

Douglas Bain  
Standards Commissioner

24 November 2023

Dear Douglas

### Senedd Cymru (Members and Elections) Bill: recall of Members of the Senedd

As you are aware, the Welsh Government formally introduced the Senedd Cymru (Members and Elections) Bill ("the SC(ME) Bill") to the Senedd on 18 September 2023. The Reform Bill Committee's role is to undertake Stage 1 scrutiny of the general principles of the Bill.

We are currently gathering evidence to inform our conclusions and any recommendations we may wish to make. One issue that is emerging from the evidence that we have heard, but which is not addressed in the Bill as introduced, is the question of whether there should be a mechanism by which Members of the Senedd could be recalled by their constituents.

Recall mechanisms are relatively rare in respect of legislatures, although the Recall of MPs Act 2015 introduced a mechanism for the recall of MPs. The 2015 Act provides that if one of three conditions is met, the Speaker of the House of Commons must give notice to the returning officer/petitions officer in the relevant MP's constituency as soon as reasonably practicable. There follows a six week period during which eligible registered voters may sign the recall petition. If at least 10 per cent of eligible registered voters do so, then the MP's seat is vacated, and the normal conventions for filling a vacant seat apply. To date, four recall petitions have been held, and a number of MPs who have met the conditions under which a petition would be held have chosen to resign their seats before a petition could be opened.

An MSP, as part of the development of a potential Member Bill, has consulted on how a recall mechanism could be developed within the Scottish Parliament's Additional Member System. The MSP proposed that an MSP would be subject to recall if they were excluded for 10 sitting days or more as

a result of a breach of the code of conduct, or the Member is fined as a result of court proceedings any amount up to the maximum fine on level 5 of the standard scale.

There are already a number of systems in place in the Senedd through which Members can be:

- **Disqualified**, for example if they meet one of the conditions or are appointed to one of the disqualifying offices in section 16 of, or Schedule 1A to, the Government of Wales Act 2006, or they become a Member of one of the other legislatures in the UK (subject to certain conditions).
- **Sanctioned**, as a result of failing to meet the standards set out in the Code of Conduct. Such sanctions may not include removal from office. They may include censure, exclusion from Senedd proceedings, or the withdrawal of certain rights and privileges. A decision on any such sanction is a matter for the Senedd on the basis of a report from the Standards of Conduct Committee, following that Committee's consideration of a report from the Standards Commissioner on their investigation of an admissible complaint.

If a recall mechanism were to be introduced, it would form part of the range of measures for the accountability of individual Members of the Senedd. Therefore, we would welcome your views, as Standards Commissioner, on the following:

1. Whether you think it would be appropriate for there to be a recall mechanism for Members of the Senedd.
2. If there were to be such a mechanism, do you have a view on what conditions should be required to be met in order to trigger a recall.
3. Any other matter relating to either recall for Members of the Senedd, or the Senedd Cymru (Members and Elections) Bill more generally.

We would welcome a written response by **Thursday 7 December 2023**.

Yours sincerely



David Rees MS  
Chair, Reform Bill Committee

Cc Vikki Howells MS, Chair, Standards of Conduct Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.