

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

18 June 2025

Dear Jayne

The Senedd Cymru (Representation of the People) Order 2025

At our meeting on 16 June 2025, the Committee considered your reply, dated 12 June 2025, to our letter of 4 June, and the Welsh Government's formal response to our report on The Senedd Cymru (Representation of the People) Order 2025 (the Conduct Order).

While the Committee welcomes the Government's detailed response to the points raised in the Committee's report, our letter to you asked for clarity on the process which led to the Conduct Order being laid before the Senedd containing the errors and inconsistencies we identified. Such clarity is not provided in your letter of reply to the Committee. This is disappointing.

In our letter to you the Committee acknowledged that the Conduct Order is large, but nonetheless expressed concern at the high number of defective drafting issues and instances where the English and Welsh language texts do not match. The Committee is now similarly concerned that you are proposing to address more than 20 points raised in our report via the correction prior to making process.

In a letter to the Committee in June 2024, the previous Counsel General said corrections would only be made to an instrument after its approval by the Senedd and prior to being signed into law by a Welsh Minister "when the error in question is very minor". The previous Counsel General also told the Committee that "there is the further safeguard that the instrument can only be made if it is approved (in the knowledge of the proposed correction) by the Senedd". On this matter, we acknowledge that you have drawn the proposed corrections to the attention of the Senedd.

However, while each error identified by the Committee and which you propose to correct prior to making may be “minor”, correcting more than 20 errors in an instrument after it has been approved by the Senedd is perhaps an unreasonable and inappropriate use of the correction prior to making process.

The previous Counsel General told the Committee that the Welsh Government’s view is that “a correction that substantively changes an instrument in any way (let alone changes the underpinning policy intention of that instrument), is not one which can be dealt with on making”. The Committee is unclear whether you have considered whether the total sum of each proposed correction amounts to substantially changing the instrument. Your statement that you “do not believe that any of the matters reported on by the Committee give rise to any issues that compromise the overall integrity of Order” is a different assessment as to whether the instrument scrutinised and approved by the Senedd is deemed to have been substantially changed before being signed into law.

Furthermore, having considered your proposed corrections, we also have concerns that some of them will not address the errors and issues we identified in our report. For example, in the Welsh version of the Conduct Order, it appears that the entire text of all the definitions need to be noted in English in rule 2(2) of the Election Petition Rules 1960 rather than only the defined terms themselves. Therefore, the Committee is unclear if the proposed changes to paragraph 2(1) of Schedule 9 to the Order are correct as they only change the defined terms rather than the entire definitions.

In your letter you confirm that the Senedd will be asked to consider the Order as laid on 8 July. The Committee would therefore welcome an urgent response to these matters.

In responding to the matters raised above, the Committee would also welcome clarification on the Welsh Government’s intentions regarding Automatic Voter Registration. The Committee is aware that a statement was due to be made to the Senedd this week.

I am copying this letter to the Rt Hon Eluned Morgan MS, First Minister of Wales, Julie James MS, Counsel General and Minister for Delivery, and the Rt Hon Elin Jones MS, Llywydd.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges
Chair