

Government Response: *The Local Elections (Principal Areas) (single Transferable Vote) (Wales) Rules 2023*

Technical Scrutiny point 2: *As the report acknowledges, various key terms have been clearly defined in the interpretation provisions in the SI, and no further provision is necessary to give effect to the those defined terms. A signpost within an SI to a defined term may be used if the drafter considers it helpful or appropriate, having regard to the nature of the term being defined and where it is defined in the Statutory Instrument. In this instance the Welsh Government are satisfied that it was helpful to remind the reader of the definition of the term “Quota”.*

Technical Scrutiny point 3: *The Welsh Government’s intention is that rule 60P(3) has the same effect as that in rule 64T(3). It is clear from the drafting of, for example, rule 60P(3), that the only parts of rule 60P(3) that could apply are paragraphs (4) and (5). This is equally applicable to the rules 60J, 60K, 64N, 64O and 64S.*

Technical Scrutiny point 4: *The Welsh Government consider that the intended effect of the drafting in rules 60P(5) and 64T(5) is the same and it is not considered that the omission of “on the ballot paper” in rule 64T(5) alters the legal effect of the provisions. Whilst this is considered to be sufficiently clear and does not alter the legal effect, the Welsh Government will however seek to correct this prior to the making of the Statutory Instrument.*

Technical Scrutiny point 5: *The Welsh Government consider that the differences between the processes underpinning a count under STV and first-past-the-post justify the different approaches to STV Rules and the 2021 Rules. The provision that the Committee refers to in the 2021 Rules is considered a clarificatory provision. The Welsh Government consider that it is inherent from the drafting of the STV Rules that a re-count is available in respect of a re-count given that the option must be offered to any candidate or election agent present before the returning officer is able to move to the next stage of the STV count.*

Technical Scrutiny point 6: *The Welsh Government is grateful to the Committee for identifying these minor equivalence points between the English and Welsh texts. We accept the points raised and will be making the corrections identified in the table annexed to this response prior to the making of the Rules.*

Merit Scrutiny point 7: *The Welsh Government did give consideration to this, however advice from experts tends to recommend that information on STV for voters should be kept as simple as possible. The Welsh Government commissioned research on the implementation of STV, which has helped to inform the drafting of the Rules:*

[Implementation of a Single Transferable Vote \(STV\) system for local elections in Wales \(gov.wales\)](#)

This specifically recommended that:

“Voter educational material should focus on how to fill in ballots and avoid discussion of transfers”.

Technical drafting corrections to be made prior to the making of the Rules

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
<p>Rheolau Etholiadau Lleol (Prif Ardaloedd) (Pleidlais Sengl Drosoglwyddadwy) (Cymru) 2023</p>	<p>The Local Elections (Principal Areas) (Single Transferable Vote) (Wales) Rules 2023</p>
<p>In the Welsh text only, in Rule 3(3)(b), in the new rule 22(3A)(a), Appendix “2” will be replaced with Appendix “2A”.</p>	
<p>In Rules 3(5)(c) and 7(5)(c), “paragraff” will be replaced with “is-baragraff”.</p>	<p>In Rules 3(5)(c) and 7(5)(c), “paragraph” will be replaced with “sub-paragraph”.</p>
	<p>In the English text only, in Rule 8(1), “to the” will be inserted between “Schedule 2” and “2021 Rules”.</p>
<p>In the Welsh text only, in Rule 8(2), in the new rule 64R, after “reol 64N”, “neu 64O” will be inserted.</p>	
<p>In the Welsh text only, in rule 8(2), in the new rule 64G(3)(a), for the words “swyddog canlyniadau”, there will be substituted “swyddog cofrestru”.</p>	
<p>In Rule 64T(5), after “y bleidlais”, the text “ar y papur pleidleisio” will be inserted.</p>	<p>In Rule 64T(5), after “the vote”, the text “on the ballot paper” will be inserted.</p>
<p>In the Welsh text only, in Schedule 3, in the new Appendix 5A (“Cerdyn Pleidleisio Swyddogol Dirprwy”), for “etholwr” there will be substituted “ddirprwy etholwr”</p>	
<p>In the Welsh text only, in Schedule 7, in the new Appendix 5A (“Cerdyn Pleidleisio Swyddogol Dirprwy”) on page 77, for “etholwr” there will be substituted “ddirprwy etholwr”.</p>	

<p>In the Welsh text only, in Schedule 6, in new Appendix 4A, at point 2 on page 74 of the Welsh text, the following text will be omitted – “Dylid rhoi'r rhif neu'r rhifau yn y blwch ar ochr dde y papur pleidleisio gyferbyn ag enw'r ymgeisydd y bwriedir i'r rhif fod ar ei gyfer.”</p>	
	<p>In the English text only, in Schedule 6, in new Appendix 4A, at point 2 on page 69 in the paragraph which begins with the words “Where the ballot paper has been sent to a person voting as proxy,....” for the words “<i>a suitable form of words for marking the ballot paper</i>” there will be substituted “<i>a suitable form of words for the instructions for marking the ballot paper</i>”.</p>
	<p>In the English text only, in Schedule 7, in the new Appendix 5A (“Official Proxy Poll Card”), on the “Back of card” on page 78, in the sentence that begins with the words “Do not mark the ballot paper...” at the end of that sentence, the word “write” is to be omitted.</p>