

Agenda – Member Accountability Bill Committee

Meeting Venue:	For further information contact:
Committee Room 2	Sarah Sargent
Meeting date: 20 January 2026	Committee Clerk
Meeting time: 10.00	0300 200 6565
	SeneddMAB@senedd.wales

Hybrid

Public meeting

(10.00 – 10.05)

1 Introductions, apologies, substitutions, and declarations of interest

10.00

2 Papers to note

10.00–10.05

(Pages 1 – 19)

Attached Documents:

Paper 1 – Letter from the Independent Remuneration Board: Senedd Cymru (Member Accountability and Elections) Bill (16 December 2025)

Paper 2 – SCMAE Bill – Government Response to Stage 1 Member Accountability Bill Committee report (9 January 2026)

Paper 3 – SCMAE Bill – Government Response to Stage 1 Legislation, Justice, and Constitution Committee report (9 January 2026)

Paper 4 – SCMAE Bill – Government Response to Stage 1 Finance Committee report (9 January 2026)



3 Motion under Standing Order 17.42 (ix) to resolve to exclude the public for the remainder of the meeting

10.05

Private meeting

(10.05 – 10.30)

4 The Senedd Cymru (Member Accountability and Elections) Bill – preparations for Stage 2 proceedings

10.05–10.30

(Pages 20 – 22)

Attached Documents:

Paper 5 – Senedd Cymru (Member Accountability and Elections) Bill –

Discussion about Stage 2 proceedings and the order of consideration for the disposal of amendments

David Rees MS

Chair

Member Accountability Bill Committee

Welsh Parliament

cc. Hannah Blythyn MS, Chair, Standards of
Conduct Committee

cc. Julie Jame MS, Counsel General and Minister
for Delivery

Dyddiad | Date: 16 December 2025

Pwnc | Subject: Senedd Cymru (Member Accountability and Elections) Bill

Dear David,

I write on behalf of the Independent Remuneration Board of the Senedd (the Board) to provide observations in relation to the potential implications of proposals in the Senedd Cymru (Member Accountability and Elections) Bill relating to payments when a Member ceases to be a Member and their pension payments.

As you are aware, the Board is responsible for ensuring Members of the Senedd have the appropriate resources available to them to undertake their duties, as well as setting salaries for Members and staff.

The Board also provides a Pension Scheme for Members of the Senedd in accordance with section 20 of the Government of Wales Act. The Board as responsible authority makes the Scheme Rules, governed by the Public Service Pensions Act and administered in line with Scheme rules. The Board's responsibilities include appointing the Pension Board Chair and Trustees and agreeing and consulting on any Scheme rule changes.

Whilst the Board does not have specific views in relation to the provisions of the Bill as part of the Committee's current consideration of the general principles, the Board does have an interest relating to areas of the Bill including:

- strengthening the systems that currently exist that regulate and sanction Members' behaviour and conduct;
- providing a mechanism to recall an elected Member, removing them from office during their term on the basis of the expressed will of voters in the relevant constituency.

Although the Board does not have a defined role in the Standards regime in the Senedd, the Determination as part of the regulatory framework, alongside the Code of Conduct and the Rules and Guidance on the Use of Senedd Resources, forms the basis for the rules that Members of the Senedd must adhere to.

We would like to highlight that there may need to be further consideration of financial implications and potential sanctions the Senedd might apply regarding the withdrawal of entitlement to certain payments as a result of recall.

As is the case now, the Presiding Officer can exclude a Member from Senedd proceedings without salary (Standing Order 13.14). The Senedd can also agree a sanction recommended by the Standards of Conduct Committee to exclude a Member for a specified time period, the Member is not entitled to receive any salary from the Senedd and is not permitted to attend any Senedd proceedings (Standing Order 22.10A), which can also affect their pension contributions. In the case of recall there may need to be further consideration relating to the resources and funds that are provided to Members by the Determination in terms of their staff and offices, as below.

The Determination provides a resettlement payment for Members who stand and are not re-elected at a Senedd election (section 9.3) and winding up payments for Members who cease to be Members at a Senedd election (section 9.2A). As the Determination is currently drafted, these payments relate to 'a person who is a Member immediately before a dissolution of the Senedd' and the Board is therefore of the view that a Member who is subject to recall would not be entitled to such payments. There may be circumstances however that such Members may be able to claim winding up costs (as set out in section 9.1), as these relate to winding up of their commitments or contractual liabilities, including office and equipment leases and staffing matters.

You may also be aware of recent media articles regarding Members convicted of a criminal offence and questions regarding forfeiture of pension. Legislation sets out that entitlement to pensions under an occupational pension scheme, or a right to a future pension under such a scheme, cannot be forfeited, although there are a limited number of exceptions relating to convictions relating to specific offences. The Board is seeking advice and will be considering whether the Pension Scheme Rules could make provisions for forfeiture rules in the new year.

I am copying this letter to the Chair of Standards Committee and Counsel General as Members in charge of the Bill, based on all of our shared interest in these matters.

Best wishes,

A handwritten signature in black ink that reads "Dr Elizabeth Haywood". The signature is written in a cursive, flowing style.

Dr Elizabeth Haywood,
Chair, Independent Remuneration Board of the Senedd

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

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery



Llywodraeth Cymru
Welsh Government

David Rees
Chair, Member Accountability Bill Committee

9 January 2026

Dear David

Senedd Cymru (Member Accountability and Elections) Bill

Thank you for the Member Accountability Bill Committee's report in relation to the Senedd Cymru (Member Accountability and Elections) Bill published on 23 December 2025. Please see my responses to the set of recommendations within the report at Annex 1.

I am providing a written response to the Stage 1 Committee reports in advance of the general principles debate.

I would like to express my thanks to the Committee for scrutinising the Bill and its supporting documentation. I look forward to continuing to work with Members as the Bill progresses through the Senedd process.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee and the Chair of the Finance Committee for information.

Yours sincerely,

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

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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.

Annex 1

Committees Recommendation	Welsh Government Response
<p>Recommendation 1. If the Senedd supports the general principles of the Bill and it advances to the next stage of the legislative process, we recommend that all Parts of the Bill be amended and improved before it is passed and enacted. In relation to Part 3, the Bill must be amended to meet our recommendation 11</p>	<p>Noted</p>
<p>Recommendation 2. Section 4 should be removed from the Bill.</p>	<p>Noted</p> <p>Whilst the Welsh Government remains of the view that a notification system for the Courts in England and Wales is appropriate in relation to recall trigger event A, I note that the Committee has concluded that consistency between the consequences of a criminal conviction in the Courts of England & Wales, and the Courts of Scotland and Northern Ireland is of greater importance than creating notification requirements on courts where it is within the competence of the Senedd. Therefore, I will give further consideration to this issue.</p>
<p>Recommendation 3. Section 5 of the Bill should be amended so that the Standards of Conduct Committee, established in accordance with section 18, is required to issue guidance about the matters to be taken into account by that committee when considering whether to recommend submitting a Member of the Senedd to a recall poll.</p>	<p>Accept</p> <p>I will prepare an amendment to place a requirement on the Standards of Conduct Committee to lay draft recall guidance before the Senedd. Members will note that this differs slightly from the recommendation that the Standards of Conduct Committee should be under an obligation to issue recall guidance. This is because the approval of the Senedd is required to issue guidance, and therefore a duty to issue guidance is not one which can be exercised entirely within the gift of the Standards of Conduct Committee. A duty to lay draft guidance is therefore considered more appropriate, as it delivers on the spirit of the recommendation by ensuring the draft guidance is brought forward without affecting the discretion of the Senedd to approve (or not) the draft guidance.</p>
<p>Recommendation 4. A majority of the Committee considers that the Bill should be amended so that the Standards of Conduct Committee is able to issue recall guidance so long as a simple majority of the total number of votes cast by the Senedd are in favour of the resolution.</p>	<p>Accept</p> <p>As I made clear in the Member Accountability Bill Committee scrutiny sessions, I am happy to be led by the Committee's view as to what the threshold for agreeing recall guidance should be. While the Bill as introduced aligned with the two-thirds threshold to approve changes to Standing Orders, I recognise that the Code of Conduct and standards</p>

	<p>procedure only require a simple majority to be amended. Therefore, I will prepare an amendment that would lower the threshold for the Senedd to agree the guidance to a simple majority.</p>
<p>Recommendation 5. Given the importance of the section 11 regulations to the recall process, the Bill should be amended so that the Welsh Ministers are required to make the regulations, rather than enabled to do so as section 11(1) is currently drafted.</p>	<p>Reject</p> <p>I recognise the importance of the regulations to be made under section 11 to the implementation of the recall system. However, I consider that "may" in section 11(1) is not a true discretion as if no regulations are made, the Act, if passed can never be implemented which would amount to a frustration of the will of the Senedd. Furthermore, as the regulations are subject to the Senedd approval procedure, placing the Welsh Ministers under a duty to "make" the regulations may create a tension between the need for Ministers to comply with the duty and the discretion of the Senedd to approve (or not) the draft regulations laid before it. Therefore, I do not consider it necessary or appropriate to amend the existing power to a duty.</p>
<p>Recommendation 6. The Welsh Government must consult with the Electoral Commission and other electoral stakeholders on the format of the ballot paper for recall polls and it should be subject to user testing at the earliest opportunity, if the Bill is passed and enacted.</p>	<p>Accept</p> <p>I acknowledge the evidence received by the Committee in relation to the format of the ballot paper, and its importance in the effective running of a recall poll.</p> <p>The only element of the ballot paper that is prescribed by the Bill is the question and possible responses that must be used, the remainder in terms of form and content will be for regulations. Regulations made under section 11 include the power to prescribe the format of the ballot paper, as this would fall within the scope of 11(1)(a) – ‘provision about the conduct of a recall poll’. This is the equivalent to the power in section 13 of the Government of Wales Act, to make provision about the conduct of a Senedd election.</p> <p>Members will be aware that the Conduct Order includes - at Form 12 - a sample ballot paper template that must be used by Returning Officers. Regulations made under section 11 of the Senedd Cymru (Member Accountability and Elections) Bill will similarly set out the ballot paper template that Returning Officers must use in respect of recall polls.</p> <p>Section 11, subsection 4 of the Senedd Cymru (Member Accountability and Elections) Bill sets out that "Before making any regulations under subsection (1), the Welsh Ministers must consult</p>

	<p>the Electoral Commission". The Welsh Ministers would also undertake a wider public consultation on the draft regulations, which would involve electoral stakeholders beyond the Electoral Commission. Therefore, there is already a statutory obligation on Welsh Ministers to consult with the Electoral Commission on the format of the Ballot Paper. As part of the consultation, I will consider further - alongside the Electoral Commission - what the most appropriate form of user testing is.</p>
<p>Recommendation 7. The Bill should be amended to make it explicit that recall polls will fall within the statutory functions of the Electoral Management Board.</p>	<p>Accept</p> <p>I accept the Committee's conclusions based on the views expressed to them by the Electoral Management Board, that its functions should apply to Senedd recall polls. I will bring forward amendments to the Bill to give effect to this.</p>
<p>Recommendation 8. We agree that the Bill should make provision:</p> <ul style="list-style-type: none"> • for a mandatory Standards of Conduct Committee, • enabling lay members to be appointed to Senedd committees considering matters relating to the standards of conduct of Members of the Senedd; • that prohibits the following from being appointed lay members: <ul style="list-style-type: none"> • current and former elected members of all parliaments and legislatures of the UK, • members of the House of Lords, • current and former elected members of community, county and county borough councils in Wales, • current and former police and crime commissioners for a police area in Wales, as well as • persons holding the disqualifying offices in the second column of the table in Part 2 of Schedule 1A to the 2006 Act (except the judicial offices); <p>and consequently, do not consider that any other provision currently in section 18 is</p>	<p>Accept</p> <p>I note the Committee's view that elements of the provisions in respect of the Standards of Conduct Committee are too prescriptive and therefore the Senedd should have the discretion to determine the detail of its own arrangements. I also note that there are interdependencies with Conclusion 9 in the Committee's report, as to what matters should be required via Standing Orders.</p> <p>My officials will consider further and prepare amendments to remove elements of specificity from the face of the Bill where appropriate. However, in doing so, I will wish to give further consideration to the extent of the disqualification criteria for lay members. In particular, whether it is necessary to disqualify former Local Government members and those who have previously held any of the offices listed in in Part 2 of Schedule 1A to the 2006 Act. While I understand the Committee's consideration of this point, such offices are not necessarily party political and I would want to ensure that any such disqualification criteria are not overly restrictive and have the potential to significantly reduce the pool of prospective lay members.</p>

<p>required, and the Bill should be amended accordingly.</p>	
<p>Recommendation 9. The Bill should be amended so that the following persons are disqualified from being appointed as the Senedd Commissioner for Standards:</p> <ul style="list-style-type: none"> • current and former elected members of all parliaments and legislatures of the UK, • members of the House of Lords, • current and former elected members of community, county and county borough councils in Wales, • current and former police and crime commissioners for a police area in Wales, as well as • other persons holding the disqualifying offices in the second column of the table in Part 2 of Schedule 1A to the 2006 Act (except the judicial offices). 	<p>Accept</p> <p>My officials will prepare amendments in response to this recommendation. However, I believe any disqualification criteria for the role of the Senedd Commissioner for Standards should replicate that for lay Members, as far as possible. Therefore, as set out in response to Recommendation 8, I will wish to give further consideration to the extent of the disqualification criteria in relation to former Local Government members and those who have previously held any of the offices listed in in Part 2 of Schedule 1A to the 2006 Act to ensure that any such disqualification criteria are not overly restrictive and have the potential to significantly reduce the pool of prospective Commissioners.</p>
<p>Recommendation 10. The Counsel General should amend the <i>Welsh Language (Wales) Measure 2011</i> to include the Senedd Commissioner for Standards within the list of public bodies listed in Schedule 6 to the Measure. We note that such an amendment to Schedule 6 could be achieved either by including a provision on the face of the Bill or by bringing forward an order under section 35 of the Measure. Similarly, the Counsel General should also include the Senedd Commissioner for Standards in a relevant set of Welsh Language Standards regulations. We note that this could be achieved either by including provision on the face of the Bill or through regulations made using powers under the Measure. If these changes are not included on the face of the Bill, the appropriate statutory instruments should be brought forward at the earliest opportunity.</p>	<p>Accept in principle</p> <p>I accept the Committees conclusion that the Standards Commissioner should be subject to the Welsh Language standards. I have asked my officials to engage with the Welsh Language Commissioner, and subject to their views will seek to prepare amendments for Stage 2 in response to the recommendation.</p>
<p>Recommendation 11. The Welsh Government should:</p> <ul style="list-style-type: none"> • draft detailed provisions for the proposed offence, to be included on the face of the Bill, which prohibit the making or publishing of false or misleading statements of fact before or during an election for the purpose of affecting the return of any candidate; 	<p>Noted</p> <p>I have been clear throughout Stage 1 that the creation of a new offence is a novel and complex issue and isn't something that should be rushed. As the committee notes, in the development of any offence, it is imperative that a full assessment of the impacts on the justice system, human rights considerations, wider electoral law is undertaken, alongside comprehensive consultation. I will consider the feasibility and implications of</p>

<ul style="list-style-type: none"> • consult on those provisions, including comprehensive engagement with the police, the Crown Prosecution Service and the Ministry of Justice, and publish details of those consultation responses; • conduct and publish justice and human rights impact assessments; and subsequently • table the relevant amendments at Stage 2 that would place the full details of the offence on the face of the Bill. <p>If these changes cannot be done in time for Stage 2 proceedings, or the amendments tabled at Stage 2 are deemed insufficient and are therefore not supported, the majority of the Committee recommend that section 22 of the Bill should be removed to allow for further work on the issue to be taken forward in future primary legislation. Sioned Williams believes that section 22 can be further amended to further define the scope of the power.</p>	<p>undertaking that work in such time as to insert an offence into the Bill as a Stage 2 amendment.</p> <p>I am grateful to the Standards of Conduct Committee for their work on this topic, and their recommendations set out in their report published in February 2025 and noted by the Senedd in April 2025. It was important that the work of the government took into account the evidence gathered as well as the deliberations and conclusions of that Committee.</p> <p>In light of the Senedd election in 2026, the provision at section 22(3) was designed to ensure the work to establish the offence would be continued by the next Welsh Government.</p> <p>I note that the Committee has been unable to reach a consensus as to the proper course of action if the Government does not believe that it is possible or appropriate to insert such an offence at Stage 2.</p>
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Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery



Llywodraeth Cymru
Welsh Government

Mike Hedges
Chair, Legislation, Justice and Constitution Committee

9 January 2026

Dear Mike

Senedd Cymru (Member Accountability and Elections) Bill

Thank you for the Legislation, Justice and Constitution Committee's report in relation to the Senedd Cymru (Member Accountability and Elections) Bill published on 23 December 2025. Please see my responses to the set of recommendations within the report at Annex 1.

I am providing a written response to the Stage 1 Committee reports in advance of the general principles debate, which is also in line with Committees recommendation 1 that set out that the Welsh Government should respond at least two working days before the debate.

I would like to express my thanks to the Committee for scrutinising the Bill and it's supporting documentation. I look forward to continuing to work with Members as the Bill progresses through the Senedd process.

I am copying this letter to the Chair of the Member Accountability Bill Committee and the Chair of the Finance Committee for information.

Yours sincerely,

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

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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.

Annex 1

Committees Recommendation	Welsh Government Response
<p>Recommendation 1. The Counsel General should respond to the conclusions and recommendations we make in this report at least two working days before the Stage 1 general principles debate takes place.</p>	<p>Noted</p> <p>As recommended by the Committee, I am providing this written response two working days in advance of the general principles debate.</p>
<p>Recommendation 2. Subject to recommendation 3, the Counsel General should write to the Committee in the first week of February 2026 providing an update on the position regarding the consent required for section 4 of the Bill.</p>	<p>Noted</p> <p>I am happy to write to the Committee in the first week of February with an update on the process to obtain the necessary Minister of the Crown consents. Members will be aware that the recommendation to remove Section 4 of the Bill - the notification requirements on the Courts of England and Wales - has implications for the requirement to obtain consent for that provision.</p>
<p>Recommendation 3. The Counsel General should table an amendment to remove section 4 from the Bill.</p>	<p>Noted</p> <p>Whilst the Welsh Government remains of the view that a notification system for the Courts in England and Wales is appropriate in relation to recall trigger event A, I acknowledge that the Committee has concluded that consistency between the consequences of a criminal conviction in the Courts of England & Wales, and the Courts of Scotland and Northern Ireland is of greater importance than creating notification requirements on courts where it is within the competence of the Senedd. Therefore, I will give further consideration to this issue.</p>
<p>Recommendation 4. An amendment should be tabled to section 5(1) of the Bill to place a duty on the Standards of Conduct Committee to produce recall guidance within a specified timeframe.</p>	<p>Accept</p> <p>Noting that the Member Accountability Bill Committee has taken evidence on this issue and given both this Committee and the Bill Committee has concluded that some indication of a timeframe for the Standards of Conduct Committee to produce the guidelines is wanted, I will prepare an amendment to place a requirement on the Standards of Conduct Committee to lay recall guidance before the Senedd. Members will note that this differs slightly from the recommendation that the Standards of Conduct Committee should be under an obligation to issue recall guidance. This is because the approval of the Senedd is required to issue guidance, and therefore a duty to</p>

	<p>issue guidance is not one which can be exercised entirely within the gift of the Standards of Conduct Committee. A duty to lay draft guidance is therefore considered more appropriate, as it delivers on the spirit of the recommendation by ensuring the draft guidance is brought forward without affecting the discretion of the Senedd to approve (or not) the draft guidance.</p>
<p>Recommendation 5. The Counsel General should table an amendment to remove section 5(7)(b) from the Bill.</p>	<p>Accept</p> <p>I am happy to be led by this Committee's view as well as the same view expressed by the Member Accountability Bill Committee as to what the threshold for agreeing recall guidance should be. While the Bill as introduced aligned with the two-thirds threshold to approve changes to Standing Orders, I recognise that the Code of Conduct and standards procedure only require a simple majority to be amended. Therefore, I will prepare an amendment that would lower the threshold for the Senedd to agree the guidance to a simple majority.</p>
<p>Recommendation 6. The Counsel General should table an amendment or amendments to the Bill to require that a recall poll may not be triggered until any appeals made by the Member against the relevant conviction have been determined or otherwise disposed of.</p>	<p>Reject</p> <p>In developing the provisions in relation to Trigger Event A, I sought to strike a balance between the competing tensions of maintaining fairness towards the Member in question, whilst ensuring that the recall system is workable and effective. I concluded that preventing recall processes from taking place until appeal avenues have been exhausted would create a real risk that the purpose behind the creation of a system of recall is frustrated.</p> <p>The Committee will be aware that the Member Accountability Bill Committee, having taken significant evidence on this point, concluded that the current provisions in the Bill are most appropriate. Therefore, I do not propose to prepare amendments on this basis.</p>
<p>Recommendation 7. The Counsel General should table an amendment to the Bill to require the Welsh Ministers to make regulations under section 11(1) within a specified timeframe.</p>	<p>Reject</p> <p>I recognise the importance of the regulations to be made under section 11 to the implementation of the recall system. However, I consider that "may" in section 11(1) is not a true discretion as if no regulations are made, the Act, if passed can never be implemented which would amount to a frustration of the will of the Senedd. Furthermore, as the regulations are subject to the Senedd approval procedure, placing the Welsh Ministers under a duty to "make" the regulations may create</p>

	<p>a tension between the need for Ministers to comply with the duty and the discretion of the Senedd to approve (or not) the draft regulations laid before it. As indicated by the supporting documentation to the Bill, including the Regulatory Impact Assessment, I would anticipate that if the Bill is passed by the Senedd the regulations would be prepared, consulted on, finalised and presented to the Senedd in 2026-27. However, there would be considerable risk in determining what the appropriate specified timeframe would be. Therefore, I do not consider it necessary or appropriate to amend the existing power to a duty or to apply a specified timeframe.</p>
<p>Recommendation 8. The Counsel General should explain what the amendment of section 13 of the 2006 Act by section 22 of the Bill would enable regulations under section 11(1) to include that would not be possible if section 22 did not form part the Bill.</p>	<p>Accept</p> <p>In my response to recommendation 2, I have committed to writing to the Committee in the first week of February to provide an update on the process to obtain UK Government Ministerial consents. As part of that correspondence, I will also address the Committee's query set out in this recommendation.</p>
<p>Recommendation 9. The Counsel General should state whether the power contained in section 11(3)(a)(ii) of the Bill could be used to apply the prohibition of the making or publishing of false or misleading statements of fact to recall polls and whether that is the intention.</p>	<p>Accept</p> <p>In my response to recommendation 2, I have committed to writing to the Committee in the first week of February to provide an update on the process to obtain UK Government Ministerial consents. As part of that correspondence, I will also address the Committee's query set out in this recommendation.</p>
<p>Recommendation 10. The Counsel General should table an amendment to the Bill to include on its face any new criminal offences that would apply in relation to recall polls.</p>	<p>Reject</p> <p>The conduct of a recall poll - including any criminal offence in respect of such a poll - will be set out in regulations made under Section 11 of the Bill. This is consistent with the approach taken to the regulation of Senedd general elections, via the "Conduct Order", made under s13 of the Government of Wales Act 2006.</p> <p>Furthermore, establishing precisely which criminal offences it will be necessary to apply to recall poll is a significant task, and it is appropriate that a comprehensive review of those offences that apply at a Senedd General election is undertaken in advance of establishing them via the s11 regulations.</p>
<p>Recommendation 11. If the intention is not to create new criminal offences the Counsel General should table an amendment to</p>	<p>Reject</p>

<p>section 11 of the Bill to limit the offences referred to in section 11(3)(c) to criminal offences that already exist in legislation.</p>	<p>As the Committee notes, it is the intention of the Government to seek to apply - as far as is appropriate - the offences that take effect at a Senedd General election, to a recall poll. The detailed work developing the rules that will regulate a recall poll is yet to be undertaken. In light of that, it is not possible to say with certainty that there will not be any bespoke criminal offences that are required in respect of a recall poll only. For example, in the UK Parliamentary recall system, there is a specific "accredited campaigner" regime that applies only in respect of recall, and includes particular criminal offences in respect of that regime. Whilst decisions in respect of the oversight of expenses at a recall poll have yet to be taken, it is important to ensure that the Government has the ability to make regulations that can appropriately govern the conduct of a recall poll.</p>
<p>Recommendation 12. If the Counsel General rejects recommendations 10 and 11, she should provide a detailed explanation of why she believes it is not possible to place new criminal offences on the face of the Bill in respect of recall polls.</p>	<p>Accept</p> <p>I have set out my rationale for the rejection of recommendations 10 and 11 in the responses above.</p>
<p>Recommendation 13. The Counsel General should table an amendment to the Bill to make it a requirement for there to be a public consultation before making regulations under section 11.</p>	<p>Reject</p> <p>Section 11 of the Bill includes a statutory duty on the Welsh Ministers to consult with the Electoral Commission on any regulations relating to the conduct rules for a recall poll. There is also legitimate public expectation that the Welsh Government will consult with the public more widely on regulations such as these. The Welsh Government has a long-standing commitment on this, as shown recently when we consulted on The Senedd Cymru (Representation of the People) Order 2025, ahead of it being approved by the Senedd last summer. On this basis I do not consider it to be necessary to amend the Bill to require the Welsh Ministers to conduct such a consultation.</p>
<p>Recommendation 14. The Counsel General should table amendments to section 18 of the Bill such that it only makes provision for:</p> <ul style="list-style-type: none"> • there to be a committee with responsibility for standards of conduct of Senedd Members; • non-Members of the Senedd to be appointed to the Standards of Conduct 	<p>Accept in principle</p> <p>The Committee will be aware that the Member Accountability Bill Committee has taken evidence on the provisions in Section 18 of the Bill and has made a recommendation setting out that the Bill should be less prescriptive as to how the Senedd should set out its own arrangements. My officials will consider further the level of prescription that is wanted on the face of the Bill and will prepare amendments to remove elements of specificity where appropriate.</p>

Committee (or a sub-committee of that Committee).	
<p>Recommendation 15. Subject to recommendation 14, the Counsel General should ensure the equivalence of the English and Welsh texts of the Bill.</p>	<p>Accept</p> <p>My officials will prepare amendments to correct the terminology in the Welsh language version of the Bill.</p>
<p>Recommendation 16. We recommend that the Counsel General tables an amendment to remove section 22 from the Bill and instead sets the prohibition on the making or publishing of false or misleading statements of fact before or during a Senedd election on the face of the Bill by amendment at Stage 2 proceedings.</p>	<p>Noted</p> <p>I have been clear throughout Stage 1 that the creation of a new offence is a novel and complex issue and is not something that should be rushed. As the committee notes, in the development of any offence, it is imperative that a full assessment of the impacts on the justice system, human rights considerations, wider electoral law is undertaken, alongside comprehensive consultation. I will consider the feasibility and implications of undertaking that work in such time as to insert an offence into the Bill as a Stage 2 amendment.</p> <p>I am grateful to the Standards of Conduct Committee for their work on this topic, and their recommendations set out in their report published in February 2025 and noted by the Senedd in April 2025. It was important that the work of the government took into account the evidence gathered as well as the deliberations and conclusions of that Committee. In light of the Senedd election in 2026, the provision at section 22(3) was designed to ensure the work to establish the offence would be continued by the next Welsh Government.</p>
<p>Recommendation 17. We recommend that in drafting an amendment to place the prohibition on the face of the Bill the Welsh Government must:</p> <ul style="list-style-type: none"> • consult the police, the Crown Prosecution Service, the Ministry of Justice, and other relevant stakeholders, and make a statement setting out the responses received from these organisations and summarising the outcomes of any consultation undertaken alongside amendments tabled; and • complete and publish a human rights impact assessment and a justice impact assessment on the new provisions in a revised Explanatory Memorandum. 	<p>Noted</p> <p>The steps outlined in the recommendation are inherently sensible and will of course be undertaken by the Government during the development of any offence.</p>

<p>Recommendation 18. If the Counsel General does not accept recommendations 16 and 17, a majority of the Committee believe that section 22 should be removed from the Bill.</p>	<p>Noted</p> <p>I note that the Committee has been unable to reach a consensus as to the proper course of action if the Government does not believe that it is possible or appropriate to insert such an offence at Stage 2. As stated in response to recommendation 16, I will consider the feasibility and implications of undertaking the work necessary to insert an offence into the Bill as a Stage 2 amendment.</p>

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery



Llywodraeth Cymru
Welsh Government

Peredur Griffiths
Chair, Finance Committee

9 January 2026

Dear Peredur

Senedd Cymru (Member Accountability and Elections) Bill

Thank you for the Finance Committee's report in relation to the Senedd Cymru (Member Accountability and Elections) Bill published on 19 December 2025. Please see my responses to the set of recommendations within the report at Annex 1.

I am providing a written response to the Stage 1 Committee reports in advance of the general principles debate.

I would like to express my thanks to the Committee for scrutinising the Bill and its supporting documentation. I look forward to continuing to work with Members as the Bill progresses through the Senedd process.

I am copying this letter to the Chair of the Member Accountability Bill Committee and the Chair of the Legislation, Justice and Constitution Committee for information.

Yours sincerely,

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

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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.

Annex 1

Committees Recommendation	Welsh Government Response
<p>Recommendation 1. The Committee recommends that the Counsel General continues to work closely with electoral administrators, the Electoral Commission, political parties, the Senedd Commission and the Commissioner for Standards to refine cost estimates during the Bill's passage through the Senedd, ensuring the Regulatory Impact Assessment remains robust and reflects any changes to the Bill.</p>	<p>Accept</p> <p>As is standard practice, following Stage 2 proceedings, my officials will revise the Explanatory Memorandum to the Bill, including the RIA. In developing the revised EM, my officials will engage with key stakeholders to reflect changes to the financial implications as a result of any amendments.</p>
<p>Recommendation 2. The Committee recommends that the Counsel General, in consultation with the Senedd Commission, establishes the estimated cost of providing lay members with an induction and ongoing support, and incorporates this into a revised Regulatory Impact Assessment after Stage 2.</p>	<p>Accept</p> <p>My officials will engage with Senedd Commission officials to attempt to make an assessment of the costs of an induction programme for lay members.</p>
<p>Recommendation 3. The Committee recommends that the Senedd Commission establishes a separate and clearly identifiable budget line for lay member costs in its annual budget documentation to ensure clarity and transparency.</p>	<p>Noted</p> <p>I note that this recommendation is for the Senedd Commission to respond to.</p>
<p>Recommendation 4. The Committee recommends that the Counsel General, in consultation with the Senedd Commission and the Commissioner for Standards, establishes the opportunity costs associated with undertaking own-initiative investigations and incorporates this into a revised Regulatory Impact Assessment after Stage 2.</p>	<p>Accept</p> <p>My officials will engage with Senedd Commission officials and the Commissioner for Standards to further attempt to assess the opportunity costs associated with undertaking own-initiative investigations.</p>
<p>Recommendation 5. The Committee recommends that the Bill be amended to include a statutory requirement for a post-implementation review, triggered by the first use of the recall poll, and that the review should include an assessment of the associated costs and benefits of the legislation.</p>	<p>Accept in principle</p> <p>I agree with the principle of the Committee's recommendations, that a review of a new system should be undertaken once it has been utilised. However, I do not consider that it is necessary to create a statutory review duty in respect of Recall Polls, and there may be complications by it being tied to the first use of the recall poll.</p> <p>I am conscious that the Bill already requires the Electoral Commission to prepare and publish a report on the administration of any recall poll, and that as the financial regulations provisions are developed, consideration will be given to the extent</p>

to which spending incurred by registered campaigners or equivalents is required to be reported to Constituency Returning Officers or the Electoral Commission.

The Welsh Government, as a matter of course, publishes the administration costs incurred by Constituency Returning Officers, and recharged to the Welsh Consolidated Fund in respect of Senedd elections, and the Welsh Government will take the same approach to administration costs incurred in respect of recall polls.

Given that a recall system is - at its heart - policy owned by the Senedd, I consider that it would be most appropriate for the Senedd to undertake any such post-legislative review. This is in line with the approach taken with regards to the Senedd Reform programme as a whole and set out in the Senedd Cymru (Members and Elections) Act. It is of course open to the Senedd to undertake any such review of the operation of a recall system, and the Senedd should have the discretion to determine the most appropriate time to do so.

Agenda Item 4

By virtue of paragraph(s) ix of Standing Order 17.42

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