

Jane Hutt MS
Trefnydd and Chief Whip

16 May 2024

Dear Jane

Financial implications of the Senedd Cymru (Electoral Candidate Lists) Bill

Thank you for attending an evidence session with the Finance Committee on 24 April, to discuss the financial implications of the Senedd Cymru (Electoral Candidate Lists) Bill (the Bill).

Subject to the views detailed below, the Committee is broadly content with the financial implications of the Bill as set out in the Regulatory Impact Assessment (RIA).

Senedd Reform Programme

The Welsh Government's Senedd Reform Programme includes the Bill and the Senedd Cymru (Members and Elections) Bill, which the Committee has already reported on. We note your view that the RIA "on this Bill needs to be looked at in the context of the Members and elections Bill, because it's seen as the Senedd reform programme as a whole". We acknowledge the interrelationship between these pieces of legislation, and that the costs arising from them are linked, should they both be passed by the Senedd.

Furthermore, we welcome clarification that any costs incurred by local authorities in relation to updates to the Electoral Management System arising from both Bills, will be reimbursed by the Welsh Government.

Total costs of the Bill

The RIA states the total cost of implementing the legislation is estimated to be £21,000, over the eight-year appraisal period. During your appearance before the Reform Bill Committee on 1 May, you told that Committee that since the RIA was published, the Electoral Commission has identified a cost in the region of £6,000 “for work undertaken by their new legislation team to prepare for the implementation of the Bill” which includes staff costs and preparing guidance. We note the increase is a significant proportion of the final cost of the Bill. We are disappointed you did not notify this Committee of the increase in the estimate and we expect to see full details in a revised RIA, should the Bill proceed beyond Stage 1.

Legal challenges regarding legislative competence

RIAs should set out the best estimates of the costs and benefits of implementing Bills and therefore information on costs associated with potential legal challenges arising from Bills are not normally included. However, this is the first time that the Llywydd has issued a statement that in her view, a Bill “would not be within the legislative competence of the Senedd”. Given that yours and the Llywydd’s view on competence differ, this makes it very likely that a challenge will be made to the Supreme Court and therefore additional legal costs will be incurred by the Welsh Government. Should this happen, the Committee would like to be kept informed of the costs involved.

National Nominations Compliance Officer

The RIA sets out the role of the National Nominations Compliance Officer (NNCO) with a recurring cost of £1,500 per election. Should you conclude that, in addition, a deputy NNCO is required, we expect those costs to be included in a revised RIA, although we acknowledge that such costs are likely to be minimal.

Engagement with political parties

We are disappointed that there has been no direct engagement with political parties on costs ahead of the Bill being introduced. Whilst the costs and potential savings of introducing quotas would vary between political parties, we believe further work should be undertaken to assess the costs. This could be achieved by consulting the Senedd Political Parties Panel and also by engaging directly with political parties that are not currently represented in the Senedd.

Subordinate legislation

Finally, we expect you to commit to providing as much transparency as possible in relation to the costs of the Bill by publishing full and robust RIAs to accompany any subordinate legislation made under this Bill. This is a recommendation we have made previously in relation to a number of Bills during the Senedd, as we seek to gain a full picture of the costs arising from the legislation before us.

I would be grateful for a reply by 11 June, to allow the Committee to consider your response prior to the debate on the general principles of the Bill, scheduled for 18 June 2024.

Yours sincerely,



Peredur Owen Griffiths MS
Chair

cc Chair of the Reform Bill Committee and Chair of the Legislation, Justice and Constitution Committee

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