

David Rees MS
Chair
Member Accountability Bill Committee
Welsh Parliament

cc. Hannah Blythyn MS, Chair, Standards of
Conduct Committee

cc. Julie Jame MS, Counsel General and Minister
for Delivery

Dyddiad | Date: 16 December 2025

Pwnc | Subject: Senedd Cymru (Member Accountability and Elections) Bill

Dear David,

I write on behalf of the Independent Remuneration Board of the Senedd (the Board) to provide observations in relation to the potential implications of proposals in the Senedd Cymru (Member Accountability and Elections) Bill relating to payments when a Member ceases to be a Member and their pension payments.

As you are aware, the Board is responsible for ensuring Members of the Senedd have the appropriate resources available to them to undertake their duties, as well as setting salaries for Members and staff.

The Board also provides a Pension Scheme for Members of the Senedd in accordance with section 20 of the Government of Wales Act. The Board as responsible authority makes the Scheme Rules, governed by the Public Service Pensions Act and administered in line with Scheme rules. The Board's responsibilities include appointing the Pension Board Chair and Trustees and agreeing and consulting on any Scheme rule changes.

Whilst the Board does not have specific views in relation to the provisions of the Bill as part of the Committee's current consideration of the general principles, the Board does have an interest relating to areas of the Bill including:

- strengthening the systems that currently exist that regulate and sanction Members' behaviour and conduct;
- providing a mechanism to recall an elected Member, removing them from office during their term on the basis of the expressed will of voters in the relevant constituency.

Although the Board does not have a defined role in the Standards regime in the Senedd, the Determination as part of the regulatory framework, alongside the Code of Conduct and the Rules and Guidance on the Use of Senedd Resources, forms the basis for the rules that Members of the Senedd must adhere to.

We would like to highlight that there may need to be further consideration of financial implications and potential sanctions the Senedd might apply regarding the withdrawal of entitlement to certain payments as a result of recall.

As is the case now, the Presiding Officer can exclude a Member from Senedd proceedings without salary (Standing Order 13.14). The Senedd can also agree a sanction recommended by the Standards of Conduct Committee to exclude a Member for a specified time period, the Member is not entitled to receive any salary from the Senedd and is not permitted to attend any Senedd proceedings (Standing Order 22.10A), which can also affect their pension contributions. In the case of recall there may need to be further consideration relating to the resources and funds that are provided to Members by the Determination in terms of their staff and offices, as below.

The Determination provides a resettlement payment for Members who stand and are not re-elected at a Senedd election (section 9.3) and winding up payments for Members who cease to be Members at a Senedd election (section 9.2A). As the Determination is currently drafted, these payments relate to 'a person who is a Member immediately before a dissolution of the Senedd' and the Board is therefore of the view that a Member who is subject to recall would not be entitled to such payments. There may be circumstances however that such Members may be able to claim winding up costs (as set out in section 9.1), as these relate to winding up of their commitments or contractual liabilities, including office and equipment leases and staffing matters.

You may also be aware of recent media articles regarding Members convicted of a criminal offence and questions regarding forfeiture of pension. Legislation sets out that entitlement to pensions under an occupational pension scheme, or a right to a future pension under such a scheme, cannot be forfeited, although there are a limited number of exceptions relating to convictions relating to specific offences. The Board is seeking advice and will be considering whether the Pension Scheme Rules could make provisions for forfeiture rules in the new year.

I am copying this letter to the Chair of Standards Committee and Counsel General as Members in charge of the Bill, based on all of our shared interest in these matters.

Best wishes,

Elizabeth Haywood

**Dr Elizabeth Haywood,
Chair, Independent Remuneration Board of the Senedd**

Croesewir gohebiaeth yn Gymraeg neu Saesneg. | We welcome correspondence in Welsh or English.