



Eich cyf/Your ref P-06-1386  
Ein cyf/Our ref FM -/00837/23

Jack Sargeant MS  
Chair  
Petitions committee  
Senedd Cymru  
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31 January 2024

Dear Jack,

I am writing in response to your letter of 18 December 2023, regarding the petition calling on the Senedd to adopt a recall procedure.

It is important elected Members remain accountable to their constituents throughout a Senedd term.

The Senedd is currently scrutinising proposed reforms to the Senedd electoral system, which are set out in the Senedd Cymru (Members and Elections) Bill. This removes the “first-past-the-post” system currently used in the 40 Senedd constituency elections, and replaces it with 16 six-member constituencies, each elected from proportional lists.

The provisions in the Bill do not allow for a system of by-elections so, if a Member’s seat becomes vacant, that seat is either filled by the next person on a party’s list submitted at the previous election or remains vacant if a list is exhausted (or if the vacancy is created by a Member who was elected as an independent).

While it is possible to envisage a system whereby a sitting Member could be recalled on the basis of a specified percentage of constituents signing a petition, the consequences of being recalled are more complex in a proportional list system. For example, a successful recall petition, as envisaged by the petitioner, would mean that:

- A Member subject to such a petition would immediately lose their seat.
- There would be no opportunity for the recalled Member to “defend” their recall in a by-election. Instead, the seat would either be filled by the next candidate on a party’s list or would remain vacant.

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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.

- A Member could irrevocably lose their seat based on the expressed will of only 10% of registered voters within a constituency (if the threshold in the UK Parliament process was adopted).

The committee may wish to be aware that recall petitions within proportional lists systems have received some consideration in Scotland, as part of a consultation on a proposal for a Members Bill, made by Graham Simpson MSP in January 2022. The Member noted in the consultation document that:

*“I absolutely appreciate that the potential to introduce a recall system tailored to the Scottish Parliament has been deliberated on by academics and politicians amongst others before now. No workable model has ever been identified as far as I am aware. I am therefore realistic about the scale of the challenge in seeking to establish such a model. This is far from straightforward given the complexity of applying recall to the regional list system.”*

The responses to that consultation were summarised as follows:

*“While the vast majority of respondents were fully supportive of the introduction of a system of recall, there was disagreement among responses as to how, if at all, such a system could work in practice. No response set out in detail a process for the recall of regional MSPs, with the Electoral Management Board for Scotland commenting that “recall at a regional level does not seem to be consistent with the proportional system if democracy is to be maintained”.*

I note that the issue of recall has been raised with the Reform Bill Committee as part of its scrutiny of the Senedd Cymru (Members and Elections) Bill. The Standards Commissioner said: “Serious concerns about the inclusion in the Bill of a recall mechanism similar to the one in Recall of MPs Act 2015.”

The Reform Bill Committee published its Stage 1 report on 19 January, and the Welsh Government will now consider and respond to the recommendations made in that report, including recommendation 50 in respect of recall.



**MARK DRAKEFORD**