



Mike Hedges, Chair
Legislation, Justice and Constitution
Committee
Tŷ Hywel
Senedd
CF99 1NA

22 July 2025

Dear Mike,

The Senedd Cymru (Representation of the People) Order 2025

You wrote on 7 July to the Cabinet Secretary for Housing and Local Government regarding The Senedd Cymru (Representation of the People) Order 2025. As the Cabinet member responsible for the Legislative Programme, I am responding on behalf of the Government.

The Order has been redrafted as a single instrument which reflects modern drafting practices, is more concise than its predecessor Orders and employs suitable and modern terminology. Very importantly, the Order has been made bilingually for the first time, meaning the rules for the elections to our Parliament are written in the two official languages of our nation for the first time. Our electoral reform principles of accessibility, equity, improving citizen experience, participation, simplicity, and integrity have been at the forefront of the work of consolidating and modernising the Order.

The extensive consultation and developmental work undertaken has resulted in an excellent piece of legislation. Neither the Reform Bill Committee nor the Legislation, Justice and Constitution Committee identified any issues with the explanatory material, and there was no challenge to the policy that underpins the Order in either their initial reports or in subsequent correspondence. I am therefore very disappointed that rather than focusing on the merits of the Order, the Legislation, Justice and Constitution Committee used their scrutiny as an opportunity to consider wider electoral policy. Automatic Voter Registration is a separate matter, and the First Minister outlined the Government's position during First Minister's Questions on 8 July.

I strongly reject the assertion in your letter that the Welsh Government mishandled the drafting of the Order. Your letter referred to errors that the Committee identified in the draft Order but, as you are aware, these are not errors. They are points identified for reporting under Standing Order 21.2 that the Committee brought to the Government's attention and the Government responded appropriately. The Government agreed with 20 of the 36

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

technical reporting points and the proposed changes to the Order were set out in the Government response that was made available to Senedd Members via the Plenary agenda. However, we did not agree with the remaining 16 technical reporting points.

Due to the extensive and complex nature of the Order, there was always the potential for reporting points, and I reject any notion that the number of amendments is considerable given the size of the Order, which is over 800 pages in length and almost 270,000 words in aggregate across both languages.

During the debate on this Order, you noted that ‘the Welsh Government has previously given a commitment to the Senedd that 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’. These amendments are very minor in nature, and they do not change the meaning or legal effect of any of the provisions being amended. Even taken as whole, the effect of the amendments do not substantially change the Order and the Order would remain fit for purpose without these changes. I am therefore content that the use of the correction process is appropriate.

The Legislation, Justice and Constitution Committee plays an important role in the legislative scrutiny process, and Members of the Senedd rely on the advice that it provides. 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.

I am also extremely concerned about some of the regrettable language used at points during the scrutiny process and in correspondence with the Cabinet Secretary for Housing and Local Government which I do not feel is an appropriate form of expressing views.

The Welsh Government is keen to continue to work collaboratively with the Senedd and the Legislation, Justice and Constitution Committee and I would welcome a meeting with you and the Llywydd to consider how we can work together to improve the scrutiny process. In the UK Parliament for example, the Joint Committee for Statutory Instruments undertakes pre-scrutiny of some statutory instruments which provides the Government and the legislature with an opportunity to identify and resolve these minor points before the legislature formally considers the item. If we were to adopt a similar process, this would have a significant impact on the quality of scrutiny and debate in the Senedd on subordinate legislation.

I have copied this letter to the Rt Hon Eluned Morgan MS, First Minister of Wales, Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Jayne Bryant MS, Cabinet Secretary for Housing and Local Government, and the Rt Hon Elin Jones MS, Llywydd.

Yours sincerely,



Julie James AS/MS

Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
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