

Julie James MS
Counsel General and Minister for Delivery

24 September 2025

Dear Julie

The Senedd Cymru (Representation of the People) Order 2025

Thank you for your letter of 22 July 2025 regarding the Committee's scrutiny of the draft Senedd Cymru (Representation of the People) Order 2025 (the Order). We note your comments.

The Committee is unanimous in its view that it is not a matter for the Welsh Government to suggest how a Senedd Committee should exercise its scrutiny function and hold the Welsh Government to account. Specifically, as regards automatic voter registration, as the Committee responsible for scrutiny of constitutional matters, it is legitimate for the Committee to question the Welsh Government on this subject and to do so alongside our scrutiny of the Order; we consider both matters to be relevant to Senedd Elections.

In your letter you state:

"I am concerned that the Committee's focus on minor drafting and typographical points, and minor inconsistencies between the English and Welsh texts diminishes its wider and more important scrutiny role and had a detrimental impact on the quality of the debate on this Order as this, rather than the content of the Order, was the focus of proceedings."

Reporting on drafting and linguistic inconsistencies fulfils our obligations under Standing Order 21.2 and the Welsh Government should therefore expect members of this Committee to speak to such matters in the debate. We recognise the benefits the Order brings in terms of greater accessibility and its bilingualism; however, that accessibility and bilingualism is impacted negatively by the points made in our report and for such an important Order the issues we raised were legitimate matters of concern.

You will be aware that, in providing a draft report to the Welsh Government on a particular statutory instrument, Senedd Legal Services will (where appropriate) provide any additional points for consideration that do not meet the threshold for reporting but that might be helpful to the government. Such points are provided in a spirit of cooperation and a shared endeavour to produce a robust body of Welsh law. As these additional points do not form part of the Committee's formal scrutiny, they are not normally mentioned in Committee reports laid before the Senedd. However, you will no doubt know that, alongside our draft report on the draft Order which contained 42 reporting points, 86 additional points that did not meet the reporting threshold were drawn to the Welsh Government's attention.

You also made reference to the practice of the UK Parliament's Joint Committee on Statutory Instruments. Our Committee's predecessor, the Constitutional and Legislative Affairs Committee, adopted a similar approach until 2018. Instead, by exception, informal checks are now only carried out by our officials on instruments that are considered to be lengthy, novel or complex. Given the constitutional significance and the complexity of the Order, the Welsh Government was provided with informal comments on the draft Order 11 weeks in advance of the draft report being sent through formally.

Our scrutiny role is focused on complying with our obligations under Standing Orders and, more widely, helping to ensure that bilingual statutory instruments are accurate, accessible and leave the reader in no doubt as to their meaning.

This Committee has continued to express concerns about the number of inaccuracies in legislation laid before the Senedd; we would therefore welcome a meeting to discuss how this situation could be improved.

I am copying this letter to the Llywydd and to the First Minister.

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