

Elections and Elected Bodies (Wales) Bill

Statement of Policy Intent for Subordinate Legislation

October 2023

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Introduction

1. This document provides an indication of the current policy intention for the subordinate legislation which the Welsh Ministers would be empowered to make by virtue of the Elections and Elected Bodies (Wales) Bill (“the Bill”), and which may be subject to further amendment as the Bill progresses through the Senedd process.
2. The Statement has been prepared in order to assist Committees during the scrutiny of the Bill. It should be read in conjunction with the Bill and the Explanatory Memorandum and Explanatory Notes which accompany it. Full details of the Senedd procedure associated with each of these powers are set out in Chapter 5 of the Explanatory Memorandum and are not repeated in this document.
3. The Bill provides powers in primary legislation to enable the Welsh Ministers to bring forward subordinate legislation to introduce Regulations, Orders, Guidance and Codes in relation to Welsh elections. In developing subordinate legislation, the Welsh Government will work closely with local government and stakeholders in order to ensure the provisions are relevant, valid and proportionate.
4. The Statement sets out the description of each power proposed within the Bill and its policy intent. The Welsh Ministers have considered the use of powers in the Bill as set out below and are satisfied that they are necessary and justified.
5. Powers of the Democracy and Boundary Commission Cymru (“the Commission”) and the Electoral Commission: the Bill also provides the Commission with powers of direction and guidance. It also provides the Electoral Commission with expanded powers in relation to certain Codes of Practice. The purpose and intended effect of these provisions are set out in the Explanatory Memorandum which accompanies the Bill, these powers are not included in this statement of policy intent as how they will be exercised is a matter for the Commission and Electoral Commission.

Overview of the Bill

6. This Bill is divided into 3 Parts containing 71 sections and a Schedule of minor and consequential amendments to other legislation.

Part 1: Electoral Administration and Registration

7. Part 1 contains provisions about electoral administration and electoral registration in respect of Senedd Cymru elections and local government elections in Wales:
 - Conferring the functions of the oversight of the co-ordination and administration of Welsh elections, collaboration with Returning Officers (ROs), and Electoral Registration Officers (EROs), and advising Welsh Ministers on electoral administration on an Electoral Management Board, to be established by the current Local Democracy and Boundary Commission for Wales (“the Commission”). The Commission will be renamed the Democracy and Boundary Commission Cymru as part of the Senedd Cymru (Members and Elections) Bill.
 - The introduction of electoral registration without application, and the ability to pilot the most appropriate means of achieving this.
 - Conferring powers on the Welsh Ministers to introduce electoral pilots in respect of most aspects of the electoral process for Welsh elections.
 - The creation of a duty placed upon the Welsh Ministers to put in place arrangements aimed at improving diversity within Senedd and local government democratic structures, and for individual schemes to be created and tailored to provide support for protected characteristics.
 - Removing the requirement to set out the specific wording and format of the local government candidate survey in regulations and the introduction of a core all Wales approach supplemented by a more tailored approach for local authorities to ask questions about local initiatives in this area.
 - Creating a requirement for a Welsh elections information platform that can host candidate and voter information for Senedd and ordinary principal council elections.
 - Holding candidates and agents accountable for notional expenditure only where they direct it, allowing authorised persons to make payments not via an election agent, and restricting who can operate as a third-party campaigner in devolved elections. To support these campaign finance changes, the bill also proposes enabling the Electoral Commission to include them in their codes of practice.

Part 2: Elected Bodies and their members

8. Part 2 makes provision about reviews of the boundaries and electoral arrangements of local authorities, the remuneration of members of local authorities, disqualification from membership of Senedd Cymru and local authorities and the offence of undue influence. It also makes provision for:
 - Adjustments to the role and remit of the Commission, including changes to the functions of its audit committee, significant strengthening of electoral review arrangements, dissolution of the Independent Remuneration Panel for Wales and the conferring on the Commission of the majority of the functions currently undertaken by that Panel. The Commission will also be responsible for determining the amount of any resettlement payment payable to councillors who fall within classes of councillors specified by Welsh Ministers and who fail to be re-elected to the council at a local council election.
 - The disqualification of town and community councillors in Wales from serving as Members of the Senedd and the removal of the existing “grace period” for principal councillors elected to the Senedd and Members of the Senedd elected as Members of Parliament.
 - The modification of the definition of the offence of undue influence for local government elections in Wales.

Part 3: General Provision

9. Part 3 contains provisions that apply to the Bill generally, including, general interpretation provision, power for the Welsh Ministers to make consequential and transitional provision by way of regulations and provision about the coming into force of the Bill.

Electoral Management Board of Democracy and Boundary Commission Cymru

Section of Bill	Form	Description of power
Section 20E(3)(c) of the Democracy and Boundary Commission Cymru Act 2013 (“the 2013 Act”) (as inserted by section 1(2) of the Bill)	Regulations	This power is required to enable the Welsh Ministers to confer further functions on the Commission (in addition to new sections 20A to 20D of the 2013 Act and Chapter 3 of Part 1 of the Elections and Elected Bodies (Wales) Act 2024 (Welsh elections piloting and reform)) to be exercised by the Electoral Management Board.

Reason for and Policy Intent of the Power

Through the Bill, new functions in respect of the oversight of electoral administration and the conduct of elections in Wales will be conferred upon a new board of the Commission, the Electoral Management Board. These functions will be for the purpose of promoting best practice in electoral administration and supporting the electoral community, including ROs and EROs, in Wales in the discharge of their functions in respect to devolved elections. It is not proposed that these functions will give the Commission the power to exercise the existing functions of ROs or EROs in Wales.

The power outlined in the table is required as Welsh Ministers may need to confer further functions related to electoral administration on the Electoral Management Board in the future. An example of where provisions specified in regulations may add to the functions of the Commission is that it is envisaged the Electoral Management Board would take forward the Welsh Elections Information Platform. Section 27 (1) of the Bill will require Welsh Ministers to provide for a Welsh elections information platform and such regulations could confer functions on the Commission (to be exercised by the Electoral Management Board) in relation to that platform.

As a result of the amendment made by paragraph 1(5)(b) of Schedule 1 to the Bill (which inserted a new paragraph (ba) into section 71(2) of the 2013 Act), regulations conferring functions of the Commission to be exercised by the Electoral Management Board will be subject to the negative resolution procedure, unless they amend an Act of the UK Parliament, a Measure of the National

Assembly for Wales, or an Act of the Senedd, in which case they will be subject to the affirmative procedure by virtue of section 71(3) of the 2013 Act.

The power also provides for any need in future for Welsh Ministers to confer other functions of the Commission related to electoral administration on the Electoral Management Board.

Section of Bill	Form	Description of power
Paragraph 1(4) of Schedule 1 (amends section 14 of the 2013 Act)	Directions	The Welsh Ministers have a power to issue directions to the Commission under section 14 of the 2013 Act. This paragraph amends that power to limit the scope of any direction so as to prevent the Welsh Ministers from issuing directions in relation to the Commission's electoral administration functions under Part 2A, or its functions relating to Senedd constituency boundary reviews under Part 3A. This is being amended to ensure the independence of the Commission in relation to the exercise of its functions in respect of the Electoral Management Board.

Reason for and Policy Intent of the Power

Paragraph 1(4) substitutes section 14(1) of the 2013 Act, which deals with directions given to the Commission by the Welsh Ministers, with new subsections (1A), (1B) and (1C).

Subsection (1A) allows the Welsh Ministers to issue directions to the Commission in relation to the Commission's functions, apart from in relation to its functions under Part 2A of the 2013 Act relating to the co-ordination of electoral administration, or its functions under Part 3A of the 2013 Act relating to Senedd constituency boundaries.

Subsection (1B) sets out that the Commission must comply with a direction given to it by the Welsh Ministers under the 2013 Act, and subsection (1C) requires the Welsh Ministers to publish each direction they give to the Commission or a principal council under the 2013 Act (a "principal council" is the council of a county or county borough in Wales).

Duty to register local government electors without application

Section of Bill	Form	Description of Power
Section 3 (inserts new section 9ZA(6)(a)-(c) into the Representation of the People Act 1983)	Regulations	Allows Welsh Ministers to make provision about what is required on the notice of registration sent to each person to be automatically registered.

Reason for and Policy Intent of the Power

Section 9ZA(6) provides the Welsh Ministers with a power to make provision in regulations about the requirements of notices to a person who the ERO is considering registering under the section, including but not limited to, provision about the form of the notice and how and to whom it may be provided.

The substance of this power is set out on the face of the Bill i.e. what is required of an ERO to be included in the notice of registration. These regulation making powers would be used to update this list following recommendations from automatic registration pilots, or in the future to reflect any further recommended changes that would support the elector in understanding this process.

It allows Welsh Ministers to make provision about what is required on the notice of registration sent to each person to be automatically registered, and to update the list of required information in line with piloted activity and in the future if evaluation of the automatic registration scheme highlights the need for essential elector information.

Pilot regulations: powers

Section of Bill	Form	Description of Power
Section 5	Regulations	Enables the Welsh Ministers to make regulations for the holding of electoral pilot schemes in connection with relevant electoral matters (as defined by section 5(3)) at Welsh elections (ordinary elections of Senedd Cymru, ordinary local government elections and local government by-elections). The Welsh Ministers can also use this power to trial the amended registration provisions introduced by section 3(4).

Reason for and Policy Intent of the Power

This new power will allow Welsh Ministers, local authorities, the Electoral Commission jointly with local authorities and EROs to propose electoral pilots across different areas including, but not limited to: how people eligible to vote in a Welsh election are registered; when, where and how voting at a Welsh election will take place; when, where and how the votes cast are counted; communication with voters about the elections; and administrative processes and procedures before or after polling day. For the first time, this power will allow pilots to take place at both Senedd and local government elections and will also apply to local government by-elections. This will provide a number of opportunities to trial different pilots in different scenarios with the aim of providing the best possible evidence base for understanding the impact of the piloted activity.

As set out at Section 9, the parties proposing any pilot scheme will be required to submit any proposal to the Democracy and Boundary Commission Cymru. Section 1 in the Bill confirms that the Commission must confer all functions in Chapter 3 of the Bill to the Electoral Management Board, and so further references will be to the Electoral Management Board for ease. The Electoral Management Board will be required to report on the proposed pilots, setting out their views and recommendations in relation to the feasibility and proposed outcomes. Although the recommendations of the Electoral Management Board should be considered before making the necessary legislative provision for a pilot, the Electoral Management Board will not have the power to veto pilot proposals. The report prepared by the Electoral Management Board must be laid before the Senedd when any pilot regulations to which the report relates are laid.

Pilot regulations: power to amend the list of electoral matters in section 5(3)

Section of Bill	Form	Description of Power
Section 8(1)	Regulations	This power allows Welsh Ministers to add further electoral matters to the list in section 5(3) in respect of which pilot schemes can be undertaken, or to remove or amend matters that have been added previously using this power.

Reason for and Policy Intent of the Power

This power will provide flexibility to allow Welsh Ministers to add to the list of electoral matters in section 5(3) of the Bill in respect of which pilot schemes can be undertaken, or to remove or modify matters previously added using the power. The list cannot, however, be amended to enable pilots to be undertaken in connection with the voting system for returning Members of Senedd Cymru, a principal council or a community council.

Evaluation of pilot proposals

Section of Bill	Form	Description of Power
Section 15(3)	Regulations	Enables the Welsh Ministers to, by regulation, set out factors that the Electoral Management Board exercising their function through the Democracy and Boundary Commission Cymru must have regard to when they evaluate proposed pilot schemes. In addition to the requirements set out on the face of the Bill (section 15(2)), the Welsh Ministers may use this power to require additional factors to be considered by the Commission when it is evaluating pilots that have been submitted to them for consideration.

Reason for and Policy Intent of the Power

Section 15(2) of the Bill contains the basic requirements of in terms of the matters the Electoral Management Board must have regard to and report on when they considering proposed pilots.

This power allows Welsh Ministers to add additional factors to the issues that must be considered and reported on by the Electoral Management Board and is largely administrative.

Guidance on pilots

Section of Bill	Form	Description of Power
Section 17(4)	Regulations	Enables the Welsh Ministers to prescribe further matters that the Electoral Management Board exercising their functions through the Democracy and Boundary Commission Cymru must include when preparing guidance on pilot schemes.

Reason for and Policy Intent of the Power

The Bill requires the Electoral Management Board to publish guidance on the running of a pilot which must include advice on the arrangements needed for the pilot, the staff training required, as well as how to run the pilot in accordance with the pilot regulations (Section 17(1) and (2)). The list of relevant matters to be included in guidance will be able to be amended by way of further regulations, thereby providing flexibility in the future if Welsh Ministers wish to stipulate other criteria that should be included when specific pilot schemes are run.

Electoral reform regulations

Section of Bill	Form	Description of power
Section 19(3)	Regulations	Enables the Welsh Ministers to make permanent changes to electoral law following a successful pilot.

Reason for and Policy Intent of the Power

Section 19 of the Bill enables the Welsh Ministers to introduce permanent changes, similar to those trialled in a pilot scheme, by way of electoral reform regulations. Electoral reform regulations can apply the piloted change to any, or all, Welsh elections. Such regulations can, however, only be made on the recommendation of the Electoral Commission. This is to ensure that changes to the electoral system have been independently evaluated and are judged to be of benefit to the voter or will improve electoral administration or processes.

Survey of councillors and unsuccessful candidates in local elections

Section of Bill	Form	Description of power
Section 26(2) (amends section 1(3) of the Local Government (Wales) Measure 2011)	Directions	Removes the requirement for the form of the survey and the questions to be set out in regulations. Instead, it enables the Welsh Ministers to set these out in a direction to local authorities. It enables a core set of questions to be agreed on an all-Wales basis and for local authorities to include questions tailored to local initiatives in this area of policy.

Reason for and Policy Intent of the Power

Since 2011, local authorities have been legally required to monitor the equality and diversity of candidates seeking election to principal and town community councils. The requirement is set out in Section 1 of the Local Government (Wales) Measure 2011 (“the 2011 Measure”). The purpose of the survey is to understand the characteristics of the broad pool of people actively engaged in seeking election as councillors; and to understand how the profile of this group changes over time. The information collected from the surveys enables the Welsh Ministers to understand the impact of policies aimed at widening participation in local government and to support future policy development.

Promoting and supporting diversity amongst local elected members remains a Welsh Government priority. To achieve this, a robust time series of data is important in tracking diversity changes over time.

As a result of the introduction of this power, it will be easier to change aspects of the survey as diversity and equality policies develop. In future, the wording of the survey will be reviewed by a group of key partners, including local government, representatives of equality groups and other interested parties. As a result, the group will make recommendations to the Welsh Ministers about proposed changes and improvements.

The survey will include a core set of questions that will apply to participants in all parts of Wales. There will also be provision for local authorities to add questions aimed at providing information about local initiatives. This approach provides for consistency across Wales, continuity of the time series of the data set, and also enables local flexibility.

Welsh Ministers will be required to publish any direction given under section 1 of the 2011 Measure.

Welsh elections information platform

Section of Bill	Form	Description of power
Section 27(1)	Regulations	Requires Welsh Ministers to provide for a Welsh elections information platform. The regulations must also set out a reporting regime on the running and effect of the Welsh elections information platform.

Reason for and Policy Intent of the Power

The provisions in section 27 are to do with making information about Welsh elections available to support voters to take part in Welsh elections. Subsection (1) requires the Welsh Ministers by regulations to set up and maintain a Welsh elections information platform that provides up-to-date information about Senedd Cymru elections and elections of county and county borough councils in Wales. It also enables (but does not require) the Welsh Ministers to make regulations about information that should be available on the platform in relation to community council and mayoral elections in Wales.

This is an opportunity to support ROs and EROs to keep voters informed across the country with greater consistency in how and when information is provided to voters. An online platform would helpfully provide a single point of entry that could host and/or signpost the visitor to electoral communications partner websites.

Welsh Ministers may decide who is the best organisation to provide for such a platform and what information, in addition to that prescribed in primary legislation, should be provided to voters to support their participation in Senedd and principal council elections in Wales with a power to include information in relation to local government elections.

The regulations made by the Welsh Ministers under this section must also require the Welsh Ministers to publish and lay before the Senedd a report about how they have set up and maintained the platform. A report must be published no more than 12 months after a Senedd election and ordinary principal council election.

Services to promote diversity in persons seeking elected office

Section of Bill	Form	Description of power
Section 28(8)	Regulations	Enables the Welsh Ministers to add further services to the list in section 28(5), or amend or remove services already added through regulations to those that may be provided to promote diversity in persons seeking elected office.

Reason for and Policy Intent of the Power

Creating a more equal Wales, where everyone has the opportunity to participate in society, reach their full potential and is able to contribute fully to the economy, will enable Wales to be more prosperous and innovative. The Welsh Government is committed to increasing diversity across all aspects of public life. This includes increasing the diversity amongst candidates standing in Welsh elections by tackling the barriers which prevent individuals with protected characteristics from standing for elected office. The intention is to address such barriers and increase opportunities for underrepresented groups to play a full role in supporting and representing their communities. For example, disabled people are likely to face greater costs when seeking elected office due to their impairments.

Section 28(1) of the Bill places a duty on Welsh Ministers to put in place arrangements for the provision of services to promote diversity in the protected characteristics and socio-economic circumstances of persons seeking to stand for election as members of Senedd Cymru and the councils of counties, county boroughs and communities in Wales. Section 28(5) sets out an exhaustive list of the services which may be provided under the arrangements required by this section. The services are information, advice, training, coaching and mentoring, work experience, equipment and assistance with tasks. Section 28(8) provides a power for the Welsh Ministers to make regulations to add to the list of services and amend or remove any services that are added by the regulations.

Financial assistance schemes to promote diversity in persons seeking elected office

Section of Bill	Form	Description of power
Section 29(1)	Regulations	Enables Welsh Ministers to provide for schemes of financial assistance to help candidates, who have specified characteristics or circumstances, overcome barriers to their participation in the election connected to those characteristics or circumstances. In accordance with subsection (6), the Welsh Ministers must appoint or provide for the appointment of a person to operate the scheme for which they provide. d
Section 29(2)	Regulations	Welsh Ministers must set out arrangements to provide financial support to disabled candidates standing in a Welsh election overcome barriers to their full and effective participation in the election connected to their disability.

Reason for and Policy Intent of the Power

A pilot Access to Elected Office fund was established in 2021 to provide additional support to disabled people to seek elected office. The pilot fund supported individuals seeking election in the May 2021 Senedd elections and the May 2022 local government elections. Changes were made to the rules about spending limits for candidates to ensure the funding provided through the pilot did not count towards the candidates' spending limits.

In response to the 2022 Electoral Administration and Reform white paper consultation there was broad support for placing the fund on a legislative footing, and section 29(2) of the Bill requires Welsh Ministers to provide for a scheme of financial assistance (of any specified kind) to help disabled candidates in a Welsh election overcome barriers to their participation in the election connected to their disability. The effect of this provision is intended to provide certainty for disabled candidates and take account of the experience from the pilot fund.

While the original intention was to extend the Access to Elected Office arrangements to cover individuals from other protected characteristic groups, the independent evaluation of the Fund arrangements concluded this may not deliver the policy objectives of supporting a wider range of underrepresented groups. It was felt that more tailored support for different groups of people with specified characteristics or special circumstances would better address barriers to participation in elections. As a result, section 29(1) provides a different approach which enables bespoke arrangements to be developed and implemented.

Codes of practice on expenses

Section of Bill	Form	Description of power
Section 34(1)(b) (amends paragraph 14A of Schedule 4A to the 1983 Act)	Order	Paragraph 14A(7)(b) of Schedule 4A to the 1983 Act provides the Welsh Ministers with the power to bring a code of practice into force on a date appointed by order. Section 34(1)(b) amends the power to provide that the order must be made by a statutory instrument.

Reason for and Policy Intent of the Power

To support clarity for participants and administrators, the Bill amends the Electoral Commission's power to prepare a code of practice on election expenses to ensure that it is sufficiently broad so that they are able to include an explanation of the rules on all forms of expenditure.

Paragraph 14A of Schedule 4A to the 1983 Act (as amended by the Bill) allows the Electoral Commission to prepare guidance for use by campaigners, setting out the legal requirements around campaign expenditure at local government elections. Welsh Ministers bring the guidance into force by order, and as a result of the amendment made by this Bill, that order will be made by a statutory instrument.

Third parties capable of giving notification

Section of Bill	Form	Description of power
Section 37(2) (amends section 88 of the Political Parties, Elections and Referendums Act 2000 (PPERA))	Order	Enables the Welsh Ministers to amend the list of descriptions of third parties, provided for in section 88(2) of PPERA, who are able to register to campaign in a regulated Senedd election period, thus allowing them to incur expenditure of over £700. An order can add, remove or modify a description of those third parties only on the recommendation of the Electoral Commission.

Reason for and Policy Intent of the Power

Section 37 inserts section 88(11) and (12) into PPERA, to allow the Welsh Ministers to amend the list of descriptions of third parties who can incur controlled expenditure during a Welsh devolved regulated period. Third party descriptions can be added to or removed from the list, or the list can be varied, but removals or variations can only be made as a consequence of a recommendation of the Electoral Commission. This will ensure the list of eligible third-party descriptions can be maintained in the face of any developments and avoiding unnecessarily preventing a new type of third party from being able to campaign in an election.

Code of practice on controls relating to third parties

Section of Bill	Form	Description of power
Section 38(4) (inserts new section 100C(8)(b) into PPERA)	Order	Enables the Welsh Ministers to bring into force a code of practice about the controls on third party expenditure during a Senedd election campaign as prepared by the Electoral Commission under sections 100A and 100C of PPERA on a date appointed by order.

Reason for and Policy Intent of the Power

Section 38 of the Act inserts new provision into PPERA requiring the Electoral Commission to prepare a code of practice about the controls on third party expenditure during a Senedd election campaign (section 38(2)(a) inserts a new section 100A(1A) into PPERA). Section 38(4) inserts a new section 100C into PPERA setting out the procedure for the preparation and adoption of the code of practice. Any such code of practice is brought into force by order of the Welsh Ministers (section 100C(8) of PPERA).

The Bill requires the Electoral Commission to produce the code of practice for third parties to help third party campaigners understand the arrangements. This will be prepared in consultation with the Llywydd's Committee and the Senedd's Legislation, Justice and Constitution Committee, or any successor committee. Welsh Ministers are required to lay a draft of any such code of practice before the Senedd. If the Senedd resolves not to approve the draft code, no order bringing it into force can be made by the Welsh Ministers.

Review period for principal area reviews

Section of Bill	Form	Description of power
Section 41(2)	Regulations	Enables the Welsh Ministers to change the length of the review period and reset the start date for a review period for reviews of electoral arrangements for a principal area.

Reason for and Policy Intent of the Power

Changing the review period and re-setting the start date of a review period is a technical detail which may be needed in the event of disruption to a review programme. Examples of situations which would trigger the use of this power include a public health emergency, a change in the date for local government election or to provide greater synergy between the review periods for both principal area and community arrangements.

Review period for community reviews

Section of Bill	Form	Description of power
Section 51(3)	Regulations	Enables the Welsh Ministers to change the length of the review period and reset the start date for a review period for community reviews.

Reason for and Policy Intent of the Power

Changing the review period and re-setting the start date of a review period is a technical detail which may be needed in the event of disruption to a review programme. Examples of situations which would trigger the use of this power include a public health emergency, a change in the date for local government election or to provide greater synergy between the review periods for both principal area and community arrangements.

Directions to pause reviews

Section of Bill	Form	Description of power
Section 50(2)	Direction	Enables Welsh Ministers to issue a direction to pause a review until a specified date or a further direction is given.

Reason for and Policy Intent of the Power

Providing direction making powers for the Welsh Ministers to pause a review will provide flexibility where there are unforeseen circumstances which adversely impact the conduct of the review process, for example, the circumstances experienced as a consequence of the Covid-19 pandemic. Welsh Ministers will have the power to pause a review for a period or periods which cumulatively do not exceed a maximum period of 9 months.

In the event of disruption such as a public health emergency or change in date of local government elections Welsh Ministers would be unable to mitigate the impact on the review process without this provision.

Democracy and Boundary Commission Cymru functions relating to remuneration

Section of Bill	Form	Description of power
Section 57(2) (inserts section 69R into the 2013 Act)	Regulations	Enables Welsh Ministers to modify Part 5A to add, vary or omit provision concerning or imposing a function on the Commission.

Reason for and Policy Intent of the Power

This replicates the power and the procedure in section 158 of the 2011 Measure. Maintaining this flexibility is needed to respond as necessary to policy developments in this area.

Section of Bill	Form	Description of power
Section 57(2) (inserts section 69K(2)(d) into the 2013 Act)	Regulations	Enables Welsh Ministers to designate a public body relevant for the purposes of the information that may be included in annual remuneration report under section 69K.

Reason for and Policy Intent of the Power

To enable full transparency of the remuneration councillors receive from public bodies as well as their own council.

Section of Bill	Form	Description of power
Section 57(2) (inserts section 69C(2)(e) into the 2013 Act)	Regulations	Enables Welsh Ministers to specify bodies that fall within the definition of the term relevant authority for the purposes of Part 5A.

Reason for and Policy Intent of the Power

This power would enable Welsh Ministers to add bodies within the local government family to the list of bodies which would be required to follow the determinations of the Commission in relation to payments and pensions.

Section of Bill	Form	Description of power
Section 57(2) (inserts section 69D(1)(b) into 2013 Act)	Regulations	Enables Welsh Ministers to specify in regulations a description of local authority members to whom a resettlement payment would apply.

Reason for and Policy Intent of the Power

This is largely technical in nature and would enable Welsh Ministers to specify the description of local authority members for which any future resettlement payments would apply. The Commission would then be responsible for setting the qualifying conditions which individuals would have to meet prior to receiving payment.

Section of Bill	Form	Description of power
Section 57(2) (inserts section 69H(1) into the 2013 Act)	Directions	Enables the Welsh Ministers to direct the Commission to reconsider a provision of a draft annual or draft supplementary report
Section 57(2) (inserts section 69M(1) into the 2013 Act)	Directions	Enables Welsh Ministers to issue a direction to a local authority to comply with a requirement set out by the Commission
Section 57(2) (inserts section 69O(3) into the 2013 Act)	Directions	Enables Welsh Ministers to direct a local authority to withhold payments in respect of remuneration
Section 57(2) (inserts section 69P(2) into the 2013 Act)	Guidance	Enables the Welsh Ministers to issue guidance to the Commission in relation to the exercise of its functions under the Bill.

Reason for and Policy Intent of the Power

These provisions already exist within the 2011 Measure. They are being replicated as a result of the functions being conferred on the Commission through this Bill and the dissolution of the Independent Remuneration Panel for Wales. They:

- Enable the Welsh Ministers to direct the Commission to reconsider a provision of a draft or supplemental report. Where Welsh Ministers issue a direction it must set out which provision it relates to, the reason for giving the direction and the date by which the Commission must respond to the direction. The Commission is not obliged to vary the draft report, but must respond and explain if it decides not to make a change. The Commission must not publish a report for which a direction has been issued prior to responding to the direction.
- Require authorities to comply with requirements of the Commission as set out in an annual or supplementary report. The intention is to preserve the independence of the Commission and to ensure consistency of approach across Wales.

Where a direction is used the Welsh Ministers must be satisfied that there has been a failure to comply with a requirement of the Commission, be clear about what is expected and by when.

- Require an authority to withhold payments to persons in respect of the relevant matters specified in the direction and direct an authority not to make a resettlement payment. This will protect financial interests where necessary and ensure that payments are not made when this would not be appropriate.
- Enable the Welsh Ministers to issue guidance to the Commission in respect of its functions in relation to the remuneration of elected members about the Commission's functions. This power is considered necessary to provide guidance and consistency where needed.