Wales) Measure 2011;
  - requiring the Welsh Ministers by regulations to provide for the establishment and operation of a Welsh elections information platform, which is an electronic facility (such as a web-site or software application) to provide voters in Senedd Cymru and local government elections in Wales with up-to-date information relating to the elections;
  - requiring the Welsh Ministers to make arrangements for the provision of services to promote diversity among those seeking election as Members of the Senedd or as councillors in local government in Wales;
  - for financial assistance schemes to promote diversity in persons seeking elected office in Senedd Cymru or local government in Wales;
  - requiring the Welsh Ministers to issue guidance aimed at encouraging registered political parties to collect and publish diversity information about their candidates for Senedd elections and for such parties to develop and publish strategies aimed at promoting diversity amongst candidates for all Welsh elections.
8. Chapter 5 makes provision about the regulation of expenses incurred in election campaigns in Senedd Cymru elections and local government elections in Wales, including provision —



*These notes refer to the Elections and Elected Bodies (Wales) Bill which was introduced into Senedd Cymru on 02 10 2023*

- about the treatment of notional campaign expenditure (use of property etc. provided free of charge or at a discount of the market value);
- providing for a code of practice on election expenses;
- authorising payment of expenses through persons other than election agents;
- for restrictions on which third parties may incur controlled expenditure;
- for a code of practice on controlled election campaign expenditure.

## **Part 2 - Elected Bodies and their Members**

9. Part 2 of the Bill makes provision about reviews of the boundaries and electoral arrangements of local authorities, the remuneration of members of local authorities, disqualification from membership of Senedd Cymru and local authorities and the offence of undue influence. The Part is divided into 4 chapters.
10. Chapter 1 amends Part 3 of the Democracy and Boundary Commission Cymru etc. Act 2013 (hereafter referred to as “**the 2013 Act**”), which makes provision about reviews of the boundaries and electoral arrangements of the councils of counties, county boroughs and communities in Wales. The chapter –
  - changes the considerations applicable to reviews relating to counties, county boroughs and communities and the applicable review periods;
  - makes clear that a review of seaward boundaries may include more than one local government area;
  - makes changes to the requirements relating to consultation and consideration of representations on reviews;
  - makes provision for the Welsh Ministers to be able to direct the pausing of electoral reviews and sets out requirements regarding the publication of review orders and other related information.
11. Chapter 2 abolishes the Independent Remuneration Panel for Wales and confers its functions on the Boundary Commission.
12. Chapter 3 contains provisions for disqualification for being a Member of the Senedd and a community councillor, and for the offence of undue influence.
13. Chapter 4 makes changes to the 2013 Act relating to who may not be members, chief executive or assistant commissioner of the Boundary Commission. It also contains provisions for a governance and audit committee of the Boundary Commission and confers power on the Commission to charge for goods and services it provides.

### **Part 3 - General Provision**

14. Part 3 contains provisions that apply to the Bill generally, including, general interpretation provision, power for the Welsh Ministers to make consequential and transitional provision by regulations and provision about the coming into force of the Bill.

## **COMMENTARY ON SECTIONS**

### **PART 1 ELECTORAL ADMINISTRATION AND REGISTRATION**

#### **CHAPTER 1: CO-ORDINATION OF ELECTORAL ADMINISTRATION**

#### **Section 1 - Electoral Management Board of Democracy and Boundary Commission Cymru**

15. This section of the Bill inserts Part 2A into the Democracy and Boundary Commission Cymru etc. Act 2013 (“the 2013 Act”) (as renamed by the Senedd Cymru (Members and Elections) Bill), which consists of new sections 20A to 20I. This Part describes the Boundary Commission’s general function of co-ordinating the administration of Senedd and local elections in Wales, along with any devolved referendums in Wales. The Part also sets out the arrangements to establish the Board.

##### *Section 20A - Electoral administration functions*

16. Section 20A describes the Boundary Commission’s general function of co-ordinating the administration of Welsh elections and referendums in further detail. Subsections (2) and (3) confirm the function includes -
- (i) assisting returning officers, local authorities and other persons to carry out their functions in relation to Welsh elections and referendums;
  - (ii) promote best practice in Welsh elections and referendums, for example by providing information, advice or training to those involved in the administration of the elections; and
  - (iii) provide information, advice or other assistance to the Welsh Ministers about the administration of Welsh elections and referendums.

##### *Section 20B - Directions to returning officers*

17. Section 20B provides the Boundary Commission with a power to issue written directions to returning officers with regards to carrying out their functions in relation to Welsh elections and referendums. An example of directions that could be issued could be to establish a consistent date across Wales for the issue of postal ballot papers.

18. Direction issued by the Boundary Commission under this section does not have to be followed if they are inconsistent with any legal duty imposed on the officer or relate to the officer's function relating to a combined poll.

***Section 20C - Directions to electoral registration officers***

19. This section provides the Boundary Commission with a power to issue written directions to electoral registration officers with regards to carrying out their functions in relation to Welsh elections and referendums. As with directions issued to returning officers, a direction issued by the Boundary Commission under this section does not have to be followed if it is inconsistent with any legal duty imposed on the electoral registration officer.

***Section 20D - Consultation with the Electoral Commission***

20. The Electoral Commission must be consulted before any direction is given under sections 20B or 20C.

***Section 20E - Electoral Management Board***

21. Section 20E requires the Boundary Commission to establish the Electoral Management Board ("the EMB"), which will solely be responsible for carrying out the Boundary Commission's electoral administration function.
22. When undertaking its work, the EMB may also use the power of the Boundary Commission in section 12 of the 2013 Act that allows it to do things that are ancillary to the exercise of its other functions (other than borrow money, acquire property without the consent of the Welsh Ministers or form companies).

***Section 20F - Board membership***

23. Section 20F sets out who will be a member of the EMB. In summary, the EMB must consist of –
- (i) a Chair, who must be a Commissioner appointed under section 4 of the 2013 Act and have previous experience as a returning officer or electoral registration officer. The Welsh Ministers will decide on their terms and conditions;
  - (ii) one other Commissioner appointed under section 4 of the 2013 Act, whose terms and conditions will also be decided by the Welsh Ministers;
  - (iii) at least four other members, who must be current or former elections officers (as defined by section 20F(9)).
24. Subsection (4) requires the EMB to choose one of these members who are current or former elections officers to be the deputy chair of the EMB. Subsection (8) sets out the persons who must not be a member of the EMB, appointed under subsection (1)(c).

*These notes refer to the Elections and Elected Bodies (Wales) Bill which was introduced into Senedd Cymru on 02 10 2023*

### ***Section 20G - Tenure***

25. Section 20G provides that the members of the Electoral Management Board hold and vacate office in accordance with the terms and conditions of their appointment, as determined under section 20F.

### ***Section 20H - Board proceedings***

26. Section 20H enables the EMB to decide on its own procedure, including the minimum number of members who must be present to make decisions. Subsection (1) confirms that all members votes are equal to the other members, but the Chair (or their deputy in the Chair's absence) will have the deciding vote in the event of a tie. Subsection (3) also establishes the validity of the EMB's proceedings or acts if there is a defect in the EMB's membership.
27. Subsection (4) enables the Chair or deputy Chair to invite other people to the EMB's meetings to provide advice or help with the work of the Board, provided all members agree. This may include, for example, representatives of the Electoral Commission, Association of Electoral Administrators, Electoral Service Managers, representatives of the UK and/or Welsh governments. This is to ensure the EMB has sufficient flexibility to seek out the necessary expertise and assistance in the delivery of its functions. Any such attendees would not be part of the formal membership and would not be responsible for issuing the formal directions.

### ***Section 20I - Interpretation***

28. Section 20I defines certain words and terms used in Part 2A of the 2013 Act, (as inserted by section 1(2)).

## **Section 2 - Minor and consequential amendments**

29. This section introduces the minor and consequential amendments set out in Part 1 of Schedule 1 to the Bill which make changes to the 2013 Act relating to Chapter 1 of the Bill.
30. Paragraph 1(4) substitutes section 14(1) of the 2013 Act, which deals with directions given to the Boundary Commission by the Welsh Ministers, with new subsections (1A), (1B) and (1C).
31. Subsection (1A) allows the Welsh Ministers to issue directions to the Boundary Commission in relation to the Boundary Commission's functions, apart from in relation to its functions under Part 2A of the 2013 Act relating to the co-ordination of electoral administration, or its functions under Part 3A of the 2013 Act relating to Senedd constituency boundaries.

*These notes refer to the Elections and Elected Bodies (Wales) Bill which was introduced into Senedd Cymru on 02 10 2023*

32. Subsection (1B) sets out that the Boundary Commission must comply with a direction given to it by the Welsh Ministers under the 2013 Act, and subsection (1C) requires the Welsh Ministers to publish each direction they give to the Boundary Commission or a principal council under the 2013 Act (a “principal council” is the council of a county or county borough in Wales).

## **CHAPTER 2: ELECTORAL REGISTRATION WITHOUT APPLICATIONS**

### **Section 3 - Duty to register local government electors**

33. Subsection (1) omits section 18 of the Local Government and Elections (Wales) Act 2021, which contains provision regarding registration of local government electors without application that has not been brought into force.
34. Subsection (2) inserts a new section (9ZA) into the Representation of the People Act 1983 (hereafter referred to as "**the 1983 Act**"). Section 9ZA will require each electoral registration officer in Wales to add eligible electors to the local government register in Wales where the electoral registration officer is satisfied that the person is entitled to be registered. A local government register in Wales is used for elections of councillors to counties, county boroughs and communities in Wales along with elections for membership of Senedd Cymru. Electoral registration officers will need to verify the person's identity and circumstances relating to eligibility in order to be satisfied; and electoral registration officers will need notify persons they intend to register before they do so. There will be no need for the elector to make an application through the existing system if the electoral registration officer has the duty to register them.
35. Section 9ZA(3) requires electoral registration officers to notify persons they are satisfied are eligible for registration before they are registered. The notice must be in writing informing the person of –
- i. the electoral registration officer's duty to register the person after the end of the notice period;
  - ii. the exceptions to the electoral registration officer's duty to register the person;
  - iii. the elector's right to request exclusion from the edited register of local government electors (if provision is made for an edited register in regulations under section 53 of the 1983 Act);
  - iv. the elector's right to apply for anonymous registration; and
  - v. the types of election the person will and will not be entitled to vote in as a result of being registered without an application (the person would be entitled vote in Senedd Cymru elections and elections for councillors in counties, county boroughs and communities in Wales, but it would not entitle them to vote in an election for membership of

the House of Commons in the UK Parliament – an application for registration would be needed for that).

36. The notice period is 45 days (subsection (4) of section 9ZA) and this provides time for a person who receives a notice to respond to it with any concerns or objections before the electoral registration officer's duty to register takes effect at the end of the period.
37. Subsection (5) of section 9ZA requires an electoral registration officer to register the person at the end of the 45-day notice period unless –
- i. the person has notified the electoral registration officer that they do not wish to be registered (paragraph (a));
  - ii. the electoral registration officer is no longer satisfied that the person is entitled to be registered (paragraph (b)); or
  - iii. the person wishes to make an application for anonymous registration or has made one (paragraph (c)).
38. Where the person objects to their registration without application, the electoral registration officer will be required to stop the automatic registration process and instead follow the process in section 9E of the 1983 Act, which requires an electoral registration officer to invite a person to apply for registration if, in relation to an unregistered person whose name and address the electoral registration officer knows, the electoral registration officer has reason to believe that the person is entitled to be registered. Section 9ZA(6) provides the Welsh Ministers with a power to make provision in regulations about the requirements of notices to a person who the electoral registration officer is considering registering under the section, including provision about the form of the notice and how and to whom it may be provided.
39. Subsections (8) and (9) require the regulations under subsection (6) to be made by statutory instrument and subject to the negative resolution procedure in the Senedd.

#### **Section 4 - Provision connected to the duty to register eligible local government electors**

40. Subsection (3) amends section 9E of 1983 Act to make provision about the relationship between the existing duties of electoral registration officers under section 9E with respect to invitations to apply for registration and the new duty to register without application under section 9ZA inserted by section 3. The effect of the amendment to section 9E is that the electoral registration officer's duty in section 9E(1) will not apply whilst the registration process under section 9ZA is on-going.

*These notes refer to the Elections and Elected Bodies (Wales) Bill which was introduced into Senedd Cymru on 02 10 2023*

41. Subsection (4) amends section 13A of the 1983 Act, which requires electoral registration officers to issue notices about alterations to the register listed in subsection (1) of that section. The addition of a person to the register under the new section 9ZA is added to the list of alterations that trigger the duty to issue notices. Subsections (5) and (6) make related consequential amendments to sections 13AB and 13B of the 1983 Act.
42. Subsections (7) and (9) amend section 53 of, and Schedule 2 to, the 1983 Act. Section 53 of the 1983 Act confers a power on the Secretary of State to make regulations about electoral registration under that Act, and Schedule 2 to the 1983 Act specifies things that can be done in regulations under section 53. The powers of the Secretary of State under section 53 (and Schedule 2) were transferred to the Welsh Ministers by the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), so far as the powers are exercisable within the legislative competence of Senedd Cymru.
43. Subsection (9) amends Schedule 2 to the 1983 Act to specify further things that can be included in regulations under section 53 of that Act in connection with the new duty to register under section 9ZA.
44. Paragraph 1A of Schedule 2 provides for regulations to be made authorising or requiring a person to disclose information to another person for the purpose of assisting a registration officer in relation to matters specified in the paragraph. Paragraph (a) of subsection (9) amends paragraph 1A of Schedule 2, having the effect of adding assisting a registration officer to decide whether a person is eligible to be included in the register for the purpose of section 9ZA to the list of matters in respect of which regulations authorising or requiring disclosure of information can be made.
45. Paragraph (b) of subsection (9) makes clear that regulations under section 53 can make provision about the steps that a registration officer is authorised or required to take for the purpose of deciding whether a person is eligible to be included in the register for the purpose of section 9ZA.
46. Subsection (7) amends section 53 to provide that regulations made by the Welsh Ministers under paragraph 1A(1)(aa) of Schedule 2 (inserted by subsection (9)(a)) authorising or requiring a person to disclose information cannot confer functions on, or modify the functions of, reserved authorities if provision doing such a thing would require the consent or consultation of a Minister of the Crown if the provision were included in an Act of Senedd Cymru.
47. Subsection (8) amends section 56 of the 1983 Act to confer a right of appeal to the county court from decisions under section 9ZA.

48. Paragraphs (c) and (d) of subsection (9) relate to the edited, or open, electoral register. These provisions disapply the regulation making powers in paragraphs 10 and 10B of Schedule 2 of the 1983 Act meaning that Welsh Ministers are not able to make regulations allowing for the creation and supply of an edited, or open, local government electoral register in relation to Wales.

## **CHAPTER 3: WELSH ELECTIONS PILOTING AND REFORM**

### **Section 5 – Pilot regulations: powers**

49. Section 5 enables the Welsh Ministers to make regulations (“pilot regulations”) for electoral pilots to take place in connection with the following matters, which are set out in subsection (3):
- i. registration of electors for Welsh elections, which in practice means the registration of electors on the local government register. These pilots will not however, be able to impact a person’s fundamental right to vote and cannot change the franchise;
  - ii. when, where and how voting takes place which could include, but is not limited to, advanced voting arrangements, alternative polling stations, voting electronically etc.;
  - iii. how votes are counted, which could include electronic counting; and
  - iv. communication with voters about Welsh elections.
  - v. processes and procedures before, on or after polling in a Welsh election
50. A “Welsh election” is defined by subsection (8) as Senedd, principal councils or town and community council elections (“local government elections”). In addition, pilots will also be capable of being run at local government by-elections. These provisions do not apply to UK Parliamentary or Police and Crime Commissioner elections taking place in Wales.
51. Section 5(4) also allows pilots to be run in connection with the changes that sections 3 and 4 make to the 1983 Act in connection with registering as an elector without application. The Welsh Ministers do not need the consent of a principal council to run these pilots, nor do they have to submit a proposal to the Boundary Commission.
52. Pilot regulations may create, remove or modify criminal offences, but must not create or modify an offence that is, or becomes, punishable with a term of imprisonment which exceed one year (where the conviction is on indictment), or “the applicable limit”, on summary conviction. The “applicable limit” on summary conviction means the maximum term of imprisonment that a magistrates’ court can impose in respect of a summary offence (i.e. an offence that can only be tried in a magistrates’ court) or an either way offence (i.e. an offence that can be tried on the magistrates court or the Crown Court). The



applicable limit is defined by section 224(1A) of the Sentencing Code (provided for by the Sentencing Act 2020) and is currently as 6 months imprisonment for a summary offence and 6 months for an either way offence. The reference to the Code “as it has effect from time to time” allows for the possibility that either of these limits may change in future. The limits may be amended by the Secretary of State through regulations made under paragraph 14A of Schedule 23 to the Sentencing Code.

### **Section 6 – Pilot regulations: requirements**

53. Section 6 sets out the requirements placed on Welsh Ministers when making pilot regulations. Subsection (1) requires pilot regulations to describe the objective of the pilot and specify the date by which the Electoral Commission must prepare its report on the operation of the pilot regulation (see section 18(1)).
54. Subsection (2) prohibits the Welsh Ministers from making pilot regulations which apply to a principal council unless that principal council has consented to the pilot, or the Welsh Ministers have had regard to any recommendations made by the Boundary Commission. However, this prohibition does not apply to any pilot regulations made in the 12 months following the Bill receiving Royal Assent where the regulations are for the purpose of testing the arrangements relating to electoral registration without application.

### **Section 7 – Pilot regulations: procedure**

55. Generally, when pilot regulations are made, they will be subject to the negative resolution procedure in the Senedd. However, pilot regulations that trial the system provided for by section 3; which are made without the consent of the principal council that will implement the pilot; or which include provision which creates or widens of the scope of a criminal offence, will be subject to the Senedd’s affirmative resolution procedure. Welsh Ministers will also be required to lay a statement before the Senedd explaining why they are proposing to pilot such activity without the consent of the necessary principal council.

### **Section 8 – Proposals for pilots made by the Welsh Ministers**

56. Section 8 sets out the procedure that must be followed by the Welsh Ministers when they propose a pilot scheme. Subsection (1) requires the Welsh Ministers to consult on their proposal for a pilot scheme with the returning officers for the areas in which the proposal would apply. They must then submit the proposal to the Boundary Commission for consideration. The Boundary Commission’s function of considering electoral pilot proposals, and all other functions in relation to electoral pilots, will be discharged by its EMB in accordance with section 20E of the 2013 Act (as inserted by section 1 of this Bill). Before making any pilot regulations the Welsh Ministers must have regard to the report on the proposal prepared by the EMB.

## **Section 9 – Proposals for pilots made by principal councils**

57. Section 9 enables principal councils to propose a pilot scheme. Principal councils are limited to making pilot proposals in connection with activities to be trialled at ordinary local government elections and local government by-elections. Subsection (2) requires the council to first consult the Welsh Ministers on its proposal before submitting it to the EMB for consideration. Before requesting that the Welsh Ministers make pilot regulations on the basis of their proposal, the council must have regard to the report prepared by the EMB, and the report must be submitted to the Welsh Ministers along with the request that pilot regulations be made.

## **Section 10 – Proposals for pilots made jointly by the Electoral Commission and principal councils**

58. Section 10 enables the Electoral Commission to make joint proposals with principal councils in respect of activities to be trialled at ordinary local government elections and local government by-elections. These proposals will be subject to the same procedural requirements as proposals made by principal councils.

## **Section 11 – Proposals for pilots made by electoral registration officers**

59. In accordance with section 11, electoral registration officers are enabled to make proposals for pilots. This power is however, limited to the piloting of activities relating to the registration of electors. The process that the registration officers are required to follow is the same as that to be followed by principal councils.

## **Section 12 – Joint proposals for pilots**

60. Section 12 enables a principal council, the Electoral Commission and an electoral registration officer to jointly propose a pilot to the Welsh Ministers. If the Electoral Commission is making the proposal it must do so jointly with one or more principal councils but may also make the proposal jointly with an electoral registration officer.

## **Section 13 – Electoral Commission recommendations**

61. Section 13 enables the Electoral Commission to recommend proposals for a pilot to a principal council or an electoral registration officer.

## **Section 14 – Evaluation of pilot proposals**

62. Section 14 sets out what the Boundary Commission is required to do when evaluating pilot proposals and in preparing their report. The Boundary Commission must look at the objectives of the pilot and its desirability, that is to say, whether the pilot could be of benefit to the voter or electoral administrators. It is also required to consider the likely costs and feasibility

of the proposed pilot. The Welsh Ministers are able to make regulations under subsection (3) setting out any specific criteria that they believe is relevant in evaluating the pilot proposals, and the Boundary Commission must have regard to such factors when assessing the proposal and preparing its report. Anyone submitting a pilot proposal to the Boundary Commission must provide any additional information requested by the Boundary Commission that will allow the proposal to be fully considered and the report to be prepared accurately. The Boundary Commission is required to send a copy of the report they produce to whomever submitted the proposal no later than 6 weeks after the proposal was submitted.

### **Section 15 – Welsh election pilot forums**

63. Section 15 sets out the support that will be provided by the Boundary Commission to the bodies participating in a pilot. In the first instance the Boundary Commission is required to set up a forum where issues relating to the practical delivery of the pilot can be discussed. This forum must include, but is not limited to, the returning officers for the participating principal councils as well as electoral administrators from those authorities and members of the Boundary Commission.

### **Section 16 – Guidance on pilots**

64. Section 16 requires the Boundary Commission to publish guidance on the running of a pilot which must include advice on the arrangements needed for the pilot, the staff training required, as well as how to run the pilot in accordance with the pilot regulations.

### **Section 17 – Evaluation of pilot regulations**

65. Section 17 sets out the arrangements for evaluating pilots after they have taken place. This evaluation will be undertaken by the Electoral Commission, who must evaluate the success of the pilot in meeting its objectives, and whether or not the changes made by pilot regulations should be adopted on a permanent basis. The principal council where the pilot took place must provide any assistance to the Electoral Commission while they are preparing their report, and the relevant returning officer must publish the report within one month of receiving it, unless the pilot was one falling solely within the remit of section 11, in which case the duty to publish the Boundary Commission's report lies with the electoral registration officer.

### **Section 18 – Electoral reform regulations**

66. Section 18 enables the Welsh Ministers to introduce permanent changes, similar to those trialled in a pilot scheme, by way of electoral reform regulations. Subsection (1)(b) provides that such regulations can only be made on the recommendation of the Electoral Commission. Electoral reform regulations can apply the piloted change to any, or all, Welsh elections.

67. Electoral reform regulations may create, remove or modify criminal offences, but must not create or modify an offence that is, or becomes, punishable with a term of imprisonment which exceed one year (where the conviction is on indictment), or “the applicable limit”, on summary conviction. The “applicable limit” on summary conviction means the maximum term of imprisonment that a magistrates’ court can impose in respect of a summary offence (i.e. an offence that can only be tried in a magistrates’ court) or an either way offence (i.e. an offence that can be tried on the magistrates court or the Crown Court). The applicable limit is defined by section 224(1A) of the Sentencing Code (provided for by the Sentencing Act 2020) and is currently 6 months imprisonment for a summary offence and 6 months for an either way offence. The reference to the Code “as it has effect from time to time” allows for the possibility that either of these limits may change in future. The limits may be amended by the Secretary of State through regulations made under paragraph 14A of Schedule 23 to the Sentencing Code.

### **Section 19 – Electoral reform regulations: procedure**

68. Section 19 sets out the Senedd procedure that must be followed when making electoral reform regulations. It provides for additional and enhanced scrutiny steps to be undertaken which includes, the requirement of a Senedd Committee to consider the regulations and their implications. The Senedd will also have a longer period in which to consider the regulations and their implications, and when the regulations are laid, the Welsh Ministers are required to also lay a copy of the Electoral Commission’s evaluation of the related pilot regulations.
69. Where Welsh Ministers have decided not to accept a committee’s recommendation to make material changes to draft regulations, either wholly or in part, or make material changes to the draft regulations which are materially different to those recommended by a committee, they must lay a statement before the Senedd setting out the reasons for this decision.

### **Section 20 – Publication**

70. Chapter 3 of Part 1 contains a number of provisions which require the publication of documents (see, for example, section 15(7)). Section 20 requires those documents to be published electronically, in addition to any other manner that the person under the duty to publish considers appropriate.

### **Section 21 – Regulations: ancillary provision**

71. Section 21 provides that pilot regulations and electoral reform regulations made under Chapter 3 of Part 1 of the Bill may include ancillary provision, including consequential, supplementary, incidental, transitional, or saving provision. The regulations may modify enactments (whenever made) and may make different provision for different purposes or different areas.

### **Section 22 – Interpretation of this Chapter**

*These notes refer to the Elections and Elected Bodies (Wales) Bill which was introduced into Senedd Cymru on 02 10 2023*

72. Section 22 defines certain words and terms used in Chapter 3 of Part 1 of the Bill.

### **Section 23 – Consequential amendments**

73. This section introduces Part 2 of Schedule 1, which makes minor and consequential amendments that are consequential to sections 5 to 23 of the Bill.

## **CHAPTER 4: ACCESSIBILITY AND DIVERSITY: WELSH ELECTIONS**

### **Section 24 – Reports by the Electoral Commission**

74. Section 24 inserts section 5A into PPERA. The Electoral Commission has a duty under section 5 of the 2000 Act to prepare a report on the administration of each Senedd election. Section 5A(1) of PPERA as inserted by section 24 creates a duty for the Electoral Commission to prepare and publish a report on ordinary elections for counties, county boroughs and communities in Wales.
75. Subsections (2) and (3) of the section 5A place a duty on the Electoral Commission to include in its reports following Senedd and local government elections a description of the steps returning officers have taken to assist disabled people to vote at those elections.
76. Subsection (4) of the section 5A defines “disability” for the purposes of subsection (3) in relation to doing a thing, as including a short-term inability to do it. This is the same as the definition of disability in section 202 of the 1983 Act (under which Act the rules for the conduct of local government elections are made) and the definition of “disability” in article 2(1) of the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) (which contain the rules for the conduct of Senedd Cymru elections).
77. Subsection (4) of section 5A also defines “returning officer” for the purpose of the duty in subsection (3) to report on steps taken by returning officers. In the case of reports on Senedd elections it is defined by reference to orders made under section 13 of the Government of Wales Act 2006 (hereafter referred to as “GOWA 2006”), which govern the conduct of Senedd Elections. In the case of reports on local government elections returning officers are defined as a person appointed under section 35(1A) of the 1983 Act.
78. Under the new arrangements for electing members to Senedd Cymru established by the Senedd Cymru (Members and Elections) Act 2024 there will be no by-elections when there are vacancies in the membership of Senedd Cymru. Section 25(3) makes transitional provision so that prior to the

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coming into force of the Senedd Cymru (Members and Elections) Act 2024, a report under section 5A(3) will also be required for a Senedd constituency by-election.

### **Section 25 – Survey of councillors and unsuccessful candidates in local elections**

79. Section 25 amends section 1 of the Local Government (Wales) Measure 2011 by removing the requirement for the form of the survey and the questions to be set out in regulations. Instead, it enables the Welsh Ministers to set these out in a direction to local authorities. Subsection (4) inserts subsection 3A into the 2011 Measure which requires the Welsh Ministers to publish any direction given under section 1 of the 2011 Measure.
80. In addition to the core questions in the survey, which apply to each local authority in Wales, it allows local authorities to include questions aimed at identifying the impact of any local initiatives established to improve the diversity of candidate standing in the election for which the survey is being undertaken.

### **Section 26 – Welsh elections information platform**

81. The provisions in section 26 are to do with making information about Welsh elections available to support voters to take part in Welsh elections. Subsection (1) requires the Welsh Ministers by regulations to set up and maintain a Welsh elections information platform that provides up-to-date information about Senedd Cymru elections and elections of county and county borough councils in Wales. It also enables (but does not require) the Welsh Ministers to make regulations about information that should be available on the platform in relation to community council and mayoral elections in Wales.
82. The regulations made by the Welsh Ministers under this section must also require the Welsh Ministers to publish and lay before the Senedd a report about how they have set up and maintained the platform. A report must be published no more than 12 months after an ordinary Senedd election and principal council election.

### **Section 27 – Services to promote diversity in persons seeking elected office**

83. Subsection (1) places a duty on Welsh Ministers to put in place arrangements for the provision of services to promote diversity in the protected characteristics and socio-economic circumstances of persons seeking to stand for election as members of Senedd Cymru and the councils of counties, county boroughs and communities in Wales.
84. “Protected characteristics” are defined for this purpose in subsection (11) as the protected characteristics in section 4 of the Equality Act 2010, which are –

- i. age;
  - ii. disability;
  - iii. gender reassignment;
  - iv. marriage and civil partnership;
  - v. pregnancy and maternity;
  - vi. race;
  - vii. religion or belief;
  - viii. sex; and
  - ix. sexual orientation.
85. Subsection (2) sets out the matters the Welsh Ministers must have regard to when discharging this duty. The Welsh Ministers must consider whether there are groups of persons with the same protected characteristics that are under-represented in the membership of Senedd Cymru or the councils of counties, county boroughs and communities. Under-representation is to be considered by reference to the population served by the body being considered (subsection (3)).
86. The Welsh Ministers must also have regard to—
  - i. the desirability of reducing inequalities of outcome that result from socio-economic disadvantage, and
  - ii. the desirability of services being available to persons regardless of their membership or non-membership of a registered political party.
87. Subsection (4) provides that the Welsh Ministers are not required to provide services in respect of every under-represented group of persons with the same protected characteristics.
88. Subsection (5) sets out an exhaustive list of the services which may be provided under the arrangements required by this section. The services are information, advice, training, coaching and mentoring, work experience, equipment and assistance with tasks. Subsection (8) provides a power for the Welsh Ministers to make regulations to add to the list of services and amend or remove any services that are added by the regulations.
89. Subsection (6) requires the Welsh Ministers to ensure that in any arrangement put in place under this duty the Welsh Ministers are prohibited from making decisions in particular cases as to whether an individual is to receive a service under the arrangements.

## **Section 28 – Financial assistance schemes to promote diversity in persons seeking elected office**

90. Subsection (1) enables the Welsh Ministers to provide by regulations for schemes of financial assistance to help candidates standing for election for membership of Senedd Cymru or the council of a county, county borough or

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community in Wales who have specified circumstances or specified characteristics overcome any barriers to their participation in the election connected to those characteristics or circumstances. “Specified” means specified in the regulations (see subsection (13)).

91. Subsection (2) requires the Welsh Ministers make regulations to put in place a scheme of financial assistance to help disabled candidates in such elections overcome any barrier to their participation in the election connected to their disability.
92. Subsection (7) requires that the financial assistance schemes provided for by regulations under this section must not be directly operated by excluded persons. The excluded persons are set out in section 30, and the list of excluded persons includes the Welsh Ministers (as members of the Welsh Government), Ministers of the Crown, local authorities and others.

### **Section 29 – Excluded persons**

93. This section lists the persons who must not operate a scheme of financial assistance provided for by regulations under section 28.

### **Section 30 – Guidance for political parties to promote diversity in persons seeking elected office**

94. Subsection (1)(a) places a duty on the Welsh Ministers to issue guidance to encourage registered political parties to collect, collate and publish specified diversity information about their candidates for Senedd elections. The terms ‘diversity information’ and ‘specified’ are defined in subsection (3) of this section.
95. Subsection (1)(b) requires the Welsh Ministers to issue guidance to encourage registered political parties to develop, publish, implement and review strategies to promote the diversity of their candidates and to help candidates overcome barriers associated with specified characteristics or circumstances. Whereas the guidance in subsection (1)(a) is about candidates for Senedd elections, the guidance published under subsection (1)(b) is about candidates for all Welsh elections (which is defined in subsection (3)).
96. Subsection (2) provides that the Welsh Ministers must publish guidance under this section; and before 1 May 2025. Thereafter, the Welsh Ministers must review the published guidance from time to time, having regard to the cycle of elections relevant to subsections (1)(a) and (b).
97. Subsection (3) defines certain terms used in this section.



## **CHAPTER 5: CAMPAIGN FINANCE**

### **Section 32 – Notional expenditure: candidates in local government elections**

98. Section 32 amends section 90C(1A) of the 1983 Act to clarify that expenditure on behalf of a candidate in a Welsh local election should only be considered incurred by the candidate where it has been directed, encouraged or authorised by them.

### **Section 33 – Notional and third party expenditure: Senedd Cymru elections**

99. Section 33 amends sections 73(1A), 86(1A), and 94(8A) of, and paragraph 3(11) of Schedule 8A to PPERA so that the amended provisions in relation to notional spending by political parties and third parties also now apply to campaign periods for Senedd Cymru elections.

### **Section 34 – Codes of practice on expenses**

100. Section 34(1) amends paragraph 14A of Schedule 4A to the 1983 Act which enables the Electoral Commission to prepare a code of practice giving guidance on election expenses for candidates in local government elections in Wales. The amendment clarifies that the guidance can cover the application of the rules in relation to expenses incurred, ensuring that the codes of practice are sufficiently broad so as to include an explanation of the rules on all forms of expenditure.
101. This section also amends section 156(3)(aa) of PPERA so that no Senedd procedure applies to an order made by the Welsh Ministers bringing into force a code of practice prepared by the Electoral Commission in relation to election expenses at elections of the Senedd under Schedule 8 to PPERA. The section also makes further, more general amendments to section 156 to clarify the procedures that apply to statutory instruments made by the Welsh Ministers under the provisions of PPERA.

### **Section 35 – Authorised persons not required to pay through election agent**

102. Section 35 amends section 73(5)(ca) of the 1983 Act, which was inserted by the Elections Act 2022, to enable payments to be made on behalf of a candidate or campaign during a local government election campaign in Wales, by an authorised person other than an election agent. This is intended to provide clarity to third parties who have been authorised by a candidate or agent to promote them, under section 75 of the 1983 Act. The amendment ensures that third parties are able to both incur and pay for authorised expenses under section 75, rather than the expenses having to be paid through the agent of the candidate they are promoting.

### **Section 36 – Restriction on which third parties may incur controlled expenditure**

103. Section 36 introduces a further restriction on third parties that may incur controlled expenditure (including notional controlled expenditure) in connection with a Senedd election campaign. It does this by inserting a new section 89B into PPERA, providing that only those third parties that would fall within the categories of third party listed in section 88(2) of the 2000 Act are able to incur controlled expenditure expenses above a *de minimis* threshold of £700 during a Welsh devolved regulated period. Inserted section 89B also includes an either way offence of authorising expenses in breach of the section, which is punishable by fine.

### **Section 37 – Third parties capable of giving notifications**

104. Section 37 inserts section 88(11) and (12) into PPERA, to allow the Welsh Ministers to amend the list of third parties who can incur controlled expenditure during a Welsh devolved regulated period. Third parties can be added to or removed from the list, or the list can be varied, but removals or variations can only be effected on the recommendation of the Electoral Commission. The effect of section 37(3) is that any orders made by the Welsh Ministers under section 88(11) of PPERA will be the subject of the Senedd's affirmative resolution procedure.

### **Section 38 – Code of practice on controls relating to third parties**

105. To support third parties' understanding of these new restrictions, section 38 inserts subsection (1A) into section 100A of PPERA, which was inserted into PPERA by the 2022 Act. This requires the Electoral Commission to prepare a code of practice on controlled expenditure by third parties during a Welsh devolved regulated period. Section 38(4) inserts section 100C into PPERA which sets out the process the Electoral Commission must follow when preparing the code of practice, which includes them consulting with the Llywydd's Committee and the Legislation, Justice and Constitution Committee (or successor committee) of Senedd Cymru, and any other persons the Electoral Commission considers appropriate. Section 100C also sets out the process to be followed before adopting any code proposed by the Commission. The effect of section 38(5) is that no Senedd procedure applies to an order made under section 100C(8).

### **Section 39 – Consequential amendments**

106. Section 39 introduces Part 3 of Schedule 1, which contains a number of minor and consequential amendments to PPERA. The substantive amendments made to the PPERA by the Act refer to Senedd Cymru elections, and the effect of these further amendments is to ensure there is consistency throughout PPERA when it is referring to those elections.

## **PART 2 ELECTED BODIES AND THEIR MEMBERS**

### **CHAPTER 1: ARRANGEMENTS FOR LOCAL GOVERNMENT**

#### **Section 40 - Considerations for a review of principal area electoral arrangements**

107. Section 40 substitutes section 30(1) of the 2013 Act and sets out revised considerations for a review of principal area electoral arrangements. The matters which must be considered include the desirability of having a ratio of local government electors to the number of members that is the same or as similar as possible in every electoral ward of the principal area, the geographical size, shape and accessibility of an electoral ward and maintaining local ties.

#### **Section 41 - Review period for principal area reviews**

108. Section 41 amends section 29 of the 2013 Act by changing the length of a cycle of reviews from 10 to 12 years and resetting the start date for the next cycle as 30 September 2023. The amendment also enables the Welsh Ministers to amend both the length of the cycle and the re-set date by regulations.

#### **Section 42 - Review of seaward boundaries**

109. Section 42 amends section 28 of the 2013 Act to clarify that the Boundary Commission is able to review the undersea boundaries of more than one local authority area when it is conducting a review under section 28.

#### **Section 43 - Electoral review recommendations and decisions: duty to have regard to representations**

110. Section 43 amends section 37 of the 2013 Act to clarify that the Welsh Ministers cannot implement any recommendation or decide to take no action until a minimum of six weeks have elapsed beginning with the day on which the Welsh Ministers receive the recommendations. Also, when the Welsh Ministers are considering a final report of an electoral arrangements review, they must also have regard to any representations made to them during the six week 'representation' period.
111. This section also makes similar amendments to sections 38 and 39 of the 2013 Act in relation to the functions exercised by the Boundary Commission in respect of reports on community boundary changes and functions exercised by county or county borough councils in respect of community electoral arrangements.

#### **Section 44 - Names of electoral wards**

*These notes refer to the Elections and Elected Bodies (Wales) Bill which was introduced into Senedd Cymru on 02 10 2023*

112. Section 44 amends section 34(2) of the 2013 Act to require the Boundary Commission to consider the process of naming of electoral wards as part of its pre-review consultation procedure.
113. It also inserts section 36A into the 2013 Act which requires the Boundary Commission and county or county borough councils (as the case may be) to, in the case of electoral wards that have different names for the purposes of identifying the wards in communication through Welsh and English, specify the Welsh and English language names or proposed names of electoral wards in both the Welsh and English language versions of their draft and further review reports.

### **Section 45 - Consultation on reviews**

114. Section 45 amends section 34 of the 2013 Act to require the Boundary Commission, or as the case may be, a county or county borough council before conducting a review, to bring the matter to the attention of members of the public affected by the review.
115. It makes similar amendments to section 35 to require the Boundary Commission, or as the case may be, a county or county borough council to take such steps as considered appropriate to consult relevant members of the public when conducting a review. The Boundary Commission or county or county borough council must publicise the fact that representations may be made during the public consultation period and indicate when the consultation period begins and ends. Any representations made must be taken into account.
116. This section also amends section 36 of the 2013 Act to clarify that the period during which representations can be made on a report is a 'public consultation period'.

### **Section 46 - Meaning of "mandatory consultees" in Part 3 of the 2013 Act**

117. Section 46 amends section 34(3) of the 2013 Act by adding National Park authorities, Port Health authorities and the Welsh Language Commissioner to the list of bodies that must be consulted in relation to the review procedure.

### **Section 47 - Electoral review recommendations and decisions: period before a local election**

118. Section 47 amends section 29(8) of the 2013 Act to extend the period during which the Boundary Commission must not make or publish any recommendations relating to the electoral arrangements of a county or county borough council from 9 to 12 months.
119. It also amends section 37 of the 2013 Act to prohibit the Welsh Ministers from exercising their functions under section 37(1) in the six months preceding an

ordinary local government election (this is the election to all seats in all councils held once every five years).

#### **Section 48 - Deadline for completion of reviews**

120. Section 48 amends the 2013 Act by inserting a new section 36B. This requires the Boundary Commission or county or county borough councils (as the case may be) to publish a statement specifying the day on which the review begins and requires the Boundary Commission or county or county borough council to use its best endeavours to publish its further reports within the deadlines as specified. Failure to meet the timetable does not invalidate the review. The timetable for reviews of principal area boundaries, preserved counties and electoral arrangements for a principal area should be no more than 12 months in length, the timetable for reviews of seaward boundaries should be no more than 18 months in length and community boundary reviews and electoral arrangements for communities should be no more than 24 months.

#### **Section 49 - Deadline for the completion of implementation**

121. Section 49 amends section 37 of the 2013 Act by requiring the Welsh Ministers to use their best endeavours to make a decision on each recommendation they receive within three months of receipt of the recommendations. The Welsh Ministers must also publish a statement setting out their decision in respect of each recommendation. The date of the publication of the statement is to be treated as the date of the decision. Failure to comply with this duty does not invalidate any order or decision.
122. Sections 38 and 39 are amended to place a similar duty on the Boundary Commission in relation to its decision making on the recommendations it receives from county or county borough councils in respect of community boundary changes and on county or county borough councils in respect of community electoral arrangements.

#### **Section 50 - Directions to pause reviews**

123. Section 50 amends section 48 of the 2013 Act to enable the Welsh Ministers to issue a direction to pause a review being conducted under Part 3 of the 2013 Act. The Welsh Ministers must not use this power to pause a review for a period greater than 9 months in total. When a review is paused, the pause is not to be taken into account for the purpose of calculating the length of periods under section 36B(2) to (5).

#### **Section 51 - Community reviews and implementation**

124. Section 51 amends section 22 of the 2013 Act to require county or county borough councils to publish an annual report by no later than 1 July each year on the performance of its functions under Part 3 of the 2013 Act and section 76 of the Local Government Act 1972 in respect of keeping its community arrangements under review. This report should explain the performance of its

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functions so far as the functions relate to community names, community boundary changes, community council changes and community electoral arrangements during the year. A copy of the report must be sent to the Boundary Commission and the Welsh Ministers.

125. This section also amends section 31 of the 2013 Act to clarify the duty of a county or county borough council to conduct a review of the electoral arrangements for each community once in every review period (12 years). The Welsh Ministers may make regulations to amend the length and start date of the review period.
126. This section also amends section 33(3) of the 2013 Act to require that county or county borough councils take account of special geographical considerations, in particular, the size, shape and accessibility of a community ward when conducting a review of community electoral arrangements.

### **Section 52 - Notice of resolutions of status of communities as towns**

127. Section 52 amends section 245B of the Local Government Act 1972 to require a community council to give electronic notice of any resolution it passes to become a town council to the Welsh Ministers, the relevant county or county borough council and the Boundary Commission.

### **Section 53 - Publication of orders under Part 3 of the 2013 Act**

128. Section 53 amends the 2013 Act by inserting section 49ZA. This requires county or county borough councils and the Boundary Commission to publish on their websites copies of all the orders they make under Part 3 of the 2013 Act and also those that are made by other bodies able to make orders under the same Part. In the case of the latter, county or county borough councils are required only to publish those orders that are relevant to their area.
129. The section also requires whichever devolved body has made an order under Part 3 of the 2013 Act to send a copy to or notify the other devolved bodies that are able to make orders under Part 3.
130. This requirement applies only to orders made after the coming into force of section 49ZA.

### **Section 54 - Publication of up-to-date lists of communities and community councils**

131. Section 54 amends the 2013 Act by inserting section 49ZB. This requires each county or county borough council to publish and maintain on its website an up-to-date list of all the communities and community councils in its area with their current names. It also requires the Boundary Commission to do the same for all of the communities and community councils in Wales. In respect of communities and community councils for the purpose of communication through Welsh and English, the list should show both the Welsh and English

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language names regardless of whether the list is accessed via the Welsh or English language.

### **Section 55 - Transitional provision**

132. Section 55 enables any review conducted under Part 3 of the 2013 Act being conducted when Chapter 1 comes into force to be completed under the arrangements that applied when the review was commenced. It also ensures that Part 3 of the 2013 Act and all orders and regulations made under that Part prior to Chapter 1 coming into force continue in effect for the purposes of such reviews.

## **CHAPTER 2: REMUNERATION OF ELECTED MEMBERS**

### **Section 56 - Abolition of the Independent Remuneration Panel for Wales**

133. Section 56 abolishes the Independent Remuneration Panel for Wales and removes provisions relating to its functions and membership from the Local Government (Wales) Measure 2011

### **Section 57 - Democracy and Boundary Commission Cymru functions relating to remuneration**

134. Section 57 inserts Part 5A into the 2013 Act which sets out the functions of the Boundary Commission in respect of payments and pensions to members of relevant authorities in Wales (as defined in new section 69C(2) of the 2013 Act) and payments to former members of local authorities in Wales. Part 5A includes the following provisions:

#### *Section 69A - Function relating to payments to members*

135. Section 69A sets out the functions of the Boundary Commission in respect of payment to members of a relevant authority. For the financial year beginning 1 April 2025 and for each following financial year, the Boundary Commission must decide the relevant matters for which a relevant authority is required or is authorised to make payments to members of the authority.
136. “Relevant matters” are defined in subsection (2) as matters that relate to the official business of members (as defined in section 69A(11)) or periods of family absence that members are entitled to have under Part 2 of the Local Government (Wales) Measure 2011.
137. Subsection (3) requires the Boundary Commission to set the amount that must be paid to a member or the maximum amount that can be paid to a member. The Boundary Commission can decide that payments cannot be paid to more than a fixed proportion or specified number of members of a

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relevant authority. The proportion or number (as the case may be) cannot exceed 50% unless the Welsh Ministers give their consent.

138. The Boundary Commission can set the maximum percentage or other rate by which a relevant authority can adjust for a financial year the amounts that had effect in respect of relevant matters for the previous financial year. An index can also be set.
139. The Boundary Commission must, when setting an amount, making a determination or setting a rate or index, take into account the likely financial impact of its decisions on relevant authorities.

***Section 69B - Functions relating to members' pensions***

140. Section 69B requires the Boundary Commission to decide the descriptions of members of a relevant authority in respect of whom a relevant authority is required to pay a pension. This excludes co-opted members of relevant authorities who are eligible to be members of the Local Government Pension Scheme. The Boundary Commission must also decide the relevant matters in respect of which a relevant authority is required to pay a pension.

***Section 69C - Relevant authorities, members etc.***

141. Section 69C defines certain terms used in Part 5A of the 2013 Act, including "members of a relevant authority" and also includes a power to specify a relevant authority in regulations under subsection (2)(e).

***Section 69D - Functions relating to resettlement payments***

142. Section 69D requires the Boundary Commission to make certain decisions about resettlement payments. A resettlement payment is a payment to a person who ceases to be a member at the end of their term of office, when in office was a member of a local authority (as defined in section 72 of the 2013 Act) of a description specified in regulations made by the Welsh Ministers, has stood for re-election for membership of the same authority and has not been returned to office at that election.
143. The Boundary Commission must decide matters such as the amount of a resettlement payment to be paid, the qualifying conditions for payment and the maximum amount to be paid. The Boundary Commission must consider the likely financial impact on local authorities and must review decisions in advance of each local government ordinary election beginning with the election that is to be held in May 2027.

***Section 69E - Annual remuneration reports in relation to members of relevant authorities***

144. Section 69E requires the Boundary Commission to prepare and publish an annual remuneration report about the exercise of its functions under Part 5A



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no later than 28 February in the financial year before the financial year to which the report relates or such later date as the Boundary Commission and the Welsh Ministers agree. The report must set out certain information as specified.

***Section 69F- Supplementary remuneration reports***

145. Section 69F enables the Boundary Commission to prepare and publish one or more supplementary remuneration reports to its most recent annual remuneration report. The supplementary report may vary provisions made in that annual remuneration report or make any provision the annual remuneration report could have made.

***Section 69G - Further provision about annual reports and supplementary reports***

146. Section 69G requires the Boundary Commission, before publishing an annual or supplementary remuneration report, to send a draft of the report to certain bodies and persons and publish the draft report as soon as practicable after sending it. When preparing an annual or supplemental remuneration report, the Boundary Commission must take into account the last annual remuneration report and any supplementary remuneration report and representations received about these reports and the draft reports.

***Section 69H - Directions to reconsider draft reports***

147. Section 69H enables the Welsh Ministers to direct the Boundary Commission to reconsider a provision of a draft annual or draft supplemental remuneration report. It sets out the information that must be specified in a direction, including the reason for giving the direction and a specified date for response. The Boundary Commission is not obliged to vary the draft report but must respond and include its rationale if it decides not to vary the draft report.

***Section 69I- Commission's publication and notification duties in relation to reports***

148. Section 69I sets out duties in respect of publishing the annual and supplementary remuneration reports, including the requirement that the Boundary Commission allows a minimum period of eight weeks for consultation on a draft report before publishing a supplementary remuneration report and the requirement that the Boundary Commission publishes reports on its website and in any other way the Boundary Commission considers appropriate.

***Section 69J - Administrative requirements for relevant authorities in reports***

149. Section 69J enables annual remuneration reports to require relevant authorities to put in place administrative systems to avoid the duplication of payments in respect of relevant matters and requests for payment in respect

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of the same relevant matters. These reports can also include the Boundary Commission's requirements for keeping records of payments made under Part 5A.

***Section 69K - Publicising requirements for relevant authorities in reports***

150. Section 69K enables the Boundary Commission to set out in its annual remuneration report information which relevant authorities are required to publish.

***Section 69L - Monitoring compliance with Commission's requirements***

151. Section 69L requires relevant authorities to comply with any requirement set out in an annual or supplementary remuneration report and enables the Boundary Commission to monitor the implementation and management of the payments made by relevant authorities. The Boundary Commission can require relevant authorities to provide it with information about matters including matters in connection with payments made in respect of relevant matters, relevant pensions, and resettlement payments. Relevant authorities must comply with such a request.

***Section 69M - Directions to enforce compliance with Commission's requirements***

152. Section 69M enables the Welsh Ministers, if they are satisfied that an authority has failed to comply with a requirement in an annual or supplementary remuneration report, to give a direction requiring the authority to comply with that requirement. The section sets out the matters that must be specified in the direction.

***Section 69N - Members wishing to forgo payments***

153. Section 69N enables a person to waive their entitlement to payments, either in full or in part as that person determines. Since authorities are required to make certain payments to members, section 69N(2) enables authorities not to pay allowances in circumstances where a member has elected to forgo payment by notice in writing.

***Section 69O - Withholding payments***

154. Section 69O requires a relevant authority to withhold payments to a person who has been:
- a) suspended from being a member (or partially suspended) by virtue of Part 3 of the Local Government Act 2000 or
  - b) prevented from acting as a member of a local authority in Wales under section 80A(6) of the Local Government Act 1972.

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155. The section also enables the Welsh Ministers to issue directions to relevant authorities (following consultation with the Boundary Commission) to withhold payments in respect of the relevant matters specified in the direction or to not make a resettlement payment.
156. This section also enables relevant authorities to require a person to make repayments in certain circumstances and enables local authorities to recover payments in certain circumstances.

***Section 69P - Guidance***

157. Section 69P enables the Boundary Commission to issue guidance to relevant authorities about how to comply with requirements under Part 5A. It also enables the Welsh Ministers to issue guidance to the Boundary Commission about its functions under that Part. Relevant authorities or the Boundary Commission, as the case may be, are required to have regard to any guidance issued under this section.

***Section 69Q - Directions under this Part***

158. Section 69Q enables the Welsh Ministers to apply for a court order to enforce directions made under sections 69M and 69O and sets out that the power to issue directions under this Part does not limit the general power of the Welsh Ministers to direct the Boundary Commission under section 14 of the 2013 Act.

***Section 69R - Power to modify provision***

159. Section 69R enables the Welsh Ministers to modify Part 5A of the 2013 Act by regulations.

**Section 58 - Transfer of property, rights and liabilities**

160. This section provides that all property held by the Independent Remuneration Panel for Wales immediately before its abolition, and all rights and liabilities of the Independent Remuneration Panel for Wales that exist immediately before its abolition, transfer to the Boundary Commission.

**Section 59 - Minor and consequential provision**

161. This section introduces Part 4 of Schedule 1, which makes minor and consequential amendments that are consequential to sections 56 to 58 of the Act.

**Section 60 - Savings**

162. Section 60 saves the effect of the provisions repealed by section 56 for the purposes of the financial year beginning 1 April 2025 other than the references to the Independent Remuneration Panel for Wales, which should be interpreted as references to the Boundary Commission.

## **CHAPTER 1: DISQUALIFICATION AND UNDUE INFLUENCE**

### **Section 61 - Disqualification from being a Member of the Senedd and a community councillor**

163. Section 61 amends section 16(1) of GOWA 2006, which specifies the persons who are disqualified from becoming or continuing to be a member of the Senedd (but not from being a candidate to be a Member of the Senedd). It also repeals sections 17B, 17E and 17F of GOWA 2006 which provide for certain limited exceptions from disqualification from Membership of the Senedd by virtue of being a member of other elected bodies, and amends section 17D of GOWA 2006.
164. Section 16(1)(za) of GOWA 2006 provides that a person is disqualified from being a Member of the Senedd if the person is a member of the House of Commons. Section 17B of GOWA 2006 provides an exception from disqualification for a Member of the Senedd returned as a member of the House of Commons within 372 days of the expected day of the next general election of Members of the Senedd. Section 61(3) removes section 17B so that the exception no longer applies.
165. Section 16(1)(zc) of GOWA 2006 provides that a person is disqualified from being a Member of the Senedd if the person is a member of the council of a county or county borough in Wales. Section 61(2)(b) extends this disqualification provision to a person who is a member of a community council in Wales, to bring the arrangements for community councillors (including town councillors) in Wales into line with the disqualification regime for principal councillors in Wales.
166. Section 17D of GOWA 2006 provides for an exception from disqualification for newly elected members for a certain period. A person returned as a Member at an election of the Senedd is not disqualified from being a Member of the Senedd by virtue of being a member of the council of a county or county borough in Wales until that person purports to take the oath of allegiance (or corresponding affirmation) under GOWA 2006. Also, a Member of the Senedd who is returned as a member of a council of a county or county borough in Wales is not disqualified from being a Member of the Senedd until that person makes a declaration of acceptance under the Local Government Act 1972. Section 61(4) amends section 17D so that they also apply where the person is, or is returned as, a member of a community council in Wales.
167. Section 17E of GOWA 2006 provides for a time limited exception from disqualification if a member of the council of a county or county borough in Wales is returned as a Member of the Senedd; and the expected day of the next ordinary election of members of the council is within 372 days of the return day. Section 61(5) removes section 17E of GOWA 2006 so that the exception no longer applies. Section 17F of GOWA 2006 provides for a time

limited exception from disqualification if a Member of the Senedd was returned as a member of a council of a county or county borough in Wales and the expected day of the next general election to the Senedd is within 372 days of the return day. Section 61(6) removes section 17F of GOWA 2006 so that the exception no longer applies. Section 61(7) provides that these changes will take effect for the purposes of an election for the Senedd at which the poll is held on or after 6 April 2026.

## **Section 62 – Disqualification for corrupt or illegal practice: local government elections**

168. Section 62 amends the existing law on disqualification for candidacy to and membership of local government in Wales. The section inserts subsection (ba) into section 80A(1) of the Local Government Act 1972 to close a gap in the existing disqualification regime by adding a new category of disqualified persons: persons who are not permitted to stand as a candidate or be a member of a district council in Northern Ireland.

## **Section 63 – Disqualification for corrupt or illegal practice: Senedd elections**

169. Section 63 amends the existing law on disqualification for candidacy to and membership of the Senedd. The section inserts paragraph (5A) into Schedule 1A to GOWA 2006 to close a gap in the existing disqualification regime by adding a new category of disqualified persons: persons who are not permitted to stand as a candidate or be a member of a district council in Northern Ireland.

## **Section 64 - Disqualification from being a Member of the Senedd or a candidate: offence of deception**

170. Section 64 amends Schedule 1A to GOWA 2006 (disqualification from being a Member of the Senedd or a candidate in an election to be a member of the Senedd) by inserting paragraph 8 into that Schedule. This paragraph creates a new category of disqualified persons: persons who have been convicted of the offence of deception. The disqualification is limited to a period of 4 years from the date of conviction. This paragraph also creates the offence of deception, conviction for which triggers the disqualification.
171. Sub-paragraph 8(2) provides that an offence is committed if a person (defined in sub-paragraph 8(3) as a person acting in their capacity as a Member of the Senedd, or a candidate to become a Member of the Senedd), wilfully and with the intent to mislead, makes, publishes, causes or permits to be published on their behalf, a statement purporting to be a statement of fact, which they know to be false or deceptive in a material particular.
172. Sub-paragraph 8(4) provides for three specific defences to the offence.

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173. Proceedings for the offence must be commenced within six months of the date on which the statement was made or published and no private individual or private entity (as defined in sub-paragraph (11)) may act as prosecutor.
174. Sub-paragraph (7) is a power for Welsh Ministers to make regulations to add, remove or modify provisions, and otherwise to amend any enactment for the purposes of or in connection with the provisions on the offence of deception. Regulations made under this sub-paragraph are subject to the affirmative procedure.

### **Section 65 - Undue Influence**

175. Section 114A of the 1983 Act sets out the list of activities that may constitute the corrupt practice of undue influence.
176. Section 65(2) amends section 114A of the 1983 Act so that the description of the corrupt practice of undue influence that currently applies at local elections in England and Parliamentary elections also applies to local government elections in Wales. Section 64(3) omits references to Wales from section 115 so that the description of the corrupt practice of undue influence set out in section 115 of the 1983 Act no longer applies to elections to local government elections in Wales.

## **CHAPTER 4: DEMOCRACY AND BOUNDARY COMMISSION CYMRU**

### **Section 66 - Democracy and Boundary Commission Cymru: persons who may not be members etc.**

177. Section 66 amends the 2013 Act by adding to the list of those who are excluded from being commissioners, assistant commissioners or Chief Executive of the DBCC so as to ensure impartiality due to the new functions that have been provided to the DBCC ~~via this Bill~~. Those added to the list are members of staff of a National Park authority for a National Park in Wales, members or members of staff of a corporate joint committee, and members or members of staff of a fire and rescue authority. The amendment also clarifies the exclusion for local authority staff.

### **Section 67 - Democracy and Boundary Commission Cymru: governance and audit committee**

178. Section 67 amends section 17 of the 2013 Act so that it requires the Boundary Commission to establish a governance and audit committee. It also confers additional review and assessment functions on the committee in relation to the Boundary Commission's internal and external audit arrangements, handling of complaints and review of financial statements and reports.

*These notes refer to the Elections and Elected Bodies (Wales) Bill which was introduced into Senedd Cymru on 02 10 2023*

Provision is also made which enables the Boundary Commission to confer further suitable functions on the committee. Further, the section amends section 18 of the 2013 Act to specify the maximum number of members of the committee, the minimum number of lay members of the committee and to provide that both the committee chair and deputy to the chair, must be lay members of the committee.

### **Section 68 – Democracy and Boundary Commission Cymru: power to charge**

179. Section 68 amends the 2013 Act to insert section 11A, which provides the Boundary Commission with a power to charge recipients of goods or training provided by the Boundary Commission in relation to its electoral administration functions, or those relating to the functions of a principal council under Part 3 of the 2013 Act, where the recipient has agreed to receive the goods or training. For example, the Boundary Commission may provide optional training sessions to the electoral community, which it could impose a charge on attendees to recover the cost of providing the training.

## **PART 3 – GENERAL PROVISION**

### **Section 69 – Regulations: restrictions**

180. Some powers of the Welsh Ministers to make regulations under the Bill authorise provision conferring functions on persons and provision to remove or modify existing functions, subject to the breadth of the specific powers (for example, the power to make pilot regulations under section 5 and the power to provide for schemes of financial assistance under section 28). The legislative competence of Senedd Cymru is subject to restrictions in Schedule 7B to GOWA 2006, so that provisions in a Senedd Act conferring functions on public authorities that are not Welsh devolved authorities, or provisions removing or modifying the functions of such authorities, may require the consent or consultation of UK government ministers.
181. Section 69 provides that the regulations under the Bill may not include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to GOWA 2006 if the provision were included in an Act of Senedd Cymru; and may not include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.

### **Section 70 – General interpretation**

182. Section 70 defines certain words and terms used throughout Bill.

### **Section 71 – Power to make consequential and transitional provision etc.**

183. Section 71 provides the Welsh Ministers with a power to make regulations containing supplementary, incidental, consequential, transitional or saving

*These notes refer to the Elections and Elected Bodies (Wales) Bill which was introduced into Senedd Cymru on 02 10 2023*

provisions to give full effect to any provision of the Bill. Those regulations must be made by statutory instrument and may amend, modify, repeal or revoke any enactment (which includes provision in Acts of Parliament, Acts or Measures of the Senedd and subordinate legislation).

184. Regulations under this section that amend Acts of Parliament or Acts or Measures of Senedd Cymru would need to be approved by the Senedd. Other regulations made under this section are subject to a negative resolution procedure in the Senedd.

## **Section 72 – Coming into force**

185. Section 72 sets out when or how the provisions of the Bill that will come into force.
186. The following provisions would come in to force the day after the Bill receives Royal Assent (see subsection (1)):
- the Welsh elections piloting and reform provisions (in Chapter 3 of Part 1),
  - the disqualification from being a Member of the Senedd of community councillors (section 61 ),
  - Democracy and Boundary Commission Cymru: persons who may not be members etc.(section 66), and
  - Part 3 of the Bill.
187. Provisions about reviews of the boundaries and electoral arrangements for local government (Chapter 1 of Part 2), the survey of councillors and unsuccessful candidates in local government elections (section 25), the guidance for political parties to promote diversity in persons seeking elected office (section 30), and the provisions about disqualification for corrupt or illegal practice (sections 62 and 63) will come into force two months after the Bill receives Royal Assent (see subsection (2)).
188. The other provisions of the Bill may be brought in to force on days appointed by order of the Welsh Ministers (see subsection (3)). The orders bringing provisions into force may appoint different days for different purposes and make transitory, transitional or saving provision (see subsection (4)). Such orders must be made by statutory instrument, but no Senedd procedure applies to their making.

## **Section 73 – Short title**

189. Section 73 provides that the short title of the Bill is the Elections and Elected Bodies (Wales) Act 2024.



## Annex 2

### Index of Standing Order requirements

Standing order		Section	pages/ paragraphs
26.6(i)	Statement the provisions of the Bill would be within the legislative competence of the Senedd.	Member's declaration	Page 1
26.6(ii)	Set out the policy objectives of the Bill.	Chapter 3 - Purpose and intended effect of the legislation	Pages 7-36
26.6(iii)	Set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted.	Part 2 – Regulatory Impact Assessment	Pages 71 - 157
26.6(iv)	Set out the consultation, if any, which was undertaken on: (a) the policy objectives of the Bill and the ways of meeting them; (b) the detail of the Bill, and (c) a draft Bill, either in full or in part (and if in part, which parts)	Chapter 4 – Consultation	Pages 37 - 39

Standing order		Section	pages/ paragraphs
26.6(v)	Set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended.	Chapter 4 – Consultation	Hyperlink within paragraph 4.4, page 37
26.6(vi)	If the bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision.	Chapter 4 – Consultation	Paragraph 4.12, page 38
26.6(vii)	Summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill.	Annex 1 – Explanatory Notes	Pages 158-191
26.6(viii)	Set out the best estimates of: <ul style="list-style-type: none"> <li>(a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;</li> <li>(b) the administrative savings arising from the Bill;</li> <li>(c) net administrative costs of the Bill's provisions;</li> <li>(d) the timescales over which such costs and savings would be expected to arise; and</li> <li>(e) on whom the costs would fall.</li> </ul>	Part 2 – Regulatory Impact Assessment	Pages 72-157
26.6(ix)	Any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially.	Part 2 – Regulatory Impact Assessment	Pages 72-157

Standing order		Section	pages/ paragraphs
26.6(x)	<p>Where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <p>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</p> <p>(b) why it is considered appropriate to delegate the power; and</p> <p>(c) the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);</p>	Chapter 5 - Power to make subordinate legislation	Pages 40 - 71
26.6(xi)	Where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.	The requirement of Standing Order 26.6(xi) does not apply to this Bill	
26.6(xii)	Set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act.	Separate documents – Integrated Impact Assessment and Justice Impact Assessment	

<b>Standing order</b>		<b>Section</b>	<b>pages/ paragraphs</b>
26.6B	Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.	Annex 3 –Table of Derivations	Pages 196 - 197
26.6C	Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.	Annex 4 – Schedule of Amendments	Pages 198-382

## Annex 3

### Table of Derivations

The table below is intended to provide information on the derivation of the provisions of the Elections and Elected Bodies (Wales) Bill. The table does not provide definitive or exhaustive guidance, and should be read in conjunction with the Bill and with the explanatory notes to the Bill. While care has been taken to ensure that the document is as accurate as reasonably practicable, it does not purport to be, and should not be relied on as, authoritative.

#### KEY TO ABBREVIATIONS

LG Measure 2011	Local Government (Wales) Measure 2011
S.	Section.
Ss.	Sections.

SECTION/ PARAGRAPH	CORRESPONDING REFERENCE IN EXISTING LEGISLATION	SUBSTANTIVE CHANGE
1 - 53	New	
54	New	
55(1)	New	
55(2)	S. 69A is largely derived from S. 142 LG Measure 2011, it also defines the meaning of “financial year” for the purposes of this section and S. 69D. The wording has been modernised.	No
55(2)	S. 69B is largely derived from S.143 LG Measure 2011. The wording has been modernised.	No
55(2)	S. 69C is largely derived from S. 144 LG Measure 2011. The wording has been modernised.	No
55(2)	New	
55(2)	S. 69E is largely derived from Ss.145, 146 and 147 LG Measure 2011. The duty about producing an annual report and its contents has been clarified. The wording has been modernised.	No
55(2)	S. 69F is largely derived from S. 147(5) and (6) LG Measure 2011. The wording has been modernised.	No

55(2)	S. 69G is largely derived from section 147(7) - (9) and (10) – (12) LG Measure 2011. The wording has been modernised.	No
55(2)	S. 69H is largely derived from S. 149 LG Measure 2011. The wording has been modernised.	No
55(2)	S. 69I is largely derived from S. 148(1), (1A), (2) and S. 152(1) LG Measure 2011. The section clarifies the publication and notification duties, and the wording has been modernised.	No
55(2)	S. 69J is largely derived from S. 150 LG Measure 2011. The wording has been modernised.	No
55(2)	S. 69K is largely derived from S. 151 LG Measure 2011. The wording has been modernised.	No
55(2)	S. 69L is largely derived from S. 153 LG Measure 2011. The wording has been modernised.	No
55(2)	S. 69M is largely derived from S. 156 LG Measure 2011. The wording has been modernised.	No
55(2)	S. 69N is largely derived from S. 154 LG Measure 2011	No
55(2)	S. 69O is largely derived from S. 155 LG Measure 2011. The wording has been modernised.	No
55(2)	S. 69P is largely derived from S. 157 LG Measure 2011. The extent of the guidance is clarified, and the wording has been modernised.	No
55(2)	S. 69Q is largely derived from Ss. 155(4) and 156(3) LG Measure 2011 and the extent of the direction making power of the Welsh Ministers has been clarified. The wording has been modernised.	No
55(2)	S. 69R is largely derived from S. 158 LG Measure 2011. The wording has been modernised.	No
55(3)	New	
55(4)	New	
56	New	
57	New	
58	New	
59 - 69	New	
Schedule 1	New	

## Annex 4

### Schedule of amendments

#### Elections and elected bodies (Wales) Bill

##### AMENDMENTS TO BE MADE BY THE ELECTIONS AND ELECTED BODIES (WALES) BILL

This document is intended to show how the provisions of the following legislation as they applied in relation to Wales on 24 August 2023 would look as amended by the Elections and Elected Bodies (Wales) Bill (if enacted) as introduced on 2 October 2023.

Material to be deleted by the Elections and Elected Bodies (Wales) Bill is in strikethrough, e.g. ~~omitted material looks like this~~. Material to be added by the Elections and Elected Bodies (Wales) Bill is underlined, e.g. added material looks like this. References to the relevant amending provisions of the Bill are provided in the right hand column on each page.

A number of related provisions from the Act, although not being amended, are included to aid understanding of the proposed amendments.

#### Warning

This text has been prepared by officials of the Covid Recovery and Local Government Group of the Welsh Government. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act or the Bill.

It has been produced solely to help people understand the effect of the Elections and Elected Bodies (Wales) Bill. It is not intended for use in any other context.

#### **Primary legislation**

[Local Government Act 1972](#)

[Representation of the People Act 1983](#)

[Political Parties, Elections and Referendums Act 2000](#)

[Government of Wales Act 2006](#)

[Local Government \(Wales\) Measure 2011 \(nawm 4\)](#)

[Local Government \(Democracy\) \(Wales\) Act 2013](#)

[Local Government and Elections \(Wales\) Act 2021](#)

## Local Government Act 1972

Section	Amended by
<p><b>245B Community having the status of a town.</b></p> <p>(1)The council of a community which is not grouped with any other community may, subject to subsection (3) below, resolve that the community shall have the status of a town.</p> <p>(2)Where a community has the status of a town—</p> <p>(a)the town council shall have the name of the community with the addition—</p> <p>(i)in English, of the words “Town Council”; and</p> <p>(ii)in Welsh, of the words “Cyngor Tref”;</p> <p>(b)the chairman of the town council shall be entitled to the style of “town mayor” or “maer y dref”; and</p> <p>(c)the vice-chairman of the town council shall be entitled to the style of “deputy town mayor” or “dirprwy faer y dref”.</p> <p>(3)Where the provisions of section 27(4) above apply in relation to a community, the council of that community shall not pass a resolution under subsection (1) above unless it is satisfied that those provisions have been complied with in relation to the community.</p> <p>(4)Any such resolution shall cease to have effect if the community to which it relates ceases to exist.</p> <p>(5)If a community council which has passed such a resolution is dissolved without the community ceasing to exist, the dissolution shall not affect the status of the community.</p> <p>(6)A community council by whom a resolution has been passed under subsection (1) above or, if the council has been dissolved, a community meeting of the community may resolve that the resolution shall cease to have effect.</p> <p>(7)On the passing of a resolution under subsection (6) above, the community shall cease to have the status of a town.</p> <p><u>(7A)The community council must give notice electronically in writing of any resolution passed under subsection (1) or (6) to the following bodies—</u></p> <p><u>(a)the Welsh Ministers,</u></p> <p><u>(b)the principal council for the area in which the community is situated, and</u></p> <p><u>(c)the Democracy and Boundary Commission Cymru.</u></p> <p>(8)This section shall have effect subject to any provision made by a grant under Her Majesty’s prerogative and,</p>	<p>Part 2, Chapter 1, section 52</p>



<p>in particular, to any provision conferring any style on any person.</p>	
<p><b>80A Disqualification for election or being a member of a local authority in Wales</b></p> <p>(1) A person is disqualified for being elected or being a member of a local authority in Wales if—</p> <p>(a) the person is the subject of—</p> <p>(i) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, Schedule 2A to the Insolvency (Northern Ireland) Order 1989, or Part 13 of the Bankruptcy (Scotland) Act 2016;</p> <p>(ii) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989;</p> <p>(b) the person is disqualified for being elected or for being a member of the authority under Part 3 of the Representation of the People Act 1983 (corrupt or illegal practices);</p> <p><u>(ba) the person is incapable of being elected to or holding elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) 1962 (c.14) (corrupt or illegal practices);</u></p> <p>(c) the person is subject to the notification requirements of, or an order under, Part 2 of the Sexual Offences Act 2003;</p> <p>(d) the person has a relevant criminal conviction.</p> <p>(2) A person has a relevant criminal conviction if, during the period of five years ending with the day of the local authority election, or since the person's election, the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man of an offence for which the person has been sentenced to a term of imprisonment (whether suspended or not) of 3 months or more without the option of a fine.</p> <p>(3) A person is not disqualified under subsection (1)(c) at any time before the end of the ordinary period allowed for making—</p> <p>(a) an appeal or application in respect of the conviction or finding to which the notification requirements relate;</p> <p>(b) an appeal in respect of the order.</p> <p>(4) A person is not disqualified under subsection (1)(d) at any time before the end of the ordinary period allowed for making an appeal or application in respect of the conviction.</p> <p>(5) A person who makes an appeal or application of the kind mentioned in subsection (3) or (4) is not</p>	<p>Part 2, Chapter3, section 62</p>

<p>disqualified under subsection (1)(c) or (d) at any time before the end of the day on which the appeal or application is finally disposed of, or is abandoned, or fails by reason of non-prosecution.</p> <p>(6) A person who would be disqualified but for subsection (3), (4) or (5) must not act in the office of member of a local authority in Wales.</p>	
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### Representation of the People Act 1983

Section	Amended by
<p><b>9 Registers of electors.</b></p> <p>(1) Each registration officer shall maintain—</p> <p>(a) a register of parliamentary electors for each constituency or part of a constituency in the area for which he acts; and</p> <p>(b) a register of local government electors for the local government areas or parts of local government areas included in the area for which he acts.</p> <p>(2) Subject to any other provision of this Act, each register shall contain—</p> <p>(a) the names of persons who appear to the registration officer to be entitled to be registered in it and in respect of whom a successful application for registration has been made;</p> <p>(b) (subject to any prescribed exceptions) the qualifying addresses of the persons registered in it; and</p> <p>(c) in relation to each such person, that person's electoral number.</p> <p><u>(2A) Subject to any other provision of this Act, each register of local government electors for an area in Wales must also contain the names of persons who are registered in accordance with section 9ZA(5) along with the information mentioned in paragraphs (b) and (c) of subsection (2) relating to those persons.</u></p> <p>(3) A person's electoral number is such number (with or without any letters) as is for the time being allocated by the registration officer to that person as his electoral number for the purposes of the register in question.</p> <p>(4) Electoral numbers shall be allocated by a registration officer in such a way as to ensure, so far as is reasonably practicable, that in each separate part of a register the numbers run consecutively.</p> <p>(5) The registers of parliamentary electors and of local government electors shall so far as practicable be combined, the [F4entries] of persons registered only as</p>	<p>Part 1, Chapter 2, section 4</p>

<p>parliamentary electors or local government electors being marked to indicate that fact.</p> <p>(5A)In relation to the registration of local government electors in Wales—</p> <p>(a)the entry in the combined registers of any person aged 16 or 17 who is registered only as a local government elector must give the date on which the person will attain the age of 18;</p> <p>(b)the entry in the combined registers of any person who is registered only as a local government elector by virtue of section 4(3A) of this Act must give an indication of that fact.</p> <p>(6). . . . .</p> <p>(7)Where under this section two or more registration officers maintain registers of parliamentary electors in respect of different parts of the same constituency, then in relation to that constituency any reference in this Act (whether express or implied) to the register of parliamentary electors for a constituency shall be read—</p> <p>(a)as a reference to one of those registers, or</p> <p>(b)in relation to one of those registration officers, as the register maintained by him,</p> <p>as the context may require.</p> <p>(8)In this Act—</p> <p>(a)any reference, in relation to a registration officer, to “his” registers is a reference to the registers maintained by him under this section; and</p> <p>(b)“qualifying address”, in relation to a person registered in a register of electors, is the address in respect of which he is entitled to be so registered.]</p>	
<p><b><u>9ZA Duty to register eligible local government electors in Wales</u></b></p> <p><u>(1)This section applies to the registration of local government electors for an area in Wales.</u></p> <p><u>(2)The duty in subsection (3) applies if—</u></p> <p><u>(a)a registration officer is aware of a person’s name and address,</u></p> <p><u>(b)the person is not registered in the register of local government electors maintained by the officer, and</u></p> <p><u>(c)the officer is satisfied that the person is entitled to be registered in that register.</u></p> <p><u>(3)The registration officer must notify the person in writing of—</u></p>	<p>Part 1, Chapter 2, section 3</p>

(a) the officer's duty under subsection (5) to register the person after the end of the notice period,

(b) the exceptions to the duty under subsection (5) in paragraphs (a) to (c) of that subsection;

(c) the person's right to request exclusion from the edited register of local government electors, if provision is made for an edited register in regulations under section 53,

(d) the person's right to apply for anonymous registration,

(e) the type of elections in which the person will be entitled to vote following registration under this section, and

(f) the type of elections in which the person will not be entitled to vote following registration under this section unless an application for registration is made.

(4) In this section, "the notice period" is the period of 45 days beginning with the day on which the notice under subsection (3) is given.

(5) After the end of the notice period the registration officer must register the person in the register of local government electors, unless—

(a) the person has notified the officer in writing that the person does not wish to be registered,

(b) the officer is no longer satisfied that the person is entitled to be registered in the register of local government electors (whether because of information provided by the person or otherwise), or

(c) the person has notified the officer that the person wishes to make an application for an anonymous entry in the local government register under section 9B in conjunction with an application for registration in that register under section 10ZC or the person has made such an application.

(6) The Welsh Ministers may by regulations make provision about giving notice for the purpose of this section, including (but not limited to) provision—

(a) about the form of the notice;

(b) about how the notice is given;

(c) requiring or authorising the registration officer to give a copy of the notice to a person other than the person to be registered.

<p><u>(7)The registration officer must keep a separate list of the persons registered under this section.</u></p> <p><u>(8)The power to make regulations under this section is exercisable by statutory instrument.</u></p> <p><u>(9)A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru.</u></p>	
<p><b>9E Maintenance of registers: invitations to register in Great Britain</b></p> <p>(1)A registration officer in Great Britain must give a person an invitation to apply for registration in a register maintained by the officer if—</p> <p>(a)the officer is aware of the person's name and address,</p> <p>(b)the person is not registered in the register, and</p> <p>(c)the officer has reason to believe that the person may be entitled to be registered in the register.</p> <p><u>(1A) The duty of a registration officer under subsection (1) does not apply in relation to the registration of a person in a register of local government electors for an area in Wales if—</u></p> <p><u>(a) the registration officer has yet to complete any steps prescribed under section 53 in connection with the duty in section 9ZA(3) as it relates to the person or is otherwise yet to decide whether the duty in section 9ZA applies to the person,</u></p> <p><u>(b) the duty in section 9ZA(3) applies in relation to the person and the notice period under that section has not ended, or</u></p> <p><u>(c) the duty in section 9ZA(5) applies in relation to the person.</u></p> <p>(2)Regulations may make provision about invitations under subsection (1), including—</p> <p>(a)provision about the form and contents of invitations;</p> <p>(b)provision about the giving of invitations (for example, provision about the manner in which they must be given or how often they must be given);</p> <p>(c)provision requiring invitations to be accompanied by, or combined with, application forms or other documents (including partially completed application forms).</p> <p>(3)Regulations under subsection (2) may confer functions on the Electoral Commission (for example, the Commission may be required to design an invitation).</p>	<p>Part 1, Chapter 2, section 4</p>

<p>(4)A registration officer who gives a person an invitation under subsection (1) may subsequently require the person to make an application for registration by a specified date.</p> <p>(5)A requirement under subsection (4) is of no effect if the person is not entitled to be registered.</p> <p>(6)Regulations—</p> <p>(a)may make provision about requirements under subsection (4) (including provision for them to be cancelled in specified circumstances);</p> <p>(b)may specify steps that a registration officer must take before imposing a requirement.</p> <p>(7)A registration officer may impose a civil penalty on a person who fails to comply with a requirement imposed by the officer under subsection (4).</p> <p>(7A)In relation to the registration of local government electors in Wales, subsection (7) does not apply to a person who was under the age of 16 at the time the requirement was imposed.</p> <p>(8)For more about civil penalties under this section, see Schedule ZA1.</p>	
<p><b>13A Alteration of registers.</b></p> <p>(1)This section applies where, at any time (“the relevant time”) after the publication of a revised version of a register by a registration officer under section 13 above, the registration officer—</p> <p>(za)is required by section 10ZC(1) to enter a person in the register;</p> <p>(zb)is required by section 10ZD(1) to alter a person's entry in the register;</p> <p><u>(zc) in the case of a registration officer for a local government area in Wales, is required by section 9ZA(5) to enter a person in the register;</u></p> <p>(a)on an application for registration in Northern Ireland being made by any person in accordance with the prescribed requirements, determines that that person is entitled to be so registered;</p> <p>(b)is required, by virtue of any provision of this Part of this Act, to remove a person's entry from the register;</p> <p>(c)is notified of any decision on an appeal by virtue of section 56 or 58 below which requires any such</p>	<p>Part 1, Chapter 2, section 4</p>

alteration in the register as is mentioned in subsection (4) of that section; or

(d)determines that the register contains any clerical error or, in the case of a registration officer in Great Britain, determines that the register contains any information that is incorrect.

(2) In such a case the registration officer shall (subject to subsection (3) below) issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—

(a)the notice shall be so issued by him—

(i)on the first day of the month which follows that in which the relevant time falls, or

(ii)if that day is less than 14 days after that time, on the first day of the month immediately following that month; and

(b)(subject to sections 13B(1) and 13BA(1) below) the alteration in question shall have effect as from the beginning of the day on which the notice is issued.

(2ZA) A person who makes an application under subsection (1)(a) in respect of an address in Northern Ireland may submit it through the UK digital service, unless it is an application in pursuance of—

(a)residence determined in accordance with section 6 (residence: merchant seamen),

(b)a declaration of local connection, or

(c)an overseas elector's declaration.

(2A)Subject to subsections (2B) and (2C) below, an application for registration under subsection (1)(a) above in respect of an address in Northern Ireland shall include—

(a)the signature of each of the persons to whom the application relates;

(b)the date of birth of each such person; and

(c)in relation to each such person—

(i)his national insurance number or a statement that he does not have one,

(ii). . . . . and

(iii)any other address in the United Kingdom in respect of which he is or has applied to be registered,

and the power in subsection (1)(a) above to prescribe requirements includes power to give effect to the requirements of this subsection.

(2B)The Chief Electoral Officer for Northern Ireland may dispense with the requirement mentioned in subsection (2A)(a) above in relation to any person if he is satisfied that it is not reasonably practicable for that person to sign in a consistent and distinctive way because of any incapacity of his or because he is unable to read.

(2C)The requirement mentioned in subsection (2A)(a) does not apply to an application submitted through the UK digital service.

(3)Subsection (2) above does not require a registration officer to issue a notice under that subsection in a case where (apart from this subsection) that subsection would require the notice to be issued—

(a)at the beginning of the month containing the date on which a revised version of the register is next due to be published in accordance with section 13(1) or (3) above, or

(b)at the beginning of either of the two months preceding that containing the date on which a revised version of the register is next due to be published in accordance with section 13(1)(a) above,

and in such a case the alteration in question shall be made in that revised version of the register.

(3A)Subsection (2)(a)(ii) also does not require a registration officer in Great Britain to issue a notice under subsection (2) in a case where the month which follows that in which the relevant time falls is the month containing the date on which a revised version of the register is next due to be published in accordance with section 13(1)(a); and in such a case the alteration in question shall be made in that revised version of the register.

(4)Subsection (2) above also does not require a registration officer to issue a notice under that subsection in a case where section 13AB(2), 13B(3), (3B) or (3D), 13BA(3), (6) or (9) or 13BC(3) or (6) below requires him to issue a notice under that provision.

(5)No alteration affecting a published version of a register of electors shall be made otherwise than in accordance with this section, section 13AB, section 13B, section 13BA or section 13BC below.

(6)For the purposes of subsection (1) above “determines” means determines in accordance with regulations; and section 119 below shall apply for the purposes of subsection (2)(a) above as if it were contained in Part II of this Act.

(7)In this section, “the UK digital service” has the same meaning as in section 10ZF, and references to an application submitted through the UK digital service shall



<p>be construed in accordance with subsection (4) of that section.</p> <p><b>13AB Alteration of registers: interim publication dates</b></p> <p>(1) Subsections (2) and (3) apply in relation to an interim publication date where—</p> <p>(a) at any time before the interim publication date, section 13A applies to a registration officer (by virtue of section 13A(1)) in connection with a determination, requirement or decision within section 13A(1)(za), (zb), <u>(zc)</u>, (b), (c) or (d),</p> <p>(b) in consequence of the determination, requirement or decision an entry relating to a person falls to be made in (or removed from) the register in respect of an address in the relevant election area, and</p> <p>(c) no alteration made in consequence of the determination, requirement or decision has already taken effect, or is due to take effect, under a relevant provision on or before the interim publication date.</p> <p>(2) On the interim publication date the registration officer must issue, in the prescribed manner, a notice specifying the appropriate alteration in the register.</p> <p>(3) The alteration takes effect from the beginning of the interim publication date.</p> <p>(4) There are two interim publication dates (in relation to a registration officer and an election to which this section applies).</p> <p>(5) The first interim publication date is the last day on which nomination papers may be delivered to the returning officer for the purposes of the election.</p> <p>(6) The second interim publication date is to be determined by the registration officer, but must be a day after the first interim publication date and before the appropriate publication date.</p> <p>(7) In subsection (1)(c) “relevant provision” means—</p> <p>(a) in relation to the first interim publication date, section 13A(2) or 13BC(3) or (6);</p> <p>(b) in relation to the second interim publication date—</p> <p>(i) section 13A(2);</p> <p>(ii) section 13BC(3) or (6);</p> <p>(iii) subsection (3) of this section as it applies in relation to the first interim publication date.</p> <p>(7A) In determining for the purposes of subsection (1)(c) whether an alteration made in consequence of the</p>	<p>Part 1, Chapter 2, section 4</p>
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<p>determination, requirement or decision is due to take effect under section 13BC(3) on or before the interim publication date, the reference to section 13AB in section 13BC(2) is to be disregarded.</p> <p>(8) This section applies to—</p> <p>(a) parliamentary elections in England, Wales or Scotland;</p> <p>(b) . . . . .</p> <p>(c) elections to the Scottish Parliament;</p> <p>(d) elections to the National Assembly for Wales;</p> <p>(e) local government elections in England, Wales or Scotland;</p> <p>(f) elections of police and crime commissioners in England and Wales.</p> <p>(9) Subsections (5) and (6) of section 13B apply for the purposes of this section as they apply for the purposes of that section.</p> <p>(10) Subsection (2) does not require a registration officer to issue a notice under that subsection in a case where section 13BC(3) or (6) requires the officer to issue a notice under that provision at an earlier time.</p>	
<p><b>13B Alteration of registers: pending elections</b></p> <p>(1) If, by virtue of section 13A(2) above or section 13BC(3) or (6) below, an alteration in a published version of a register is to take effect after the fifth day before the date of the poll for an election to which this section applies, the alteration does not have effect for the purposes of the election.</p> <p>(2) Subsection (3) below applies where—</p> <p>(a) at any time before the appropriate publication date in the case of an election to which this section applies, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a determination, requirement or decision falling within any of paragraphs (za), (zb), <u>(zc)</u>, (b), (c) and (d) of that subsection;</p> <p>(b) in consequence of the determination, requirement or decision an entry relating to a person falls to be made in (or removed from) the register in respect of an address in the relevant election area; and</p> <p>(c) no alteration made in consequence of the determination, requirement or decision—</p> <p>(i) has already taken effect, or</p> <p>(ii) is due to take effect,</p>	<p>Part 1, Chapter 2, section 4</p>

under subsection (2) of that section, or under section 13AB(3) or section 13BC(3) or (6), on or before the fifth day before the date of the poll.

(3) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—

(a) the notice shall be so issued by him on the appropriate publication date; and

(b) the alteration shall take effect as from the beginning of that day.

(3ZA) In determining for the purposes of subsection (2)(c) whether an alteration made in consequence of the determination, requirement or decision is due to take effect under section 13BC(3) on or before the fifth day before the date of the poll, the reference to section 13B in section 13BC(2) is to be disregarded.

(3ZB) Subsection (3) does not require a registration officer to issue a notice under that subsection in a case where section 13BC(3) or (6) requires the officer to issue a notice under that provision at an earlier time.

(3A) Subsection (3B) below applies where—

(a) at any time on or after the appropriate publication date in the case of an election to which this section applies but before the prescribed time on the day of the poll, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a notification mentioned in paragraph (c) of that subsection; and

(b) in consequence of the notification—

(i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election area, or

(ii) his entry in the register requires to be altered.

(3B) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—

(a) the notice shall be so issued by him when he receives the notification; and

(b) the alteration shall take effect as from the beginning of the day on which the notice is issued.

(3C) Subsection (3D) below applies where—

(a) at any time on or after the appropriate publication date in the case of an election to which this section applies but before the prescribed time on the day of the poll, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection

with a determination falling within paragraph (d) of that subsection;

(b) the determination was made following a representation made by or on behalf of a person to the registration officer; and

(c) in consequence of the determination—

(i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election area, or

(ii) his entry in the register requires to be altered.

(3D) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—

(a) the notice shall be so issued by him when he makes the determination; and

(b) the alteration shall take effect as from the beginning of the day on which the notice is issued.

(3E) In subsection (3C)(b) above, “representation” means a representation made in accordance with prescribed requirements to the effect that the register contains a clerical error.

(4) This section applies to the following elections—

(a) parliamentary elections in England, Wales or Scotland,

(b) . . . . .

(c) elections to the Scottish Parliament,

(d) elections to the National Assembly for Wales, ...

(e) . . . . .

(f) local government elections in England, Wales or Scotland and

(g) elections of police and crime commissioners in England and Wales.

(5) In this section—

“the appropriate publication date”, in relation to a registration officer and an election to which this section applies, means either the sixth or the fifth day before the date of the poll, as the registration officer may determine;

“the final nomination day”, in relation to such an election, means the last day on which nomination papers may be delivered to the returning officer for the purposes of the election;

<p>“the relevant election area”, in relation to a registration officer and such an election, means—</p> <p>(a) the area for which the registration officer acts, or</p> <p>(b) if the election is held in only part of that area, the part of that area in question.</p> <p>(6)Section 119 below shall apply for the purposes of this section as if—</p> <p>(a)it were contained in Part II of this Act; and</p> <p>(b)each of the days referred to in this section were the day on which anything is required or permitted to be done by or in pursuance of that Part of this Act.</p>	
<p><b>53 Power to make regulations as to registration etc.</b></p> <p>(1) Provision may be made by regulations—</p> <p>(a)with respect to the form of the register of electors and of . . . any special lists or records required by this Act in connection with the register or with any election;</p> <p>(b)with respect to—</p> <p>(i)the procedure to be followed in the preparation of the register and the place and manner of its publication, and</p> <p>(ii)the procedure to be followed in the preparation of any such special lists or records, and the time, place and manner of their publication; ...</p> <p>(ba)with respect to applications under sections 13BD, 13BE and 13C and documents or cards issued under any of those sections; and</p> <p>(c)generally with respect to any matters incidental to the provisions of this Act so far as those provisions relate to the registration of electors or to voting by post or proxy.</p> <p>(2). . . . .</p> <p>(3)Without prejudice to the generality of subsection (1) above, regulations made with respect to the matters mentioned in that subsection may contain any such provisions as are mentioned in Schedule 2 to this Act.</p> <p>(4)Provision may also be made by regulations—</p> <p>(a)for the supply of any such record or special list as is mentioned in subsection (1) above to such persons as are prescribed;</p> <p>(b)with respect to any conditions subject to which the supply is made;</p>	<p>Part 1, Chapter 2, section 4</p>

(c)making it an offence (punishable on summary conviction by a fine not exceeding level 5 on the standard scale) for a person to fail to comply with any such condition.

(5)Before making regulations containing provision under paragraph 1A of Schedule 2, or paragraph 13(1ZB) of that Schedule so far as relating to that paragraph, the Secretary of State must consult—

(a)the Electoral Commission,

(b)the Information Commissioner, and

(c)any other person the Secretary of State thinks appropriate.

(6)The Secretary of State may require the Electoral Commission to—

(a)prepare a report on specified matters relating to the operation of any provision made under paragraph 1A of Schedule 2, and

(b)give the Secretary of State a copy of the report by no later than a specified date.

(7)The Secretary of State must publish a copy of the report.

(8) A registration officer ... must comply with any request made by the Electoral Commission for information that it reasonably requires in connection with the preparation of a report under subsection (6).

(8A)Provision made by regulations relating to the matters specified in paragraph 1A(1)(aa) of Schedule 2—

(a) may only be made by the Welsh Ministers;

(b) may not include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru;

(c) may not include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.

(9)The power to make regulations under this section—

(a)so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Scotland, is exercisable by the Scottish Ministers concurrently with that Minister, and

<p>(b)so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Wales, is exercisable by the Welsh Ministers concurrently with that Minister.</p> <p>(10)The power of the Scottish Ministers to make regulations by virtue of subsection (9) is exercisable in the same ways and subject to the same provisions as their power to make other regulations under this section, except that—</p> <p>(a)the power is not exercisable without the agreement of a Minister of the Crown, and</p> <p>(b)regulations made in exercise of the power are subject to the negative procedure.</p> <p>(10A)The power of the Welsh Ministers to make regulations by virtue of subsection (9) is not exercisable without the agreement of a Minister of the Crown.</p> <p>(10B) A statutory instrument containing regulations made by the Welsh Ministers by virtue of subsection (9) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.</p> <p>(11) In subsection (9)—</p> <p>“election in Scotland” means—</p> <p>(a)an election for membership of the Scottish Parliament, or</p> <p>(b)a local government election in Scotland;</p> <p>“election in Wales” means—</p> <p>(a)an election of Assembly members, or</p> <p>(b)a local government election in Wales;</p> <p>“UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors.</p>	
<p><b>56 Registration appeals: England and Wales.</b></p> <p>(1)An appeal lies to the county court—</p> <p>(a)from any decision of a registration officer not to register a person following an application under section 10ZC,</p> <p>(aza)from any decision of a registration officer to register a person following an application under section 10ZC in a case where an objection has been made under that section,</p> <p>(azb)from any decision of a registration officer not to alter a register following an application under section 10ZD,</p> <p>(azc)from any decision of a registration officer to alter a register following an application under section 10ZD in a</p>	<p>Part 1, Chapter 2, section 4</p>

case where an objection has been made under that section,

(azd)from any decision of a registration officer under section 10ZE, or any other provision of this Act, as a result of which a person's entitlement to remain registered terminates,

(aa)from any decision of a registration officer not to make a determination under section 10ZE(1) following an objection under section 10ZE(5)(a),

(azaa) from any decision of a registration officer for a local government area in Wales to register a person under section 9ZA(5);

(ab)from a determination of the registration officer under section 9B(2) above,

(ac)from a determination of a registration officer not to issue—

(i)an electoral identity document following an application under section 13BD, or

(ii)an anonymous elector's document following an application under section 13BE,

(b)from any decision under this Act of the registration officer disallowing a person's application to vote by proxy or by post as elector or to vote by post as proxy, in any case where the application is not made for a particular election only,

(c) . . . . .

(d) . . . . .

but an appeal does not lie where the person desiring to appeal has not availed himself of a prescribed right to be heard by or make representations to the registration officer on the matter which is the subject of the appeal, or has not given the prescribed notice of appeal within the prescribed time.

(2)No appeal lies from the decision of the Court of Appeal on appeal from a decision of the county court under this section.

(3)An appeal to the county court or Court of Appeal by virtue of this section which is pending when notice of an election is given shall not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision shall be as good as if no such appeal had been brought and shall not be affected by the decision of the appeal.

(4)Notice shall be sent to the registration officer in manner provided by rules of court of the decision of the county court or of the Court of Appeal on any appeal by virtue of this section, and the registration officer shall, in accordance with sections 13A, 13AB, 13B and 13BC above, make such alterations in the . . . register as may be required to give effect to the decision.



(4A)Where, as a result of the decision on an appeal, an alteration in the register made in pursuance of subsection (4) above takes effect under section 13(5), 13A(2), 13AB(3) or 13B(3) or (3B) or 13BC(3) or (6) above on or before the date of the poll, subsection (3) above does not apply to that appeal as respects that election.

(5)The registration officer shall undertake such duties in connection with appeals brought by virtue of this section as may be prescribed and shall on any such appeal be deemed to be a party to the proceedings, and the registration expenses payable to a registration officer shall include any expenses properly incurred by him by virtue of this subsection.

(6).....

**73 Payment of expenses through election agent.**

Part 1, Chapter 5, section 35

(1) Subject to subsection (5) below, no payment (of whatever nature) shall be made by—

- (a) a candidate at an election, or
- (b) any other person,

in respect of election expenses incurred by or on behalf of the candidate unless it is made by or through the candidate's election agent.

(2) Every payment made by an election agent in respect of any election expenses shall, except where less than £20, be vouched for by a bill stating the particulars or by a receipt.

(3) The references in the foregoing provisions of this section to an election agent shall, in relation to a parliamentary or Authority election where subagents are allowed, be taken as references to the election agent acting by himself or a sub-agent.

(4) . . . . .

(5) This section does not apply to—

(a) any expenses which are, in accordance with section 74(1) or (1B), 78(5) or 79(2) below, paid by the candidate;

(b) any expenses which are paid in accordance with section 74(3) below by a person authorised as mentioned in that provision;

(c) any expenses included in a declaration made by the election agent under section 74A below; ...

(ca) any expenses incurred, ~~otherwise than in relation to an election in Wales under the local government Act~~, on account of any matter falling within section 75(1) by a person authorised as mentioned in that provision; or

(d) any expenses which are to be regarded as incurred by or on behalf of the candidate by virtue of section 90ZA(5) below.

(6) A person who makes any payment (of whatever nature) in contravention of subsection (1) above ... shall be guilty of an illegal practice.

**90C Property, goods, services etc. provided free of charge or at a discount.**

Chapter 5,  
section 32

(1) This section applies where, in the case of a candidate at an election—

(a) either—

- (i) property or goods is or are transferred to the candidate or his election agent free of charge or at a discount of more than 10 per cent. of the market value of the property or goods, or
- (ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and

(b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.

(1A) For the purposes of subsection (1)(b), except as it applies in relation to an election in Scotland or ~~Wales~~ under the local government Act, property, goods, services or facilities are made use of on behalf of a candidate only if their use on behalf of the candidate is directed, authorised or encouraged by the candidate or the candidate's election agent.

(2) Where this section applies—

- (a) an amount of election expenses determined in accordance with this section ("the appropriate amount") shall be treated, for the purposes of this Part of this Act, as incurred by the candidate, and
- (b) the candidate's election agent shall make a declaration of that amount,

unless that amount is not more than £50.

This subsection has effect subject to Part 2 of Schedule 4A to this Act .

(3) Where subsection (1)(a)(i) above applies, the appropriate amount is such proportion of either—

- (a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or
- (b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in

<p>respect of the property or goods (where the property or goods is or are transferred at a discount), as is reasonably attributable to the use made of the property or goods as mentioned in subsection (1)(b) above.</p> <p>(4) Where subsection (1)(a)(ii) above applies, the appropriate amount is such proportion of either—</p> <p>(a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or</p> <p>(b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the services or facilities (where the property, goods, services or facilities is or are provided at a discount),</p> <p>as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in subsection (1)(b) above.</p> <p>(5) Where the services of an employee are made available by his employer for the use or benefit of a candidate, then for the purposes of this section the commercial rate for the provision of those services shall be the amount of the remuneration and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).</p> <p>(6) In this section “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 2A to this Act shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1) above, whether property or goods is or are transferred to a candidate or his election agent.</p>	
<p><b>“114A Undue influence</b></p> <p>(1) A person is guilty of a corrupt practice if the person is guilty of undue influence.</p> <p>(2) A person (“P”) is guilty of undue influence if P carries out an activity falling within subsection (4) for the purpose of—</p> <p>(a) inducing or compelling a person to vote in a particular way or to refrain from voting, or</p>	<p>Part 2, Chapter 3, section 64</p>

<p>(b) otherwise impeding or preventing the free exercise of the franchise of an elector or of a proxy for an elector.</p> <p>(3) A person (“P”) is also guilty of undue influence if P carries out an activity falling within any of paragraphs (a) to (f) of subsection (4) on account of—</p> <p>(a) a person having voted in a particular way or refrained from voting, or</p> <p>(b) P assuming a person to have voted in a particular way or to have refrained from voting.</p> <p>(4) The following activities fall within this subsection—</p> <p>(a) using or threatening to use violence against a person;</p> <p>(b) damaging or destroying, or threatening to damage or destroy, a person’s property;</p> <p>(c) damaging or threatening to damage a person’s reputation;</p> <p>(d) causing or threatening to cause financial loss to a person;</p> <p>(e) causing spiritual injury to, or placing undue spiritual pressure on, a person;</p> <p>(f) doing any other act designed to intimidate a person;</p> <p>(g) doing any act designed to deceive a person in relation to the administration of an election.</p> <p>(5) For the purposes of subsections (2) and (3) an activity is carried out by a person (“P”) if it is carried out—</p> <p>(a) by P,</p> <p>(b) by P jointly with one or more other persons, or</p> <p>(c) by one or more other persons on behalf of P and with P’s authority or consent.</p> <p>(6) In subsection (4)(f) and (g) “act” includes an omission (and references to the doing of an act are to be read accordingly).</p> <p>(7) This section does not have effect in relation to an election in Scotland or Wales under the local government Act.”</p>	
<p><b>Section 115 (undue influence offence: local government elections in Scotland and Wales)</b></p>	<p>Part 2, Chapter 3, section 64</p>
<p><b>SCHEDULE 2 PROVISIONS WHICH MAY BE CONTAINED IN REGULATIONS AS TO REGISTRATION ETC.</b></p> <p>1A(1) Provision authorising or requiring a person to disclose information to another person for the purpose of assisting a registration officer ...—</p> <p>(a) to verify information relating to a person within sub-paragraph (1A),</p>	<p>Part 1, Chapter 2, section 4</p>

(aa) to decide whether a person is eligible to be included in the register for the purpose of section 9ZA,

(b) to ascertain the names and addresses of people who are not registered but who are entitled to be registered, or

(c) to identify those people who are registered but who are not entitled to be registered.

(1A) The following persons are within this sub-paragraph—

(a) a person who is registered in a register maintained by the registration officer;

(b) a person who is named in—

(i) an application for registration in, or alteration of, a register,

(ii) an application (including a partially completed application) under section 13BD, 13BE or 13C, or

(iii) a relevant absent voting application.

(1B) In sub-paragraph (1A)(b)(i), the reference to an application for registration in, or alteration of, a register includes a reference to a partially completed application submitted through the UK digital service.

(2) Provision made under sub-paragraph (1) may authorise or require the person to whom the information is disclosed—

(a) to compare it with other information;

(b) to disclose the results of the comparison to a registration officer for the purpose mentioned in that sub-paragraph.

(3) The provision that may be made under sub-paragraph (1) or (2) includes provision—

(a) conferring other functions on a person;

(b) authorising the Secretary of State to make grants to a person on whom functions are conferred;

(c) authorising a person to disclose or otherwise process information only in accordance with an agreement;

(d) authorising or requiring a person to disclose or otherwise process information only in accordance with requirements imposed by the Secretary of State;

(e) regulating the manner in which information is disclosed;

(f) requiring the retention or disposal, or otherwise regulating the processing, of information disclosed.

(4) Provision made under this paragraph has effect despite any statutory or other restriction on the disclosure of information.

(5) In this paragraph “processing” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(4) and (14) of that Act).

(6) In sub-paragraph (1), the reference to disclosing information includes, in relation to verifying information relating to a person who is named in a relevant registration application or a relevant absent voting application, references to disclosing evidence provided by a person in connection with the application.

(7) In this paragraph—

(a) “relevant absent voting application” means—

(i) an application (including a partially completed application) under paragraph 3, 4 or 6 of Schedule 4 to the Representation of the People Act 2000, other than an application in relation to a local government election, or local government elections, in Scotland or Wales, or

(ii) an application (including a partially completed application) under section 6, 7 or 8 of the Representation of the People Act 1985;

(b) “relevant registration application” means an application (including a partially completed application) for registration in, or alteration of—

(i) a register of parliamentary electors, or

(ii) a register of local government electors in England, and includes a form (or partially completed form) in connection with a canvass under section 10;

(c) “the UK digital service” means a digital service provided by a Minister of the Crown for the registration of electors, and the reference in sub-paragraph (1B) to an application submitted through the UK digital service is a reference to an application submitted using that service as an intermediary.

(8) A notice, including a partially completed notice, under section 8(9) of the Representation of the People Act 1985 (cancellation of proxy appointment) is to be treated as a relevant absent voting application for the purposes of this paragraph.

1B(1) Provision as to the information that a registration officer may or must require persons to give by virtue of regulations under paragraph 1(2), or must provide to persons, when conducting a canvass in Great Britain (whether as part of a canvass form or communication or otherwise).

(2) Provision authorising or requiring a registration officer in Great Britain to complete canvass forms in part for people.

<p>(3) Provision as to the form and contents of declarations to be made by those responding to a canvass in Great Britain.</p> <p><u>1C Provision authorising or requiring a registration officer maintaining a register of local government electors for an area in Wales to take specified steps for the purpose of deciding whether a person is eligible to be included in the register for the purpose of section 9ZA.</u></p>	
<p>10(1) Provisions requiring a registration officer to prepare, in addition to the version of the register which he is required to prepare by virtue of the other provisions of this Act (“the full register”), a version of the register which omits the names and addresses of registered electors by or on behalf of whom requests have been made to have their names and addresses excluded from that version of it (“the edited register”).</p> <p>(1A) The edited version shall also omit anonymous entries.</p> <p>(2) Provisions specifying a form of words to be used by a registration officer for the purpose of—</p> <p>(a) explaining to persons registered or applying to be registered, or persons acting on behalf of such persons, the purposes for which the full register and the edited register may each be used, and</p> <p>(b) ascertaining whether the exclusion of their names and addresses from the edited register is requested by or on behalf of such persons.</p> <p><u>(3) This paragraph does not apply to a register of local government electors for an area in Wales.</u></p> <p>10A Provisions requiring copies of the full register and other documents, or prescribed parts of them, to be available for inspection by the public at such places as may be prescribed.</p> <p>10B(1) Provisions authorising or requiring a registration officer—</p> <p>(a) to supply to such persons as may be prescribed copies of the full register and other documents, or prescribed parts of them, whether free of charge or on payment of a prescribed fee;</p> <p>(b) to supply to any persons copies of the edited register, or any prescribed part of it, on payment of a prescribed fee.</p> <p>(2) Provisions specifying, in relation to any description of persons prescribed by regulations made in pursuance of sub-paragraph (1)(a) above, the purposes for which copies supplied to such persons under such regulations, or information contained in them, may be used whether by such persons or by employees or other persons</p>	<p>Part 1, Chapter 2, section 4</p>



<p>authorised by them in accordance with regulations to have access to such copies or information contained in them.</p> <p>(3) Without prejudice to the generality of sub-paragraph (1) above or paragraph 11A below, regulations made in pursuance of sub-paragraph (1) may contain any such provisions as are authorised by paragraph 11A.</p> <p><u>(4) Paragraph (b) of sub-paragraph (1) does not apply to a register of local 15 government electors for an area in Wales.</u></p>	
<p><b>SCHEDULE 4A ELECTION EXPENSES</b></p> <p>14A(1) The Electoral Commission (“the Commission”) may prepare, and from time to time revise, a code of practice for local government elections in Wales giving—</p> <p>(a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;</p> <p>(b) guidance (supplementing the definition in section 90ZA(3)) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.</p> <p><u>(c) guidance relating to the application of Part 2 of this Act in relation to expenses incurred for the purposes of a candidate's election (whether or not election expenses).</u></p> <p>(2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Welsh Ministers for approval.</p> <p>(3) The Welsh Ministers may approve a draft code with or without modifications.</p> <p>(4) Once the Welsh Ministers have approved a draft code they must lay a copy of the draft, in the form in which they have approved it, before Senedd Cymru.</p> <p>(5) If the draft incorporates modifications, the Welsh Ministers must at the same time lay before Senedd Cymru a statement of their reasons for making them.</p> <p>(6) If, within the 40-day period, Senedd Cymru resolves not to approve the draft, the Welsh Ministers must take no further steps in relation to it.</p> <p>(7) If no such resolution is made within the 40-day period—</p> <p>(a) the Welsh Ministers must issue the code in the form of the draft laid before Senedd Cymru,</p> <p>(b) the code comes into force on the date appointed by the Welsh Ministers by order <u>made by statutory instrument</u>, and</p>	<p>Part 1, Chapter 5, section 34</p>

<p>(c) the Commission must arrange for the code to be published in such manner as the Commission think appropriate.</p> <p>(8) Sub-paragraph (6) does not prevent a new draft code from being laid before Senedd Cymru.</p> <p>(9) In this paragraph, “the 40-day period”, in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before Senedd Cymru, no account being taken of any period during which Senedd Cymru is dissolved or is in recess for more than four days.</p> <p>(10) In this paragraph references to a draft code include a revised draft code.</p>	
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**Political Parties, Elections and Referendums Act 2000**

Section	Amended by
<p><b>5 Reports on elections, referendums etc .</b></p> <p>(1) The Commission shall, after—</p> <p>(a) each election to which this section applies, and</p> <p>(b) each referendum to which Part VII applies,</p> <p>prepare and publish (in such manner as the Commission may determine) a report on the administration of the election or referendum.</p> <p>(2) The elections to which this section applies are the following, namely—</p> <p>(a) a parliamentary general election;</p> <p>(b) . . . . .</p> <p>(c) a Scottish Parliamentary general election;</p> <p>(d) a <del>National Assembly for Wales</del> <u>Senedd Cymru</u> general election;</p> <p>(e) a Northern Ireland Assembly general election.</p> <p>(f) an ordinary election of police and crime commissioners.</p> <p>(2A)After—</p> <p>(a) a parliamentary by-election,</p> <p>(b) an election held under section 9 of the Scotland Act 1998 (election for the Scottish Parliament in the case of a constituency vacancy), ...</p> <p>(c) an election held under section 10 of the Government of Wales Act 2006 (election for the <del>National Assembly for Wales</del> <u>Senedd Cymru</u> in the case of a constituency vacancy), or</p>	<p>Schedule 1, Part 3, 6 (2)</p>

(d) an election held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner),

the Commission may prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.

(2AA) Subsection (2AB) applies where a report under this section relates to—

(a) a parliamentary general election,

(b) a parliamentary by-election,

(c) an ordinary election of police and crime commissioners,

(d) an election held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner), or

(e) a Northern Ireland Assembly general election.

(2AB) The report must include a description of the steps taken by returning officers to assist relevant persons (within the meaning of rule 29 of Schedule 1 to the Representation of the People Act 1983) to vote at the election.

(2B) After an ordinary election of councillors for local government areas in Scotland, the Commission must prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.

(2C) Subsection (2D) applies where a report under this section relates to one of the following elections—

(a) a Scottish Parliamentary general election,

(b) an election held under section 9 of the Scotland Act 1998 (constituency vacancies), or

(c) an ordinary election of councillors for local government areas in Scotland.

(2D) The report must include a description of the steps taken by returning officers to assist disabled persons (within the meaning of section 6(2) of the Equality Act 2010) to vote at the election.

(2E) In subsection (2D), “returning officer”—

(a) in the case of a Scottish Parliamentary general election, means an officer who is—

(i) appointed by order in accordance with section 12(1) of the Scotland Act 1998, or

(ii) appointed by order under section 12(6) of that Act,

(b) in the case of an election held under section 9 of that Act, means an officer who is appointed by order in accordance with section 12(1) of that Act,

(c) in the case of an ordinary election of councillors for local government areas in Scotland, means an officer who is

<p>appointed under section 41(1) of the Representation of the People Act 1983.”</p> <p>(3) After a poll held under section 64 of the Government of Wales Act 2006 the Commission shall, if requested to do so by the Welsh Ministers, at their expense prepare and publish (in such manner as the Commission may determine) a report on the administration of the poll.</p>	
<p><b><u>5A Further provision about reports on Welsh elections</u></b></p> <p><u>(1) After an ordinary election of councillors for counties and county boroughs in Wales or communities in Wales, the Electoral Commission must prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.</u></p> <p><u>(2) Subsection (3) applies to—</u></p> <p><u>(a) a report under section 5 relating to a Senedd Cymru general election;</u></p> <p><u>(b) a report under subsection (1).</u></p> <p><u>(3) The report must include a description of the steps taken by returning officers to assist persons with disabilities that would otherwise adversely affect their right to vote at the election.</u></p> <p><u>(4) In subsection (3)—</u></p> <p><u>“disability”, in relation to doing a thing, includes a short term inability to do it;</u></p> <p><u>“returning officer”—</u></p> <p><u>(a) in the case of a Senedd Cymru general election, means a returning officer (however described) designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32);</u></p> <p><u>(b) in the case of an ordinary election of councillors for local government areas, means an officer who is appointed under section 35(1A) of the Representation of the People Act 1983 (c. 2).</u></p>	<p>Part 1, Chapter 4, section 25</p>
<p><b>7 Commission to be consulted on changes to electoral law.</b></p> <p>(1) Before making an instrument to which this section applies, the authority making the instrument shall consult the Commission.</p> <p>(2) This section applies to an instrument containing—</p> <p>(a) .....</p> <p>(b) .....</p> <p>(c) an order under section 24(1)(c), (cc) or (e), 25(1)(b), 28(1)(b) or 35(2B) of the Representation of the People Act</p>	<p>Schedule 1, Part 3, 6 (3)</p>

1983 (designations of returning officers and acting returning officers);

(d) rules under section 36 of that Act (local government elections in England ...);

(e) regulations under that Act (“the 1983 Act”), or under the Representation of the People Act 1985, in relation to which section 201(2) of the 1983 Act (regulations which may not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament) has effect;

<https://www.legislation.gov.uk/ukpga/2000/41/section/7>(eza) regulations to be made by the Scottish Ministers under section 81(3A)(c) of the Representation of the People Act 1983 (other matters to be included in election expenses return in relation to local government elections in Scotland);

(ezb) regulations to be made by the Scottish Ministers under paragraph 10(2) of schedule 2A of the Representation of the People Act 1983 (evidence of donor's anonymous registration to accompany statement of relevant donations in relation to local government elections in Scotland);

(ea) regulations made by virtue of paragraph 7F of Schedule 4 to the Representation of the People Act 2000 (regulations made by the Scottish Ministers about notification of rejected postal votes in relation to local government elections in Scotland);

(f) an order under section 13 or 64(3) or regulations under section 13A of the Government of Wales Act 2006 (conduct of elections to ~~the National Assembly for Wales~~ Senedd Cymru and of polls held by Welsh Ministers);

(g) an order under section 12(1) or (6) or regulations under section 12A(1) of the Scotland Act 1998 (conduct of elections to the Scottish Parliament);

(h) an order under section 34(4) of the Northern Ireland Act 1998 (conduct of elections to the Northern Ireland Assembly);

(ha) an order under subsection (1)(b) of section 54 of the Police Reform and Social Responsibility Act 2011 (designations of returning officers for elections of persons as police and crime commissioners in England and Wales);

(hb) regulations under subsection (2) of that section (functions of returning officers and local returning officers for such elections);

(hc) an order under section 58 of that Act (conduct of elections of persons as police and crime commissioners in England and Wales);

(i) an order under section 17A(3) of the Greater London Authority Act 1999 (free delivery of election addresses at elections to the Greater London Authority).

<p>(j) an order under section 3(1) of the Local Governance (Scotland) Act 2004.</p> <p>(k) regulations under section 9(5) or 18 of the Recall of MPs Act 2015 (wording of the recall petition signing sheet and the conduct of a recall petition etc).</p> <p>(3) No draft Order shall be laid before Parliament under section 84(4) of the Northern Ireland Act 1998 (power to make provision with respect to elections in Northern Ireland) except after consultation with the Commission.</p>	
<p><b>8 Powers with respect to elections exercisable only on Commission recommendation.</b></p> <p>(1) The function of giving directions under section 52(1) of the Representation of the People Act 1983 (directions as to discharge of registration duties) shall be exercisable only on, and in accordance with, a recommendation of the Commission.</p> <p>(2) A function to which this subsection applies shall, unless the person on whom the function is conferred considers that the exercise of the function is expedient in consequence of changes in the value of money, be exercisable only on, and in accordance with, a recommendation of the Commission.</p> <p>(3) Subsection (2) applies to the following functions, namely—</p> <p>(a) the making of orders under section 76(2A) of that Act (limitation of expenses in connection with elections to the Greater London Authority);</p> <p>(b) the making of orders under section 13 of the Government of Wales Act 2006 or section 12 of the Scotland Act 1998 so far as relating to the matters mentioned in subsection (2)(c) of the section (limitation of expenses in connection with elections to <del>the National Assembly for Wales</del> <u>Senedd Cymru</u> or Scottish Parliament);</p> <p>(c) . . . . .</p>	<p>Schedule 1, Part 3, 6 (4)</p>
<p><b>10 Giving of advice and assistance.</b></p> <p>(1) The Commission may, at the request of any relevant body, provide the body with advice and assistance as respects any matter in which the Commission have skill and experience.</p> <p>(2) The assistance which may be so provided includes (in particular) the secondment of members of the Commission's staff.</p> <p>(3) The Commission may also—</p> <p>(a )provide advice and assistance to—</p> <p>(i) registration officers,</p> <p>(ii) returning officers at relevant elections,</p>	<p>Schedule 1, Part 3, 6 (5)</p>

- (iii) registered parties,
  - (iv) recognised third parties within the meaning of Part VI, ...
  - (v) permitted participants within the meaning of Part VII;
  - (vi) petition officers in relation to recall petitions, and
  - (vii) accredited campaigners within the meaning of Schedule 3 to the Recall of MPs Act 2015 (see Part 5 of that Schedule);
- (b) provide advice and assistance to other persons which is incidental to, or otherwise connected with, the discharge by the Commission of their functions.
- (4) The Commission—
- (a) may make charges for advice or assistance provided by them under subsection (1); but
  - (b) may not make charges for advice and assistance provided under subsection (3).
- (5) Nothing in this section authorises the Commission to provide any form of financial assistance.
- (6) In this section “relevant body” means—
- (a) the Scottish Parliament;
  - (b) the Scottish Executive;
  - (c) ~~the National Assembly for Wales~~ Senedd Cymru;
  - (caa )the Welsh Ministers;
  - (ca) ~~the National Assembly for Wales~~ Senedd Commission;
  - (d) the Northern Ireland Assembly;
  - (e) the Executive Committee of the Northern Ireland Assembly;
  - (f) any of the following local authorities—
    - (i) in England, the council of a county, district or London borough,
    - (ii) in Wales, the council of a county or county borough, and
    - (iii) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
  - (g) a national or regional parliament or government in a country other than the United Kingdom;
  - (h) a body in any such other country having functions corresponding to any of the functions of the Commission;
  - (i) an organisation of which two or more countries (or their governments) are members or a subordinate body of such an organisation.
- (7) In this section “relevant election” means any election falling within section 22(5) ....

<https://www.legislation.gov.uk/ukpga/2000/41/section/10>(8).

.....

<p>(9).....</p> <p>(10).....</p> <p><b>22 Parties to be registered in order to field candidates at elections.</b></p> <p>(1) Subject to subsection (4), no nomination may be made in relation to a relevant election unless the nomination is in respect of—</p> <p>(a) a person who stands for election in the name of a qualifying registered party; or</p> <p>(b) a person who does not purport to represent any party; or</p> <p>(c) a qualifying registered party, where the election is one for which registered parties may be nominated.</p> <p>(2) For the purposes of subsection (1) a party (other than a minor party) is a “qualifying registered party” in relation to a relevant election if—</p> <p>(a) the constituency, police area, local government area or electoral region in which the election is held—</p> <p>(i) is in England, Scotland or Wales, ...</p> <p><a href="https://www.legislation.gov.uk/ukpga/2000/41/section/22">https://www.legislation.gov.uk/ukpga/2000/41/section/22</a>(ii). . . . .</p> <p>.....</p> <p>and the party was, on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election, registered in respect of that part of Great Britain in the Great Britain register maintained by the Commission under section 23, or</p> <p>(b) the constituency, district electoral area or electoral region in which the election is held—</p> <p>(i) is in Northern Ireland, ...</p> <p>(ii).....</p> <p>and the party was, on the relevant day, registered in the Northern Ireland register maintained by the Commission under that section.</p> <p>(2A) For the purposes of subsection (2) any day falling within rule 2(1) of the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983 (subject to rule 2(2A)) shall be disregarded.</p> <p>(3) For the purposes of subsection (1) a person does not purport to represent any party if either—</p> <p>(a) the description of the candidate given in his nomination paper, is—</p> <p>(i) “Independent”, or</p> <p>(ii) where the candidate is the Speaker of the House of Commons seeking re-election, “The Speaker seeking re-election”; or</p>	<p>Schedule 1, Part 3, 6 (6)</p>
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<p>(b) no description of the candidate is given in his nomination paper.</p> <p>(4) Subsection (1) does not apply in relation to any parish or community election.</p> <p>(5) The following elections are relevant elections for the purposes of this Part—</p> <p>(a) parliamentary elections,</p> <p>(b). . . . .</p> <p>(c) elections to the Scottish Parliament,</p> <p>(d) elections to <del>the National Assembly for Wales</del> <u>Senedd Cymru</u>,</p> <p>(e) elections to the Northern Ireland Assembly,</p> <p>(ea) elections of police and crime commissioners,</p> <p>(f) local government elections, and</p> <p>(g) local elections in Northern Ireland.</p> <p>(6) For the purposes of this Act a person stands for election in the name of a registered party if his nomination paper includes a description authorised by a certificate issued by or on behalf of the registered nominating officer of the party.</p>	
<p><b>67 Weekly donation reports in connection with elections other than general elections.</b></p> <p>(1) The Secretary of State may, after consulting the Commission and all registered parties, by order make provision for—</p> <p>(a) sections 63 and 64, together with Schedule 6,</p> <p>(b) sections 65 and 66, and</p> <p>(c) section 147 so far as applying in relation to section 65(1) or (2),</p> <p>to apply in relation to the specified election period in the case of one or more relevant elections with such modifications as are specified in the order.</p> <p>(2) In this section—</p> <p>(a) “specified election period”, in relation to a relevant election, means such period ending with the date of the poll for the election as may be specified in an order under subsection (1);</p> <p>(b) “relevant election” means—</p> <p>(i). . . . .</p> <p>(ii) an election to the Scottish Parliament;</p> <p>(iii) an election to <del>the National Assembly for Wales</del> <u>Senedd Cymru</u>; <a href="https://www.legislation.gov.uk/ukpga/2000/41/section/67...">https://www.legislation.gov.uk/ukpga/2000/41/section/67...</a></p> <p>(iv) an election to the Northern Ireland Assembly; or</p>	<p>Schedule 1, Part 3, 6 (7)</p>

<p>(v) an election of a police and crime commissioner.</p>	
<p><b>73 Notional campaign expenditure</b></p> <p>(1) This section applies where, in the case of a registered party—</p> <p>(a) either—</p> <p>(i) property is transferred to the party free of charge or at a discount of more than 10 per cent. of its market value, or</p> <p>(ii) property, services or facilities is or are provided for the use or benefit of the party free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities, and</p> <p>(b) the property, services or facilities is or are made use of by or on behalf of the party in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the party in respect of that use, they would be (or are) campaign expenditure incurred by or on behalf of the party.</p> <p>(1A) For the purposes of subsection (1)(b), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 3, <u>6</u> 7, 9, 10 or 11 of Schedule 9 (periods involving parliamentary general elections, <u>ordinary or extraordinary general elections to Senedd Cymru</u>, or general elections to the Northern Ireland Assembly), property, services or facilities are made use of on behalf of a registered party only if their use on behalf of the party is directed, authorised or encouraged by—</p> <p>(a) the party, or</p> <p>(b) the treasurer or a deputy treasurer appointed under section 74.</p> <p>(2) Where this section applies, an amount of campaign expenditure determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part, as incurred by the party during the period for which the property, services or facilities is or are made use of as mentioned in subsection (1)(b).</p> <p>This subsection has effect subject to subsection (9).</p> <p>(3) Where subsection (1)(a)(i) applies, the appropriate amount is such proportion of either—</p> <p>(a) the market value of the property (where the property is transferred free of charge), or</p> <p>(b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of the party in respect of the property (where the property is transferred at a discount),</p>	<p>Part 1, Chapter 5, section 33</p>

as is reasonably attributable to the use made of the property as mentioned in subsection (1)(b).

(4) Where subsection (1)(a)(ii) applies, the appropriate amount is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the party in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, services or facilities as mentioned in subsection (1)(b).

(5) Where the services of an employee are made available by his employer for the use or benefit of a registered party, then for the purposes of this section the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration or allowances payable to the employee by his employer in respect of the period for which his services are made available (but shall not include any amount in respect of contributions or other payments for which the employer is liable in respect of the employee).

(6) Where an amount of campaign expenditure is treated, by virtue of subsection (2), as incurred by or on behalf of a party during any period the whole or part of which falls within any period which is, in relation to the party, a relevant campaign period for the purposes of section 80, then—

- (a) the amount mentioned in subsection (7) shall be treated as incurred by or on behalf of the party during the relevant campaign period, and
- (b) the treasurer or a deputy treasurer appointed under section 74 shall make a declaration of that amount,

unless that amount is not more than £200.

(7) The amount referred to in subsection (6) is such proportion of the appropriate amount (determined in accordance with subsection (3) or (4)) as reasonably represents the use made of the property, services or facilities as mentioned in subsection (1)(b) during the relevant campaign period.

(8) A person commits an offence if he knowingly or recklessly makes a false declaration under subsection (6).

(9) No amount of campaign expenditure shall be regarded as incurred by virtue of subsection (2) in respect of—

<p>(a) the transmission by a broadcaster of a party political broadcast;</p> <p>(b) any facilities provided in accordance with any right conferred on candidates or a party at an election by any enactment; or</p> <p>(c) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge.</p> <p>(10) In subsections (1), (1A), (3), (4) and (5) any reference to anything done by or in relation to a registered party includes a reference to anything done by or in relation to any accounting unit of the party; and section 50(6) and (8)(a) shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1), whether property is transferred to a registered party or to any such unit.</p> <p><a href="https://www.legislation.gov.uk/ukpga/2000/41/section/73">https://www.legislation.gov.uk/ukpga/2000/41/section/73</a>(11)</p> <p>.....</p>	
<p><b>86 Notional controlled expenditure</b></p> <p>(1) This section applies where, in the case of a third party—</p> <p>(a) either—</p> <p>(i) property is transferred to the third party free of charge or at a discount of more than 10 per cent. of its market value, or</p> <p>(ii) property, services or facilities is or are provided for the use or benefit of the third party free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities, and</p> <p>(b) the property, services or facilities is or are made use of by or on behalf of the third party in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the third party in respect of that use, they would be (or are) controlled expenditure incurred by or on behalf of the third party.</p> <p>(1A) For the purposes of subsection (1)(b), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 3, <u>6</u>, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections, <u>ordinary or extraordinary general elections to Senedd Cymru</u>, or general elections to the Northern Ireland Assembly), property, services or facilities are made use of on behalf of a third party only if their use on behalf of the third party is directed, authorised or encouraged by the third party or (where the third party is a recognised third party and is not an individual) by the third party or the responsible person.</p> <p>(2) Where this section applies, an amount of controlled expenditure determined in accordance with this section</p>	<p>Part 1, Chapter 5, section 33</p>

("the appropriate amount") shall be treated, for the purposes of this Part, as incurred by the third party during the period for which the property, services or facilities is or are made use of as mentioned in subsection (1)(b).

This subsection has effect subject to section 87.

(3) Where subsection (1)(a)(i) applies, the appropriate amount is such proportion of either—

- (a) the market value of the property (where the property is transferred free of charge), or
- (b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of the third party in respect of the property (where the property is transferred at a discount),

as is reasonably attributable to the use made of the property as mentioned in subsection (1)(b).

(4) Where subsection (1)(a)(ii) applies, the appropriate amount is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the third party in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, services or facilities as mentioned in subsection (1)(b).

(5) Where the services of an employee are made available by his employer for the use or benefit of a third party, then for the purposes of this section the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).

(6) Where an amount of controlled expenditure is treated, by virtue of subsection (2), as incurred by or on behalf of a third party during any period the whole or part of which falls within any period which is a regulated period (as defined by section 94(10)(a)), then—

<p>(a) the amount mentioned in subsection (7) shall be treated as incurred by or on behalf of the third party during the regulated period, and</p> <p>(b) if a return falls to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of the third party during that period, the responsible person shall make a declaration of that amount,</p> <p>unless that amount is not more than £200.</p> <p>(7) The amount referred to in subsection (6) is such proportion of the appropriate amount (determined in accordance with subsection (3) or (4)) as reasonably represents the use made of the property, services or facilities as mentioned in subsection (1)(b) during the regulated period.</p> <p>(8) A person commits an offence if he knowingly or recklessly makes a false declaration under subsection (6).</p> <p>(9) Paragraph 2(5) and (6)(a) of Schedule 11 shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1), whether property is transferred to a third party.</p>	
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**88 Third parties recognised for the purposes of this Part.**

Part 1,  
Chapter 5,  
section 37

(1) A third party is recognised for the purposes of this Part if—

(a) the third party has given the Commission a notification under this subsection which complies with subsection (3), and

(b) that notification is for the time being in force.

(2) A third party may only give a notification under subsection (1) if the third party is—

(a) an individual resident in the United Kingdom or registered in an electoral register (as defined by section 54(8)) who is not the responsible person in relation to another third party,

(b) . . . . .

(c) a body falling within any of paragraphs (b) and (d) to (h) of section 54(2).

(ca) a body incorporated by Royal Charter which does not fall within any of those paragraphs of section 54(2),

(cb) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011 or within the meaning of the Charities Act (Northern Ireland) 2008,

(cc) a Scottish charitable incorporated organisation within the meaning of Chapter 7 of Part 1 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10), or

(cd) a partnership constituted under the law of Scotland which carries on business in the United Kingdom,

(d) . . . . .

(e) . . . . .

(3) A notification under subsection (1) must—

(a) if given by an individual, state—

(i) his full name, and

(ii) his home address in the United Kingdom, or (if he has no such address in the United Kingdom) his home address elsewhere,

(iii) . . . . .

and be signed by him;

(b) . . . . .

(c) if given by a body falling within any of paragraphs (b) and (d) to (h) of section 54(2) . . . , state—

(i) all such details in respect of the body as are required by virtue of any of sub-paragraphs (4) and (6) to (10) of paragraph 2 of Schedule 6 to be given in respect of such a body as the donor of a recordable donation,

(ia) in the case of a body falling within any of paragraphs (b) and (d) to (h) of section 54(2), the names of the relevant participators in relation to the body (see subsection (3B)), and

(ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of Chapter II,

and be signed by the body's secretary or a person who acts in a similar capacity in relation to the body.

(d) if given by a body falling within any of paragraphs (ca) to (cd) of subsection (2), state—

(i) the relevant details in relation to the body (see subsection (3C)), and

(ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of Chapter 2,

and be signed by the body's secretary or a person who acts in a similar capacity in relation to the body.

(3A) A notification given by a third party does not comply with the requirement in subsection (3)(c)(ii) or (d)(ii) (to state the name of the person who will be responsible for compliance) if the person whose name is stated is—

(a) the responsible person in relation to another third party,

(b) an individual who gives a notification under subsection (1) at the same time, or

(c) the person whose name is stated, in purported compliance with the requirement in subsection (3)(b)(iii), (c)(ii) or (d)(ii), in a notification given at the same time by another third party.

In this subsection "the person", in relation to a notification to which subsection (3)(c) or (d) applies, is to be read as "the person or officer".

(3B) For the purposes of subsection (3)(c), the "relevant participators" in relation to a body are—

(a) in the case of a body falling with section 54(2)(b) (companies), the body's directors;

(b) in the case of a body falling within section 54(2)(d) (trade unions), the body's officers (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992: see section 119 of that Act);

(c) in the case of a body falling within section 54(2)(e) (building societies), the body's directors;

(d) in the case of a body falling within section 54(2)(f) (limited liability partnerships), the body's members;

(e) in the case of a body falling within section 54(2)(g) (friendly societies etc)—



(i) where the body is a friendly society, the members of the body's committee of management;

(ii) otherwise, the members of the body's committee of management or other directing body;

(f) in the case of a body falling within section 54(2)(h) (unincorporated associations)—

(i) where the body has more than 15 members and has officers or a governing body, those officers or the members of that governing body;

(ii) otherwise, the body's members.

(3C) For the purposes of subsection (3)(d), the “relevant details” in relation to a body are—

(a) in the case of a body falling within subsection (2)(ca) (body incorporated by Royal Charter)—

(i) the name of the body,

(ii) the address of its main office in the United Kingdom, and

(iii) the names of its officers or the members of its governing body;

(b) in the case of a body falling within subsection (2)(cb) or (cc) (charitable incorporated organisation)—

(i) the name of the body,

(ii) the address of its principal office, and

(iii) the names of its charity trustees within the meaning of the Charities Act 2011, the Charities Act (Northern Ireland) 2008 or the Charities and Trustee Investment (Scotland) Act 2005 (asp 10);

(c) in the case of a body falling within subsection (2)(cd) (Scottish partnership)—

(i) the name of the body,

(ii) the address of its main office in the United Kingdom, and

(iii) the names of the partners.

(3D) A notification given under subsection (1) by a third party so as to be subject to the lower-tier expenditure limits must contain a statement to that effect.

(4) Subject to the following provisions of this section, a notification under subsection (1) (“the original notification”)—

(a) shall be in force as from the date on which it is received by the Commission, but

(b) shall, subject to subsection (5), lapse at the end of the period of three months beginning with any anniversary of that date unless the third party notifies the Commission that the third party wishes the original notification to continue in force.

(5) Where—

(a) the original notification would apart from this subsection lapse under subsection (4)(b) at the end of any such period of three months as is mentioned in that provision, but

(b) the end of that period falls within any regulated period at the end of which a return will fall to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of the third party during the regulated period, the original notification shall be treated, for all purposes connected with controlled expenditure so incurred during the regulated period, as lapsing at the end of that period instead.

(6) A notification under subsection (4)(b) (“the renewal notification”) must either—

(a) confirm that all the statements within subsection (3) contained in the original notification, as it has effect for the time being, are accurate; or

(b) indicate that any statement within subsection (3) contained in that notification, as it so has effect, is replaced by some other statement conforming with that subsection.

(6A) In a case where the original notification, as it has effect for the time being, contains a statement within subsection (3D), the renewal notification must either—

(a) confirm that the statement is to continue to have effect, or

(b) indicate that the statement is withdrawn.

(7) A notification under subsection (4)(b) must be received by the Commission during the period beginning one month before the relevant anniversary for the purposes of that provision and ending three months after it.

(8) A third party may, at any time after giving the original notification, give the Commission a notification (“a notification of alteration”) indicating that—

(a) any statement within subsection (3) that is contained in the original notification, as it has effect for the time being, is replaced by some other statement conforming with that subsection that is contained in the notification of alteration, or

(b) any statement within subsection (3D) that is contained in the original notification, as it has effect for the time being, is withdrawn.

(9) The Secretary of State may by order amend subsection (2), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly), by—

<p>(a) adding a description of third party to the list in that subsection,</p> <p>(b) removing a description of third party from that list, or</p> <p>(c) varying the description of a third party in that list.</p> <p>(10) An order under subsection (9)(b) or (c) may be made only where the order gives effect to a recommendation of the Commission.</p> <p><u>(11) The Welsh Ministers may by order amend subsection (2), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (periods involving general elections to Senedd Cymru), by—</u></p> <p><u>(a) adding a description of third party to the list in that subsection,</u></p> <p><u>(b) removing a description of third party from that list, or</u></p> <p><u>(c) varying the description of a third party in that list.</u></p> <p><u>(12) An order under subsection (11)(b) or (c) may be made only where the order gives effect to a recommendation of the Commission.</u></p>	
<p><b><u>89B Restriction on which third parties may incur controlled expenditure: Senedd Cymru elections</u></b></p> <p><u>(1) No amount of controlled expenditure may be incurred by or on behalf of a third party during a Welsh devolved regulated period unless the third party falls within any paragraph of section 88(2) (third parties eligible to give notification).</u></p> <p><u>(2) Subsection (1) does not apply to any expenses incurred by or on behalf of a third party during a Welsh devolved regulated period which do not in total exceed £700.</u></p> <p><u>(3) Subsections (4) and (5) apply where expenses are incurred by or on behalf of a third party in contravention of subsection (1).</u></p> <p><u>(4) If the third party is not an individual—</u></p> <p><u>(a) any person who authorised the expenses to be incurred by or on behalf of the third party is guilty of an offence if the person knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1), and</u></p> <p><u>(b) the third party is also guilty of an offence.</u></p> <p><u>(5) If the third party is an individual, the individual is guilty of an offence if they knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1).</u></p> <p><u>(6) A “Welsh devolved regulated period” means a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (periods involving general elections to Senedd Cymru).</u></p>	<p>Part 1, Chapter 5, section 36</p>

#### **94 Limits on controlled expenditure by third parties**

(1) Schedule 10 has effect for imposing limits on controlled expenditure incurred by or on behalf of recognised third parties in England, Scotland, Wales or Northern Ireland, or in particular parliamentary constituencies, during the periods specified in that Schedule.

(2) Where during a regulated period any controlled expenditure is incurred in a relevant part of the United Kingdom or a parliamentary constituency by or on behalf of a recognised third party in excess of the limit imposed by Schedule 10 in relation to that period and part of the United Kingdom or parliamentary constituency, then—

(a) if the third party is not an individual—

(i) the responsible person is guilty of an offence if he authorised the expenditure to be incurred by or on behalf of the third party and he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit, and

(ii) the third party is also guilty of an offence;

(b) if the third party is an individual, he is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit.

(3) Subsection (4) applies where—

(a) any of the following sub-paragraphs applies—

(ai) during a regulated period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly), any controlled expenditure is incurred by or on behalf of a third party in excess of £10,000;

(i) during a regulated period, any controlled expenditure is incurred in a part of the United Kingdom by or on behalf of a third party in excess of the limit for that part of the United Kingdom mentioned in subsection (5);

(ii) during a regulated period in relation to which any limit is imposed by paragraph 3, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections), any controlled expenditure is incurred in a particular parliamentary constituency by or on behalf of a third party in excess of the limit mentioned in subsection (5ZA), and

(b) the third party—

(i) in a case within paragraph (a)(ai) or (ii), is not a recognised third party;

(ii) in a case within paragraph (a)(i), is not a recognised third party or, where the regulated period is one in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10, is a recognised third party but is subject to the lower-tier expenditure limits.

Part 1,  
Chapter 5,  
section 33

(3A) For provision requiring certain controlled expenditure to be disregarded in determining for the purposes of subsection (3)(a) whether a limit is exceeded, see section 94B(3) (arrangements between third parties notified to the Commission).

(4) In the case mentioned in subsection (3)—

(a) if the third party is not an individual—

(i) any person who authorised the expenditure to be incurred by or on behalf of the third party is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit, and

(ii) the third party is also guilty of an offence;

(b) if the third party is an individual, he is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit.

(4ZA) In its application to a case within subsection (3)(a)(i) where the third party is a recognised third party that is subject to the lower-tier expenditure limits, the reference in subsection (4)(a)(i) to any person who authorised the expenditure to be incurred is to be read as a reference to the responsible person.

(4A) It is a defence for any person or third party charged with an offence under subsection (2) or (4) to show—

(a) that any code of practice for the time being issued under paragraph 3 of Schedule 8A was complied with in determining whether any expenditure is controlled expenditure for the purposes of this Part, and

(b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.

(5) The limits referred to in subsection (3)(a)(i) are as follows—

(a) £20,000 for England; and

(b) £10,000 for each of Scotland, Wales and Northern Ireland.

(5ZA) The limit referred to in subsection (3)(a)(ii) is 0.05% of the total of the maximum campaign expenditure limits in England, Scotland, Wales and Northern Ireland.

(5A). . . . .

(6) Where—

(a) during a regulated period any controlled expenditure is incurred in a particular part of the United Kingdom or a particular parliamentary constituency by or on behalf of a third party, and

(b) the expenditure is so incurred in pursuance of a plan or other arrangement whereby controlled expenditure is to be incurred by or on behalf of—

(i) that third party, and

(ii) one or more other third parties,

respectively and the expenditure can reasonably be regarded as intended to achieve a common purpose falling within section 85(2)(b),

the expenditure mentioned in paragraph (a) shall be treated for the purposes of this section, sections 94D to 94H and Schedule 10 as having also been incurred, during the period and in the part of the United Kingdom or parliamentary constituency concerned, by or on behalf of the other third party (or, as the case may be, each of the other third parties) mentioned in paragraph (b)(ii).

(7) Subsection (6) applies whether or not any of the third parties in question is a recognised third party.

(8) Where—

(a) at any time before the beginning of any regulated period any expenses within section 85(2) are incurred by or on behalf of a third party in respect of any property, services or facilities, but

(b) the property, services or facilities is or are made use of by or on behalf of the third party during the regulated period in circumstances such that, had any expenses been incurred in respect of that use during that period, they would by virtue of section 85(2) have constituted controlled expenditure incurred by or on behalf of the third party during that period,

the appropriate proportion of the expenses mentioned in paragraph (a) shall be treated for the purposes of this section, sections 94A and 94B, sections 94D to 94H, sections 96 to 99A and Schedule 10 as controlled expenditure incurred by or on behalf of the third party during that period.

(8A) Where the period is one in relation to which any limit is imposed by paragraph 3, 6, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections, ordinary or extraordinary general elections to the Senedd Cymru, or general elections to the Northern Ireland Assembly), property, services or facilities are made use of on behalf of a third party for the purposes of subsection (8)(b) only if their use on behalf of the third party is directed, authorised or encouraged by the third party or (where the third party is a recognised third party and is not an individual) by the third party or the responsible person.

(9) For the purposes of subsection (8) the appropriate proportion of the expenses mentioned in paragraph (a) of that subsection is such proportion of those expenses as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (b).

(10) For the purposes of this section, sections 94A and 94B, sections 94D to 94H, sections 96 to 99A and Schedule 10—

<p>(a) a “regulated period” is ... a period in relation to which any limit is imposed by Schedule 10;</p> <p>(b) any reference to controlled expenditure incurred by or on behalf of a recognised third party during a regulated period includes any controlled expenditure so incurred during that period at any time before the third party became a recognised third party;</p> <p>(c) a part of the United Kingdom is a “relevant part” if any limit imposed by Schedule 10 applies to controlled expenditure which is incurred in that part; ...</p> <p>(d) any reference to controlled expenditure being incurred in a part of the United Kingdom shall be construed in accordance with paragraph 2 of that Schedule.</p> <p>(e) the “maximum campaign expenditure limit” in a part of the United Kingdom is the limit imposed by paragraph 3 of Schedule 9 in relation to campaign expenditure incurred in the relevant period (within the meaning of that paragraph) by or on behalf of a registered party which contests all the constituencies in that part (and to which sub-paragraph (6) of that paragraph does not apply).</p> <p>(f) any reference to controlled expenditure being incurred in a parliamentary constituency shall be construed in accordance with paragraph 2A of Schedule 10.</p> <p>(10A) Where an offence under subsection (4) is committed in the case of a recognised third party that is subject to the lower-tier expenditure limits—</p> <p>(a) the third party ceases to be subject to those limits at the time the offence is committed, and</p> <p>(b) this Part then applies to the third party as if the notification under section 88(1) which is for the time being in force in relation to the third party did not contain a statement under section 88(3D).</p> <p>(11). . .</p>	
<p><b>100A Code of practice on controlled expenditure</b></p> <p>(1) The Commission must prepare a code of practice about the operation of this Part in relation to a reserved regulated period.</p> <p><u>(1A) The Commission must prepare a code of practice about the operation of this Part in relation to a Welsh devolved regulated period.</u></p> <p>(2) <del>The</del> <u>A</u> code must in particular set out—</p> <p>(a) guidance on the kinds of expenses which do, or do not, fall within Part 1 of Schedule 8A (qualifying expenses);</p> <p>(b) guidance on determining whether the condition in section 85(2)(b) (promoting or procuring electoral success) is met in relation to expenditure;</p>	<p>Part 1, Chapter 5, section 38</p>

(c) guidance on determining whether anything provided to or for the use of a third party falls to be dealt with in accordance with section 86 (notional controlled expenditure) or with section 95 and Schedule 11 (donations);

(d) examples of when expenditure falls to be dealt with in accordance with section 94(6) (expenditure of a third party in pursuance of an arrangement with one or more other third parties);

(e) guidance about the operation of sections 94D to 94H (targeted controlled expenditure).

(3) The Commission may from time to time revise ~~the code~~ a code.

(4) In exercising their functions under this Part, the Commission must have regard to ~~the code~~ a code.

(5) It is a defence for a third party charged with an offence under any provision of this Part, where the offence relates to expenditure incurred or treated as incurred by a third party during a reserved regulated period, to show—

(a) that the code, in the form for the time being issued under section 100B, was complied with by the third party in determining whether the expenditure is controlled expenditure for the purposes of this Part, and

(b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.

(5A) It is a defence for a third party charged with an offence under any provision of this Part, where the offence relates to expenditure incurred or treated as incurred by a third party during a Welsh devolved regulated period to show—

(a) that the code, in the form for the time being issued under section 100C, was complied with by the third party in determining whether the expenditure is controlled expenditure for the purposes of this Part, and

(b) that the offence would not have been committed on the basis of the controlled expenditure as determined with the code.

(6) In this section, “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections or general elections to the Northern Ireland Assembly).

(6A) In this section “Welsh devolved regulated period” means a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (regulated period for general elections to Senedd Cymru).



<p>(7) Section 100B sets out consultation and procedural requirements relating to the code or any revised code <u>under subsection (1)</u>.</p> <p>(8) <u>Section 100C sets out consultation and procedural requirements relating to the code or any revised code under subsection (1A)</u>.</p>	
<p><b>100B Code of practice: consultation and procedural requirements</b></p> <p>(1) The Commission must consult the following on a draft of a code under section 100A(1) —</p> <p>(a) the Speaker’s Committee;</p> <p>(b) the Levelling Up, Housing and Communities Committee;</p> <p>(c) such other persons as the Commission consider appropriate.</p> <p>(2) After the Commission have carried out the consultation required by subsection (1), they must—</p> <p>(a) make whatever modifications to the draft code the Commission consider necessary in light of responses to the consultation, and</p> <p>(b) submit the draft to the Secretary of State for approval by the Secretary of State.</p> <p>(3) The Secretary of State may approve a draft code either without modifications or with such modifications as the Secretary of State may determine.</p> <p>(4) Once the Secretary of State has approved a draft code, the Secretary of State must lay before each House of Parliament a copy of the draft, whether—</p> <p>(a) in its original form, or</p> <p>(b) in a form which incorporates any modifications determined under subsection (3).</p> <p>(5) If the draft code incorporates any such modifications, the Secretary of State must at the same time lay before each House a statement of the Secretary of State’s reasons for making them.</p> <p>(6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State must take no further steps in relation to the draft code.</p> <p>(7) Subsection (6) does not prevent a new draft code from being laid before Parliament.</p> <p>(8) If no resolution of the kind mentioned in subsection (6) is made within the 40-day period—</p> <p>(a) the Secretary of State must issue the code in the form of the draft laid before Parliament,</p> <p>(b) the Commission must arrange for the code to be published in such manner as they consider appropriate, and</p>	<p>Part 1, Chapter 5, section 38</p>

<p>(c) the code comes into force on such day as the Secretary of State may by order appoint.</p> <p>(9) References in this section (other than in subsection (1)) to a code or draft code include a revised code or draft revised code.</p> <p>(10) In this section, “the 40-day period”, in relation to a draft code, means—</p> <p>(a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and</p> <p>(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House, no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.</p> <p>(11) If the name of the Levelling Up, Housing and Communities Committee is changed, the reference in subsection (1)(b) to that Committee is to be read (subject to subsection (12)) as a reference to the Committee by its new name.</p> <p>(12) If the functions of the Levelling Up, Housing and Communities Committee at the passing of this Act with respect to electoral matters (or functions corresponding substantially to such matters) become functions of a different committee of the House of Commons, the reference in subsection (1)(b) to that Committee is to be read as a reference to the committee which for the time being has those functions.</p>	
<p><b><u>100C Code of Practice: consultation and procedural requirements on controlled expenditure in Senedd Cymru elections</u></b></p> <p><u>(1) The Commission must consult the following on a draft of a code under section 100A(1A)—</u></p> <p><u>(a) Senedd Cymru (“the Senedd”);</u></p> <p><u>(b) such other persons as the Commission consider appropriate.</u></p> <p><u>(2) After the Commission have carried out the consultation required by subsection (1), the Commission must—</u></p> <p><u>(a) make whatever modifications to the draft code the Commission consider necessary in light of responses to the consultation, and</u></p> <p><u>(b) submit the draft to the Welsh Ministers for approval by the Welsh Ministers.</u></p> <p><u>(3) The Welsh Ministers may approve a draft code either without modifications or with such modifications as the Welsh Ministers may determine.</u></p>	<p>Part 1, Chapter 5, section 38</p>

(4) Once the Welsh Ministers have approved a draft code, they must lay a copy of the draft before the Senedd, whether—

(a) in its original form, or

(b) in a form which incorporates any modifications determined under subsection (3).

(5) If the draft code incorporates modifications, the Welsh Ministers must at the same time lay before the Senedd a statement of their reasons for making them.

(6) If, within the 40-day period, the Senedd resolves not to approve the draft code, the Welsh Ministers must take no further steps in relation to it.

(7) Subsection (6) does not prevent a new draft code from being laid before the Senedd.

(8) If no resolution of the kind mentioned in subsection (6) is made within the 40-day period—

(a) the Welsh Ministers must issue the code in the form of the draft laid before the Senedd,

(b) the code comes into force on the date appointed by the Welsh Ministers by order, and

(c) the Commission must arrange for the code to be published in such manner as the Commission consider appropriate.

(9) References in this section (other than in subsection (1)) to a code or draft code include a revised code or draft revised code.

(10) In this section “the 40-day period”, in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before the Senedd, no account being taken of any period during which the Senedd is dissolved or is in recess for more than four days.

(11) If the name of the Legislation, Justice and Constitution Committee is changed, the reference in subsection (1)(b) to that Committee is to be read as a reference to the Committee by its new name.

(12) If the functions of the Legislation, Justice and Constitution Committee at the passing of this Act with respect to electoral matters (or functions corresponding substantially to such matters) become functions of a different committee of Senedd Cymru, the reference in subsection (1)(b) to that Committee is to be read as a reference to the committee which for the time being has those functions.

**156 Orders and regulations.**

(1) Any power of the Secretary of State or the Welsh Ministers to make any order or regulations under this Act shall be exercised by statutory instrument.

(2) Subject to subsections (3) to (4A),

(a) a statutory instrument containing any order or regulations made under this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(b) a statutory instrument containing any order or regulations made under this Act by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of Senedd Cymru.

(3) Subsection (2) does not apply to—

(za) an order under section 100B(8);

(zb) an order under section 100C(8);

(a) any order under ... 163(2) or paragraph 14(7) of Schedule 1; ...

(aa) any order under paragraph 3(7) of Schedule 8, ~~other than an order of the Welsh Ministers;~~

(b) any order made in pursuance of section 155(2)(a).

(4) Subsection (2) also does not apply to any order under—

(a) .....

(b) section 51(4),

(c) section 67(1),

(ca) any provision of Chapter 6 of Part 4;

(d) .....

(da) section 71F(13),

(db) section 71H(4),

(dc) section 71U(1),

(dd) any provision of Chapter 2 of Part 4A,

(de) section 88(9),

(df) section 88(11),

(e) section 101(4),

(f) section 108(3),

(g) section 109(6),

(h) section 129,

(ha) paragraph 9 of Schedule 6A,

(i) paragraph 3(4) of Schedule 7,

(ia) paragraph 2(9) or 4(4) of Schedule 7A,

Part 1,  
Chapter 5,  
section 34 ;  
Part 1,  
Chapter 5,  
section 37;  
Part 1,  
Chapter 5,  
section 38

- (j) paragraph 4 of Schedule 8,
- (ja) paragraph 4 of Schedule 8A,
- (k) paragraph 3(4) of Schedule 11,
- (l) paragraph 4 of Schedule 13,
- (m) paragraph 2 of Schedule 14, or
- (n) paragraph 3(4) of Schedule 15;

and no such order shall be made (whether alone or with other provisions) unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament (in the case of an order made by the Secretary of State) or (in the case of an order made by the Welsh Ministers) a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, Senedd Cymru.

(4A) An order under paragraph 16 of Schedule 19C that contains—

(a) provision made by virtue of paragraph 1(1), (2), (3), (4) or (5), paragraph 5(1), (2), (3) or (4), paragraph 10(2)(b) or (3)(b) or paragraph 15(1)(a) of that Schedule, or

(b) provision amending an Act,

shall not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament (in the case of an order made by the Secretary of State) or (in the case of an order made by the Welsh Ministers) a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, Senedd Cymru; and subsection (2) does not apply to such an order.

(4B) Subject to subsections (4C) and (4D), any order or regulations made under this Act by the Scottish Ministers shall be subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

(4C) Subsection (4B) does not apply to an order falling within subsection (3)(a) or (b).

(4D) Subsection (4B) does not apply to an order falling within subsection (4), and any such order made by the Scottish Ministers shall be subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).

(5) Any order or regulations made by the Secretary of State, the Welsh Ministers, or the Scottish Ministers under this Act may—

(a) contain such consequential, incidental, supplementary or transitional provisions or savings (including provisions amending, repealing or revoking enactments) as the

<p>Secretary of State, <u>the Welsh Ministers</u>, or the Scottish Ministers considers appropriate; and</p> <p>(b) make different provision for different cases.</p> <p>(6) Nothing in this Act shall be read as affecting the generality of subsection (5) (including that subsection as applied by section 19(9)).</p> <p>(7) Paragraphs 21 to 23 of Schedule 1 contain provisions relating to regulations made by the Commission.</p>	
<p><b>160 General interpretation.</b></p> <p>(1) In this Act—</p> <p>“accounting unit” and “party with accounting units” shall be construed in accordance with section 26(11);</p> <p>“bequest” includes any form of testamentary disposition;</p> <p>“body”, without more, means a body corporate or any combination of persons or other unincorporated association;</p> <p>“broadcaster” has the meaning given by section 37(2);</p> <p>“business” includes every trade, profession and occupation;</p> <p>“central organisation”, in relation to a registered party, shall be construed in accordance with section 26(11);</p> <p><a href="https://www.legislation.gov.uk/ukpga/2000/41/section/160...">https://www.legislation.gov.uk/ukpga/2000/41/section/160...</a></p> <p>“the Commission” means the Electoral Commission;</p> <p>“contravention” includes a failure to comply, and cognate expressions shall be construed accordingly;</p> <p>“document” means a document in whatever form it is kept;</p> <p>“enactment” includes—</p> <p>(a) any provision of an Act (including this Act),</p> <p>(b) any provision of or of any instrument made under Northern Ireland legislation, and</p> <p>(c) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978);</p> <p>...</p> <p>“exempt trust donation” has the meaning given by section 162;</p> <p>“functions” includes powers and duties;</p> <p>...</p>	<p>Schedule 1, Part 3, 6 (8)</p>

...

...

...

“the Great Britain register” and “the Northern Ireland register” mean the registers of political parties referred to in section 23(2)(a) and (b) respectively;

“local election”, in relation to Northern Ireland, means a local election within the meaning of the Electoral Law Act (Northern Ireland) 1962;

“local government election” means a local government election within the meaning of section 191, 203 or 204 of the Representation of the People Act 1983 or an election under Part II of the Local Government Act 2000 for the return of an elected mayor;

“market value”, in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market;

“minor party” means (in accordance with section 34(1)) a party registered in the Great Britain register in pursuance of a declaration falling within section 28(2)(d);

“modifications” includes additions, omissions and amendments, and “modify” shall be construed accordingly;

“organisation” includes any body corporate and any combination of persons or other unincorporated association;

“property” includes any description of property, and references to the provision of property accordingly include the supply of goods;

“qualified auditor” means (subject to subsection (2))

(a)

a person who is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006;...

(b)

...

“record” means a record in whatever form it is kept;

“registered party” means a party registered under Part II of this Act;

“restriction” includes prohibition;

“treasurer”, in relation to a registered party, means registered treasurer.

(2) A person is not a qualified auditor in relation to any registered party or any other body or individual if he is—

(a) a member of the party or body or the individual himself,  
or

<p>(b) an officer or employee of the party, body or individual.  For this purpose “officer or employee” does not include an auditor.</p> <p>(3) References in this Act to a person standing for election in the name of a registered party shall be construed in accordance with section 22(6).</p> <p>(4) References in this Act (in whatever terms) to payments out of public funds are references to any of the following, namely—</p> <p>(a) payments out of—</p> <p>(i) the Consolidated Fund of the United Kingdom, the Scottish Consolidated Fund, the Welsh Consolidated Fund or the Consolidated Fund of Northern Ireland, or</p> <p>(ii) money provided by Parliament or appropriated by Act of the Northern Ireland Assembly;</p> <p>(b) payments by—</p> <p>(i) any Minister of the Crown, the Scottish Ministers, the Welsh Ministers or any Minister within the meaning of the Northern Ireland Act 1998,</p> <p>(ii) any government department (including a Northern Ireland department), the Welsh Government or any part of the Scottish Administration . . .</p> <p>(iii). . . . .</p> <p>(c) payments by the Scottish Parliamentary Corporate Body, the <del>National Assembly for Wales</del> <u>Senedd</u> Commission or the Northern Ireland Assembly Commission; and</p> <p>(d) payments by the Electoral Commission;</p> <p>and references in this Act (in whatever terms) to expenses met, or things provided, out of public funds are references to expenses met, or things provided, by means of any such payments.</p> <p>(5) References in this Act to conditions, in the context of grants being made subject to conditions, include conditions requiring repayment of the grants in specified circumstances.</p> <p>(6). . . . .</p> <p>(7). . . . .</p>	
<p><b>SCHEDULE 7 CONTROL OF DONATIONS TO INDIVIDUALS AND MEMBERS ASSOCIATIONS</b></p> <p><b><i>Operation and interpretation of Schedule</i></b></p> <p><b>1.-</b>(1) This Schedule has effect for controlling donations to—</p> <p>(a) members of registered parties;</p> <p>(b) members associations; and</p> <p>(c) holders of relevant elective offices.</p>	<p>Schedule 1,  Part 3, 6 (9)</p>



(2) The following provisions have effect for the purposes of this Schedule.

(3) “Controlled donation”—

(a) in relation to a member of a registered party, means a donation received by that person which is—

(i) offered to him, or

(ii) where it has been accepted, retained by him,

for his use or benefit in connection with any of his political activities as a member of the party;

(b) in relation to a members association, means a donation received by the association which is—

(i) offered to the association, or

(ii) where it has been accepted, retained by the association,

for its use or benefit in connection with any of its political activities;

(c) in relation to a holder of a relevant elective office, means a donation received by that person which is—

(i) offered to him, or

(ii) where it has been accepted, retained by him,

for his use or benefit (as the holder of such an office) in connection with any of his political activities.

(4) For the purposes of this Schedule the political activities of a party member or (as the case may be) of a members association include, in particular—

(a) promoting or procuring the election of any person to any position in, or to any committee of, the party in question;

(b) promoting or procuring the selection of any person as the party’s candidate for election to a relevant elective office;  
and

(c) promoting or developing policies with a view to their adoption by the party;

and in the application of paragraph (a) or (b) to a party member the reference to any person includes that member.

(5) “Donation” shall be construed in accordance with paragraphs 2 to 4; and (in the absence of any express indication) a donation shall be taken to have been offered to, or retained by, a person or organisation as mentioned in sub-paragraph (1)(a), (b) or (c) if, having regard to all the circumstances, it must reasonably be assumed to have been so offered or retained.

(6) “Members association” means any organisation whose membership consists wholly or mainly of members of a registered party, other than—

(a) a registered party falling within section 26(2)(a); or

<p>(b) an organisation falling within section 26(2)(b) (that is, the central organisation of a registered party or an accounting unit of such a party).</p> <p>(7) “Regulated donee” means—</p> <p>(a) a member of a registered party;</p> <p>(b) a members association; or</p> <p>(c) the holder of a relevant elective office, whether or not he is a member of a registered party.</p> <p>(8) “Relevant elective office” means the office of—</p> <p>(a) member of the House of Commons;</p> <p>(b). . . . .</p> <p>(c) member of the Scottish Parliament;</p> <p>(d) member of the <del>National Assembly for Wales</del> <u>Senedd</u>;</p> <p>(e) member of the Northern Ireland Assembly;</p> <p>(ea) police and crime commissioner;</p> <p>(f) member of—</p> <p>(i) any local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council, or</p> <p>(ii) the Greater London Assembly; or</p> <p>(g) Mayor of London or elected mayor within the meaning of Part II of the Local Government Act 2000.</p> <p>(9) “The responsible person”, in relation to a members association, means—</p> <p>(a) the treasurer, if there is one, and</p> <p>(b) otherwise, the person who is the responsible person by virtue of a notice in force under paragraph 1A.</p> <p>(10). . . . .</p> <p>(11). . . . .</p>	
<p><b>SCHEDULE 8A CONTROLLED EXPENDITURE: QUALIFYING EXPENSES</b></p> <p><b>PART 1</b></p> <p><b>QUALIFYING EXPENSES</b></p> <p><b>1</b> For the purposes of section 85(2) the expenses falling within this Part of this Schedule are expenses incurred in respect of any of the matters set out in the following list.</p> <p><b>List of matters</b></p> <p>(1) The production or publication of material which is made available to the public at large or any section of the public (in whatever form and by whatever means).</p>	<p>Part 1, Chapter 5, section 33 Part 1, Chapter 5, section 38</p>

- (2) Canvassing, or market research seeking views or information from, members of the public.
- (3) Press conferences, or other media events, organised by or on behalf of the third party.
- (4) Transport (by any means) of persons to any place or places with a view to obtaining publicity.
- (5) Public rallies or other public events, other than—
  - (a) annual conferences of the third party, or
  - (b) any public procession or protest meeting, within the meaning of the Public Processions (Northern Ireland) Act 1998, in respect of which notice is given in accordance with section 6 or 7 of that Act (advance notice of public processions or related protest meetings).

Expenses in respect of such events include costs incurred in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

But expenses in respect of such events do not include costs incurred in providing for the protection of persons or property.

**2.-(1)** Nothing in paragraph 1 extends to—

- (a) expenses incurred in respect of the publication of any matter relating to an election, other than an advertisement, in—
  - (i) a newspaper or periodical,
  - (ii) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or
  - (iii) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996;
- (b) expenses incurred in respect of, or in consequence of, the translation of anything from English into Welsh or from Welsh into English;
- (c) reasonable personal expenses incurred by an individual in travelling or in providing for the individual's accommodation or other personal needs;
- (d) reasonable expenses incurred that are reasonably attributable to an individual's disability
- (e) expenses incurred in respect of the provision by any individual of the individual's own services which the individual provides voluntarily in the individual's own time and free of charge.

(2) In sub-paragraph (1)(d), "disability" has the same meaning as in the Equality Act 2010 (see section 6 of that Act).

(3) In relation to polls at elections for membership of the Scottish Parliament, nothing in paragraph 1 is to be taken as extending to reasonable expenses incurred that are reasonably attributable to the translation of anything into languages other than English.

## **PART 2**

### **SUPPLEMENTAL**

#### ***Guidance by the Commission***

**3.**-(1) The Commission may prepare, and from time to time revise, a code of practice giving guidance as to the kinds of expenses which do, or do not, fall within Part 1 of this Schedule.

(2) Once the Commission have prepared a draft code under this paragraph, they shall submit it to the Secretary of State for his approval.

(3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.

(4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—

(a) in its original form, or

(b) in a form which incorporates any modifications determined under sub-paragraph (3),

before each House of Parliament.

(5) If the draft incorporates any such modifications, the Secretary of State shall at the same time lay before each House a statement of his reasons for making them.

(6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the draft code.

(7) If no such resolution is made within the 40-day period—

(a) the Secretary of State shall issue the code in the form of the draft laid before Parliament, and

(b) the code shall come into force on such date as the Secretary of State may by order appoint,

and the Commission shall arrange for it to be published in such manner as they consider appropriate.

(8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.

(9) In this paragraph “40-day period”, in relation to a draft code, means—

(a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and

(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

<p>no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.</p> <p>(10) In this paragraph references to a draft code include a draft revised code.</p> <p>(11) This paragraph does not apply in relation to expenses incurred during a period in relation to which any limit is imposed by paragraph 3, <u>6</u>, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections, <u>ordinary or extraordinary general elections to the Senedd Cymru</u>, or general elections to the Northern Ireland Assembly) (see sections 100A <del>and 100B</del>, <u>100B and 100C</u> as regards expenses incurred during such a period).</p> <p><b>Power to amend Part 1</b></p> <p>4.-(1) The Secretary of State may by order make such amendments of Part 1 of this Schedule as he considers appropriate.</p> <p>(2) The Secretary of State may make such an order either—</p> <p>(a) where the order gives effect to a recommendation of the Commission, or</p> <p>(b) after consultation with the Commission.</p>	
<p><b>SCHEDULE 9</b></p> <p><b>LIMITS ON CAMPAIGN EXPENDITURE</b></p> <p><b>PART I</b></p> <p><b>INTRODUCTORY</b></p> <p><i>Interpretation</i></p> <p>1.-(1) In this Schedule—</p> <p>(a) “an ordinary general election to the Scottish Parliament” means an election held under section 2 of the Scotland Act 1998;</p> <p>(b) “an extraordinary general election to the Scottish Parliament” means an election held under section 3 of the Scotland Act 1998;</p> <p>(c) “an ordinary general election to <del>the National Assembly for Wales</del> <u>Senedd Cymru</u>” means an election held under section 3 of the Government of Wales Act 2006;</p> <p>(ca) “an extraordinary general election to <del>the National Assembly for Wales</del> <u>Senedd Cymru</u>” means an election held under section 5 of the Government of Wales Act 2006;</p>	<p>Schedule 1, Part 3, 6(10)</p>

(d) “an ordinary general election to the Northern Ireland Assembly” means an election held under section 31 of the Northern Ireland Act 1998; and

(e) “an extraordinary general election to the Northern Ireland Assembly” means an election held under section 32 of the Northern Ireland Act 1998.

(2) For the purposes of this Schedule a registered party—

(a) contests a constituency if any candidate stands for election for that constituency in the name of the party; and

(b) contests any region if the party is included in the statement of parties and candidates nominated for that region.

(3) For the purposes of this Schedule a parliamentary general election is pending during the period—

(a) beginning with the date on which Parliament is dissolved ... for a parliamentary general election, and

(b) ending with the date of the poll for that election.

*Attribution of expenditure to different parts of the United Kingdom*

**2.-(1)**For the purposes of this Schedule—

(a) campaign expenditure incurred by or on behalf of a party registered in the Great Britain register shall (subject to the following provisions of this paragraph) be attributed to each of England, Scotland and Wales in proportion to the number of parliamentary constituencies for the time being situated in that part of Great Britain; and

(b) campaign expenditure incurred by or on behalf of a party registered in the Northern Ireland register shall be attributed solely to Northern Ireland.

(2) Campaign expenditure whose effects are wholly or substantially confined to any particular parts or part of Great Britain—

(a) shall be attributed to those parts in proportion to the number of parliamentary constituencies for the time being situated in those parts, or

(b) shall be attributed solely to that part,

as the case may be.

(3) For the purposes of sub-paragraph (2) the effects of campaign expenditure are wholly or substantially confined to any particular parts or part of Great Britain if they have no significant effects in any other part or parts (so that, for example, expenditure on an advertisement in a newspaper circulating in Wales is to be attributed solely to Wales if the newspaper does not circulate to any significant extent in any other part of Great Britain).

(3A). . . . .

(4) References in this Schedule to campaign expenditure “in” a particular part of the United Kingdom are accordingly to campaign expenditure which is to be attributed to that part in accordance with this paragraph.

**PART II**

**GENERAL LIMITS**

*Parliamentary general elections*

**3.**-(1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies at a parliamentary general election.

(2) Where a registered party contests one or more constituencies in England, Scotland or Wales, the limit applying to campaign expenditure which is incurred by or on behalf of the party in the relevant period in that part of Great Britain is—

(a) £30,000 multiplied by the number of constituencies contested by the party in that part of Great Britain; or

(b) if greater, the appropriate amount specified in sub-paragraph (3).

(3) The appropriate amount is—

(a) in relation to England, £810,000;

(b) in relation to Scotland, £120,000; and

(c) in relation to Wales, £60,000.

(4) Where a registered party contests one or more constituencies in Northern Ireland, the limit applying to campaign expenditure which is incurred by or on behalf of the party in the relevant period in Northern Ireland is £30,000 multiplied by the number of constituencies contested by the party there.

(5) Sub-paragraph (6) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.

(6) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) or (4) (as the case may be) shall, instead of being the amount specified in that provision, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (5).

(7) For the purposes of this paragraph the relevant period is—

(a) (subject to paragraph (b)) the period of 365 days ending with the date of the poll for the election;

(b) where the election (“the election in question”) follows another parliamentary general election held less than 365 days previously, the period—

(i) beginning with the day after the date of the poll for the earlier election, and

(ii) ending with the date of the poll for the election in question.

...

**4.** .....

#### *General elections to Scottish Parliament*

**5.**-(1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies or regions at an ordinary or extraordinary general election to the Scottish Parliament.

(2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Scotland is—

(a) £12,000 for each constituency contested by the party; plus

(b) £80,000 for each region contested by the party.

(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.

(2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).

(3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—

(a) the date of the poll is that determined by section 2(2) of the Scotland Act 1998; or

(b) no less than five months before the day on which the poll would have taken place under section 2(2) of that Act, the



date of the poll is brought forward under section 2(5) of that Act; or

(c) no less than four months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is postponed under section 2(5) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 2(2) of the Act.

(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Presiding Officer proposes a day for the poll for the election under section 3(1) of the Scotland Act 1998 and ending with the date of the poll for the election.

*General elections to ~~the National Assembly for Wales~~  
Senedd Cymru*

**6.**-(1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies or regions at an ordinary or extra ordinary general election to ~~the National Assembly for Wales~~ Senedd Cymru.

(2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Wales is—

(a) £10,000 for each constituency contested by the party;  
plus

(b) £40,000 for each region contested by the party.

(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.

(2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).

(3) In the case of an ordinary general election “the relevant period” is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” is the date which falls four months before the date of the poll where—

- (a) the date of the poll is that determined by section 3(1) of the Government of Wales Act 2006;
- (b) no less than five months before the day on which the poll would have taken place under section 3(1) of that Act], the date of the poll is brought forward under section 4(1) of that Act; or
- (c) no less than four months before the day on which the poll would have taken place under section 3(1) of that Act], the date of the poll is postponed under section 4(1) of that Act;
- but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 3(1) of that Act.
- (5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Presiding Officer proposes a date for the poll for the election under section 5(1) of the Government of Wales Act 2006 and ending with the date of the poll for the election.

#### *General elections to Northern Ireland Assembly*

7.-(1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies at an ordinary or extraordinary general election to the Northern Ireland Assembly.

(2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Northern Ireland is £17,000 for each constituency contested by the party.

(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.

(2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).

(3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—

(a) the date of the poll is that determined by section 31(1) and (2) of the Northern Ireland Act 1998;

(b) no less than five months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is brought forward under section 31(3) of that Act; or

(c) no less than four months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is postponed under section 31(3) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 31(1) and (2) of that Act.

(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 32(1) or (3) of the <https://www.legislation.gov.uk/ukpga/2000/41/schedule/9> Northern Ireland Act 1998 and ending with the date of the poll for the election.

**PART III**

**LIMITS APPLYING IN SPECIAL CIRCUMSTANCES**

...

8. ....

*Combined limits where parliamentary election pending*

**9.-(1)** This paragraph applies where—

(a) separate limits would (apart from this paragraph) apply as follows to campaign expenditure incurred by or on behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be), namely—

(i) under paragraph 3 in relation to a parliamentary general election; and

(ii) under paragraph 5, 6 or 7 in relation to an election or elections within that paragraph; and

(b) the parliamentary general election is pending during any part of the period in relation to which the limit imposed by paragraph 5, 6 or 7 would (apart from this paragraph) apply.

(2) In such a case—

(a) neither paragraph 3, nor paragraph 5, 6 or 7 (as the case may be) shall apply to the expenditure mentioned in sub-paragraph (1)(a); and

(b) the limit or limits imposed by this paragraph shall apply to it instead.

(3) Subject to sub-paragraphs (5) to (7), the limit applying to campaign expenditure which is incurred by or on behalf of the registered party in the relevant period for the purposes of this sub-paragraph in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—

(a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and

(b) the limit which by virtue of paragraph 5, 6 or 7 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(4) For the purposes of sub-paragraph (3) “the relevant period” is—

(a) where the parliamentary general election takes place at the same time as, or later than—

(i) the election in relation to which paragraph ... 5, 6 or 7 would otherwise apply, ...

[https://www.legislation.gov.uk/ukpga/2000/41/schedule/9\(ii\)](https://www.legislation.gov.uk/ukpga/2000/41/schedule/9(ii)). . . . .

.....

the period which for the purposes of paragraph 3 is the relevant period in relation to the parliamentary general election;

(b) where the parliamentary general election takes place earlier than the election mentioned in paragraph

(a)(i) <https://www.legislation.gov.uk/ukpga/2000/41/schedule/9>..., the period which—

(i) begins at the beginning of the period mentioned in paragraph (a), and

(ii) ends with the date of the poll for the later ... of the elections.

(5) Where sub-paragraph (1)(a)(i) is applicable in the case of each of two parliamentary general elections which are pending during different parts of any such period as is mentioned in sub-paragraph (1)(b), the limits applying to campaign expenditure which is incurred by or on behalf of the registered party in the relevant periods in England, Scotland, Wales or Northern Ireland (as the case may be) are as follows—

(a) in the case of expenditure incurred in the first relevant period, the limit is the aggregate of—

(i) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the first of the parliamentary general elections to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph, and

(ii) the limit mentioned in sub-paragraph (3)(b) above; and

(b) in the case of expenditure incurred in the second relevant period, the limit is the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the second parliamentary general election to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(6) For the purposes of sub-paragraph (5) “the first relevant period” is the period which—

(a) begins at the beginning of the period which would, apart from this paragraph, apply for the purposes of paragraph 3 to the first of the parliamentary general elections to take place; and

(b) ends with the date on which Parliament is dissolved ... for the second of the parliamentary general elections to take place.

(7) For the purposes of sub-paragraph (5) “the second relevant period” is the period which—

(a) begins on the day after the date mentioned in sub-paragraph (6)(b) above; and

(b) ends with whichever is the later of the following, namely—

(i) the date of the poll for the second parliamentary general election to take place; and

(ii) the date of the poll for the election in relation to which paragraph ... 5, 6 or 7 would otherwise apply ....

*Combination of limit under paragraph 9 and other limit*

**10.**-(1) This paragraph applies where—

(a) a limit under paragraph 9 would (apart from this paragraph) apply to campaign expenditure incurred by or on behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be) in relation to a period that would either be—

(i) a relevant period for the purposes of paragraph 9(3), or

(ii) a first relevant period for the purposes of paragraph 9(5); and

(b) another limit under paragraph 5, 6 or 7 applies to campaign expenditure incurred by or on behalf of the party

in that part of the United Kingdom in relation to a period (“the other campaign period”) which is not a period during which the parliamentary general election is pending but which either—

(i) falls wholly within, or

(ii) ends at any time falling within,

the period mentioned in paragraph (a).

(2) In such a case—

(a) the limit imposed by paragraph 9 shall not apply in relation to the period mentioned in sub-paragraph (1)(a); and

(b) instead the limit imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.

(3) The limit applying to campaign expenditure which is incurred by or on behalf of the party during the combined period in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—

(a) the limit which by virtue of paragraph 9 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the period mentioned in sub-paragraph (1)(a); and

(b) the limit applying, by virtue of paragraph 5, 6 or 7 (as the case may be), to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(4) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—

(a) the beginning of the period which is the relevant period for the purposes of paragraph 5, 6 or 7 (as the case may be), and

(b) the beginning of the period mentioned in sub-paragraph (1)(a),

and ends at the end of the period mentioned in sub-paragraph (1)(a).

(5) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 5, 6 or 7 in relation to any period which is a relevant period for the purposes of that paragraph.

*Combination of parliamentary general election and other election, or elections, falling within paragraphs 5 to 7*

**11.**-(1) This paragraph applies where—

(a) a limit under paragraph 3 would (apart from this paragraph) apply to campaign expenditure incurred by or on

behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be);

(b) another limit under paragraph 5, 6 or 7 applies to campaign expenditure incurred by or on behalf of the party in that part of the United Kingdom in relation to any period (“the other campaign period”) which either—

(i) falls wholly within, or

(ii) ends at any time falling within,

the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election; and

(c) paragraph 9 does not apply in connection with that expenditure.

(2) In such a case—

(a) the limit imposed by paragraph 3 shall not apply in relation to the relevant period for the purposes of that paragraph, and

(b) instead the limit imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.

(3) The limit applying to campaign expenditure which is incurred by or on behalf of the party in the combined period in England, Scotland, Wales or Northern Ireland, as the case may be, is the aggregate of—

(a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and

(b) the limit applying by virtue of paragraph 5, 6 or 7 (as the case may be) to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(4) Where two or more periods (“the other campaign periods”) which are relevant periods for the purposes of any of paragraphs <https://www.legislation.gov.uk/ukpga/2000/41/schedule/95> or 7 —

(a) fall wholly within, or

(b) end at any time falling within,

the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, sub-paragraph (3)(b) shall operate in relation to each of the limits applying in relation to those periods so as to produce two or more amounts to be added to the amount referred to in sub-paragraph (3)(a).

<p>(5) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—</p> <p>(a) the beginning of—</p> <p>(i) the period which is the relevant period for the purposes of paragraph 5, 6 or 7 (as the case may be), or</p> <p>(ii) where sub-paragraph (4) applies, whichever of the relevant periods for the purposes of any of paragraphs 5 or 7 is the first to begin, and</p> <p>(b) the beginning of the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, and ends with the date of the poll for the parliamentary general election.</p> <p>(6) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 5, 6 or 7 in relation to any period which is a relevant period for the purposes of that paragraph.</p>	
<p><b>SCHEDULE 10</b></p> <p><b>LIMITS ON CONTROLLED EXPENDITURE</b></p> <p><b>PART I</b></p> <p><b>INTRODUCTORY</b></p> <p><i>Interpretation</i></p> <p>1.-(1) In this Schedule—</p> <p>(a) “an ordinary general election to the Scottish Parliament” means an election held under section 2 of the Scotland Act 1998;</p> <p>(b) “an extraordinary general election to the Scottish Parliament” means an election held under section 3 of the Scotland Act 1998;</p> <p>(c) “an ordinary general election to <del>the National Assembly for Wales</del> <u>Senedd Cymru</u>” means an election under section 3 of the Government of Wales Act 2006;</p> <p>(ca) “an extraordinary general election to <del>the National Assembly for Wales</del> <u>Senedd Cymru</u>” means an election under section 5 of the Government of Wales Act 2006;</p> <p>(d) “an ordinary general election to the Northern Ireland Assembly” means an election held under section 31 of the Northern Ireland Act 1998; and</p> <p>(e) “an extraordinary general election to the Northern Ireland Assembly” means an election held under section 32 of the Northern Ireland Act 1998.</p>	<p>Schedule 1, Part 3, 6(11)</p>



(2) For the purposes of this Schedule a parliamentary general election is pending during the period—

(a) beginning with the date on which Parliament is dissolved ... for a parliamentary general election, and

(b) ending with the date of the poll for that election.

(3).....

*Attribution of expenditure to different parts of the United Kingdom*

**2.**-(1) For the purposes of this Schedule controlled expenditure incurred by or on behalf of any recognised third party shall (subject to the following provisions of this paragraph) be attributed to each of England, Scotland, Wales and Northern Ireland in proportion to the number of parliamentary constituencies for the time being situated in that part of the United Kingdom.

(2) Controlled expenditure whose effects are wholly or substantially confined to any particular parts or part of the United Kingdom—

(a) shall be attributed to those parts in proportion to the number of parliamentary constituencies for the time being situated in those parts, or

(b) shall be attributed solely to that part,

as the case may be.

(3) For the purposes of sub-paragraph (2) the effects of controlled expenditure are wholly or substantially confined to any particular parts or part of the United Kingdom if they have no significant effects in any other part or parts (so that, for example, expenditure on an advertisement in a newspaper circulating in Wales is to be attributed solely to Wales if the newspaper does not circulate to any significant extent in any other part of the United Kingdom).

(3A).....

(4) References in this Schedule to controlled expenditure “in” a particular part of the United Kingdom are accordingly to controlled expenditure which is to be attributed to that part in accordance with this paragraph.

*Attribution of expenditure to different parliamentary constituencies*

**2A.**-(1) For the purposes of this Schedule controlled expenditure incurred by or on behalf of any recognised third party shall (subject to the following provisions of this paragraph) be attributed to each parliamentary constituency in equal proportions.

(2) Controlled expenditure whose effects are wholly or substantially confined to any particular constituencies or constituency—

(a) shall be attributed to those constituencies in equal proportions, or

(b) shall be attributed solely to that constituency, as the case may be.

(3) For the purposes of sub-paragraph (2), the effects of controlled expenditure are wholly or substantially confined to any particular constituencies or constituency if they have no significant effects in any other constituency or constituencies.

(4) References in this Schedule to controlled expenditure “in” a particular constituency are accordingly to controlled expenditure which is to be attributed to that constituency in accordance with this paragraph.

## **PART II**

### **GENERAL LIMITS**

#### *Parliamentary general elections*

**3,-(1)** This paragraph imposes limits in relation to a parliamentary general election.

(2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in each of England, Scotland, Wales and Northern Ireland is—

(a) in relation to England, 2% of the maximum campaign expenditure limit in England;

(b) in relation to Scotland, £20,000 plus 2% of the maximum campaign expenditure limit in Scotland;

(c) in relation to Wales, £20,000 plus 2% of the maximum campaign expenditure limit in Wales;

(d) in relation to Northern Ireland, £20,000 plus 2% of the maximum campaign expenditure limit in Northern Ireland.

(2A) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in any particular parliamentary constituency is 0.05% of the total of the maximum campaign expenditure limits in England, Scotland, Wales and Northern Ireland.

(3) For the purposes of this paragraph the relevant period is—

(a) (subject to paragraph (b)) the period of 365 days ending with the date of the poll for the election;

(b) where the election (“the election in question”) follows another parliamentary general election held less than 365 days previously, the period—

(i) beginning with the day after the date of the poll for the earlier election, and

(ii) ending with the date of the poll for the election in question.

...

4. ....

*General elections to Scottish Parliament*

**5.-(1)** This paragraph imposes limits in relation to an ordinary or extraordinary general election to the Scottish Parliament.

(2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Scotland is £75,800.

(3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—

(a) the date of the poll is that determined by section 2(2) of the <https://www.legislation.gov.uk/ukpga/2000/41/schedule/1> Scotland Act 1998; or

(b) no less than five months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is brought forward under section 2(5) of that Act; or

(c) no less than four months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is postponed under section 2(5) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 2(2) of the Act.

(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Presiding Officer proposes a day for the poll for the election under section 3(1) of the Scotland Act 1998 and ending with the date of the poll for the election.

*General elections to ~~the National Assembly for Wales~~  
Senedd Cymru*

6.-(1) This paragraph imposes limits in relation to an ordinary general election to ~~the National Assembly for Wales~~  
Senedd Cymru.

(2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Wales is £30,000.

(3) In the case of an ordinary general election “the relevant period” is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” is the date which falls four months before the date of the poll where—

(a) the date of the poll is that determined by section 3(1) of the Government of Wales Act 2006;

(b) no less than five months before the day on which the poll would have taken place under section 3(1) of that Act, the date of the poll is brought forward under section 4(1) of that Act; or

(c) no less than four months before the day on which the poll would have taken place under section 3(1) of that Act, the date of the poll is postponed under section 4(1) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 3(1) of that Act.

(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Presiding Officer  
~~Secretary of State~~ proposes a date for the poll for the election under section 5(1) of the Government of Wales Act 2006 and ending with the date of the poll for the election.

*General elections to Northern Ireland Assembly*

7.-(1) This paragraph imposes limits in relation to an ordinary or extraordinary general election to the Northern Ireland Assembly.

(2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Northern Ireland is £15,300.

(3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period

beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—

(a) the date of the poll is that determined by section 31(1) and (2) of the Northern Ireland Act 1998; or

(b) no less than five months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is brought forward under section 31(3) of that Act; or

(c) no less than four months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is postponed under section 31(3) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 31(1) and (2) of that Act.

(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 32(1) or (3) of the Northern Ireland Act 1998 and ending with the date of the poll for the election.

### **PART III**

#### **LIMITS APPLYING IN SPECIAL CIRCUMSTANCES**

...

8. ....

#### *Combined limits where parliamentary election pending*

**9.-(1)** This paragraph imposes—

(a) in the circumstances mentioned in sub-paragraph (2), limits in relation to—

(i) such a pending parliamentary general election as is mentioned in that sub-paragraph, and

(ii) an election, or elections, in relation to which the limit imposed by any of paragraphs 5 to 7 would otherwise apply as mentioned in that sub-paragraph; and

(b) in the circumstances mentioned in sub-paragraph (5), limits in relation to—

(i) two such pending parliamentary elections as are mentioned in that sub-paragraph, and

(ii) an election, or elections, in relation to which the limit imposed by any of paragraphs 5 to 7 would otherwise apply as mentioned in sub-paragraph (2).

(2) Where a parliamentary general election is pending during any part of the period in relation to which a limit imposed by any of paragraphs 5 to 7 would otherwise apply to controlled expenditure incurred by or on behalf of a recognised third party in a particular part of the United Kingdom—

(a) neither that paragraph, nor paragraph 3, shall apply in relation to such expenditure; and

(b) the limits imposed by this paragraph shall apply to it instead.

(3) Subject to sub-paragraphs (5) to (7), the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the relevant period for the purposes of this sub-paragraph in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—

(a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and

(b) the limit which by virtue of paragraph 5, 6 or 7 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(3A) Subject to sub-paragraphs (5) to (7), the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(3B) For this purpose “the relevant proportion” means—

where—

A is the number of days in the relevant period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.

(4) For the purposes of sub-paragraphs (3) to (3B) “the relevant period” is—

(a) where the parliamentary general election takes place at the same time as, or later than—

(i) the election in relation to which paragraph ... 5, 6 or 7 would otherwise apply, ...

(ii) . . . . .

the period which for the purposes of paragraph 3 is the relevant period in relation to the parliamentary general election;

(b) where the parliamentary general election takes place earlier than the election mentioned in paragraph (a)(i) ..., the period which—

(i) begins at the beginning of the period mentioned in paragraph (a), and

(ii) ends with the date of the poll for the later ... of the elections.

(5) Where two parliamentary general elections are pending during different parts of any such period as is mentioned in sub-paragraph (2), the limits applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the relevant periods in England, Scotland, Wales or Northern Ireland (as the case may be) are as follows—

(a) in the case of expenditure incurred in the first relevant period, the limit is the aggregate of—

(i) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the first of the parliamentary general elections to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph, and

(ii) the limit mentioned in sub-paragraph (3)(b) above; and

(b) in the case of expenditure incurred in the second relevant period, the limit is the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the second parliamentary general election to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(5A) Where two parliamentary general elections are pending during different parts of any such period as is mentioned in sub-paragraph (2)—

(a) the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the first relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A), and

(b) the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the second relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(5B) For these purposes “the relevant proportion” means—

where—

A is the number of days in the first relevant period or (as the case may be) the second relevant period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.

(6) For the purposes of sub-paragraphs (5) to (5B) “the first relevant period” is the period which—

(a) begins at the beginning of the period which would, apart from this paragraph, apply for the purposes of paragraph 3 to the first of the parliamentary general elections to take place; and

(b) ends with the date on which Parliament is dissolved <https://www.legislation.gov.uk/ukpga/2000/41/schedule/10>... for the second of the parliamentary general elections to take place.

(7) For the purposes of sub-paragraphs (5) to (5B) “the second relevant period” is the period which—

(a) begins on the day after the date mentioned in sub-paragraph (6)(b) above; and

(b) ends with whichever is the later of the following, namely—

(i) the date of the poll for the second parliamentary general election to take place; and

(ii) the date of the poll for the election in relation to which paragraph **F36**... 5, 6 or 7 would otherwise apply ....

*Combination of limit under paragraph 9 and other limit*

**10.**-(1) This paragraph imposes limits where—

(a) paragraph 9 would (apart from this paragraph) impose limits on controlled expenditure in relation to a period that would either be—

(i) a relevant period for the purposes of paragraph 9(3) to (3B) , or

(ii) a first relevant period for the purposes of paragraph 9(5) to (5B) ; and

(b) any period (“the other controlled period”) which is the relevant period for the purposes of any of paragraphs 5 to 7, but is not a period during which the parliamentary general election is pending, either—

(i) falls wholly within, or

(ii) ends at any time falling within,

the period mentioned in paragraph (a).

(2) In such a case—

(a) the limits imposed by paragraph 9 shall not apply in relation to the period mentioned in sub-paragraph (1)(a); and



(b) instead the limits imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.

(3) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party during the combined period in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—

(a) the limit which by virtue of paragraph 9 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the period mentioned in sub-paragraph (1)(a); and

(b) the limit applying, by virtue of paragraph 5, 6 or 7 (as the case may be), to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(3A) The limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party during the combined period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(3B) For this purpose “the relevant proportion” means—  
where—

A is the number of days in the combined period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.

(4) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—

(a) the beginning of the period which is the relevant period for the purposes of paragraph 5, 6 or 7 (as the case may be), and

(b) the beginning of the period mentioned in sub-paragraph (1)(a),

and ends at the end of the period mentioned in sub-paragraph (1)(a).

(5) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 5, 6 or 7 in relation to any period which is a relevant period for the purposes of that paragraph.

*Combination of parliamentary general election and other election, or elections, falling within paragraphs 5 to 7*

**11.**-(1) This paragraph imposes limits where—

(a) any period (“the other controlled period”) which is the relevant period for the purposes of any of paragraphs 5 to 7 either—

(i) falls wholly within, or  
(ii) ends at any time falling within,  
the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to a parliamentary general election; and

(b) paragraph 9 does not apply in connection with those elections.

(2) In such a case—

(a) the limits imposed by paragraph 3 shall not apply in relation to the relevant period for the purposes of that paragraph, and

(b) instead the limits imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.

(3) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the combined period in England, Scotland, Wales or Northern Ireland, as the case may be, is the aggregate of—

(a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and

(b) the limit applying by virtue of paragraph 5, 6 or 7 (as the case may be) to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(4) Where two or more periods (“the other controlled periods”) which are relevant periods for the purposes of any of paragraphs 5 or 7—

(a) fall wholly within, or

(b) end at any time falling within,

the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, sub-paragraph (3)(b) shall operate in relation to each of the limits applying in relation to those periods so as to produce two or more amounts to be added to the amount referred to in sub-paragraph (3)(a).

(4A) The limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party during the combined period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(4B) For this purpose “the relevant proportion” means—

where—

A is the number of days in the combined period;

<p>B is the number of days in the period which is the relevant period for the purposes of paragraph 3.</p> <p>(5) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—</p> <p>(a) the beginning of—</p> <p>(i) the period which is the relevant period for the purposes of paragraph 5, 6 or 7 (as the case may be), or</p> <p>(ii) where sub-paragraph (4) applies, whichever of the relevant periods for the purposes of paragraph 5 or 7 is the first to begin, and</p> <p>(b) the beginning of the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, and ends with the date of the poll for the parliamentary general election.</p> <p>(6) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 5, 6 or 7 in relation to any period which is a relevant period for the purposes of that paragraph.</p>													
<p>SCHEDULE 20</p> <p><b>PENALTIES</b></p> <table border="1"> <thead> <tr> <th><i>Provision creating offence</i></th> <th><i>Penalty</i></th> </tr> </thead> <tbody> <tr> <td>Section 24(8) (registration as treasurer where convicted of certain offences)</td> <td>On summary conviction: Level 5</td> </tr> <tr> <td>Section 39 (false statements)</td> <td>On summary conviction: Level 5</td> </tr> <tr> <td>Section 43(7) (failure to deliver statement relating to auditor’s resignation etc)</td> <td>On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year</td> </tr> <tr> <td>Section 44(4) (making false statement to auditor)</td> <td>On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year</td> </tr> <tr> <td>Section 47(1)(a) (failure to deliver</td> <td>On summary conviction: Level 5</td> </tr> </tbody> </table>	<i>Provision creating offence</i>	<i>Penalty</i>	Section 24(8) (registration as treasurer where convicted of certain offences)	On summary conviction: Level 5	Section 39 (false statements)	On summary conviction: Level 5	Section 43(7) (failure to deliver statement relating to auditor’s resignation etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	Section 44(4) (making false statement to auditor)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	Section 47(1)(a) (failure to deliver	On summary conviction: Level 5	<p>Part 1, Chapter 5, section 36</p>
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proper statement of accounts)	
Section 47(1)(b) (failure to deliver accounts within time limits)	On summary conviction: Level 5
Section 54(7) (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 56(3) or (4) (failure to return donations)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 61(1) (facilitating the making of donations by impermissible donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 61(2)(a) (knowingly giving treasurer false information about donations)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 61(2)(b) (withholding information about donations from treasurer with intent to deceive)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 65(3) (failure to deliver donation reports to Commission within time limits)	On summary conviction: Level 5
Section 65(4) (failure to comply with requirements for recording donations in donation report)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 66(5) (making a false	On summary conviction: statutory maximum or 6 months

declaration about donation report)	On indictment : fine or 1 year	
...	...	
Section 71E(5) (disclosing Northern Ireland donation reports)	On summary conviction in England and Wales: statutory maximum or 51 weeks On summary conviction elsewhere: statutory maximum or 6 months	
Section 71L(1) (registered party entering into regulated transaction with unauthorised participant)	On summary conviction: statutory maximum On indictment: fine	
Section 71L(2) (treasurer of party entering into regulated transaction with unauthorised participant)	On summary conviction: statutory maximum or the general limit in a magistrates' court On indictment: fine or 1 year	
Section 71L(3) (party liable if treasurer fails to repay money obtained under regulated transaction with unauthorised participant)	On summary conviction: statutory maximum On indictment: fine	
Section 71L(4) (treasurer failing to repay money obtained under regulated transaction with unauthorised participant)	On summary conviction: statutory maximum or the general limit in a magistrates' court On indictment: fine or 1 year	
Section 71L(5) (party benefiting from connected transaction to which an unauthorised	On summary conviction: statutory maximum On indictment: fine	

<p>participant is a party)</p> <p>Section 71L(6) (treasurer of registered party which benefits from connected transaction to which an unauthorised participant is a party)</p> <p>Section 71L(7) (party liable if treasurer fails to repay benefit obtained in consequence of security given by unauthorised participant)</p> <p>Section 71L(8) (treasurer failing to repay benefit obtained in consequence of security given by unauthorised participant)</p> <p>Section 71L(9) (facilitating a regulated transaction involving unauthorised participant)</p> <p>Section 71S(4) (failure to deliver transaction reports to Commission within time limits)</p> <p>Section 71S(5) (failure to comply with requirements for recording transactions in transaction report)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p> <p>On summary conviction: statutory maximum</p> <p>On indictment: fine</p> <p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p> <p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p> <p>On summary conviction: Level 5</p> <p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
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Section 71T(5) (making a false declaration about transaction report)	On summary conviction: statutory maximum or the general limit in a magistrates' court  On indictment: fine or 1 year.	
Section 71Z4(5)(disclosing Northern Ireland transaction reports)	On summary conviction in England and Wales: Level 5 or 51 weeks  On summary conviction elsewhere: Level 5 or 6 months	
Section 73(8) (making a false declaration about value of property etc.)	On summary conviction: statutory maximum or 6 months  On indictment : fine or 1 year	
Section 74(4) (acceptance by ineligible person of office of deputy treasurer)	On summary conviction: Level 5	
Section 75(2) (incurring campaign expenditure without authority)	On summary conviction: Level 5	
Section 76(4)(a) (making payments in respect of campaign expenditure without authority)	On summary conviction: Level 5	
Section 76(4)(b) (failure to notify treasurer of payments in respect of campaign expenditure)	On summary conviction: Level 5	
Section 77(3)(a) (paying claim in respect of campaign expenditure where failure to comply with procedure)	On summary conviction: Level 5	

Section 77(3)(b) (paying claim in respect of campaign expenditure outside specified time period)	On summary conviction: Level 5	
Section 79(2) (exceeding limits on campaign expenditure)	On summary conviction: statutory maximum On indictment : fine	
Section 82(4)(a) (failure of treasurer to deliver return and auditor's report to Commission)	On summary conviction: Level 5	
Section 82(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 82(4)(c) (failure of treasurer to deliver return and court order to Commission)	On summary conviction: Level 5	
Section 83(3)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 83(3)(b) (failure to deliver signed declaration with return to Commission)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 86(8) (making false declaration about value of property etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 89A(4) or (5) (incurring controlled expenditure in contravention of section 89A(1))	On summary conviction in England and Wales: fine On summary conviction in Scotland or Northern Ireland: statutory maximum	



	On indictment: fine	
<u>Section 89B(4) and (5) (incurring controlled expenditure in contravention of section 89AA(1))</u>	<u>On summary conviction in England and Wales: fine</u> <u>On indictment: fine</u>	
Section 90(2) (incurring controlled expenditure without authority)	On summary conviction: level 5	
Section 91(4)(a) (making payments in respect of controlled expenditure without authority)	On summary conviction: Level 5	
Section 91(4)(b) (failure to notify responsible person of payments in respect of controlled expenditure)	On summary conviction: Level 5	
Section 92(3)(a) (paying claim in respect of controlled expenditure where failure to comply with procedure)	On summary conviction: Level 5	
Section 92(3)(b) (paying claim in respect of controlled expenditure outside specified time period)	On summary conviction: Level 5	
Section 94(2) or (4) (exceeding limits on controlled expenditure)	On summary conviction: statutory maximum On indictment : fine	
Section 94E(2) or (3) (exceeding limits on targeted controlled	On summary conviction: statutory maximum On indictment: fine	

<p>expenditure when not authorised)</p> <p>Section 94F(6) (making false declaration about amount of expenditure incurred by or on behalf of third party and targeted at the registered party)</p> <p>Section 95C(1)(a) (failure of responsible person to deliver quarterly or weekly report to Commission)</p> <p>Section 95C(1)(b) (failure to deliver signed declaration with quarterly or weekly report to the Commission)</p> <p>Section 95C(1)(c) (failure to comply with requirements for quarterly or weekly reports)</p> <p>Section 95C(2) (making a false declaration to Commission when delivering quarterly or weekly report)</p> <p>Section 98(4)(a) (failure of responsible person to deliver return and auditor's report to Commission)</p> <p>Section 98(4)(aa) (failure of responsible person to deliver statement of accounts and</p>	<p>On summary conviction: statutory maximum or 6 months</p> <p>On indictment: fine or 1 year</p> <p>On summary conviction: Level 5</p> <p>On summary conviction: statutory maximum or 6 months</p> <p>On indictment: fine or 1 year</p> <p>On summary conviction: statutory maximum or 6 months</p> <p>On indictment: fine or 1 year</p> <p>On summary conviction: statutory maximum or 6 months</p> <p>On indictment: fine or 1 year</p> <p>On summary conviction: Level 5</p> <p>On summary conviction: Level 5</p>
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auditor's report to Commission)	
Section 98(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 98(4)(ba) (failure to comply with requirements for statements of accounts)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year
Section 98(4)(c) (failure to deliver return and court order to Commission)	On summary conviction: Level 5
Section 99(4)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 99(4)(b) (failure to deliver signed declaration with return to Commission)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 99A(3)(a) (making a false declaration to Commission when delivering statement of accounts)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year
Section 99A(3)(b) (failure to deliver signed declaration with statement of accounts to Commission)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year
Section 112(8) (making a false declaration about value of property etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 113(2) (incurring	On summary conviction: Level 5

referendum expenses without authority)	
Section 114(4)(a) (making payments in respect of referendum expenses without authority)	On summary conviction: Level 5
Section 114(4)(b) (failure to notify responsible person of payments in respect of referendum expenses)	On summary conviction: Level 5
Section 115(3)(a) (paying claim in respect of referendum expenses where failure to comply with procedure)	On summary conviction: Level 5
Section 115(3)(b) (paying claim in respect of referendum expenses outside specified time period)	On summary conviction: Level 5
Section 117(2) (individual (other than permitted participant) exceeding limits on referendum expenses)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 117(3) or (4) (body (other than permitted participant) exceeding limits on referendum expenses)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 118(2) (permitted participant exceeding limits on	On summary conviction: statutory maximum On indictment : fine

referendum expenses)	
Section 122(4)(a) (failure to deliver return and auditor's report to Commission)	On summary conviction: Level 5
Section 122(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 122(4)(c) (failure to deliver return and court order to Commission)	On summary conviction: Level 5
Section 123(4)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 123(4)(b) (failure to deliver signed declaration with return to Commission)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 126(8) or (9) (printing or publishing referendum material without details of printer or publisher)	On summary conviction: Level 5
Section 143(8) or (9) (printing or publishing election material without details of printer or publisher)	On summary conviction: Level 5
...	...
...	...
Section 148(1) (alteration of documents etc.)	On summary conviction: statutory maximum or 6 months

	On indictment : fine or 1 year	
Section 148(2)(a) (failure to supply relevant person with information)	On summary conviction: Level 5	
Section 148(2)(b) (supplying relevant person with false information)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 148(3) (withholding information from relevant person with intent to deceive)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Paragraph 1B of Schedule 7 (failure by members association to comply with requirement to appoint responsible person)	On summary conviction: Level 5	
Paragraph 6(5) of Schedule 7 (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Paragraph 12(1) of Schedule 7 (failure to deliver donation report to Commission within time limit)	On summary conviction: Level 5	
Paragraph 12(2) of Schedule 7 (failure to comply with requirements for recording donations in donation reports)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Paragraph 13(4) of Schedule 7 (making a false	On summary conviction: statutory maximum or 6 months	

declaration about donation report)	On indictment : fine or 1 year	
...	...	
Paragraph 17(4) of Schedule 7 (knowingly giving compliance officer false information about donations)	On summary conviction in England and Wales or Scotland: statutory maximum or the general limit in a magistrates' court (in England and Wales) or 12 months (in Scotland)  On summary conviction in Northern Ireland: statutory maximum or 6 months  On indictment: fine or 1 year	
Paragraph 8(1) of Schedule 7A (individual regulated participant knowingly enters controlled transaction with unauthorised participant)	On summary conviction: statutory maximum or the general limit in a magistrates' court  On indictment: fine or 1 year	
Paragraph 8(2) of Schedule 7A (responsible person of members association which enters controlled transaction with unauthorised participant)	On summary conviction: statutory maximum or the general limit in a magistrates' court  On indictment: fine or 1 year	
Paragraph 8(3) of Schedule 7A (individual regulated participant failing to repay money obtained under controlled transaction with unauthorised participant)	On summary conviction: statutory maximum or the general limit in a magistrates' court  On indictment: fine or 1 year	
Paragraph 8(4) of Schedule 7A (responsible	On summary conviction: statutory maximum or the	

<p>person failing to repay money obtained by members association under controlled transaction with unauthorised participant)</p>	<p>general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Paragraph 8(5) of Schedule 7A (individual regulated participant knowingly benefits from connected transaction involving unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Paragraph 8(6) of Schedule 7A (responsible person of members association which knowingly benefits from connected transaction involving unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Paragraph 8(7) of Schedule 7A (individual regulated participant failing to repay value of benefit obtained in consequence of connected transaction involving unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Paragraph 8(8) of Schedule 7A (responsible person failing to repay value of benefit obtained by</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	



members association in consequence of connected transaction involving unauthorised participant)	
Paragraph 8(9) of Schedule 7A (facilitating controlled transaction involving unauthorised participant)	On summary conviction: statutory maximum or the general limit in a magistrates' court On indictment: fine or 1 year
Paragraph 12(1) of Schedule 7A (failure to deliver transaction report to Commission within time limit)	On summary conviction: Level 5
Paragraph 12(2) of Schedule 7A (failure to comply with requirements for recording transactions on transaction reports)	On summary conviction: statutory maximum or the general limit in a magistrates' court On indictment: fine or 1 year
Paragraph 13(4) of Schedule 7A (making a false declaration about a transaction report)	On summary conviction: statutory maximum or the general limit in a magistrates' court On indictment: fine or 1 year
Paragraph 6(7) of Schedule 11 (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Paragraph 6(8) of Schedule 15 (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months: On indictment : fine or 1 year
Paragraph 6(1) of Schedule 19A	On summary conviction: Level 5

(failure to give notification or report within specified period)		
Paragraph 6(2) of Schedule 19A (giving notification or report that fails to comply with requirements of that Schedule)	On summary conviction in England and Wales or Scotland: statutory maximum or the general limit in a magistrates' court (in England and Wales) or 12 months (in Scotland)	
	On summary conviction in Northern Ireland: statutory maximum or 6 months	
	On indictment: fine or 1 year	
Paragraph 6(3) of Schedule 19A (making false declaration in notification or report)	On summary conviction in England and Wales or Scotland: statutory maximum or the general limit in a magistrates' court (in England and Wales) or 12 months (in Scotland)	
	On summary conviction in Northern Ireland: statutory maximum or 6 months	
	On indictment: fine or 1 year	
Paragraph 13(1) of Schedule 19B (failure to comply with investigation requirement)	On summary conviction: Level 5	
Paragraph 13(2) of Schedule 19B (intentional obstruction of person exercising investigatory power)	On summary conviction: Level 5	
Paragraph 13(3) of Schedule 19B (providing false information in purported compliance with investigation requirement)	On summary conviction in England and Wales or Scotland: statutory maximum or the general limit in a magistrates' court (in England and Wales) or 12 months (in Scotland)	

	<p>On summary conviction in Northern Ireland: statutory maximum or 6 months</p> <p>On indictment: fine or 1 year</p>	
Paragraph 14 of Schedule 19C (failure to comply with stop notice)	<p>On summary conviction in England and Wales: fine or the general limit in a magistrates' court</p> <p>On summary conviction in Scotland: £20,000 or 12 months</p> <p>On summary conviction in Northern Ireland: £20,000 or 6 months</p> <p>On indictment: fine or 2 years</p>	

**Government of Wales Act 2006**

Section	Amended by
<p><b>16 Disqualification from being Member of the Senedd</b></p> <p>(A1) A person is disqualified from being a Member of the Senedd, and from being a candidate to be a Member of the Senedd, if that person—</p> <p>(a) falls within any of the categories of person specified in Part 1 of Schedule 1A, or</p> <p>(b) holds any of the offices specified in the Table in Part 2 of Schedule 1A.</p> <p>(1) A person is disqualified from being a Member of the Senedd (but not from being a candidate to be a Member of the Senedd) if that person—</p> <p>(za) is a member of the House of Commons (but see sections 17A and 17B),</p> <p>(zb) is a member of the House of Lords (but see section 17C),</p> <p><del>(zc) is a member of the council of a county or county borough in Wales (but see sections 17D, 17E and 17F),</del></p> <p><u>(zc) is a member of the council of a county, a county borough or a community in Wales (but see section 17D),</u></p> <p>(zd) is a member of the Scottish Parliament,</p> <p>(ze) is a member of the Northern Ireland Assembly,</p> <p>(zf) is a member of the European Parliament, or</p> <p>(a) . . . . .</p>	<p>Part 2, Chapter 3, section 61</p>

<p>(b) holds any of the offices for the time being designated by Order in Council as offices disqualifying persons from being Members of the Senedd,</p> <p>(c) . . . . .</p> <p><a href="https://www.legislation.gov.uk/ukpga/2006/32/section/16">https://www.legislation.gov.uk/ukpga/2006/32/section/16</a>(d) . . . . .</p> <p>(e) . . . . .</p> <p>(1A) A person returned at an election as a Member of the Senedd is not disqualified under subsection (1)(zd), (ze), (zf) or (b) at any time before the person purports to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).</p> <p>(2) . . . . .</p> <p><a href="https://www.legislation.gov.uk/ukpga/2006/32/section/16">https://www.legislation.gov.uk/ukpga/2006/32/section/16</a>(3) . . . . .</p> <p>(4) . . . . .</p> <p>(5) An Order in Council under paragraph (b) of subsection (1)—</p> <p>(a) may designate particular offices or offices of any description, and</p> <p>(b) may designate an office by reference to any characteristic of a person holding it,</p> <p>and for the purposes of this section “office” includes any post or employment.</p> <p>(6) No recommendation is to be made to Her Majesty in Council to make an Order in Council under subsection (1)(b) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, the Senedd.</p>	
<p><del><b>[F117B Exception from disqualification by virtue of being an MP: general election of [F2Members of the Senedd] within 372 days</b></del></p> <p><del>(1) This section applies if—</del></p> <p><del>(a) [F3a Member of the Senedd] is returned as a member of the House of Commons, and</del></p> <p><del>(b) the expected day of the next general election of [F2Members of the Senedd] is within the period of 372 days beginning with the day the person is so returned (“the return day”).</del></p> <p><del>(2) The member is not disqualified under section 16(1)(za) (disqualification by virtue of being an MP) at any time in the period—</del></p> <p><del>(a) beginning with the return day, and</del></p>	<p>Part 2, Chapter 3, section 6</p>

<p><del>(b)ending immediately before the day of the next general election of <b>[F2Members of the Senedd]</b>.</del></p> <p><del>(3)For the purposes of subsection (1)(b) the expected day of the next general election of <b>[F2Members of the Senedd]</b> is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).</del></p> <p><del><b>[F4(3A)]</b>Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general election being held on the day specified in section 3(1)—</del></p> <p><del>(a)if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);</del></p> <p><del>(b)if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.</del></p> <p><del>(3B)Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—</del></p> <p><del>(a)if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;</del></p> <p><del>(b)if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).]</del></p> <p><del>(4)Where, at the relevant time, section 5(2) or (3) (extraordinary general elections) applies—</del></p> <p><del>(a)if <b>[F5a proclamation under section 5(4) has been issued]</b>, the expected day is the day on which the poll is required to be held in accordance with that <b>[F6proclamation]</b>;</del></p> <p><del>(b)if no <b>[F7proclamation under section 5(4) has been issued]</b> but a day has been proposed under section 5(1), that is the expected day;</del></p> <p><del>(c)otherwise, the expected day is to be treated as being within the period mentioned in subsection (1)(b).</del></p> <p><del>(5)For the purpose of determining the expected day, no account is to be taken of the possibility of—</del></p> <p><del>(a)<b>[F8a day being proposed under section 4(1) (power to vary date of ordinary general election)]</b> after the relevant time, or</del></p> <p><del>(b)section 5(2) or (3) (extraordinary general elections) first applying after that time.</del></p> <p><del>(6)References in this section to the “day” of the election are to the day on which the poll at the election is held.]</del></p>	
<p><b>17D Exception from disqualification by virtue of being a councillor: recently elected members</b></p> <p>(1) A person returned at an election as a Member of the Senedd is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of</p>	<p>Part 2, Chapter 3, section 61</p>

<p>a county or county borough <u>or community council</u> in Wales) at any time before the person purports to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).</p> <p>(2) A Member of the Senedd who is returned at an election as a member of the council of a county or county borough <u>or community council</u> in Wales is not disqualified under section 16(1)(zc) at any time before the person makes a declaration of acceptance of office under section 83 of the <a href="#">Local Government Act 1972 (c. 70)</a>.</p>	
<p><b><del>[F117E</del>Exception from disqualification by virtue of being a councillor: ordinary election of councillors within 372 days</b></p> <p><del>(1) This section applies if—</del></p> <p><del>(a) a member of the council of a county or county borough in Wales is returned as a Member of the Senedd, and</del></p> <p><del>(b) the expected day of the next ordinary election of members of the council is within the period of 372 days beginning with the day the person is so returned (“the return day”).</del></p> <p><del>(2) The member is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—</del></p> <p><del>(a) beginning with the return day, and</del></p> <p><del>(b) ending with the fourth day after the day of the next ordinary election of members of the council.</del></p> <p><del>(3) For the purposes of subsection (1)(b) the expected day of the next ordinary election of members of the council is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).</del></p> <p><del>(4) For the purpose of determining the expected day, no account is to be taken of the possibility of—</del></p> <p><del>(a) an order under section 37ZA(1) <del>[F2 or (1A)]</del> of the <a href="#">Representation of the People Act 1983 (c. 2)</a> (power to vary ordinary day of local elections), or</del></p> <p><del>(b) an order under section 87 of the <a href="#">Local Government Act 2000 (c. 22)</a> (power to change year in which local election is held),</del></p> <p><del>being made after the relevant time.</del></p> <p><del>(5) References in this section and section 17F to the “day” of an election are to the day on which the poll at the election is held.]</del></p>	<p>Part 2, Chapter 3, section 61</p>
<p><b><del>[F117F</del>Exception from disqualification by virtue of being a councillor: general election of Members of the Senedd within 372 days</b></p> <p><del>(1) This section applies if—</del></p>	<p>Part 2, Chapter 3, section 61</p>

~~(a) a Member of the Senedd is returned as a member of the council of a county or county borough in Wales, and~~

~~(b) the expected day of the next general election of Members of the Senedd is within the period of 372 days beginning with the day the person is so returned (“the return day”).~~

~~(2) The member is not disqualified under section 16(1)(ze) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—~~

~~(a) beginning with the return day, and~~

~~(b) ending immediately before the day of the next general election of Members of the Senedd.~~

~~(3) For the purposes of subsection (1)(b) the expected day of the next general election of Members of the Senedd is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).~~

~~(4) Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general election being held on the day specified in section 3(1)—~~

~~(a) if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);~~

~~(b) if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.~~

~~(5) Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—~~

~~(a) if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;~~

~~(b) if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).~~

~~(6) Where, at the relevant time, section 5(2) or (3) (extraordinary general elections) applies—~~

~~(a) if a proclamation under section 5(4) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;~~

~~(b) if no proclamation under section 5(4) has been issued but a day has been proposed under section 5(1), that is the expected day;~~

~~(c) otherwise, the expected day is to be treated as being within the period mentioned in subsection (1)(b).~~

~~(7) For the purpose of determining the expected day, no account is to be taken of the possibility of—~~

<p><del>(a) a day being proposed under section 4(1) (power to vary date of ordinary general election) after the relevant time, or</del>  <del>(b) section 5(2) or (3) (extraordinary general elections) first applying after that time.]</del></p>	
<p><b>SCHEDULE 1A</b></p> <p><b>DISQUALIFICATION FROM BEING A MEMBER OF THE SENEDD OR A CANDIDATE IN AN ELECTION TO BE A MEMBER OF THE SENEDD</b></p> <p><b>PART 1 CATEGORIES OF PERSONS DISQUALIFIED</b></p> <p><i>Persons under 18 years of age</i></p> <p><b>1</b> A person who has not attained the age of 18 before the day on which the person is nominated as a candidate for election as a Member of the Senedd.</p> <p><i>Citizenship</i></p> <p><b>2.</b>-(1) A person who is not—</p> <p>(a) a British citizen,</p> <p>(b) a qualifying Commonwealth citizen,</p> <p>(c) a qualifying foreign citizen,</p> <p>(d) a citizen of the Republic of Ireland, or</p> <p>(e) a citizen of the European Union who is resident in the United Kingdom.</p> <p>(2) For the purposes of sub-paragraph (1), a person is a qualifying Commonwealth citizen if that person is a Commonwealth citizen who either—</p> <p>(a) is not a person who requires leave under the <a href="#">Immigration Act 1971 (c. 77)</a> to enter or remain in the United Kingdom, or</p> <p>(b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.</p> <p>(3) For the purposes of sub-paragraph (1), a qualifying foreign citizen is a person resident in the United Kingdom who—</p> <p>(a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of the European Union, and</p> <p>(b) either—</p> <p>(i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or</p> <p>(ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.</p> <p>(4) But a person is not a qualifying Commonwealth citizen by virtue of sub-paragraph (2)(a) or a qualifying foreign citizen by</p>	<p>Part 2, Chapter 3, section 63  Schedule 1, Part 4, 12  Part 2, Chapter 3, section 64</p>



virtue of sub-paragraph (3)(b)(i) if that person does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).

### *Bankruptcy*

**3** A person in respect of whom one or more of the following orders has effect—

(a) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the [Insolvency Act 1986 \(c. 45\)](#) or Schedule 2ZB to the [Insolvency \(Northern Ireland\) Order 1989 \(S.I. 1989/2405 \(N.I. 19\)\)](#);

(b) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, Part 13 of the [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#) or Schedule 2A to the Insolvency (Northern Ireland) Order 1989.

**4** A person who is disqualified from being a member of the House of Commons under section 427 of the Insolvency Act 1986 because of an award of sequestration made by a court in Scotland.

### *Persons guilty of corrupt or illegal practices at elections*

**5** A person who is incapable of being elected to the House of Commons having been reported personally guilty or convicted of a corrupt or illegal practice under the [Representation of the People Act 1983 \(c. 2\)](#).

**5A** A person who is incapable of being elected to or holding elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) 1962 (c. 14) having been reported guilty or convicted of a corrupt or illegal practice.

### *Persons imprisoned or detained following conviction etc.*

**6.**-(1) A person found guilty of one or more offences (whether before or after the passing of this Act and whether in the United Kingdom or elsewhere), and sentenced or ordered to be imprisoned or detained indefinitely or for more than one year.

(2) A person is disqualified under this paragraph only while the person is—

(a) detained anywhere in the United Kingdom, the Channel Islands, the Isle of Man, or elsewhere in the European Union, in pursuance of the sentence or order, or

(b) unlawfully at large at a time when the person would otherwise be so detained.

*Sex offenders*

7 A person subject to—

(a) the notification requirements of, or an order under, Part 2 of the [Sexual Offences Act 2003 \(c. 42\)](#) or

(b) an order under Chapter 2 of Part 11 of the Sentencing Code.

**PART 2 OFFICES THAT DISQUALIFY THE HOLDER**

*TABLE*

*Offices and bodies in respect of which there are disqualifying offices*

*The disqualifying offices*

Armed forces

Members of the Royal Navy, the Royal Marines, the regular army (as defined by section 374 of the [Armed Forces Act 2006 \(c. 52\)](#)) or the Royal Air Force, not including—

(a)

an officer on the retired or emergency list of any of the regular armed forces of the Crown,

(b)

a person who holds an emergency commission in any of those forces,

(c)

a person who belongs to any reserve of officers of any of those forces,

(d)

a naval, army, marine or air force pensioner, or former soldier who is liable to be recalled for service, or

(e)

a person who is an Admiral of the Fleet, a Field Marshal or a Marshal of the Royal Air Force and does not for the time being hold an appointment in the naval, military or air force service of the Crown

Auditor General for Wales or Archwilydd Cyffredinol Cymru	The Auditor General	
Children's Commissioner for Wales or Comisiynydd Plant Cymru	The Commissioner and deputy Commissioner	
Civil service	Members of the civil service of the State, including the civil service of Northern Ireland, the Northern Ireland Court Service, Her Majesty's Diplomatic Service and Her Majesty's Overseas Civil Service	
Civil Service Commission	The First Civil Service Commissioner and Civil Service Commissioners	
Commission for Equality and Human Rights	The Commissioners	
Commissioner for Older People in Wales or Comisiynydd Pobl Hŷn Cymru	The Commissioner and deputy Commissioner	
Commissioner for Public Appointments	The Commissioner	
Comptroller and Auditor General or Rheolwr ac Archwilydd Cyffredinol	The Comptroller and Auditor General	
Electoral Commission or Comisiwn Etholiadol	The Electoral Commissioners and members of the staff of the Commission	
Electoral Registration Officers	Electoral registration officer for any area in Wales	
Future Generations Commissioner for Wales or Comisiynydd Cenedlaethau'r Dyfodol Cymru	The Commissioner	
Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei	The Chief Inspector	

<p>Mawrhydi dros Addysg a Hyfforddiant yng Nghymru</p>	<p>The members of the Board</p>	
<p>Independent Remuneration Board of the Senedd or Bwrdd Taliadau Annibynnol y Senedd</p>	<p>The members of the Board</p>	
<p><del>Independent Remuneration Panel for Wales or Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol</del></p>	<p><del>The members of the Panel</del></p>	
<p>Judicial offices</p>	<p>The following judicial offices—</p> <ul style="list-style-type: none"> <li>(a) Judge of the Supreme Court;</li> <li>(b) Judge of the High Court or Court of Appeal in England and Wales;</li> <li>(c) Judge of the Court of Session or Temporary Judge in Scotland;</li> <li>(d) Judge of the High Court or Court of Appeal in Northern Ireland;</li> <li>(e) Judge of the Court Martial Appeal Court;</li> <li>(f) Chairman of the Scottish Land Court;</li> <li>(g) Circuit Judge in England and Wales;</li> <li>(h) Sheriff principal, sheriff, summary sheriff, temporary sheriff principal, part-time sheriff or part-time summary sheriff in Scotland;</li> <li>(i)</li> </ul>	

	<p>County Court Judge or deputy County Court Judge in Northern Ireland;</p> <p>(j) District Judge (Magistrates' Courts) (but not Deputy District Judge (Magistrates' Courts)) in England and Wales;</p> <p>(k) District judge (magistrates' courts) or deputy district judge (magistrates' courts) in Northern Ireland;</p> <p>(l) President of Welsh Tribunals or Llywydd Tribiwnlysoedd Cymru;</p> <p>(m) Judge of the Upper Tribunal;</p> <p>(n) legal member of the Upper Tribunal for Scotland;</p> <p>(o) Chief or other Child Support Commissioner for Northern Ireland or deputy Child Support Commissioner for Northern Ireland;</p> <p>(p) Chief or other Social Security Commissioner for Northern Ireland or deputy Social Security Commissioner for Northern Ireland</p>	
Legislatures	Members of the legislature of any country or territory outside the United Kingdom	
Lieutenancies	Lord-lieutenant or lieutenant of any area in Wales	
Local Democracy and Boundary Commission for Wales or Comisiwn Ffiniau a Democratiaeth Leol Cymru	The members and chief executive of the Commission	

Parliamentary Commissioner for Administration	The Commissioner	
Police forces	Members of any police force maintained by— (a) a local policing body (within the meaning given by section 101 of the <a href="#">Police Act 1996 (c. 16)</a> ), (b) the Scottish Police Authority, or (c) the Northern Ireland Policing Board, and “member” in relation to a police force means a person holding office as a constable of that force	
Public Services Ombudsman for Wales or Ombwdsmon Gwasanaethau Cyhoeddus Cymru	The Ombudsman	
Returning officers for Senedd elections	The returning officer for any Senedd constituency or Senedd electoral region	
Senedd Commission	Members of the staff of the Senedd	
Senedd Commissioner for Standards or Comisiynydd Safonau y Senedd	The Commissioner	
Sheriffs	The high sheriff of any area in Wales	
Welsh Language Commissioner or Comisiynydd y Gymraeg	The Commissioner, the Deputy Commissioner and the members of the Advisory Panel to the Welsh Language Commissioner	

Persons convicted of the offence of deception within the previous four years

8

(1) For the period of four years starting with the date of conviction, a person who has been convicted of the offence of deception as described in subparagraph (2).

(2) A person must not—

(a) wilfully, and

(b) with the intent to mislead,

make, publish or cause or permit to be published on their behalf, a statement purporting to be a statement of fact which they know to be false or deceptive in a material particular.

(3) A person for the purposes of subparagraph (2) is a person acting in their capacity as a—

(a) Member of the Senedd, or

(b) candidate to be a Member of the Senedd.

(4) It is a defence for any person charged with an offence under subparagraph (2) to show that—

(a) at the time of the alleged offence they had acted in the interests of national security,

(b) the statement could be reasonably inferred to be a statement of opinion, belief or future intention rather than a statement of fact, or

(c) they retracted the statement and apologised for its inaccuracy within 14 days of—

(i) the making or publication of the statement, or

(ii) the inaccuracy being brought to their attention.

(5) Proceedings for any such offence must be commenced within six months of the date on which the statement was made or published.

(6) No private individual or private entity may act as a prosecutor for an offence under this paragraph.

(7) The Welsh Ministers may by regulation—

(a) add, remove or modify provisions in this paragraph;

(b) amend, revoke or repeal any enactment to make such consequential, incidental, transitional, transitory or saving provision as they think appropriate for the purposes of or in connection with this section.

(8) The power to make regulations under subparagraph (7) is exercisable by statutory instrument.

(9) A statutory instrument containing regulations under subparagraph (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.

(10) Section 42 (defamation) does not apply for the purposes of this paragraph.

(11) In this paragraph—

(a) “private entity” means any corporation, partnership, business, professional, sole practitioner, voluntary or charitable 25 organisation;

(b) “statement” has the same meaning as in the Defamation Act 1996 (c. 31).

**Local Government (Wales) Measure 2011 (nawm 4)**

Section	Amended by
<p><b>1 Duty to conduct a survey</b></p> <p>(1)A local authority must, in accordance with <del>regulations a</del> <u>direction</u> under this section, conduct a survey of—</p> <p>(a)councillors in its area, and</p> <p>(b)unsuccessful candidates for election to the office of councillor in its area.</p> <p>(2)A local authority must conduct a survey [or arrange for the conduct of a survey, in relation to] each ordinary election to—</p> <p>(a)the council of the county or county borough, and</p> <p>(b)a community council in the local authority's area.</p> <p><del>(3)The survey must be conducted by—</del></p> <p><del>(a)asking prescribed questions in any prescribed form or manner, and</del></p> <p><del>(b)collating the information in any prescribed form or manner.</del></p> <p><u>(3) The Welsh Ministers may give a direction to local authorities that—</u></p> <p><u>(a) specifies the questions that must be asked in a survey;</u></p> <p><u>(b) specifies requirements about—</u></p> <p><u>    (i) the form of the survey;</u></p> <p><u>    (ii) how the survey is to be conducted;</u></p> <p><u>    (iii) the collation of information from the survey.</u></p> <p>(3A)A survey in the case of an ordinary election may be conducted—</p> <p>(a)entirely after the ordinary election, or</p> <p>(b)by asking the candidates for election to the office of councillor to <del>answer the prescribed questions</del> <u>respond to the survey</u> before the ordinary election and collating the information provided afterwards.</p> <p><u>(3B) A local authority may include questions in a survey, or arrange for the inclusion of questions in a survey, in addition to the questions required by a direction of the Welsh Ministers under this section.</u></p> <p>(4)The questions that may be <del>prescribed</del> <u>specified in a direction</u> under subsection (3) include (but are not limited to) questions about the individual to whom they are addressed which relate to—</p>	<p>Part 1, Chapter 4, section 26</p>



<p>(a)gender;</p> <p>(b)sexual orientation;</p> <p>(c)language;</p> <p>(d)race;</p> <p>(e)age;</p> <p>(f)disability;</p> <p>(g)religion or belief;</p> <p>(h)health;</p> <p>(i)education and qualifications;</p> <p>(j)employment;</p> <p>(k)work as a councillor.</p> <p>(5)Nothing in this section places a duty on any individual to provide any information.</p> <p>(6)</p> <p>(7)section—</p> <ul style="list-style-type: none"> <li>• “belief” (“<i>cred</i>”) means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief;</li> <li>• “councillor” (“<i>cynghorydd</i>”) includes community councillor;</li> <li>• “disability” (“<i>anabledd</i>”) means a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day to day activities;</li> <li>• “race” (“<i>hil</i>”) means colour, nationality or ethnic or national origins;</li> <li>• “religion” (“<i>crefydd</i>”) means any religion and a reference to religion includes a reference to a lack of religion;</li> <li>• “sexual orientation” (“<i>cyfeiriadedd rhywiol</i>”) means a person's sexual orientation towards— <ul style="list-style-type: none"> <li>(a) persons of the same sex,</li> <li>(b) persons of the opposite sex, or</li> </ul> </li> </ul> <p>(c) persons of either sex.</p>	
<p><b>2 Completion of a survey and publication of information</b></p> <p>(1)A local authority must complete its survey and provide the information collated in it to the Welsh Ministers within six months of the date of the ordinary election to which it relates.</p> <p>(2)A local authority must provide the information in <del>any prescribed form or manner</del> <u>in such form or manner as the Welsh Ministers may direct.</u></p>	<p>Part 1, Chapter 4, section 26</p>

<p>(3)A local authority may publish the information collated in a survey in such manner as it considers appropriate, subject to subsection (6).</p> <p>(4)The Welsh Ministers must—</p> <p style="padding-left: 40px;">(a)collate the information they receive from local authorities under this section, and</p> <p style="padding-left: 40px;">(b)publish it within twelve months of the date of the ordinary election to which it relates.</p> <p>(5)The Welsh Ministers may—</p> <p style="padding-left: 40px;">(a)publish information under subsection (4)(b) in such manner as they consider appropriate, subject to subsection (6);</p> <p style="padding-left: 40px;">(b)share any information provided to them under subsection (1) with any body representing the interests of county, county borough or community councils in Wales.</p> <p>(6)No information received under section 1 or this section is to be published or shared in any form that, either by itself or in combination with any other information, identifies any individual to whom it relates or enables that individual to be identified.</p>	
<p><b>3 Guidance about surveys</b></p> <p>In exercising its functions under sections 1 and 2, a local authority must have regard to guidance given by the Welsh Ministers.</p> <p><b><u>3A Publication of directions about surveys</u></b></p> <p><u>The Welsh Ministers must publish any direction given under section 1(3) or 2(2).</u></p>	<p>Part 1, Chapter 4, section 26</p>
<p><i>The Independent Remuneration Panel for Wales</i></p> <p><b>141The Panel</b></p> <p><del>(1)There is to continue to be a panel of persons known as the Independent Remuneration Panel for Wales.</del></p> <p><del>(2)Schedule 2 has effect in relation to the Panel.</del></p> <p><i>Principal functions of the Panel</i></p> <p><b>142Functions relating to payments to members</b></p> <p><del>(1)For the financial year beginning 1 April 2012 and for each following financial year, the Panel may decide the relevant matters—</del></p> <p><del>(a)for which a relevant authority will be required to make payments to members of the authority;</del></p> <p><del>(b)for which a relevant authority will be authorised to make payments to members of the authority.</del></p>	<p>Part 2, Chapter 2, section 56</p>

~~(2) Relevant matters are—~~

~~(a) matters relating to the official business of members of relevant authorities;~~

~~(b) periods of family absence under Part 2.~~

~~(3) Having exercised that power, the Panel must set for each relevant matter one of the following—~~

~~(a) the amount that a relevant authority must pay to a member of the authority;~~

~~(b) the maximum amount that a relevant authority may pay to a member of the authority.~~

~~(4) Having decided the relevant matters for which a relevant authority may be authorised or required to make payments under subsection (1) and set the amount or maximum amount for each matter under subsection (3), the Panel may determine that payments in respect of a particular matter or matters may not be paid to more than a fixed proportion **[F2** or specified number **]** of the members of an authority.~~

~~(5) The proportion fixed by the Panel in accordance with subsection (4) may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.~~

**[F3**(5A) The number specified by the Panel in accordance with subsection (4), expressed as a proportion of the total number of members of an authority, may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.]

~~(6) The Panel may set—~~

~~(a) the maximum percentage or other rate by which a relevant authority will be entitled to adjust for a financial year the amounts that had effect for the relevant matters for the previous financial year;~~

~~(b) an index by reference to which a relevant authority will be entitled to adjust for a financial year the amounts that had effect for such of the relevant matters for the previous financial year as the Panel decides.~~

~~(7) The powers under subsection (6) may be exercised so as to—~~

~~(a) set a rate and an index in relation to the same matter;~~

~~(b) set different rates or indices in relation to different matters.~~

~~(8) When setting an amount under subsection (3), making a determination under subsection (4) or setting a rate or index under subsection (6), the Panel must take into account what it considers will be the likely financial impact of doing so on relevant authorities.~~

~~(9) The Panel may make different decisions under subsection (1), set different amounts under subsection (3), make different determinations under subsection (4) or set different rates or indices under subsection (6) in relation to authorities of different descriptions or different authorities of the same description.~~

~~(10) For the purposes of subsection (2) a matter relates to the official business of a member of a relevant authority if it is a matter which a member undertakes—~~

~~(a) as a member of a relevant authority, or~~

~~(b) as a member of a body to which the member is appointed by, or following nomination by, the relevant authority or a group of bodies including the relevant authority.~~

### **143 Functions relating to members' pensions**

~~(1) This section applies in relation to members of relevant authorities who—~~

~~(a) are not co-opted members, and~~

~~(b) are for the time being eligible for membership of a pension scheme in accordance with regulations under section 7 of the Superannuation Act 1972 (local government pension schemes).~~

~~(2) The Panel may decide the descriptions of members to or in respect of whom a relevant authority will be required to pay a pension (a “relevant pension”).~~

~~(3) The Panel may decide the relevant matters in respect of which a relevant authority will be required to pay a relevant pension.~~

~~(4) The Panel may make different decisions in relation to authorities of different descriptions or different authorities of the same description.~~

**[F4143A][F5Functions relating to remuneration of chief executives]**

(1)The Panel may make recommendations to a qualifying relevant authority about—

(a)any policy in the authority's pay policy statement which relates to the [F6remuneration] of the authority's [F7chief executive];

( b )any proposed change to the [F6remuneration] of the authority's [F8chief executive].

(2)A qualifying relevant authority must have regard to any recommendation received from the Panel when performing its functions under section 38 or 39 of the Localism Act 2011 (c. 20).

(3)A qualifying relevant authority must, before making a change to the [F9remuneration] of its [F10chief executive] which is not commensurate with a change to the [F11remuneration] of the authority's other staff—

(a)consult the Panel about the proposed change, and

(b)have regard to any recommendation received from the Panel when deciding whether or not to proceed with making the change.

**[F12(3A)]**But a qualifying relevant authority that has consulted the Panel about a proposed reduction in [F13remuneration] may make the reduction before receiving a recommendation from the Panel if the contract under which the [F13remuneration] is [F14provided] does not prevent the authority from changing the [F13remuneration] after receiving a recommendation.

(3B)A qualifying relevant authority that makes a change to the [F15remuneration] of its [F16chief executive] in accordance with subsection (3A) and subsequently receives a recommendation from the Panel about the change—

(a)must reconsider the [F15remuneration], and

(b)when doing so, must have regard to the recommendation.]

(4)A qualifying relevant authority must provide the Panel with such information as the Panel may reasonably require in connection with the exercise of its functions under this section.

~~[F17(4A)The Panel must notify the Welsh Ministers of every recommendation it makes under this section.]~~

~~(5)The Panel may publish any recommendations it makes under this section.~~

~~[F18(5A)A qualifying relevant authority—~~

~~(a)must notify the Panel and the Welsh Ministers of its response to a recommendation made by the Panel about a change to the [F19remuneration] of its [F20chief executive] before the end of the period of 14 days starting with the day on which the authority determines the response, and~~

~~(b)must not make a change to the [F19remuneration] before—~~

~~(i)the end of the period of eight weeks starting with the day on which the authority notifies the Welsh Ministers under paragraph (a), or~~

~~(ii)if, before the end of that period, the Welsh Ministers notify the authority that they will not be giving the authority a direction under subsection (5B), the day on which that notice is received.~~

~~(5B)If the Welsh Ministers consider that a qualifying relevant authority's response to a recommendation made by the Panel about a change of [F21remuneration] means that the authority will [F22provide] (or, under subsection (3A), is [F22providing]) [F21remuneration] which is inconsistent with the recommendation, the Welsh Ministers—~~

~~(a)may direct the authority to reconsider the [F21remuneration], and~~

~~(b)may specify in the direction the time by which the authority must do so.]~~

~~[F23(5C)If the Welsh Ministers give a direction under subsection (5B) to a qualifying relevant authority—~~

~~(a)the function of reconsidering the remuneration is not to be the responsibility of an executive of the authority under executive arrangements (within the meaning of section 10 of the Local Government Act 2000);~~

~~(b)an elected mayor (within the meaning of section 39(1) of that Act) is to be treated as a member of the authority for the purposes of that function, and~~

~~(c)section 101 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities) does not apply to that function.]~~

~~(6)The Panel must have regard to any guidance issued by the Welsh Ministers when exercising its functions under this section.~~

~~(7)In this section—~~

~~• F24...~~

~~• [F25“chief executive” (“*prif weithredwr*”) means a chief executive appointed under section 54 of the Local Government and Elections (Wales) Act 2021 or a chief executive appointed by a corporate joint committee;]~~

~~• “pay policy statement” (“ ”) means a pay policy statement produced by a relevant authority (within the meaning of section 43(1) of the Localism Act 2011) under section 38 of that Act;~~

~~• “qualifying relevant authority” (“ ”) means a relevant authority (within the meaning of this Part) which is required to produce a pay policy statement;~~

~~• [F26 “remuneration” (“*cydnabyddiaeth ariannol*”) has the meaning given in section 43 of the Localism Act 2011;]~~

~~• F27...]~~

#### **144Relevant authorities, members etc.**

~~(1)This section applies for the purposes of this Part.~~

~~(2)An authority is a “relevant authority” if it comes within one of the following descriptions—~~

~~(a)a local authority;~~

~~(b)a community council;~~

~~(c)a National Park authority (established under section 63 of the Environment Act 1995) for a National Park in Wales;~~

~~(d)a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire~~

and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies.

~~F28(da).....~~

~~[F29(db)a corporate joint committee;]~~

~~[F30(e)a body specified as a relevant authority in an order made by the Welsh Ministers.]~~

~~(3)A reference to a description of a relevant authority is to be read with subsection (2).~~

~~(4)“Member”, in relation to a relevant authority, includes—~~

~~(a)an elected mayor of the authority (within the meaning of section 39(1) of the Local Government Act 2000),~~

~~(b)an elected executive member of the authority (within the meaning of section 39(4) of that Act), F31...~~

~~(c)a co-opted member of the authority[F32, and~~

~~(d)a person who is a member of a sub-committee of a corporate joint committee and is entitled to vote on any question to be decided by that sub-committee;]~~

~~(5)“Co-opted member”, in relation to a relevant authority [F33other than a corporate joint committee], means a person who is not a member of the authority (except by virtue of subsection (4)) but—~~

~~(a)is a member of a committee or sub-committee of the authority or is a member of, and represents the authority on, a joint committee or joint sub-committee of the authority, and~~

~~(b)is entitled to vote on questions for decision at meetings of that committee or sub-committee.~~

~~[F34(6)A body may only be specified as a relevant authority if—~~

~~(a)the Welsh Ministers exercise functions in respect of it,~~

~~(b)it exercises relevant functions, and~~

~~(c)its membership includes at least one member of an authority described in subsection (2)(a) to (d).~~

~~(7)A “relevant function” is—~~

~~(a)a function conferred by an Act or Measure of the National Assembly for Wales, or~~



~~(b) a function that could be conferred by an Act of the National Assembly for Wales.~~

~~(8) Sections 142(4), 143, 147(3)(b) and 155 do not apply in relation to a relevant authority described in subsection [F35(2)(db) or (e)].~~

#### *Reports by the Panel*

### **145 Annual reports**

~~(1) The Panel must publish a report (an “annual report”) about the exercise of its functions with respect to each financial year.~~

~~(2) An annual report may impose requirements (including, amongst other things, requirements to make payments) on relevant authorities.~~

### **146 First annual report**

~~(1) The first financial year for which the Panel must publish an annual report under section 145 is the financial year beginning 1 April 2012.~~

~~(2) The report for that financial year (“the first annual report”) must be published no later than 31 December 2011.~~

~~(3) The first annual report must specify—~~

~~(a) the relevant matters,~~

~~(b) the amounts set under section 142(3),~~

~~(c) the proportion determined under section 142(4),~~

~~(d) the members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension, and~~

~~(e) the relevant matters in respect of which a relevant pension is payable.~~

~~(4) After publishing the first annual report but before publishing the second annual report, the Panel may publish one or more supplementary reports.~~

~~(5) A supplementary report under this section may vary the provision made in the first annual report for the purposes of subsection (3)(a), (b), (c), (d) or (e).~~

~~(6) In preparing a supplementary report under this section, the Panel must take into account—~~

~~(a) the first annual report and any supplementary reports relating to it, and~~

~~(b) the representations the Panel received about the reports referred to in paragraph (a).~~

~~(7) Before publishing the first annual report or a supplementary report under this section, the Panel must—~~

~~(a) send a draft to~~

~~(i) the Welsh Ministers,~~

~~(ii) those relevant authorities which are required or authorised by the Panel to make payment to their members in respect of relevant matters, and~~

~~(iii) such other persons as the Panel considers appropriate, and,~~

~~(b) take into account the representations it receives about the draft.~~

~~(8) The provisions of the first annual report or a supplementary report under this section come into force on the date specified for that purpose in the report; but the report may not specify a date earlier than the last day of the period of three months beginning with the day after the date of publication.~~

#### **147 Subsequent annual reports**

~~(1) This section applies in relation to annual reports after the first annual report.~~

~~(2) An annual report must be published no later than—~~

~~(a) [F3628 February] in the financial year preceding that to which the report relates, or~~

~~(b) such later date as the Panel and the Welsh Ministers may agree.~~

~~(3) An annual report must specify—~~

~~(a) by reference to the amount having effect for each relevant matter, such rate or index as is set under section 142(6), and~~

~~(b) the descriptions of members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension.~~

~~(4) An annual report may vary the provision made in the first annual report for the purposes of section 146(3)(a), (b), (c),~~

~~(d) or (e) [F37 (including by specifying a number under section 142(4))].~~

~~(5) After publishing an annual report but before publishing the next annual report, the Panel may publish one or more supplementary reports.~~

~~(6) A supplementary report under this section may—~~

~~(a) vary the provision made in the annual report to which the supplementary report relates for the purposes of subsection (3)(a) or (b) (and may make provision for those purposes to the extent that the annual report does not);~~

~~(b) vary the provision made in the first annual report for the purposes of section 146(3)(a), (b), (c), (d) or (e) (or that provision as varied by virtue of subsection (4)).~~

~~(7) In preparing an annual report or a supplementary report under this section, the Panel must take into account—~~

~~(a) the previous annual report and any supplementary reports relating to it;~~

~~(b) the representations the Panel received about the reports referred to in paragraph (a).~~

~~(8) Before publishing an annual report or a supplementary report under this section, the Panel must—~~

~~(a) send a draft to the~~

~~(i) Welsh Ministers;~~

~~(ii) those relevant authorities which are required or authorised by the Panel to make payment to their members in respect of relevant matters, and~~

~~(iii) such other persons as the Panel considers appropriate, and;~~

~~(b) take into account the representations the Panel receives about the draft.~~

~~[F38(9) The provisions of an annual or supplementary report under this section come into force on the date specified for that purpose in the report.~~

~~(10) Where subsection (11) applies, the report may specify that a qualifying provision is to be treated as having been~~

brought into force up to 3 months earlier than the date of publication of the report.

~~(11) This subsection applies where a supplementary report contains a qualifying provision.~~

~~(12) A “qualifying provision” is a provision making a variation for the purposes of subsection (3)(a), (b) or (c) of section 146.]~~

#### **148 Consultation on draft reports**

~~(1) The Panel must not publish an annual report **F39**... before the end of the period of eight weeks beginning with the day on which it sends a draft of the report in accordance with section 146 or 147.~~

~~**[F40(1A)]** The Panel must not publish a supplementary report —~~

~~(a) before the end of the period of four weeks beginning with the day on which it sends a draft of the report in accordance with section 147, or~~

~~(b) later than the end of the period of eight weeks beginning with the day on which it sends a draft of the report in accordance with section 147.]~~

~~(2) The Panel must, when it sends a draft of a report in accordance with either of those sections, place an electronic copy of the draft on its website.~~

#### **149 Directions to vary draft reports**

~~(1) The Welsh Ministers may direct the Panel to reconsider a provision of a draft report.~~

~~(2) A direction under this section must specify —~~

~~(a) the provision,~~

~~(b) the reason for giving the direction, and~~

~~(c) the date by which the Welsh Ministers require the Panel to respond.~~

~~(3) The Panel —~~

~~(a) must respond to the direction no later than the date specified for the purposes of subsection (2)(c);~~

~~(b) may not publish the report before having responded to the direction.~~

~~(4) If the Panel decides not to vary the draft in accordance with the direction, it must specify in its response the reason for its decision.~~

#### **150 Administrative requirements in reports**

~~(1) An annual report may impose on relevant authorities requirements for avoiding—~~

~~(a) duplication of payments made in respect of relevant matters;~~

~~(b) duplication as relevant matters of matters relating to the official business of members.~~

~~(2) For the purposes of a case where a member of a relevant authority does something which relates to another relevant authority (as well as the authority to which the member belongs), and for which a payment in respect of a relevant matter must be made to the member, an annual report must set out how to determine which of the authorities will be required to make the payment.~~

~~(3) An annual report may impose on relevant authorities requirements for keeping—~~

~~(a) records of requests for payments in respect of relevant matters;~~

~~(b) records of payments made in respect of relevant matters;~~

~~(c) records of payments made in respect of relevant pensions.~~

#### **151 Publicity requirements in reports**

~~(1) An annual report may impose on relevant authorities requirements for making arrangements for publishing information of a specified description—~~

~~(a) about payments made in respect of relevant matters;~~

~~(b) about payments made in respect of relevant pensions.~~

~~**[F41**(c) about other payments made to members of relevant authorities from other public bodies.]~~

~~(2) The report may require different arrangements to be made by authorities of different descriptions or different authorities of the same description.~~

~~**[F42**(3) For the purposes of subsection (1)(c), a “public body” is—~~

- ~~(a) a local health board,~~
- ~~(b) a police and crime panel,~~
- ~~(c) a relevant authority,~~
- ~~(d) a body designated as a public body in an order made by the Welsh Ministers.]~~

### **152 Publicising reports**

~~(1) If the Panel publishes a report, it must notify—~~

~~(a) such persons as it considers are likely to be affected by the report, and~~

~~(b) such broadcasters and such members of the press as it considers appropriate.~~

~~(2) The Panel must secure reasonable availability of its reports to persons generally.~~

~~(3) Subject to subsections (1) and (2), the Panel may decide how to publicise its reports.~~

~~(4) In this section, “report” (except in relation to subsection (1)(b)) includes a draft of a report; and “publish”, in relation to a draft, means send to the persons to whom the draft is required to be sent under section 146 or 147.~~

### *Payments by relevant authorities*

### **153 Compliance with Panel's requirements**

~~(1) A relevant authority must comply with the requirements imposed on it by an annual report.~~

~~(2) The Panel may monitor the making of payments by relevant authorities in respect of relevant matters; and in so doing the Panel may require a relevant authority to provide it with such information as it specifies about—~~

~~(a) the matters which are relevant matters in relation to the authority;~~

~~(b) requests to the authority for payments in respect of relevant matters;~~

~~(c) payments made by the authority in respect of relevant matters.~~

~~(3) The Panel may monitor the making of payments by relevant authorities in respect of relevant pensions; and in so~~

doing the Panel may require a relevant authority to provide it with such information as it specifies about—

(a) the members of the authority to or in respect of whom the authority is required to pay relevant pensions;

(b) payments made by the authority in respect of relevant pensions.

(4) A relevant authority must comply with a requirement imposed on it under subsection (2) or (3).

#### **154 Members wishing to forgo payments**

(1) This section applies if a member of a relevant authority elects, by notice in writing given to the proper officer of the authority, to forgo (either completely or to the extent specified in the notice) entitlement to payments in respect of such relevant matters as are specified in the notice.

(2) The requirement imposed on the authority by an annual report to make payments in respect of such relevant matters as are specified in the notice does not apply in the case of that member (or does not apply in that case to the extent specified in the notice); and section 153(1) is to be read accordingly.

(3) “Proper officer” has the meaning given in section 270(3) of the Local Government Act 1972.

#### **155 Withholding payments**

(1) A relevant authority must not make payments in respect of relevant matters or a relevant pension to a person who is suspended or partially suspended from being a member of the authority by virtue of Part 3 of the Local Government Act 2000 (conduct of local government members etc.).

(2) The Welsh Ministers may, in such other cases as they consider appropriate, direct a relevant authority not to make payments (including in respect of pensions) in respect of such relevant matters as are specified in the direction.

(3) Before giving a direction under subsection (2), the Welsh Ministers must consult the Panel.

(4) A direction under subsection (2) is enforceable by mandatory order on the application of the Welsh Ministers.

(5) A relevant authority may require the repayment of payments made in respect of relevant matters or a relevant

~~pension to a person in respect of a period during which that person was not entitled to receive the payment for any reason, including (but not limited to) any of the following reasons—~~

~~(a) the payments were made in breach of the prohibition in subsection (1);~~

~~(b) the payments were made in breach of a direction under subsection (2);~~

~~(c) the person had ceased to be a member of the authority.~~

*Enforcement*

### **156 Directions to comply with requirements**

~~(1) If the Welsh Ministers are satisfied that a relevant authority has failed to comply with a requirement relating to relevant matters which is imposed on it by or by virtue of this Measure, they may direct the authority to comply with the requirement.~~

~~(2) A direction under this section must specify—~~

~~(a) the requirement;~~

~~(b) the reason for giving the direction;~~

~~(c) the steps that the Welsh Ministers require the authority to take;~~

~~(d) the date by which the Welsh Ministers require the authority to take the steps.~~

~~(3) A direction under this section is enforceable by mandatory order on the application of the Welsh Ministers.~~

*Supplementary*

### **157 Guidance**

~~(1) The Panel may give guidance about how to comply with requirements imposed by annual reports.~~

~~(2) The power of the Panel to give guidance under subsection (1) includes the power to vary or revoke guidance given.~~

~~(3) A relevant authority must have regard to guidance given under subsection (1).~~

### **158 Power to modify provision about Panel**

~~The Welsh Ministers may by order make modifications of this Part so as to—~~



~~(a) add, vary or omit provision about the Panel's membership, the tenure of its members, or its procedures;~~

~~(b) add, vary or omit provision conferring or imposing a function on the Panel.~~

### ~~159 Interpretation of Part 8~~

~~(1) In this Part—~~

- ~~• “annual report” (“*adroddiad blynyddol*”) has the meaning given in section 145;~~
- ~~• “co-opted member” (“*aelod cyfetholedig*”), in relation to a relevant authority, has the meaning given in section 144;~~
- ~~• “financial year” (“*blwyddyn ariannol*”) means a period of 12 months ending with 31 March;~~
- ~~• “member” (“*aelod sy'n mynychu'r fangre*”), in relation to a relevant authority, has the meaning given in section 144;~~
- ~~• “the Panel” (“*y Panel*”) means the Independent Remuneration Panel for Wales;~~
- ~~• “relevant authority” (“*awdurdod perthnasol*”) has the meaning given in section 144 (and a reference to a description of a relevant authority is to be read in accordance with that section);~~
- ~~• “relevant matter” (“*mater perthnasol*”) has the meaning given in section 142;~~
- ~~• “relevant pension” (“*pensiwn perthnasol*”) has the meaning given in section 143.~~

~~(2) The references in sections 153, 154 and 157 to requirements imposed by an annual report include a reference to requirements included in an annual report by a supplementary report.~~

## ~~SCHEDULE 2 THE PANEL~~

### ~~**Membership**~~

~~1(1) The Panel consists of **[F1]** not fewer than 3, and not more than 7, members appointed by the Welsh Ministers.~~

~~(2) The Welsh Ministers must appoint one of the members as Chairperson.~~

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section 56

~~(3)The members of the Panel must elect one of their number as Vice-chairperson.~~

~~(4)The following are disqualified from being a member of the Panel—~~

~~(a)a member of the National Assembly for Wales;~~

~~(b)a member of the House of Commons;~~

~~(c)a member of the House of Lords;~~

~~**F2**(d).....~~

~~(e)a member of a local authority or a community council;~~

~~(f)a person who is disqualified from being a member of a local authority or community council.~~

~~**F3**(5).....~~

***Tenure***

~~2(1)Members of the Panel hold and must vacate office in accordance with the terms of their appointment, those terms being such as the Welsh Ministers decide.~~

~~(2)A person may not be appointed as a member of the Panel for a period exceeding four years.~~

~~(3)But a person who ceases to be a member of the Panel is eligible for re-appointment.~~

~~(4)A person appointed to fill a casual vacancy in the membership of the Panel serves as a member until the date on which the period of membership of the person whose place has been filled would have expired.~~

~~(5)A member of the Panel holding office as Chairperson or Vice-chairperson does so until the period of that person's membership expires.~~

***Meetings***

~~3(1)The Panel must meet at least once every calendar year.~~

~~(2)The quorum of the Panel is three and must include the Chairperson or the Vice-chairperson.~~

~~(3)The Chairperson (or, in the absence of the Chairperson, the Vice-chairperson) presides at meetings of the Panel.~~

~~(4)The members of the Panel may (subject to provision made by or by virtue of Part 8) regulate the Panel's procedures.~~

~~(5)A question for decision by the Panel must be decided at a meeting of members of the Panel by a majority of the votes cast by those members present at the meeting.~~

~~(6)If there is an equality of votes on a question for decision, the person presiding at the meeting has a second or casting vote.~~

<p><b>Information</b></p> <p>4The Panel may, in connection with the performance of its functions, seek information or advice.</p> <p><b><del>Expenses, administrative support etc.</del></b></p> <p>5(1)The Welsh Ministers must pay expenses incurred by the Panel (either collectively or by members individually) in carrying out functions of the Panel (or of members of the Panel in their capacity as such).</p> <p>(2)The Welsh Ministers may pay allowances to members of the Panel.</p> <p>(3)The Welsh Ministers must make administrative support available to the Panel.</p>	
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### Local Government (Democracy) (Wales) Act 2013

Section	Amended by
<p><b>1 Overview</b></p> <p>(1)This Part provides an overview of the provisions of this Act.</p> <p>(2)Part 2 renames the Local Government Boundary Commission for Wales as the Local Democracy and Boundary Commission for Wales and reforms its constitution and functions.</p> <p><u>(2A) Part 2A confers electoral administration functions on the Commission and requires the functions to be exercised by a board established by the Commission called the Electoral Management Board.</u></p> <p>(3)Part 3 makes provision about—</p> <p>(a)the duties of the Commission to monitor the arrangements for local government and to conduct reviews where appropriate, and the duties of principal councils to monitor the arrangements for the communities in their area and to conduct reviews where appropriate (see sections 21 and 22),</p> <p>(b)the types of reviews that can be conducted, the considerations to be taken into account by the reviewing body and the changes that can be recommended in relation to each type of review (see sections 23 to 33),</p> <p>(c)the procedure for conducting reviews (see sections 34 to 36),</p> <p>(d)the implementation of recommendations following a review and associated matters (such as the transfer of staff or property between principal councils and other public bodies) (see sections 37 to 44).</p>	<p>SCHEDULE 1 PART 1, 1 (1) SCHEDULE 2, PART 4, 13 (2)</p>

(4)Part 4 makes provision about the review of the membership of certain public bodies.

(5)Part 5 makes provision—

(a)about the appointment of a presiding member for a principal council;

(b)restating and extending the powers of local authorities in relation to promoting and opposing private Bills;

(c)requiring community council information to be made available electronically;

(d)about the electronic publication of certain public bodies' (including local authorities) registers of members' interests;

(e)relating to remote attendance at meetings of principal councils;

(f)relating to the role of democratic services committees;

(g)applying political balance requirements to the audit committees of principal councils;

~~(h)relating to the functions of the Independent Remuneration Panel for Wales and how it prepares reports;~~

(i)about the establishment of joint standards committees;

(j)enabling the standards committee or monitoring officer of a relevant authority to refer cases relating to conduct to the standards committee or monitoring officer of another relevant authority.

(5A) Part 5A makes provision relating to the functions of the Commission in deciding on the payments and pensions payable to members and former members of certain authorities (including local authorities).

(6)Part 6 makes general provision about this Act.

#### 4 Membership

(1)The Commission consists of—

- (a)a member to chair the Commission (the “chairing member”),
- (b)a member to act as deputy to the chairing member, and
- (c)not more than 3 other members.

(2)Members are to be appointed by the Welsh Ministers on such terms and conditions as the Welsh Ministers may determine (including conditions as to remuneration, allowances and expenses).

(3)The Welsh Ministers may not appoint a person who is—

- (a)a member of Parliament;
- (b)a member of the National Assembly for Wales;
- (c)a member or member of staff of a local authority **F1**...;
- ~~(d)an officer of a local authority **F2**...;~~
- (e)a member or member of staff of a National Park authority for a National Park in Wales;
- (ea) a member or member of staff of a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);
- (eb) a member or member of staff of a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies.
- (f)a police and crime commissioner for a police area in Wales; or
- (g)a member of the Commission's staff.

#### 8 Chief executive

(1)The Commission must employ a chief executive.

(2)The chief executive is to be appointed by the Commission on such terms and conditions as it may determine (including conditions as to remuneration, pension, allowances and expenses).

(2A)But if the office of chief executive has been vacant for more than six months, the Welsh Ministers may appoint a chief executive on such terms and conditions as they may determine (including conditions as to remuneration, pension, allowances and expenses).

(3)Before appointing a chief executive under subsection (2A), the Welsh Ministers must consult the Commission.

(4)The chief executive may not be—

- (a)a member of Parliament;

3

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- (b) a Member of the Senedd;
- (c) a member or member of staff of a local authority;
- ~~(d) an officer of a local authority;~~
- (e) a member or member of staff of a National Park authority for a National Park in Wales;
- (ea) a member or member of staff of a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);
- (eb) a member or member of staff of a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies.
- (f) a police and crime commissioner for a police area in Wales.
- (5) The Commission must, in exercising its functions under this section, have regard to any guidance issued by the Welsh Ministers.

### **11 Assistant commissioners**

- (1) The Commission may appoint a person (an “assistant commissioner”) to whom, for the purposes of section 13, it may delegate functions.
- (2) But the Commission may not appoint a person who is—
- (a) a member of Parliament;
- (b) a member of the National Assembly for Wales;
- (c) a member or member of staff of a local authority;
- ~~(d) an officer of a local authority;~~
- (e) a member or member of staff of a National Park authority for a National Park in Wales;
- (ea) a member or member of staff of a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);
- (eb) a member or member of staff of a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies.
- (f) a police and crime commissioner for a police area in Wales;  
or
- (g) a member of the Commission's staff.
- (3) Before appointing an assistant commissioner the Commission must consult the Welsh Ministers.
- (4) The Commission may pay an assistant commissioner such remuneration, allowances or expenses as it may determine.

<p>(5)The Commission must consult the Welsh Ministers before determining the remuneration or allowances payable to an assistant commissioner.</p>	
<p><i>General powers and directions</i></p> <p><b>11A Power to charge</b></p> <p>(1) <u>The Commission may charge a person for the provision of goods or services mentioned in subsection (2) to recover the cost of the provision if the person has agreed to the goods or services being provided.</u></p> <p>(2) <u>The goods or services are—</u></p> <p>(a)<u>goods or training the Commission provides or secures in exercise of its functions under section 20A (electoral administration functions);</u></p> <p>(b)<u>training the Commission provides or secures for a principal council in connection with the council's functions under Part 3.</u></p>	<p>Part 2, Chapter 4, section 66</p>
<p><b>14 Directions</b></p> <p><del>(1)The Commission must comply with any direction (general or specific) given to it by the Welsh Ministers.</del></p> <p>(1A) <u>The Welsh Ministers may give a direction to the Commission in relation to the exercise of the Commission's functions under any enactment, except in relation to the exercise of functions under—</u></p> <p>(a) <u>Part 2A (co-ordination of electoral administration);</u></p> <p>(b)<u>Part 3A (functions relating to Senedd constituency boundary reviews).</u></p> <p>(1B) <u>The Commission must comply with a direction given to it by the Welsh Ministers under this Act.</u></p> <p>(1C)<u>The Welsh Ministers must publish each direction they give to the Commission or a principal council under this Act.</u></p> <p>(2)A direction given by the Welsh Ministers under this Act may be varied or revoked by a subsequent direction.</p>	<p>SCHEDULE 4 , Part 1, 1 (4)</p>
<p><i>Financial matters and governance</i></p> <p><b>15 Funding</b></p> <p>(1)The Welsh Ministers may pay grants to the Commission of such amounts as they may determine.</p> <p>(2)A grant is made subject to any conditions specified by the Welsh Ministers (including conditions about repayment).</p>	<p>Part 2, Chapter 4, section 65</p>

<p><b><u>17 Audit committee Governance and audit committee</u></b></p> <p>(1)The Commission must establish a committee (<del>an “audit committee”</del>) (<u>a “governance and audit committee”</u>) to—</p> <p>(a)review and scrutinise the Commission's financial affairs,</p> <p>(b)review and assess the Commission's risk management, internal control and corporate governance arrangements,</p> <p><u>(ba) review, assess and manage the Commission’s internal and external audit arrangements,</u></p> <p><u>(bb) review and assess the Commission’s handling of complaints,</u></p> <p><u>(bc)review—</u></p> <p><u>(i)statements of accounts and reports prepared by the Commission under sections 19(1) and 20,</u></p> <p><u>(ii)reports prepared by the Auditor General for Wales under section 19(4),</u></p> <p>(c)review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Commission's functions, and</p> <p>(d)make reports and recommendations to the Commission in relation to reviews conducted under paragraphs (a), (b), <u>(ba), (bb), (bc) or (c).</u></p> <p>(2)The <del>audit</del> <u>governance and audit</u> committee must send copies of its reports and recommendations to the Welsh Ministers.</p> <p><u>(2A)The Commission may confer on the governance and audit committee the functions the Commission considers suitable to be exercised by the committee.</u></p> <p>(3)It is for the <del>audit</del> <u>governance and audit</u> committee to determine how to exercise its functions under this section.</p>	<p>Part 2, Chapter 4, section 65</p>
<p><b><u>18 Audit committee: membership Governance and audit committee: membership and quorum</u></b></p> <p><del>(1)The audit committee is to consist of—</del></p> <p><del>(a)at least two members of the Commission, and</del></p> <p><del>(b)at least one lay member.</del></p> <p><del>(2)The Commission's chairing member may not be a member of the audit committee.</del></p> <p><u>(1)The governance and audit committee is to consist of—</u></p> <p><u>(a)at least two members of the Commission;</u></p> <p><u>(b)at least two lay members;</u></p> <p><u>(c)no more than five members.</u></p>	<p>Part 2, Chapter 4, section 65</p>



(2) A lay member of the governance and audit committee must be appointed—

(a) to chair the committee (the “chair”);

(b) as deputy to the chair.

(2A) A person may not be a member of the governance and audit committee if the person is a member of the Commission and is either the Commission’s chairing member or is acting as deputy to the Commission’s chairing member.

(2B) The quorum for meetings of the governance and audit committee is three members, which must consist of at least one lay member.

(3) The Commission may pay such remuneration, allowances and expenses to a lay member as it may determine.

(4) The Commission must consult the Welsh Ministers before determining the remuneration or allowances payable to a lay member.

(5) In this section “lay member” means any person other than—

(a) a member or an employee of the Commission, or

(b) an expert appointed under section 10(1) or assistant commissioner appointed under section 11(1).

**PART 2A CO-ORDINATION OF ELECTORAL  
ADMINISTRATION**

*General functions*

**20A Electoral administration functions**

- (1) The Commission has the general function of co-ordinating the administration of Welsh elections and referendums.
- (2) The general function in subsection (1) includes—
- (a) assisting returning officers, local authorities and other persons in carrying out their functions in relation to Welsh elections and referendums;
  - (b) promoting best practice in the administration of Welsh elections and referendums by providing information, advice or training (or otherwise).
- (3) The Commission may provide information, advice or other assistance to the Welsh Ministers about the administration of Welsh elections and referendums.
- (4) In this Part, “Welsh elections and referendums” means—
- (a) Senedd Cymru elections;
  - (b) local government elections in Wales;
  - (c) devolved referendums.

*Directions*

**20B Directions to returning officers**

- (1) The Commission may give directions in writing to returning officers about the exercise of the officers’ functions in relation to—
- (a) Senedd Cymru elections generally,
  - (b) a particular Senedd Cymru election,
  - (c) local government elections in Wales generally,
  - (d) a particular local government election in Wales,
  - (e) devolved referendums generally, or
  - (f) a particular devolved referendum.
- (2) A direction under subsection (1) may require a returning officer to provide the Commission with information.
- (3) A direction under subsection (1) may require a returning officer—
- (a) to exercise any discretion the officer has in performing the officer’s functions, or
  - (b) to exercise the discretion in a particular way.

(4) A returning officer to whom a direction under subsection (1) is given must comply with the direction in so far as it directs the officer—

(a) to exercise any discretion the officer would otherwise have in performing the officer's functions (or exercise it in a particular way), or

(b) to provide information to the Commission.

(5) A returning officer is not required to comply with a direction under subsection (1)—

(a) if compliance with the direction would be inconsistent with a duty of the officer under any enactment,

(b) in so far as exercise of the officer's functions subject to the direction relates to a reserved election in a poll combined with a Welsh election or referendum, or

(c) in so far as exercise of the officer's functions subject to the direction relates to the combination of—

(i) a poll at a reserved election with the poll at a Welsh election or referendum;

(ii) a poll at a Senedd Cymru election with the poll at an ordinary local government election in Wales.

(6) The Commission must publish each direction it gives under subsection (1).

## **20C Directions to electoral registration officers**

(1) The Commission may give directions in writing to electoral registration officers about the exercise of the officers' functions in relation to—

(a) a particular Senedd Cymru election,

(b) a particular local government election in Wales, or

(c) a particular devolved referendum.

(2) A direction under subsection (1) may require an electoral registration officer—

(a) to exercise any discretion the officer has in performing the officer's functions, or

(b) to exercise the discretion in a particular way.

(3) A direction under subsection (1) may require an electoral registration officer to provide the Commission with information.

(4) An electoral registration officer to whom a direction under subsection (1) is given must comply with the direction in so far as it directs the officer—

(a) to exercise any discretion the officer would otherwise have in performing the officer's functions (or exercise it in a particular way), or

(b) to provide information to the Commission.

(5) An electoral registration officer is not required to comply with a direction under subsection (1)—

(a) if it is inconsistent with—

(i) a duty of the officer under any enactment, or

(ii) a direction given under section 52 of the 1983 Act;

(b) in so far as exercise of the officer's functions relates to a poll in a reserved election combined with a poll in a Welsh election or referendum.

(6) The Commission must publish each direction it gives under subsection (1).

### **20D Consultation with the Electoral Commission**

(1) Before giving a direction under section 20B or 20C, the Commission must consult the Electoral Commission.

(2) The Electoral Commission must give a response in writing to the Commission to the matters on which it is consulted.

### **The Board**

### **20E Electoral Management Board**

(1) The Commission must establish a board to be known as the Electoral Management Board ("the Board").

(2) The functions of the Commission under the provisions specified in subsection (3) are delegated to the Board and must only be exercised by the Board.

(3) The provisions are—

(a) sections 20A to 20D;

(b) chapter 3 of Part 1 of the Elections and Elected Bodies (Wales) Act 2024 (Welsh elections piloting and reform);

(c) provision specified in regulations made by the Welsh Ministers.

(4) The powers in section 12 may be exercised by the Board or the Commission in relation to the functions delegated by subsection (2).

(5) Subsection (2) does not affect the Commission's responsibility for exercise of the delegated functions.

### **20F Board membership**

- (1) The Board is to consist of—
- (a) a member of the Commission to chair the Board who is a former elections officer,
  - (b) one other member of the Commission, and
  - (c) members who are elections officers or former elections officers (one of whom is to be the deputy chair of the Board).
- (2) The members of the Board are to be appointed by the Commission.
- (3) The Commission must appoint at least four members to the Board of the kind described in subsection (1)(c).
- (4) The chair is to be chosen by the Commission and the deputy chair is to be chosen by the Board.
- (5) Members of the Board who are also members of the Commission are to be appointed on terms and conditions determined by the Welsh Ministers.
- (6) The other members of the Board are to be appointed on terms and conditions determined by the Commission after consultation with the Welsh Ministers.
- (7) The terms and conditions that may be determined under subsections (5) and (6) include conditions as to remuneration, allowances and expenses.
- (8) The Commission must not appoint a person under subsection (1)(c) who is—
- (a) a member of the House of Commons;
  - (b) a Member of the Senedd ;
  - (c) a member of the staff of Senedd Cymru;
  - (d) a person (not falling within paragraph (c)) appointed to assist a Member of the Senedd with the carrying out of the Member's functions;
  - (e) a member of a local authority;
  - (f) a member of a National Park authority for a National Park in Wales;
  - (g) a police and crime commissioner for a police area in Wales;
  - (h) a Commissioner or Assistant Commissioner;
  - (i) a member of the Commission's staff;
  - (j) a person employed in the civil service of the state.
- (9) In this section, "elections officer" means—
- (a) a returning officer, or

(b) an electoral registration officer.

## **20G Tenure**

Members of the Board hold and vacate office in accordance with their terms and conditions of appointment.

## **20H Board proceedings**

(1) The members of the Board must have votes of equal weight to each other for the purpose of the Board's decisions, but the chair (or deputy chair if the chair is absent) has the casting vote in the event of a tied vote.

(2) The Board may otherwise regulate its own procedure (including quorum).

(3) The validity of anything done by the Board in exercise of the Commission's functions is not affected by any defect in the appointment of a member.

(4) The chair or deputy chair may (with the agreement of the other members of the Board) invite a person to attend a meeting of the Board for the purpose of providing advice or otherwise assisting the Board.

## **General**

## **20I Interpretation of this Part**

In this Part—

“the 1983 Act” (“*Deddf 1983*”) means the Representation of the People Act 1983 (c. 2);

“devolved referendums” (“*refferenda datganolediq*”) means referendums held under—

(a) section 27 of the Local Government Act 2000 (c. 22) or by virtue of regulations or an order made under Part 2 of that Act;

(b) section 40 of the 2011 Measure;

(c) any other enactment (whenever passed or made) that would be within the legislative competence of Senedd Cymru if it were in a provision of an Act of the Senedd (whether the provision would require the consent of a Minister of the Crown or not);

“electoral registration officer” (“*swyddog cofrestru etholiadol*”) means an officer appointed under section 8(2A) of the 1983 Act or any person who may exercise the functions of the officer;

“local government elections” (“*etholiadau llywodraeth leol*”) means the election of—

<p>(a) <u>councillors for an electoral ward of a county or county borough,</u></p> <p>(b) <u>councillors for a community ward or, in the case of a community where there are no wards, for the community, or</u></p> <p>_____ (c) <u>an elected mayor or elected executive member under regulations made by virtue of section 44 of the Local Government Act 2000 (c. 22);</u></p> <p><u>“reserved election” (“etholiad a gedwir yn ôl”) means—</u></p> <p>(a) <u>an election for membership of the House of Commons;</u></p> <p>_____ (b) <u>an election for the office of police and crime commissioner;</u></p> <p><u>“returning officer” (“swyddog canlyniadau”) means—</u></p> <p>_____ (a) <u>a returning officer (however described)—</u></p> <p>(i) <u>appointed under section 35(1A) of the 1983 Act,</u></p> <p>(ii) <u>designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32) (“the 2006 Act”), or</u></p> <p>(iii) <u>appointed under regulations made by virtue of section 44 or 45 of the Local Government Act 2000 (c.22);</u></p> <p>_____ (b) <u>any person who may exercise the functions of a returning officer falling within paragraph (a).</u></p>	
<p><b>22 Duties of principal councils in relation to area</b></p> <p>(1)A principal council must, for the purpose of considering whether it is appropriate to make or recommend changes under this Part, monitor—</p> <p>(a)the communities in its area, and</p> <p>(b)the electoral arrangements of such communities.</p> <p>(2)In pursuance of that duty, a principal council must—</p> <p>(a)have regard to the Commission's timetable for conducting the reviews of principal areas' electoral arrangements required by section 29(1), and</p> <p>(b)carry out such reviews under this Part as are required under this or any other enactment, as may be directed by the Welsh Ministers, or as it otherwise considers appropriate.</p> <p>(3)In carrying out its duties under this Part (and in conducting any review), a principal council must seek to ensure effective and convenient local government.</p> <p>(4)A principal council must provide the Commission with such information as it may reasonably require in connection with the exercise of its functions under this Part.</p>	<p>Part 2, Chapter 1, section 51</p>

<p><del>(5) A principal council must, in respect of each reporting period, publish a report describing how it has discharged its duty under subsection (1) and send a copy of the report to the Commission.</del></p> <p><del>(6) In this section, “reporting period” means—</del></p> <p><del>(a) the period of 10 years beginning with—</del></p> <p><del>(i) the date on which the principal council last published a report under section 55(2A) or, if earlier, section 57(4A) of the 1972 Act, or</del></p> <p><del>(ii) in the case of a principal council which has not published such a report before coming into force this section, the day on which this section comes into force, and</del></p> <p><del>(b) each subsequent period of 10 years.</del></p> <p><u>(5) Before 1 July in each year, a principal council must publish a report on the performance of its functions under this Part and section 76 of the 1972 Act (change of name of community) in the previous year, so far as the functions relate to—</u></p> <p><u>(a) community names,</u></p> <p><u>(b) community boundary changes,</u></p> <p><u>(c) community council changes, and</u></p> <p><u>(d) community electoral arrangements.</u></p> <p><u>(6) A principal council must send a copy of each report it publishes to the Commission and the Welsh Ministers.</u></p> <p><u>(7) In subsection (5), “year” means the period of 12 months beginning with 1 April.</u></p>	
<p><b>28 Review of seaward boundaries</b></p> <p>(1) The Commission may conduct a review of so much of the boundary of a local government area (which includes, for the purposes of this section, a preserved county) as —</p> <p>(a) lies below the high-water mark of medium tides, and</p> <p>(b) does not form a common boundary with another local government area.</p> <p>(2) The changes that the Commission may recommend in relation to a review under this section are—</p> <p>(a) the inclusion within the local government area of any area of the sea which, at the time of the review, does not form part of another local government area, and</p> <p>(b) the exclusion of any area of the sea which, at the time of the review, forms part of the local government area.</p> <p><u>(3) A review under this section may review the boundary of more than one local government area.</u></p>	<p>Part 2, Chapter 1, section 42</p>
<p><b>29 Review of electoral arrangements for principal area</b></p> <p>(1) The Commission must conduct a review of the electoral arrangements for each principal area at least once in every review period.</p>	<p>Part 2, Chapter 1, section 41, Part 2, Chapter 1, section 47</p>



(2) The Commission must, in respect of each review period—

(a) prepare and publish a programme which sets out its proposed timetable for conducting all the reviews required under subsection (1) during the period, and

(b) send a copy of the programme to the Welsh Ministers.

(3) For the purposes of subsections (1) and (2) “review period” means—

~~(a) the period of 10 years beginning with the day on which this section comes into force, and~~ (a) the period of 12 years beginning on 30 September 2023, and

(b) each subsequent period of ~~10~~ 12 years.

(3A) The Welsh Ministers may by regulations amend subsection (3).

(4) The Commission must comply with its duties in subsection (2)—

(a) in respect of the first review period, as soon as possible after it begins, and

(b) in respect of each subsequent review period, before the period begins.

(5) The Commission may also, of its own initiative or at the request of a principal council, conduct a review of the electoral arrangements for a principal area.

(6) But the Commission must not conduct a review under subsection (5) at the request of a principal council if it considers that doing so would impede the proper exercise of its functions.

(7) The changes that the Commission may recommend in relation to a review under this section are—

(a) such changes to the electoral arrangements for the principal area under review as appears to it appropriate, and

(b) in consequence of such change—

(i) such community boundary changes as it considers appropriate in relation to any community in the principal area,

(ii) such community council changes and changes to the electoral arrangements for such a community as it considers appropriate,

(iii) such preserved county changes as it considers appropriate.

(8) The Commission must not, in any period of ~~9~~ 12 months preceding the day of an ordinary council election under section 26 of the 1972 Act (elections of councillors), make or publish any recommendations relating to the electoral arrangements of a principal area.

(9) In this Part, a reference to the electoral arrangements of a principal area is a reference to —

<p>(a) the number of members of the council for the principal area,</p> <p>(b) the number, type and boundaries of the electoral wards into which the principal area is for the time being divided for the purpose of the election of members,</p> <p>(c) the number of members to be elected for any electoral ward in the principal area, and</p> <p>(d) the name of any electoral ward.</p> <p>(10) For the purposes of subsection (9)(b), a reference to the type of an electoral ward is a reference to whether the ward is a single or multiple member ward.</p> <p>(11) In this Part—</p> <ul style="list-style-type: none"> <li>• “electoral ward” means any area for which members are elected to a local authority,</li> <li>• “multiple member ward” means an electoral ward in respect of which a specified number (greater than one) of members are to be elected for that ward, and</li> <li>• “single member ward” means an electoral ward in respect of which only one member is to be elected.</li> </ul>	
<p><b>30 Considerations for a review of principal area electoral arrangements</b></p> <p><del>(1) The Commission, in considering whether to make recommendations for changes to the electoral arrangements for a principal area, must—</del></p> <p><del>(a) seek to ensure that the ratio of local government electors to the number of members of the council to be elected is, as nearly as may be, the same in every electoral ward of the principal area,</del></p> <p><del>(b) have regard to—</del></p> <p><del>(i) the desirability of fixing boundaries for electoral wards which are and will remain easily identifiable,</del></p> <p><del>(ii) the desirability of not breaking local ties when fixing boundaries for electoral wards.</del></p> <p><u>(1) When considering whether to make recommendations for changes to the electoral arrangements of a principal area, the Commission must have regard to the following factors—</u></p> <p><u>(a) the desirability of having a ratio of local government electors to the number of members of the council to be elected that is the same, or nearly the same, in every electoral ward of the principal area;</u></p> <p><u>(b) special geographical considerations, including in particular the size, shape and accessibility of an electoral ward;</u></p> <p><u>(c) any local ties that would be broken by such changes.</u></p>	<p>Part 2, Chapter 1, section 40</p>

<p>(2)For the purposes of subsection (1)(a), account is to be taken of—</p> <p>(a)any discrepancy between the number of local government electors and the number of persons that are eligible to be local government electors (as indicated by relevant official statistics), and</p> <p>(b)any change to the number or distribution of local government electors in the principal area which is likely to take place in the period of five years immediately following the making of any recommendation.</p> <p>(3)In this section, “relevant official statistics” means such official statistics within the meaning of section 6 of the Statistics and Registration Service Act 2007 (c. 18) as the Commission considers appropriate.</p> <p>(4)In this Part, “local government elector” means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts.</p>	
<p><b>31Review of electoral arrangements for community by principal council</b></p> <p><u>(A1) A principal council must conduct a review of the electoral arrangements for each community in its area at least once in every review period.</u></p> <p><u>(A2)In subsection (A1), “review period” means—</u></p> <p>(a) <u>the period of 12 years beginning with the day on which section <b>Error! Reference source not found.</b> of the Elections and Elected Bodies (Wales) Act 2024 comes into force, and</u></p> <p>(b) <u>each subsequent period of 12 years.</u></p> <p><u>(A3) The Welsh Ministers may by regulations amend subsection (A2).</u></p> <p>(1)A principal council may <u>also</u> conduct a review of the electoral arrangements for a community in its area—</p> <p>(a)of its own initiative, or</p> <p>(b)at the request of—</p> <p>(i)the community council for the community, or</p> <p>(ii)not less than 30 local government electors registered in the community.</p> <p>(2)But a principal council must not conduct a review under subsection (1) at the request of the community council or local government electors if it considers that doing so would impede the proper exercise of its functions.</p> <p>(3)The changes that a principal council may propose and make in relation to a review under this section are—</p>	<p>Part 2, Chapter 1, section 51</p>

<p>(a) such changes to the electoral arrangements for the community as the principal council considers appropriate, and</p> <p>(b) in consequence of any change to the electoral arrangements for the community, such changes to the electoral arrangements of the principal area as it considers appropriate.</p> <p>(4) For the purposes of subsection (3)(b), section 30 applies to a principal council as it applies to the Commission.</p> <p>(5) A principal council may enter into an agreement with the Commission for the Commission (under section 32) to exercise the council's function of conducting reviews under this section.</p> <p>(6) The agreement may be on such terms and conditions as the principal council and the Commission consider appropriate.</p> <p>(7) In this Part, a reference to the electoral arrangements of a community is a reference to—</p> <p>(a) the number of members of the council for the community;</p> <p>(b) its division into wards (if appropriate) for the purposes of the election of councillors;</p> <p>(c) the number and boundaries of any wards;</p> <p>(d) the number of members to be elected for any ward;</p> <p>(e) the name of any ward.</p>	
<p><b>33 Considerations for a review of community electoral arrangements</b></p> <p>(1) This section applies where a principal council is considering making or, as the case may be, the Commission is considering recommending, changes to the electoral arrangements for a community.</p> <p>(2) In considering whether a community should be divided into community wards, regard is to be had to—</p> <p>(a) whether the number or distribution of the local government electors for the community is such as to make a single election of community councillors impractical or inconvenient, and</p> <p>(b) whether it is desirable that any area of the community should be separately represented on the community council.</p> <p>(3) Where it is decided to divide a community into community wards, in considering the size and boundaries of the wards and in fixing the number of community councillors to be elected for each ward, regard is to be had to—</p> <p>(a) any change in the number or distribution of local government electors of the community which is likely to take place within the period of five years immediately following any recommendation,</p>	<p>Part 2, Chapter 1, section 51</p>

<p><del>(b)the desirability of fixing boundaries which are and will remain easily identifiable, and</del></p> <p><u>(b)special geographical considerations, including in particular the size, shape and accessibility of a community ward, and</u></p> <p>(c)any local ties which will be broken by the fixing of any particular boundaries.</p> <p>(4)Where it is decided not to divide a community into community wards, in fixing the number of councillors to be elected for each community, regard is to be had to—</p> <p>(a)the number and distribution of local government electors in the community, and</p> <p>(b)any change in such number or distribution which is likely to take place within the period of five years immediately following the fixing of the number of community councillors.</p> <p>(5)For the purposes of this section, account is to be taken of any discrepancy between the number of local government electors and number of persons that are eligible to be local government electors (as indicated by relevant official statistics).</p> <p>(6)In this section, “relevant official statistics” means such official statistics (within the meaning of section 6 of the Statistics and Registration Service Act 2007 (c. 18)) as the Commission, or as the case may be, principal council considers appropriate.</p>	
<p><b>34 Pre-review procedure</b></p> <p>(1)Before conducting a review under this Part, the Commission or, as the case may be, a principal council must take such steps as it considers appropriate to—</p> <p>(a)bring the review to the attention of <u>members of the public affected by the review</u>, the mandatory consultees and any other person it considers likely to be interested in the review, and</p> <p>(b)make the mandatory consultees and such other interested person aware of any directions given by the Welsh Ministers which are relevant to the review.</p> <p>(2)In relation to a review to be conducted under section 29, before conducting the review, the Commission must also consult the mandatory consultees on its intended procedure and methodology for the review and, in particular, on how it proposes to determine the appropriate number of members for any principal council in the principal area or areas under review.</p> <p>(3)For the purposes of this Part, the “mandatory consultees” are—</p> <p>(a)any local authority affected by the review,</p>	<p>Part 2, Chapter 1, section 45 , Part 2, Chapter 1, section 46</p>

<p>(b)except in relation to a review under section 28 (reviews of seaward boundaries), the police and crime commissioner for any police area which may be affected by the review,</p> <p>(ba)any fire and rescue authority (constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies) for an area in Wales which may be affected by the review,</p> <p>(c)except where the review is (or is to be) conducted by it, the Commission,</p> <p><u>(ca) the National Park authority for a National Park in an area affected by the review,</u></p> <p><u>(cb) the Port Health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984 (c. 22) for a port health district in an area affected by the review,</u></p> <p><u>(cc) the Welsh Language Commissioner,</u></p> <p>(d)any organisation representing the staff employed by local authorities which has asked to be consulted, and</p> <p>(e)such other persons as may be specified by order made by the Welsh Ministers.</p> <p>(4)Subsection (1) does not apply to a review conducted by the Commission in the circumstances described in section 26(2)(b)(ii) or (iii).</p>	
<p><b>35 Consultation and investigation</b></p> <p>(1)In conducting a review under this Part, the Commission or, as the case may be, a principal council (“the reviewing body”) must—</p> <p><u>(za) consult members of the public in the area affected by the review,</u></p> <p>(a)consult the mandatory consultees and such other persons as it considers appropriate, and</p> <p>(b)conduct such investigations as it considers appropriate.</p> <p>(2)After carrying out the consultation and investigations under subsection (1), the reviewing body must prepare a report containing—</p> <p>(a)any proposals for change it considers appropriate or, if it does not consider any change appropriate, a proposal to that effect,</p> <p>(b)details of the review it conducted.</p> <p>(3)The reviewing body must—</p> <p>(a)publish the report electronically,</p> <p><u>(aa) publicise the fact that representations relating to the review may be made to the reviewing body during the public consultation period,</u></p> <p><u>(ab) indicate in the publicity when the public consultation period begins and ends,</u></p>	<p>Part 2, Chapter 1, section 45</p>

(b) secure that the report is available for inspection (without charge) at the offices of any principal council with an interest in the review for the duration of the ~~period for representations~~ public consultation period,

(c) send copies of the report to the Welsh Ministers and the mandatory consultees,

(d) inform any other person who submitted evidence to the reviewing body how to obtain a copy of the report, ~~and~~

~~(e) invite representations and notify the persons mentioned in (c) and (d) of the period for representations.~~

(e) — take into account any representations made to it during the public consultation period.

~~(4) For the purpose of subsection (3), the “period for representations” is a period of not less than 6, nor more than 12, weeks (as determined by the reviewing body) beginning no earlier than one week after notice of the period is given.~~

(4) In subsection (3), the “public consultation period” means a period of at least 6 weeks and no more than 12 weeks determined by the reviewing body, which may not begin before the end of a period of 7 days beginning with the day on which the report is published.

(5) For the purposes of this section, a principal council has an interest in a review if—

(a) it is the reviewing body,

(b) its area is under review,

(c) a community in its area (or the electoral arrangements of such a community) is under review.

(6) In this section and section 36 a reference to a proposal for change is a reference to any change that the reviewing body may recommend or make (including consequential change) in relation to the type of review being conducted.

### 36 Reporting on review

(1) The Commission or, as the case may be, a principal council (“the reviewing body”) must, after the ~~period for representations~~ public consultation period under section 35(3) has ended, consider its proposals for change having regard to any representations received by it during the period.

(2) The reviewing body must then prepare a further report.

(3) Except in relation to a review under section 31, the report must contain—

(a) any recommendation for change which the reviewing body considers appropriate or, if it does not consider any change appropriate, a recommendation to that effect,

(b) details of the review conducted and the consultation carried out in respect of the proposals, and

(c) details of any changes to the proposals made in light of the representations received and an explanation of why those changes have been made.

(4) Where the review is under section 31, the report must contain—

(a) the changes the reviewing body intends to make to the electoral arrangements for the community under review, or if it does not consider that any such change is appropriate, a statement to that effect,

(b) details of the review conducted and the consultation carried out in respect of the proposals, and

(c) details of any changes to the proposals made in light of the representations it received and an explanation of why those changes have been made.

(5) The reviewing body must—

(a) submit the report and its recommendations to the appropriate implementing authority (except where it is the implementing authority),

(b) publish the report electronically and secure that it is available for inspection (without charge) at the offices of any principal council with an interest for a period of at least 6 weeks beginning with the date of publication,

(c) send a copy of the report to the mandatory consultees, Ordnance Survey and (unless they are the implementing authority) the Welsh Ministers,

(d) inform any other person who submitted evidence or made representations in relation to the report published under section 35 how to obtain a copy of the report.

(6) For the purposes of subsection (5), the “appropriate implementing authority” is—

(a) in relation to a review under section 23, the Welsh Ministers and, in a case where the Commission are making

Part 2, Chapter 1, section 45



<p>a recommendation for change to a police area, the Secretary of State (in so far as relating to that change);</p> <p>(b)in relation to a review under section 25, the Commission;</p> <p>(c)in relation to a review under section 26, 27, 28 or 29, the Welsh Ministers;</p> <p>(d)in relation to a review under section 32, the principal council of the community which has been the subject of the review.</p> <p>(7)Where the principal council submits a report to the Commission in relation to a review under section 25, the Commission is not to be treated as a mandatory consultee for the purposes of subsection (5)(c).</p> <p>(8)For the purposes of this section a principal council has an interest in a review if—</p> <p>(a)it is the reviewing body;</p> <p>(b)its area is under review;</p> <p>(c)a community in its area (or the electoral arrangements of such a community) is under review.</p> <p>(9)In this section, a reference to a recommendation for change is a reference to any change that the reviewing body may recommend or make (including consequential change) in relation to the type of review being conducted.</p>	
<p><b><u>36A Names of electoral wards in review reports</u></b></p> <p>(1) <u>Subsection (2) applies to a review report under this Part so far as it relates to—</u></p> <p><u>(a)an electoral ward that has different names (in any respect) for the purposes of identifying the ward in communication through Welsh and English;</u></p> <p><u>(b)a proposal for an electoral ward to have different names in any respect for the purposes of identifying the ward in communication through Welsh and English.</u></p> <p>(2) <u>The Commission or the principal council (as the case may be) must specify both names or proposed names for the electoral ward in each language version of a report under section 35(2), 36(3) or 36(4).</u></p> <p>(3) <u>In this section, “each language version” means the Welsh version and the English version.</u></p>	<p>Part 2, Chapter 1, section 44</p>
<p><b><u>36B Deadline for completion of reviews</u></b></p> <p>(1) <u>Before conducting a review under this Part, the Commission or, as the case may be, a principal council must publish a statement specifying the day on which the review begins.</u></p>	<p>Part 2, Chapter 1, section 48</p>

<p>(2) <u>The Commission must, in relation to a review it conducts under section 23, 27 or 29, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 12 months beginning with the day specified under subsection (1).</u></p> <p>(3) <u>The Commission must, in relation to a review it conducts under section 28, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 18 months beginning with the day specified under subsection (1).</u></p> <p>(4) <u>The Commission must, in relation to a review it conducts under section 26, 34 or 32, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 24 months beginning with the day specified under subsection (1).</u></p> <p>(5) <u>A principal council must, in relation to a review it conducts under section 25 or 31, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 24 months beginning with the day specified under subsection (1).</u></p> <p>(6) <u>If a reviewing body fails to comply with a duty imposed by this section in relation to a review, the body's failure to comply does not affect the validity of the review for the purposes of this Act.</u></p>	
<p><b>37 Implementation by the Welsh Ministers</b></p> <p>(1) The Welsh Ministers may, after receiving a report containing recommendations from the Commission in relation to a review conducted under section 23, 26, 27, 28 or 29, or a request for implementation of its recommendations under section 39(7)—</p> <p>(a) by order implement any recommendation, with or without modification, or</p> <p>(b) decide to take no action <u>on any recommendation.</u></p> <p>(2) But the Welsh Ministers may only implement a recommendation with modification if—</p> <p>(a) in a case involving recommendations for change to electoral arrangements for a principal area, they have considered the matters described in section 30 and are satisfied that it is appropriate to make the modification,</p> <p>(b) in a case involving recommendations for change to electoral arrangements for a community, they have considered the matters described in section 33 and are satisfied that it is appropriate to make the modification, and</p> <p>(c) in any case, they are satisfied that the modification is in the interests of effective and convenient local government.</p> <p><u>(2A) The Welsh Ministers must not, in any period of 6 months preceding the day of an ordinary council election</u></p>	<p>Part 2, Chapter 1, section 43 Part 2, Chapter 1, section 47 Part 2, Chapter 1, section 49</p>

<p><u>under section 26 of the 1972 Act (elections of councillors), exercise their functions under subsection (1).</u></p> <p><del>(3)No order may be made under subsection (1)(a) until the expiry of a period of 6 weeks beginning with the date on which the Welsh Ministers receive the recommendations.</del></p> <p><u>(3A) The Welsh Ministers must not exercise their functions under subsection (1) before the end of the period of 6 weeks beginning with the day on which the Welsh Ministers receive the recommendations.</u></p> <p><u>(3B) In exercising their functions under subsection (1), the Welsh Ministers must have regard to any representations made by any person on the recommendations and received by the Welsh Ministers during the period of 6 weeks beginning with the day on which the Welsh Ministers receive the recommendations.</u></p> <p>(4)The Commission must provide the Welsh Ministers with such further information in relation to its recommendations as the Welsh Ministers may reasonably require.</p> <p><u>(5) The Welsh Ministers must use their best endeavours to make a decision on each recommendation received by them, of the kind described in subsection (1), before the end of a period of 3 months beginning at the end of the period specified by subsection (3A).</u></p> <p><u>(6) The Welsh Ministers must publish a statement setting out their decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision for the purposes of subsection (5).</u></p> <p><u>(7) If the Welsh Ministers fail to comply with the duty in subsection (5), the failure to comply does not affect the validity of any order under subsection (1)(a) or any decision to take no action under subsection (1)(b).</u></p>	
<p><b>38 Implementation of community boundary change</b></p> <p>(1)The Commission may, after receiving a report containing recommendations for change from a principal council in relation to a review conducted under section 25—</p> <p>(a)by order implement the recommendations without modification,</p> <p>(b)by order implement the recommendations with such modification as may be agreed with the principal council, or</p> <p>(c)in the circumstances described in section 26(2)(b)(ii) or (iii), conduct its own review.</p> <p><del>(2)No order may be made under subsection (1) until the expiry of a period of 6 weeks beginning with the date on which the Commission receives the principal council's recommendations.</del></p>	<p>Part 2, Chapter 1, section 43 Part 2, Chapter 1, section 49</p>

<p><u>(2A) The Commission must not exercise its functions under subsection (1) before the end of the period of 6 weeks beginning with the day on which the Commission receives the recommendations.</u></p> <p><u>(2B) In exercising its functions under subsection (1), the Commission must have regard to any representations made by any person on the recommendations and received by the Commission during the period of 6 weeks beginning with the day on which the Commission receive the recommendations.</u></p> <p>(3)An order under subsection (1) which contains changes to the electoral arrangements of a principal area may be made only with the consent of the Welsh Ministers.</p> <p>(4)The principal council which made the recommendations must provide the Commission with such further information in relation to the recommendations or the procedure followed as it may reasonably require.</p> <p><u>(5) The Commission must use its best endeavours to make a decision on each recommendation received by it, of the kind described in subsection (1), before the end of a period of 3 months beginning at the end of the period specified by subsection (2A).</u></p> <p><u>(6) The Commission must publish a statement setting out its decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision.</u></p> <p><u>(7) If the Commission fails to comply with the duty in subsection (5), the failure to comply does not affect the validity of any order under subsection (1)(a) or (b) or any review under subsection (1)(c).</u></p>	
<p><b>39 Implementation of community electoral arrangements change</b></p> <p>(1)A principal council may by order implement the changes described in a report prepared by the council under section 36(4).</p> <p>(2)No order may be made under subsection (1) until the expiry of a period of 6 weeks beginning with the date on which the principal council published its report.</p> <p>(3)A principal council may, after receiving a report containing recommendations for change from the Commission in relation to a review under section 32—</p> <p>(a)by order implement the recommendations without modification,</p> <p>(b)by order implement the recommendations with such modification as may be agreed with the Commission,</p> <p>(c)decide to take no action and notify the Commission accordingly.</p>	<p>Part 2, Chapter 1, section 43 Part 2, Chapter 1, section 49</p>

<p><del>(4)No order may be made under subsection (3) until the expiry of a period of 6 weeks beginning with the date on which the council receives the report.</del></p> <p><u>(4A) The Council must not exercise its functions under subsection (3) before the end of the period of 6 weeks beginning with the day on which the Council receives the recommendations.</u></p> <p><u>(4B) In exercising its functions under subsection (1) or (3), the Council must have regard to any representations made by any person on the recommendations and received by the Council during the period of 6 weeks beginning with the date on which the Council publishes the report (for functions in subsection (1)) or receives the recommendations (for functions under subsection (3)).</u></p>	
<p><u>(4C)(4C) The principal council must use its best endeavours to make a decision on each recommendation received by it, of the kind described in subsection (3), before the end of a period of 3 months beginning at the end of the period specified by subsection (4A).</u></p>	
<p><u>(4D)(4D) The principal council must publish a statement setting out its decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision.</u></p>	
<p><u>(4E)(4E) If a principal council fails to comply with the duty in subsection (4C), the failure to comply does not affect the validity of any order under subsection (3)(a) or (b) or any decision or notification under subsection (3)(c).</u></p>	
<p>(5)An order under subsection (1) or (3) which contains changes to the electoral arrangements of a principal area may be made only with the consent of the Welsh Ministers.</p>	
<p>(6)Subsection (7) applies where—</p> <p>(a)the principal council has notified the Commission that it does not intend to take any action in respect of the recommendations, or</p> <p>(b)the principal council has not made an order (with or without modification) within the period of <del>6 months beginning with the date on which the council received the Commission's recommendations</del> <u>3 months beginning with the end of period specified by subsection (4C).</u></p> <p>(7)The Commission may request the Welsh Ministers implement the recommendations under section 37.</p>	
<p><b>48Directions and guidance relating to Part 3</b></p> <p>(1)The Welsh Ministers may give the Commission directions relating to the exercise of its functions under this Part.</p> <p>(2)In particular, the Welsh Ministers may direct the Commission—</p>	<p>Part 2, Chapter 1, section 50</p>

(a) to conduct a review under this Part (regardless of whether in the circumstances the Commission would have the power, or would be subject to a duty, to conduct the review),

(aa) where the Commission has made recommendations or proposals to the Welsh Ministers, to conduct a further review under this Part,

(ab) to stop conducting a review under this Part,

(b) not to conduct a review under this Part during a period specified in the direction,

(c) . . . . .

(d) to conduct the reviews required under section 29(1) in a different order from that proposed by the Commission in any current programme for electoral arrangements reviews prepared in accordance that section,

(e) to have regard to such particular matters as may be specified in the direction when conducting a review.

(f) to pause a review it conducts under this Part for a period specified in the direction or until a further direction is given.

(3) Subsection (1) does not limit the general power of direction under section 14.

(4) The Welsh Ministers may give a principal council directions relating to the exercise of its functions under this Part.

(5) In particular, the Welsh Ministers may direct a principal council ...—

(a) to conduct a review under section 25 or 31,

(aa) to stop conducting a review under section 25 or 31,

(ab) not to conduct a review under section 25 or 31 during a period specified in the direction,

(b) to have regard to such particular matters as may be specified in the direction when conducting a review.

(c) to pause a review it conducts under this Part for a period specified in the direction or until a further direction is given.

(6) A principal council must comply with a direction given by the Welsh Ministers under subsection (4).

(7) Directions under this section may relate to a particular review, a type of review or to all reviews.

(8) But before making a direction under this section relating to the review of a principal area or its electoral arrangements (or reviews of principal areas or their electoral arrangements generally), the Welsh Ministers must consult the Commission and any association appearing to them to be representative of local authorities.

<p>(9) In exercising any function under this Part, the Commission or a principal council must have regard to any guidance issued by the Welsh Ministers.</p> <p><u>(10) The Welsh Ministers must not use the powers of direction under this Act to pause a review for more than 9 months, whether the pause is one period of 9 months or more than one period totalling 9 months.</u></p> <p><u>(11) Any period during which the Commission or a principal council is directed under this Act to pause a review is not to be taken into account for the purpose of calculating the length of the periods mentioned in subsections (2) to (5) of section 36B.</u></p>	
<p><b><u>49ZA Publication of orders under Part 3</u></b></p> <p><u>(1) A principal council must publish and maintain on its website—</u></p> <ul style="list-style-type: none"> <li><u>(a) a copy of each order it makes under this Part;</u></li> <li><u>(b) a copy of each order relating to its area made by the Commission under this Part;</u></li> <li><u>(c) a copy of, or a link to, each statutory instrument containing an order relating to its area made by the Welsh Ministers under this Part.</u></li> </ul> <p><u>(2) The Commission must publish and maintain on its website—</u></p> <ul style="list-style-type: none"> <li><u>(a) a copy of each order made by a principal council under this Part;</u></li> <li><u>(b) a copy of each order the Commission makes under this Part;</u></li> <li><u>(c) a copy of, or a link to, each statutory instrument containing an order made by the Welsh Ministers under this Part;</u></li> <li><u>(d) a copy of, or a link to, each statutory instrument containing an order made by the Secretary of State under this Part.</u></li> </ul> <p><u>(3) A principal council must send a copy of each order it makes under this Part to the Commission.</u></p> <p><u>(4) The Commission must send to a principal council a copy of each order it makes under this Part affecting the area of the principal council.</u></p> <p><u>(5) The Welsh Ministers must—</u></p> <ul style="list-style-type: none"> <li><u>(a) notify a principal council of each order they make under this Part affecting the area of the principal council;</u></li> <li><u>(b) notify the Commission of each order they make under this Part.</u></li> </ul> <p><u>(6) The duties in subsections (1) and (2) apply to orders made after the coming into force of this section.</u></p>	<p>Part 2, Chapter 1, section 53</p>

**49ZB Publication of up-to-date lists of communities  
and community councils**

- (1) A principal council must publish and maintain on its website an up-to date list of all communities and community councils in its area with their current names.
- (2) The Commission must publish and maintain on its website an up-to date list of all communities and community councils in Wales with their current names.
- (3) If a community or community council has different names for the purpose of communication through the medium of the Welsh language and the English language, both names must be included in a list required to be published under this section.



***Independent Remuneration Panel for Wales***

Schedule 1,  
Part 4, 13 (3)

~~62~~ *Functions relating to payments to members*

~~In section 142 of the 2011 Measure (functions relating to payments to members)—~~

~~(a) in subsection (4), after “proportion” insert “or specified number”;~~

~~(b) after subsection (5) insert—~~

~~“(5A) The number specified by the Panel in accordance with subsection (4), expressed as a proportion of the total number of members of an authority, may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.”~~

~~63~~ *Functions relating to salaries of heads of paid service*

~~(1) After section 143 of the 2011 Measure insert—~~

~~“143A Functions relating to salaries of heads of paid service~~

~~(1) The Panel may make recommendations to a qualifying relevant authority about—~~

~~(a) any policy in the authority's pay policy statement which relates to the salary of the authority's head of paid service;~~

~~(b) any proposed change to the salary of the authority's head of paid service.~~

~~(2) A qualifying relevant authority must have regard to any recommendation received from the Panel when performing its functions under section 38 or 39 of the Localism Act 2011 (c. 20).~~

~~(3) A qualifying relevant authority must, before making a change to the salary of its head of paid service which is not commensurate with a change to the salaries of the authority's other staff—~~

~~(a) consult the Panel about the proposed change, and~~

~~(b) have regard to any recommendation received from the Panel when deciding whether or not to proceed with making the change.~~

~~(4) A qualifying relevant authority must provide the Panel with such information as the Panel may reasonably require in connection with the exercise of its functions under this section.~~

~~(5) The Panel may publish any recommendations it makes under this section.~~

~~(6) The Panel must have regard to any guidance issued by the Welsh Ministers when exercising its functions under this section.~~

~~(7) In this section—~~

- ~~“head of paid service” (“”) means a head of paid service designated under section 4(1) of the Local Government and Housing Act 1989;~~
- ~~“pay policy statement” (“”) means a pay policy statement produced by a relevant authority (within the meaning of section 43(1) of the Localism Act 2011) under section 38 of that Act;~~
- ~~“qualifying relevant authority” (“”) means a relevant authority (within the meaning of this Part) which is required to produce a pay policy statement;~~
- ~~“salary” (“”) includes, in the case of a head of paid service engaged by a qualifying relevant authority under a contract for services, payments by the authority to the head of paid service for those services.”.~~

~~(2) In the Part heading of Part 8 of the 2011 Measure, omit “MEMBERS:”.~~

~~(3) In section 112 of the 1972 Act (appointment of staff), in subsection (2A), after “statement)” insert “ and in relation to a local authority in Wales, section 143A of the Local Government (Wales) Measure 2011 (functions of the Independent Remuneration Panel in relation to salaries of heads of paid service).”.~~

#### ~~64 Relevant authorities~~

~~In section 144 of the 2011 Measure (relevant authorities, members etc.)—~~

~~(a) in subsection (2), after paragraph (d) insert—~~

~~“(e) a body specified as a relevant authority in an order made by the Welsh Ministers.”;~~

~~(b) after subsection (5) insert—~~

~~“(6) A body may only be specified as a relevant authority if—~~

~~(a) the Welsh Ministers exercise functions in respect of it,~~

~~(b) it exercises relevant functions, and~~

~~(c) its membership includes at least one member of an authority described in subsection (2)(a) to (d).~~

~~(7) A “relevant function” is—~~

~~(a) a function conferred by an Act or Measure of the National Assembly for Wales, or~~

~~(b) a function that could be conferred by an Act of the National Assembly for Wales.~~

~~(8) Sections 142(4), 143, 147(3)(b) and 155 do not apply in relation to a relevant authority described in subsection (2)(e).”.~~

~~65~~*Subsequent annual reports*

~~In section 147 of the 2011 Measure (subsequent annual reports)—~~

~~(a) in subsection (2)(a), for “31 December” substitute “28 February”,~~

~~(b) in subsection (4), after “(e)” insert “(including by specifying a number under section 142(4))”,~~

~~(c) for subsection (9) substitute—~~

~~“(9) The provisions of an annual or supplementary report under this section come into force on the date specified for that purpose in the report.~~

~~(10) Where subsection (11) applies, the report may specify that a qualifying provision is to be treated as having been brought into force up to 3 months earlier than the date of publication of the report.~~

~~(11) This subsection applies where a supplementary report contains a qualifying provision.~~

~~(12) A “qualifying provision” is a provision making a variation for the purposes of subsection (3)(a), (b) or (c) of section 146.”.~~

~~66~~*Consultation on draft reports*

~~In section 148 of the 2011 Measure (consultation on draft reports)—~~

~~(a) in subsection (1), “or a supplementary report” is repealed, and~~

~~(b) after that subsection insert—~~

~~“(1A) The Panel must not publish a supplementary report—~~

~~(a) before the end of the period of four weeks beginning with the day on which it sends a draft of the report in accordance with section 147, or~~

~~(b) later than the end of the period of eight weeks beginning with the day on which it sends a draft of the report in accordance with section 147.”.~~

~~67~~*Publicity requirements in reports*

~~In section 151 of the 2011 Measure (publicity requirements in reports)—~~

~~(a) in subsection (1), after paragraph (b) insert—~~

~~“(c) about other payments made to members of relevant authorities from other public bodies.”.~~

~~(b) after subsection (2) insert—~~

~~“(3) For the purposes of subsection (1)(c), a “public body” is—~~

~~(a) a local health board,~~

~~(b) a police and crime panel,~~

<p><del>(c) a relevant authority;</del></p> <p><del>(d) a body designated as a public body in an order made by the Welsh Ministers.”</del></p>	
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**PART 5A**

**FUNCTIONS RELATING TO PAYMENTS AND PENSIONS**

*Remuneration of authority members*

**69A Function relating to payments to members**

(1) For the financial year beginning 1 April 2025 and for each following financial year, the Commission must decide the relevant matters for which a relevant authority—

(a) is required to make payments to members of the authority;

(b) is authorised to make payments to members of the authority.

(2) In this Part relevant matters are—

(a) matters relating to the official business of members of relevant authorities;

(b) periods of family absence under Part 2 of the 2011 Measure.

(3) When making a decision under subsection (1) the Commission must set for each relevant matter one of the following—

(a) the amount that a relevant authority must pay to a member of the authority;

(b) the maximum amount that a relevant authority may pay to a member of the authority.

(4) The Commission may decide that payments in respect of a relevant matter or matters may not be paid to more than a fixed proportion or specified number of the members of a relevant authority.

(5) The proportion fixed by the Commission under subsection (4) may not exceed 50% unless the Welsh Ministers give their consent.

(6) The number specified by the Commission under subsection (4), expressed as a proportion of the total number of members of a relevant authority, may not exceed 50% unless the Welsh Ministers give their consent.

(7) The Commission may set—

(a) the maximum percentage or other rate by which a relevant authority may adjust for a financial year the amounts that had effect in respect of relevant matters for the financial year preceding that year;

(b) an index by reference to which a relevant authority may adjust for a financial year the amounts that had effect in respect of such of the relevant matters for the previous year as the Commission decides.

(8)The powers under subsection (7) may be exercised to—

(a)set a rate and an index in relation to the same matter;

(b)set different rates or indices in relation to different matters.

(9)When setting an amount under subsection (3), making a determination under subsection (4) or setting a rate or index under subsection (7), the Commission must take into account what it considers will be the likely financial impact of doing so on relevant authorities.

(10)The Commission may make different decisions under subsection (1), set different amounts under subsection (3), make different determinations under subsection (4), or set different rates or indices under subsection (7), in relation to relevant authorities of different descriptions or different relevant authorities of the same description.

(11)For the purposes of subsection (2) a matter relates to the official business of a member of a relevant authority if it is a matter which a member undertakes—

(a)as a member of a relevant authority, or

(b)as a member of a body to which the member is appointed by, or following nomination by, the relevant authority or a group of bodies including the relevant authority.

(12)In this section and in section 69E “financial year” means a period of 12 months ending with 31 March.

### **69B Functions relating to members’ pensions**

(1)This section applies in relation to members of relevant authorities who—

(a)are not co-opted members, and

(b)are for the time being eligible for membership of a pension scheme in accordance with regulations under section 7 of the Superannuation Act 1972 (c. 11)(local government pension schemes).

(2)The Commission must decide the descriptions of members in respect of whom a relevant authority is required to pay a pension (a “relevant pension”).

(3)The Commission must decide the relevant matters in respect of which a relevant authority is required to pay a relevant pension.

(4)The Commission may make different decisions in relation to relevant authorities of different descriptions or different relevant authorities of the same description.

### **69C Relevant authorities, members etc.**

(1)This section applies for the purposes of this Part.

(2)An authority is a relevant authority if it is—

(a) a local authority;

(b) a National Park authority (established under section 63 of the Environment Act 1995 (c. 25)) for a National Park in Wales;

(c) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c.21) or a scheme to which section 4 of that Act applies;

(d) a corporate joint committee;

(e) a body specified as a relevant authority in regulations made by the Welsh Ministers.

(3) A reference to a description of a relevant authority is to be read with subsection (2).

(4) "Member", in relation to a relevant authority, includes—

(a) an elected mayor of the authority (within the meaning of section 39(1) of the Local Government Act 2000),

(b) an elected executive member of the authority (within the meaning of section 39(4) of that Act),

(c) a co-opted member of the authority, and

(d) a person who is a member of a sub-committee of a corporate joint committee and is entitled to vote on any question to be decided by that sub-committee.

(5) "Co-opted member", in relation to a relevant authority other than a corporate joint committee, means a person who is not a member of the authority (except by virtue of subsection (4)) but—

(a) is a member of a committee or sub-committee of the authority or is a member of, and represents the authority on, a joint committee or joint sub-committee of the authority, and

(b) is entitled to vote on questions for decision at meetings of that committee or sub-committee.

(6) A body may only be specified as a relevant authority in regulations under subsection (2)(e) if—

(a) the Welsh Ministers exercise functions in respect of it,

(b) it exercises a function conferred by a Measure or Act of Senedd Cymru, or a function that could be conferred by an Act of Senedd Cymru (including a function that could be conferred only with the consent of a Minister of the Crown), and

(c) its membership includes at least one member of an authority described in subsection (2)(a) to (d).

(7) Sections 69A(4), 69B, 69E(4)(d) and 69O do not apply in relation to a relevant authority described in subsection (2)(d) or (e).

(8) In this section “corporate joint committee” means a committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.

### **69D Functions relating to resettlement payments**

(1) A resettlement payment is a payment to a person who—

(a) ceases to be a member of a local authority at the end of their term of office,

(b) when in office was a member of a local authority of a description specified in regulations made by the Welsh Ministers,

(c) stands for re-election for membership of the same authority in the ordinary election of the local authority for the term following the term of office, and

(d) is not returned as a member at that election.

(2) The Commission must decide—

(a) the circumstances in which a local authority is required to make a resettlement payment;

(b) the circumstances in which a local authority is authorised to make a resettlement payment;

(c) the matters in respect of which a resettlement payment is payable.

(3) When making a decision under subsection (2) the Commission must set—

(a) the qualifying conditions for payment;

(b) the amount a local authority is required to pay;

(c) the maximum amount a local authority may pay to a member;

(d) a mechanism by which the amount of payments set under paragraph (b) or (c) may be increased or decreased;

(e) requirements on how payments are to be made (and their frequency).

(4) The Commission must make arrangements to review any decision it makes under subsection (2) and, if it thinks appropriate, may revise its decision.

(5) When making a decision under this section the Commission must take into account the likely financial impact of its decision on local authorities.

(6) When making a decision under subsection (2) the Commission may make different provision in relation to local authority members of different descriptions or different members of the same description.



(7)The Commission must make a decision under subsection (2) before each ordinary election of the local authority, beginning with the election that is to be held in May 2027 and must review the decision before each subsequent ordinary election.

(8)Subsection (7) applies only if the Welsh Ministers make regulations under subsection (1)(b).

### **69E Annual remuneration reports in relation to members of relevant authorities**

(1)The Commission must prepare and publish a report (an “annual remuneration report”) about the exercise of its functions under this Part in respect of each financial year.

(2)An annual remuneration report must set out the requirements imposed on relevant authorities by the Commission under sections 69A, 69B and 69D.

(3)An annual remuneration report must be published no later than—

(a)28 February in the financial year before the financial year to which the report relates, or

(b)such later date as the Commission and the Welsh Ministers may agree.

(4)An annual remuneration report must set out—

(a) the relevant matters,

(b)the amounts set under section 69A(3),

(c)the proportion or number determined under section 69A(4),

(d)the members or descriptions of members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension,

(e)the relevant matters in respect of which a relevant pension is payable,

(f)any percentage, rate or index set under section 69A(7) and the relevant matter to which it relates, and

(g)any decision about resettlement payments under section 69D.

### **69F Supplementary remuneration reports**

(1)After publishing an annual remuneration report but before publishing the next report, the Commission may prepare and publish one or more supplementary remuneration reports to the annual remuneration report (“a supplementary remuneration report”).

(2)The supplementary remuneration report may—

(a)vary the provision made in the annual remuneration report under section 69E(4);

(b) make any provision that the annual remuneration report could have made under section 69E(4).

### **69G Further provision about annual remuneration reports and supplementary remuneration reports**

(1) Before publishing an annual remuneration report or a supplementary remuneration report under section 69E or 69F, the Commission must—

(a) send a draft of the report it proposes to make to—

(i) the Welsh Ministers,

(ii) the relevant authorities that are required or authorised by the Commission to make payment to their members in respect of relevant matters, and

(iii) such other persons as the Commission considers appropriate.

(b) publish the draft report as soon as practicable after sending it.

(2) When preparing an annual remuneration report or a supplementary remuneration report under section 69E or 69F, the Commission must take into account—

(a) the last annual remuneration report and any supplementary remuneration reports relating to the last annual remuneration report;

(b) representations received about the reports referred to in paragraph (a) and the draft reports referred to in subsection (1).

(3) The provisions of an annual or supplementary remuneration report under section 69E or 69F have effect on the date specified for that purpose in the report.

(4) But where a supplementary remuneration report contains provision made under section 69F(2) varying a provision made under section 69E(4)(a), (b) or (c), the supplementary remuneration report may specify that the provision is to be treated as having effect up to 3 months earlier than the date of publication of the supplementary remuneration report.

### **69H Directions to reconsider draft reports**

(1) The Welsh Ministers may direct the Commission to reconsider a provision of a draft annual or draft supplementary remuneration report.

(2) A direction under this section must specify—

(a) the provision,

(b) the reason for giving the direction, and

(c) the date by which the Welsh Ministers require the Commission to respond.

(3) The Commission—

(a) must respond to the direction no later than the date specified in the direction;

(b) must not publish the report before responding to the direction.

(4) If the Commission decides not to vary the draft report in response to the direction, it must specify in its response the reason for its decision.

### **69I Commission's publication and notification duties in relation to reports**

(1) The Commission must not publish an annual remuneration report under section 69E before the end of the period of 12 weeks beginning with the day on which it sends a draft of the report under section 69G(1)(a)(i).

(2) The Commission must not publish a supplementary remuneration report—

(a) before the end of the period of 8 weeks beginning with the day on which it sends a draft of the report in accordance with section 69G(1)(a)(i), or

(b) later than the end of the period of 12 weeks beginning with the day on which it sends a draft of the report in accordance with section 69G(1)(a)(i).

(3) Subsections (1) and (2) are subject to section 69H(3)(b) (publishing of report permitted only if Commission has responded to direction).

(4) The Commission must publish each annual remuneration report, supplementary remuneration report, and draft report prepared under Part 5A on its website, and in any other way the Commission considers appropriate.

(5) Copies of anything published under subsection (4) may be supplied free of charge or on payment of such fee, not exceeding the cost of supplying the copy, as the Commission may determine.

(6) As soon as reasonably practicable after publishing an annual remuneration report or supplementary remuneration report, the Commission must notify the persons it considers likely to be affected by it of how they can access the report or obtain a copy of it.

### **69J Administrative requirements for relevant authorities in reports**

(1) An annual remuneration report may include the Commission's requirements for—

(a) avoiding duplication of—

(i) payments in respect of relevant matters, and

(ii) requests for payment in respect of the same relevant matters under section 69A(2)(a);

(b) keeping records of—

(i) requests for payments in respect of relevant matters;

(ii) payments made in respect of relevant matters;

(iii) payments made in respect of relevant pensions;

(iv) resettlement payments made under section 69D.

(2) An annual remuneration report must set out the Commission's requirements in relation to how a relevant authority determines which relevant authority is required to make a payment in a case where a member of a relevant authority does something—

(a) for which a payment in respect of a relevant matter must be made, and

(b) which relates to another relevant authority (as well as the authority to which the member belongs).

### **69K Publishing requirements for relevant authorities in reports**

(1) An annual remuneration report may set out the Commission's requirements for relevant authorities to publish information about—

(a) payments made in respect of relevant matters;

(b) payments made in respect of relevant pensions;

(c) resettlement payments made under section 69D;

(d) other payments made to members of relevant authorities from other public bodies.

(2) For the purposes of sub-paragraph (1)(d), a "public body" is—

(a) a local health board;

(b) a police and crime panel;

(c) a relevant authority;

(d) a body designated as a public body in regulations made by the Welsh Ministers.

(3) The Commission may require different publishing arrangements to be made by authorities of different descriptions or different authorities of the same description.

### **69L Monitoring compliance with Commission's requirements**

(1) A relevant authority must comply with any requirement set out in an annual remuneration report or supplementary remuneration report.

(2) The Commission may monitor the making of payments by relevant authorities in respect of relevant matters; and may require a relevant authority to provide it with information about—

(a) the matters which are relevant matters in relation to the authority;

(b) requests to the authority for payments in respect of relevant matters;

(c) payments made by the authority in respect of relevant matters.

(3) The Commission may monitor the making of payments by relevant authorities in respect of relevant pensions and may require a relevant authority to provide it with information about—

(a) the members of the authority to or in respect of whom the authority is required to pay relevant pensions;

(b) payments made by the authority in respect of relevant pensions.

(4) The Commission may monitor the making of resettlement payments by local authorities and may require a local authority to provide it with information about—

(a) the former members of the local authority to or in respect of whom the authority is required to pay a resettlement payment;

(b) resettlement payments made by the local authority.

#### **69M Directions to enforce compliance with Commission's requirements**

(1) If the Welsh Ministers are satisfied that a relevant authority has failed to comply with a requirement in an annual or supplementary remuneration report made under this Part, they may direct the authority to comply with the requirement.

(2) A direction under this section must specify—

(a) the requirement;

(b) the reason for giving the direction;

(c) the steps that the Welsh Ministers require the authority to take;

(d) the date by which the Welsh Ministers require the authority to take the steps.

#### **69N Members wishing to forgo payments**

(1) This section applies if a person elects, by notice in writing given to the proper officer of the authority, to forgo (either completely or to the extent specified in the notice) entitlement to payments in respect of the relevant matters, or resettlement payment, specified in the notice.

(2) The requirement imposed on the authority by section 69A and 69D to make payments specified in the notice does not apply in the case of that member (or does not apply to the extent specified in the notice).

(3) In this section "proper officer" has the meaning given in section 270(3) of the 1972 Act.

## **69O Withholding payments**

(1)A relevant authority must not make payments in respect of relevant matters or a relevant pension to a person who is—

(a) suspended or partially suspended from being a member of the authority by virtue of Part 3 of the Local Government Act 2000 (c. 22) (conduct of local government members etc.);

(b)prevented from acting in the office of a member of a local authority in Wales under section 80A(6) of the 1972 Act (disqualification).

(2)A local authority must not make a resettlement payment to a person who is prevented from acting in the office of a member of a local authority in Wales under section 80A(6) of the 1972 Act.

(3)The Welsh Ministers may, in cases they consider appropriate, direct a relevant authority not to—

(a)make payments (including in respect of pensions) in respect of the relevant matters specified in the direction;

(b)make a resettlement payment.

(4)Before giving a direction under subsection (3), the Welsh Ministers must consult the Commission.

(5)A relevant authority may require a person to repay payments made in respect of relevant matters or a relevant pension to a person in respect of a period during which the person was not entitled to receive the payment for any reason, including (but not limited to) the following reasons—

(a)the payments were made in breach of subsection (1);

(b)the payments were made in breach of a direction under subsection (3)(a);

(c)the person had ceased to be a member of the authority.

(6)A local authority may require a person to repay a resettlement payment made under section 69D where the person was not entitled to receive the payment for any reason, including (but not limited to) the following reasons—

(a)the payment was made in breach of subsection (2);

(b)the payment was made in breach of a direction under subsection (3)(b).

## **69P Guidance**

(1)The Commission may issue guidance to relevant authorities about how to comply with requirements imposed under this Part.

<p><u>(2)The Welsh Ministers may issue guidance to the Commission about the Commission’s functions under this Part.</u></p> <p><u>(3)The powers of the Commission and the Welsh Ministers to issue guidance under subsections (1) and (2) includes the power to vary or revoke guidance given.</u></p> <p><u>(4)A relevant authority, or the Commission as the case may be, must have regard to guidance given under this section.</u></p> <p><b><u>69Q Directions under this Part</u></b></p> <p><u>(1)A direction given under section 69M and 69O is enforceable by mandatory order on the application of the Welsh Ministers.</u></p> <p><u>(2)The power to give directions under this Part does not limit the general power of direction under section 14.</u></p> <p><b><u>69R Power to modify provision</u></b></p> <p><u>The Welsh Ministers may by regulations make modifications of this Part so as to add, vary or omit provision conferring or imposing a function on the Commission.</u></p>	
<p><b>PART 6 MISCELLANEOUS AND GENERAL PROVISION</b></p> <p><b><u>70ZA Directions</u></b></p> <p><u>A direction given by the Welsh Ministers under this Act must be given in writing.</u></p>	<p>Schedule 1, Part 4, 13 (4)</p>

<p><b>71 Orders and regulations</b></p> <p>(1) Any power of the Welsh Ministers to make an order or regulations under this Act (other than an order under section 47) is exercisable by statutory instrument and includes power to—</p> <p>(a) make incidental, consequential, supplemental, transitional, transitory or savings provision as the Welsh Ministers consider necessary or expedient for the purposes of, or in connection with, this Act,</p> <p>(b) modify any enactment (including this Act), and</p> <p>(c) make different provision for different purposes and areas.</p> <p>(2) A statutory instrument which contains—</p> <p>(a) an order under section 34(3)(e) or 70(1),</p> <p>(b) an order under section 37(1) which includes provision altering the area of a principal council or a preserved county ..., or</p> <p><u>(ba) regulations under section 20E(3)(c),</u></p> <p><u>(bb) regulations under section 29(3A),</u></p> <p><u>(bc) regulations under section 31(A3),</u></p> <p>(c) regulations under section 41(1),</p> <p><u>(d) regulations under section 69C(2)(e), 69D(1)(b) or 69K(2)(d),</u></p> <p>is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.</p> <p>(3) Despite subsection (2), any statutory instrument containing an order or regulations made under this Act which includes provision adding to, replacing or omitting any part of the text of an Act of Parliament or a Measure or Act of the National Assembly for Wales is not to be made until a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.</p> <p>(4) This section does not apply to an order made under section 45 or 75.</p>	<p>Part 2, Chapter 1, section 41 Part 2, Chapter 1, section 51 Schedule 1 Part 1, 1(5) Schedule 1, Part 4, 13 (5)</p>
<p><b>72 Interpretation</b></p> <p>(1) In this Act, unless the context otherwise requires—</p> <ul style="list-style-type: none"> <li>• “1972 Act” means the Local Government Act 1972 (c. 70),</li> <li>• “2011 Measure” means the Local Government (Wales) Measure 2011 (nawm 4),</li> <li>• “community meeting” is a meeting of the local government electors for a community convened under section 27(1) of the 1972 Act,</li> </ul>	<p>Schedule 1, Part 1, 1 (6)</p>



- ~~“enactment” includes an enactment comprised in subordinate legislation,~~
- “enactment” means any of the following or a provision of any of the following—
  - (a) an Act or Measure of Senedd Cymru;
  - (b) an Act of the Parliament of the United Kingdom;
  - (c) any subordinate legislation.
- “local authority” means a principal council or a community council,
- “local government area” means a principal area or a community,
- “modify”, in relation to an enactment, includes amend or repeal,
- “principal area” means a county or a county borough in Wales,
- “principal council” means a county council or a county borough council in Wales.

(2) Schedule 3 (index of defined expressions) has effect.

## SCHEDULE 3

### INDEX OF DEFINED EXPRESSIONS

The expressions listed in the first column are defined by or (as the case may be) are to be interpreted in accordance with the provisions of this Act listed in the second column in relation to those expressions.

TABLE 2

<b>Expression</b>	<b>Relevant provision</b>
1972 Act ( <i>Deddf 1972</i> )	Section 72(1)
<u>1983 Act (<i>Deddf 1983</i>)</u>	<u>section 20I</u>
2011 Measure ( <i>Mesur 2011</i> )	Section 72(1)
<u>Annual remuneration report (<i>Adroddiad blynyddol ar dâl</i>)</u>	<u>Section 69E</u>
Appropriate implementing authority ( <i>Awdurdod gweithredu priodol</i> )	Section 36(6)
Assistant Commissioner ( <i>Comisiynydd Cynorthwyol</i> )	Section 11(1)

Schedule 1,  
Part 1, 1 (7)  
Schedule 1,  
Part 4, 13 (6)

Chairing member ( <i>Aelod cadeirio</i> )	Section 4(1)(a)
Community boundary change ( <i>Newid i ffin cymuned</i> )	Section 23(4)(a)
Community council change ( <i>Newid i gyngor cymuned</i> )	Section 23(4)(b)
Community meeting ( <i>Cyfarfod cymunedol</i> )	Section 72(1)
<b><u>Devolved referendums</u></b> <b><u>(Refferenda datganoledig)</u></b>	<b><u>section 20I</u></b>
Electoral arrangements for community ( <i>Trefniadau etholiadol ar gyfer cymuned</i> )	Section 31(7)
Electoral arrangements for principal area ( <i>Trefniadau etholiadol ar gyfer prif ardal</i> )	Section 29(9)
Electoral arrangements change ( <i>Newid i drefniadau etholiadol</i> )	Section 23(4)(c)
<b><u>Electoral registration officer</u></b> <b><u>(Swyddog cofrestru etholiadol)</u></b>	<b><u>section 20I</u></b>
Electoral ward ( <i>Ward etholiadol</i> )	Section 29(11)
Enactment ( <i>Deddfiad</i> )	Section 72(1)
Executive arrangements ( <i>Trefniadau gweithrediaeth</i> )	Section 52(9)
Expert ( <i>Arbenigwr</i> )	Section 10(1)
Local authority ( <i>Awdurdod lleol</i> )	Section 72(1)
Local government area ( <i>Ardal llywodraeth leol</i> )	Section 72(1)
<b><u>Local government elections</u></b> <b><u>(Etholiadau llywodraeth leol)</u></b>	<b><u>section 20I</u></b>
Local government elector ( <i>Etholwr llywodraeth leol</i> )	Section 30

Mandatory consultees ( <i>Ymgynghoreion gorfodol</i> )	Section 34(3)
Modify ( <i>Addasu</i> )	Section 72(1)
Multiple member area ( <i>Ardal amlaelod</i> )	Section 29(11)
Preserved county ( <i>Sir wedi ei chadw</i> )	Section 27(4)
Preserved county change ( <i>Newi i sir wedi ei chadw</i> )	Section 23(4)(d)
Principal area ( <i>Prif ardal</i> )	Section 72(1)
Principal council ( <i>Prif gyngor</i> )	Section 72(1)
Principal area boundary change ( <i>Newid i ffin prif ardal</i> )	Section 23(4)(e)
Public body ( <i>Corff cyhoeddus</i> )	Section 40(6)
Qualifying public body ( <i>Corff cyhoeddus cymwys</i> )	Section 50(5)
<u>Relevant authority</u> ( <i>Awdurdod perthnasol</i> )	<u>Section 69C</u>
<u>Relevant pension</u> ( <i>Pensiwn perthnasol</i> )	<u>Section 69B</u>
<u>Reserved election</u> ( <i>Etholiad a gedwir yn ôl</i> )	<u>section 20I</u>
<u>Resettlement payment</u> ( <i>Taliad ailsefydlu</i> )	<u>Section 69D</u>
<u>Returning officer</u> ( <i>Swyddog canlyniadau</i> )	<u>section 20I</u>
Single member area ( <i>Ardal un aelod</i> )	Section 29(11)
<u>Supplementary remuneration report</u> ( <i>Adroddiad atodol ar dâl</i> )	<u>Section 69F</u>
The Commission ( <i>Y Comisiwn</i> )	Section 2

<p><u>Welsh elections and referendums (<i>Etholiadau a refferenda Cymreig</i>)</u></p>	<p><u>section 20A(4)</u></p>	
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**Local Government and Elections (Wales) Act 2021**

Section	Amended by
<p><b>18 Registration of local government electors without application</b></p> <p>(1)The 1983 Act is amended as follows.</p> <p>(2)In section 9 (registers of electors), after subsection (2) insert—</p> <p>“(2A)In relation to each register of local government electors for an area in Wales, the names of persons the registration officer has decided to register in accordance with section 9ZA must also be contained in the register, along with the information mentioned in paragraphs (b) and (c) of subsection (2) relating to those persons.”</p> <p>(3)After section 9 insert—</p> <p>“9ZARegistration of local government electors in Wales without application</p> <p>(1)This section applies to the registration of local government electors in Wales.</p> <p>(2)If the registration officer is satisfied that a person not in the register of local government electors is entitled to be registered, the officer may decide to register the person without an application, subject to the provisions of this section.</p> <p>(3)Before deciding to register a person, the registration officer must notify the person in writing of—</p> <p>(a)the officer's intention to register the person without an application after the end of the notice period required by subsection (5);</p> <p>(b)the person's right to request exclusion from the edited register,</p> <p>(c)the person's right to apply for anonymous registration,</p> <p>(d)the type of elections in which the person will be entitled to vote following registration under this section, and</p> <p>(e)the type of elections in which the person will not be entitled to vote following registration under this section, unless an application for registration is made.</p> <p>(4)The notice under subsection (3) must be in a form specified in regulations made by the Welsh Ministers; and the regulations may make further provision about giving notice for the purposes of this section.</p>	<p>Part 1, Chapter 2, Section3</p>

(5) The registration officer must not register the person under this section—

(a) before the end of a period of 28 days beginning with the day on which the notice is issued;

(b) at any time when there is an undetermined application by the person for an anonymous entry in the local government register under section 9B.

(6) The registration officer must keep a separate list of the persons registered under this section.

(7) The power to make regulations under this section is exercisable by statutory instrument.

(8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru, unless it also contains provisions subject to an affirmative procedure in Senedd Cymru.”

(4) In section 9E (maintenance of registers: invitations to register in Great Britain), after subsection (1) insert—

“(1A) The duty in subsection (1) does not apply if the registration officer intends to register the person without an application under section 9ZA and gives notice to the person in accordance with that section.”

(5) In section 10ZE (removal of electors in Great Britain from register)—

(a) after subsection (2) insert—

“(2A) Where a person is entered in a register of local government electors in Wales by virtue of section 9ZA, the registration officer must also remove the person's entry from the register if the officer determines that the person is not entitled to be registered in the register of local government electors for reasons other than those mentioned in subsection (1).”;

(b) in subsection (3), after “(1)” insert “ or (2A) ”;

(c) after subsection (4) insert—

“(4A) The Welsh Ministers may by regulations make provision about the procedure for making determinations under subsection (2A), which may include provision requiring an officer to take prescribed steps before making a determination.”

(d) after subsection (5) insert—

“(5A) In relation to a person registered under section 9ZA, a registration officer for a local government area in Wales must consider whether to make a determination under subsection (2A) if the officer—

(a) receives an objection to the person's registration in the register, or

(b) otherwise becomes aware of information that causes the officer to suspect that the person is not entitled to be registered in the register of local government electors.

(5B) The Welsh Ministers' power to make regulations under subsection (4A) is exercisable by statutory instrument.

(5C) A statutory instrument containing regulations under subsection (4A) is subject to annulment in pursuance of

<p>a resolution of Senedd Cymru, unless it also contains provisions subject to an affirmative procedure in Senedd Cymru.”</p> <p>(6) In section 13A(1) (alteration of registers), after paragraph (zb) insert—</p> <p>“(zc) in the case of a registration officer for a local government area in Wales, decides to register a person under section 9ZA;”</p> <p>(7) In section 13AB(1) (alteration of registers: interim publication dates), in paragraph (a) after “(zb),” insert “(zc),”.</p> <p>(8) In section 13B(2) (alteration of registers: pending elections), in paragraph (a) after “(zb),” insert “(zc),”.</p> <p>(9) In section 56(1) (registration appeals: England and Wales), after paragraph (aa) insert—</p> <p>“(azaa) from any decision of a registration officer for a local government area in Wales to register a person under section 9ZA;”</p>	
<p><b>138 Reviews of electoral arrangements</b></p> <p>(1) The Welsh Ministers may direct the Local Democracy and Boundary Commission for Wales to conduct an initial review of electoral arrangements after the Welsh Ministers—</p> <p>(a) receive a merger application, or</p> <p>(b) give notice as described in section 129(6).</p> <p>(2) Before giving a direction under subsection (1) the Welsh Ministers must consult—</p> <p>(a) the Local Democracy and Boundary Commission for Wales, and</p> <p>(b) such persons representing principal councils as the Welsh Ministers consider appropriate.</p> <p>(3) A direction under subsection (1) to conduct an initial review in relation to a proposal to transfer part of a principal area to be abolished to another principal area, or in relation to restructuring regulations which provide for such a transfer—</p> <p>(a) must specify the area (which may be all or part of a principal area) that is to be subject to the initial review, and</p> <p>(b) may specify that one or more matters of a kind described in sub-paragraph (i) or (ii) are not to be considered in the initial review; and those matters are—</p> <p>(i) matters set out in the definition of “electoral arrangements” in paragraph 3(1) of Schedule 1;</p> <p>(ii) matters set out in the definition of “relevant consequential changes” in that paragraph.</p> <p>(4) A direction under subsection (1) must specify the voting system in relation to which the electoral arrangements are to be reviewed.</p>	<p>Part 2, Chapter 1, section 41</p>

<p>(5) Schedule 1 makes provision in relation to initial reviews conducted by virtue of this section.</p> <p><del>(6) The Welsh Ministers may by regulations amend subsection (3) of section 29 of the 2013 Act (periodic reviews of electoral arrangements for principal areas).</del></p>	
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## Annex 5 – Summary of Costs Tables

### Part 1, Chapter 1 - Co-Ordination of Electoral Administration

<b>Electoral Management Board</b>										
<b>Table 1 - summary of transitional costs to the LDBCW</b>										
	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>2028-29</b>	<b>2029-30</b>	<b>2030-31</b>	<b>2031-32</b>	<b>2032-33</b>	<b>2033-34</b>
	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>
Recruitment, training	30,000	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>30,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Table 2 - summary of recurrent costs to the LDBCW</b>										
	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>2028-29</b>	<b>2029-30</b>	<b>2030-31</b>	<b>2031-32</b>	<b>2032-33</b>	<b>2033-34</b>
	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>
Staff, running costs	130,000	130,000	130,000	130,000	130,000	130,000	130,000	130,000	130,000	130,000
Legal advice	2,500	10,000	10,000	2,500	2,500	10,000	2,500	10,000	2,500	10,000
<b>Total</b>	<b>132,500</b>	<b>140,000</b>	<b>140,000</b>	<b>132,500</b>	<b>132,500</b>	<b>140,000</b>	<b>132,500</b>	<b>140,000</b>	<b>132,500</b>	<b>140,000</b>
<b>Table 3 - summary of savings for the Welsh Government</b>										
	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>2028-29</b>	<b>2029-30</b>	<b>2030-31</b>	<b>2031-32</b>	<b>2032-33</b>	<b>2033-34</b>
	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>
Running costs of WECB		70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000



<b>Total</b>	-	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>	<b>70,000</b>
<b>Table 4 - summary of estimated Welsh Government Staff costs (opportunity costs)</b>										
	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>2028-29</b>	<b>2029-30</b>	<b>2030-31</b>	<b>2031-32</b>	<b>2032-33</b>	<b>2033-34</b>
	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>
Project Management / Implementation	20,600	20,600	-	-	-	-	-	-	-	-
<b>Total</b>	<b>20,600</b>	<b>20,600</b>	-	-	-	-	-	-	-	-

**Part 1, Chapter 2 - Electoral Registration Without Application**

**Table 5 - summary of transitional costs to the Welsh Government**

	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>2028-29</b>	<b>2029-30</b>	<b>2030-31</b>	<b>2031-32</b>	<b>2032-33</b>	<b>2033-34</b>
	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>	<b>(£)</b>
Staff costs for making regulations (opportunity costs)		9,500	-	-	-	-	-	-	-	-

Staff costs for working group to develop pilots (opportunity costs)	12,000		-	-	-	-	-	-	-	-
<b>Total</b>	<b>12,000</b>	<b>9,500</b>	-	-	-	-	-	-	-	-

**Table 6 - summary of recurrent costs to local authorities**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
Staff - data gathering	-	-	495,900	495,900	330,600	330,600	330,600	330,600	330,600	330,600
Sending letter to electors	-	-	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000
<b>Total</b>	-	-	<b>1,995,900</b>	<b>1,995,900</b>	<b>1,830,600</b>	<b>1,830,600</b>	<b>1,830,600</b>	<b>1,830,600</b>	<b>1,830,600</b>	<b>1,830,600</b>

### Part 1, Chapter 3 – Welsh Elections Piloting and Reform

Costs not yet defined. See Chapter 9.

### Part 1, Chapter 4 - Accessibility and Diversity: Welsh Elections

**Assistance for Disabled voters** - No costs included. Full cost analysis will be undertaken when secondary legislation is made under this provision.

#### **Candidate Survey: Local government Elections**

**Table 7 - summary of recurrent opportunity cost savings for Welsh Government associated with not having to make regulations**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
Welsh Government Staff - opportunity cost savings			9,500	-	-	-	-	9,500	-	-
<b>Total</b>	-		<b>9,500</b>	-	-	-	-	<b>9,500</b>	-	-

#### **Welsh Elections information platform**

**Table 8 - summary of transitional costs to the LDBCW**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
--	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------	----------------

Provider to build platform		1,000,000	-	-	-	-	-	-	-	-
<b>Total</b>	-	<b>1,000,000</b>	-	-	-	-	-	-	-	-

**Table 9 - summary of recurrent costs to the LDBCW**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
Staff	-	153,095	153,095	153,095	153,095	153,095	153,095	153,095	153,095	153,095
maintain and develop platform	-	-	110,000	110,000	110,000	110,000	110,000	110,000	110,000	110,000
<b>Total</b>	-	<b>153,095</b>	<b>263,095</b>	<b>263,095</b>	<b>263,095</b>	<b>263,095</b>	<b>263,095</b>	<b>263,095</b>	<b>263,095</b>	<b>263,095</b>

**Table 10 - summary of transitional costs to the Welsh Government**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
Staff costs for making regulations (opportunity costs)	9,500		-	-	-	-	-	-	-	-
<b>Total</b>	<b>9,500</b>	-	-	-	-	-	-	-	-	-

**Services to promote diversity in persons seeking elected office**

**Table 11 - summary of opportunity costs for making regulations**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
Welsh Government Staff - opportunity costs	-	9,500	-	-	-	-	-	-	-	-
<b>Total</b>	-	<b>9,500</b>	-	-	-	-	-	-	-	-

**Part 1, Chapter 5 – Campaign Finance**

Minimal costs – not quantified.

**Part 2, Chapter 1 – Arrangements for Local Government**

**Electoral arrangements reviews: principal councils**

**Table 12 - summary of Welsh Government transitional staff costs**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
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Production of guidance (opportunity costs)	7,800	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>7,800</b>	-	-	-	-	-	-	-	-	-

**Table 13 - summary of Commission recurrent costs**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
Advertising for consultation process for reviews	5,500	5,500	-	5,500	-	-	5,500	-	-	-
<b>Total</b>	<b>5,500</b>	<b>5,500</b>	-	<b>5,500</b>	-	-	<b>5,500</b>	-	-	-

**Table 14 - summary of transitional costs for local authorities**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
Training	44,000	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>44,000</b>	-	-	-	-	-	-	-	-	-

**Table 15 - summary of recurrent costs for local authorities**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
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Staff costs (opportunity costs)	14,200	14,200	14,200	14,200	14,200	14,200	14,200	14,200	14,200	14,200
<b>Total</b>	<b>14,200</b>	<b>14,200</b>	<b>14,200</b>	<b>14,200</b>	<b>14,200</b>	<b>14,200</b>	<b>14,200</b>	<b>14,200</b>	<b>14,200</b>	<b>14,200</b>

### Seaward Boundaries

No costs identified.

### Part 2, Chapter 2 – Remuneration of Elected Members

**Table 16 - summary of Welsh Government transitional staff costs**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
Production of guidance	6,200	-	-	-	-	-	-	-	-	-
<b>Total</b>	<b>6,200</b>	-	-	-	-	-	-	-	-	-

**Table 17 - summary of recurrent Commission costs**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
Annual running costs of IRPW functions	60,000	60,000	60,000	60,000	60,000	60,000	60,000	60,000	60,000	60,000

Staff costs of secretariat for IRPW		80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000
<b>Total</b>	<b>60,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>

**Table 18 - summary of recurrent cost savings for Welsh Government**

	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	2028-29 (£)	2029-30 (£)	2030-31 (£)	2031-32 (£)	2032-33 (£)	2033-34 (£)
Transferred annual running costs of IRPW functions	60,000	60,000	60,000	60,000	60,000	60,000	60,000	60,000	60,000	60,000
Staff opportunity cost savings - secretariat for IRPW		80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000
<b>Total</b>	<b>60,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>	<b>140,000</b>

**Part 2, Chapter 3 – Disqualification and Undue Influence**

No quantified costs.



**Part 2, Chapter 4 – Democracy and Boundary Commission Cymru**

**Table 19 - summary of recurrent Commission costs**

	<b>2024-25 (£)</b>	<b>2025-26 (£)</b>	<b>2026-27 (£)</b>	<b>2027-28 (£)</b>	<b>2028-29 (£)</b>	<b>2029-30 (£)</b>	<b>2030-31 (£)</b>	<b>2031-32 (£)</b>	<b>2032-33 (£)</b>	<b>2033-34 (£)</b>
Remuneration of Chair and Deputy Chair	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
<b>Total</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>

**Part 3 – General Provision**

**Table 20 - summary of transitional Welsh Government staff costs**

	<b>2024-25 (£)</b>	<b>2025-26 (£)</b>	<b>2026-27 (£)</b>	<b>2027-28 (£)</b>	<b>2028-29 (£)</b>	<b>2029-30 (£)</b>	<b>2030-31 (£)</b>	<b>2031-32 (£)</b>	<b>2032-33 (£)</b>	<b>2033-34 (£)</b>
Transitional staff costs - opportunity costs	239,400	239,400								
<b>Total</b>	<b>239,400</b>	<b>239,400</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

## **Annex 6 - Justice Impact Assessment**

### **Justice System Impact Identification**

#### **Overview**

**The Welsh Government's assessment of the impacts of this legislation on the justice system is that it has no or negligible potential impact** (in this case complete the JSII form only up to and including question 4.5)

**This is because:**

### ***Undue influence offence***

The re-drafting of the undue influence offence introduced by the Elections and Elected Bodies (Wales) Bill (EEBB) in respect of local election in Wales replicates that included in the Elections Act 2022 (The 2022 Act) in respect of reserved elections.

The changes to the undue influence offence mirror exactly those brought forward by the UK Government through the 2022 Act. The supporting documentation for the 2022 Act estimated the redrafting would have a low impact on the justice system with between 81%-86% of allegations across the UK leading to no further action for reserved elections, with only one court case initiated in the last 8 years.

The impact for devolved elections, which are the focus of this JSII, is considerably lower with data collected by the Electoral Commission ("EC") recording no cases of undue influence pursued since 2013 for those elections that are now devolved to Welsh Government leading to the conclusion that replicating the language of the 2022 Act for devolved elections will have no or negligible impact on the justice system.

### ***Incurring controlled expenditure in contravention of section 89B Political Parties, Elections and Referendums Act 2000 ("PPERA")***

A new offence will be introduced through the EEBB as a part of new provisions which will regulate how third parties may incur controlled expenditure during a regulated period for standalone Senedd elections. These provisions and the offence will mirror those introduced to PPERA by the 2022 Act in respect of the regulated period for elections to the House of Commons or the Northern Ireland Assembly (new section 89A).

An offence will be committed when third parties who are not registered with the EC in accordance with section 88(2) of PPERA incur controlled expenditure over £700 during a regulated period of a standalone Senedd election (as defined by paragraph 6 of Schedule 10 to PPERA). The same penalties are to apply for any breach as apply for a breach of the equivalent provision in section 89A of PPERA, (on summary conviction in England and Wales: fine. on indictment: fine.). Existing offences concerned with incurring third-party expenditure when it is prohibited (e.g. spending more than the registration thresholds without being registered) can be resolved by either civil or criminal means. In practice, the EC would generally resolve such offences themselves.

Although this is a new offence, as a proxy for estimating the impact on the justice system, consideration has been given to third-party spending offences committed in recent years in Wales as well as evidence presented as part of the supporting documentation for the 2022 Act. The 2022 Act documentation concludes the impact of the third party changes on the justice system is expected to be low, as no relevant cases have had criminal proceedings. Overseas enforcement of rules against foreign spending is already required in respect of the existing third-party campaigner registration thresholds. As with undue influence there have been no prosecuted third party

**1. Bill Title**

1.1. Working title of Bill

Elections and Elected Bodies (Wales) Bill

**2. Policy lead contact details**

2.1. Name / Job Title

2.2. Department / office /  
business area

2.3. Telephone number

2.4. Email address

2.5. a) Date of submission of  
this form

2.6. b) When is a response  
required?

**3. Additional contact details**

3.1. Legal Contact

3.2. Telephone number

3.3. Email address

**4. General information**

4.1. Please provide a) contact details of your lead official for the appraisal of costs or savings

and;

b) the Justice Policy lead if known.

--

4.2. Have you notified the judicial office of your proposals by completing Desk Instruction 7? (please seek advice from your legal advisors)

Yes

Yes
-----

4.3. In brief, what is your proposal? (no more than half a page) *(This information is provided to help MoJ officials to understand the intent of the proposed change in order to be able to comment as fully as possible on its potential impacts).*

### ***Undue influence offence***

The undue influence electoral offence is one of the classic electoral offences and is committed where an individual seeks to apply pressure to force an elector to not vote or vote in a way they would not have done if pressure had not been applied.

The offence already exists in legislation in the Representation of the People Act 1983 (section 115 for devolved elections and section 114 A for reserved elections) and at Article 81 of the National Assembly for Wales (Representation of the People) Order 2007. The offence exists as part of a suite of measures which seek to act as a deterrent to those who would do harm to democratic processes.

The current legislation describing the offence is outdated and lacks the clarity needed to prosecute incidents of undue influence. As a result, the current legislation does not provide adequate protection for electors. This was one of the conclusions of Commissioner Mawrey's 2015 judgment in *Erlam & Ors vs Rahman & Anor*.

The main beneficiaries of the updated legislation will be electors and police and prosecutors who are required to consider whether undue influence has been committed. The clarified language of the redrafted offence will provide disincentives to those who would seek to apply undue pressure to an elector. The intent is that the offence will be more straightforward to prosecute should cases be brought forward. However, we do not anticipate larger numbers of prosecutions as evidence collected by the Electoral Commission since 2013 suggest potentially no offences of undue influence have been prosecuted (see below for figures).

Of four possible accusations at local and Senedd elections in total since 2013 at Senedd and local elections in Wales no further action was taken in three cases and data is unavailable on one case i.e no cases prosecuted since 2013. As set out for the impact assessment for the UK Election Act 2022, there is no data to indicate how many additional prosecutions there will be as we do not know how many allegations / election petitions would have led to further action, had the law been clearer at the time. Any estimates of short, medium and long term impacts based on the current limited data would not be robust. This is in line with the assessment included in the UK Elections Act 2022.

### ***Incurring controlled expenditure in contravention of section 89B of PPERA***

Section 26 of the 2022 Act inserted a new section into 89A into PPERA that prevents a third party who is not able to register as a recognised third party under section 88 of PPERA, or which is not an unincorporated association with the requisite UK connection, from incurring controlled expenditure (including notional controlled expenditure) of over £700 during a regulated period of a UK Parliamentary election and an election to the Northern Ireland Assembly. The Bill will insert another new section into PPERA (section 89B) which will largely replicate this restriction in relation to regulated periods of standalone Senedd elections and will apply the same penalties for any breach. In relation to standalone Senedd elections, only third parties who are registered with the EC under section 88 PPERA will be able to incur controlled expenditure during the relevant regulated period.

Convictions for electoral fraud across the UK is low and is particularly low in Wales. Both offences in the main will work with the suite of electoral offences to act as a deterrent to those who would commit offences. Success will be determined by the Police and Returning Officers reporting increased confidence in applying the clarified legislation in operational situations. Prosecutors would report increased confidence in prosecuting offenders.

However, although increased confidence would be considered success, we do not anticipate these changes to result in many more cases being brought as there are very few electoral offences committed in devolved elections generally, and no cases of undue influence or third party spending offences pursued in Wales since 2013.

- 4.4. Please indicate when you will be undertaking a post-implementation review of this legislation and the enforcement actions arising from it?

The legislation will be implemented in time for the Senedd elections in May 2026 and the next ordinary local elections in 2027. The Electoral Commission work with the Single Point of Contact Officers from the four police authorities in Wales to record numbers of cases after each election. This information will be compared to previous years elections to determine any increase in cases.

- 4.5. Is this legislative proposal similar in any way to legislation being brought forward in England? If so, please name that legislation and identify below any ways in which the legislation brought forward in Wales will differ.

If the legislation has no substantive difference from that in England, there may be no need to complete all parts of the JSII form.

***Undue influence***

The 2022 Act inserts a new section 114A into the Representation of the People Act 1983 (via paragraph 1, schedules 5 and 8). The new section 114A includes clarified language for the undue influence offence for reserved elections. This is being replicated for devolved elections so that there is no divergence in the definition of the offence.

***Incurring controlled expenditure in contravention of section 89A of PPERA***

Section 26 of the 2022 Act inserted a new section into PPERA (section 89A) that prevents a third party who is not able to register as a recognised third party under section 88 of PPERA, or which is not an unincorporated association with the requisite UK connection, from incurring controlled expenditure (including notional controlled expenditure) of over £700 during a regulated period of a UK Parliamentary election or an election to the Northern Ireland Assembly. This is being largely replicated for the regulated periods of standalone Senedd elections.

- 4.6. Please specify the name of any other related legislation. How do you expect the relevant provisions of this (new) legislation to be enacted?

N/A

- 4.7. Please indicate the anticipated date when a) the legislative changes are expected to come into force and b) the date when the first anticipated impact on the justice system will arise.

N/A

- 4.8. If altering or introducing an offence, sanction or penalty, which of the following groups will the proposal affect and in what circumstances? (Tick all that apply)

Individuals

- Private Institutions (e.g. Businesses)
- Public Institutions (e.g. Government Departments)

N/A

- 4.9. Does your legislation only have impact in Wales or are you working jointly with other administrations? Tick all that apply and provide brief details as appropriate, including whether your proposal will create different laws in Wales compared to England, Scotland and / or Northern Ireland.

Please note that, with the exception of the devolved tribunals, the MoJ administers the justice system in England and Wales only. Please talk directly to the MoJ devolution unit if you anticipate your proposal could have an impact on courts or prisons in Scotland or Northern Ireland.

- Wales only
- England
- Scotland
- Northern Ireland
- Other (Please Specify)

N/A

- 4.10. If your legislation could directly impact visitors to Wales or other people not normally resident in Wales, or if your legislation is significantly different from elsewhere in England, Scotland or Northern Ireland;-

- a) what arrangements have you made to ensure ongoing awareness raising of the different legislative approach on this issue in Wales?
- b) what will be the implications on the enforcement agencies of taking forward action against individuals not usually resident in Wales?

N/A



4.11. What are the options under consideration and how does this change the existing situation?

N/A

4.12. If you are creating a new civil sanction or penalty which court or tribunal, in your opinion, should deal with it?

N/A

### **Criminal Offences and Civil Penalties and Sanctions**

4.13. Which of the following are you creating / amending? (Tick all that apply)

- Civil Sanctions
- Fixed Penalties
- Civil Orders
- Criminal Sanctions
- Criminal Offences
- Other (Please Specify)

N/A

4.14. If you are creating a criminal offence, is it:

- Summary Only (heard before a bench of lay magistrates / judge only)
- Triable Either Way
- Indictable Only (heard before a judge and jury)

In cases where the maximum penalty is to be an unlimited fine, and a triable either way offence is warranted, please explain why a summary only offence is not considered appropriate. This is especially relevant if few, if any, cases are anticipated.

N/A

4.15. Who will be responsible for the enforcement of your legislative proposal and how will they take this role forward? Will there be an increased / reduced need for enforcement action? Please also include the anticipated costs of enforcement and how it will be funded.

N/A

4.16. What is the anticipated number of cases per year? Please provide details of any evidence of assumptions on which estimates are based.

N/A

4.17. Do you expect proceedings to be heard in the Magistrates' Court, the Crown Court, or a Civil Court? What will the proportions be?

N/A

4.18. Please state the maximum associated fine and/or custodial penalties. In the case of offences involving penalties of a fine or custody, please indicate and explain the circumstances which would result in a custodial sentence upon conviction and the proportion of custodial penalties which will be at the maximum level.

N/A

4.19. Please itemise details of any proxy or current offences and / or penalties on which the proposed penalties are based. If mirroring / comparing existing legislation, ensure that reference is made to the most recent versions of the legislation (via Westlaw, the online legal research service) as this is not always available online.

Please refer to page 8 of the JSII guidance on how to obtain data relating to the number of cases brought forward under the legislation you have identified.

Legislation / Section	Offence	Number of cases

4.20. Please provide details of the relevant legislation (where appropriate) and confirm whether the creation or amendment of criminal offences and penalties has been agreed in line with the guidance available at <https://www.gov.uk/government/publications/making-new-criminal-offences>.

N/A

4.21. What will be the short, medium and lifelong implications for an individual found guilty of this offence, and how is this proportionate to the offence created?

N/A

4.22. Does this legislation impose any duty on the public sector? If so, please provide your assessment of the likelihood of individuals or businesses taking action against the public sector for non-compliance with this legislation.

N/A

## 5. HM Courts & Tribunals Service and the Welsh Tribunals Service

**Estimating the change to caseload of the Courts and Tribunals Service (including devolved tribunals)**

- 5.1. Do you expect there to be a change in Court or Tribunals process or an increase / decrease in applications / cases to HM Courts and Tribunals Service and / or the Welsh Tribunals through the creation or amendment of this law? Please provide an estimate of the change to volumes of cases going through the court system as a whole, explain any changes in process and outline the evidence and sources that support these estimates.

N/A

- 5.2. Please confirm if the courts / tribunals would be under any duty to inform any regulatory authorities of any convictions made under this offence.

- No  
 Yes (please provide details)

N/A

**Appeal Rights**

- 5.3. Does your proposal create a new right of appeal or expand an existing jurisdiction in the Unified Tribunals System or route to judicial review? If so, how do you expect these to be handled (i.e. administered by HM Courts & Tribunals Service or Welsh Tribunals)?

N/A

- 5.4. Do you expect to establish a new tribunal jurisdiction? If so, has this been discussed with the Welsh Tribunals Unit / Ministry of Justice?

N/A

**Alternative Dispute Resolution**

- 5.5. To what extent could the use of alternative dispute resolution (ADR) procedures (including mediation) be appropriate? How will success in ADR be measured?

N/A

**Prosecution and Enforcement**

- 5.6. If the proposal is to add a new offence, will the Crown Prosecution Service act to prosecute defendants? If not, please identify who will prosecute.

N/A

5.7. Will the proposal require enforcement mechanisms for civil debts, civil sanctions or criminal penalties? If yes, who do you expect to enforce these?

N/A

**HMCTS Procedural Rules, Sentencing and Penalty Guidelines**

5.8. Do you anticipate that Court and/or Tribunal procedural rules will have to be amended? If so, when is the likely date for the changes?

N/A

5.9. Will the proposals require sentencing and / or penalty guidelines to be amended?

N/A

## 6. Legal Aid and Court Fees

- 6.1. What evidence is there that individuals affected by your proposal will be able to secure and afford:
- a) legal representation and legal advice in order to secure a fair hearing of their case
  - b) associated court fees

What legal costs for a typical case could each party bear and what provisions exist for a party found innocent to recover all or any of their legal costs?

N/A

- 6.2. Once implemented, is your proposal likely to require individuals to seek legal advice and to apply for legal aid in any of the following areas? In each case please provide supporting evidence.

- Criminal
- Civil (including Family)
- Asylum
- Legal aid not available (please provide supporting evidence)

N/A

- 6.3. If legal aid may be affected, would legal aid costs increase or be reduced (and by what margin)?

N/A

## 7. Prisons and Offender Management Services

### Impact on HM Prison Services

- 7.1. Will the proposals result in a change in the number of offenders being committed to custody (including on remand) or probation (including community sentences)? If so, please provide an estimate and reasoning behind it, an estimated timeframe to reach this number of sentences, what evidence this is based on, and the source for your information.

N/A

- 7.2. Does the proposal create, remove or change an existing offence with a custodial or probationary sentence, or change the way offenders go through the prison / probation service? If so, please provide details, including the expected impact on probationary services.

N/A





**8. Main Justice System Impacts Identified**

**8.1. Volumes (please lengthen if necessary):-**

NB in all cases, assume an average annual figure or make clear if a different timespan is being considered. Where there may be significance variance from average in the first years of implementation, please add additional information in the notes below. **Please see above – no impact.**

Identify the court or tribunal or MoJ service that will be affected by this proposal?	Volumes (please provide both numeric estimates and min-max ranges)	Type (e.g. prison place, tribunal hearing, fixed penalty, etc.)	Additional Information
Criminal Offences and Sanctions			
Civil Penalties			
HM Courts & Tribunals Services			

Identify the court or tribunal or MoJ service that will be affected by this proposal?	Volumes (please provide both numeric estimates and min-max ranges)	Type (e.g. prison place, tribunal hearing, fixed penalty, etc.)	Additional Information
Welsh Tribunals			
Legal Aid			

**8.2.** Prisons and Offender Management Services (lengthen if necessary, only complete if maximum penalty is something other than a fine): **Please see above – no impact.**

Offence	Maximum Penalty	No. of prosecutions brought per annum (numeric estimate and min-max range)	Likely proportion sentenced to immediate custody	Likely average custodial sentence length given

Offence	Maximum Penalty	No. of prosecutions brought per annum (numeric estimate and min-max range)	Likely proportion sentenced to immediate custody	Likely average custodial sentence length given
Notes:				

**Please be aware that any costs or savings identified as a result of any changes to the justice system /additional work must be factored in to the financial assessment of your legislation.**