

Agenda Supplement – Legislation, Justice and Constitution Committee

Meeting Venue:

For further information contact:

Video Conference via Zoom

P Gareth Williams

Meeting date: 11 October 2021

Committee Clerk

Meeting time: 13.30

0300 200 6565

SeneddLJC@senedd.wales

Remote – Second supplementary pack

Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

6.7 Correspondence from the Counsel General and Minister for the Constitution: Consent to the making of an Order under section 104 of the Scotland Act 1998

(Pages 1 – 2)

LJC(6)–09–21 – Paper 34 – Letter from the Counsel General and Minister for
the Constitution, 8 October 2021

Attached Documents:

LJC(6)–09–21 – Paper 34 – Letter from the Counsel General and Minister for
the Constitution, 8 October 2021



Huw Irranca-Davies MS
Chair, Legislation, Justice and Constitution Committee
Senedd Cymru
SeneddLJC@senedd.wales

08 October 2021

Dear Huw,

I am writing to inform the Committee of the intention to consent to the UK Government exercising a delegated legislative power in a devolved area in relation to Wales. Agreement has been sought to the making of an Order under section 104 of the Scotland Act 1998 in consequence of the Social Security (Scotland) Act 2018.

Section 104 of the Scotland Act 1998 enables the Secretary of State to make provision which is considered necessary or expedient in consequence of any provision made by or under an Act of the Scottish Parliament.

Article 7 of the proposed Order amends regulation 53 of the Representation of the People (England and Wales) Regulations 2001. The amendments will enable eligible individuals to apply to vote by proxy in UK parliamentary elections and local government elections in England and Wales without the need for attestation of their application if they are in receipt of the mobility component of disability assistance for children and young people at the higher rate. The amendments to Regulation 53, insofar as they relate to proxy vote applications for local government elections in Wales, are making provision in an area which is within the Senedd's legislative competence.

Eligible individuals moving from Scotland to England or Wales could continue to receive disability assistance in accordance with the Scottish regime for a period of 13 weeks from the date of the move. The effect of the Order is that an individual who has moved to Wales and is still in receipt of the mobility component of disability assistance for children and young people at the higher rate payable in Scotland would be entitled to apply to vote by proxy without attestation of their application in a Welsh local government election, subject to satisfying all of the relevant registration conditions.

The amendment would provide continuity for individuals and allow them to participate in the democratic process on the same basis that they would have been entitled to, had their new claim for benefits payable in Wales been processed at the relevant time. As this would be for a short time period and would be likely to have a limited impact I am therefore content to agree to the Order being taken forward by the UK Government.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I have been asked to respond to Ben Macpherson MSP, Scottish Government Minister for Social Security and Local Government, no later than 15 October to allow the Order to be in force by the end of November to coincide with the launch of the Child Disability Payment.

Yours sincerely,

A handwritten signature in blue ink, reading "Mick Antoniw". The signature is written in a cursive style. Below the signature, there is a short horizontal blue line.

Mick Antoniw AS/MS

Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution