



Ein cyf/Our ref JB/PO/604/25

Mike Hedges
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
Cardiff Bay
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SeneddLJC@senedd.wales

24 November 2025

Dear Mike,

Electoral Commission Codes of Practice

- Non-Party Campaigner Campaign Expenditure (Senedd Elections) Code of Practice 2025
- Individual Candidate Election Expenses (Senedd Elections) Code of Practice 2025
- Political Parties Campaign Expenditure (Senedd Elections) Code of Practice 2025

Thank you for the opportunity to respond in more detail on the situation that resulted in the withdrawal of the Electoral Commission Codes referenced above.

As you know, the Welsh Government and the Electoral Commission accepted that the Codes as originally laid contained some errors that required addressing, and the Codes were duly withdrawn to be re-laid once amended. I understand the Electoral Commission is considering whether any improvements could be made to its overall processes for preparing Codes of Practice.

Although we accept some of the reporting points, we would categorise many of them as stylistic, and not related to the quality and accuracy of the Codes. As the independent regulator of elections and political finance in the UK, the Electoral Commission can follow its own drafting guidelines in all of the Codes and guidance it produces. This will not necessarily conform with the Welsh Government's house style. It should be noted that our *Writing Laws for Wales* guidance, mentioned in the Committee's reports, does not apply to the Electoral Commission.

Codes of Practice in general are drafted in a different language register from Statutory Instruments in both Welsh and English. They may not follow the Welsh Government's *Legislative Style Guide* in every stylistic detail, which is made clear in the introduction to that document.

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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.

We cannot overstate the value we attach to the independence of the Electoral Commission. It is vital that no process of Ministerial approval infringes upon that independence. It is right that, once satisfied that the Codes of Practice are legally accurate, Welsh Ministers lay the Codes before the Senedd without delay.

In building on the text of the preceding 2021 Codes, the Electoral Commission will have sought to preserve consistency with the equivalent Codes for England and Scotland and thereby avoid inequity and confusion between the jurisdictions. The wording used in the 2021 Codes and the equivalent Codes for England and Scotland therefore, understandably, influenced the drafting of these Codes.

It may help the Committee to note that the Welsh Government does not carry out equivalence checking between English and Welsh of codes of practice or other statutory guidance prepared by external organisations. However, in the interest of supporting the Codes of Practice being in place as soon as possible, we will on this occasion commission an external equivalence checking service for the amended Codes.

I am grateful to the Committee for its scrutiny and my officials are now working with the Electoral Commission to finalise and lay the corrected versions of the Codes before the Senedd as soon as possible. The regulated period for the next Senedd election will commence on 6 January. A long delay could risk difficulties with the Electoral Commission's enforcement of the Codes.

In terms of mitigating factors, you will be pleased to know that the Electoral Commission has already published its non-statutory guidance, which reflects the text and intent of the Codes. The Electoral Commission will therefore be able to direct individual candidates, political parties and non-party campaigners to the non-statutory guidance and laid revised Codes, until the revised Codes come into force. Although the revised Codes will not be materially different to the previously laid versions, the Electoral Commission will review its published guidance in light of the revisions.

Yours sincerely,

A handwritten signature in black ink that reads "Jayne Bryant". The signature is written in a cursive, flowing style.

Jayne Bryant AS/MS

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government