



Y Gwir Anrhydeddus Elin Jones AS

Llywydd, Senedd Cymru

Right Honourable Elin Jones MS

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Peredur Owen Griffiths MS and Mike Hedges MS

Chairs of the Finance Committee and the Legislation Justice and Constitution Committee

Welsh Parliament

Cardiff Bay

CF99 1SN

18 March 2025

Dear Peredur and Mike,

Proposed Section 150 Order in relation to the Senedd and Elections (Wales) Act 2020 and the Public Services Ombudsman (Wales) Act 2019

I write to you regarding a proposed section 150 Order in relation to the Senedd and Elections (Wales) Act 2020 ("SEWA") and the Public Services Ombudsman (Wales) Act 2019 ("PSOWA"). I received a letter from Huw Irranca-Davies MS Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs in relation to the proposed section 150 Order, which was also copied to your committee.

Before formally responding to the Welsh Government, I would like to give the Legislation, Justice and Constitution Committee and the Finance Committee an opportunity to comment given that the Order relates to SEWA, which was a Senedd Commission Bill, and the PSOWA, which was a Finance Committee Bill.

I intend to respond in the terms set out below.

Senedd and Elections (Wales) Act 2020 ("SEWA 2020")

Section 1 of SEWA 2020

When SEWA 2020 amended section 1 of GoWA to change the name of the National Assembly for Wales / Cynulliad Cenedlaethol Cymru to Senedd Cymru / the Welsh Parliament, the amendment extended only to England and Wales. Therefore, in the law of Scotland and Northern Ireland, GoWA still refers to the National Assembly for Wales / Cynulliad Cenedlaethol Cymru. This has not caused any legal or practical issues. However, it is untidy

and unsatisfactory. I understand that the proposed section 150 order will amend section 1 of GoWA so that the name-change extends to Scotland and Northern Ireland. I agree with the Welsh Government that matters such as this should be addressed via a section 150 order.

Section 36 of SEWA 2020

Section 36 amended sections 3, 4 and 5 of GoWA so that the Senedd has to meet within fourteen days of an election rather than within seven days. Sections 3, 4 and 5 extend to the whole of the United Kingdom. When the Senedd amended sections 3, 4 and 5, the amendment extended only to England and Wales. Therefore, in Scotland and Northern Ireland, sections 3, 4 and 5 of GOWA 2006 still refer to the Senedd meeting within seven days of an election. This has no practical consequence but is untidy.

I note that the Welsh Government do not believe this deficiency needs to be addressed in the section 150 order. However, I disagree and believe it should be addressed. We cannot think of any good reason to miss the opportunity to address this issue in the section 150 order. We think the original framework established by GoWA (including its extent) should be kept intact. This ensures consistency and avoids any unintended consequences.

Section 37 of SEWA 2020

Section 37 amended Schedule 2 to GoWA, clarifying that the Senedd Commission may charge for providing goods or services. Again, the original provisions in Schedule 2 to GoWA extended to the whole of the United Kingdom, but the amendments made by section 37 extend only to England and Wales.

As above, we think the original framework should be kept intact. We cannot think of any good reason to miss the opportunity to address this issue in the section 150 order. Therefore, we think the issue of extent and section 37 should also be addressed in the section 150 order.

Retrospectivity

The amendments made by sections 36 and 37 to GoWA have been in force since May 2021 and January 2020, respectively. This means that those amendments have not extended to Scotland and Northern Ireland for four / five years. The proposal is to make the changes retrospectively.

We cannot see any adverse consequence to making these changes retrospectively. We, therefore, agree with the Welsh Government that extending the amendments to Scotland and Northern Ireland should be done retrospectively.

Public Services Ombudsman (Wales) Act 2019

Two minor legislative amendments have been identified by the Welsh Government in relation to the Public Services Ombudsman Act (Northern Ireland) 2016 and the Scottish Public

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Services Ombudsman Act 2002. The minor changes ensure references to the current legislative framework in Wales are accurate and up to date.

We have no comments on the changes that need to be made as a consequence of the 2019 Act, other than to agree that they are required as the Welsh Government have set out.

I would be grateful if you could give this matter your attention at the first opportunity in order that I may respond to the Welsh Government.

Yours sincerely,

A handwritten signature in blue ink that reads "Elin Jones". The signature is written in a cursive style.

The Rt. Hon Elin Jones MS/AS

Llywydd

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