

HYSBYSIAD YNGHYLCH GWELLIANNAU

NOTICE OF AMENDMENTS

Cyflwynwyd ar 27 Chwefror 2024

Tabled on 27 February 2024

Bil Senedd Cymru (Aelodau ac Etholiadau)

Senedd Cymru (Members and Elections) Bill

Jane Dodds

117

Section 8, page 7, after line 27, insert –

‘9A Review of the allocation of seats

- (1) The Democracy and Boundary Commission Cymru must, as soon as reasonably practicable after the first general election the poll for which is held after 6 April 2026, and after each subsequent general election, carry out a review of the operation and effect of section 9(*first subsection to be inserted by amendment 23*) and (*second subsection to be inserted by amendment 23*) of this Act (“the allocation of seats review”).
- (2) As soon as reasonably practicable after commencing the allocation of seats review, the Democracy and Boundary Commission Cymru must publish a notice –
 - (a) stating that the Democracy and Boundary Commission Cymru has commenced the allocation of seats review, and
 - (b) specifying the date on which the review commenced.
- (3) When carrying out the allocation of seats review the Democracy and Boundary Commission Cymru must consult with –
 - (a) the Electoral Commission,
 - (b) constituency returning officers,
 - (c) third sector bodies, and
 - (d) such other persons as the Democracy and Boundary Commission Cymru considers appropriate.
- (4) When carrying out the allocation of seats review, the Democracy and Boundary Commission Cymru –
 - (a) must make a recommendation in relation to the figure of 10% in section 9(*first subsection to be inserted by amendment 23*) and (*second subsection to be inserted by amendment 23*);
 - (b) must not recommend a figure for the purposes of subsection (4)(a) which is higher than 10%.



- (5) The Democracy and Boundary Commission Cymru must –
 - (a) make and publish a report, and
 - (b) send it to the Welsh Ministers,no later than 12 months before an ordinary general election.
- (6) A failure by the Democracy and Boundary Commission Cymru to comply with a deadline in subsection (5) does not invalidate a report.
- (7) As soon as reasonably practicable after receiving a report, the Welsh Ministers must lay it before the Senedd.
- (8) The Welsh Ministers must make regulations giving effect to the determinations in the Democracy and Boundary Commission Cymru’s report –
 - (a) as soon as reasonably practicable after laying the report before the Senedd, and
 - (b) in any event, unless there are exceptional circumstances, before the end of the period of 14 weeks beginning with the date the report is laid before the Senedd.
- (9) Where regulations are not made before the end of the period mentioned in subsection (8)(b), the Welsh Ministers must lay a statement before the Senedd setting out the exceptional circumstances.
- (10) A statement under subsection (9) must be laid before the end of the period of 14 weeks beginning with the date the report is laid before the Senedd.
- (11) Further statements setting out the exceptional circumstances must be laid before the Senedd before the end of each subsequent period of four weeks beginning with the day on which the previous statement was laid, until the regulations are made.
- (12) Regulations under this section may make provision for any matters that the Welsh Ministers consider are incidental to, or consequential to, the determinations in the report.
- (13) Regulations under this section must be made by statutory instrument.
- (14) A statutory instrument containing regulations under this section must be laid before the Senedd as soon as reasonably practicable after the regulations are made.
- (15) For the purposes of subsection (3)(c) “third sector body” means a body (other than a public body) whose activities are carried on otherwise than for profit.”.



‘9A Review of the allocation of seats

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- (2) As soon as reasonably practicable after commencing the allocation of seats review, the Democracy and Boundary Commission Cymru must publish a notice –
 - (a) stating that the Democracy and Boundary Commission Cymru has commenced the allocation of seats review, and
 - (b) specifying the date on which the review commenced.
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 - (a) the Electoral Commission,
 - (b) constituency returning officers,
 - (c) third sector bodies, and
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- (4) When carrying out the allocation of seats review, the Democracy and Boundary Commission Cymru –
 - (a) must make a recommendation in relation to the figure of 10% in section 9(*[is-adran gyntaf i'w mewnosod gan welliant 23]*) and (*[ail is-adran i'w mewnosod gan welliant 23]*);
 - (b) must not recommend a figure for the purposes of subsection (4)(a) which is higher than 10%.
- (5) The Democracy and Boundary Commission Cymru must –
 - (a) make and publish a report, and
 - (b) send it to the Welsh Ministers,no later than 12 months before an ordinary general election.
- (6) A failure by the Democracy and Boundary Commission Cymru to comply with a deadline in subsection (5) does not invalidate a report.
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- (8) The Welsh Ministers must make regulations giving effect to the determinations in the Democracy and Boundary Commission Cymru’s report –
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- (b) in any event, unless there are exceptional circumstances, before the end of the period of 14 weeks beginning with the date the report is laid before the Senedd.
- (9) Where regulations are not made before the end of the period mentioned in subsection (8)(b), the Welsh Ministers must lay a statement before the Senedd setting out the exceptional circumstances.
- (10) A statement under subsection (9) must be laid before the end of the period of 14 weeks beginning with the date the report is laid before the Senedd.
- (11) Further statements setting out the exceptional circumstances must be laid before the Senedd before the end of each subsequent period of four weeks beginning with the day on which the previous statement was laid, until the regulations are made.
- (12) Regulations under this section may make provision for any matters that the Welsh Ministers consider are incidental to, or consequential to, the determinations in the report.
- (13) Regulations under this section must be made by statutory instrument.
- (14) A statutory instrument containing regulations under this section must be laid before the Senedd as soon as reasonably practicable after the regulations are made.
- (15) For the purposes of subsection (3)(c) “third sector body” means a body (other than a public body) whose activities are carried on otherwise than for profit.”.

Jane Dodds **118**

Section 10, page 8, leave out line 32.

Adran 10, tudalen 8, hepgorer llinell 32.

Jane Dodds **119**

Section 10, page 8, leave out line 36.

Adran 10, tudalen 8, hepgorer llinell 36.

Jane Dodds **120**

Section 10, page 8, line 37, leave out ‘omit paragraph (c), and the “or” before it’ and insert ‘in paragraph (c) for “10” substitute “[*section to be inserted by amendment 34*]”’.

Adran 10, tudalen 8, llinell 37, hepgorer ‘hepgorer paragraff (c), a’r “or” o’i flaen’ a mewnosoder ‘ym mharagraff (c), yn lle “10”, rhodder “[*section to be inserted by amendment 34*]”’.

Jane Dodds

121

Section 10, page 9, line 4, leave out subsection (4).

Adran 10, tudalen 9, llinell 4, hepgorer is-adran (4).

Jane Dodds

122

Section 10, page 9, line 7, leave out ‘omit “or an election to fill a vacancy under section 10’ and insert ‘in paragraph (c) for “10” substitute “[section to be inserted by amendment 34]’.

Adran 10, tudalen 9, llinell 7, hepgorer ‘hepgorer “or an election to fill a vacancy under section 10’ a mewnosoder ‘ym mharagraff (c), yn lle “10”, rhodder “[section to be inserted by amendment 34]’.

Jane Dodds

123

Section 10, page 9, leave out lines 25 to 35 and insert –

- ‘(a) in section 5(2A)(c) (reports on by-elections) for “10 of the Government of Wales Act 2006 (election for the National Assembly for Wales in the case of a constituency vacancy” substitute “[section to be inserted by amendment 34] of the Government of Wales Act 2006 (election for the Senedd in the case of a constituency vacancy that cannot be filled in accordance with section 11”;
- (b) in section 6ZA(2)(b) inserted by the Senedd and Elections (Wales) Act 2020 (anaw 1) (reviews of devolved electoral matters in Wales) for “10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies” substitute “[section to be inserted by amendment 34] of the Government of Wales Act 2006 (election for the Senedd in the case of a constituency vacancy that cannot be filled in accordance with section 11”;
- (c) in section 6A(5)(d) (attendance of representatives of Electoral Commission at elections) for “10 of the Government of Wales Act 2006 (constituency vacancies” substitute “[section to be inserted by amendment 34] of the Government of Wales Act 2006 (election for the Senedd in the case of a constituency vacancy that cannot be filled in accordance with section 11”;
- (d) in section 6G(2)(b) inserted by the Senedd and Elections (Wales) Act 2020 (code of practice on attendance of observers at devolved elections in Wales) for “10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies” substitute “[section to be inserted by amendment 34] of the Government of Wales Act 2006 (election for the Senedd in the case of a constituency vacancy that cannot be filled in accordance with section 11”;
- (e) in section 9AA(6)(b) inserted by the Senedd and Elections (Wales) Act 2020 (performance standards for devolved elections and referendums in Wales) for “10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies” substitute “[section to be inserted by amendment 34] of the Government of Wales Act 2006 (election for the Senedd in the case of a constituency vacancy that cannot be filled in accordance with section 11”.’.



Adran 10, tudalen 9, hepgorer llinellau 25 hyd at 36 a mewnosoder –

- (a) yn adran 5(2A)(c) (adroddiadau ar is-etholiadau), yn lle “10 of the Government of Wales Act 2006 (election for the National Assembly for Wales in the case of a constituency vacancy” rhodder “[*section to be inserted by amendment 34*] of the Government of Wales Act 2006 (election for the Senedd in the case of a constituency vacancy that cannot be filled in accordance with section 11”;
- (b) yn adran 6ZA(2)(b) a fewnosodwyd gan Ddeddf Senedd ac Etholiadau (Cymru) 2020 (dccc 1) (adolygiadau o faterion etholiadol datganoledig yng Nghymru), yn lle “10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies” rhodder “[*section to be inserted by amendment 34*] of the Government of Wales Act 2006 (election for the Senedd in the case of a constituency vacancy that cannot be filled in accordance with section 11”;
- (c) yn adran 6A(5)(d) (presenoldeb cynrychiolwyr y Comisiwn Etholiadol mewn etholiadau), yn lle “10 of the Government of Wales Act 2006 (constituency vacancies” rhodder “[*section to be inserted by amendment 34*] of the Government of Wales Act 2006 (election for the Senedd in the case of a constituency vacancy that cannot be filled in accordance with section 11”;
- (e) yn adran 6G(2)(b) a fewnosodwyd gan Ddeddf Senedd ac Etholiadau (Cymru) 2020 (cod ymarfer ar bresenoldeb sylwedyddion mewn etholiadau datganoledig yng Nghymru), yn lle “10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies” rhodder “[*section to be inserted by amendment 34*] of the Government of Wales Act 2006 (election for the Senedd in the case of a constituency vacancy that cannot be filled in accordance with section 11”;
- (e) yn adran 9AA(6)(b) a fewnosodwyd gan Ddeddf Senedd ac Etholiadau (Cymru) 2020 (safonau perfformiad ar gyfer etholiadau datganoledig a refferenda datganoledig yng Nghymru), yn lle “10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies” rhodder “[*section to be inserted by amendment 34*] of the Government of Wales Act 2006 (election for the Senedd in the case of a constituency vacancy that cannot be filled in accordance with section 11”.

Darren Millar

124

Page 10, after line 8, insert a new section –

‘PART []

RECALL OF MEMBER OF THE SENEDD

[] Recall of Members of the Senedd

In the 2006 Act, after section 44 (corrupt practices) insert –

“PART 1A

RECALL OF MEMBERS OF THE SENEDD

How a Member of the Senedd becomes subject to a recall petition process

44A How a Member of the Senedd becomes subject to a recall petition process



- (1) A Member of the Senedd becomes subject to a recall petition process if –
 - (a) the first or second recall condition has been met in relation to the Member of the Senedd, and
 - (b) the Presiding Officer gives notice of that fact under section 44E.
- (2) In this Act “recall petition” means a petition calling –
 - (a) for a Member of the Senedd to lose his or her seat in the Senedd, and
 - (b) for any resulting vacancy to be filled in accordance with section 44P.
- (3) The first recall condition is that –
 - (a) the Member of the Senedd has, after becoming a Member of the Senedd, been convicted in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained, and
 - (b) the appeal period expires without the conviction, sentence or order having being overturned on appeal.
- (4) Sections 44B to 44D make further provision about the first recall condition.
- (5) The second recall condition is that, whether following on from a report from the Committee on Standards of Conduct (“*y Pwyllgor Safonau Ymddygiad*”) in relation to the Member of the Senedd, or otherwise, the Senedd resolves to exclude the Member of the Senedd from any Senedd proceedings for a specified period of the requisite length.
- (6) A specified period is “of the requisite length” for the purposes of subsection (5) if –
 - (a) where the period is expressed as a number of sitting days, the period specified is of at least 10 sitting days, or
 - (b) in any other case, the period specified (however expressed) is a period of at least 14 days.
- (7) For the purposes of subsection (5) it does not matter –
 - (a) when the period of exclusion starts, and
 - (b) where that period is expressed as a number of sitting days, what provision (if any) is made by the Senedd regarding what does, or does not, count as a sitting day for the purpose of calculating that period.
- (8) The reference in subsection (5) to the Committee on Standards of Conduct (“*y Pwyllgor Safonau Ymddygiad*”) means any committee or subcommittee of the Senedd to which there have been delegated, by or under the Standing Orders, functions relating to complaints that Members of the Senedd have failed to comply with the requirements of a relevant provision.
- (9) Any question arising under subsection (8) is to be determined by the Presiding Officer.

- (10) The provision made by or under this Part does not affect other ways in which a Member of the Senedd's seat may be vacated, whether –
 - (a) by the Member of the Senedd's disqualification; for example, under section 16 and Schedule 1A to this Act (Disqualification from being Member of the Senedd) or
 - (b) by the Member of the Senedd's death or otherwise.
- (11) The loss by a Member of the Senedd of his or her seat under this Part as a result of a recall petition does not prevent him or her standing in any resulting by-election.
- (12) In this section "sitting day", means a working day in a week in which the Senedd sits in plenary.

44B The first recall condition: further provision

- (1) In section 44A(3) (the first recall condition) –
 - (a) the reference to an offence includes an offence committed before the Member of the Senedd became a Member of the Senedd and an offence committed before the day on which section 44A comes into force, but
 - (b) the reference to a Member of the Senedd being convicted of an offence is only to a Member of the Senedd being convicted of an offence on or after the day on which section 44A comes into force.
- (2) The reference in section 44A(3) to a Member of the Senedd being sentenced or ordered –
 - (a) includes the Member of the Senedd being sentenced or ordered where the sentence or order is suspended,
 - (b) does not include the Member of the Senedd being remanded in custody, and
 - (c) does not include the Member of the Senedd being authorised to be detained under mental health legislation if there is no sentence or order for imprisonment or detention other than under that legislation.
- (3) "Mental health legislation" means –
 - (a) the Mental Health Act 1983,
 - (b) Part 6 or section 200(2)(b) of the Criminal Procedure (Scotland) Act 1995, or
 - (c) the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)).
- (4) For the purposes of this Act the time at which a person becomes a Member of the Senedd is the beginning of the day after –
 - (a) the day on which the poll at a general election is held at which the person is elected as a Member of the Senedd, or

- (b) where the person has been elected as a Member of the Senedd more than once, the day on which the poll at a general election at which the person was last so elected.

44C The first recall condition: expiry of appeal period

- (1) For the purposes of section 44A(3) (the first recall condition), the appeal period expires at the earliest time at which –
 - (a) it is no longer possible for there to be a relevant appeal, and
 - (b) all relevant appeals have been determined or otherwise disposed of.
- (2) “Relevant appeal”, means –
 - (a) an appeal that –
 - (i) is in respect of the conviction, sentence or order mentioned in section 44A(3), and
 - (ii) is brought within the usual period, or
 - (b) an appeal that –
 - (i) is in respect of the determination of an appeal that was itself a relevant appeal, and
 - (ii) is brought within the period of 28 days beginning with the date of that determination or, if it ends earlier, the usual period.
- (3) References in this section to an appeal being brought within the usual period are to the appeal being brought within the period allowed for bringing an appeal of the kind in question, disregarding the possibility of an appeal out of time with permission.
- (4) References in this section to an appeal –
 - (a) are to an appeal to a court in the United Kingdom;
 - (b) include an application (and accordingly references to an appeal being brought include an application being made);
 - (c) include an appeal under paragraph 13(a) of Schedule 6 to the Scotland Act 1998, paragraph 31(a) of Schedule 10 to the Northern Ireland Act 1998 or paragraph 21(a) of Schedule 9 to the Government of Wales Act 2006 (appeal against a determination, in proceedings in Scotland, of a Scottish, Northern Irish or Welsh devolution issue), or an appeal under section 288AA of the Criminal Procedure (Scotland) Act 1995 (appeal on compatibility issues);
 - (d) do not include a reference under Part 2 of the Criminal Appeal Act 1995 (the Criminal Cases Review Commission) or Part 10A of the Criminal Procedure (Scotland) Act 1995 (the Scottish Criminal Cases Review Commission), or a petition to the nobile officium.

- (5) References in this section to the determination of an appeal are, where the court to which the appeal is brought remits the matter to another court, to the disposal of the proceedings by that other court.

44D The first recall condition: convicted Member of the Senedd to notify the Presiding Officer

- (1) This section applies if a Member of the Senedd, after becoming a Member of the Senedd is convicted in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained within the meaning of section 44A(3) (see section 44B).
- (2) For the purposes of this section, a Member of the Senedd referred to in subsection (1) is to be known as “a convicted Member of the Senedd”.
- (3) A convicted Member of the Senedd must notify the Presiding Officer –
 - (a) of the conviction and of the sentence or order, and
 - (b) whether an appeal may be brought in respect of the conviction, sentence or order.
- (4) Subsections (5) and (6) apply in a case in which an appeal is brought in respect of the conviction, sentence or order (including from a court that determines or otherwise disposes of such an appeal).
- (5) If an appeal is brought a convicted Member of the Senedd must notify the Presiding Officer that an appeal has been brought in respect of the conviction, sentence or order.
- (6) Where the appeal is determined or otherwise disposed of, a convicted Member of the Senedd must notify the Presiding Officer –
 - (a) that the appeal has been determined or otherwise disposed of,
 - (b) that the conviction, sentence or order has, or has not, been overturned on appeal, and
 - (c) whether any further appeal may be brought in respect of the conviction, sentence or order.
- (7) Section 44C(4) and (5) (interpretation of references to an appeal and to the determination of an appeal) apply in relation to this section as they apply in relation to section 44C, except that references in this section to an appeal do include a petition to the nobile officium.
- (8) A convicted Member of the Senedd is not required under this section to notify the Presiding Officer if, at any time since the application of the section, the Member of the Senedd’s seat has been vacated.

44E Presiding Officer’s notice that the first or second recall condition has been met

- (1) As soon as reasonably practicable after becoming aware that the first or second recall condition has been met in relation to a Member of the Senedd, the Presiding Officer must give notice of that fact to the petition officer for the Member of the Senedd’s constituency unless –

- (a) it appears to the Presiding Officer that the latest date for which may be fixed for the recall petition would fall within the period of six months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 4),
 - (b) the Member of the Senedd is already subject to a recall petition process, or
 - (c) the Member of the Senedd’s seat has already been vacated (whether by the Member of the Senedd’s disqualification or death, or otherwise).
- (2) For the purposes of subsection (1)(a), a Member of the Senedd is “subject to a recall petition process” during the period beginning with the giving of a notice under this section in relation to the Member of the Senedd and ending with –
- (a) the receipt by the petition officer of a notice under section 44M(6) (early termination of recall petition process) in relation to the recall petition in question, or
 - (b) the giving by the petition officer of a notice under section 44N(2)(b) (determination of whether recall petition successful) of the outcome of that recall petition.
- (3) A notice under this section –
- (a) must specify the day on which it is given,
 - (b) must specify which of the recall conditions has been met in relation to the Member of the Senedd, and
 - (c) in a case in which the first recall condition has been met, must specify the offence of which the Member of the Senedd has been convicted.
- (4) For the purposes of this Act, a notice under this section –
- (a) is to be treated as given on the day specified in it under subsection (3)(a), and
 - (b) is to be treated as received by the petition officer on the first working day after the day on which it is given.
- (5) References in this Act to a “Presiding Officer’s notice” are to a notice under this section.

Conduct of the recall petition process

44F Petition officers

- (1) There is to be a petition officer in relation to a recall petition for each constituency and the petition officer is the person who is the constituency returning officer in accordance with section 7(6) of this Act.
- (2) References in this Act to a petition officer are to a petition officer under this section.

- (3) It is the petition officer's general duty to do anything necessary for effectually conducting a recall petition in accordance with this Act and regulations made under it.
- (4) The Welsh Ministers may by regulations make any provision, in relation to petition officers, in so far as it relates to –
 - (a) the performance of petition officer's functions, or
 - (b) expenditure.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.

44G Where and from when the recall petition may be signed

- (1) Where the petition officer for a constituency receives a Presiding Officer's notice, the officer must, as soon as reasonably practicable, designate –
 - (a) a place, or places, at which a recall petition is to be made available for signing, and
 - (b) a day from which the petition is to be made available for signing.
- (2) A maximum of 10 places may be designated under subsection (1)(a).
- (3) The petition officer must, in determining which place or places to designate under subsection (1)(a), seek to ensure –
 - (a) that all persons entitled to sign the recall petition have such reasonable facilities for signing it as are practicable in the circumstances, and
 - (b) that, so far as is reasonable and practicable, every place designated is accessible to disabled persons.
- (4) The petition officer must designate under subsection (1)(b) –
 - (a) the day which is the 10th working day after the day on which the officer received the Presiding Officer's notice, or
 - (b) if it is not reasonably practicable to designate that day, the first subsequent working day that it is reasonably practicable to designate.
- (5) In this Part –

“the designated place or places” means the place or places designated under subsection (1)(a);

“the designated day” means the day designated under subsection (1)(b).

44H Notice of petition to be sent to registered electors

- (1) As soon as reasonably practicable after determining the designated place or places and the designated day under section 44G, the petition officer must send a notice of petition in accordance with regulations under section 44R –

- (a) to such descriptions of persons registered in the register of local government electors for the constituency as are to be specified in such regulations, and
 - (b) to such other descriptions of persons as may be specified in such regulations.
- (2) Regulations under section 44R must require the notice to contain information relating to the recall condition which has been met in relation to the Member of the Senedd.

44I Recall petition to be made available for signing

- (1) The petition officer must ensure that the recall petition is made available for signing throughout the signing period at the designated place or places, and by post, in accordance with regulations under section 44R.
- (2) In this Part “the signing period” means the period of six weeks beginning with the designated day.
- (3) The recall petition is made available for signing at the designated place or places, or by post, by a separate petition signing sheet being available for signing by each person entitled to sign the petition at that place, or by post, in accordance with regulations under section 44R.
- (4) The wording of a petition signing sheet must include the following –
- By signing in the box below you are signing a petition for [*name of Member of the Senedd*] one of the Members of the Senedd for [*name of constituency*], to lose [*his/her*] seat as a Member of the Senedd. If at least 10% of eligible people in the constituency sign the petition, [*name of Member of the Senedd*] MS will lose [*his/her*] seat as a Member of the Senedd and an election will be held in [*name of the constituency*] to fill the vacancy. The loss of [*his/her*] seat does not prevent [*name of Member of the Senedd*] standing in this election to fill the vacancy. If less than 10% of eligible people in the constituency sign the petition, [*name of Member of the Senedd*] MS will not lose [*his/her*] seat as a result of the petition and therefore no election to fill a vacancy will be required.
- (5) The Welsh Ministers may by regulations amend subsection (4).
- (6) The Welsh Ministers must by regulations ensure that the wording of a petition signing sheet is available through the medium of Welsh.
- (7) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.

44J Persons entitled to sign a recall petition

- (1) A person is entitled to sign a recall petition on a day during the signing period if, on that day –
- (a) the person is registered in the register of local government electors at an address within a Senedd constituency,

- (b) the person is aged 16 or over, or the date of his or her 16th birthday is before the end of the signing period, and
 - (c) the person would be entitled to vote as an elector at a general election in the constituency.
- (2) Any alteration made to the register of local government electors at an address within a Senedd constituency which takes effect –
- (a) after the day on which the Presiding Officer’s notice is given, and
 - (b) on or before the cut-off day,
- does not have effect for the purposes of subsection (1)(a) if it results from a late application for registration.
- (3) Any alteration made to the register of local government electors at an address within a Senedd constituency which takes effect after the cut-off day does not have effect for the purposes of subsection (1)(a).
- (4) For the purposes of this Part –
- (a) “the cut-off day” means the third working day before the beginning of the signing period,
 - (b) “general election” means an ordinary general election or an extraordinary general election held under Part 1 of this Act, and
 - (c) “late application for registration” means an application for registration that is made after the day on which the Presiding Officer’s notice is given.
- (5) For the purposes of subsection (1)(c), section 2(1)(a) and (d) of the Representation of the People Act 1983 (requirement to be registered and of voting age) are to be disregarded.
- (6) The Welsh Ministers may by regulations make provision relating to the alteration of registers of local government electors for the purposes of a recall petition.
- (7) A statutory instrument containing regulations under subsection (6) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Senedd.

44K How entitlement to sign a recall petition is to be exercised

- (1) A person who is entitled to sign a recall petition may sign it –
- (a) in person,
 - (b) by post, or
 - (c) by proxy,
- subject to meeting the requirements of regulations under section 44R about signing it by that method.
- (2) A person who is entitled to sign a recall petition may sign it only once.
- (3) Once a recall petition has been signed, the signature cannot be withdrawn.

- (4) Unless stated otherwise, references in this Part (however expressed) to the signing of a recall petition by a person are to the person signing it by any of the methods mentioned in subsection (1) otherwise than as a proxy for another person.

44L Double signing

- (1) A person commits an offence if the person signs the same recall petition, otherwise than by proxy, more than once.
- (2) A person commits an offence if the person signs a recall petition in person or by post knowing that a person appointed to sign the petition as his or her proxy –
- (a) has already signed the petition in person as his or her proxy, or
 - (b) in accordance with provision made by regulations under section 44R, is entitled to sign the petition as his or her proxy by post.
- (3) A person commits an offence if the person signs the same recall petition as proxy for the same person more than once.
- (4) A person commits an offence if the person signs a recall petition as proxy for another person knowing that the other person has already signed the petition in person or by post.
- (5) An offence under this section is treated –
- (a) for the purposes of section 169 of the Representation of the People Act 1983 (mode of prosecution and penalty for illegal practices) as an illegal practice,
 - (b) for the purposes of section 173 of that Act (incapacities on conviction of corrupt or illegal practice) as an illegal practice under section 61 of that Act (other voting offences), and
 - (c) for the purposes of section 178 of that Act (prosecution of offences committed outside the United Kingdom) as an offence under that Act.

Early termination of recall petition process

44M Early termination of recall petition process

- (1) This section applies where any of the following conditions is met at any time after the Presiding Officer's notice is given but before notice of the outcome of the recall petition has been given under section 44N(2)(b).
- (2) The first condition is that the Senedd is dissolved.
- (3) The second condition is that the Member of the Senedd's seat is vacated (whether by the Member of the Senedd's disqualification or death, or otherwise).
- (4) The third condition is that, in a case in which the first recall condition was met in relation to the Member of the Senedd, the conviction, sentence or order in question is overturned on appeal.

- (5) As soon as reasonably practicable after becoming aware that this section applies, the Presiding Officer (or, in a case where this section applies by virtue of the first condition, the person who was the Presiding Officer immediately before the Senedd was dissolved) must notify the petition officer that the section applies, specifying which of the conditions above has been met.
- (6) On the petition officer receiving a notice under subsection (5) –
 - (a) sections 44G to 44K cease to apply in relation to the recall petition, and
 - (b) no further action is to be taken under or by virtue of this Part in relation to the process relating to the signing of the recall petition except –
 - (i) the action required under subsection (7), and
 - (ii) any action which may be required or permitted by regulations under section 44R in relation to the termination of that process.
- (7) As soon as reasonably practicable after receiving a notice under subsection (5), the petition officer must –
 - (a) take such steps as the officer considers necessary to terminate the process relating to the signing of the recall petition, and
 - (b) give a public notice of the termination of that process in accordance with regulations under section 44R.
- (8) Except in a case where this section applies by virtue of the first condition (dissolution of the Senedd), the Presiding Officer must lay before the Senedd any notice given under subsection (5).

Outcome of recall petition

44N Determination of whether recall petition successful

- (1) This section applies unless the petition officer has received a notice under section 44M(6) (early termination of recall petition process).
- (2) As soon as reasonably practicable after the end of the signing period, the petition officer must –
 - (a) determine whether the recall petition was successful,
 - (b) notify the Presiding Officer that the recall petition was successful or unsuccessful, as the case may be, and
 - (c) having done that, give a public notice of the outcome of the recall petition in accordance with regulations under section 44R.
- (3) For the purposes of this Act, a recall petition is successful if the number of persons who validly sign the petition is at least 10% of the number of eligible registered electors.

- (4) In this section “the number of eligible registered electors” means the number of persons registered in the register of local government electors for the constituency on the last day of the signing period excluding those who, according to their entry in the register, are aged under 16 on that day.
- (5) Any alteration made to the register of local government electors for the Senedd constituency which takes effect –
- (a) after the day on which the Presiding Officer’s notice is given, and
 - (b) on or before the cut-off day,
- does not have effect for the purposes of subsection (3) if it results from a late application for registration.
- (6) Any alteration made to the register of local government electors for the constituency which takes effect after the cut-off day does not have effect for the purposes of subsection (3), unless regulations made under section 44J(6) determine otherwise.
- (7) For the purposes of subsection (3), a person validly signs a recall petition if –
- (a) the person signs the petition on a day during the signing period on which the person is entitled to do so under section 44J,
 - (b) the person has not previously signed the petition,
 - (c) each condition (if any) imposed by regulations under section 44R of the kind mentioned in section 44R(3)(d)(i) (conditions for the exercise of entitlement to sign) applicable to the method of signing used is met,
 - (d) the person's signing of the petition is not invalid for the purposes of this Act under regulations under section 44R of the kind mentioned in section 44R(3)(d)(iv), and
 - (e) the person is not within subsection (8).
- (8) A person is within this subsection if, on the last day of the signing period, the person is not registered in the register of local government electors for the constituency because the person's entry has been removed by an alteration described in regulations made under section 44J(6).
- (9) The Presiding Officer must lay before the Senedd any notice received under subsection (2)(b).

44O Effect of successful petition

- (1) If the petition officer notifies the Presiding Officer under section 44N(2)(b) that the recall petition was successful, the Member of the Senedd’s seat becomes vacant on the giving of that notice.
- (2) That does not apply if the seat has already been vacated (whether by the Member of the Senedd’s disqualification or death, or otherwise).
- (3) Subsection (1) is subject to regulations under section 44R about the questioning of the outcome of the recall petition.

44P Vacant seats arising as a result of a successful petition

- (1) This section applies where the seat of a Member of the Senedd becomes vacant in accordance with section 44O(1).
- (2) The seat of a Member of the Senedd that has become vacant must be filled in accordance with this section, unless any regulations referred to in section 44O(3) are made specifying otherwise.
- (3) Subject to subsection (8), an election must be held in the Senedd constituency to fill the vacancy.
- (4) At the election, each person entitled to vote only has a single vote; and the Member of the Senedd for the constituency is to be returned under the simple majority system.
- (5) The date of the poll at the election must be fixed by the Presiding Officer.
- (6) The date must fall within the period of three months beginning with the occurrence of the vacancy.
- (7) But if the vacancy does not come to the Presiding Officer's notice within the period of one month beginning with its occurrence, the date must fall within the period of three months beginning when it does come to the Presiding Officer's notice.
- (8) The election must not be held if it appears to the Presiding Officer that the latest date which may be fixed for the poll would fall within the period of three months ending on the day on which the poll at the next ordinary general election would be held (disregarding section 4 of this Act).
- (9) A person may not be a candidate in an election to fill a vacancy if the person is –
 - (a) a Member of the Senedd, or
 - (b) a candidate in another such election.

Financial controls

44Q Expenses, donations and reporting

- (1) The Welsh Ministers may by regulations make any provision, in relation to –
 - (a) regulating expenditure in relation to recall petitions;
 - (b) regulating donations in relation to recall petitions;
 - (c) imposing reporting requirements in connection with the financial control of recall petitions.
- (2) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.

Final provisions

44R Power to make further provision about conduct of a recall petition etc.

- (1) The Welsh Ministers may by regulations –
 - (a) make further provision about the conduct of a recall petition;
 - (b) make provision about the questioning of the outcome of a recall petition and the consequences of irregularities;
 - (c) make further provision about the giving, sending, delivery or receipt of notices or other documents under this Part.
- (2) Regulations under subsection (1) may –
 - (a) apply or incorporate any provision of electoral legislation (with or without modifications or exceptions);
 - (b) amend any form contained in a provision of electoral legislation for use in relation to recall petitions;
 - (c) make provision conferring a discretion on any person;
 - (d) make provision creating a criminal offence;
 - (e) make further provision about criminal offences under this Part.
- (3) The provision that may be made under subsection (1)(a) includes, in particular –
 - (a) provision about the notice of petition under section 44H, the petition signing sheet under section 44I or the public notice required under section 44M(7)(b) or 44N(2)(c);
 - (b) provision permitting or requiring the petition officer not to make the recall petition available for signing at the designated place or places at particular times of the day or on particular days;
 - (c) provision allocating persons registered in the register of local government electors for the constituency to a particular designated place and limiting the availability of the petition for signing at that place to signing by persons so allocated who are entitled to sign it;
 - (d) provision about signing a recall petition in person, by post or by proxy, and in particular –
 - (i) provision under which an entitlement to sign a recall petition in person, by post or by proxy may be exercised only where conditions specified in the regulations are met;
 - (ii) provision about what a person must do in order to be regarded as having signed a recall petition for the purposes of this Act;
 - (iii) provision about when a person who signs a recall petition by post is treated as signing it for the purposes of this Act;
 - (iv) provision about when a person's signing of a recall petition is invalid for the purposes of this Act;

- (e) provision permitting or requiring the petition officer, in determining under section 44N(2)(a) whether a recall petition was successful, to treat a person who signed the petition as having validly signed it for the purposes of section 44N(3);
 - (f) provision about access to, or the supply of copies of, the register of parliamentary local government electors for the constituency or documents produced in relation to a recall petition;
 - (g) provision about the retention or disposal of documents or other information in relation to a recall petition;
 - (h) further provision about the regulation of campaigning in relation to a recall petition.
- (4) Provision made as mentioned in subsection (3)(e) does not affect –
- (a) the question of whether, for the purposes of provision made under subsection (1)(b), a person validly signed a recall petition for the purposes of section 44N(3) (determination of whether recall petition successful), or
 - (b) liability to any penalty arising from a person signing a recall petition but failing to validly sign it for the purposes of section 44N(3).
- (5) The outcome of a recall petition may be questioned only in accordance with provision made under subsection (1)(b).
- (6) The provision that may be made under subsection (1)(c) includes –
- (a) provision about how a notice or other document authorised or required under this Part to be given, sent or delivered is given, sent or delivered;
 - (b) provision about the circumstances in which, and the time at which, a notice or other document is (or is to be treated as having been) given, sent, delivered or received.
- (7) For the purposes of this section, “a provision of electoral legislation” means –
- (a) a provision of, or made under, the Representation of the People Acts, or
 - (b) a provision of other legislation which is a provision relating to a general election.
- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.

44S Performance of the Presiding Officer’s functions by others

If the first or second condition has been met in relation to the Presiding Officer the functions of the Presiding Officer are to be performed by a Deputy Presiding Officer.

44T Regulations

- (1) Regulations under this Part are to be made by statutory instrument.

- (2) Regulations under this Part may –
 - (a) make consequential, supplementary, incidental, transitional or saving provision;
 - (b) make different provision for different purposes or areas.
- (3) The power under subsection (2)(a) includes, in the case of regulations under section 44R (power to make further provision about conduct of a recall petition etc), the power to amend legislation.

44U Interpretation

- (1) In this Part –

“the cut-off day” has the meaning given by section 44J(4)(a);

“the designated day” has the meaning given by section 44G(5);

“the designated place or places” has the meaning given by section 44G(5);

“late application for registration” has the meaning given by section 44J(4)(b);

“legislation” means –

- (a) an enactment as defined in section 158, or
- (b) an Act of Parliament, or any subordinate legislation made under any Act of Parliament.

“overturned on appeal” means –

- (a) in relation to a conviction, that there is no longer a conviction for the purposes of section 44A(3), and
- (b) in relation to a sentence or order –
 - (i) varied so that it is no longer a sentence or order that the Member of the Senedd be imprisoned or detained within the meaning of section 44A(3), or
 - (ii) replaced with another sentence or order that is not a sentence or order that the Member of the Senedd be imprisoned or detained within the meaning of that provision;

“recall petition” has the meaning given by section 44A(2);

“the signing period” has the meaning given by section 44I(2);

“Presiding Officer's notice” has the meaning given by section 44E(5);

- (2) References in this Part to the register of local government electors for the constituency is to the version of the register of local government electors as most recently published under section 13(1)(a) of the Representation of the People Act 1983.
- (3) References in this Part (however expressed) to the signing of a recall petition by a person are to be read in accordance with section 44K(4).
- (4) A duty under this Part to notify (however expressed) is a duty to give notice in writing.”.

‘RHAN []

ADALW AELODAU O’R SENEDD

[] Adalw Aelodau o'r Senedd

Yn Neddf 2006, ar ôl adran 44 (arferion llwgr) mewnosoder –

“PART 1A

RECALL OF MEMBERS OF THE SENEDD

How a Member of the Senedd becomes subject to a recall petition process

44A How a Member of the Senedd becomes subject to a recall petition process

- (1) A Member of the Senedd becomes subject to a recall petition process if –
 - (a) the first or second recall condition has been met in relation to the Member of the Senedd, and
 - (b) the Presiding Officer gives notice of that fact under section 44E.
- (2) In this Act “recall petition” means a petition calling –
 - (a) for a Member of the Senedd to lose his or her seat in the Senedd, and
 - (b) for any resulting vacancy to be filled in accordance with section 44P.
- (3) The first recall condition is that –
 - (a) the Member of the Senedd has, after becoming a Member of the Senedd, been convicted in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained, and
 - (b) the appeal period expires without the conviction, sentence or order having been overturned on appeal.
- (4) Sections 44B to 44D make further provision about the first recall condition.
- (5) The second recall condition is that, whether following on from a report from the Committee on Standards of Conduct (“*y Pwyllgor Safonau Ymddygiad*”) in relation to the Member of the Senedd, or otherwise, the Senedd resolves to exclude the Member of the Senedd from any Senedd proceedings for a specified period of the requisite length.
- (6) A specified period is “of the requisite length” for the purposes of subsection (5) if –
 - (a) where the period is expressed as a number of sitting days, the period specified is of at least 10 sitting days, or
 - (b) in any other case, the period specified (however expressed) is a period of at least 14 days.

- (7) For the purposes of subsection (5) it does not matter –
- (a) when the period of exclusion starts, and
 - (b) where that period is expressed as a number of sitting days, what provision (if any) is made by the Senedd regarding what does, or does not, count as a sitting day for the purpose of calculating that period.
- (8) The reference in subsection (5) to the Committee on Standards of Conduct (“*y Pwyllgor Safonau Ymddygiad*”) means any committee or subcommittee of the Senedd to which there have been delegated, by or under the Standing Orders, functions relating to complaints that Members of the Senedd have failed to comply with the requirements of a relevant provision.
- (9) Any question arising under subsection (8) is to be determined by the Presiding Officer.
- (10) The provision made by or under this Part does not affect other ways in which a Member of the Senedd’s seat may be vacated, whether –
- (a) by the Member of the Senedd’s disqualification; for example, under section 16 and Schedule 1A to this Act (Disqualification from being Member of the Senedd) or
 - (b) by the Member of the Senedd’s death or otherwise.
- (11) The loss by a Member of the Senedd of his or her seat under this Part as a result of a recall petition does not prevent him or her standing in any resulting by-election.
- (12) In this section “sitting day”, means a working day in a week in which the Senedd sits in plenary.

44B The first recall condition: further provision

- (1) In section 44A(3) (the first recall condition) –
- (a) the reference to an offence includes an offence committed before the Member of the Senedd became a Member of the Senedd and an offence committed before the day on which section 44A comes into force, but
 - (b) the reference to a Member of the Senedd being convicted of an offence is only to a Member of the Senedd being convicted of an offence on or after the day on which section 44A comes into force.
- (2) The reference in section 44A(3) to a Member of the Senedd being sentenced or ordered –
- (a) includes the Member of the Senedd being sentenced or ordered where the sentence or order is suspended,
 - (b) does not include the Member of the Senedd being remanded in custody, and

- (c) does not include the Member of the Senedd being authorised to be detained under mental health legislation if there is no sentence or order for imprisonment or detention other than under that legislation.
- (3) “Mental health legislation” means –
 - (a) the Mental Health Act 1983,
 - (b) Part 6 or section 200(2)(b) of the Criminal Procedure (Scotland) Act 1995, or
 - (c) the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)).
- (4) For the purposes of this Act the time at which a person becomes a Member of the Senedd is the beginning of the day after –
 - (a) the day on which the poll at a general election is held at which the person is elected as a Member of the Senedd, or
 - (b) where the person has been elected as a Member of the Senedd more than once, the day on which the poll at a general election at which the person was last so elected.

44C The first recall condition: expiry of appeal period

- (1) For the purposes of section 44A(3) (the first recall condition), the appeal period expires at the earliest time at which –
 - (a) it is no longer possible for there to be a relevant appeal, and
 - (b) all relevant appeals have been determined or otherwise disposed of.
- (2) “Relevant appeal”, means –
 - (a) an appeal that –
 - (i) is in respect of the conviction, sentence or order mentioned in section 44A(3), and
 - (ii) is brought within the usual period, or
 - (b) an appeal that –
 - (i) is in respect of the determination of an appeal that was itself a relevant appeal, and
 - (ii) is brought within the period of 28 days beginning with the date of that determination or, if it ends earlier, the usual period.
- (3) References in this section to an appeal being brought within the usual period are to the appeal being brought within the period allowed for bringing an appeal of the kind in question, disregarding the possibility of an appeal out of time with permission.
- (4) References in this section to an appeal –
 - (a) are to an appeal to a court in the United Kingdom;
 - (b) include an application (and accordingly references to an appeal being brought include an application being made);

- (c) include an appeal under paragraph 13(a) of Schedule 6 to the Scotland Act 1998, paragraph 31(a) of Schedule 10 to the Northern Ireland Act 1998 or paragraph 21(a) of Schedule 9 to the Government of Wales Act 2006 (appeal against a determination, in proceedings in Scotland, of a Scottish, Northern Irish or Welsh devolution issue), or an appeal under section 288AA of the Criminal Procedure (Scotland) Act 1995 (appeal on compatibility issues);
 - (d) do not include a reference under Part 2 of the Criminal Appeal Act 1995 (the Criminal Cases Review Commission) or Part 10A of the Criminal Procedure (Scotland) Act 1995 (the Scottish Criminal Cases Review Commission), or a petition to the nobile officium.
- (5) References in this section to the determination of an appeal are, where the court to which the appeal is brought remits the matter to another court, to the disposal of the proceedings by that other court.

44D The first recall condition: convicted Member of the Senedd to notify the Presiding Officer

- (1) This section applies if a Member of the Senedd, after becoming a Member of the Senedd is convicted in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained within the meaning of section 44A(3) (see section 44B).
- (2) For the purposes of this section, a Member of the Senedd referred to in subsection (1) is to be known as “a convicted Member of the Senedd”.
- (3) A convicted Member of the Senedd must notify the Presiding Officer –
 - (a) of the conviction and of the sentence or order, and
 - (b) whether an appeal may be brought in respect of the conviction, sentence or order.
- (4) Subsections (5) and (6) apply in a case in which an appeal is brought in respect of the conviction, sentence or order (including from a court that determines or otherwise disposes of such an appeal).
- (5) If an appeal is brought a convicted Member of the Senedd must notify the Presiding Officer that an appeal has been brought in respect of the conviction, sentence or order.
- (6) Where the appeal is determined or otherwise disposed of, a convicted Member of the Senedd must notify the Presiding Officer –
 - (a) that the appeal has been determined or otherwise disposed of,
 - (b) that the conviction, sentence or order has, or has not, been overturned on appeal, and
 - (c) whether any further appeal may be brought in respect of the conviction, sentence or order.

- (7) Section 44C(4) and (5) (interpretation of references to an appeal and to the determination of an appeal) apply in relation to this section as they apply in relation to section 44C, except that references in this section to an appeal do include a petition to the nobile officium.
- (8) A convicted Member of the Senedd is not required under this section to notify the Presiding Officer if, at any time since the application of the section, the Member of the Senedd's seat has been vacated.

44E Presiding Officer's notice that the first or second recall condition has been met

- (1) As soon as reasonably practicable after becoming aware that the first or second recall condition has been met in relation to a Member of the Senedd, the Presiding Officer must give notice of that fact to the petition officer for the Member of the Senedd's constituency unless –
 - (a) it appears to the Presiding Officer that the latest date for which may be fixed for the recall petition would fall within the period of six months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 4),
 - (b) the Member of the Senedd is already subject to a recall petition process, or
 - (c) the Member of the Senedd's seat has already been vacated (whether by the Member of the Senedd's disqualification or death, or otherwise).
- (2) For the purposes of subsection (1)(a), a Member of the Senedd is "subject to a recall petition process" during the period beginning with the giving of a notice under this section in relation to the Member of the Senedd and ending with –
 - (a) the receipt by the petition officer of a notice under section 44M(6) (early termination of recall petition process) in relation to the recall petition in question, or
 - (b) the giving by the petition officer of a notice under section 44N(2)(b) (determination of whether recall petition successful) of the outcome of that recall petition.
- (3) A notice under this section –
 - (a) must specify the day on which it is given,
 - (b) must specify which of the recall conditions has been met in relation to the Member of the Senedd, and
 - (c) in a case in which the first recall condition has been met, must specify the offence of which the Member of the Senedd has been convicted.
- (4) For the purposes of this Act, a notice under this section –
 - (a) is to be treated as given on the day specified in it under subsection (3)(a), and

- (b) is to be treated as received by the petition officer on the first working day after the day on which it is given.
- (5) References in this Act to a “Presiding Officer’s notice” are to a notice under this section.

Conduct of the recall petition process

44F Petition officers

- (1) There is to be a petition officer in relation to a recall petition for each constituency and the petition officer is the person who is the constituency returning officer in accordance with section 7(6) of this Act.
- (2) References in this Act to a petition officer are to a petition officer under this section.
- (3) It is the petition officer’s general duty to do anything necessary for effectually conducting a recall petition in accordance with this Act and regulations made under it.
- (4) The Welsh Ministers may by regulations make any provision, in relation to petition officers, in so far as it relates to –
- (a) the performance of petition officer’s functions, or
 - (b) expenditure.
- (5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.

44G Where and from when the recall petition may be signed

- (1) Where the petition officer for a constituency receives a Presiding Officer’s notice, the officer must, as soon as reasonably practicable, designate –
- (a) a place, or places, at which a recall petition is to be made available for signing, and
 - (b) a day from which the petition is to be made available for signing.
- (2) A maximum of 10 places may be designated under subsection (1)(a).
- (3) The petition officer must, in determining which place or places to designate under subsection (1)(a), seek to ensure –
- (a) that all persons entitled to sign the recall petition have such reasonable facilities for signing it as are practicable in the circumstances, and
 - (b) that, so far as is reasonable and practicable, every place designated is accessible to disabled persons.
- (4) The petition officer must designate under subsection (1)(b) –
- (a) the day which is the 10th working day after the day on which the officer received the Presiding Officer’s notice, or

- (b) if it is not reasonably practicable to designate that day, the first subsequent working day that it is reasonably practicable to designate.
- (5) In this Part –
- “the designated place or places” means the place or places designated under subsection (1)(a);
 - “the designated day” means the day designated under subsection (1)(b).

44H Notice of petition to be sent to registered electors

- (1) As soon as reasonably practicable after determining the designated place or places and the designated day under section 44G, the petition officer must send a notice of petition in accordance with regulations under section 44R –
- (a) to such descriptions of persons registered in the register of local government electors for the constituency as are to be specified in such regulations, and
 - (b) to such other descriptions of persons as may be specified in such regulations.
- (2) Regulations under section 44R must require the notice to contain information relating to the recall condition which has been met in relation to the Member of the Senedd.

44I Recall petition to be made available for signing

- (1) The petition officer must ensure that the recall petition is made available for signing throughout the signing period at the designated place or places, and by post, in accordance with regulations under section 44R.
- (2) In this Part “the signing period” means the period of six weeks beginning with the designated day.
- (3) The recall petition is made available for signing at the designated place or places, or by post, by a separate petition signing sheet being available for signing by each person entitled to sign the petition at that place, or by post, in accordance with regulations under section 44R.
- (4) The wording of a petition signing sheet must include the following –

By signing in the box below you are signing a petition for [*name of Member of the Senedd*] one of the Members of the Senedd for [*name of constituency*], to lose [*his/her*] seat as a Member of the Senedd. If at least 10% of eligible people in the constituency sign the petition, [*name of Member of the Senedd*] MS will lose [*his/her*] seat as a Member of the Senedd and an election will be held in [*name of the constituency*] to fill the vacancy. The loss of [*his/her*] seat does not prevent [*name of Member of the Senedd*] standing in this election to fill the vacancy. If less than 10% of eligible people in the constituency sign the petition, [*name of Member of the Senedd*] MS will not lose [*his/her*] seat as a result of the petition and therefore no election to fill a vacancy will be required.

- (5) The Welsh Ministers may by regulations amend subsection (4).
- (6) The Welsh Ministers must by regulations ensure that the wording of a petition signing sheet is available through the medium of Welsh.
- (7) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.

44J Persons entitled to sign a recall petition

- (1) A person is entitled to sign a recall petition on a day during the signing period if, on that day –
 - (a) the person is registered in the register of local government electors at an address within a Senedd constituency,
 - (b) the person is aged 16 or over, or the date of his or her 16th birthday is before the end of the signing period, and
 - (c) the person would be entitled to vote as an elector at a general election in the constituency.
- (2) Any alteration made to the register of local government electors at an address within a Senedd constituency which takes effect –
 - (a) after the day on which the Presiding Officer’s notice is given, and
 - (b) on or before the cut-off day,does not have effect for the purposes of subsection (1)(a) if it results from a late application for registration.
- (3) Any alteration made to the register of local government electors at an address within a Senedd constituency which takes effect after the cut-off day does not have effect for the purposes of subsection (1)(a).
- (4) For the purposes of this Part –
 - (a) “the cut-off day” means the third working day before the beginning of the signing period,
 - (b) “general election” means an ordinary general election or an extraordinary general election held under Part 1 of this Act, and

- (c) “late application for registration” means an application for registration that is made after the day on which the Presiding Officer’s notice is given.
- (5) For the purposes of subsection (1)(c), section 2(1)(a) and (d) of the Representation of the People Act 1983 (requirement to be registered and of voting age) are to be disregarded.
- (6) The Welsh Ministers may by regulations make provision relating to the alteration of registers of local government electors for the purposes of a recall petition.
- (7) A statutory instrument containing regulations under subsection (6) may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Senedd.

44K How entitlement to sign a recall petition is to be exercised

- (1) A person who is entitled to sign a recall petition may sign it –
- (a) in person,
 - (b) by post, or
 - (c) by proxy,
- subject to meeting the requirements of regulations under section 44R about signing it by that method.
- (2) A person who is entitled to sign a recall petition may sign it only once.
- (3) Once a recall petition has been signed, the signature cannot be withdrawn.
- (4) Unless stated otherwise, references in this Part (however expressed) to the signing of a recall petition by a person are to the person signing it by any of the methods mentioned in subsection (1) otherwise than as a proxy for another person.

44L Double signing

- (1) A person commits an offence if the person signs the same recall petition, otherwise than by proxy, more than once.
- (2) A person commits an offence if the person signs a recall petition in person or by post knowing that a person appointed to sign the petition as his or her proxy –
- (a) has already signed the petition in person as his or her proxy, or
 - (b) in accordance with provision made by regulations under section 44R, is entitled to sign the petition as his or her proxy by post.
- (3) A person commits an offence if the person signs the same recall petition as proxy for the same person more than once.
- (4) A person commits an offence if the person signs a recall petition as proxy for another person knowing that the other person has already signed the petition in person or by post.
- (5) An offence under this section is treated –

- (a) for the purposes of section 169 of the Representation of the People Act 1983 (mode of prosecution and penalty for illegal practices) as an illegal practice,
- (b) for the purposes of section 173 of that Act (incapacities on conviction of corrupt or illegal practice) as an illegal practice under section 61 of that Act (other voting offences), and
- (c) for the purposes of section 178 of that Act (prosecution of offences committed outside the United Kingdom) as an offence under that Act.

Early termination of recall petition process

44M Early termination of recall petition process

- (1) This section applies where any of the following conditions is met at any time after the Presiding Officer's notice is given but before notice of the outcome of the recall petition has been given under section 44N(2)(b).
- (2) The first condition is that the Senedd is dissolved.
- (3) The second condition is that the Member of the Senedd's seat is vacated (whether by the Member of the Senedd's disqualification or death, or otherwise).
- (4) The third condition is that, in a case in which the first recall condition was met in relation to the Member of the Senedd, the conviction, sentence or order in question is overturned on appeal.
- (5) As soon as reasonably practicable after becoming aware that this section applies, the Presiding Officer (or, in a case where this section applies by virtue of the first condition, the person who was the Presiding Officer immediately before the Senedd was dissolved) must notify the petition officer that the section applies, specifying which of the conditions above has been met.
- (6) On the petition officer receiving a notice under subsection (5) –
 - (a) sections 44G to 44K cease to apply in relation to the recall petition, and
 - (b) no further action is to be taken under or by virtue of this Part in relation to the process relating to the signing of the recall petition except –
 - (i) the action required under subsection (7), and
 - (ii) any action which may be required or permitted by regulations under section 44R in relation to the termination of that process.
- (7) As soon as reasonably practicable after receiving a notice under subsection (5), the petition officer must –
 - (a) take such steps as the officer considers necessary to terminate the process relating to the signing of the recall petition, and
 - (b) give a public notice of the termination of that process in accordance with regulations under section 44R.

- (8) Except in a case where this section applies by virtue of the first condition (dissolution of the Senedd), the Presiding Officer must lay before the Senedd any notice given under subsection (5).

Outcome of recall petition

44N Determination of whether recall petition successful

- (1) This section applies unless the petition officer has received a notice under section 44M(6) (early termination of recall petition process).
- (2) As soon as reasonably practicable after the end of the signing period, the petition officer must –
- (a) determine whether the recall petition was successful,
 - (b) notify the Presiding Officer that the recall petition was successful or unsuccessful, as the case may be, and
 - (c) having done that, give a public notice of the outcome of the recall petition in accordance with regulations under section 44R.
- (3) For the purposes of this Act, a recall petition is successful if the number of persons who validly sign the petition is at least 10% of the number of eligible registered electors.
- (4) In this section “the number of eligible registered electors” means the number of persons registered in the register of local government electors for the constituency on the last day of the signing period excluding those who, according to their entry in the register, are aged under 16 on that day.
- (5) Any alteration made to the register of local government electors for the Senedd constituency which takes effect –
- (a) after the day on which the Presiding Officer’s notice is given, and
 - (b) on or before the cut-off day,
- does not have effect for the purposes of subsection (3) if it results from a late application for registration.
- (6) Any alteration made to the register of local government electors for the constituency which takes effect after the cut-off day does not have effect for the purposes of subsection (3), unless regulations made under section 44J(6) determine otherwise.
- (7) For the purposes of subsection (3), a person validly signs a recall petition if –
- (a) the person signs the petition on a day during the signing period on which the person is entitled to do so under section 44J,
 - (b) the person has not previously signed the petition,
 - (c) each condition (if any) imposed by regulations under section 44R of the kind mentioned in section 44R(3)(d)(i) (conditions for the exercise of entitlement to sign) applicable to the method of signing used is met,

- (d) the person's signing of the petition is not invalid for the purposes of this Act under regulations under section 44R of the kind mentioned in section 44R(3)(d)(iv), and
 - (e) the person is not within subsection (8).
- (8) A person is within this subsection if, on the last day of the signing period, the person is not registered in the register of local government electors for the constituency because the person's entry has been removed by an alteration described in regulations made under section 44J(6).
- (9) The Presiding Officer must lay before the Senedd any notice received under subsection (2)(b).

44O Effect of successful petition

- (1) If the petition officer notifies the Presiding Officer under section 44N(2)(b) that the recall petition was successful, the Member of the Senedd's seat becomes vacant on the giving of that notice.
- (2) That does not apply if the seat has already been vacated (whether by the Member of the Senedd's disqualification or death, or otherwise).
- (3) Subsection (1) is subject to regulations under section 44R about the questioning of the outcome of the recall petition.

44P Vacant seats arising as a result of a successful petition

- (1) This section applies where the seat of a Member of the Senedd becomes vacant in accordance with section 44O(1).
- (2) The seat of a Member of the Senedd that has become vacant must be filled in accordance with this section, unless any regulations referred to in section 44O(3) are made specifying otherwise.
- (3) Subject to subsection (8), an election must be held in the Senedd constituency to fill the vacancy.
- (4) At the election, each person entitled to vote only has a single vote; and the Member of the Senedd for the constituency is to be returned under the simple majority system.
- (5) The date of the poll at the election must be fixed by the Presiding Officer.
- (6) The date must fall within the period of three months beginning with the occurrence of the vacancy.
- (7) But if the vacancy does not come to the Presiding Officer's notice within the period of one month beginning with its occurrence, the date must fall within the period of three months beginning when it does come to the Presiding Officer's notice.
- (8) The election must not be held if it appears to the Presiding Officer that the latest date which may be fixed for the poll would fall within the period of three months ending on the day on which the poll at the next ordinary general election would be held (disregarding section 4 of this Act).

- (9) A person may not be a candidate in an election to fill a vacancy if the person is –
- (a) a Member of the Senedd, or
 - (b) a candidate in another such election.

Financial controls

44Q Expenses, donations and reporting

- (1) The Welsh Ministers may by regulations make any provision, in relation to –
- (a) regulating expenditure in relation to recall petitions;
 - (b) regulating donations in relation to recall petitions;
 - (c) imposing reporting requirements in connection with the financial control of recall petitions.
- (2) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.

Final provisions

44R Power to make further provision about conduct of a recall petition etc.

- (1) The Welsh Ministers may by regulations –
- (a) make further provision about the conduct of a recall petition;
 - (b) make provision about the questioning of the outcome of a recall petition and the consequences of irregularities;
 - (c) make further provision about the giving, sending, delivery or receipt of notices or other documents under this Part.
- (2) Regulations under subsection (1) may –
- (a) apply or incorporate any provision of electoral legislation (with or without modifications or exceptions);
 - (b) amend any form contained in a provision of electoral legislation for use in relation to recall petitions;
 - (c) make provision conferring a discretion on any person;
 - (d) make provision creating a criminal offence;
 - (e) make further provision about criminal offences under this Part.
- (3) The provision that may be made under subsection (1)(a) includes, in particular –
- (a) provision about the notice of petition under section 44H, the petition signing sheet under section 44I or the public notice required under section 44M(7)(b) or 44N(2)(c);

- (b) provision permitting or requiring the petition officer not to make the recall petition available for signing at the designated place or places at particular times of the day or on particular days;
 - (c) provision allocating persons registered in the register of local government electors for the constituency to a particular designated place and limiting the availability of the petition for signing at that place to signing by persons so allocated who are entitled to sign it;
 - (d) provision about signing a recall petition in person, by post or by proxy, and in particular –
 - (i) provision under which an entitlement to sign a recall petition in person, by post or by proxy may be exercised only where conditions specified in the regulations are met;
 - (ii) provision about what a person must do in order to be regarded as having signed a recall petition for the purposes of this Act;
 - (iii) provision about when a person who signs a recall petition by post is treated as signing it for the purposes of this Act;
 - (iv) provision about when a person's signing of a recall petition is invalid for the purposes of this Act;
 - (e) provision permitting or requiring the petition officer, in determining under section 44N(2)(a) whether a recall petition was successful, to treat a person who signed the petition as having validly signed it for the purposes of section 44N(3);
 - (f) provision about access to, or the supply of copies of, the register of parliamentary local government electors for the constituency or documents produced in relation to a recall petition;
 - (g) provision about the retention or disposal of documents or other information in relation to a recall petition;
 - (h) further provision about the regulation of campaigning in relation to a recall petition.
- (4) Provision made as mentioned in subsection (3)(e) does not affect –
- (a) the question of whether, for the purposes of provision made under subsection (1)(b), a person validly signed a recall petition for the purposes of section 44N(3) (determination of whether recall petition successful), or
 - (b) liability to any penalty arising from a person signing a recall petition but failing to validly sign it for the purposes of section 44N(3).
- (5) The outcome of a recall petition may be questioned only in accordance with provision made under subsection (1)(b).
- (6) The provision that may be made under subsection (1)(c) includes –

- (a) provision about how a notice or other document authorised or required under this Part to be given, sent or delivered is given, sent or delivered;
 - (b) provision about the circumstances in which, and the time at which, a notice or other document is (or is to be treated as having been) given, sent, delivered or received.
- (7) For the purposes of this section, “a provision of electoral legislation” means –
- (a) a provision of, or made under, the Representation of the People Acts, or
 - (b) a provision of other legislation which is a provision relating to a general election.
- (8) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.

44S Performance of the Presiding Officer’s functions by others

If the first or second condition has been met in relation to the Presiding Officer the functions of the Presiding Officer are to be performed by a Deputy Presiding Officer.

44T Regulations

- (1) Regulations under this Part are to be made by statutory instrument.
- (2) Regulations under this Part may –
 - (a) make consequential, supplementary, incidental, transitional or saving provision;
 - (b) make different provision for different purposes or areas.
- (3) The power under subsection (2)(a) includes, in the case of regulations under section 44R (power to make further provision about conduct of a recall petition etc), the power to amend legislation.

44U Interpretation

- (1) In this Part –
 - “the cut-off day” has the meaning given by section 44J(4)(a);
 - “the designated day” has the meaning given by section 44G(5);
 - “the designated place or places” has the meaning given by section 44G(5);
 - “late application for registration” has the meaning given by section 44J(4)(b);
 - “legislation” means –
 - (a) an enactment as defined in section 158, or
 - (b) an Act of Parliament, or any subordinate legislation made under any Act of Parliament.
 - “overturned on appeal” means –

- (a) in relation to a conviction, that there is no longer a conviction for the purposes of section 44A(3), and
 - (b) in relation to a sentence or order –
 - (i) varied so that it is no longer a sentence or order that the Member of the Senedd be imprisoned or detained within the meaning of section 44A(3), or
 - (ii) replaced with another sentence or order that is not a sentence or order that the Member of the Senedd be imprisoned or detained within the meaning of that provision;
- “recall petition” has the meaning given by section 44A(2);
“the signing period” has the meaning given by section 44I(2);
“Presiding Officer's notice” has the meaning given by section 44E(5);
- (2) References in this Part to the register of local government electors for the constituency is to the version of the register of local government electors as most recently published under section 13(1)(a) of the Representation of the People Act 1983.
 - (3) References in this Part (however expressed) to the signing of a recall petition by a person are to be read in accordance with section 44K(4).
 - (4) A duty under this Part to notify (however expressed) is a duty to give notice in writing.”.

Darren Millar

125

Section 24, page 14, after line 14, insert –

‘() Part [*Part to be inserted by amendment 124*];’.

Adran 24, tudalen 14, ar ôl llinell 16, mewnosoder –

‘() Rhan [*Rhan i'w mewnosod gan welliant 124*];’.

Adam Price

126

Section 6, page 4, after line 5, insert –

‘Persons convicted of the offence of deception within the previous five years

- 9 (1) For the period of five years starting with the date of conviction, a person who has been convicted of the offence of deception as described in subparagraph (2).
- (2) A person must not –
 - (a) wilfully, and
 - (b) with the intent to mislead,make or publish a statement purporting to be a statement of fact which they know to be false or deceptive to a material extent.

- (3) A person for the purposes of subparagraph (2) is a person acting in their capacity as a –
 - (a) Member of the Senedd, or
 - (b) candidate to be a Member of the Senedd.
- (4) It is a defence for any person charged with an offence under subparagraph (2) to show that –
 - (a) at the time of the alleged offence they –
 - (i) did not know or could not reasonably have been expected to know that the statement was false or deceptive to a material extent,
 - (ii) had no part in causing or permitting the statement to be made or published,
 - (iii) took all reasonable care to ensure that the statement was accurate, or
 - (iv) had acted in the interests of national security,
 - (b) the statement could be reasonably inferred to be a statement of opinion, belief or future intention rather than a statement of fact, or
 - (c) they retracted the statement and apologised for its inaccuracy within 30 days of its making or publication.
- (5) Proceedings for any such offence must be commenced within six months of the date on which the statement was made or published.
- (6) Proceedings for an offence under this paragraph must not be commenced without the consent of the Director of Public Prosecutions.
- (7) In this paragraph “statement” has the same meaning as in the Defamation Act 1996 (c. 31).
- (8) Section 42 (defamation) does not apply for the purposes of this paragraph.”’.

Adran 6, tudalen 4, ar ôl llinell 5, mewnosoder –

‘Persons convicted of the offence of deception within the previous five years

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- (8) Section 42 (defamation) does not apply for the purposes of this paragraph.”.

