

**Mick Antoniw AS/MS**  
**Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad**  
**Counsel General and Minister for the Constitution**



**Llywodraeth Cymru**  
**Welsh Government**

Ein cyf/Our ref MA/CG/2145/23

John Griffiths, MS  
Chair  
Local Government and Housing Committee  
Senedd Cymru  
Cardiff Bay  
CF99 1SN

10 November 2023

Dear John,

Ahead of meeting with the Committee on 7 December, I attach to this letter a corrected version of Chapter 5 of the Explanatory Memorandum for the Elections and Elected Bodies (Wales) Bill ('the Bill') for your information. Amendments have been made to rows 3-6 in table 5.1 of this Chapter to ensure that factual and cross references regarding electoral pilots align with the Bill as introduced. These amendments will be included in the Explanatory Memorandum when it is updated and republished at the next available opportunity.

I look forward to giving evidence again to the Committee on 7 December.

I am also writing to the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely,

**Mick Antoniw AS/MS**  
**Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad**  
**Counsel General and Minister for the Constitution**

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Mick.Antoniw@llyw.cymru](mailto:Gohebiaeth.Mick.Antoniw@llyw.cymru)  
[Correspondence.Mick.Antoniw@gov.Wales](mailto:Correspondence.Mick.Antoniw@gov.Wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**Chapter 5 of the Explanatory Memorandum to the  
Elections and Elected Bodies (Wales) Bill  
November 2023**

## **5. Power to make subordinate legislation**

5.1 The Bill contains provisions to make subordinate legislation and issue determinations. Table 5.1 (subordinate legislation) and Table 5.2 (directions and guidance) set out in relation to these:

- i. the person upon whom, or the body upon which, the power is conferred;
- ii. the form in which the power is to be exercised;
- iii. the appropriateness of the delegated power;
- iv. the applied procedure; that is, whether it is “affirmative”, “negative”, or “no procedure”, together with reasons why it is considered appropriate.

5.2 The Welsh Government will consult on the content of the subordinate legislation where it is considered appropriate to do so. The precise nature of consultation will be decided when the proposals have been formalised.

**Table 5.1: Summary of powers to make subordinate legislation in the provisions of the Elections and Elected Bodies (Wales) Bill**

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
New section 20E(3)(c) of the 2013 Act (as inserted by section 1)	Welsh Ministers	Regulations	This allows Welsh Ministers to confer further functions (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)) on the Commission, to be exercised by the Electoral Management Board. In particular, it is envisaged that regulations made under section 27 (Welsh Elections Information Platform) could confer functions on the	Negative or affirmative	Where the conferral of any new function requires amendments to be made to an Act of the UK Parliament, a Measure of the National Assembly for Wales or an Act of the Senedd, the regulations conferring that new function will be subject to the affirmative resolution procedure. In all other cases the negative procedure will apply (section 71(2) and (3) of the 2013 Act (as amended by paragraph 1(5)(b) of Schedule 1 to this Act refers). Where the

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>Commission in relation to that platform.</p> <p>Also there may be a need in future for Welsh Ministers to confer other functions related to electoral administration on the Commission.</p>		<p>power is used to amend primary legislation, the affirmative procedure is considered to be appropriate. However, in other cases it is considered that the nature of the regulations justifies the negative procedure.</p>
<p>New section 9ZA((6)(a)-(c) of the 1983 Act (as inserted by section 3)</p>	<p>Welsh Ministers</p>	<p>Regulations</p>	<p>This allows Welsh Ministers to make provision about what is required on the notice of election sent to each automatically registered elector. It will allow Welsh Ministers to update the list of required information in line with piloted activity and in the future if evaluation of the</p>	<p>Negative</p>	<p>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</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			automatic registration scheme highlights the need for essential elector information.		registration pilots, or in the future to reflect any further recommended changes that would support the elector in understanding this process.
Section 5	Welsh Ministers	Regulations	This 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	Affirmative & negative	Where pilot regulations; <ul style="list-style-type: none"> <li>i. are made without the consent of the local authority required to implement the pilot scheme ;</li> <li>ii. are trialling the amended registration provisions introduced by section 3; or</li> <li>iii. create, remove or modify</li> </ul>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			introduced by section 3(section 5 (4)).		<p>criminal offences,</p> <p>the regulations are subject to the affirmative resolution procedure (section 7 (3) and (4)). It is considered appropriate that in such circumstances the Senedd should be provided with the opportunity to debate the merit of such pilots.</p> <p>All other pilot regulations will be subject to the negative procedure (section 7 (5)). It is considered that this is appropriate as before any pilot regulations are made the Democracy and Boundary Commission</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					Cymru (through its Electoral Management Board) will be required to report on the proposed scheme, and a copy of the report must be laid before the Senedd with the regulations.
Section 8	Welsh Ministers	Regulations	This allows Welsh Ministers to add to, remove from or amend the list of electoral matters (in section 5) in respect of which pilot schemes can be undertaken. This provides flexibility to allow Welsh Ministers to amend the list in line with government commitments. The list cannot, however, be amended to enable pilots to be undertaken in connection with the	Affirmative	This power is limited to enabling the Welsh Ministers to make amendments to the list of electoral matters in respect of which a pilot scheme could be run. If pilot schemes are subsequently taken forward they will be subject to their own regime of evaluation and scrutiny. The affirmative procedure is considered appropriate as it will ensure the Senedd is

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			voting system for returning members of Senedd Cymru, a principal council or a community council.		afforded the opportunity of debating the merits of amending that list.
Section 15 (3)	Welsh Ministers	Regulations	This power enables Welsh Ministers, by regulation, to set out what the Democracy and Boundary Commission Cymru's report on proposed pilots should contain (this function will be exercised through its Electoral Management Board). Section 15(2) prescribes the matters that the Commission must have regard to (as a minimum) when assessing pilot proposals, and the Commission can also make any recommendations they	Negative	This power is limited to enabling the Welsh Ministers to prescribe specific additional criteria that should be taken into account when pilot proposals are evaluated. The matters which must be assessed and reported on are set out on the face of the legislation. The negative procedure is therefore considered appropriate.

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>deem relevant (section 15(4)). This power will provide flexibility in the future if Welsh Ministers wish to Stipulate additional criterion that should be taken into account when proposals for pilot schemes are evaluated.</p>		
Section 17 (4)	Welsh Ministers	Regulations	<p>This power enables Welsh Ministers, by regulation, to set out what the Democracy and Boundary Commission Cymru's guidance on undertaking a pilot scheme should contain. In addition to the requirements set out on the face on the Bill (section 17(2)), and in addition to anything the Commission deem</p>	Negative	<p>This power is limited to enabling the Welsh Ministers to add matters to the issues that should be addressed in the guidance issued by the Commission for the running of a pilot. The negative procedure is recommended because the Bill already contains the basic requirements of</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			relevant (section 17(3)), the Welsh Ministers can require additional issues to be included in the guidance that is issued by the Commission.		that guidance, and the Commission, through the Bill provisions, are also free to provide guidance on any additional matters they feel relevant, and this does not require Welsh Ministers agreement. This power is largely administrative.
Section 19 (3)	Welsh Ministers	Regulations	This power enables Welsh Minister to make permanent changes to electoral law following a successful pilot. Such regulations can however, only be made on the recommendation of the Electoral Commission.	Negative enhanced & Affirmative enhanced	Where reform regulations; <ul style="list-style-type: none"> <li>i. modify primary legislation;</li> <li>ii. create or widen the scope of a criminal offence; or</li> <li>iii. create or amend a power to legislate,</li> </ul> they will be subject to the affirmative procedure (section 20

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>(3) and (4)), but the Senedd or a committee of the Senedd reporting on the regulations can resolve, within 30 days of the draft regulations being laid, that an enhanced affirmative should apply to such regulations (section 20(13)). This enhanced affirmative procedure requires the Welsh Ministers to have regard to any representations; any resolutions of the Senedd; and any recommendations of a committee of the Senedd charged with reporting on the draft regulations, made within 60 days of the regulations being laid.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>The Welsh Ministers may only make the regulations (without material changes) if the Senedd approves them after the 60 day period expires. If after the 60 day period the Welsh Ministers wish to proceed with the draft regulations, but with material changes, the revised draft regulations must be laid before the Senedd together with a statement summarising the changes, for approval by the Senedd.</p> <p>For all other statutory instruments containing reform regulations an enhanced negative procedure will apply</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>(section 20 (5)). This requires the Welsh Ministers, where they consider the negative procedure to be appropriate, to make a statement to that effect and to lay a draft of the regulations before the Senedd together with a memorandum setting out their statement and the reasons for their opinion. The Welsh Ministers may only proceed to make the regulations by way of the negative procedure if a relevant Senedd Committee makes a recommendation as to the appropriate procedure, or 14 days pass from the laying of</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>the draft regulations and no recommendation is received from the committee.</p> <p>It is considered that both of these procedures are appropriate as they provide for additional Senedd scrutiny reflecting the nature of the reform regulations.</p>
Section 27(1)	Welsh Ministers	Regulations	This requires Welsh Ministers, through regulations, to provide for a Welsh elections information platform. 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	Affirmative and negative	The affirmative procedure is applicable where regulations made under this section relate to subsection (4)(c), that is to say where the regulations confer exemptions from civil and criminal liability in connection with the publication of

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>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 must also set out a reporting regime on the running and effect of the Welsh elections information platform.</p>		<p>candidate statements and other candidate information. This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this area due to the political importance to the whole Senedd of limiting such liability. The negative procedure is to be used where regulations are made in relation to conferring functions on persons, about the publication of information on the platform, including the publication of candidate statements and other information</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>in relation to candidates, and making the information on the platform available other than by electronic means. This allows the requirements around reporting on the running and effectiveness of the platform to be set out. This procedure is appropriate as it is likely to be relate to administrative issues rather than issues of policy substance.</p>
Section 28(8)	Welsh Ministers	Regulations	Enables the Welsh Ministers to add, amend or remove services added to those that may be provided to promote diversity in persons seeking elected office.	Affirmative	This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this area due to the

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					<p>political importance to the whole Senedd. It is felt the affirmative procedure is appropriate for these regulations to ensure transparency and political neutrality. In addition, as this power includes the amendment of primary legislation the affirmative procedure is felt to be appropriate.</p>
Section 29(1)	Welsh Ministers	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	Affirmative	This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this area due to the political importance to the whole Senedd. It is felt the affirmative

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>those characteristics or circumstances.</p> <p>Requires Welsh Ministers to appoint or provide for the appointment of a person to operate the scheme for which they provide.</p> <p>Enables Welsh Ministers to confer functions on a person and provide for the delegation of those functions, requires a person upon who functions are conferred to keep and make available for inspection, accounts and other records and requires another person, to publish specified information about financial assistance</p>		<p>procedure is appropriate for these regulations to ensure transparency and political neutrality.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>given in accordance with the scheme (however such a duty to publish is not imposed when such would (taking the duty into account) contravene the data protection legislation within the meaning of the Data Protection Act 2018.</p> <p>Enables financial assistance to be given subject to conditions and specify the circumstance in which such assistance is to be repaid.</p>		
Section 29 (2)	Welsh Ministers	Regulations	Requires Welsh Ministers to set out in regulations arrangements to provide financial support to disabled candidates standing in	Affirmative	This is to allow Senedd Cymru additional opportunities to scrutinise the decisions made by Welsh Ministers in this

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>a Welsh election overcome barriers to their full and effective participation in the election connected to their disability.</p> <p>Enables Welsh Ministers to confer functions on a person and provide for the delegation of those functions, requires a person upon who functions are conferred to keep and make available for inspection, accounts and other records and requires another person, to publish specified information about financial assistance given in accordance with the scheme (however such a duty to</p>		<p>area due to the political importance to the whole Senedd. It is felt the affirmative procedure is appropriate for these regulations to ensure transparency and political neutrality.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>publish is not imposed when it would (taking the duty into account) contravene the data protection legislation within the meaning of the Data Protection Act 2018.</p> <p>Enables financial assistance to be given subject to conditions and specify the circumstance in which such assistance is to be repaid.</p>		
Section 156 of the 2000 Act (as amended by section 34(2))	Welsh Ministers	Order	Paragraph 14A of Schedule 4A to the RPA 1983 (as amended by the Bill) allows the Electoral Commission to prepare guidance for use by campaigners, setting out the legal	No procedure	Prior to the making of an order to bring any guidance into force, the Welsh Ministers must lay the draft guidance before the Senedd for a period of

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>requirements around campaign expenditure at local government elections. Welsh Ministers bring the guidance into force by order. The Bill amends section 156(3) of the RPA 1983 so that such orders are not the subject of a Senedd procedure.</p>		<p>40 days. If the Senedd resolve not to approve the guidance no order bringing it into force can be made by the Welsh Ministers. As the draft guidance is subject to the full scrutiny, it is considered appropriate that a subsequent order to bring that guidance into force is not subject to a further Senedd procedure,</p>
<p>Section 88(11) of the 2000 Act (as amended by section 37(2))</p>	<p>Welsh Ministers</p>	<p>Order</p>	<p>This 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</p>	<p>Affirmative</p>	<p>As this power allows for primary legislation to be amended it is considered appropriate that the Senedd should be afforded the opportunity of debating the merits of any such amendment</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>expenditure of over £700. An order can add, remove or modify a description of those third parties. The descriptions of third parties can however, only be removed or modified on the recommendation of the Electoral Commission. This will ensure the list of eligible third parties 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.</p>		<p>and the use of the power is therefore subjected to the affirmative procedure. In addition, where the Welsh Ministers propose removing third parties from the list, or amending the description of those third parties, in respect of the relevant campaign period, they will only be able to do so on the recommendation of the Electoral Commission.</p>
<p>New sections 100A and 100C of the 2000 Act (as inserted by section 38(2) and (4))</p>	<p>Welsh Ministers</p>	<p>Order</p>	<p>Section 38 of the Act inserts new provision into PPERA requiring the Electoral Commission to prepare</p>	<p>No procedure</p>	<p>Any order bringing a relevant code of practice into force is not subject to a Senedd procedure.</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			<p>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).</p>		<p>This is considered appropriate as before such an order can be made, the code of practice must be prepared and consulted upon by the Electoral Commission, which includes consultation with the Llywydd's Committee and the Legislation, Justice and Constitution Committee (or any successor committee). In addition, any draft code of practice approved by the Welsh Ministers, must be laid before the Senedd for a period of 40 days before the Welsh Ministers can make an order bringing that code into</p>

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					force. If the Senedd resolve not to approve the draft code no order bringing it into force can be made by the Welsh Ministers.
Section 41	Welsh Ministers	Regulations	Enables the Welsh Ministers to change the review period and reset the start date for the review period for reviews of electoral arrangements for a community by a principal council.	Negative	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 includes a public health emergency, a change in the date for local government election or to provide greater synergy the review periods of both county and community arrangements.

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
Section 57  Section 69R of the 2013 Act as inserted by section 57(2) of the Bill	Welsh Ministers	Regulations	Enables Welsh Ministers to modify Part 5A to add, vary or omit provision concerning or imposing a function on the Commission.	Affirmative	The affirmative procedure is considered appropriate as the power could be used to modify primary legislation. It replicates the power and the procedure in section 158 of the Local Government (Wales) Measure 2011.
Section 69	Welsh Ministers	Regulations	Provides the power for the Welsh Ministers to make regulations of general application to make supplementary, incidental, consequential, transitional, transitory or saving provision in respect of provisions within the Bill.	Negative and Affirmative	These will be technical and procedural in nature.  Where regulations would amend, repeal or otherwise modify a provision of an Act of Parliament or and Act or Measure of Senedd Cymru, the instrument containing the

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
					regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
Section 70	Welsh Ministers	Order	Power to commence certain Bill provisions by order to enable coming into force and implementation to be appropriately timed.	No procedure	This is a power to set a coming into force date for provisions already agreed in the Bill, it is considered appropriate that this does not require a procedure.
Schedule 1  Section 69K(2)(d) of the 2013 Act as inserted by section 57(2) of the Bill	Welsh Ministers	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.	Negative	To enable full transparency of the remuneration councillors receive from public bodies as well as their own council.
Schedule 1	Welsh Ministers	Regulations	Enables Welsh Ministers to specify	Negative	This power would enable Welsh

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
Section 69C(2)(e) of the 2013 Act as inserted by section 57(2) of the Bill.			bodies that fall within the definition of the term relevant authority for the purposes of Part 5A.		Ministers to add bodies within the local government family to the list of bodies which would be required to follow the determinations of the Democracy and Boundary Commission Cymru in relation to payments and pensions.
Schedule 1  Section 69D(1)(b) of the 2013 Act as inserted by section 57(2) of the Bill	Welsh Ministers	Regulations	Enables Welsh Ministers to specify in regulations a description of members to whom a resettlement payment would apply.	Negative	This is largely technical in nature and would enable Welsh Ministers to specify the description of members for which any future resettlement payments would apply. The Commission would then be responsible for setting the qualifying conditions which individuals

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
					would have to meet prior to receiving payment.

**Table 5.2: Summary of powers to make directions and issue guidance in the provisions of the Elections and Elected Bodies (Wales) Bill**

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
Section 20B(1) of the 2013 Act, as inserted by section 1(2)	Democracy and Boundary Commission Cymru	Directions	Power to issue directions to returning officers about the exercise of their functions in relation to devolved Welsh elections and referendums. Directions will not replace their existing personal responsibility to discharge their functions or duties.	No procedure	The Democracy and Boundary Commission Cymru (acting through the Electoral Management Board) will be required to consult with the Electoral Commission before issuing directions.
Section 20C(1) of the 2013 Act, as inserted by section 1(2)	Democracy and Boundary Commission Cymru	Directions	Power to issue directions to EROs about the exercise of their functions in relation to devolved Welsh elections and referendums. Directions will not replace their existing personal responsibility to discharge their functions or duties.	No procedure	The Democracy and Boundary Commission Cymru (acting through the Electoral Management Board) will be required to consult with the Electoral Commission before issuing directions.
Electoral reviews Section 50(2)	Welsh Ministers	Directions	Enables Welsh Ministers to issue a direction to pause a	No procedure	In the event of disruption such as a

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
			review until a specified date or further direction		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.
Draft report – remuneration S69H(1)	Welsh Ministers	Directions	Enables the Welsh Ministers to direct the Commission to reconsider a provision of a draft annual or draft supplementary report	No procedure	This provision already exists within the 2011 Measure. It is being replicated as a result of the functions being conferred on the Commission through this Act and the dissolution of the Independent Remuneration Panel for Wales.
Compliance – remuneration S69M(1)	Welsh Ministers	Directions	Enables Welsh Ministers to issue a direction to a local authority to comply with a	no procedure	This provision already exists within the 2011 Measure. It is being replicated as a result of the functions being

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			requirement set out by the Commission		conferred on the Commission through this Act and the dissolution of the Independent Remuneration Panel for Wales.
Withholding payments 69O(3)	Welsh Ministers	Directions	Enables Welsh Ministers to direct a local authority to withhold payments in respect of remuneration	No procedure	This provision already exists within the 2011 Measure. It is being replicated as a result of the functions being conferred on the Commission through this Act and the dissolution of the Independent Remuneration Panel for Wales.
Remuneration 69P(2)	Welsh Ministers	Guidance	Enables the Welsh Ministers to issue guidance to the Commission in relation to the exercise of its functions under the Bill.	No procedure	The power to issue guidance is intended to facilitate the application of the primary legislation. This guidance is largely concerned with process

<b>Section</b>	<b>Power conferred on</b>	<b>Form</b>	<b>Appropriateness of delegated power</b>	<b>Procedure</b>	<b>Reason for procedure</b>
					and, as such, Assembly procedure is not appropriate.
Remuneration 69P(1)	Commission	Guidance	Enables the Commission to issue guidance to local authorities in relation to its functions under Part 5A.	No procedure	The power to issue guidance is intended to facilitate the application of the primary legislation. This guidance is largely concerned with process between the Commission and local authorities and, as such, Senedd procedure is not appropriate.
Section 1(3) of the Local Government (Wales) Measure 2011, as amended by section 26 (2)	Welsh Ministers	Directions	Enables Welsh Ministers to issue directions to a local authority to specify the scope and format of the survey	No procedure	This is a technical provisions to ensure consistency of the core survey questions in all county and county borough council areas.
Section 14 of the 2013 Act, as amended by	Welsh Ministers	Directions	This is an existing power in the 2013 Act which is being amended to ensure the	No procedure	There is no change to the existing procedure but the scope of the

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
paragraph 1(4) of Schedule 1			independence of the Commission in relation to the exercise of its functions in respect of the Electoral Management Board		power is being amended.