

Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery



Llywodraeth Cymru
Welsh Government

David Rees
Chair, Member Accountability Bill Committee

9 January 2026

Dear David

Senedd Cymru (Member Accountability and Elections) Bill

Thank you for the Member Accountability Bill Committee's report in relation to the Senedd Cymru (Member Accountability and Elections) Bill published on 23 December 2025. Please see my responses to the set of recommendations within the report at Annex 1.

I am providing a written response to the Stage 1 Committee reports in advance of the general principles debate.

I would like to express my thanks to the Committee for scrutinising the Bill and its supporting documentation. I look forward to continuing to work with Members as the Bill progresses through the Senedd process.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee and the Chair of the Finance Committee for information.

Yours sincerely,



Julie James AS/MS
Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Cwnsler.Cyffredinol@llyw.cymru
correspondence.Counsel.General@gov.wales

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.

Annex 1

Committees Recommendation	Welsh Government Response
<p>Recommendation 1. If the Senedd supports the general principles of the Bill and it advances to the next stage of the legislative process, we recommend that all Parts of the Bill be amended and improved before it is passed and enacted. In relation to Part 3, the Bill must be amended to meet our recommendation 11</p>	<p>Noted</p>
<p>Recommendation 2. Section 4 should be removed from the Bill.</p>	<p>Noted</p> <p>Whilst the Welsh Government remains of the view that a notification system for the Courts in England and Wales is appropriate in relation to recall trigger event A, I note that the Committee has concluded that consistency between the consequences of a criminal conviction in the Courts of England & Wales, and the Courts of Scotland and Northern Ireland is of greater importance than creating notification requirements on courts where it is within the competence of the Senedd. Therefore, I will give further consideration to this issue.</p>
<p>Recommendation 3. Section 5 of the Bill should be amended so that the Standards of Conduct Committee, established in accordance with section 18, is required to issue guidance about the matters to be taken into account by that committee when considering whether to recommend submitting a Member of the Senedd to a recall poll.</p>	<p>Accept</p> <p>I will prepare an amendment to place a requirement on the Standards of Conduct Committee to lay draft recall guidance before the Senedd. Members will note that this differs slightly from the recommendation that the Standards of Conduct Committee should be under an obligation to issue recall guidance. This is because the approval of the Senedd is required to issue guidance, and therefore a duty to issue guidance is not one which can be exercised entirely within the gift of the Standards of Conduct Committee. A duty to lay draft guidance is therefore considered more appropriate, as it delivers on the spirit of the recommendation by ensuring the draft guidance is brought forward without affecting the discretion of the Senedd to approve (or not) the draft guidance.</p>
<p>Recommendation 4. A majority of the Committee considers that the Bill should be amended so that the Standards of Conduct Committee is able to issue recall guidance so long as a simple majority of the total number of votes cast by the Senedd are in favour of the resolution.</p>	<p>Accept</p> <p>As I made clear in the Member Accountability Bill Committee scrutiny sessions, I am happy to be led by the Committee's view as to what the threshold for agreeing recall guidance should be. While the Bill as introduced aligned with the two-thirds threshold to approve changes to Standing Orders, I recognise that the Code of Conduct and standards</p>

	<p>procedure only require a simple majority to be amended. Therefore, I will prepare an amendment that would lower the threshold for the Senedd to agree the guidance to a simple majority.</p>
<p>Recommendation 5. Given the importance of the section 11 regulations to the recall process, the Bill should be amended so that the Welsh Ministers are required to make the regulations, rather than enabled to do so as section 11(1) is currently drafted.</p>	<p>Reject</p> <p>I recognise the importance of the regulations to be made under section 11 to the implementation of the recall system. However, I consider that "may" in section 11(1) is not a true discretion as if no regulations are made, the Act, if passed can never be implemented which would amount to a frustration of the will of the Senedd. Furthermore, as the regulations are subject to the Senedd approval procedure, placing the Welsh Ministers under a duty to "make" the regulations may create a tension between the need for Ministers to comply with the duty and the discretion of the Senedd to approve (or not) the draft regulations laid before it. Therefore, I do not consider it necessary or appropriate to amend the existing power to a duty.</p>
<p>Recommendation 6. The Welsh Government must consult with the Electoral Commission and other electoral stakeholders on the format of the ballot paper for recall polls and it should be subject to user testing at the earliest opportunity, if the Bill is passed and enacted.</p>	<p>Accept</p> <p>I acknowledge the evidence received by the Committee in relation to the format of the ballot paper, and its importance in the effective running of a recall poll.</p> <p>The only element of the ballot paper that is prescribed by the Bill is the question and possible responses that must be used, the remainder in terms of form and content will be for regulations. Regulations made under section 11 include the power to prescribe the format of the ballot paper, as this would fall within the scope of 11(1)(a) – ‘provision about the conduct of a recall poll’. This is the equivalent to the power in section 13 of the Government of Wales Act, to make provision about the conduct of a Senedd election.</p> <p>Members will be aware that the Conduct Order includes - at Form 12 - a sample ballot paper template that must be used by Returning Officers. Regulations made under section 11 of the Senedd Cymru (Member Accountability and Elections) Bill will similarly set out the ballot paper template that Returning Officers must use in respect of recall polls.</p> <p>Section 11, subsection 4 of the Senedd Cymru (Member Accountability and Elections) Bill sets out that "Before making any regulations under subsection (1), the Welsh Ministers must consult</p>

	<p>the Electoral Commission". The Welsh Ministers would also undertake a wider public consultation on the draft regulations, which would involve electoral stakeholders beyond the Electoral Commission. Therefore, there is already a statutory obligation on Welsh Ministers to consult with the Electoral Commission on the format of the Ballot Paper. As part of the consultation, I will consider further - alongside the Electoral Commission - what the most appropriate form of user testing is.</p>
<p>Recommendation 7. The Bill should be amended to make it explicit that recall polls will fall within the statutory functions of the Electoral Management Board.</p>	<p>Accept</p> <p>I accept the Committee's conclusions based on the views expressed to them by the Electoral Management Board, that its functions should apply to Senedd recall polls. I will bring forward amendments to the Bill to give effect to this.</p>
<p>Recommendation 8. We agree that the Bill should make provision:</p> <ul style="list-style-type: none"> • for a mandatory Standards of Conduct Committee, • enabling lay members to be appointed to Senedd committees considering matters relating to the standards of conduct of Members of the Senedd; • that prohibits the following from being appointed lay members: • current and former elected members of all parliaments and legislatures of the UK, • members of the House of Lords, • current and former elected members of community, county and county borough councils in Wales, • current and former police and crime commissioners for a police area in Wales, as well as • persons holding the disqualifying offices in the second column of the table in Part 2 of Schedule 1A to the 2006 Act (except the judicial offices); <p>and consequently, do not consider that any other provision currently in section 18 is</p>	<p>Accept</p> <p>I note the Committee's view that elements of the provisions in respect of the Standards of Conduct Committee are too prescriptive and therefore the Senedd should have the discretion to determine the detail of its own arrangements. I also note that there are interdependencies with Conclusion 9 in the Committee's report, as to what matters should be required via Standing Orders.</p> <p>My officials will consider further and prepare amendments to remove elements of specificity from the face of the Bill where appropriate. However, in doing so, I will wish to give further consideration to the extent of the disqualification criteria for lay members. In particular, whether it is necessary to disqualify former Local Government members and those who have previously held any of the offices listed in in Part 2 of Schedule 1A to the 2006 Act. While I understand the Committee's consideration of this point, such offices are not necessarily party political and I would want to ensure that any such disqualification criteria are not overly restrictive and have the potential to significantly reduce the pool of prospective lay members.</p>

<p>required, and the Bill should be amended accordingly.</p>	
<p>Recommendation 9. The Bill should be amended so that the following persons are disqualified from being appointed as the Senedd Commissioner for Standards:</p> <ul style="list-style-type: none"> • current and former elected members of all parliaments and legislatures of the UK, • members of the House of Lords, • current and former elected members of community, county and county borough councils in Wales, • current and former police and crime commissioners for a police area in Wales, as well as • other persons holding the disqualifying offices in the second column of the table in Part 2 of Schedule 1A to the 2006 Act (except the judicial offices). 	<p>Accept</p> <p>My officials will prepare amendments in response to this recommendation. However, I believe any disqualification criteria for the role of the Senedd Commissioner for Standards should replicate that for lay Members, as far as possible. Therefore, as set out in response to Recommendation 8, I will wish to give further consideration to the extent of the disqualification criteria in relation to former Local Government members and those who have previously held any of the offices listed in in Part 2 of Schedule 1A to the 2006 Act to ensure that any such disqualification criteria are not overly restrictive and have the potential to significantly reduce the pool of prospective Commissioners.</p>
<p>Recommendation 10. The Counsel General should amend the <i>Welsh Language (Wales) Measure 2011</i> to include the Senedd Commissioner for Standards within the list of public bodies listed in Schedule 6 to the Measure. We note that such an amendment to Schedule 6 could be achieved either by including a provision on the face of the Bill or by bringing forward an order under section 35 of the Measure. Similarly, the Counsel General should also include the Senedd Commissioner for Standards in a relevant set of Welsh Language Standards regulations. We note that this could be achieved either by including provision on the face of the Bill or through regulations made using powers under the Measure. If these changes are not included on the face of the Bill, the appropriate statutory instruments should be brought forward at the earliest opportunity.</p>	<p>Accept in principle</p> <p>I accept the Committees conclusion that the Standards Commissioner should be subject to the Welsh Language standards. I have asked my officials to engage with the Welsh Language Commissioner, and subject to their views will seek to prepare amendments for Stage 2 in response to the recommendation.</p>
<p>Recommendation 11. The Welsh Government should:</p> <ul style="list-style-type: none"> • draft detailed provisions for the proposed offence, to be included on the face of the Bill, which prohibit the making or publishing of false or misleading statements of fact before or during an election for the purpose of affecting the return of any candidate; 	<p>Noted</p> <p>I have been clear throughout Stage 1 that the creation of a new offence is a novel and complex issue and isn't something that should be rushed. As the committee notes, in the development of any offence, it is imperative that a full assessment of the impacts on the justice system, human rights considerations, wider electoral law is undertaken, alongside comprehensive consultation. I will consider the feasibility and implications of</p>

<ul style="list-style-type: none">• consult on those provisions, including comprehensive engagement with the police, the Crown Prosecution Service and the Ministry of Justice, and publish details of those consultation responses;• conduct and publish justice and human rights impact assessments; and subsequently• table the relevant amendments at Stage 2 that would place the full details of the offence on the face of the Bill. <p>If these changes cannot be done in time for Stage 2 proceedings, or the amendments tabled at Stage 2 are deemed insufficient and are therefore not supported, the majority of the Committee recommend that section 22 of the Bill should be removed to allow for further work on the issue to be taken forward in future primary legislation. Sioned Williams believes that section 22 can be further amended to further define the scope of the power.</p>	<p>undertaking that work in such time as to insert an offence into the Bill as a Stage 2 amendment.</p> <p>I am grateful to the Standards of Conduct Committee for their work on this topic, and their recommendations set out in their report published in February 2025 and noted by the Senedd in April 2025. It was important that the work of the government took into account the evidence gathered as well as the deliberations and conclusions of that Committee.</p> <p>In light of the Senedd election in 2026, the provision at section 22(3) was designed to ensure the work to establish the offence would be continued by the next Welsh Government.</p> <p>I note that the Committee has been unable to reach a consensus as to the proper course of action if the Government does not believe that it is possible or appropriate to insert such an offence at Stage 2.</p>
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