

SL(5)796 – The Senedd Cymru (Representation of the People) (Amendment) Order 2021

Background and Purpose

The Senedd Cymru (Representation of the People) (Amendment) Order 2021 (“the Order”) amends the National Assembly for Wales (Representation of the People) Order 2007 (“the 2007 Order”). The amendments made by the Order only apply for the purpose of the ordinary Senedd election due to take place in 2021.

The 2007 Order sets out the detailed rules for the conduct of elections to Senedd Cymru. The Welsh Elections (Coronavirus) Act 2021 (“the Act”) made modifications to the 2007 Order to respond to the potential risks to the ordinary general election for membership of Senedd Cymru arising from the coronavirus pandemic. The provisions in the Act apply only for the 2021 ordinary Senedd election.

Time of closure for receipt of nominations for the 2021 Senedd election

For the purposes of the 2021 Senedd election, section 14(5)(a) of the Act extended the time for delivery of nomination papers, from 10:00am to 4:00pm on each day that nominations can be delivered, to 9:00am to 5:00pm. The last day for delivery of nominations is the nineteenth day before the day of the election. The last day for the withdrawal of nominations is also the nineteenth day before the election, but the time of the deadline to withdraw a nomination was not changed by the Act and therefore remains at 4:00pm. The Order reverts the time for closure of receipt of nominations to 4:00pm on the nineteenth day before the day of the poll to align the times for receipt and withdrawal of nominations.

Prescribed “Home Address Form” for the Senedd elections

The Senedd Cymru (Representation of the People) (Amendment) Order 2020 inserted the home address form into the 2007 Order. The form allows candidates to request that their home address not be made public on nomination papers. The form asks a candidate to insert the name of the Senedd Cymru constituency within which the candidate resides.

The Order makes amendments so that any candidates living outside Wales but within the UK can refer to the UK Parliament constituency in which they reside on the home address form. Separate provision is already made on the form for candidates who live outside the UK.

Procedure

Made Affirmative.

The Order was made by the Welsh Ministers before it was laid before the Senedd.



The Senedd must approve the Order within 28 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date it was made for it to continue to have effect.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

The Order amends the home address form which allows candidates to request that their home address not be made public on nomination forms. Where this is used, the candidate must provide the name of the Senedd constituency within which they reside. The amendments made by the Order allow candidates who reside outside of Wales but within the UK to provide the name of the UK Parliamentary constituency within which they reside. This change applies to the 2021 Senedd election only, but the Explanatory Memorandum notes that it will need to be incorporated into a revised or new order for subsequent Senedd elections.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

With regard to consultation, the Explanatory Memorandum notes:

“The Electoral Commission have been consulted throughout the process of producing the Senedd Cymru (Representation of the People) (Amendment) Order 2021. This is in line with Section 7 of the Political Parties, Elections and Referendums Act 2000 which requires consultation with the Electoral Commission before an Order under Section 13 of the Government of Wales Act 2006 can be made.

The Electoral Commission’s response when consulted on the draft Order was that they are content with both the provisions relating to the time of closure of receipt of nominations and the home address form.

The changes included in the 2021 Order have also been discussed with the electoral community, including with the five Regional Returning Officers (“RROs”). It was agreed with the RROs to include the provision to revert the time for closure of receipt of nominations to 4:00pm on the nineteenth day before the day of the poll to align the times for receipt and withdrawal of nominations.”



The Committee welcomes the fact that consultation has been carried out before this Order was made. However, it is noted that although the Explanatory Memorandum refers to discussions with Regional Returning Officers, it does not mention discussions with Constituency Returning Officers. The Welsh Government is therefore asked to confirm whether it had any discussions with Constituency Returning Officers – if so, what was the outcome of such discussions or, if not, why were no such discussions held?

Welsh Government response

Regional Returning Officers (“RROs”) are responsible for liaising with the returning officers for the Senedd constituencies in their region to ensure a consistent approach to the administration of the Senedd election throughout their region. The Welsh Government therefore consulted them on this basis. In addition, one of the RROs is the Chair of the Wales Electoral Coordination Board which has the role of ensuring consistent electoral administration and practice across Wales. The Welsh Government also consulted the Wales Branch of the Association of Electoral Administrators, which represents election professionals across Wales. The views expressed during these discussions were considered before the Order was made.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 22 March 2021 and reports to the Senedd in line with the reporting points above.

