

## **Government Response: The Senedd Cymru (Representation of the People) Order 2025**

**Technical Scrutiny point 1:** The Welsh Government notes the point made but does not consider that these terms require further definition for the purposes of article 6(5)(c). The drafting reflects the equivalent provisions that apply in relation to absent voting at UK Parliamentary elections and local government elections in Wales (see paragraph 3(5)(b) of Schedule 4 to the Representation of the People Act 2000) which also do not provide for further definition. Applications for absent voting for all elections (reserved and devolved) are taken together, and these terms are well understood by the registration officers who are required to comply with the duty under article 6(5).

**Technical Scrutiny Points 2, 8, 16, 17, 19, 21, 22, and 27 to 34:** The Welsh Government is grateful to the Committee for identifying these minor equivalence points between the English and Welsh texts. The points raised are accepted and the corrections identified in the table within this response will be made prior to the making of the Order.

**Technical Scrutiny Point 3:** The Welsh Government notes the point made, however, considers that the provisions are sufficiently clear. In both instances the word would be given its ordinary, everyday meaning. It is also noted that the word is similarly used, without further definition, in the equivalent provisions that apply in relation to UK Parliamentary elections and local government elections in Wales (see sections 49(5) and 166(1) of the Representation of the People Act 1983).

**Technical Scrutiny Point 4:** The Welsh Government notes the point made, however, considers that the provisions are sufficiently clear. The provisions relate to the penalty imposed on a person who, when voting, commits an offence in respect of which the person would be liable for a penalty. This is a well understood concept, and it replicates the equivalent provision that applies in relation to UK Parliamentary elections and local government elections in Wales (see section 49(5) of the Representation of the People Act 1983).

**Technical Scrutiny Point 5:** The Welsh Government agrees that this reference should be to “the 2000 Political Parties Act”. This is clear from the footnotes to the citation, though it is accepted that these do not form part of the Order. This is a minor error and the corrections identified in the table within this response will be made prior to the making of the Order.

**Technical Scrutiny Point 6:** The Welsh Government agrees it would be more helpful to the reader if the words in parentheses stated, “retention of documents”. The words in parentheses are however, intended only to assist the reader and do not

have substantive legal effect. The corrections identified in the table within this response will be made prior to the making of the Order.

**Technical Scrutiny Point 7:** The Welsh Government does not consider that the words “true return” require further explanation. Article 54(1) requires the submission of a return of a form of election expenses, and states that this return must be a true return, i.e., that it is truthful as to its content. This replicates the equivalent provision that applies in relation to UK Parliamentary elections and local government elections in Wales (see section 81(1) of the Representation of the People Act 1983). The article prescribes the detail of what the return must include (see paragraphs (2) to (4)), so in the event that the Electoral Commission does not prescribe a form, there is already sufficient detail in the provision as to the information that would need to be included in any return.

**Technical Scrutiny Point 9:** The intention of article 67 is that candidates and parties may send electoral communications if they wish. There is no mandatory element to this provision. Paragraph (2) simply clarifies that the electoral communication may be sent as a postal communication, provided it meets the conditions set out in that paragraph. The Welsh Government is satisfied that the provision is correct as drafted.

**Technical Scrutiny Point 10:** The Welsh Government notes the point made, however, considers that it is not necessary to define the terms community, foundation or voluntary aided schools. It is noted that these terms may be defined in other legislation, but it is also noted that in equivalent electoral legislation these terms are not defined (see sections 95(2)(a) and 96(2)(a) of the Representation of the People Act 1983). Also, the context in which the terms are used, mean that they will be readily understood without further explanation, as it is local authorities who will need to make rooms in relevant schools available.

**Technical Scrutiny Point 11:** The Welsh Government agrees that gender neutral language would be preferable here. The correction identified in the table within this response will be made prior to the making of the Order.

**Technical Scrutiny Point 12:** The Welsh Government notes the point made, however, considers that the provision is sufficiently clear. This is a well understood concept, and the provision replicates the equivalent provision that applies in relation to UK Parliamentary elections and local government elections in Wales (see section 49(5) of the Representation of the People Act 1983). This provision forms part of the offences regime linked to elections, and it is considered essential that there should be uniformity across all elections in respect of this regime.

**Technical Scrutiny Point 13:** The Welsh Government notes the point made, however, considers that the provision is sufficiently clear. The provision relates

to the certificate provided to the Presiding Officer in accordance with article 101(3) of the election court's decision as to the correctness of the outcome and validity of the election. References to "certificate" in Part 4 are to this certificate unless otherwise stated, for example, in articles 116, 130 and 131. This is a well understood concept, and it replicates the equivalent provision that applies in relation to UK Parliamentary elections and local government elections in Wales (see section 141 of the Representation of the People Act 1983).

**Technical Scrutiny Point 14:** The Welsh Government notes the point made, however, considers that the provision is sufficiently clear. The provision relates to a situation when the petition is before the High Court as a special case in accordance with article 103. This is a well understood concept, and it replicates the equivalent provision that applies in relation to UK Parliamentary elections and local government elections in Wales (see section 147 of the Representation of the People Act 1983).

**Technical Scrutiny Point 15:** The Welsh Government notes the comment but does not consider that the term requires further definition. This is a common term that is used in various pieces of electoral (and other) legislation in the UK (see regulation 53(2)(h) of the Representation of the People (England and Wales) Regulations 2001/341). The term has not, to date, been defined in any other legislation and there is no authoritative basis for a definition as these practitioners do not appear to be regulated in the same way as the other practitioners on the list.

The Welsh Government is satisfied that the inclusion of a reference to these practitioners does not create a risk to the absent voting system. Applications for absent voting for all elections (reserved and devolved) are taken together, and introducing differences to the application system would likely pose a greater risk to its operation.

**Technical Scrutiny Point 18:** The Welsh Government is grateful to the Committee for identifying this grammatical point. The point raised is accepted and the correction identified in the table within this response will be made prior to the making of the Order.

**Technical Scrutiny Point 20:** The Welsh Government notes the comments and agrees that it would be preferable if there were consistency with other provisions. The provision as drafted is not incorrect but to ensure consistency throughout the Order this minor anomaly will be corrected prior to the making of the Order. The corrections are set out in the table within to this response.

**Technical Scrutiny Point 23:** The Welsh Government is grateful to the Committee for identifying this cross-referencing point. The point raised is accepted and the correction identified in the table within to this response will be made prior to the making of the Order.

**Technical Scrutiny Point 24:** The Welsh Government notes the comment but does not accept that the rule would be interpreted in the manner suggested. Rather, a common-sense interpretation would apply so that the presiding officer only needs to take account of when everyone has cast their vote at the polling station over which they are presiding. This provision mirrors the wording in the equivalent elections rules that apply in relation to all local government elections in Wales (the Local Elections (Principal Areas) (Wales) Rules 2021/1459 and the Local Elections (Communities) (Wales) Rules 2021/1460), so this is a concept that is well understood by the persons administering the elections.

**Technical Scrutiny Point 25:** The Welsh Government does not consider that the term “registration records” requires further definition in either of these provisions. The packets of registration records being referred to are those required by rule 55(3)(c), and the term is already defined for that rule (see rule 55(9)). This is clear from the opening words of rule 66(3), and rule 67 only applies where rule 66 applies, therefore, can only apply to the packets covered by that rule and rule 55(3).

**Technical Scrutiny Point 26:** The Welsh Government is grateful to the Committee for identifying these grammatical points. The points raised are accepted and the corrections identified in the table within this response will be made prior to the making of the Order.

**Technical Scrutiny Point 35:** The Welsh Government notes the points made, however, amendments in this Order are limited to those that are directly consequential upon the Order. The references in regulation 2(5) of the 2012 Regulations to the National Assembly for Wales etc. will be read as a reference to Senedd Cymru by virtue of the gloss in section 150A of the Government of Wales Act 2006.

**Technical Scrutiny Point 36:** The Senedd Cymru (Returning Officers' Accounts) Regulations 2021 were made under article 23(10) of the National Assembly for Wales (Representation of the People) Order 2007 (“2007 Order”). They are subordinate legislation made other than by statutory instrument. As such, they are not registered and do not have an S.I. number to cite in a footnote. However, they remain in force and need to be revoked.

The National Assembly for Wales (Returning Officers' Accounts) Regulations 2011 (SI. 2010/676) were revoked and replaced by the National Assembly for Wales (Returning Officers' Accounts) (Wales) Regulations 2016, also subordinate legislation made other than by statutory instrument. As such they do not need to be included within Schedule 12.

**Merit Scrutiny point 40:** The Welsh Government notes the point made. The power of the Electoral Commission to make regulations under the Order is

limited to instances relating to the provision of information by individual candidates with regard to their election expenses and donations. Any such regulations will therefore be limited in their application and the Welsh Government is satisfied that it is not necessary for such regulations to be laid before the Senedd or a copy to be provided to the Senedd or the Welsh Ministers.

**Merit Scrutiny Point 41:** This increase in the reporting threshold is introduced in response to the new Senedd electoral system. From 2026, individual candidates will stand against registered political parties whose reporting thresholds for donations under the Political Parties, Elections and Referendums Act 2000 are significantly higher. Following consultation with the Electoral Commission, and to ensure fairness, the reporting threshold of donations to individual candidates has been raised to £500 which is the level below which donations to parties are disregarded and therefore not regulated.

**Merit Scrutiny Point 42:** Following consultation with the Electoral Commission the Order no longer prescribes the form. This reflects the position that applies in relation to other elections (see section 81 of the Representation of the People Act 1983). This will bring the procedure in line with other elections and provides flexibility to allow for the adaptation of the form if necessary. The Electoral Commission will prescribe a form ahead of the 2026 Senedd elections. In the event that a form was not prescribed, article 54 sets out the detail of what an expenses return must include.

*Technical drafting corrections to be made prior to the making of the Order*

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
<b>Gorchymyn Senedd Cymru (Cynrychiolaeth y Bobl) 2025</b>	<b>The Senedd Cymru (Representation of the People) Order 2025</b>
In the Welsh text only, in article 16(6), the word “bellach” will be added after “darpariaeth”.	
In article 35(1)(d), the words “Pleidiau Gwleidyddol” will be added after “Deddf”.	In article 35(1)(d), the words “Political Parties” will be added after “2000”.
In article 47(9), the words “(dinistrio dogfennau)” will be replaced with the words “(cadw dogfennau)”.	In article 47(9), the words “(destruction of documents)” will be replaced with “(retention of documents)”.

In the Welsh text only, in article 56(3), the word “plaid” will be added after “ei rhestr”.	
In article 71(3), the word “plaid” will be added after “ei rhestr”.	In article 71(3), the word “party” will be added after “whose”.
	In the English text only, in article 72(3), the word “chairman” will be replaced with “chairperson”.
In article 119(2)(b), the word “plaid” will be added after the words “ei rhestr”.	In article 119(2)(b), the word “party” will be added after “whose”.
In the Welsh text only, in paragraph 16(1)(a) of Schedule 2, the word “enw” will be removed.	
In the Welsh text only, in paragraph 18(2)(b) of Schedule 2, the words “neu’r ddau” will be added after the words ““postal ballot box””.	
In the Welsh text only, paragraph 23(9)(b) of Schedule 2 will be replaced with the following;  “(b) yn y daliedydd ar gyfer pleidleisiau a wrthodwyd (y weithdrefn wirhau), unrhyw bapur pleidleisio arall, â’r datganiad pleidlais drwy’r post wedi ei farcio â’r geiriau “gwrthodwyd dros dro” neu’r geiriau “provisionally rejected” neu’r ddau ynghlwm wrtho;”	
In paragraph 23(9)(c) of Schedule 2, the words ““gwrthodwyd dros dro”” will be replaced with the words ““gwrthodwyd dros dro” neu’r geiriau “provisionally rejected” neu’r ddau”	In paragraph 23(9)(c) of Schedule 2, the words ““provisionally rejected”” will be replaced with ““gwrthodwyd dros dro” or the words “provisionally rejected” or both”.
Paragraph 11 of Schedule 3 will be replaced with the following paragraph;  <b>11.</b> —(1) Mae cwestiynau 1(b), 2(a) a (b), 3(b) a 4 yng ngholofn (2) o Dabl 1 yn rheol 44(4) i’w darllen fel pe bai’r gair “Senedd” wedi ei fewnosod cyn y gair “election”. (2) Mae cwestiynau 1(b), 2(a) a (b), 3(b) a 4 yng ngholofn (3) o Dabl 1 yn rheol	Paragraph 11 of Schedule 3 will be replaced with the following paragraph;  <b>11.</b> —(1) Questions 1(b), 2(a) and (b), 3(b) and 4 in column (2) of Table 1 in rule 44(4), are to be read as if before the word “election” there is inserted the word “Senedd”. (2) Questions 1(b), 2(a) and (b), 3(b) and 4 in column (3) of Table 1 in rule

<p>44(4) i'w darllen fel pe bai'r geiriau "i'r Senedd" wedi eu mewnosod ar ôl y geiriau "yr etholiad hwn".</p>	<p>44(4), are to be read as if after the words "yr etholiad hwn" there are inserted the words "i'r Senedd".</p>
	<p>In the English text only, in paragraph 23(b) of Schedule 3, in the modified text of paragraph (2)(a) the word "council" will be added after the word "borough".</p>
<p>Paragraph 11 of Schedule 4 will be replaced with the following paragraph:</p> <p><b>11.</b>—(1) Mae cwestiynau 1(b), 2(a) a (b), 3(b) a 4 yng ngholofn (2) o Dabl 1 yn rheol 44(4) i'w darllen fel pe bai'r gair "Senedd" wedi ei fewnosod cyn y gair "election". (2) Mae cwestiynau 1(b), 2(a) a (b), 3(b) a 4 yng ngholofn (3) o Dabl 1 yn rheol 44(4) i'w darllen fel pe bai'r geiriau "i'r Senedd" wedi eu mewnosod ar ôl y geiriau "yr etholiad hwn".</p>	<p>Paragraph 11 of Schedule 4 will be replaced with the following paragraph:</p> <p><b>11.</b>—(1) Questions 1(b), 2(a) and (b), 3(b) and 4 in column (2) of Table 1 in rule 44(4), are to be read as if before the word "election" there is inserted the word "Senedd". (2) Questions 1(b), 2(a) and (b), 3(b) and 4 in column (3) of Table 1 in rule 44(4), are to be read as if after the words "yr etholiad hwn" there are inserted the words "i'r Senedd".</p>
<p>In rule 13(7) of Schedule 5, the words "mharagraff (1)(a)" will be replaced with the words "mharagraff (2)(a)".</p>	<p>In rule 13(7) of Schedule 5, the words "paragraph (1)(a)" will be replaced with the words "paragraph (2)(a)".</p>
<p>In the Welsh text only, in rule 68 of Schedule 5, in paragraphs (2)(d) and (3)(c), the words "i'w ddangos" will be replaced with "i ddangos y cynnwys i gyd neu ran ohono"</p>	
<p>In the Welsh text only, in rule 75(5) of Schedule 5, the word "dyddiad" will be replaced with "diwrnod" the second time it appears.</p>	
<p>In the Welsh text only, in rule 75(11) of Schedule 5, the word "baragraff" will be added before "(4)(b)(i)".</p>	
<p>In paragraph (2)(1) of Schedule 9—</p> <ul style="list-style-type: none"> <li>(i) the words "'y Clerc" ("<i>Clerk of the Senedd</i>")" will be replaced with "'Clerk of the Senedd";</li> <li>(ii) the words "'deiseb etholiad ar gyfer etholiad i'r Senedd" ("<i>Senedd election petition</i>")"</li> </ul>	<p>In paragraph 2(1) of Schedule 9, the following words will be removed—</p> <ul style="list-style-type: none"> <li>(i) ("<i>ymgeisydd</i>");</li> <li>(ii) ("<i>y Clerc</i>");</li> <li>(iii) ("<i>ymgeisydd rhestr plaid</i>");</li> <li>(iv) ("<i>Llywydd y Senedd</i>");</li> </ul>

<p>will be replaced with “Senedd election petition”;</p> <p>(iii) the words “etholaeth Senedd” (“<i>Senedd constituency</i>”) will be replaced with “Senedd constituency”;</p> <p>(iv) the words “etholiad i’r Senedd” (“<i>Senedd Cymru election</i>”) will be replaced with “Senedd Cymru election”;</p> <p>(v) the words “Llywydd y Senedd” (“<i>Presiding Officer of the Senedd</i>”) will be replaced with “Presiding Officer of the Senedd”;</p> <p>(vi) the words “plaid wleidyddol gofrestredig” (“<i>registered political party</i>”) will be replaced with “registered political party”;</p> <p>(vii) the words “ymgeisydd” (“<i>candidate</i>”) will be replaced with “candidate”;</p> <p>(viii) the words “ymgeisydd rhestr plaid” (“<i>party list candidate</i>”) will be replaced with “party list candidate”.</p>	<p>(v) (“<i>plaid wleidyddol gofrestredig</i>”);</p> <p>(vi) (“<i>etholiad i’r Senedd</i>”);</p> <p>(vii) (“<i>etholaeth Senedd</i>”);</p> <p>(viii) (“<i>deiseb etholiad ar gyfer etholiad i’r Senedd</i>”).</p>
<p>In paragraph 7 of Schedule 9, in the heading of the Welsh text version of the template petition, the word “Cymru” will be added after the word “Senedd”.</p>	<p>In paragraph 7 of Schedule 9, in the heading of the Welsh text version of the template petition, the word “Cymru” will be added after the word “Senedd”.</p>
<p>In the Welsh text only, in Schedule 10, in the English text version of form 20, in the heading of the form the word “disabilities” will be replaced with the words “severe sight impairment or other disability or inability to read”.</p>	
<p>In Schedule 10, in the Welsh text version of form 23 the words “â rheol” will be added after “yn unol”.</p>	<p>In Schedule 10, in the Welsh text version of form 23 the words “â rheol” will be added after “yn unol”.</p>

In the Welsh text only, in paragraph 1(3) of Schedule 11, “2007)” will be added after “Bobl”.	
In the Welsh text only, in paragraph1(4)(b) of Schedule 11, “2005” will be replaced with “2025”.	
Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.	