

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

25 March 2022

Dear Huw,

You will be aware that the Welsh Government laid the Supplementary LCM (No.2) on the Elections Bill on 22 March. The Committee discussed this briefly at our meeting on 23 March. We received an oral update on the SLCM from the Senedd's Legal Services, however we are unable to consider a legal advice note or agree a report as we have no further opportunity to meet ahead of the debate on the SLCM, which is scheduled for 29 March.

We are very frustrated by the lack of time available to us to scrutinise the SLCM due to its publication by the Welsh Government so close to the date of the debate, particularly as the SLCM relates to amendments tabled on 11 January and 28 February. As you know, Standing Order 29.2(iii) provides that an LCM (or SLCM) should be laid "normally no later than 2 weeks after the amendments are tabled or agreed to." It is disappointing that in this instance, there was a delay of two months between the amendments being tabled and the SLCM being laid.

The Welsh Government states in the SLCM its rationale for the delay in laying the SLCM:

"Although the usual two week window for laying has passed since the 11 January amendments were tabled, this supplementary memorandum is being laid at this time in order that it may reflect the outcome of our negotiations and discussions with the UK Government in respect of a number of the Bill's provisions including those amendments tabled on 11 January and agreed to the Bill on 17 January."

We are very concerned by the Welsh Government's approach, as the delay in laying the SLCM has left no time for scrutiny by our Committee before it is debated by the Senedd. This situation highlights the importance of laying an LCM in a timely manner. In this case, Senedd committees have been unable to undertake any meaningful scrutiny of what is an important Bill that has direct relevance to

devolved elections in Wales. We are therefore concerned that the Senedd will debate the merits of the legislation without the benefit of being able to consider the report of a relevant committee to inform its view.

Our Committee's view is that it would have been preferable had the Welsh Government laid supplementary LCMs as soon as possible after the laying of the amendments in January and February, as this would have enabled us to scrutinise the provisions.

We acknowledge that Standing Orders have not been breached, as the wording of SO 29.2 provides that an LCM will "normally" be laid no later than two weeks after amendments have been tabled or agreed to. However, we consider that such a delay in laying the SLCM goes against the spirit of SO 29.2, which is intended to ensure that the Senedd has time to consider the relevant provisions of an amended Bill before the next amending stage in the UK Parliament, thereby giving the Senedd the opportunity to possibly influence future amendments to the Bill.

We reported similar concerns in our report on the Leasehold Reform (Ground Rent) Bill, as a delay in laying a supplementary LCM also impeded our scrutiny of that LCM. We hope that sharing our view is useful to your work on the legislative consent process.

Yours sincerely



John Griffiths MS

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.