

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



Llywodraeth Cymru
Welsh Government

Mike Hedges AS/MS
Chair, Legislation, Justice and Constitution Committee

6 February 2026

Dear Mike,

I write as I committed to do, in my response to the Committee's report on the Senedd Cymru (Member Accountability and Elections) Bill, specifically to provide an update on the Welsh Government obtaining Minister of the Crown consent regarding the provisions in section 4 of the Bill and to provide an explanation as requested by the Committee with regards to the detail set out in recommendations 8 and 9 of the Committee's report.

On Minister of Crown Consent, the Government has had positive engagement with the relevant UK Government departments facilitated by the Wales Office. We are continuing to work productively together at pace, in order to obtain the appropriate consents required. I will continue to update both the Committee and the Member Accountability Bill Committee as our discussions progress to a conclusion.

For recommendation 8 and 9, there is a limited relationship between the provisions in section 11 of the Bill (the regulations relating to a recall poll) and section 22 of the Bill which includes the duty on Welsh Ministers to create the offence to prohibit the making or publishing of false or misleading statements of fact. They deal with two separate powers to make secondary legislation and are about two different electoral events but, there is a link. The limited relationship between section 11 of the Bill and section 13 of the Government of Wales Act 2006 (GoWA) as amended by section 22 of the Bill arises as a consequence of section 11(3)(a)(ii), which provides a power to apply or incorporate provisions made by or under an Order under section 13 of GoWA. The effect of this is that once an offence is created and added to the existing criminal (electoral) offences set out in the Senedd Cymru (Representation of the People) Order in accordance with the duty in new section 13(2A), that offence could subsequently be applied or incorporated into regulations made under section 11 about the conduct of recall polls, by virtue of the provision in section 11(3)(a)(ii) of the Bill.

The amendment of section 13 of GoWA by section 22 of the Bill, in combination with section 11(3)(a)(ii), puts beyond doubt that regulations under section 11(1) could include provision of the kind required and authorised by section 13 of GoWA as it would be amended.

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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.

I am copying this letter to the Chair of the Member Accountability Bill Committee.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AS/MS

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