

Kemi Badenoch MP
Minister of State for Levelling Up & Equalities
UK Government
Cabinet Office
70 Whitehall
London
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Your reference: MC2021/14148

Dyddiad | Date: 18 October 2021

Pwnc | Subject: The Elections Bill

Dear Minister of State for Levelling Up & Equalities,

I write in response to a letter dated 5 July from the former Minister of State for the Constitution and Devolution (as the then Minister in Charge of the Elections Bill) seeking views on the UK Government's Elections Bill.¹

As identified in the Explanatory Notes to the Elections Bill, various provisions in the bill relate to matters that are devolved to the Senedd. The Senedd is yet to consider whether to provide consent for such provisions, but its decision will be communicated to the UK Parliament in the usual way, and this correspondence does not pre-empt that consideration.

Notwithstanding this decision on consent, the view of the Llywydd's Committee is that the Elections Bill should be amended to require that the Llywydd's Committee to be consulted if the UK Government intends to issue Strategy and Policy Statements which relate to the exercise of the Electoral Commission's devolved Welsh functions. This would provide for parity with the UK Government's required consultation and engagement with the Speaker's Committee.

In accordance with the provisions in Schedule 1 to the Political Parties, Elections and Referendums Act 2000 (PPERA 2000) it is for the Senedd to consider "*the [Electoral] Commission's aims and objectives for the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums*"², by way of the Llywydd's Committee's consideration of five-year plans submitted to it by the Electoral Commission. If the Llywydd's Committee is not satisfied that a five-year plan is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved

¹ The letter was originally addressed to the Llywydd of the Senedd, Elin Jones MS. As it is the Llywydd's Committee to which the Electoral Commission is accountable, the Minister's letter was forwarded to the Committee for consideration.

² Paragraph 16B(2) to Schedule 1 of the Political Parties, Elections and Referendums Act 2000



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Welsh elections and devolved Welsh referendums, the Llywydd's Committee must make such modifications to the plan as it considers appropriate for the purpose of achieving that consistency.

The Elections Bill as drafted includes provisions to allow the UK Government to issue Strategy and Policy Statements which may relate to the exercise of the Electoral Commission's devolved Welsh functions. This power appears to create the risk of a conflict with the Llywydd's Committee's responsibilities in relation to the Electoral Commission's five-year plans. It would therefore be appropriate for Section 4C(2) of the Bill to be amended to require that the Secretary of State consults with the Llywydd's Committee before issuing any such Statements rather than the Welsh Ministers.

Providing for the Llywydd's Committee to be consulted would provide for parity between its treatment and that provided to the House of Commons' Speaker's Committee and Public Administration and Constitutional Affairs Committee, and would reflect the accountability of the Electoral Commission to the Llywydd's Committee.

I look forward to receiving your response. This letter has been copied to:

- the Chair of the Senedd's Legislation, Justice and Constitution Committee;
- the Chair of the Senedd's Local Government and Housing Committee;
- the Counsel General for Wales;
- the Welsh Government Minister for Finance and Local Government; and
- the House of Commons' Speaker's Committee.

Yours sincerely



David Rees MS

Chair, Llywydd's Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Cc:

Huw Irranca-Davies MS, Chair, Legislation, Justice and Constitution Committee

John Griffiths MS, Chair, Local Government and Housing Committee

Mick Antoniw MS, Counsel General for Wales

Rebecca Evans MS, Minister for Finance and Local Government

Sir Lindsay Hoyle MP, Speaker, Speaker's Committee on the Electoral Commission

