

We feel there should be a Referendum before the Senedd has a further 36 members

Y Pwyllgor Deisebau | 2 Rhagfyr 2024
Petitions Committee | 2 December 2024

Reference: SR24/10118/1

Petition Number: P-06-1490

Petition title: We feel there should be a Referendum before the Senedd has a further 36 members

Text of petition:

The Senedd costs a lot of money. Local Authorities are struggling with funding. We don't feel that more money should be wasted on Members of the Senedd when we need improvements to NHS, Education and Social Care.

Local Authorities are so cash strapped that they cannot deliver services. Waiting lists are endless.

Elderly are bed blocking hospitals because of the lack of care homes and carers.



1. Background

Since 2004, a series of reports have recommended that the size of the Senedd should increase from its current size of 60 Members.

The Wales Act 2017 gave the Senedd powers over its size and electoral arrangements without requiring a referendum. Any provision in a Bill which would change the number of Members of the Senedd requires a supermajority (40 of the Senedd's 60 Members) to pass.

Section 64 of the Government of Wales Act 2006 gives the Welsh Government the power to hold a poll to ascertain the views of the people of Wales relating to functions of the Welsh Ministers. However, this is not a mechanism for a direct vote or direct referendum on a particular proposal.

1.1. Senedd Cymru (Members and Elections) Act 2024

The Senedd Cymru (Members and Elections) Act 2024 was passed by the Senedd on 8 May 2024. Royal Assent was given to the Act on 24 June 2024.

The Act addresses some of the recommendations made by the Special Purpose Committee on Senedd Reform, which reported in May 2022.

The changes in the Act include:

- Increasing the number of Members of the Senedd from 60 to 96;
- Introducing a closed-list proportional electoral system to elect Members;
- A return to the Senedd being elected for four-year terms;
- Enabling the Senedd to elect a second Deputy Presiding Officer;
- Increasing the maximum number of Welsh Ministers from 12 to 17 (with potential to increase to 19);
- Putting provisions in place for reviews of Senedd constituency boundaries to be undertaken; and
- Making it a requirement for candidates to, and Members of, the Senedd to be registered to vote at an address in Wales.

The provision of the Act relating to the number of Members of the Senedd (section 1) came into force on 24 August 2024. In order to change this, the Senedd would need to pass a new law to amend or repeal this section of the Act.

2. Welsh Government action

The former Counsel General and Minister for the Constitution, Mick Antoniw MS, was the Member in Charge of the (then) Bill.

The former Counsel General gave an oral statement to the Senedd on 19 September 2023, coinciding with the Bill's introduction. When asked about whether the (then) Bill's proposals should be subject to a referendum, he said:

The 2017 Act [*Wales Act 2017*] gave us very specific powers in respect of elections and in respect of the Senedd. We have mandates in terms of our election manifestos. We're carrying out the powers that were given to us. If Westminster had intended for us to be able to use those powers only with a referendum, they would have said so. They didn't say so, and you'll be aware of all the commissions, all the debate, all the discussions that we've had, and I think the argument is completely clear. The mandate that we have is completely clear, and this legislation is going forward to scrutiny.

3. Welsh Parliament action

3.1. Committee Scrutiny

The Reform Bill Committee was established on 12 July 2023 and led on the Stage 1 scrutiny of the (then) Bill. It published its report on 19 January 2024.

Some of the evidence provided to the Committee called for there to be a referendum on the (then) Bill's proposals. However, when asked about whether a referendum should be held, the former Counsel General and Minister for the Constitution, Mick Antoniw MS, told the Committee:

"I don't think a referendum is necessary. And I think putting these things in terms of manifestos and commitments for reform et cetera is actually the way forward. We are an accountable, elected parliamentary democracy, and that's the way our democracy works".

He emphasised that the powers over the Senedd's size had been devolved by the Wales Act 2017 and that there was no requirement for a referendum to confirm any changes.

3.2. Proposed amendment

At the (then) Bill's stage 2 proceedings, an amendment was tabled in the name of Darren Millar MS which would have required the Welsh Ministers hold a referendum about whether all the provisions of the Act should come into force.

The amendment was defeated in a Committee of the Whole Senedd by 40 votes to 14.

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