

SL(6)798 – The Senedd Cymru (Returning Officers' Charges) Order 2026

Background and Purpose

The Senedd Cymru (Returning Officers' Charges) Order 2026 ("the Order") sets the maximum amounts that a returning officer may recover for services rendered and expenses incurred for, or in connection with, the conduct of a Senedd Cymru election.

The Order is made under article 23 of the Senedd Cymru (Representation of the People) Order 2025 (the "2025 Order") which provides that a returning officer is entitled to recover charges in respect of services rendered or expenses incurred for, or in connection with, a Senedd Cymru election.

The Order is accompanied by the Senedd Cymru (Returning Officers' Accounts) Order 2026, which makes provision as to the time when, and the manner and form in which, accounts are to be submitted for the purpose of the payment of returning officers' charges.

Procedure

No procedure.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Article 4(1) provides that the total amount a returning officer may recover for *services rendered* for, or in connection with, a contested Senedd election must not exceed the amount listed for each Senedd constituency in column 3 of the table in the Schedule.

Article 4(2) lists the services rendered for which an amount may be recovered. This includes, in paragraph (2)(c), "*discharging all of the returning officer's and **electoral administrator's** duties in respect of the election.*"

Unlike "returning officer", "electoral administrator" is not defined for the purposes of the Order. "Returning officer" is defined in article 2 for the purposes of the Order by reference to the definition in the 2025 Order.

As the 2025 Order contains a definition for "electoral administrators" in article 23(3) of that Order, the Welsh Government is asked to explain why it did not define this term for the purposes of the Order, for example by reference to the 2025 Order?



Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The Explanatory Memorandum and Regulatory Impact Assessment make several references to the application of the Order to the 2026 Senedd election, which is scheduled to take place on 7 May 2026.

Whilst this will be the case as the Order comes into force on 17 March 2026, it is noted that the Order sets the maximum amounts that returning officers are able to recover in relation to a Senedd election. Article 2 defines a “Senedd election” as *“an election to return a Senedd member for a Senedd constituency”*. The Order does not contain a sunset provision, which is a provision that would cause the Order (or parts of it) to expire automatically on a specified date, nor is the definition of a “Senedd election” limited to the election scheduled to take place on 7 May 2026.

As such, the Order will continue to apply in relation to other Senedd elections beyond the 2026 Senedd election until the Order is revoked or replaced.

Welsh Government response

A Welsh Government response is required in relation to the first reporting point only.

Legal Advisers

Legislation, Justice and Constitution Committee

17 March 2026

