

Explanatory Memorandum to the Senedd Cymru (Letters Patent and Proclamations) Order 2021

This Explanatory Memorandum has been prepared by the Office of the First Minister and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Senedd Cymru (Letters Patent and Proclamations) Order 2021

Mark Drakeford MS
First Minister of Wales
11 February 2021

PART 1

Description

1. The Senedd Cymru (Letters Patent and Proclamations) Order 2021 relates to the Letters Patent that give her Majesty's Assent to a Bill passed by Senedd Cymru. The Order intends to amend the name of the Senedd to correspond with the Senedd and Elections (Wales) Act 2020 as well as amending who is responsible for submitting Bills for Royal Assent. It also includes the wording for royal proclamations relevant to functions of the Llywydd under sections 4 and 5 of the Government of Wales Act 2006 (GoWA), as amended by the Wales Act 2017.

Matters of special interest to the Legislation, Justice and Constitution Committee

2. None

Legislative background

3. Section 116 of GoWA¹ refers to the "Letters Patent" which means the Letters Patent signed with Her Majesty's own hand signifying Her Assent to a Bill passed by Senedd Cymru as well as all royal proclamations under sections 4(2) and 5(2) of GoWA, which have passed under the Welsh Seal.
4. Orders made under this section are made by the Queen in Privy Council and are then subject to the negative procedure in the Senedd.
5. This Order was made by her Majesty in Council on 10 February 2021.
6. The Order will come into force on 4 March 2021.

Purpose and intended effect of the legislation

7. Section 116 of GoWA provides that Her Majesty may by Order in Council make provision for the form and manner of preparation and publication of letters patent and proclamations.
8. The National Assembly for Wales (Letters Patent) Order 2011 previously made under this section does not reflect current legislation as a result of amendments made to GoWA by the Wales Act 2017 and the Senedd and Election (Wales) Act 2020.
9. The Senedd Cymru (Letters Patent and Proclamations) Order 2021 will revoke and replace the National Assembly for Wales (Letters Patent) Order 2011.

¹ <https://www.legislation.gov.uk/ukpga/2006/32/section/116>

10. The purpose of this Order is therefore to:

- a) Address the naming change in the Senedd and Elections (Wales) Act from National Assembly for Wales to Senedd Cymru, and
- b) Provide for the form of words to be used for royal proclamations under ss.4(2) and 5(2), passed under the Welsh Seal. This is a new requirement, inserted by the Wales Act 2017, relevant to functions of the Llywydd under ss.4² and 5³ of GoWA, in relation to the holding of polls for Senedd elections on days other than that specified in section 3 of that Act.

11. The Order also recognises the change made to the procedure for submitting Bills for Royal Assent that was made by the Wales Act 2017. Previously Clerks of the Senedd had this responsibility but it will now fall to the Llywydd⁴.

Consultation

12. The required legislative amendments being addressed by the Senedd Cymru (Letters Patent and Proclamations) Order 2021 took effect in the Senedd and Elections (Wales) Act 2020 and the Wales Act 2017.

13. As a result no consultation was considered necessary for the making of this Order.

Regulatory Impact Assessment (RIA)

14. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with the Order as the Senedd Cymru (Letters Patent and Proclamations) Order 2021 falls within the exemption contained within the Code where routine technical amendments or factual amendments are required to update regulations.

15. This Order has no impact on the statutory duties of Welsh Ministers relating to equality of opportunity (section 77 of GOWA 2006), the Welsh language (section 78 GOWA), or sustainable development (section 79 GOWA 2006), and will have no impact on the local government, voluntary sector or business schemes under section 73, 74 and 75 of GOWA 2006 respectively.

² <https://www.legislation.gov.uk/ukpga/2006/32/section/4>

³ <https://www.legislation.gov.uk/ukpga/2006/32/section/5>

⁴ Section 115(1) of GoWA as amended by the Wales Act 2017