

Senedd Cymru (Members and Elections) Bill

Bill Summary

October 2023



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1. Introduction

The **Senedd Cymru (Members and Elections) Bill** (the “Bill”) was introduced on 18 September 2023.

The Counsel General and Minister for the Constitution (“the Counsel General”), Mick Antoniw MS, is the Member in Charge of the Bill.

The Bill’s **explanatory memorandum** states that its overall purpose is to:

[.] make the Senedd a more effective legislature for, and on behalf of, the people of Wales. This purpose reflects the intention of the Special Purpose Committee, stated in its report, of delivering “a strengthened parliament to represent the people of Wales”.

A **written statement** by the Counsel General was published on 18 September 2023.

Introducing the Bill, the Counsel General **said**:

It presents us and the people of Wales with a once-in-a-generation opportunity to make the changes necessary to modernise the Senedd, reflecting our 21st Century Wales. A more effective Senedd, with the ability and capacity to hold the Welsh Government to account. A more representative Senedd to better serve the people of Wales.

The Bill takes forward most of the recommendations made by the **Special Purpose Committee on Senedd Reform**, which reported in May 2022. You can read more about that Committee’s conclusions in this **Senedd Research article**.

A more detailed briefing on the Special Purpose Committee’s report can be found **here**, which also provides an overview of the reports of **the Expert Panel on Assembly Electoral Reform** (November 2017) and **the Committee on Senedd Electoral Reform** (September 2020).

The Bill is currently making its way through the **Senedd’s legislative process**. The Counsel General appeared before the Reform Bill Committee on **5 October 2023**. The Committee is currently **consulting** on the Bill and will be holding further evidence sessions over the coming months.

How to use this Bill Summary

This document isn’t an exhaustive summary of every aspect of the Bill. It’s designed to be used electronically and signpost to further detail.

In the summary of provisions section, the section number text (e.g., Section 1) links to the relevant section of the Bill. The text that follows contains a link to the explanatory notes where further detail can be found.

2. The Bill at a glance

The Bill has 25 sections, arranged into five parts, and has two schedules.

Part 1 - The Senedd and Welsh Ministers

Part 2 - Voting System at Senedd General Elections and Allocation of Seats

Part 3 - Democracy and Boundary Commission Cymru

Part 4 - Senedd Constituency Boundary Reviews

Part 5 - Review of Operation of Act etc. and General Provisions

Schedule 1 - Senedd constituencies for the first general election after 6 April 2026

Schedule 2 - New Part 3A of the 2013 Act¹

The Bill includes powers for subordinate legislation to be made to further increase the maximum number of Welsh Ministers, to change the quorum for meetings of the Democracy and Boundary Commission Cymru and to implement boundary review determinations.

The **Explanatory Memorandum** includes tables setting out the subordinate legislation powers in the Bill and the **scrutiny procedures** they will be subject to by the Senedd. The **Statement of Policy Intent** provides further details on the subordinate legislation that can be made under the Bill.

¹ The Local Government (Democracy) (Wales) Act 2013 renamed by this Bill as the Democracy and Boundary Commission Cymru etc. Act 2013

3. Summary of provisions

Part 1 – The Senedd and Welsh Ministers

Number of Members of the Senedd and Senedd constituencies

Section 1 amends **section 1 of the Government of Wales Act 2006** (“GoWA”) to specify that there are to be **16 Senedd constituencies**, with six seats for each constituency.

Section 2 amends **section 2 of GoWA** to provide that **Senedd constituencies** are to be the constituencies specified in regulations made under new section 49J of the (renamed) *Democracy and Boundary Commission Cymru etc. Act 2013* (see Part 3 below). It also states that until the first set of regulations made under that section are in force, Senedd constituencies are to be those provided for in regulations under paragraph 9 of Schedule 1 to this Bill.

Frequency of ordinary general elections

Section 3 amends **section 3(1) of GoWA** to change the **frequency of ordinary general elections** to every four years instead of five.

Additional Deputy Presiding Officer

Section 4 amends **section 25 of GoWA** to enable the Senedd to **elect an additional Deputy Presiding Officer**. Both Deputy Presiding Officers would have the same status and role, but the additional Deputy Presiding Officer could be elected at any time in the Senedd term and could hold the office for a shorter period.

This section also imposes limitations on the election of an additional Deputy Presiding Officer from the same political group as the Presiding Officer or existing Deputy Presiding Officer. As is the existing practice, these provisions could be overridden by a motion supported by two-thirds of Members of the Senedd voting in favour of it.

Increase in maximum number of Welsh Ministers

Section 5 amends **section 51 of GoWA** to increase the **maximum limit on the number of Welsh Ministers** from 12 to 17. It also provides a power to the Welsh Ministers to further increase this maximum limit to 18 or 19 through regulations

subject to approval by the Senedd (affirmative procedure). If this limit was increased to 18 or 19, it could not be lowered.

Disqualification from being a Member of the Senedd or a candidate

Section 6 amends **Part 1 of Schedule 1A to GoWA** to provide that individuals not registered in the register of local government electors in Wales **are disqualified from being a candidate seeking election to, or a Member of, the Senedd.**

Review of possible job-sharing of offices relating to the Senedd

Section 7 requires the Presiding Officer to table a motion to **establish a Senedd committee to review possible job-sharing** of particular offices in the Senedd. This motion would need to be tabled as soon as possible, and no later than six months, after the first meeting of the Senedd following the first general election held after 6 April 2026.

If established, the committee would also be required to prepare a report on the review, setting out its recommendations. If this review report is published, the Welsh Government is required to respond to the report and set out the steps it will take, if any, in relation to the report's recommendations.

Part 2 - Voting system at Senedd general elections and allocations of seats

General Elections

Section 8 amends GoWA to substitute new sections 6 to 9 which introduce a new **voting system for Senedd general elections.**

Voting at general elections

New section 6 of GoWA provides that **persons entitled to vote at a general election in a Senedd constituency can vote for** either:

- A registered political party that has submitted a list of candidates to be Members of the Senedd for the constituency, or
- "An individual candidate" (an independent) standing for the constituency.

Candidates at general elections

New section 7 of GoWA provides for **candidates to be put forward** for a

particular Senedd constituency at a general election. It provides for registered political parties to submit a list of candidates for a particular constituency to the Constituency Returning Officer up to a maximum of eight people. It places limits on people being included on more than one political party list (in this or another constituency) and stops an “individual candidate” from also appearing on a political party’s list.

Calculation and Allocation of Seats

New section 8 of GoWA and **new section 9** of GoWA provide for the **allocation of seats** to registered political parties and individual candidates for a Senedd constituency at a general election applying the D’Hondt method. For more information on the application of the D’Hondt method, see this **glossary**.

New section 8 provides for the “**seat allocation figure**” to be calculated. For an individual candidate, the Bill provides for this figure to be the number of votes received by that candidate. In the case of a political party, it is the total number of votes received in that constituency, divided by the “seat allocation divisor”. The “seat allocation divisor” will initially be one.

New section 9 provides for the **first seat for a Senedd constituency to be allocated** to the registered political party or individual candidate with the highest seat allocation figure (the highest number of votes).

It then provides for the second and subsequent seats to be allocated to the party or individual candidate with the highest seat allocation figure after a recalculation has taken place. This recalculation would add one to the previous “seat allocation divisor” of a political party for each seat it has already won.

It provides for seats allocated to a political party to be filled by the candidates on its list in the order they appear. Once an individual candidate is allocated a seat, or a political party’s list is exhausted, they are disregarded when applying the calculation for the allocation of seats.

This section also provides for how a tie may be broken when calculating the allocation of seats.

Vacant seats

Section 9 repeals **section 10 of GoWA** relating to constituency vacancies and substitutes a new **section 11 of GoWA** (electoral region vacancies) to provide for

how seats in the Senedd that become vacant would be filled.

In the case of a Member who was elected as an individual candidate, this section provides that their seat would remain vacant until the next general election.

In the case that a Member was returned from the list of a registered political party, this section provides for the vacancy to be filled by the next eligible and willing person on that political party's list submitted at the last general election.

If there are no eligible or willing candidates remaining on a political party's list, the seat would remain vacant until the next general election.

These provisions reflect the current situation for filling vacancies for Members elected through the regional list.

Related Amendments

Section 10 makes **related amendments to legislation** that arise out of the new provisions in Part 2 of the Bill.

Part 3 – Democracy and Boundary Commission Cymru

Renaming the *Local Government (Democracy) (Wales) Act 2013*

Section 11 changes **the short title** of the *Local Government (Democracy) (Wales) Act 2013* to the *Democracy and Boundary Commission Cymru etc. Act 2013 (the "2013 Act")*.

Democracy and Boundary Commission Cymru

Section 12 amends **section 2 of the 2013 Act** to **change the name of the Local Democracy and Boundary Commission for Wales** to the Democracy and Boundary Commission Cymru.

Section 13 amends **section 4(1) of the 2013 Act** to **increase the maximum number of members of the Commission** from 5 to 9 (including the chair and deputy chair) by providing for at least 1 but no more than 7 additional members to be appointed.

Section 14 amends **section 4(3) of the 2013 Act** to place **limits on persons who can be appointed** as members or chief executive of the Commission. It would prevent Members of the Senedd, or a person appointed to assist a Member of

the Senedd with carrying out their functions (Member support staff), from being appointed as either members of the Commission or as its chief executive. It also prevents Members of the staff of Senedd Cymru (Commission staff) from being appointed as members of the Commission.

Section 15 amends **section 6 of the 2013 Act** to provide a regulation-making power to the Welsh Ministers to **change the quorum** for meetings of the Commission. This power cannot change the quorum to a number that is lower than the current limit of 3 members.

Section 16 amends **section 11 of the 2013 Act** to enable the Commission to **appoint one or more assistant commissioners** to whom it may delegate its functions. This section prevents a Member of the Senedd, a member of the staff of Senedd Cymru and a person appointed to assist a Member of the Senedd with carrying out their functions from being appointed as an assistant commissioner.

Part 4 – Senedd Constituency Boundary Reviews

Senedd constituencies for the first general election after 6 April 2026

Section 17 introduces **Schedule 1** to the Bill, which makes provision about the **Senedd constituencies to be used to elect Members of the Senedd at the first general election held after 6 April 2026**. It provides for the Democracy and Boundary Commission Cymru to determine what these constituencies will be.

Senedd constituencies for general elections after 1 April 2030

Section 18 introduces **Schedule 2**, which inserts a new Part 3A into **the 2013 Act**. It makes provisions about the functions of the Democracy and Boundary Commission Cymru to **determine the Senedd constituencies for general elections held after 1 April 2030**.

Part 5 – Review of operation of Act etc. and general provisions

Review of operation of Act etc. after 2026 general elections

Section 19 requires the Presiding Officer to table a motion to **establish a Senedd committee to review the operation of Parts 1 and 2 of the Bill**. This motion would need to be tabled as soon as possible, and no later than six months, after the first meeting of the Senedd following the first general election held after 6 April 2026.

The motion would need to propose that a committee be established to review the

operation and effect of Parts 1 and 2 of the Bill (the Senedd and its Members, the number of Welsh Ministers, and the voting system in general elections etc.) as well as “the extent to which the elements of a healthy democracy are present in Wales”.

If a committee was established, it would be required to complete a report on the review no later than 12 months after the first meeting of the Senedd following the first general election held after 6 April 2026.

General Provisions

Section 20 provides that the Welsh Ministers may by regulations make such **supplementary, incidental, consequential, transitional, transitory or saving provision** they consider appropriate in order to give full effect to any provision of the Bill or any provision made under the Bill. This power can be used to amend, repeal, revoke or modify this or any other enactment, whenever passed or made.

Section 21 provides the parameters in which the Welsh Ministers can **make regulations under the Bill**, except for those made under paragraph 9 of Schedule 1. This includes the Senedd scrutiny procedures applicable to those regulations.

Section 22 provides **definitions of certain terms** used in the Bill.

Section 23 provides for **transitional provisions relating to Parts 1 and 2 of the Bill**. It provides that sections 1 and 2 (the size of the Senedd and Senedd constituencies) and Part 2 (voting system) do not have effect in relation to a general election held on or before 6 April 2026; a Member of the Senedd returned at a general election on or before this date; or the return of a Member of the Senedd at a general election or otherwise.

Section 23(2) provides that the requirement in section 6 to be registered on the local government register of electors does not apply to any current Members of the Senedd or those returned through a constituency by-election or from the regional list where the poll is held on or before 6 April 2026. The requirement would also not apply to candidates standing in a constituency by-election on or before this date.

Section 24 provides for different sections of the Bill to **come into force** in a particular order once it receives Royal Assent.

Section 25 provides that the **short title of the Bill** if enacted would be the *Senedd Cymru (Members and Elections) Act 2024*.

Schedule 1 - Senedd Constituencies for first general election

after 6 April 2026

Schedule 1 makes provision about a boundary review to take place ahead of the first Senedd general election to be held after 6 April 2026.

Purpose of the review

Paragraph 1 sets out that this Schedule only applies to the **first general election held after 6 April 2026** and any subsequent general elections that take place before regulations are made under Schedule 2.

Paragraph 2 sets out **what the Commission must consider** in this boundary review.

The 2026 boundary review

Review parameters

Paragraph 3 provides that the Commission must **publish a notice** stating when its review has commenced as soon as practicable after starting the review.

Paragraph 4 sets out **the matters that the Commission must consider** in its review. These include existing local government boundaries, geographical considerations and any local ties that would be broken by proposed pairings.

Paragraph 5 provides for **each constituency to be given a name** in Welsh and English, unless the Commission considers one name is acceptable for use in both languages. This paragraph also requires the Commission to consult the Welsh Language Commissioner on the orthography of the proposed Welsh medium constituency name and have regard to representations received.

Reports and representations

Paragraph 6 sets out the process that the Commission must follow when **publishing its initial report** on the 2026 boundary review and the first period of representations.

Paragraph 7 sets out that the process that the Commission must follow when **publishing its second report** on the 2026 boundary review and the second period for representations.

Paragraph 8 sets out the process that the Commission must follow when **publishing its final report**, what it must contain and that it should be submitted to the Welsh Ministers before 1 April 2025. The Welsh Ministers are required to lay the report before the Senedd as soon as reasonably practicable after receiving it.

Implementing the review

Paragraph 9 requires the Welsh Ministers to **make regulations to give effect to the Commission's final report** and the circumstances in which these must be made. The Regulation must be laid in the Senedd, but would not be subject to any formal scrutiny procedure.

Paragraph 10 allows for the **Commission to request changes** be made to the final report to correct errors after it has been laid before the Senedd but before regulations have been made by the Welsh Ministers.

Miscellaneous

Paragraph 11 sets out that the **Senedd boundary review functions of the Commission can be delegated** under **section 13(1) of the 2013 Act**.

Paragraph 12 prohibits the Welsh Ministers from giving directions to the Commission under **section 14 of the 2013 Act** in relation to the exercise of the Commission's Senedd boundary review functions.

Paragraph 13 provides certain **definitions of terms** used in the Schedule.

Paragraph 14 provides for **how the Commission must publish its documents**.

Schedule 2- New Part 3A of the 2013 Act: Senedd Constituency Boundary Reviews

Schedule 2 makes provision about boundary reviews to be conducted in time for the 2030 Senedd general election and in each subsequent eight-year period.

Paragraph 1 of the Schedule inserts **new Part 3A into the 2013 Act**.

Purpose of the Review

New Section 49A of the 2013 Act sets out that the Commission must **conduct a review of Senedd constituency boundaries once every eight years**. The first review must take place between 1 April 2025 and 30 November 2028, followed by

the period of eight years beginning with 1 December 2028 and each subsequent period of eight years.

New Section 49B provides that the Commission must **publish a notice** stating when its review has commenced as soon as practicable after starting the review.

New Section 49C sets out **rules that the Commission must follow** when determining the 16 Senedd constituencies. Each constituency must be within a variance of between 90% and 110% of the electoral quota (the total electorate divided by 16). The Commission must also have regard to existing local government boundaries, geographical considerations and any local ties that would be broken. In making its determination, the Commission must seek to minimise the amount of change to the constituencies and have regard to the inconveniences caused by making such changes.

New Section 49D provides for the Commission to consider **the names of the Senedd constituencies** as part of its review.

New Section 49E sets out the process that the Commission must follow when **publishing its initial report** on the boundary review and the first period of representations.

New Section 49F sets out the process the Commission must follow to **publish and consult on representations made on the initial report** and the timescale for the second period of representations.

New Section 49G requires the Commission to hold at least two, but no more than five, **public hearings** as part of the second period of representations. It provides parameters for these public hearings to take place.

New Section 49H provides for the Commission to **publish a second report** on the boundary review and to hold a final period for representations.

New Section 49I provides for the Commission to **publish a final report** on the boundary review and for it to be sent to the Welsh Ministers. The Welsh Ministers are then required to lay the final report before the Senedd as soon as reasonably practicable after receiving it.

Implementing the Review

New Section 49J requires the Welsh Ministers to **make regulations to give effect to the Commission's final report** within six months, and the circumstances in

which these must be made.

New Section 49K allows the **Commission to request changes** be made to the final report to correct errors after it has been laid before the Senedd but before regulations have been made by the Welsh Ministers.

New Section 49L provides for certain **definitions of terms** used in the Schedule and sets out how the Commission must publish its documents.

Related Amendments

Paragraph 2 sets out the **related amendments** required as a result of the Schedule's provisions.

Transitional Modification of the 2013 Act

Paragraph 3 sets out that, until the first regulations are made under new section 49J of **the 2013 Act** (as inserted by this Schedule), **reference to “Senedd constituency” should be read as referring to those determined in the boundary review conducted ahead of the 2026 Senedd election**