

Joint schedule of amendments: Elections and Elected Bodies (Wales) Bill and the Senedd Cymru (Members and Elections) Bill

AMENDMENTS TO BE MADE BY THE ELECTIONS AND ELECTED BODIES (WALES) BILL AND THE SENEDD CYMRU (MEMBERS AND ELECTIONS) (WALES) BILL

This document is intended to show how the provisions of the following legislation as they applied in relation to Wales on 24 August 2023 would look as amended by the Elections and Elected Bodies (Wales) Bill (if enacted) as introduced on 2 October 2023, and by the Senedd Cymru (Members and Elections) Bill (if enacted), as introduced on 18 September 2023.

The document has been produced to aid understanding of the joint effects of the Elections and Elected Bodies (Wales) Bill (subject to enactment) and the Senedd Cymru (Members and Elections) Bill (subject to enactment) on the following pieces of legislation; it is not intended for use in any other context:

[Political Parties, Elections and Referendums Act 2000](#)

[Government of Wales Act 2006](#)

[Local Government \(Democracy\) \(Wales\) Act 2013](#)

[Local Government and Elections \(Wales\) Act 2021](#)

This document only covers legislation that would be amended by both Bills (if enacted). For legislation that would be amended by just one of the Bills (if enacted), please refer to the separate explanatory memorandums.¹

Material to be deleted by the Elections and Elected Bodies (Wales) Bill is in strikethrough in black, e.g. ~~omitted material looks like this~~. Material to be added by the Elections and Elected Bodies (Wales) Bill is underlined in black, e.g. added material looks like this.

Material to be deleted by the Senedd Cymru (Members and Elections) Bill is shown in strikethrough in blue, e.g. ~~omitted material looks like this~~. Material to be added by the Senedd Cymru (Members and Elections) Bill is underlined in blue, e.g. added material looks like this.

References to the relevant amending provisions of the Bills are provided in the right hand column on each page.

A number of related provisions from the Act, although not being amended, are included to aid understanding of the proposed amendments.

¹ [Elections and Elected Bodies \(Wales\) Bill: Explanatory Memorandum](#)
[Senedd Cymru \(Members and Elections\) Bill: Explanatory Memorandum](#)

Warning

This text has been prepared by officials of the Covid Recovery and Local Government Group and the Economy, Treasury and Constitution Group of the Welsh Government. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act or the Bills.

Political Parties, Elections and Referendums Act 2000

Section	Amended by
<p>5 Reports on elections, referendums etc .</p> <p>(1) The Commission shall, after—</p> <p>(a) each election to which this section applies, and</p> <p>(b) each referendum to which Part VII applies,</p> <p>prepare and publish (in such manner as the Commission may determine) a report on the administration of the election or referendum.</p> <p>(2) The elections to which this section applies are the following, namely—</p> <p>(a) a parliamentary general election;</p> <p>(b).</p> <p>(c) a Scottish Parliamentary general election;</p> <p>(d) a National Assembly for Wales <u>Senedd Cymru</u> general election;</p> <p>(e) a Northern Ireland Assembly general election.</p> <p>(f) an ordinary election of police and crime commissioners.</p> <p>(2A)After—</p> <p>(a) a parliamentary by-election,</p> <p>(b) an election held under section 9 of the Scotland Act 1998 (election for the Scottish Parliament in the case of a constituency vacancy), ...</p> <p>(c) an election held under section 10 of the Government of Wales Act 2006 (election for the National Assembly for Wales <u>Senedd Cymru</u> in the case of a constituency vacancy), or</p> <p>(d) an election held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner),</p> <p>the Commission may prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.</p> <p>(2AA) Subsection (2AB) applies where a report under this section relates to—</p> <p>(a) a parliamentary general election,</p> <p>(b) a parliamentary by-election,</p> <p>(c) an ordinary election of police and crime commissioners,</p>	<p>EEB Bill Schedule 1, Part 3, 6 (2)</p> <p>SC(ME) Bill Part 2 Section 10(9)(a)</p>

(d) an election held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner), or

(e) a Northern Ireland Assembly general election.

(2AB) The report must include a description of the steps taken by returning officers to assist relevant persons (within the meaning of rule 29 of Schedule 1 to the Representation of the People Act 1983) to vote at the election.

(2B) After an ordinary election of councillors for local government areas in Scotland, the Commission must prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.

(2C) Subsection (2D) applies where a report under this section relates to one of the following elections—

(a) a Scottish Parliamentary general election,

(b) an election held under section 9 of the Scotland Act 1998 (constituency vacancies), or

(c) an ordinary election of councillors for local government areas in Scotland.

(2D) The report must include a description of the steps taken by returning officers to assist disabled persons (within the meaning of section 6(2) of the Equality Act 2010) to vote at the election.

(2E) In subsection (2D), “returning officer”—

(a) in the case of a Scottish Parliamentary general election, means an officer who is—

(i) appointed by order in accordance with section 12(1) of the Scotland Act 1998, or

(ii) appointed by order under section 12(6) of that Act,

(b) in the case of an election held under section 9 of that Act, means an officer who is appointed by order in accordance with section 12(1) of that Act,

(c) in the case of an ordinary election of councillors for local government areas in Scotland, means an officer who is appointed under section 41(1) of the Representation of the People Act 1983.”

(3) After a poll held under section 64 of the Government of Wales Act 2006 the Commission shall, if requested to do so by the Welsh Ministers, at their expense prepare and publish (in such manner as the Commission may determine) a report on the administration of the poll.

<p><u>5A Further provision about reports on Welsh elections</u></p> <p><u>(1) After an ordinary election of councillors for counties and county boroughs in Wales or communities in Wales, the Electoral Commission must prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.</u></p> <p><u>(2) Subsection (3) applies to—</u></p> <p><u>(a) a report under section 5 relating to a Senedd Cymru general election;</u></p> <p><u>(b) a report under subsection (1).</u></p> <p><u>(3)The report must include a description of the steps taken by returning officers to assist persons with disabilities that would otherwise adversely affect their right to vote at the election.</u></p> <p><u>(4) In subsection (3)—</u></p> <p><u>“disability”, in relation to doing a thing, includes a short term inability to do it;</u></p> <p><u>“returning officer”—</u></p> <p><u>(a) in the case of a Senedd Cymru general election, means a returning officer (however described) designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32);</u></p> <p><u>(b) in the case of an ordinary election of councillors for local government areas, means an officer who is appointed under section 35(1A) of the Representation of the People Act 1983 (c. 2).</u></p>	<p>EEB Bill Part 1, Chapter 4, section 25</p>
<p>6ZA Reviews of devolved electoral matters in Wales</p> <p>(1) The Commission must keep the matters mentioned in subsection (2) under review, and must from time to time submit reports on those matters to the Welsh Ministers.</p> <p>(2) The matters are such matters as the Commission may from time to time determine relating to—</p> <p>(a) general elections of Members of the Senedd;</p> <p>(b) elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);</p> <p>(c) local government elections in Wales;</p> <p>(d) referendums under Part 2 of the Local Government Act 2000 and Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales);</p>	<p>SC(ME) Bill Part 2 Section 10(9)(b)</p>

<p>(e) the law relating to the elections and referendums mentioned in paragraphs (a) to (d).</p> <p>(3) Subsection (4) applies if the Welsh Ministers request the Commission to review and report on any matter or matters for which provision is or could be made in an Act of Senedd Cymru (whether or not falling within subsection (2)).</p> <p>(4) The Commission must, within such time as the Welsh Ministers may specify—</p> <p>(a) review the matters specified in the request, and</p> <p>(b) submit a report on those matters to the Welsh Ministers.</p> <p>(5) The Commission must publish each report made under this section in such manner as the Commission may determine.</p>	
<p>6A Attendance of representatives of Commission at elections etc.</p> <p>(1) A representative of the Commission may attend—</p> <p>(a) proceedings relating to an election specified in subsection (5) which are the responsibility of the returning officer for the election;</p> <p>(b) proceedings relating to a referendum to which Part 7 applies which are the responsibility of the relevant counting officer.</p> <p>(c) proceedings relating to a recall petition which are the responsibility of the petition officer in relation to the petition.</p> <p>(2) The right conferred on a representative of the Commission by this section is subject to any enactment which regulates attendance at the proceedings in question.</p> <p>(3) In this section, “representative of the Commission” means any of the following—</p> <p>(a) a member of the Commission;</p> <p>(b) a member of staff of the Commission;</p> <p>(c) a person appointed by the Commission for the purposes of this section.</p> <p>(4) A reference to the relevant counting officer must be construed—</p> <p>(a) if the area to which the proceedings relates is in Great Britain, in accordance with section 128(3);</p> <p>(b) if the area to which the proceedings relates is Northern Ireland, as a reference to the Chief Electoral Officer for Northern Ireland.</p> <p>(5) The elections specified in this subsection are—</p> <p>(a) an election mentioned in section 5(2);</p> <p>(b) a parliamentary by-election;</p> <p>(c) an election under section 9 of the Scotland Act 1998 (constituency vacancies);</p> <p>(d) an election under section 10 of the Government of Wales Act 2006 (constituency vacancies);</p>	<p>SC(ME) Bill Part 2 Section 10(9)(c)</p>

<p>(da) an election under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner); (e) a local government election in England or Wales; (ea) a local government election in Scotland; (f) a local election in Northern Ireland.</p>	
<p>6G Code of practice on attendance of observers at devolved elections in Wales (1) The Commission must prepare a code of practice on the attendance at elections specified in subsection (2) of— (a) representatives of the Commission, (b) accredited observers, and (c) nominated members of accredited organisations. (2) The code must make provision about attendance at— (a) general elections of Members of the Senedd; (b) elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies); (c) local government elections in Wales. ...</p>	<p>SC(ME) Bill Part 2 Section 10(9)(d)</p>
<p>7 Commission to be consulted on changes to electoral law. (1) Before making an instrument to which this section applies, the authority making the instrument shall consult the Commission. (2) This section applies to an instrument containing— (a) (b) (c) an order under section 24(1)(c), (cc) or (e), 25(1)(b), 28(1)(b) or 35(2B) of the Representation of the People Act 1983 (designations of returning officers and acting returning officers); (d) rules under section 36 of that Act (local government elections in England ...); (e) regulations under that Act (“the 1983 Act”), or under the Representation of the People Act 1985, in relation to which section 201(2) of the 1983 Act (regulations which may not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament) has effect; (eza) regulations to be made by the Scottish Ministers under section 81(3A)(c) of the Representation of the People Act 1983 (other matters to be included in election expenses return in relation to local government elections in Scotland);</p>	<p>EEB Bill Schedule 1, Part 3, 6 (3)</p>

<p>(ezb) regulations to be made by the Scottish Ministers under paragraph 10(2) of schedule 2A of the Representation of the People Act 1983 (evidence of donor's anonymous registration to accompany statement of relevant donations in relation to local government elections in Scotland);</p> <p>(ea) regulations made by virtue of paragraph 7F of Schedule 4 to the Representation of the People Act 2000 (regulations made by the Scottish Ministers about notification of rejected postal votes in relation to local government elections in Scotland);</p> <p>(f) an order under section 13 or 64(3) or regulations under section 13A of the Government of Wales Act 2006 (conduct of elections to the National Assembly for Wales <u>Senedd Cymru</u> and of polls held by Welsh Ministers);</p> <p>(g) an order under section 12(1) or (6) or regulations under section 12A(1) of the Scotland Act 1998 (conduct of elections to the Scottish Parliament);</p> <p>(h) an order under section 34(4) of the Northern Ireland Act 1998 (conduct of elections to the Northern Ireland Assembly);</p> <p>(ha) an order under subsection (1)(b) of section 54 of the Police Reform and Social Responsibility Act 2011 (designations of returning officers for elections of persons as police and crime commissioners in England and Wales);</p> <p>(hb) regulations under subsection (2) of that section (functions of returning officers and local returning officers for such elections);</p> <p>(hc) an order under section 58 of that Act (conduct of elections of persons as police and crime commissioners in England and Wales);</p> <p>(i) an order under section 17A(3) of the Greater London Authority Act 1999 (free delivery of election addresses at elections to the Greater London Authority).</p> <p>(j) an order under section 3(1) of the Local Governance (Scotland) Act 2004.</p> <p>(k) regulations under section 9(5) or 18 of the Recall of MPs Act 2015 (wording of the recall petition signing sheet and the conduct of a recall petition etc).</p> <p>(3) No draft Order shall be laid before Parliament under section 84(4) of the Northern Ireland Act 1998 (power to make provision with respect to elections in Northern Ireland) except after consultation with the Commission.</p>	
<p>8 Powers with respect to elections exercisable only on Commission recommendation.</p>	<p>EEB Bill Schedule 1, Part 3, 6 (4)</p>

<p>(1) The function of giving directions under section 52(1) of the Representation of the People Act 1983 (directions as to discharge of registration duties) shall be exercisable only on, and in accordance with, a recommendation of the Commission.</p> <p>(2) A function to which this subsection applies shall, unless the person on whom the function is conferred considers that the exercise of the function is expedient in consequence of changes in the value of money, be exercisable only on, and in accordance with, a recommendation of the Commission.</p> <p>(3) Subsection (2) applies to the following functions, namely—</p> <p>(a) the making of orders under section 76(2A) of that Act (limitation of expenses in connection with elections to the Greater London Authority);</p> <p>(b) the making of orders under section 13 of the Government of Wales Act 2006 or section 12 of the Scotland Act 1998 so far as relating to the matters mentioned in subsection (2)(c) of the section (limitation of expenses in connection with elections to the National Assembly for Wales <u>Senedd Cymru</u> or Scottish Parliament);</p> <p>(c)</p>	
<p>9AA Performance standards for devolved elections and referendums in Wales</p> <p>(1) The Commission may from time to time—</p> <p>(a) determine standards of performance for relevant officers mentioned in subsection (2), and</p> <p>(b) publish, in such form and in such manner as they consider appropriate, the standards so determined.</p> <p>(2) The standards of performance are such standards as the Commission think ought to be achieved by—</p> <p>(a) electoral registration officers for areas in Wales in the performance of their functions in relation to registers of local government electors;</p> <p>(b) returning officers in the administration of the elections specified in subsection (6);</p> <p>(c) counting officers in the administration of the referendums specified in subsection (7).</p> <p>(3) Before determining standards under subsection (1), the Commission must consult—</p> <p>(a) the Welsh Ministers, and</p> <p>(b) any other person they think appropriate.</p> <p>(4) The Commission may determine different standards for different descriptions of relevant officers.</p>	<p>SC(ME) Bill Part 2 Section 10 (9)(e)</p>

<p>(5) When the Commission publish standards under subsection (1) they must send a copy to the Welsh Ministers who must lay a copy before Senedd Cymru.</p> <p>(6) The elections specified in this subsection are—</p> <p>(a) a general election of Members of the Senedd;</p> <p>(b) an election under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);</p> <p>(c) a local government election in Wales.</p> <p>(7) The referendums specified in this subsection are referendums under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales).</p>	
<p>10 Giving of advice and assistance</p> <p>(1) The Commission may, at the request of any relevant body, provide the body with advice and assistance as respects any matter in which the Commission have skill and experience.</p> <p>(2) The assistance which may be so provided includes (in particular) the secondment of members of the Commission’s staff.</p> <p>(3) The Commission may also—</p> <p>(a) provide advice and assistance to—</p> <p>(i) registration officers,</p> <p>(ii) returning officers at relevant elections,</p> <p>(iii) registered parties,</p> <p>(iv) recognised third parties within the meaning of Part VI, ...</p> <p>(v) permitted participants within the meaning of Part VII;</p> <p>(vi) petition officers in relation to recall petitions, and</p> <p>(vii) accredited campaigners within the meaning of Schedule 3 to the Recall of MPs Act 2015 (see Part 5 of that Schedule);</p> <p>(b) provide advice and assistance to other persons which is incidental to, or otherwise connected with, the discharge by the Commission of their functions.</p> <p>(4) The Commission—</p> <p>(a) may make charges for advice or assistance provided by them under subsection (1); but</p> <p>(b) may not make charges for advice and assistance provided under subsection (3).</p>	<p>EEB Bill Schedule 1, Part 3, 6 (5)</p>

<p>(5) Nothing in this section authorises the Commission to provide any form of financial assistance.</p> <p>(6) In this section “relevant body” means—</p> <p>(a) the Scottish Parliament;</p> <p>(b) the Scottish Executive;</p> <p>(c) the National Assembly for Wales <u>Senedd Cymru</u>;</p> <p>(ca) the Welsh Ministers;</p> <p>(ca) the National Assembly for Wales <u>Senedd</u> Commission;</p> <p>(d) the Northern Ireland Assembly;</p> <p>(e) the Executive Committee of the Northern Ireland Assembly;</p> <p>(f) any of the following local authorities—</p> <p>(i) in England, the council of a county, district or London borough,</p> <p>(ii) in Wales, the council of a county or county borough, and</p> <p>(iii) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;</p> <p>(g) a national or regional parliament or government in a country other than the United Kingdom;</p> <p>(h) a body in any such other country having functions corresponding to any of the functions of the Commission;</p> <p>(i) an organisation of which two or more countries (or their governments) are members or a subordinate body of such an organisation.</p> <p>(7) In this section “relevant election” means any election falling within section 22(5)</p> <p>(8).....</p> <p>(9).....</p> <p>(10).....</p>	
<p>22 Parties to be registered in order to field candidates at elections.</p> <p>(1) Subject to subsection (4), no nomination may be made in relation to a relevant election unless the nomination is in respect of—</p> <p>(a) a person who stands for election in the name of a qualifying registered party; or</p> <p>(b) a person who does not purport to represent any party; or</p> <p>(c) a qualifying registered party, where the election is one for which registered parties may be nominated.</p>	<p>EEB Bill Schedule 1, Part 3, 6 (6)</p>

<p>(2) For the purposes of subsection (1) a party (other than a minor party) is a “qualifying registered party” in relation to a relevant election if—</p> <p>(a) the constituency, police area, local government area or electoral region in which the election is held—</p> <p>(i) is in England, Scotland or Wales, ...</p> <p>(ii).</p> <p>and the party was, on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at that election, registered in respect of that part of Great Britain in the Great Britain register maintained by the Commission under section 23, or</p> <p>(b) the constituency, district electoral area or electoral region in which the election is held—</p> <p>(i) is in Northern Ireland, ...</p> <p>(ii).</p> <p>and the party was, on the relevant day, registered in the Northern Ireland register maintained by the Commission under that section.</p> <p>(2A) For the purposes of subsection (2) any day falling within rule 2(1) of the parliamentary elections rules in Schedule 1 to the Representation of the People Act 1983 (subject to rule 2(2A)) shall be disregarded.</p> <p>(3) For the purposes of subsection (1) a person does not purport to represent any party if either—</p> <p>(a) the description of the candidate given in his nomination paper, is—</p> <p>(i) “Independent”, or</p> <p>(ii) where the candidate is the Speaker of the House of Commons seeking re-election, “The Speaker seeking re-election”; or</p> <p>(b) no description of the candidate is given in his nomination paper.</p> <p>(4) Subsection (1) does not apply in relation to any parish or community election.</p> <p>(5) The following elections are relevant elections for the purposes of this Part—</p> <p>(a) parliamentary elections,</p> <p>(b).</p> <p>(c) elections to the Scottish Parliament,</p>	
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<p>(d) elections to the National Assembly for Wales <u>Senedd Cymru</u>,</p> <p>(e) elections to the Northern Ireland Assembly,</p> <p>(ea) elections of police and crime commissioners,</p> <p>(f) local government elections, and</p> <p>(g) local elections in Northern Ireland.</p> <p>(6) For the purposes of this Act a person stands for election in the name of a registered party if his nomination paper includes a description authorised by a certificate issued by or on behalf of the registered nominating officer of the party.</p>	
<p>67 Weekly donation reports in connection with elections other than general elections.</p> <p>(1) The Secretary of State may, after consulting the Commission and all registered parties, by order make provision for—</p> <p>(a) sections 63 and 64, together with Schedule 6,</p> <p>(b) sections 65 and 66, and</p> <p>(c) section 147 so far as applying in relation to section 65(1) or (2),</p> <p>to apply in relation to the specified election period in the case of one or more relevant elections with such modifications as are specified in the order.</p> <p>(2) In this section—</p> <p>(a) “specified election period”, in relation to a relevant election, means such period ending with the date of the poll for the election as may be specified in an order under subsection (1);</p> <p>(b) “relevant election” means—</p> <p>(i)</p> <p>(ii) an election to the Scottish Parliament;</p> <p>(iii) an election to the National Assembly for Wales <u>Senedd Cymru</u>; ...</p> <p>(iv) an election to the Northern Ireland Assembly; or</p> <p>(v) an election of a police and crime commissioner.</p>	<p>EEB Bill Schedule 1, Part 3, 6 (7)</p>
<p>73 Notional campaign expenditure</p> <p>(1) This section applies where, in the case of a registered party—</p> <p>(a) either—</p>	<p>EEB Bill Part 1, Chapter 5, section 33</p>

<p>(i) property is transferred to the party free of charge or at a discount of more than 10 per cent. of its market value, or</p> <p>(ii) property, services or facilities is or are provided for the use or benefit of the party free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities, and</p> <p>(b) the property, services or facilities is or are made use of by or on behalf of the party in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the party in respect of that use, they would be (or are) campaign expenditure incurred by or on behalf of the party.</p> <p>(1A) For the purposes of subsection (1)(b), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 3, <u>6</u>, 7, 9, 10 or 11 of Schedule 9 (periods involving parliamentary general elections, <u>ordinary or extraordinary general elections to Senedd Cymru</u>, or general elections to the Northern Ireland Assembly), property, services or facilities are made use of on behalf of a registered party only if their use on behalf of the party is directed, authorised or encouraged by—</p> <p>(a) the party, or</p> <p>(b) the treasurer or a deputy treasurer appointed under section 74.</p> <p>(2) Where this section applies, an amount of campaign expenditure determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part, as incurred by the party during the period for which the property, services or facilities is or are made use of as mentioned in subsection (1)(b).</p> <p>This subsection has effect subject to subsection (9).</p> <p>(3) Where subsection (1)(a)(i) applies, the appropriate amount is such proportion of either—</p> <p>(a) the market value of the property (where the property is transferred free of charge), or</p> <p>(b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of the party in respect of the property (where the property is transferred at a discount),</p> <p>as is reasonably attributable to the use made of the property as mentioned in subsection (1)(b).</p>	
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<p>(4) Where subsection (1)(a)(ii) applies, the appropriate amount is such proportion of either—</p> <ul style="list-style-type: none"> (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the party in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount), <p>as is reasonably attributable to the use made of the property, services or facilities as mentioned in subsection (1)(b).</p> <p>(5) Where the services of an employee are made available by his employer for the use or benefit of a registered party, then for the purposes of this section the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration or allowances payable to the employee by his employer in respect of the period for which his services are made available (but shall not include any amount in respect of contributions or other payments for which the employer is liable in respect of the employee).</p> <p>(6) Where an amount of campaign expenditure is treated, by virtue of subsection (2), as incurred by or on behalf of a party during any period the whole or part of which falls within any period which is, in relation to the party, a relevant campaign period for the purposes of section 80, then—</p> <ul style="list-style-type: none"> (a) the amount mentioned in subsection (7) shall be treated as incurred by or on behalf of the party during the relevant campaign period, and (b) the treasurer or a deputy treasurer appointed under section 74 shall make a declaration of that amount, <p>unless that amount is not more than £200.</p> <p>(7) The amount referred to in subsection (6) is such proportion of the appropriate amount (determined in accordance with subsection (3) or (4)) as reasonably represents the use made of the property, services or facilities as mentioned in subsection (1)(b) during the relevant campaign period.</p> <p>(8) A person commits an offence if he knowingly or recklessly makes a false declaration under subsection (6).</p>	
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<p>(9) No amount of campaign expenditure shall be regarded as incurred by virtue of subsection (2) in respect of—</p> <ul style="list-style-type: none"> (a) the transmission by a broadcaster of a party political broadcast; (b) any facilities provided in accordance with any right conferred on candidates or a party at an election by any enactment; or (c) the provision by any individual of his own services which he provides voluntarily in his own time and free of charge. <p>(10) In subsections (1), (1A), (3), (4) and (5) any reference to anything done by or in relation to a registered party includes a reference to anything done by or in relation to any accounting unit of the party; and section 50(6) and (8)(a) shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1), whether property is transferred to a registered party or to any such unit.</p> <p>(11).....</p>	
<p>86 Notional controlled expenditure</p> <p>(1) This section applies where, in the case of a third party—</p> <ul style="list-style-type: none"> (a) either— <ul style="list-style-type: none"> (i) property is transferred to the third party free of charge or at a discount of more than 10 per cent. of its market value, or (ii) property, services or facilities is or are provided for the use or benefit of the third party free of charge or at a discount of more than 10 per cent. of the commercial rate for the use of the property or for the provision of the services or facilities, and (b) the property, services or facilities is or are made use of by or on behalf of the third party in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the third party in respect of that use, they would be (or are) controlled expenditure incurred by or on behalf of the third party. <p>(1A) For the purposes of subsection (1)(b), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 3, <u>6</u>, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections, <u>ordinary or extraordinary general elections to Senedd Cymru</u>, or general elections to the Northern Ireland Assembly), property, services or facilities are made use of on behalf of a third party only if their use on behalf of the third party is directed, authorised or encouraged by</p>	<p>EEB Bill Part 1, Chapter 5, section 33</p>

the third party or (where the third party is a recognised third party and is not an individual) by the third party or the responsible person.

- (2) Where this section applies, an amount of controlled expenditure determined in accordance with this section (“the appropriate amount”) shall be treated, for the purposes of this Part, as incurred by the third party during the period for which the property, services or facilities is or are made use of as mentioned in subsection (1)(b).

This subsection has effect subject to section 87.

- (3) Where subsection (1)(a)(i) applies, the appropriate amount is such proportion of either—

- (a) the market value of the property (where the property is transferred free of charge), or
- (b) the difference between the market value of the property and the amount of expenses actually incurred by or on behalf of the third party in respect of the property (where the property is transferred at a discount),

as is reasonably attributable to the use made of the property as mentioned in subsection (1)(b).

- (4) Where subsection (1)(a)(ii) applies, the appropriate amount is such proportion of either—

- (a) the commercial rate for the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided free of charge), or
- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the third party in respect of the use of the property or the provision of the services or facilities (where the property, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, services or facilities as mentioned in subsection (1)(b).

- (5) Where the services of an employee are made available by his employer for the use or benefit of a third party, then for the purposes of this section the amount which is to be taken as constituting the commercial rate for the provision of those services shall be the amount of the remuneration and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include

<p>any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).</p> <p>(6) Where an amount of controlled expenditure is treated, by virtue of subsection (2), as incurred by or on behalf of a third party during any period the whole or part of which falls within any period which is a regulated period (as defined by section 94(10)(a)), then—</p> <p>(a) the amount mentioned in subsection (7) shall be treated as incurred by or on behalf of the third party during the regulated period, and</p> <p>(b) if a return falls to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of the third party during that period, the responsible person shall make a declaration of that amount,</p> <p>unless that amount is not more than £200.</p> <p>(7) The amount referred to in subsection (6) is such proportion of the appropriate amount (determined in accordance with subsection (3) or (4)) as reasonably represents the use made of the property, services or facilities as mentioned in subsection (1)(b) during the regulated period.</p> <p>(8) A person commits an offence if he knowingly or recklessly makes a false declaration under subsection (6).</p> <p>(9) Paragraph 2(5) and (6)(a) of Schedule 11 shall apply with any necessary modifications for the purpose of determining, for the purposes of subsection (1), whether property is transferred to a third party.</p>	
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<p>88 Third parties recognised for the purposes of this Part.</p> <p>(1) A third party is recognised for the purposes of this Part if—</p> <p>(a) the third party has given the Commission a notification under this subsection which complies with subsection (3), and</p> <p>(b) that notification is for the time being in force.</p> <p>(2) A third party may only give a notification under subsection (1) if the third party is—</p> <p>(a) an individual resident in the United Kingdom or registered in an electoral register (as defined by section 54(8)) who is not the responsible person in relation to another third party,</p> <p>(b)</p> <p>(c) a body falling within any of paragraphs (b) and (d) to (h) of section 54(2).</p> <p>(ca) a body incorporated by Royal Charter which does not fall within any of those paragraphs of section 54(2),</p> <p>(cb) a charitable incorporated organisation within the meaning of Part 11 of the Charities Act 2011 or within the meaning of the Charities Act (Northern Ireland) 2008,</p> <p>(cc) a Scottish charitable incorporated organisation within the meaning of Chapter 7 of Part 1 of the Charities and Trustee Investment (Scotland) Act 2005 (asp 10), or</p> <p>(cd) a partnership constituted under the law of Scotland which carries on business in the United Kingdom,</p> <p>(d)</p> <p>(e)</p> <p>(3) A notification under subsection (1) must—</p> <p>(a) if given by an individual, state—</p> <p>(i) his full name, and</p> <p>(ii) his home address in the United Kingdom, or (if he has no such address in the United Kingdom) his home address elsewhere,</p> <p>(iii)</p> <p>and be signed by him;</p> <p>(b)</p> <p>(c) if given by a body falling within any of paragraphs (b) and (d) to (h) of section 54(2) . . . , state—</p>	<p>EEB Bill Part 1, Chapter 5, section 37</p>
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<p>(i) all such details in respect of the body as are required by virtue of any of sub-paragraphs (4) and (6) to (10) of paragraph 2 of Schedule 6 to be given in respect of such a body as the donor of a recordable donation,</p> <p>(ia) in the case of a body falling within any of paragraphs (b) and (d) to (h) of section 54(2), the names of the relevant participators in relation to the body (see subsection (3B)), and</p> <p>(ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of Chapter II,</p> <p>and be signed by the body's secretary or a person who acts in a similar capacity in relation to the body.</p> <p>(d) if given by a body falling within any of paragraphs (ca) to (cd) of subsection (2), state—</p> <p>(i) the relevant details in relation to the body (see subsection (3C)), and</p> <p>(ii) the name of the person or officer who will be responsible for compliance on the part of the body with the provisions of Chapter 2,</p> <p>and be signed by the body's secretary or a person who acts in a similar capacity in relation to the body.</p> <p>(3A) A notification given by a third party does not comply with the requirement in subsection (3)(c)(ii) or (d)(ii) (to state the name of the person who will be responsible for compliance) if the person whose name is stated is—</p> <p>(a) the responsible person in relation to another third party,</p> <p>(b) an individual who gives a notification under subsection (1) at the same time, or</p> <p>(c) the person whose name is stated, in purported compliance with the requirement in subsection (3)(b)(iii), (c)(ii) or (d)(ii), in a notification given at the same time by another third party.</p> <p>In this subsection “the person”, in relation to a notification to which subsection (3)(c) or (d) applies, is to be read as “the person or officer”.</p> <p>(3B) For the purposes of subsection (3)(c), the “relevant participators” in relation to a body are—</p> <p>(a) in the case of a body falling with section 54(2)(b) (companies), the body's directors;</p> <p>(b) in the case of a body falling within section 54(2)(d) (trade unions), the body's officers (within the meaning of the Trade</p>	
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Union and Labour Relations (Consolidation) Act 1992: see section 119 of that Act);

(c) in the case of a body falling within section 54(2)(e) (building societies), the body's directors;

(d) in the case of a body falling within section 54(2)(f) (limited liability partnerships), the body's members;

(e) in the case of a body falling within section 54(2)(g) (friendly societies etc)—

(i) where the body is a friendly society, the members of the body's committee of management;

(ii) otherwise, the members of the body's committee of management or other directing body;

(f) in the case of a body falling within section 54(2)(h) (unincorporated associations)—

(i) where the body has more than 15 members and has officers or a governing body, those officers or the members of that governing body;

(ii) otherwise, the body's members.

(3C) For the purposes of subsection (3)(d), the “relevant details” in relation to a body are—

(a) in the case of a body falling within subsection (2)(ca) (body incorporated by Royal Charter)—

(i) the name of the body,

(ii) the address of its main office in the United Kingdom, and

(iii) the names of its officers or the members of its governing body;

(b) in the case of a body falling within subsection (2)(cb) or (cc) (charitable incorporated organisation)—

(i) the name of the body,

(ii) the address of its principal office, and

(iii) the names of its charity trustees within the meaning of the Charities Act 2011, the Charities Act (Northern Ireland) 2008 or the Charities and Trustee Investment (Scotland) Act 2005 (asp 10);

(c) in the case of a body falling within subsection (2)(cd) (Scottish partnership)—

(i) the name of the body,

(ii) the address of its main office in the United Kingdom, and

(iii) the names of the partners.

<p>(3D) A notification given under subsection (1) by a third party so as to be subject to the lower-tier expenditure limits must contain a statement to that effect.</p> <p>(4) Subject to the following provisions of this section, a notification under subsection (1) (“the original notification”)—</p> <p>(a) shall be in force as from the date on which it is received by the Commission, but</p> <p>(b) shall, subject to subsection (5), lapse at the end of the period of three months beginning with any anniversary of that date unless the third party notifies the Commission that the third party wishes the original notification to continue in force.</p> <p>(5) Where—</p> <p>(a) the original notification would apart from this subsection lapse under subsection (4)(b) at the end of any such period of three months as is mentioned in that provision, but</p> <p>(b) the end of that period falls within any regulated period at the end of which a return will fall to be prepared under section 96 in respect of controlled expenditure incurred by or on behalf of the third party during the regulated period, the original notification shall be treated, for all purposes connected with controlled expenditure so incurred during the regulated period, as lapsing at the end of that period instead.</p> <p>(6) A notification under subsection (4)(b) (“the renewal notification”) must either—</p> <p>(a) confirm that all the statements within subsection (3) contained in the original notification, as it has effect for the time being, are accurate; or</p> <p>(b) indicate that any statement within subsection (3) contained in that notification, as it so has effect, is replaced by some other statement conforming with that subsection.</p> <p>(6A) In a case where the original notification, as it has effect for the time being, contains a statement within subsection (3D), the renewal notification must either—</p> <p>(a) confirm that the statement is to continue to have effect, or</p> <p>(b) indicate that the statement is withdrawn.</p> <p>(7) A notification under subsection (4)(b) must be received by the Commission during the period beginning one month before the relevant anniversary for the purposes of that provision and ending three months after it.</p>	
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<p>(8) A third party may, at any time after giving the original notification, give the Commission a notification (“a notification of alteration”) indicating that—</p> <p>(a) any statement within subsection (3) that is contained in the original notification, as it has effect for the time being, is replaced by some other statement conforming with that subsection that is contained in the notification of alteration, or</p> <p>(b) any statement within subsection (3D) that is contained in the original notification, as it has effect for the time being, is withdrawn.</p> <p>(9) The Secretary of State may by order amend subsection (2), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly), by—</p> <p>(a) adding a description of third party to the list in that subsection,</p> <p>(b) removing a description of third party from that list, or</p> <p>(c) varying the description of a third party in that list.</p> <p>(10) An order under subsection (9)(b) or (c) may be made only where the order gives effect to a recommendation of the Commission.</p> <p><u>(11)The Welsh Ministers may by order amend subsection (2), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (periods involving general elections to Senedd Cymru), by—</u></p> <p><u>(a) adding a description of third party to the list in that subsection,</u></p> <p><u>(b) removing a description of third party from that list, or</u></p> <p><u>(c) varying the description of a third party in that list.</u></p> <p><u>12) An order under subsection (11)(b) or (c) may be made only where the order gives effect to a recommendation of the Commission.</u></p>	
<p><u>89B Restriction on which third parties may incur controlled expenditure: Senedd Cymru elections</u></p> <p><u>(1) No amount of controlled expenditure may be incurred by or on behalf of a third party during a Welsh devolved regulated period unless the third party falls within any paragraph of section 88(2) (third parties eligible to give notification).</u></p>	<p>EEB Bill Part 1, Chapter 5, section 36</p>

<p><u>(2) Subsection (1) does not apply to any expenses incurred by or on behalf of a third party during a Welsh devolved regulated period which do not in total exceed £700.</u></p> <p><u>(3) Subsections (4) and (5) apply where expenses are incurred by or on behalf of a third party in contravention of subsection (1).</u></p> <p><u>(4) If the third party is not an individual—</u></p> <p><u>(a) any person who authorised the expenses to be incurred by or on behalf of the third party is guilty of an offence if the person knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1), and</u></p> <p><u>(b) the third party is also guilty of an offence.</u></p> <p><u>(5) If the third party is an individual, the individual is guilty of an offence if they knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1).</u></p> <p><u>(6) A “Welsh devolved regulated period” means a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (periods involving general elections to Senedd Cymru).</u></p>	
<p>94 Limits on controlled expenditure by third parties</p> <p>(1) Schedule 10 has effect for imposing limits on controlled expenditure incurred by or on behalf of recognised third parties in England, Scotland, Wales or Northern Ireland, or in particular parliamentary constituencies, during the periods specified in that Schedule.</p> <p>(2) Where during a regulated period any controlled expenditure is incurred in a relevant part of the United Kingdom or a parliamentary constituency by or on behalf of a recognised third party in excess of the limit imposed by Schedule 10 in relation to that period and part of the United Kingdom or parliamentary constituency, then—</p> <p>(a) if the third party is not an individual—</p> <p>(i) the responsible person is guilty of an offence if he authorised the expenditure to be incurred by or on behalf of the third party and he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit, and</p> <p>(ii) the third party is also guilty of an offence;</p> <p>(b) if the third party is an individual, he is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit.</p> <p>(3) Subsection (4) applies where—</p>	<p>EEB Bill Part 1, Chapter 5, section 33</p>

<p>(a) any of the following sub-paragraphs applies—</p> <p>(ai) during a regulated period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections or general elections to the Northern Ireland Assembly), any controlled expenditure is incurred by or on behalf of a third party in excess of £10,000;</p> <p>(i) during a regulated period, any controlled expenditure is incurred in a part of the United Kingdom by or on behalf of a third party in excess of the limit for that part of the United Kingdom mentioned in subsection (5);</p> <p>(ii) during a regulated period in relation to which any limit is imposed by paragraph 3, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections), any controlled expenditure is incurred in a particular parliamentary constituency by or on behalf of a third party in excess of the limit mentioned in subsection (5ZA), and</p> <p>(b) the third party—</p> <p>(i) in a case within paragraph (a)(ai) or (ii), is not a recognised third party;</p> <p>(ii) in a case within paragraph (a)(i), is not a recognised third party or, where the regulated period is one in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10, is a recognised third party but is subject to the lower-tier expenditure limits.</p> <p>(3A) For provision requiring certain controlled expenditure to be disregarded in determining for the purposes of subsection (3)(a) whether a limit is exceeded, see section 94B(3) (arrangements between third parties notified to the Commission).</p> <p>(4) In the case mentioned in subsection (3)—</p> <p>(a) if the third party is not an individual—</p> <p>(i) any person who authorised the expenditure to be incurred by or on behalf of the third party is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit, and</p> <p>(ii) the third party is also guilty of an offence;</p> <p>(b) if the third party is an individual, he is guilty of an offence if he knew or ought reasonably to have known that the expenditure would be incurred in excess of that limit.</p> <p>(4ZA) In its application to a case within subsection (3)(a)(i) where the third party is a recognised third party that is subject to the lower-tier expenditure limits, the reference in subsection (4)(a)(i) to any person who authorised the</p>	
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expenditure to be incurred is to be read as a reference to the responsible person.

(4A) It is a defence for any person or third party charged with an offence under subsection (2) or (4) to show—

(a) that any code of practice for the time being issued under paragraph 3 of Schedule 8A was complied with in determining whether any expenditure is controlled expenditure for the purposes of this Part, and

(b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.

(5) The limits referred to in subsection (3)(a)(i) are as follows—

(a) £20,000 for England; and

(b) £10,000 for each of Scotland, Wales and Northern Ireland.

(5ZA) The limit referred to in subsection (3)(a)(ii) is 0.05% of the total of the maximum campaign expenditure limits in England, Scotland, Wales and Northern Ireland.

(5A)

(6) Where—

(a) during a regulated period any controlled expenditure is incurred in a particular part of the United Kingdom or a particular parliamentary constituency by or on behalf of a third party, and

(b) the expenditure is so incurred in pursuance of a plan or other arrangement whereby controlled expenditure is to be incurred by or on behalf of—

(i) that third party, and

(ii) one or more other third parties,

respectively and the expenditure can reasonably be regarded as intended to achieve a common purpose falling within section 85(2)(b),

the expenditure mentioned in paragraph (a) shall be treated for the purposes of this section, sections 94D to 94H and Schedule 10 as having also been incurred, during the period and in the part of the United Kingdom or parliamentary constituency concerned, by or on behalf of the other third party (or, as the case may be, each of the other third parties) mentioned in paragraph (b)(ii).

(7) Subsection (6) applies whether or not any of the third parties in question is a recognised third party.

(8) Where—

(a) at any time before the beginning of any regulated period any expenses within section 85(2) are incurred by or on behalf of a third party in respect of any property, services or facilities, but

(b) the property, services or facilities is or are made use of by or on behalf of the third party during the regulated period in circumstances such that, had any expenses been incurred in respect of that use during that period, they would by virtue of section 85(2) have constituted controlled expenditure incurred by or on behalf of the third party during that period,

the appropriate proportion of the expenses mentioned in paragraph (a) shall be treated for the purposes of this section, sections 94A and 94B, sections 94D to 94H, sections 96 to 99A and Schedule 10 as controlled expenditure incurred by or on behalf of the third party during that period.

(8A) Where the period is one in relation to which any limit is imposed by paragraph 3, 6, 7, 9, 10 or 11 of Schedule 10 (periods involving parliamentary general elections, ordinary or extraordinary general elections to the Senedd Cymru, or general elections to the Northern Ireland Assembly), property, services or facilities are made use of on behalf of a third party for the purposes of subsection (8)(b) only if their use on behalf of the third party is directed, authorised or encouraged by the third party or (where the third party is a recognised third party and is not an individual) by the third party or the responsible person.

(9) For the purposes of subsection (8) the appropriate proportion of the expenses mentioned in paragraph (a) of that subsection is such proportion of those expenses as is reasonably attributable to the use made of the property, services or facilities as mentioned in paragraph (b).

(10) For the purposes of this section, sections 94A and 94B, sections 94D to 94H, sections 96 to 99A and Schedule 10—

(a) a “regulated period” is ... a period in relation to which any limit is imposed by Schedule 10;

(b) any reference to controlled expenditure incurred by or on behalf of a recognised third party during a regulated period includes any controlled expenditure so incurred during that period at any time before the third party became a recognised third party;

(c) a part of the United Kingdom is a “relevant part” if any limit imposed by Schedule 10 applies to controlled expenditure which is incurred in that part; ...

<p>(d) any reference to controlled expenditure being incurred in a part of the United Kingdom shall be construed in accordance with paragraph 2 of that Schedule.</p> <p>(e) the “maximum campaign expenditure limit” in a part of the United Kingdom is the limit imposed by paragraph 3 of Schedule 9 in relation to campaign expenditure incurred in the relevant period (within the meaning of that paragraph) by or on behalf of a registered party which contests all the constituencies in that part (and to which sub-paragraph (6) of that paragraph does not apply).</p> <p>(f) any reference to controlled expenditure being incurred in a parliamentary constituency shall be construed in accordance with paragraph 2A of Schedule 10.</p> <p>(10A) Where an offence under subsection (4) is committed in the case of a recognised third party that is subject to the lower-tier expenditure limits—</p> <p>(a) the third party ceases to be subject to those limits at the time the offence is committed, and</p> <p>(b) this Part then applies to the third party as if the notification under section 88(1) which is for the time being in force in relation to the third party did not contain a statement under section 88(3D).</p> <p>(11). . .</p>	
<p>100A Code of practice on controlled expenditure</p> <p>(1) The Commission must prepare a code of practice about the operation of this Part in relation to a reserved regulated period.</p> <p><u>(1A) The Commission must prepare a code of practice about the operation of this Part in relation to a Welsh devolved regulated period.</u></p> <p>(2)The <u>A</u> code must in particular set out—</p> <p>(a) guidance on the kinds of expenses which do, or do not, fall within Part 1 of Schedule 8A (qualifying expenses);</p> <p>(b) guidance on determining whether the condition in section 85(2)(b) (promoting or procuring electoral success) is met in relation to expenditure;</p> <p>(c) guidance on determining whether anything provided to or for the use of a third party falls to be dealt with in accordance with section 86 (notional controlled expenditure) or with section 95 and Schedule 11 (donations);</p> <p>(d) examples of when expenditure falls to be dealt with in accordance with section 94(6) (expenditure of a third party</p>	<p>EEB Bill Part 1, Chapter 5, section 38</p>

in pursuance of an arrangement with one or more other third parties);

(e) guidance about the operation of sections 94D to 94H (targeted controlled expenditure).

(3) The Commission may from time to time revise ~~the code~~ a code.

(4) In exercising their functions under this Part, the Commission must have regard to ~~the code~~ a code.

(5) It is a defence for a third party charged with an offence under any provision of this Part, where the offence relates to expenditure incurred or treated as incurred by a third party during a reserved regulated period, to show—

(a) that the code, in the form for the time being issued under section 100B, was complied with by the third party in determining whether the expenditure is controlled expenditure for the purposes of this Part, and

(b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.

(5A) It is a defence for a third party charged with an offence under any provision of this Part, where the offence relates to expenditure incurred or treated as incurred by a third party during a Welsh devolved regulated period to show—

(a) that the code, in the form for the time being issued under section 100C, was complied with by the third party in determining whether the expenditure is controlled expenditure for the purposes of this Part, and

(b) that the offence would not have been committed on the basis of the controlled expenditure as determined with the code.

(6) In this section, “reserved regulated period” means a period in relation to which any limit is imposed by paragraph 3, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections or general elections to the Northern Ireland Assembly).

(6A) In this section “Welsh devolved regulated period” means a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (regulated period for general elections to Senedd Cymru).

(7) Section 100B sets out consultation and procedural requirements relating to the code or any revised code under subsection (1).

<p>(8) <u>Section 100C sets out consultation and procedural requirements relating to the code or any revised code under subsection (1A).</u></p>	
<p>100B Code of practice: consultation and procedural requirements</p> <p>(1) The Commission must consult the following on a draft of a code under section 100A(1) —</p> <p>(a) the Speaker’s Committee;</p> <p>(b) the Levelling Up, Housing and Communities Committee;</p> <p>(c) such other persons as the Commission consider appropriate.</p> <p>(2) After the Commission have carried out the consultation required by subsection (1), they must—</p> <p>(a) make whatever modifications to the draft code the Commission consider necessary in light of responses to the consultation, and</p> <p>(b) submit the draft to the Secretary of State for approval by the Secretary of State.</p> <p>(3) The Secretary of State may approve a draft code either without modifications or with such modifications as the Secretary of State may determine.</p> <p>(4) Once the Secretary of State has approved a draft code, the Secretary of State must lay before each House of Parliament a copy of the draft, whether—</p> <p>(a) in its original form, or</p> <p>(b) in a form which incorporates any modifications determined under subsection (3).</p> <p>(5) If the draft code incorporates any such modifications, the Secretary of State must at the same time lay before each House a statement of the Secretary of State’s reasons for making them.</p> <p>(6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State must take no further steps in relation to the draft code.</p> <p>(7) Subsection (6) does not prevent a new draft code from being laid before Parliament.</p> <p>(8) If no resolution of the kind mentioned in subsection (6) is made within the 40-day period—</p> <p>(a) the Secretary of State must issue the code in the form of the draft laid before Parliament,</p> <p>(b) the Commission must arrange for the code to be published in such manner as they consider appropriate, and</p>	<p>EEB Bill Part 1, Chapter 5, section 38</p>

<p>(c) the code comes into force on such day as the Secretary of State may by order appoint.</p> <p>(9) References in this section (other than in subsection (1)) to a code or draft code include a revised code or draft revised code.</p> <p>(10) In this section, “the 40-day period”, in relation to a draft code, means—</p> <p>(a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and</p> <p>(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House, no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.</p> <p>(11) If the name of the Levelling Up, Housing and Communities Committee is changed, the reference in subsection (1)(b) to that Committee is to be read (subject to subsection (12)) as a reference to the Committee by its new name.</p> <p>(12) If the functions of the Levelling Up, Housing and Communities Committee at the passing of this Act with respect to electoral matters (or functions corresponding substantially to such matters) become functions of a different committee of the House of Commons, the reference in subsection (1)(b) to that Committee is to be read as a reference to the committee which for the time being has those functions.</p>	
<p><u>100C Code of Practice: consultation and procedural requirements on controlled expenditure in Senedd Cymru elections</u></p> <p><u>(1) The Commission must consult the following on a draft of a code under section 100A(1A)—</u></p> <p><u>(a) the Llywydd’s Committee;</u></p> <p><u>(b) the Legislation, Justice and Constitution Committee of Senedd Cymru;</u></p> <p><u>(c) such other persons as the Commission consider appropriate.</u></p> <p><u>(2) After the Commission have carried out the consultation required by subsection (1), the Commission must—</u></p> <p><u>(a) make whatever modifications to the draft code the Commission consider necessary in light of responses to the consultation, and</u></p>	<p>EEB Bill Part 1, Chapter 5, section 38</p>

<p><u>(b) submit the draft to the Welsh Ministers for approval by the Welsh Ministers.</u></p>	
<p><u>(3) The Welsh Ministers may approve a draft code either without modifications or with such modifications as the Welsh Ministers may determine.</u></p>	
<p><u>(4) Once the Welsh Ministers have approved a draft code, they must lay a copy of the draft before Senedd Cymru (“the Senedd”), whether—</u></p>	
<p><u>(a) in its original form, or</u></p>	
<p><u>(b) in a form which incorporates any modifications determined under subsection (3).</u></p>	
<p><u>(5) If the draft code incorporates modifications, the Welsh Ministers must at the same time lay before the Senedd a statement of their reasons for making them.</u></p>	
<p><u>(6) If, within the 40-day period, the Senedd resolves not to approve the draft code, the Welsh Ministers must take no further steps in relation to it.</u></p>	
<p><u>(7) Subsection (6) does not prevent a new draft code from being laid before the Senedd.</u></p>	
<p><u>(8) If no resolution of the kind mentioned in subsection (6) is made within the 40-day period—</u></p>	
<p><u>(a) the Welsh Ministers must issue the code in the form of the draft laid before the Senedd,</u></p>	
<p><u>(b) the code comes into force on the date appointed by the Welsh Ministers by order, and</u></p>	
<p><u>(c) the Commission must arrange for the code to be published in such manner as the Commission consider appropriate.</u></p>	
<p><u>(9) References in this section (other than in subsection (1)) to a code or draft code include a revised code or draft revised code.</u></p>	
<p><u>(10) In this section “the 40-day period”, in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before the Senedd, no account being taken of any period during which the Senedd is dissolved or is in recess for more than four days.</u></p>	
<p><u>(11) If the name of the Legislation, Justice and Constitution Committee is changed, the reference in subsection (1)(b) to that Committee is to be read as a reference to the Committee by its new name.</u></p>	

<p><u>(12) If the functions of the Legislation, Justice and Constitution Committee at the passing of this Act with respect to electoral matters (or functions corresponding substantially to such matters) become functions of a different committee of Senedd Cymru, the reference in subsection (1)(b) to that Committee is to be read as a reference to the committee which for the time being has those functions.</u></p>	
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<p>156 Orders and regulations.</p> <p>(1) Any power of the Secretary of State <u>or the Welsh Ministers</u> to make any order or regulations under this Act shall be exercised by statutory instrument.</p> <p>(2) Subject to subsections (3) to (4A),</p> <p><u>(a) a statutory instrument containing any order or regulations made under this Act by the Secretary of State shall be subject to annulment in pursuance of a resolution of either House of Parliament.</u></p> <p><u>(b) a statutory instrument containing any order or regulations made under this Act by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of Senedd Cymru.</u></p> <p>(3) Subsection (2) does not apply to—</p> <p>(za) an order under section 100B(8);</p> <p><u>(zb) an order under section 100C(8);</u></p> <p>(a) any order under ... 163(2) or paragraph 14(7) of Schedule 1; ...</p> <p>(aa) any order under paragraph 3(7) of Schedule 8, other than an order of the Welsh Ministers;</p> <p>(b) any order made in pursuance of section 155(2)(a).</p> <p>(4) Subsection (2) also does not apply to any order under—</p> <p>(a)</p> <p>(b) section 51(4),</p> <p>(c) section 67(1),</p> <p>(ca) any provision of Chapter 6 of Part 4;</p> <p>(d)</p> <p>(da) section 71F(13),</p> <p>(db) section 71H(4),</p> <p>(dc) section 71U(1),</p> <p>(dd) any provision of Chapter 2 of Part 4A,</p> <p>(de) section 88(9),</p> <p><u>(df) section 88(11),</u></p> <p>(e) section 101(4),</p> <p>(f) section 108(3),</p> <p>(g) section 109(6),</p> <p>(h) section 129,</p>	<p>EEB Bill Part 1, Chapter 5, section 34 ; Part 1, Chapter 5, section 37; Part 1, Chapter 5, section 38</p>
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<p>(ha) paragraph 9 of Schedule 6A, (i) paragraph 3(4) of Schedule 7, (ia) paragraph 2(9) or 4(4) of Schedule 7A, (j) paragraph 4 of Schedule 8, (ja) paragraph 4 of Schedule 8A, (k) paragraph 3(4) of Schedule 11, (l) paragraph 4 of Schedule 13, (m) paragraph 2 of Schedule 14, or (n) paragraph 3(4) of Schedule 15;</p> <p>and no such order shall be made (whether alone or with other provisions) unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament <u>(in the case of an order made by the Secretary of State) or (in the case of an order made by the Welsh Ministers) a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, Senedd Cymru.</u></p> <p>(4A) An order under paragraph 16 of Schedule 19C that contains—</p> <p>(a) provision made by virtue of paragraph 1(1), (2), (3), (4) or (5), paragraph 5(1), (2), (3) or (4), paragraph 10(2)(b) or (3)(b) or paragraph 15(1)(a) of that Schedule, or (b) provision amending an Act,</p> <p>shall not be made unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament <u>(in the case of an order made by the Secretary of State) or (in the case of an order made by the Welsh Ministers) a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, Senedd Cymru;</u> and subsection (2) does not apply to such an order.</p> <p>(4B) Subject to subsections (4C) and (4D), any order or regulations made under this Act by the Scottish Ministers shall be subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).</p> <p>(4C) Subsection (4B) does not apply to an order falling within subsection (3)(a) or (b).</p> <p>(4D) Subsection (4B) does not apply to an order falling within subsection (4), and any such order made by the Scottish Ministers shall be subject to the affirmative</p>	
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<p>procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010).</p> <p>(5) Any order or regulations made by the Secretary of State, <u>the Welsh Ministers</u>, or the Scottish Ministers under this Act may—</p> <p>(a) contain such consequential, incidental, supplementary or transitional provisions or savings (including provisions amending, repealing or revoking enactments) as the Secretary of State, <u>the Welsh Ministers</u>, or the Scottish Ministers considers appropriate; and</p> <p>(b) make different provision for different cases.</p> <p>(6) Nothing in this Act shall be read as affecting the generality of subsection (5) (including that subsection as applied by section 19(9)).</p> <p>(7) Paragraphs 21 to 23 of Schedule 1 contain provisions relating to regulations made by the Commission.</p>	
<p>160 General interpretation.</p> <p>(1) In this Act—</p> <p>“accounting unit” and “party with accounting units” shall be construed in accordance with section 26(11);</p> <p>“bequest” includes any form of testamentary disposition;</p> <p>“body”, without more, means a body corporate or any combination of persons or other unincorporated association;</p> <p>“broadcaster” has the meaning given by section 37(2);</p> <p>“business” includes every trade, profession and occupation;</p> <p>“central organisation”, in relation to a registered party, shall be construed in accordance with section 26(11);</p> <p>...</p> <p>“the Commission” means the Electoral Commission;</p> <p>“contravention” includes a failure to comply, and cognate expressions shall be construed accordingly;</p> <p>“document” means a document in whatever form it is kept;</p> <p>“enactment” includes—</p> <p>(a) any provision of an Act (including this Act),</p>	<p>EEB Bill Schedule 1, Part 3, 6 (8)</p>

(b) any provision of or of any instrument made under Northern Ireland legislation, and

(c) any provision of subordinate legislation (within the meaning of the Interpretation Act 1978);

...

“exempt trust donation” has the meaning given by section 162;

“functions” includes powers and duties;

...

...

...

...

“the Great Britain register” and “the Northern Ireland register” mean the registers of political parties referred to in section 23(2)(a) and (b) respectively;

“local election”, in relation to Northern Ireland, means a local election within the meaning of the Electoral Law Act (Northern Ireland) 1962;

“local government election” means a local government election within the meaning of section 191, 203 or 204 of the Representation of the People Act 1983 or an election under Part II of the Local Government Act 2000 for the return of an elected mayor;

“market value”, in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market;

“minor party” means (in accordance with section 34(1)) a party registered in the Great Britain register in pursuance of a declaration falling within section 28(2)(d);

“modifications” includes additions, omissions and amendments, and “modify” shall be construed accordingly;

“organisation” includes any body corporate and any combination of persons or other unincorporated association;

“property” includes any description of property, and references to the provision of property accordingly include the supply of goods;

“qualified auditor” means (subject to subsection (2))

(a)

a person who is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006;...

(b)

...

“record” means a record in whatever form it is kept;

“registered party” means a party registered under Part II of this Act;

“restriction” includes prohibition;

“treasurer”, in relation to a registered party, means registered treasurer.

(2) A person is not a qualified auditor in relation to any registered party or any other body or individual if he is—

(a) a member of the party or body or the individual himself, or

(b) an officer or employee of the party, body or individual.

For this purpose “officer or employee” does not include an auditor.

(3) References in this Act to a person standing for election in the name of a registered party shall be construed in accordance with section 22(6).

(4) References in this Act (in whatever terms) to payments out of public funds are references to any of the following, namely—

(a) payments out of—

(i) the Consolidated Fund of the United Kingdom, the Scottish Consolidated Fund, the Welsh Consolidated Fund or the Consolidated Fund of Northern Ireland, or

(ii) money provided by Parliament or appropriated by Act of the Northern Ireland Assembly;

(b) payments by—

(i) any Minister of the Crown, the Scottish Ministers, the Welsh Ministers or any Minister within the meaning of the Northern Ireland Act 1998,

(ii) any government department (including a Northern Ireland department), the Welsh Government or any part of the Scottish Administration . . .

(iii).

(c) payments by the Scottish Parliamentary Corporate Body, the ~~National Assembly for Wales~~ Senedd Commission or the Northern Ireland Assembly Commission; and

(d) payments by the Electoral Commission;

<p>and references in this Act (in whatever terms) to expenses met, or things provided, out of public funds are references to expenses met, or things provided, by means of any such payments.</p> <p>(5) References in this Act to conditions, in the context of grants being made subject to conditions, include conditions requiring repayment of the grants in specified circumstances.</p> <p>(6).....</p> <p>(7).....</p>	
<p>SCHEDULE 1 The Electoral Commission <i>Financing of Commission: devolved Welsh elections and referendums</i> [16A</p> <p>(1) The expenditure of the Commission that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums is (so far as it cannot be met out of income received by the Commission) to be payable out of the Welsh Consolidated Fund.</p> <p>(2) For each financial year, the Commission must prepare an estimate of the Commission's income and expenditure that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums.</p> <p>(3) At least six months before the start of the financial year to which an estimate relates, the Commission must submit the estimate to the Llywydd's Committee.</p> <p>(4) During the financial year to which an estimate relates, the Commission may prepare a revised estimate and submit it to the Llywydd's Committee; and references in the rest of this paragraph to an estimate include a revised estimate.</p> <p>(5) The committees of Senedd Cymru must include one to be known as the Llywydd's Committee or Pwyllgor y Llywydd.</p> <p>(6) The committee must be chaired by the Presiding Officer or the Deputy Presiding Officer a Deputy Presiding Officer.</p> <p>(7) The Llywydd's Committee must—</p> <p>(a) examine each estimate submitted to it,</p> <p>(b) decide whether it is satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and</p> <p>(c) if it is not so satisfied, make such modifications to the estimate as it considers appropriate for the purpose of achieving such consistency.</p>	<p>SC(ME) Bill Part 1 Section 4(5)</p>

<p>(8) Before deciding whether it is so satisfied or making any such modifications, the Llywydd's Committee must—</p> <p>(a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2), to any later report made under paragraph 16C(4), and to any recommendations contained in the reports;</p> <p>(b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.</p> <p>(9) The Llywydd's Committee must, after concluding its examination and making its modifications (if any) to the estimate, lay the estimate before Senedd Cymru.</p> <p>(10) If the Llywydd's Committee, in the discharge of its functions under this paragraph—</p> <p>(a) does not follow any recommendation contained in a report of the Comptroller and Auditor General,</p> <p>(b) does not follow any advice given to it by the Welsh Ministers, or</p> <p>(c) makes any modification to the estimate, it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.</p>	
<p>SCHEDULE 7 CONTROL OF DONATIONS TO INDIVIDUALS AND MEMBERS ASSOCIATIONS</p> <p><i>Operation and interpretation of Schedule</i></p> <p>1.-(1) This Schedule has effect for controlling donations to—</p> <p>(a) members of registered parties;</p> <p>(b) members associations; and</p> <p>(c) holders of relevant elective offices.</p> <p>(2) The following provisions have effect for the purposes of this Schedule.</p> <p>(3) “Controlled donation”—</p> <p>(a) in relation to a member of a registered party, means a donation received by that person which is—</p> <p>(i) offered to him, or</p> <p>(ii) where it has been accepted, retained by him, for his use or benefit in connection with any of his political activities as a member of the party;</p> <p>(b) in relation to a members association, means a donation received by the association which is—</p> <p>(i) offered to the association, or</p> <p>(ii) where it has been accepted, retained by the association,</p>	<p>EEB Bill Schedule 1, Part 3, 6 (9)</p>

for its use or benefit in connection with any of its political activities;

(c) in relation to a holder of a relevant elective office, means a donation received by that person which is—

(i) offered to him, or

(ii) where it has been accepted, retained by him,

for his use or benefit (as the holder of such an office) in connection with any of his political activities.

(4) For the purposes of this Schedule the political activities of a party member or (as the case may be) of a members association include, in particular—

(a) promoting or procuring the election of any person to any position in, or to any committee of, the party in question;

(b) promoting or procuring the selection of any person as the party's candidate for election to a relevant elective office; and

(c) promoting or developing policies with a view to their adoption by the party;

and in the application of paragraph (a) or (b) to a party member the reference to any person includes that member.

(5) "Donation" shall be construed in accordance with paragraphs 2 to 4; and (in the absence of any express indication) a donation shall be taken to have been offered to, or retained by, a person or organisation as mentioned in sub-paragraph (1)(a), (b) or (c) if, having regard to all the circumstances, it must reasonably be assumed to have been so offered or retained.

(6) "Members association" means any organisation whose membership consists wholly or mainly of members of a registered party, other than—

(a) a registered party falling within section 26(2)(a); or

(b) an organisation falling within section 26(2)(b) (that is, the central organisation of a registered party or an accounting unit of such a party).

(7) "Regulated donee" means—

(a) a member of a registered party;

(b) a members association; or

(c) the holder of a relevant elective office, whether or not he is a member of a registered party.

(8) "Relevant elective office" means the office of—

(a) member of the House of Commons;

<p>(b).</p> <p>(c) member of the Scottish Parliament;</p> <p>(d) member of the National Assembly for Wales <u>Senedd</u>;</p> <p>(e) member of the Northern Ireland Assembly;</p> <p>(ea) police and crime commissioner;</p> <p>(f) member of—</p> <p>(i) any local authority in any part of the United Kingdom, including the Common Council of the City of London but excluding a parish or community council, or</p> <p>(ii) the Greater London Assembly; or</p> <p>(g) Mayor of London or elected mayor within the meaning of Part II of the Local Government Act 2000.</p> <p>(9) “The responsible person”, in relation to a members association, means—</p> <p>(a) the treasurer, if there is one, and</p> <p>(b) otherwise, the person who is the responsible person by virtue of a notice in force under paragraph 1A.</p> <p>(10).</p> <p>(11).</p>	
<p>SCHEDULE 8A CONTROLLED EXPENDITURE: QUALIFYING EXPENSES</p> <p>PART 1</p> <p>QUALIFYING EXPENSES</p> <p>1 For the purposes of section 85(2) the expenses falling within this Part of this Schedule are expenses incurred in respect of any of the matters set out in the following list.</p> <p>List of matters</p> <p>(1) The production or publication of material which is made available to the public at large or any section of the public (in whatever form and by whatever means).</p> <p>(2) Canvassing, or market research seeking views or information from, members of the public.</p> <p>(3) Press conferences, or other media events, organised by or on behalf of the third party.</p> <p>(4) Transport (by any means) of persons to any place or places with a view to obtaining publicity.</p> <p>(5) Public rallies or other public events, other than—</p> <p>(a) annual conferences of the third party, or</p>	<p>EEB Bill Part 1, Chapter 5, section 33 Part 1, Chapter 5, section 38</p>

(b) any public procession or protest meeting, within the meaning of the Public Processions (Northern Ireland) Act 1998, in respect of which notice is given in accordance with section 6 or 7 of that Act (advance notice of public processions or related protest meetings).

Expenses in respect of such events include costs incurred in connection with the attendance of persons at such events, the hire of premises for the purposes of such events or the provision of goods, services or facilities at them.

But expenses in respect of such events do not include costs incurred in providing for the protection of persons or property.

2.-(1) Nothing in paragraph 1 extends to—

(a) expenses incurred in respect of the publication of any matter relating to an election, other than an advertisement, in—

(i) a newspaper or periodical,

(ii) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or

(iii) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990 or Part 1 or 2 of the Broadcasting Act 1996;

(b) expenses incurred in respect of, or in consequence of, the translation of anything from English into Welsh or from Welsh into English;

(c) reasonable personal expenses incurred by an individual in travelling or in providing for the individual's accommodation or other personal needs;

(d) reasonable expenses incurred that are reasonably attributable to an individual's disability (e) expenses incurred in respect of the provision by any individual of the individual's own services which the individual provides voluntarily in the individual's own time and free of charge.

(2) In sub-paragraph (1)(d), "disability" has the same meaning as in the Equality Act 2010 (see section 6 of that Act).

(3) In relation to polls at elections for membership of the Scottish Parliament, nothing in paragraph 1 is to be taken as extending to reasonable expenses incurred that are reasonably attributable to the translation of anything into languages other than English.

PART 2

SUPPLEMENTAL

Guidance by the Commission

3.-(1) The Commission may prepare, and from time to time revise, a code of practice giving guidance as to the kinds of expenses which do, or do not, fall within Part 1 of this Schedule.

(2) Once the Commission have prepared a draft code under this paragraph, they shall submit it to the Secretary of State for his approval.

(3) The Secretary of State may approve a draft code either without modification or with such modifications as he may determine.

(4) Once the Secretary of State has approved a draft code he shall lay a copy of the draft, whether—

(a) in its original form, or

(b) in a form which incorporates any modifications determined under sub-paragraph (3),

before each House of Parliament.

(5) If the draft incorporates any such modifications, the Secretary of State shall at the same time lay before each House a statement of his reasons for making them.

(6) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the draft code.

(7) If no such resolution is made within the 40-day period—

(a) the Secretary of State shall issue the code in the form of the draft laid before Parliament, and

(b) the code shall come into force on such date as the Secretary of State may by order appoint,

and the Commission shall arrange for it to be published in such manner as they consider appropriate.

(8) Sub-paragraph (6) does not prevent a new draft code from being laid before Parliament.

(9) In this paragraph “40-day period”, in relation to a draft code, means—

(a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and

(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

<p>no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.</p> <p>(10) In this paragraph references to a draft code include a draft revised code.</p> <p>(11) This paragraph does not apply in relation to expenses incurred during a period in relation to which any limit is imposed by paragraph 3, <u>6</u>, 7, 9, 10 or 11 of Schedule 10 (regulated periods for parliamentary general elections, <u>ordinary or extraordinary general elections to the Senedd Cymru</u>, or general elections to the Northern Ireland Assembly) (see sections 100A and 100B, <u>100B and 100C</u> as regards expenses incurred during such a period).</p> <p>Power to amend Part 1</p> <p>4.-(1) The Secretary of State may by order make such amendments of Part 1 of this Schedule as he considers appropriate.</p> <p>(2) The Secretary of State may make such an order either—</p> <p>(a) where the order gives effect to a recommendation of the Commission, or</p> <p>(b) after consultation with the Commission.</p>	
<p>SCHEDULE 9</p> <p>LIMITS ON CAMPAIGN EXPENDITURE</p> <p>PART I</p> <p>INTRODUCTORY</p> <p><i>Interpretation</i></p> <p>1.-(1) In this Schedule—</p> <p>(a) “an ordinary general election to the Scottish Parliament” means an election held under section 2 of the Scotland Act 1998;</p> <p>(b) “an extraordinary general election to the Scottish Parliament” means an election held under section 3 of the Scotland Act 1998;</p> <p>(c) “an ordinary general election to the National Assembly for Wales <u>Senedd Cymru</u>” means an election held under section 3 of the Government of Wales Act 2006;</p>	<p>EEB Bill Schedule 1, Part 3, 6(10)</p>

(ca) “an extraordinary general election to the ~~National Assembly for Wales~~ Senedd Cymru” means an election held under section 5 of the Government of Wales Act 2006;

(d) “an ordinary general election to the Northern Ireland Assembly” means an election held under section 31 of the Northern Ireland Act 1998; and

(e) “an extraordinary general election to the Northern Ireland Assembly” means an election held under section 32 of the Northern Ireland Act 1998.

(2) For the purposes of this Schedule a registered party—

(a) contests a constituency if any candidate stands for election for that constituency in the name of the party; and

(b) contests any region if the party is included in the statement of parties and candidates nominated for that region.

(3) For the purposes of this Schedule a parliamentary general election is pending during the period—

(a) beginning with the date on which Parliament is dissolved ... for a parliamentary general election, and

(b) ending with the date of the poll for that election.

Attribution of expenditure to different parts of the United Kingdom

2.-(1)For the purposes of this Schedule—

(a) campaign expenditure incurred by or on behalf of a party registered in the Great Britain register shall (subject to the following provisions of this paragraph) be attributed to each of England, Scotland and Wales in proportion to the number of parliamentary constituencies for the time being situated in that part of Great Britain; and

(b) campaign expenditure incurred by or on behalf of a party registered in the Northern Ireland register shall be attributed solely to Northern Ireland.

(2) Campaign expenditure whose effects are wholly or substantially confined to any particular parts or part of Great Britain—

(a) shall be attributed to those parts in proportion to the number of parliamentary constituencies for the time being situated in those parts, or

(b) shall be attributed solely to that part, as the case may be.

(3) For the purposes of sub-paragraph (2) the effects of campaign expenditure are wholly or substantially confined to any particular parts or part of Great Britain if they have no significant effects in any other part or parts (so that, for example, expenditure on an advertisement in a newspaper circulating in Wales is to be attributed solely to Wales if the newspaper does not circulate to any significant extent in any other part of Great Britain).

(3A).

(4) References in this Schedule to campaign expenditure “in” a particular part of the United Kingdom are accordingly to campaign expenditure which is to be attributed to that part in accordance with this paragraph.

PART II

GENERAL LIMITS

Parliamentary general elections

3.-(1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies at a parliamentary general election.

(2) Where a registered party contests one or more constituencies in England, Scotland or Wales, the limit applying to campaign expenditure which is incurred by or on behalf of the party in the relevant period in that part of Great Britain is—

- (a) £30,000 multiplied by the number of constituencies contested by the party in that part of Great Britain; or
- (b) if greater, the appropriate amount specified in sub-paragraph (3).

(3) The appropriate amount is—

- (a) in relation to England, £810,000;
- (b) in relation to Scotland, £120,000; and
- (c) in relation to Wales, £60,000.

(4) Where a registered party contests one or more constituencies in Northern Ireland, the limit applying to campaign expenditure which is incurred by or on behalf of the party in the relevant period in Northern Ireland is £30,000 multiplied by the number of constituencies contested by the party there.

(5) Sub-paragraph (6) applies to a registered party in a case where at the election a candidate stands for election in any

constituency in the name of that party and one or more other registered parties.

(6) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) or (4) (as the case may be) shall, instead of being the amount specified in that provision, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (5).

(7) For the purposes of this paragraph the relevant period is—

(a) (subject to paragraph (b)) the period of 365 days ending with the date of the poll for the election;

(b) where the election (“the election in question”) follows another parliamentary general election held less than 365 days previously, the period—

(i) beginning with the day after the date of the poll for the earlier election, and

(ii) ending with the date of the poll for the election in question.

...

4.

General elections to Scottish Parliament

5.-(1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies or regions at an ordinary or extraordinary general election to the Scottish Parliament.

(2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Scotland is—

(a) £12,000 for each constituency contested by the party; plus

(b) £80,000 for each region contested by the party.

(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.

(2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of

registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).

(3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—

(a) the date of the poll is that determined by section 2(2) of the Scotland Act 1998; or

(b) no less than five months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is brought forward under section 2(5) of that Act; or

(c) no less than four months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is postponed under section 2(5) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 2(2) of the Act.

(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Presiding Officer proposes a day for the poll for the election under section 3(1) of the Scotland Act 1998 and ending with the date of the poll for the election.

*General elections to ~~the National Assembly for Wales~~
Senedd Cymru*

6.-(1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies or regions at an ordinary or extra ordinary general election to ~~the National Assembly for Wales~~ Senedd Cymru.

(2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Wales is—

(a) £10,000 for each constituency contested by the party; plus

(b) £40,000 for each region contested by the party.

(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.

(2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2)(a) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).

(3) In the case of an ordinary general election “the relevant period” is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” is the date which falls four months before the date of the poll where—

(a) the date of the poll is that determined by section 3(1) of the Government of Wales Act 2006;

(b) no less than five months before the day on which the poll would have taken place under section 3(1) of that Act], the date of the poll is brought forward under section 4(1) of that Act; or

(c) no less than four months before the day on which the poll would have taken place under section 3(1) of that Act], the date of the poll is postponed under section 4(1) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 3(1) of that Act.

(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 5(1) of the Government of Wales Act 2006 and ending with the date of the poll for the election.

General elections to Northern Ireland Assembly

7.-(1) This paragraph imposes limits in relation to campaign expenditure incurred by or on behalf of a registered party which contests one or more constituencies at an ordinary or extraordinary general election to the Northern Ireland Assembly.

<p>(2) The limit applying to campaign expenditure which is incurred by or on behalf of a registered party in the relevant period in Northern Ireland is £17,000 for each constituency contested by the party.</p> <p>(2A) Sub-paragraph (2B) applies to a registered party in a case where at the election a candidate stands for election in any constituency in the name of that party and one or more other registered parties.</p> <p>(2B) In such a case, the amount applying to the party in respect of the constituency under sub-paragraph (2) shall, instead of being the amount specified in that sub-paragraph, be that amount divided by the number of registered parties in whose name the candidate stands for election as mentioned in sub-paragraph (2A).</p> <p>(3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.</p> <p>(4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—</p> <p>(a) the date of the poll is that determined by section 31(1) and (2) of the Northern Ireland Act 1998;</p> <p>(b) no less than five months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is brought forward under section 31(3) of that Act; or</p> <p>(c) no less than four months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is postponed under section 31(3) of that Act;</p> <p>but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 31(1) and (2) of that Act.</p> <p>(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 32(1) or (3) of the Northern Ireland Act 1998 and ending with the date of the poll for the election.</p>	
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PART III

LIMITS APPLYING IN SPECIAL CIRCUMSTANCES

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8.

Combined limits where parliamentary election pending

9.-(1) This paragraph applies where—

(a) separate limits would (apart from this paragraph) apply as follows to campaign expenditure incurred by or on behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be), namely—

(i) under paragraph 3 in relation to a parliamentary general election; and

(ii) under paragraph 5, 6 or 7 in relation to an election or elections within that paragraph; and

(b) the parliamentary general election is pending during any part of the period in relation to which the limit imposed by paragraph 5, 6 or 7 would (apart from this paragraph) apply.

(2) In such a case—

(a) neither paragraph 3, nor paragraph 5, 6 or 7 (as the case may be) shall apply to the expenditure mentioned in sub-paragraph (1)(a); and

(b) the limit or limits imposed by this paragraph shall apply to it instead.

(3) Subject to sub-paragraphs (5) to (7), the limit applying to campaign expenditure which is incurred by or on behalf of the registered party in the relevant period for the purposes of this sub-paragraph in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—

(a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and

(b) the limit which by virtue of paragraph 5, 6 or 7 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(4) For the purposes of sub-paragraph (3) “the relevant period” is—

<p>(a) where the parliamentary general election takes place at the same time as, or later than—</p> <p>(i) the election in relation to which paragraph ... 5, 6 or 7 would otherwise apply, ...</p> <p>(ii).....</p> <p>the period which for the purposes of paragraph 3 is the relevant period in relation to the parliamentary general election;</p> <p>(b) where the parliamentary general election takes place earlier than the election mentioned in paragraph (a)(i) ..., the period which—</p> <p>(i) begins at the beginning of the period mentioned in paragraph (a), and</p> <p>(ii) ends with the date of the poll for the later ... of the elections.</p> <p>(5) Where sub-paragraph (1)(a)(i) is applicable in the case of each of two parliamentary general elections which are pending during different parts of any such period as is mentioned in sub-paragraph (1)(b), the limits applying to campaign expenditure which is incurred by or on behalf of the registered party in the relevant periods in England, Scotland, Wales or Northern Ireland (as the case may be) are as follows—</p> <p>(a) in the case of expenditure incurred in the first relevant period, the limit is the aggregate of—</p> <p>(i) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the first of the parliamentary general elections to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph, and</p> <p>(ii) the limit mentioned in sub-paragraph (3)(b) above; and</p> <p>(b) in the case of expenditure incurred in the second relevant period, the limit is the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the second parliamentary general election to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.</p> <p>(6) For the purposes of sub-paragraph (5) “the first relevant period” is the period which—</p> <p>(a) begins at the beginning of the period which would, apart from this paragraph, apply for the purposes of paragraph 3</p>	
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to the first of the parliamentary general elections to take place; and

(b) ends with the date on which Parliament is dissolved ... for the second of the parliamentary general elections to take place.

(7) For the purposes of sub-paragraph (5) “the second relevant period” is the period which—

(a) begins on the day after the date mentioned in sub-paragraph (6)(b) above; and

(b) ends with whichever is the later of the following, namely—

(i) the date of the poll for the second parliamentary general election to take place; and

(ii) the date of the poll for the election in relation to which paragraph ... 5, 6 or 7 would otherwise apply

Combination of limit under paragraph 9 and other limit

10.-(1) This paragraph applies where—

(a) a limit under paragraph 9 would (apart from this paragraph) apply to campaign expenditure incurred by or on behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be) in relation to a period that would either be—

(i) a relevant period for the purposes of paragraph 9(3), or

(ii) a first relevant period for the purposes of paragraph 9(5);
and

(b) another limit under paragraph 5, 6 or 7 applies to campaign expenditure incurred by or on behalf of the party in that part of the United Kingdom in relation to a period (“the other campaign period”) which is not a period during which the parliamentary general election is pending but which either—

(i) falls wholly within, or

(ii) ends at any time falling within,

the period mentioned in paragraph (a).

(2) In such a case—

(a) the limit imposed by paragraph 9 shall not apply in relation to the period mentioned in sub-paragraph (1)(a);
and

(b) instead the limit imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.

(3) The limit applying to campaign expenditure which is incurred by or on behalf of the party during the combined period in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—

(a) the limit which by virtue of paragraph 9 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the period mentioned in sub-paragraph (1)(a); and

(b) the limit applying, by virtue of paragraph 5, 6 or 7 (as the case may be), to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(4) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—

(a) the beginning of the period which is the relevant period for the purposes of paragraph 5, 6 or 7 (as the case may be), and

(b) the beginning of the period mentioned in sub-paragraph (1)(a),

and ends at the end of the period mentioned in sub-paragraph (1)(a).

(5) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 5, 6 or 7 in relation to any period which is a relevant period for the purposes of that paragraph.

Combination of parliamentary general election and other election, or elections, falling within paragraphs 5 to 7

11.-(1) This paragraph applies where—

(a) a limit under paragraph 3 would (apart from this paragraph) apply to campaign expenditure incurred by or on behalf of a registered party in England, Scotland, Wales or Northern Ireland (as the case may be);

(b) another limit under paragraph 5, 6 or 7 applies to campaign expenditure incurred by or on behalf of the party in that part of the United Kingdom in relation to any period (“the other campaign period”) which either—

(i) falls wholly within, or

(ii) ends at any time falling within,
the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election; and

(c) paragraph 9 does not apply in connection with that expenditure.

(2) In such a case—

(a) the limit imposed by paragraph 3 shall not apply in relation to the relevant period for the purposes of that paragraph, and

(b) instead the limit imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.

(3) The limit applying to campaign expenditure which is incurred by or on behalf of the party in the combined period in England, Scotland, Wales or Northern Ireland, as the case may be, is the aggregate of—

(a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and

(b) the limit applying by virtue of paragraph 5, 6 or 7 (as the case may be) to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(4) Where two or more periods (“the other campaign periods”) which are relevant periods for the purposes of any of paragraphs 5 or 7 —

(a) fall wholly within, or

(b) end at any time falling within,

the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, sub-paragraph (3)(b) shall operate in relation to each of the limits applying in relation to those periods so as to produce two or more amounts to be added to the amount referred to in sub-paragraph (3)(a).

(5) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—

(a) the beginning of—

(i) the period which is the relevant period for the purposes of paragraph 5, 6 or 7 (as the case may be), or

<p>(ii) where sub-paragraph (4) applies, whichever of the relevant periods for the purposes of any of paragraphs 5 or 7 is the first to begin, and</p> <p>(b) the beginning of the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, and ends with the date of the poll for the parliamentary general election.</p> <p>(6) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 5, 6 or 7 in relation to any period which is a relevant period for the purposes of that paragraph.</p>	
<p>SCHEDULE 10</p> <p>LIMITS ON CONTROLLED EXPENDITURE</p> <p>PART I</p> <p>INTRODUCTORY</p> <p><i>Interpretation</i></p> <p>1.-(1) In this Schedule—</p> <p>(a) “an ordinary general election to the Scottish Parliament” means an election held under section 2 of the Scotland Act 1998;</p> <p>(b) “an extraordinary general election to the Scottish Parliament” means an election held under section 3 of the Scotland Act 1998;</p> <p>(c) “an ordinary general election to the National Assembly for Wales <u>Senedd Cymru</u>” means an election under section 3 of the Government of Wales Act 2006;</p> <p>(ca) “an extraordinary general election to the National Assembly for Wales <u>Senedd Cymru</u>” means an election under section 5 of the Government of Wales Act 2006;</p> <p>(d) “an ordinary general election to the Northern Ireland Assembly” means an election held under section 31 of the Northern Ireland Act 1998; and</p> <p>(e) “an extraordinary general election to the Northern Ireland Assembly” means an election held under section 32 of the Northern Ireland Act 1998.</p> <p>(2) For the purposes of this Schedule a parliamentary general election is pending during the period—</p>	<p>EEB Bill Schedule 1, Part 3, 6(11)</p>

- (a) beginning with the date on which Parliament is dissolved ... for a parliamentary general election, and
- (b) ending with the date of the poll for that election.
- (3).

Attribution of expenditure to different parts of the United Kingdom

2.-(1) For the purposes of this Schedule controlled expenditure incurred by or on behalf of any recognised third party shall (subject to the following provisions of this paragraph) be attributed to each of England, Scotland, Wales and Northern Ireland in proportion to the number of parliamentary constituencies for the time being situated in that part of the United Kingdom.

(2) Controlled expenditure whose effects are wholly or substantially confined to any particular parts or part of the United Kingdom—

(a) shall be attributed to those parts in proportion to the number of parliamentary constituencies for the time being situated in those parts, or

(b) shall be attributed solely to that part,
as the case may be.

(3) For the purposes of sub-paragraph (2) the effects of controlled expenditure are wholly or substantially confined to any particular parts or part of the United Kingdom if they have no significant effects in any other part or parts (so that, for example, expenditure on an advertisement in a newspaper circulating in Wales is to be attributed solely to Wales if the newspaper does not circulate to any significant extent in any other part of the United Kingdom).

(3A).

(4) References in this Schedule to controlled expenditure “in” a particular part of the United Kingdom are accordingly to controlled expenditure which is to be attributed to that part in accordance with this paragraph.

Attribution of expenditure to different parliamentary constituencies

2A.-(1) For the purposes of this Schedule controlled expenditure incurred by or on behalf of any recognised third party shall (subject to the following provisions of this

paragraph) be attributed to each parliamentary constituency in equal proportions.

(2) Controlled expenditure whose effects are wholly or substantially confined to any particular constituencies or constituency—

(a) shall be attributed to those constituencies in equal proportions, or

(b) shall be attributed solely to that constituency, as the case may be.

(3) For the purposes of sub-paragraph (2), the effects of controlled expenditure are wholly or substantially confined to any particular constituencies or constituency if they have no significant effects in any other constituency or constituencies.

(4) References in this Schedule to controlled expenditure “in” a particular constituency are accordingly to controlled expenditure which is to be attributed to that constituency in accordance with this paragraph.

PART II

GENERAL LIMITS

Parliamentary general elections

3,-(1) This paragraph imposes limits in relation to a parliamentary general election.

(2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in each of England, Scotland, Wales and Northern Ireland is—

(a) in relation to England, 2% of the maximum campaign expenditure limit in England;

(b) in relation to Scotland, £20,000 plus 2% of the maximum campaign expenditure limit in Scotland;

(c) in relation to Wales, £20,000 plus 2% of the maximum campaign expenditure limit in Wales;

(d) in relation to Northern Ireland, £20,000 plus 2% of the maximum campaign expenditure limit in Northern Ireland.

(2A) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in any particular parliamentary constituency

is 0.05% of the total of the maximum campaign expenditure limits in England, Scotland, Wales and Northern Ireland.

(3) For the purposes of this paragraph the relevant period is—

(a) (subject to paragraph (b)) the period of 365 days ending with the date of the poll for the election;

(b) where the election (“the election in question”) follows another parliamentary general election held less than 365 days previously, the period—

(i) beginning with the day after the date of the poll for the earlier election, and

(ii) ending with the date of the poll for the election in question.

...

4.

General elections to Scottish Parliament

5.-(1) This paragraph imposes limits in relation to an ordinary or extraordinary general election to the Scottish Parliament.

(2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Scotland is £75,800.

(3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—

(a) the date of the poll is that determined by section 2(2) of the Scotland Act 1998; or

(b) no less than five months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is brought forward under section 2(5) of that Act; or

(c) no less than four months before the day on which the poll would have taken place under section 2(2) of that Act, the date of the poll is postponed under section 2(5) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above

“the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 2(2) of the Act.

(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Presiding Officer proposes a day for the poll for the election under section 3(1) of the Scotland Act 1998 and ending with the date of the poll for the election.

*General elections to ~~the National Assembly for Wales~~
Senedd Cymru*

6.-(1) This paragraph imposes limits in relation to an ordinary general election to ~~the National Assembly for Wales~~
Senedd Cymru.

(2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Wales is £30,000.

(3) In the case of an ordinary general election “the relevant period” is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” is the date which falls four months before the date of the poll where—

(a) the date of the poll is that determined by section 3(1) of the Government of Wales Act 2006;

(b) no less than five months before the day on which the poll would have taken place under section 3(1) of that Act, the date of the poll is brought forward under section 4(1) of that Act; or

(c) no less than four months before the day on which the poll would have taken place under section 3(1) of that Act, the date of the poll is postponed under section 4(1) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 3(1) of that Act.

(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section

5(1) of the Government of Wales Act 2006 and ending with the date of the poll for the election.

General elections to Northern Ireland Assembly

7.-(1) This paragraph imposes limits in relation to an ordinary or extraordinary general election to the Northern Ireland Assembly.

(2) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the relevant period in Northern Ireland is £15,300.

(3) In the case of an ordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the appropriate date (as defined by sub-paragraph (4)) and ending with the date of the poll.

(4) In sub-paragraph (3) “the appropriate date” means the date which falls four months before the date of the poll where—

(a) the date of the poll is that determined by section 31(1) and (2) of the Northern Ireland Act 1998; or

(b) no less than five months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is brought forward under section 31(3) of that Act; or

(c) no less than four months before the day on which the poll would have taken place under section 31(1) and (2) of that Act, the date of the poll is postponed under section 31(3) of that Act;

but where the date of the poll is brought forward or postponed otherwise than as mentioned in paragraph (b) or (c) above “the appropriate date” means the date which falls four months before the date when the poll would have taken place under section 31(1) and (2) of that Act.

(5) In the case of an extraordinary general election, “the relevant period” for the purposes of this paragraph is the period beginning with the date when the Secretary of State proposes a date for the poll for the election under section 32(1) or (3) of the Northern Ireland Act 1998 and ending with the date of the poll for the election.

PART III

LIMITS APPLYING IN SPECIAL CIRCUMSTANCES

...

8.

Combined limits where parliamentary election pending

9.-(1) This paragraph imposes—

(a) in the circumstances mentioned in sub-paragraph (2), limits in relation to—

(i) such a pending parliamentary general election as is mentioned in that sub-paragraph, and

(ii) an election, or elections, in relation to which the limit imposed by any of paragraphs 5 to 7 would otherwise apply as mentioned in that sub-paragraph; and

(b) in the circumstances mentioned in sub-paragraph (5), limits in relation to—

(i) two such pending parliamentary elections as are mentioned in that sub-paragraph, and

(ii) an election, or elections, in relation to which the limit imposed by any of paragraphs 5 to 7 would otherwise apply as mentioned in sub-paragraph (2).

(2) Where a parliamentary general election is pending during any part of the period in relation to which a limit imposed by any of paragraphs 5 to 7 would otherwise apply to controlled expenditure incurred by or on behalf of a recognised third party in a particular part of the United Kingdom—

(a) neither that paragraph, nor paragraph 3, shall apply in relation to such expenditure; and

(b) the limits imposed by this paragraph shall apply to it instead.

(3) Subject to sub-paragraphs (5) to (7), the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the relevant period for the purposes of this sub-paragraph in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—

(a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and

(b) the limit which by virtue of paragraph 5, 6 or 7 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(3A) Subject to sub-paragraphs (5) to (7), the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(3B) For this purpose “the relevant proportion” means—
where—

A is the number of days in the relevant period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.

(4) For the purposes of sub-paragraphs (3) to (3B) “the relevant period” is—

(a) where the parliamentary general election takes place at the same time as, or later than—

(i) the election in relation to which paragraph ... 5, 6 or 7 would otherwise apply, ...

(ii)

the period which for the purposes of paragraph 3 is the relevant period in relation to the parliamentary general election;

(b) where the parliamentary general election takes place earlier than the election mentioned in paragraph (a)(i) ..., the period which—

(i) begins at the beginning of the period mentioned in paragraph (a), and

(ii) ends with the date of the poll for the later ... of the elections.

(5) Where two parliamentary general elections are pending during different parts of any such period as is mentioned in sub-paragraph (2), the limits applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the relevant periods in England, Scotland, Wales or Northern Ireland (as the case may be) are as follows—

(a) in the case of expenditure incurred in the first relevant period, the limit is the aggregate of—

(i) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the first of the parliamentary general elections to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph, and

(ii) the limit mentioned in sub-paragraph (3)(b) above; and

(b) in the case of expenditure incurred in the second relevant period, the limit is the limit which by virtue of paragraph 3 would (apart from this paragraph) apply, in connection with the second parliamentary general election to take place, to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(5A) Where two parliamentary general elections are pending during different parts of any such period as is mentioned in sub-paragraph (2)—

(a) the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the first relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A), and

(b) the limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party in the second relevant period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(5B) For these purposes “the relevant proportion” means—

where—

A is the number of days in the first relevant period or (as the case may be) the second relevant period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.

(6) For the purposes of sub-paragraphs (5) to (5B) “the first relevant period” is the period which—

(a) begins at the beginning of the period which would, apart from this paragraph, apply for the purposes of paragraph 3 to the first of the parliamentary general elections to take place; and

(b) ends with the date on which Parliament is dissolved ... for the second of the parliamentary general elections to take place.

(7) For the purposes of sub-paragraphs (5) to (5B) “the second relevant period” is the period which—

(a) begins on the day after the date mentioned in sub-paragraph (6)(b) above; and

(b) ends with whichever is the later of the following, namely—

(i) the date of the poll for the second parliamentary general election to take place; and

(ii) the date of the poll for the election in relation to which paragraph **F36**... 5, 6 or 7 would otherwise apply

Combination of limit under paragraph 9 and other limit

10.-(1) This paragraph imposes limits where—

(a) paragraph 9 would (apart from this paragraph) impose limits on controlled expenditure in relation to a period that would either be—

(i) a relevant period for the purposes of paragraph 9(3) to (3B) , or

(ii) a first relevant period for the purposes of paragraph 9(5) to (5B) ; and

(b) any period (“the other controlled period”) which is the relevant period for the purposes of any of paragraphs 5 to 7, but is not a period during which the parliamentary general election is pending, either—

(i) falls wholly within, or

(ii) ends at any time falling within,

the period mentioned in paragraph (a).

(2) In such a case—

(a) the limits imposed by paragraph 9 shall not apply in relation to the period mentioned in sub-paragraph (1)(a); and

(b) instead the limits imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.

(3) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party during the combined period in England, Scotland, Wales or Northern Ireland (as the case may be) is the aggregate of—

(a) the limit which by virtue of paragraph 9 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the period mentioned in sub-paragraph (1)(a); and

(b) the limit applying, by virtue of paragraph 5, 6 or 7 (as the case may be), to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(3A) The limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party during the combined period in any particular parliamentary

constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(3B) For this purpose “the relevant proportion” means—

where—

A is the number of days in the combined period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.

(4) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—

(a) the beginning of the period which is the relevant period for the purposes of paragraph 5, 6 or 7 (as the case may be), and

(b) the beginning of the period mentioned in sub-paragraph (1)(a),

and ends at the end of the period mentioned in sub-paragraph (1)(a).

(5) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 5, 6 or 7 in relation to any period which is a relevant period for the purposes of that paragraph.

Combination of parliamentary general election and other election, or elections, falling within paragraphs 5 to 7

11.-(1) This paragraph imposes limits where—

(a) any period (“the other controlled period”) which is the relevant period for the purposes of any of paragraphs 5 to 7 either—

(i) falls wholly within, or

(ii) ends at any time falling within,

the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to a parliamentary general election; and

(b) paragraph 9 does not apply in connection with those elections.

(2) In such a case—

(a) the limits imposed by paragraph 3 shall not apply in relation to the relevant period for the purposes of that paragraph, and

(b) instead the limits imposed by this paragraph shall apply in relation to the period which is the combined period for the purposes of this paragraph.

(3) The limit applying to controlled expenditure which is incurred by or on behalf of a recognised third party in the combined period in England, Scotland, Wales or Northern Ireland, as the case may be, is the aggregate of—

(a) the limit which by virtue of paragraph 3 would (apart from this paragraph) apply to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph; and

(b) the limit applying by virtue of paragraph 5, 6 or 7 (as the case may be) to such expenditure incurred in that part of the United Kingdom during the relevant period for the purposes of that paragraph.

(4) Where two or more periods (“the other controlled periods”) which are relevant periods for the purposes of any of paragraphs 5 or 7—

(a) fall wholly within, or

(b) end at any time falling within,

the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, sub-paragraph (3)(b) shall operate in relation to each of the limits applying in relation to those periods so as to produce two or more amounts to be added to the amount referred to in sub-paragraph (3)(a).

(4A) The limit applying to controlled expenditure which is incurred by or on behalf of the recognised third party during the combined period in any particular parliamentary constituency is the relevant proportion of the limit mentioned in paragraph 3(2A).

(4B) For this purpose “the relevant proportion” means—

where—

A is the number of days in the combined period;

B is the number of days in the period which is the relevant period for the purposes of paragraph 3.

(5) For the purposes of this paragraph “the combined period” is the period which begins with whichever is the earlier of the following, namely—

(a) the beginning of—

(i) the period which is the relevant period for the purposes of paragraph 5, 6 or 7 (as the case may be), or

<p>(ii) where sub-paragraph (4) applies, whichever of the relevant periods for the purposes of paragraph 5 or 7 is the first to begin, and</p> <p>(b) the beginning of the period which would (apart from this paragraph) be the relevant period for the purposes of paragraph 3 in relation to the parliamentary general election, and ends with the date of the poll for the parliamentary general election.</p> <p>(6) Nothing in this paragraph affects the application of any limit imposed by virtue of paragraph 5, 6 or 7 in relation to any period which is a relevant period for the purposes of that paragraph.</p>															
<p>SCHEDULE 20</p> <p>PENALTIES</p> <table border="0"> <thead> <tr> <th data-bbox="268 860 523 931"><i>Provision creating offence</i></th> <th data-bbox="571 860 692 898"><i>Penalty</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="268 965 523 1144">Section 24(8) (registration as treasurer where convicted of certain offences)</td> <td data-bbox="571 965 1007 1032">On summary conviction: Level 5</td> </tr> <tr> <td data-bbox="268 1178 523 1245">Section 39 (false statements)</td> <td data-bbox="571 1178 1007 1245">On summary conviction: Level 5</td> </tr> <tr> <td data-bbox="268 1279 523 1458">Section 43(7) (failure to deliver statement relating to auditor's resignation etc)</td> <td data-bbox="571 1279 1007 1435">On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year</td> </tr> <tr> <td data-bbox="268 1491 523 1637">Section 44(4) (making false statement to auditor)</td> <td data-bbox="571 1491 1007 1648">On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year</td> </tr> <tr> <td data-bbox="268 1693 523 1839">Section 47(1)(a) (failure to deliver proper statement of accounts)</td> <td data-bbox="571 1693 1007 1760">On summary conviction: Level 5</td> </tr> <tr> <td data-bbox="268 1872 523 2018">Section 47(1)(b) (failure to deliver accounts within time limits)</td> <td data-bbox="571 1872 1007 1939">On summary conviction: Level 5</td> </tr> </tbody> </table>	<i>Provision creating offence</i>	<i>Penalty</i>	Section 24(8) (registration as treasurer where convicted of certain offences)	On summary conviction: Level 5	Section 39 (false statements)	On summary conviction: Level 5	Section 43(7) (failure to deliver statement relating to auditor's resignation etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	Section 44(4) (making false statement to auditor)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	Section 47(1)(a) (failure to deliver proper statement of accounts)	On summary conviction: Level 5	Section 47(1)(b) (failure to deliver accounts within time limits)	On summary conviction: Level 5	<p>EEB Bill Part 1, Chapter 5, section 36</p>
<i>Provision creating offence</i>	<i>Penalty</i>														
Section 24(8) (registration as treasurer where convicted of certain offences)	On summary conviction: Level 5														
Section 39 (false statements)	On summary conviction: Level 5														
Section 43(7) (failure to deliver statement relating to auditor's resignation etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year														
Section 44(4) (making false statement to auditor)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year														
Section 47(1)(a) (failure to deliver proper statement of accounts)	On summary conviction: Level 5														
Section 47(1)(b) (failure to deliver accounts within time limits)	On summary conviction: Level 5														

Section 54(7) (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 56(3) or (4) (failure to return donations)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 61(1) (facilitating the making of donations by impermissible donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 61(2)(a) (knowingly giving treasurer false information about donations)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 61(2)(b) (withholding information about donations from treasurer with intent to deceive)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 65(3) (failure to deliver donation reports to Commission within time limits)	On summary conviction: Level 5	
Section 65(4) (failure to comply with requirements for recording donations in donation report)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 66(5) (making a false declaration about donation report)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
...	...	

<p>Section 71E(5) (disclosing Northern Ireland donation reports)</p>	<p>On summary conviction in England and Wales: statutory maximum or 51 weeks</p> <p>On summary conviction elsewhere: statutory maximum or 6 months</p>	
<p>Section 71L(1) (registered party entering into regulated transaction with unauthorised participant)</p>	<p>On summary conviction: statutory maximum</p> <p>On indictment: fine</p>	
<p>Section 71L(2) (treasurer of party entering into regulated transaction with unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Section 71L(3) (party liable if treasurer fails to repay money obtained under regulated transaction with unauthorised participant)</p>	<p>On summary conviction: statutory maximum</p> <p>On indictment: fine</p>	
<p>Section 71L(4) (treasurer failing to repay money obtained under regulated transaction with unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Section 71L(5) (party benefiting from connected transaction to which an unauthorised participant is a party)</p>	<p>On summary conviction: statutory maximum</p> <p>On indictment: fine</p>	

<p>Section 71L(6) (treasurer of registered party which benefits from connected transaction to which an unauthorised participant is a party)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Section 71L(7) (party liable if treasurer fails to repay benefit obtained in consequence of security given by unauthorised participant)</p>	<p>On summary conviction: statutory maximum</p> <p>On indictment: fine</p>	
<p>Section 71L(8) (treasurer failing to repay benefit obtained in consequence of security given by unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Section 71L(9) (facilitating a regulated transaction involving unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Section 71S(4) (failure to deliver transaction reports to Commission within time limits)</p>	<p>On summary conviction: Level 5</p>	
<p>Section 71S(5) (failure to comply with requirements for recording transactions in transaction report)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	

Section 71T(5) (making a false declaration about transaction report)	On summary conviction: statutory maximum or the general limit in a magistrates' court On indictment: fine or 1 year.	
Section 71Z4(5)(disclosing Northern Ireland transaction reports)	On summary conviction in England and Wales: Level 5 or 51 weeks On summary conviction elsewhere: Level 5 or 6 months	
Section 73(8) (making a false declaration about value of property etc.)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 74(4) (acceptance by ineligible person of office of deputy treasurer)	On summary conviction: Level 5	
Section 75(2) (incurring campaign expenditure without authority)	On summary conviction: Level 5	
Section 76(4)(a) (making payments in respect of campaign expenditure without authority)	On summary conviction: Level 5	
Section 76(4)(b) (failure to notify treasurer of payments in respect of campaign expenditure)	On summary conviction: Level 5	
Section 77(3)(a) (paying claim in respect of	On summary conviction: Level 5	

campaign expenditure where failure to comply with procedure)	
Section 77(3)(b) (paying claim in respect of campaign expenditure outside specified time period)	On summary conviction: Level 5
Section 79(2) (exceeding limits on campaign expenditure)	On summary conviction: statutory maximum On indictment : fine
Section 82(4)(a) (failure of treasurer to deliver return and auditor's report to Commission)	On summary conviction: Level 5
Section 82(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 82(4)(c) (failure of treasurer to deliver return and court order to Commission)	On summary conviction: Level 5
Section 83(3)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 83(3)(b) (failure to deliver signed declaration with return to Commission)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year

Section 86(8) (making false declaration about value of property etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 89A(4) or (5) (incurring controlled expenditure in contravention of section 89A(1))	On summary conviction in England and Wales: fine On summary conviction in Scotland or Northern Ireland: statutory maximum On indictment: fine	
<u>Section 89B(4) and (5) (incurring controlled expenditure in contravention of section 89AA(1))</u>	<u>On summary conviction in England and Wales: fine</u> <u>On indictment: fine</u>	
Section 90(2) (incurring controlled expenditure without authority)	On summary conviction: level 5	
Section 91(4)(a) (making payments in respect of controlled expenditure without authority)	On summary conviction: Level 5	
Section 91(4)(b) (failure to notify responsible person of payments in respect of controlled expenditure)	On summary conviction: Level 5	
Section 92(3)(a) (paying claim in respect of controlled expenditure where failure to comply with procedure)	On summary conviction: Level 5	

Section 92(3)(b) (paying claim in respect of controlled expenditure outside specified time period)	On summary conviction: Level 5	
Section 94(2) or (4) (exceeding limits on controlled expenditure)	On summary conviction: statutory maximum On indictment : fine	
Section 94E(2) or (3) (exceeding limits on targeted controlled expenditure when not authorised)	On summary conviction: statutory maximum On indictment: fine	
Section 94F(6) (making false declaration about amount of expenditure incurred by or on behalf of third party and targeted at the registered party)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year	
Section 95C(1)(a) (failure of responsible person to deliver quarterly or weekly report to Commission)	On summary conviction: Level 5	
Section 95C(1)(b) (failure to deliver signed declaration with quarterly or weekly report to the Commission)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year	
Section 95C(1)(c) (failure to comply with requirements for quarterly or weekly reports)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year	

Section 95C(2) (making a false declaration to Commission when delivering quarterly or weekly report)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year	
Section 98(4)(a) (failure of responsible person to deliver return and auditor's report to Commission)	On summary conviction: Level 5	
Section 98(4)(aa) (failure of responsible person to deliver statement of accounts and auditor's report to Commission)	On summary conviction: Level 5	
Section 98(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 98(4)(ba) (failure to comply with requirements for statements of accounts)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year	
Section 98(4)(c) (failure to deliver return and court order to Commission)	On summary conviction: Level 5	
Section 99(4)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 99(4)(b) (failure to deliver signed declaration)	On summary conviction: statutory maximum or 6 months	

with return to Commission)	On indictment : fine or 1 year	
Section 99A(3)(a) (making a false declaration to Commission when delivering statement of accounts)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year	
Section 99A(3)(b) (failure to deliver signed declaration with statement of accounts to Commission)	On summary conviction: statutory maximum or 6 months On indictment: fine or 1 year	
Section 112(8) (making a false declaration about value of property etc)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 113(2) (incurring referendum expenses without authority)	On summary conviction: Level 5	
Section 114(4)(a) (making payments in respect of referendum expenses without authority)	On summary conviction: Level 5	
Section 114(4)(b) (failure to notify responsible person of payments in respect of referendum expenses)	On summary conviction: Level 5	
Section 115(3)(a) (paying claim in respect of referendum expenses where	On summary conviction: Level 5	

failure to comply with procedure)	
Section 115(3)(b) (paying claim in respect of referendum expenses outside specified time period)	On summary conviction: Level 5
Section 117(2) (individual (other than permitted participant) exceeding limits on referendum expenses)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 117(3) or (4) (body (other than permitted participant) exceeding limits on referendum expenses)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 118(2) (permitted participant exceeding limits on referendum expenses)	On summary conviction: statutory maximum On indictment : fine
Section 122(4)(a) (failure to deliver return and auditor's report to Commission)	On summary conviction: Level 5
Section 122(4)(b) (failure to comply with requirements for returns)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year
Section 122(4)(c) (failure to deliver return and court order to Commission)	On summary conviction: Level 5

Section 123(4)(a) (making a false declaration to Commission when delivering return)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 123(4)(b) (failure to deliver signed declaration with return to Commission)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 126(8) or (9) (printing or publishing referendum material without details of printer or publisher)	On summary conviction: Level 5	
Section 143(8) or (9) (printing or publishing election material without details of printer or publisher)	On summary conviction: Level 5	
...	...	
...	...	
Section 148(1) (alteration of documents etc.)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 148(2)(a) (failure to supply relevant person with information)	On summary conviction: Level 5	
Section 148(2)(b) (supplying relevant person with false information)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Section 148(3) (withholding information from relevant person)	On summary conviction: statutory maximum or 6 months	

with intent to deceive)	On indictment : fine or 1 year	
Paragraph 1B of Schedule 7 (failure by members association to comply with requirement to appoint responsible person)	On summary conviction: Level 5	
Paragraph 6(5) of Schedule 7 (failure to provide information about donors)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Paragraph 12(1) of Schedule 7 (failure to deliver donation report to Commission within time limit)	On summary conviction: Level 5	
Paragraph 12(2) of Schedule 7 (failure to comply with requirements for recording donations in donation reports)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
Paragraph 13(4) of Schedule 7 (making a false declaration about donation report)	On summary conviction: statutory maximum or 6 months On indictment : fine or 1 year	
...	...	
Paragraph 17(4) of Schedule 7 (knowingly giving compliance officer false information about donations)	On summary conviction in England and Wales or Scotland: statutory maximum or the general limit in a magistrates' court (in England and Wales) or 12 months (in Scotland)	

	<p>On summary conviction in Northern Ireland: statutory maximum or 6 months</p> <p>On indictment: fine or 1 year</p>	
<p>Paragraph 8(1) of Schedule 7A (individual regulated participant knowingly enters controlled transaction with unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Paragraph 8(2) of Schedule 7A (responsible person of members association which enters controlled transaction with unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Paragraph 8(3) of Schedule 7A (individual regulated participant failing to repay money obtained under controlled transaction with unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Paragraph 8(4) of Schedule 7A (responsible person failing to repay money obtained by members association under controlled transaction with</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	

<p>unauthorised participant)</p> <p>Paragraph 8(5) of Schedule 7A (individual regulated participant knowingly benefits from connected transaction involving unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Paragraph 8(6) of Schedule 7A (responsible person of members association which knowingly benefits from connected transaction involving unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Paragraph 8(7) of Schedule 7A (individual regulated participant failing to repay value of benefit obtained in consequence of connected transaction involving unauthorised participant)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	
<p>Paragraph 8(8) of Schedule 7A (responsible person failing to repay value of benefit obtained by members association in</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p>	

<p>consequence of connected transaction involving unauthorised participant)</p> <p>Paragraph 8(9) of Schedule 7A (facilitating controlled transaction involving unauthorised participant)</p> <p>Paragraph 12(1) of Schedule 7A (failure to deliver transaction report to Commission within time limit)</p> <p>Paragraph 12(2) of Schedule 7A (failure to comply with requirements for recording transactions on transaction reports)</p> <p>Paragraph 13(4) of Schedule 7A (making a false declaration about a transaction report)</p> <p>Paragraph 6(7) of Schedule 11 (failure to provide information about donors)</p> <p>Paragraph 6(8) of Schedule 15 (failure to provide information about donors)</p>	<p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p> <p>On summary conviction: Level 5</p> <p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p> <p>On summary conviction: statutory maximum or the general limit in a magistrates' court</p> <p>On indictment: fine or 1 year</p> <p>On summary conviction: statutory maximum or 6 months</p> <p>On indictment : fine or 1 year</p> <p>On summary conviction: statutory maximum or 6 months: On indictment : fine or 1 year</p>	
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Paragraph 6(1) of Schedule 19A (failure to give notification or report within specified period)	On summary conviction: Level 5	
Paragraph 6(2) of Schedule 19A (giving notification or report that fails to comply with requirements of that Schedule)	On summary conviction in England and Wales or Scotland: statutory maximum or the general limit in a magistrates' court (in England and Wales) or 12 months (in Scotland) On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year	
Paragraph 6(3) of Schedule 19A (making false declaration in notification or report)	On summary conviction in England and Wales or Scotland: statutory maximum or the general limit in a magistrates' court (in England and Wales) or 12 months (in Scotland) On summary conviction in Northern Ireland: statutory maximum or 6 months On indictment: fine or 1 year	
Paragraph 13(1) of Schedule 19B (failure to comply with investigation requirement)	On summary conviction: Level 5	
Paragraph 13(2) of Schedule 19B (intentional obstruction of person exercising investigatory power)	On summary conviction: Level 5	
Paragraph 13(3) of Schedule 19B (providing false	On summary conviction in England and Wales or Scotland: statutory maximum	

<p>information in purported compliance with investigation requirement)</p> <p>Paragraph 14 of Schedule 19C (failure to comply with stop notice)</p>	<p>or the general limit in a magistrates' court (in England and Wales) or 12 months (in Scotland)</p> <p>On summary conviction in Northern Ireland: statutory maximum or 6 months</p> <p>On indictment: fine or 1 year</p> <p>On summary conviction in England and Wales: fine or the general limit in a magistrates' court</p> <p>On summary conviction in Scotland: £20,000 or 12 months</p> <p>On summary conviction in Northern Ireland: £20,000 or 6 months</p> <p>On indictment: fine or 2 years</p>	
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Government of Wales Act 2006

Section	Amended by
<p>1 The [Senedd]</p> <p>(1) There is to be [a parliament] for Wales to be known as [Senedd Cymru or the Welsh Parliament (referred to in this Act as "<i>the Senedd</i>")].</p> <p>(2) The [Senedd] is to consist of—</p> <p>(a) one member for each [Senedd] constituency (referred to in this Act as ["<i>Senedd constituency members</i>"]), and</p> <p>(b) members for each [Senedd] electoral region (referred to in this Act as ["<i>Senedd regional members</i>"]).</p> <p>(2) There are—</p> <p>(a) 16 Senedd constituencies, and</p> <p>(b) six seats for each constituency,</p> <p><u>and the Senedd is to consist of the members for those constituencies.</u></p> <p>(2A) Members of the Senedd are to be known by that name or as Aelodau o'r Senedd.</p> <p>(3) [Members of the Senedd] are to be returned in accordance with the provision made by and under this Act for—</p>	<p>SC(ME) Bill Part 1 Section 1</p>

<p>(a) the holding of general elections of [Members of the Senedd]⁶ (for the return of the entire [Senedd]), and</p> <p>(b) the filling of vacancies in [Senedd] seats.</p> <p>(4) The validity of any [Senedd] proceedings is not affected by any vacancy in its membership.</p> <p>(5) In this Act [“<i>Senedd proceedings</i>”] means any proceedings of—</p> <p>(a) the [Senedd] ,</p> <p>(b) committees of the [Senedd] , or</p> <p>(c) sub-committees of such committees.</p>	
<p>2 [Senedd] constituencies and electoral regions</p> <p>[(1) —The [Senedd] constituencies are the constituencies specified in the Parliamentary Constituencies and [Senedd] Electoral Regions (Wales) Order 2006 (SI 2006/1041) as amended by—</p> <p>(a) —the Parliamentary Constituencies and [Senedd] Electoral Regions (Wales) (Amendment) Order 2008 (SI 2008/1791), and</p> <p>(b) —any Order in Council under the Parliamentary Constituencies Act 1986 giving effect (with or without modifications) to a report falling within section 13(3) or (4) of the Parliamentary Voting System and Constituencies Act 2011.]</p> <p>(2) —There are five [Senedd] electoral regions.</p> <p>(3) —The [Senedd] electoral regions are as specified in the Parliamentary Constituencies and [Senedd] Electoral Regions (Wales) Order 2006.</p> <p>(4) —There are four seats for each [Senedd] electoral region.</p> <p>(5) —...</p> <p>(6) —...</p> <p>2 Senedd constituencies</p> <p><u>(1) The Senedd constituencies are the constituencies specified in regulations under section 49J of the Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4).</u></p> <p><u>(2) Until the first set of regulations made under that section are in force, the reference in subsection (1) to regulations under that section is to be read as a reference to regulations under paragraph 9 of Schedule 1 to the Senedd Cymru (Members and Elections) Act 2024 (asc 00).</u></p>	<p>SC(ME) Bill Part 1 Section 2</p>
<p>3 Ordinary general elections</p> <p>(1) The poll at an ordinary general election is to be held on the first Thursday in May in the fifth <u>fourth</u> calendar year following that in which the previous ordinary general election was held, unless—</p> <p>(a) subsection (1A) prevents the poll being held on that day, or</p>	<p>SC(ME) Bill Part 1 Section 3(1)</p>

<p>(b) the day of the poll is determined by a proclamation under section 4.</p> <p>(1A) The poll is not to be held on the same date as the date of the poll at—</p> <p>(a) a parliamentary general election.</p> <p>(1B) Where subsection (1A) prevents the poll being held on the day specified in subsection (1), the poll is to be held on such day, subject to subsection (1A), as the Welsh Ministers may by order specify unless the day of the poll is determined by a proclamation under section 4(2) as modified by section 4(2A).</p> <p>(2) If the poll is to be held on the first Thursday in May or on the day specified by an order under subsection (1B), the Senedd—</p> <p>(a) is dissolved by virtue of this section at the beginning of the minimum period which ends with that day, and</p> <p>(b) must meet within the period of fourteen days beginning immediately after the day of the poll.</p> <p>(3) In subsection (2) “the minimum period” means the period determined in accordance with an order under section 13.</p> <p>(4) In calculating any period of days for the purposes of subsection (2)(b), the following days are to be disregarded—</p> <p>(a) Saturday and Sunday,</p> <p>(b) any day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971 (c. 80), and</p> <p>(c) any day appointed for public thanksgiving or mourning.</p> <p>(5) No order is to be made under subsection (1B) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Senedd.</p>	
<p>6—Voting at general elections</p> <p>(1) Each person entitled to vote at a general election in a Senedd constituency has two votes.</p> <p>(2) One (referred to in this Act as a “constituency vote”) is a vote which may be given for a candidate to be the Senedd constituency member for the Senedd constituency.</p> <p>(3) The other (referred to in this Act as an “electoral region vote”) is a vote which may be given for—</p> <p>(a) a registered political party which has submitted a list of candidates to be Senedd regional members for the Senedd electoral region in which the Senedd constituency is included, or</p> <p>(b) an individual who is a candidate to be a Senedd regional member for that Senedd electoral region.</p>	<p>SC(ME) Bill Part 2 Section 8</p>

~~(4) The Senedd constituency member for the Senedd constituency is to be returned under the simple majority system.~~

~~(5) The Senedd regional members for the Senedd electoral region are to be returned under the additional member system of proportional representation provided for in this Part.~~

~~(6) In this Act “registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).~~

~~7 Candidates at general elections~~

~~(1) At a general election a person may not be a candidate to be the Senedd constituency member for more than one Senedd constituency.~~

~~(2) Any registered political party may submit a list of candidates for return as Senedd regional members for a particular Senedd electoral region at a general election.~~

~~(3) The list must be submitted to the regional returning officer.~~

~~(4) The list must not include more than twelve persons (but may include only one).~~

~~(5) The list must not include a person—~~

~~(a) who is included on any other list submitted for the Senedd electoral region or any list submitted for another Senedd electoral region,~~

~~(b) who is an individual candidate to be a Senedd regional member for the Senedd electoral region or another Senedd electoral region,~~

~~(c) who is a candidate to be the Senedd constituency member for a Senedd constituency which is not included in the Senedd electoral region, or~~

~~(d) who is a candidate to be the Senedd constituency member for a Senedd constituency included in the Senedd electoral region but is not a candidate of the party.~~

~~(6) A person may not be an individual candidate to be a Senedd regional member for the Senedd electoral region if that person is—~~

~~(a) included on a list submitted by a registered political party for the Senedd electoral region or another Senedd electoral region,~~

~~(b) an individual candidate to be a Senedd regional member for another Senedd electoral region,~~

~~(c) a candidate to be the Senedd constituency member for a Senedd constituency which is not included in the Senedd electoral region, or~~

~~(d) a candidate of any registered political party to be the Senedd constituency member for a~~

~~Senedd constituency included in the Senedd electoral region.~~

~~(7) In this Act “regional returning officer”, in relation to a Senedd electoral region, means the person designated as the regional returning officer for the Senedd electoral region in accordance with an order under section 13.~~

~~8 Calculation of electoral region figures~~

~~(1) This section and section 9 are about the return of Senedd regional members for an electoral region at a general election.~~

~~(2) The person who is to be returned as the Senedd constituency member for each Senedd constituency in the Senedd electoral region is to be determined before it is determined who are to be returned as the Senedd regional members for the Senedd electoral region.~~

~~(3) For each registered political party by which a list of candidates has been submitted for the Senedd electoral region—~~

~~(a) there is to be added together the number of electoral region votes given for the party in the Senedd constituencies included in the Senedd electoral region, and~~

~~(b) the number arrived at under paragraph (a) is then to be divided by the aggregate of one and the number of candidates of the party returned as Senedd constituency members for any of those Senedd constituencies.~~

~~(4) For each individual candidate to be a Senedd regional member for the Senedd electoral region there is to be added together the number of electoral region votes given for the candidate in the Senedd constituencies included in the Senedd electoral region.~~

~~(5) The number arrived at—~~

~~(a) in the case of a registered political party, under subsection (3)(b), or~~

~~(b) in the case of an individual candidate, under subsection (4),~~

~~is referred to in this Act as the electoral region figure for that party or individual candidate.~~

~~9 Allocation of seats to electoral region members~~

~~(1) The first seat for the Senedd electoral region is to be allocated to the party or individual candidate with the highest electoral region figure.~~

~~(2) The second and subsequent seats for the Senedd electoral region are to be allocated to the party or individual candidate with the highest electoral region figure after any recalculation required by subsection (3) has been carried out.~~

~~(3) This subsection requires a recalculation under paragraph (b) of section 8(3) in relation to a party—~~
~~(a) for the first application of subsection (2), if the application of subsection (1) resulted in the allocation of a Senedd seat to the party, or~~
~~(b) for any subsequent application of subsection (2), if the previous application of that subsection did so, and a recalculation is to be carried out after adding one to the aggregate mentioned in that paragraph.~~
~~(4) An individual candidate already returned as an Senedd constituency member or Senedd regional member is to be disregarded.~~
~~(5) Seats for the Senedd electoral region which are allocated to a party are to be filled by the persons on the party's list in the order in which they appear on the list (disregarding anyone already returned as a Senedd constituency member, including anyone whose return is void).~~
~~(6) Once a party's list has been exhausted (by the return of persons included on it as Senedd constituency members or by the previous application of subsection (1) or (2)), the party is to be disregarded.~~
~~(7) If (on the application of subsection (1) or any application of subsection (2)) the highest electoral region figure is the electoral region figure of two or more parties or individual candidates, the subsection applies to each of them.~~
~~(8) However, if subsection (7) would mean that more than the full number of seats for the Senedd electoral region were allocated, subsection (1) or (2) does not apply until—~~
~~(a) a recalculation has been carried out under section 8(3)(b) after adding one to the number of votes given for each party with that electoral region figure, and~~
~~(b) one has been added to the number of votes given for each individual candidate with that electoral region figure.~~
~~(9) If, after that, the highest electoral region figure is still the electoral region figure of two or more parties or individual candidates, the regional returning officer must decide between them by lots.~~

6 Voting at general elections

(1) Each person entitled to vote at a general election in a Senedd constituency may give a vote for—
(a) a registered political party that has submitted a list of candidates to be Members of the Senedd for the constituency, or
(b) an individual who is a candidate (“an individual candidate”) to be a Member of the Senedd for the constituency.

(2) In this Act “registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

7 Candidates at general elections

(1) A registered political party may submit a list of candidates to be Members of the Senedd for a particular Senedd constituency at a general election.

(2) The list must be submitted to the constituency returning officer.

(3) The list must not include more than eight people (but may include only one).

(4) The list must not include a person—

(a) who is included on another list submitted under this section (whether for the constituency or another constituency);

(b) who is an individual candidate to be a Member of the Senedd (whether for the constituency or another constituency).

(5) A person may not be an individual candidate to be a Member of the Senedd for a constituency if that person is—

(a) included on a list submitted under this section (whether for the constituency or another constituency);

(b) an individual candidate to be a Member of the Senedd for another constituency.

(6) In this Act, “constituency returning officer”, in relation to a Senedd constituency, means the person designated as the returning officer for the constituency in accordance with an order under section 13 (power of the Welsh Ministers to make provision about elections etc.)

8 Calculation of seat allocation figures

(1) This section and section 9 are about the allocation, to registered political parties or individual candidates, of the seats for a Senedd constituency at a general election.

(2) For each registered political party by which a list of candidates has been submitted under section 7

(candidates at general elections) for the constituency—

(a) the votes given in the constituency for the party are to be added up, and

(b) the number arrived at under paragraph (a) is to be divided by the seat allocation divisor.

(3) On the first calculation for a party under subsection

(2)(b), the seat allocation divisor for the party is one (section 9 makes provision about recalculations under that subsection with an increased divisor).

(4) For each individual candidate to be a Member of the Senedd for the constituency, the votes given in the constituency for the candidate are to be added up.

(5) The number arrived at—

(a) in the case of a registered political party, under subsection (2)(b), or
(b) in the case of an individual candidate, under subsection (4),
is referred to in section 9 as the “seat allocation figure” for that party or individual candidate.

9 Allocation of seats

(1) The first seat for a Senedd constituency is to be allocated to the registered political party or individual candidate with the highest seat allocation figure.

(2) The second and subsequent seats for the constituency are to be allocated to the party or individual candidate with the highest seat allocation figure after any recalculation required by subsection (3) has been carried out.

(3) This subsection requires a recalculation of the seat allocation figure for a registered political party—

(a) for the first application of subsection (2), if the application of subsection (1) resulted in the allocation to the party of a seat for the constituency, or

(b) for any subsequent application of subsection (2), if the previous application of that subsection resulted in the allocation to the party of a seat for the constituency, and each recalculation is to be carried out under section 8(2)(b) after adding one to the previous seat allocation divisor for that party.

(4) An individual candidate already allocated a seat as a Member of the Senedd for the constituency is to be disregarded when applying subsection (2).

(5) Seats for the constituency that are allocated to a party are to be filled by the candidates on the party’s list in the order in which they appear on the list.

(6) Once a party’s list has been exhausted (by the application of subsection (1) or (2)), the party is to be disregarded when applying subsection (2).

(7) If, on the application of subsection (1) or on an application of subsection (2), the highest seat allocation figure is the seat allocation figure for two or more parties or individual candidates (referred to in subsection (8) as the “tied seat allocation figure”), subsection (1) or (2) (as the case may be) applies to each of them.

(8) But if subsection (7) would mean that more than the full number of seats for the constituency were allocated, subsection (1) or (2) is not to be applied until—

(a) a recalculation of the seat allocation figure for any party with the tied seat allocation figure has been carried out under section 8(2)(b) after adding one to the number arrived at under section 8(2)(a), and

<p><u>(b) one has been added to the number arrived at under section 8(4) for any individual candidate with the tied seat allocation figure.</u></p> <p><u>(9) If, after that, the highest seat allocation figure is still the seat allocation figure for two or more parties or individual candidates (so it is still the case that more than the full number of seats for the constituency would be allocated), the constituency returning officer must decide between them by lots.</u></p>	
<p>10 Constituency vacancies</p> <p>(1) This section applies if the seat of a Senedd constituency member returned for a Senedd constituency is vacant.</p> <p>(2) Subject to subsection (7), an election must be held in the Senedd constituency to fill the vacancy.</p> <p>(3) At the election, each person entitled to vote only has a constituency vote; and the Senedd constituency member for the Senedd constituency is to be returned under the simple majority system.</p> <p>(4) The date of the poll at the election must be fixed by the Presiding Officer.</p> <p>(5) The date must fall within the period of three months beginning with the occurrence of the vacancy.</p> <p>(6) But if the vacancy does not come to the Presiding Officer's notice within the period of one month beginning with its occurrence, the date must fall within the period of three months beginning when it does come to the Presiding Officer's notice.</p> <p>(7) The election must not be held if it appears to the Presiding Officer that the latest date which may be fixed for the poll would fall within the period of three months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 4).</p> <p>(8) The standing orders must make provision for determining the date on which a vacancy occurs for the purposes of this section.</p> <p>(9) A person may not be a candidate in an election to fill a vacancy if the person is—</p> <p>(a) a Member of the Senedd, or</p> <p>(b) a candidate in another such election.</p>	<p>SC(ME) Bill Part 2 Section 9(2)</p>
<p>11 Electoral region vacancies</p> <p>(1) This section applies if the seat of a Senedd regional member returned for a Senedd electoral region is vacant.</p> <p>(2) If the Senedd regional member was returned (under section 9 or this section) from the list of a registered political party, the regional returning officer must notify to the Presiding Officer the name of the person who is to fill the vacancy.</p>	<p>SC(ME) Bill Part 2 Section 9(3)</p>

~~(3) A person's name may only be so notified if the person—~~
~~(a) is included on the list submitted by the registered political party for the last general election,~~
~~(b) is willing to serve as a Senedd regional member for the Senedd electoral region, and~~
~~(c) is not a person to whom subsection (4) applies.~~
~~(4) This subsection applies to a person if—~~
~~(a) the person is not a member of the registered political party, and~~
~~(b) the registered political party gives notice to the regional returning officer that the person's name is not to be notified to the Presiding Officer as the name of the person who is to fill the vacancy.~~
~~(5) But if there is more than one person who satisfies the conditions in subsection (3), the regional returning officer may only notify the name of whichever of them was the higher, or the highest, on that list.~~
~~(6) A person whose name is notified under subsection (2) is to be treated as having been declared to be returned as a Senedd regional member for the Senedd electoral region on the day on which notification of the person's name is received by the Presiding Officer.~~
~~(7) The seat remains vacant until the next general election—~~
~~(a) if the Senedd regional member was returned as an individual candidate, or~~
~~(b) if that Senedd regional member was returned from the list of a registered political party but there is no one who satisfies the conditions in subsection (3).~~
~~(8) For the purposes of this section, a person included on the list submitted by a registered political party for the last general election who—~~
~~(a) was returned as a Member of the Senedd at that election (even if the return was void), or~~
~~(b) has subsequently been returned under section 10 or this section (even if the return was void),~~
is treated on and after the return of the person, as not having been included on the list.

11 Vacant seats

(1) This section makes provision about what is to happen if the seat of a Member of the Senedd becomes vacant.
(2) If the Member was an individual candidate when returned as a Member of the Senedd, the seat remains vacant until the next general election.
(3) If the Member was returned as a Member of the Senedd from a list submitted under section 7 by a registered political party, the constituency returning officer must notify to the Presiding Officer the name of the person (if any) who is to fill the vacancy.

<p><u>(4) A person’s name may be notified under subsection (3) only if the person—</u> <u>(a) is included on the list mentioned in subsection (3),</u> <u>(b) is willing to serve as a Member of the Senedd, and</u> <u>(c) is not a person to whom subsection (5) applies.</u> <u>(5) This subsection applies to a person if—</u> <u>(a) the person is not a member of the registered political party that submitted the list, and</u> <u>(b) the party gives notice to the constituency returning officer that the person’s name is not to be notified to the Presiding Officer as the name of the person who is to fill the vacancy.</u> <u>(6) But if there is more than one person who satisfies the conditions in subsection (4), the constituency returning officer may only notify the name of whichever of them was the higher, or the highest, on the list.</u> <u>(7) If there is no-one who satisfies the conditions in subsection (4), the seat remains vacant until the next general election.</u> <u>(8) A person whose name is notified under subsection (3) is to be treated as having been declared to be returned as a Member of the Senedd on the day on which notification of the person’s name is received by the Presiding Officer.</u> <u>(9) For the purposes of this section, a person included on the list mentioned in subsection (3)—</u> <u>(a) who was returned as a Member of the Senedd at the election for which the list was submitted (even if the return was void), or</u> <u>(b) who was subsequently returned as a Member of the Senedd under this section (even if the return was void), is treated on and after their return as not having been included on the list.</u></p>	
<p>12 Entitlement to vote (1) The persons entitled to vote at an election of Members of the Senedd (or of a Member of the Senedd) in a Senedd constituency are those who on the day of the poll— (a) would be entitled to vote as electors at a local government election in an electoral area wholly or partly included in the Senedd constituency..., and (b) are registered in the register of local government electors at an address within the Senedd constituency. (1A). (1B). (2) But a person is not entitled as an elector— (a) to cast more than one constituency vote, or more than one electoral region vote, <u>vote</u> in the same Senedd constituency at any general election, <u>or</u></p>	<p>SC(ME) Bill Part 2 Section 10(2)</p>

<p>(b) to vote in more than one Senedd constituency at any general election, or (c) to cast more than one vote in any election held under section 10.</p>	
<p>13 Power of the Welsh Ministers to make provision about elections etc</p> <p>(1) The Welsh Ministers may by order make provision that would be within the legislative competence of the Senedd, if included in an Act of the Senedd, as to—</p> <p>(a) the conduct of elections of Members of the Senedd, (b) the questioning of an election of Members of the Senedd and the consequences of irregularities, and (c) the return of a Member of the Senedd otherwise than at an election.</p> <p>(2) The provision that may be made under subsection (1)(a) includes, in particular, provision—</p> <p>(a) about the registration of electors, (b) for disregarding alterations in a register of electors, (c) about the limitation of the election expenses of candidates (and the creation of criminal offences in connection with the limitation of such expenses), (d) for the combination of polls, (e) for modifying the application of sections 6 and 8(2) where the poll at an election for the return of a Senedd constituency member is abandoned (or notice of it is countermanded), and (f) for modifying section 9(7) to ensure the allocation of the correct number of seats for the <u>region constituency</u>.</p> <p>(3) The provision that may be made under subsection (1)(c) includes, in particular, provision modifying section 11(3) to <u>11(4) to (6)</u>.</p> <p>(4) An order under this section may—</p> <p>(a) apply or incorporate, with or without modifications or exceptions, any provision of or made under the election enactments, and (b) so far as may be necessary in consequence of any provision made by an order under this section, make modifications of any provision made by or under any enactment relating to the registration of parliamentary electors or local government electors.</p> <p>(5) In subsection (4)(a) “the election enactments” means—</p> <p>(a) the Representation of the People Acts, (b) the Political Parties, Elections and Referendums Act 2000, (c)... and (d) any other enactments relating to parliamentary elections... or local government elections.</p>	<p>SC(ME) Bill Part 2 Section 10(3)</p>

<p>(6) No return of a Member of the Senedd at an election may be questioned except by an election petition under the provisions of Part 3 of the Representation of the People Act 1983 as applied or incorporated in an order under this section.</p> <p>(7) No order is to be made under this section unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Senedd.</p>	
<p>13A Power of the Secretary of State to make provision about the combination of polls</p> <p>(1) The Secretary of State may by regulations make provision for—</p> <p>(a) the combination of polls at ordinary general elections of Members of the Senedd with polls at parliamentary by-elections, and</p> <p>(b) the combination of polls at extraordinary general elections of Members of the Senedd, and by-elections for the return of Members of the Senedd, with polls at parliamentary by-elections or parliamentary general elections.</p> <p>(2)</p> <p>(3)</p> <p>(4) The Secretary of State may not make regulations under this section without the agreement of the Welsh Ministers.</p> <p>(5) Regulations under this section may—</p> <p>(a) apply or incorporate, with or without modifications or exceptions, any provision made by or under the election enactments, and</p> <p>(b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections of Members of the Senedd.</p> <p>(6) In subsection (5)(a) “the election enactments” has the meaning given by section 13(5).</p> <p>(7) No regulations are to be made under this section unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.</p>	<p>SC(ME) Bill Part 2 Section 10(4)</p>
<p>16 Disqualification from being Member of the Senedd</p> <p>(A1) A person is disqualified from being a Member of the Senedd, and from being a candidate to be a Member of the Senedd, if that person—</p> <p>(a) falls within any of the categories of person specified in Part 1 of Schedule 1A, or</p>	<p>EEB Bill Part 2, Chapter 3, section 61</p>

<p>(b) holds any of the offices specified in the Table in Part 2 of Schedule 1A.</p> <p>(1) A person is disqualified from being a Member of the Senedd (but not from being a candidate to be a Member of the Senedd) if that person—</p> <p>(za) is a member of the House of Commons (but see sections 17A and 17B),</p> <p>(zb) is a member of the House of Lords (but see section 17C),</p> <p>(zc) is a member of the council of a county or county borough in Wales (but see sections 17D, 17E and 17F),</p> <p><u>(zc) is a member of the council of a county, a county borough or a community in Wales (but see section 17D),</u></p> <p>(zd) is a member of the Scottish Parliament,</p> <p>(ze) is a member of the Northern Ireland Assembly,</p> <p>(zf) is a member of the European Parliament, or</p> <p>(a)</p> <p>(b) holds any of the offices for the time being designated by Order in Council as offices disqualifying persons from being Members of the Senedd,</p> <p>(c)</p> <p>(d)</p> <p>(e)</p> <p>(1A) A person returned at an election as a Member of the Senedd is not disqualified under subsection (1)(zd), (ze), (zf) or (b) at any time before the person purports to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).</p> <p>(2)</p> <p>(3)</p> <p>(4)</p> <p>(5) An Order in Council under paragraph (b) of subsection (1)—</p> <p>(a) may designate particular offices or offices of any description, and</p> <p>(b) may designate an office by reference to any characteristic of a person holding it,</p> <p>and for the purposes of this section “office” includes any post or employment.</p>	
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<p>(6) No recommendation is to be made to Her Majesty in Council to make an Order in Council under subsection (1)(b) unless a draft of the statutory instrument containing the Order in Council has been laid before, and approved by a resolution of, the Senedd.</p>	
<p>[F117B] Exception from disqualification by virtue of being an MP: general election of [F2] Members of the Senedd] within 372 days</p> <p>(1) This section applies if—</p> <p>(a) [F3] a Member of the Senedd] is returned as a member of the House of Commons, and</p> <p>(b) the expected day of the next general election of [F2] Members of the Senedd] is within the period of 372 days beginning with the day the person is so returned (“the return day”).</p> <p>(2) The member is not disqualified under section 16(1)(za) (disqualification by virtue of being an MP) at any time in the period—</p> <p>(a) beginning with the return day, and</p> <p>(b) ending immediately before the day of the next general election of [F2] Members of the Senedd].</p> <p>(3) For the purposes of subsection (1)(b) the expected day of the next general election of [F2] Members of the Senedd] is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).</p> <p>[F4] (3A) Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general election being held on the day specified in section 3(1)—</p> <p>(a) if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);</p> <p>(b) if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.</p> <p>(3B) Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—</p> <p>(a) if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;</p>	<p>EEB Bill Part 2, Chapter 3, section 6</p>

<p>(b)if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).]</p> <p>(4)Where, at the relevant time, section 5(2) or (3) (extraordinary general elections) applies—</p> <p>(a)if [F5a proclamation under section 5(4) has been issued], the expected day is the day on which the poll is required to be held in accordance with that [F6proclamation];</p> <p>(b)if no [F7proclamation under section 5(4) has been issued] but a day has been proposed under section 5(1), that is the expected day;</p> <p>(c)otherwise, the expected day is to be treated as being within the period mentioned in subsection (1)(b).</p> <p>(5)For the purpose of determining the expected day, no account is to be taken of the possibility of—</p> <p>(a)[F8a day being proposed under section 4(1) (power to vary date of ordinary general election)] after the relevant time, or</p> <p>(b)section 5(2) or (3) (extraordinary general elections) first applying after that time.</p> <p>(6)References in this section to the “day” of the election are to the day on which the poll at the election is held.]</p>	
<p>17D Exception from disqualification by virtue of being a councillor: recently elected members</p> <p>(1) A person returned at an election as a Member of the Senedd is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough <u>or community council</u> in Wales) at any time before the person purports to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).</p> <p>(2) A Member of the Senedd who is returned at an election as a member of the council of a county or county borough <u>or community council</u> in Wales is not disqualified under section 16(1)(zc) at any time before the person makes a declaration of acceptance of office under section 83 of the Local Government Act 1972 (c. 70).</p>	<p>EEB Bill Part 2, Chapter 3, section 61</p>
<p>[F117EException from disqualification by virtue of being a councillor: ordinary election of councillors within 372 days</p> <p>(1)This section applies if—</p> <p>(a)a member of the council of a county or county borough in Wales is returned as a Member of the Senedd, and</p>	<p>EEB Bill Part 2, Chapter 3, section 61</p>

<p>(b)the expected day of the next ordinary election of members of the council is within the period of 372 days beginning with the day the person is so returned (“the return day”).</p> <p>(2)The member is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—</p> <p>(a)beginning with the return day, and</p> <p>(b)ending with the fourth day after the day of the next ordinary election of members of the council.</p> <p>(3)For the purposes of subsection (1)(b) the expected day of the next ordinary election of members of the council is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).</p> <p>(4)For the purpose of determining the expected day, no account is to be taken of the possibility of—</p> <p>(a)an order under section 37ZA(1) [F2or (1A)] of the Representation of the People Act 1983 (c. 2) (power to vary ordinary day of local elections), or</p> <p>(b)an order under section 87 of the Local Government Act 2000 (c. 22) (power to change year in which local election is held),</p> <p>being made after the relevant time.</p> <p>(5)References in this section and section 17F to the “day” of an election are to the day on which the poll at the election is held.]</p>	
<p>[F117FException from disqualification by virtue of being a councillor: general election of Members of the Senedd within 372 days</p> <p>(1)This section applies if—</p> <p>(a)a Member of the Senedd is returned as a member of the council of a county or county borough in Wales, and</p> <p>(b)the expected day of the next general election of Members of the Senedd is within the period of 372 days beginning with the day the person is so returned (“the return day”).</p> <p>(2)The member is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—</p> <p>(a)beginning with the return day, and</p>	<p>EEB Bill Part 2, Chapter 3, section 61</p>

<p>(b)ending immediately before the day of the next general election of Members of the Senedd.</p> <p>(3)For the purposes of subsection (1)(b) the expected day of the next general election of Members of the Senedd is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).</p> <p>(4)Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general election being held on the day specified in section 3(1)—</p> <p>(a)if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);</p> <p>(b)if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.</p> <p>(5)Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—</p> <p>(a)if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;</p> <p>(b)if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).</p> <p>(6)Where, at the relevant time, section 5(2) or (3) (extraordinary general elections) applies—</p> <p>(a)if a proclamation under section 5(4) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;</p> <p>(b)if no proclamation under section 5(4) has been issued but a day has been proposed under section 5(1), that is the expected day;</p> <p>(c)otherwise, the expected day is to be treated as being within the period mentioned in subsection (1)(b).</p> <p>(7)For the purpose of determining the expected day, no account is to be taken of the possibility of—</p> <p>(a)a day being proposed under section 4(1) (power to vary date of ordinary general election) after the relevant time, or</p> <p>(b)section 5(2) or (3) (extraordinary general elections) first applying after that time.]</p>	
<p>18 Effect of disqualification (A1) If a person who is disqualified from being a candidate to be a Member of the Senedd (see section 16(A1)) is</p>	<p>SC(ME) Bill Part 2 Section 10(5)</p>

<p>nominated as a candidate at a general election of Members of the Senedd or an election to fill a vacancy under section 40, the person's nomination is void.</p> <p>(1) If a person who is disqualified from being a Member of the Senedd is returned as a Member of the Senedd, the person's return is void and the person's seat is vacant.</p> <p>(2)</p> <p>(3) If a person who is a Member of the Senedd becomes disqualified—</p> <p>(a) from being a Member of the Senedd,...</p> <p>(b)</p> <p>the person ceases to be a Member of the Senedd (so that the person's seat is vacant).</p> <p>(4) Subsections (1) to (3) have effect subject to any resolution of the Senedd under section 17(3).</p> <p>(5) In addition, subsection (3) has effect subject to—</p> <p>(a)</p> <p>(b) section 427 of the Insolvency Act 1986 (c. 45) (bankruptcy etc.).</p> <p>(6) If, in consequence of the provision mentioned in subsection (5), the seat of a person who is disqualified from being a Member of the Senedd is not vacant, the person does not cease to be a Member of the Senedd until the person's seat becomes vacant.</p> <p>(7) But for any period for which the person is disqualified but the person's seat is not vacant—</p> <p>(a) the person must not participate in any Senedd proceedings, and</p> <p>(b) any of the person's other rights and privileges as a Member of the Senedd may be withdrawn by the Senedd.</p> <p>(8) The validity of any Senedd proceedings is not affected by the disqualification of any person—</p> <p>(a) from being a Member of the Senedd,...</p> <p>(b)</p>	
<p>20 Remuneration of [Members of the Senedd]</p> <p>(1) [Provision must be made] for the payment of salaries to [Members of the Senedd].</p> <p>(2) [Provision may be made] for the payment of allowances to [Members of the Senedd].</p> <p>(3) [Provision may be made] for the payment of pensions, gratuities or allowances to, or in respect of, any person who—</p> <p>(a) has ceased to be [a Member of the Senedd], or</p> <p>(b) has ceased to hold office as the Presiding Officer or Deputy Presiding Officer a Deputy Presiding Officer, or such other office in connection with the [Senedd] as the [Senedd] may determine, but continues to be [a Member of the Senedd].</p>	<p>SC(ME) Bill Part 1 Section 4(2)</p>

<p>(4) Such provision may, in particular, include provision for—</p> <p>(a) contributions or payments towards provision for such pensions, gratuities or allowances, and</p> <p>(b) the establishment and administration (whether by the [Senedd] Commission or otherwise) of one or more pension schemes.</p> <p>(5) Sums required for the making of payments by virtue of provision under subsection (1) or (3) to or in respect of a person who holds or has held the office of Presiding Officer or Deputy Presiding Officer are to be charged on the Welsh Consolidated Fund.</p> <p>[(6) Provision under this section is to be made by determination made by the Board.]</p> <p>[(7) The [Senedd] Commission must give effect to any determination made by the Board under this section.</p> <p>(8) In this section (and in sections 22, 24, 53 and 54) “the Board” means the [Independent Remuneration Board of the Senedd] established by section 1 of the National [Senedd] for Wales (Remuneration) Measure 2010 (nawm 4—).]</p>	
<p>25 Presiding Officer etc</p> <p>(1) The [Senedd] must, at its first meeting following a general election, elect from among the [Members of the Senedd]—</p> <p>(a) a presiding officer (referred to in this Act as “the Presiding Officer”), and</p> <p>(b) a deputy presiding officer (referred to in this Act as “the Deputy Presiding Officer”)(see subsection (1B)(a)).</p> <p><u>(1A) The Senedd may at any time elect one additional deputy presiding officer from among the Members of the Senedd (but there may be no more than one additional deputy presiding officer at any time).</u></p> <p><u>(1B) In this Act, “Deputy Presiding Officer” means, unless the context requires otherwise—</u></p> <p><u>(a) the person elected under paragraph (b) of subsection (1);</u></p> <p><u>(b) a person elected under subsection (1A),</u> <u>but in section 23(4)(b) “Deputy Presiding Officer” means only the person elected under paragraph (b) of subsection (1).</u></p> <p>(2) The person elected under paragraph (a) of subsection (1) is to be known as the Presiding Officer or by such other title as the standing orders may provide; and the person elected under paragraph (b) of that subsection is to be known as the Deputy Presiding Officer <u>and a person elected under subsection (1A) are each to be known as Deputy Presiding Officer</u> or by such other title as the standing orders may provide.</p>	<p>SC(ME) Bill Part 1 Section 4(1)</p>

(3) The Presiding Officer holds office until the conclusion of the next election of a Presiding Officer under subsection (1).

~~(4) The Deputy Presiding Officer holds office until the [Senedd] is dissolved.~~(4) A Deputy Presiding Officer holds office until the Senedd is dissolved; but the standing orders may make provision for a Deputy Presiding Officer elected under subsection (1A) to hold office for a shorter time.

~~(5) But the Presiding Officer or Deputy Presiding Officer a Deputy Presiding Officer—~~

(a) may at any time resign,

(b) ceases to hold office on ceasing to be [a Member of the Senedd] otherwise than by reason of a dissolution, and

(c) may be removed from office by the [Senedd].

(6) If the Presiding Officer or the Deputy Presiding Officer elected under paragraph (b) of subsection (1) ceases to hold office under subsection (5) (or dies), the [Senedd] must elect a replacement from among the [Members of the Senedd] (and references in this section to a person elected under paragraph (a) or (b) of subsection (1) include a reference to a person elected under this subsection).

(7) Subject to subsection (9), the Presiding Officer and the Deputy Presiding Officer elected under paragraph (b) of subsection (1) must not belong to—

(a) the same political group, or

(b) different political groups both of which are political groups with an executive role.

(7A) Subject to subsection (9), a Deputy Presiding Officer elected under subsection (1A) must not belong to—

(a) the same political group as either the Presiding Officer or Deputy Presiding Officer elected under paragraph (b) of subsection (1), or

(b) where the Presiding Officer and the Deputy Presiding Officer elected under paragraph (b) of subsection (1) both belong to political groups without an executive role, a political group without an executive role.

(8) For the purposes of this Act a political group is a political group with an executive role if the First Minister or one or more of the Welsh Ministers appointed under section 48 belong to it.

(9) The [Senedd] may resolve that ~~subsection (7) is not to apply~~ one or both of subsections (7) and (7A) are not to apply for so long as the resolution so provides; but if the motion for the resolution is passed on a vote it is of no effect unless at least two-thirds of the [Members of the Senedd] voting support it.

~~(10) The Presiding Officer's functions may be exercised by the Deputy Presiding Officer a Deputy Presiding Officer if—~~

(a) the office of Presiding Officer is vacant, or

(b) the Presiding Officer is for any reason unable to act.

<p>(11) The Presiding Officer may (subject to the standing orders) authorise the Deputy Presiding Officer <u>a Deputy Presiding Officer</u> to exercise functions of the Presiding Officer.</p> <p>(12) The standing orders may include provision for the Presiding Officer's functions to be exercisable by any person specified in, or determined in accordance with, the standing orders if—</p> <p>(a) the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act, and</p> <p>(b) the office of Deputy Presiding Officer is vacant or the Deputy Presiding Officer is for any reason unable to act. <u>(b) the office of Deputy Presiding Officer is vacant or, for any reason, no Deputy Presiding Officer is able to act.</u></p> <p>(13) The standing orders may include provision as to the participation (including voting) in [Senedd] proceedings of the Presiding Officer and Deputy Presiding Officer <u>a Deputy Presiding Officer</u> and any person acting by virtue of subsection (12).</p> <p>(14) The validity of any act of a person as Presiding Officer or Deputy Presiding Officer, or of any person acting by virtue of subsection (12), is not affected by any defect in the person's appointment by the [Senedd].</p> <p>(15) Subsections (10) to (12) are subject to paragraph 11 of Schedule 2.</p>	
<p>36 Integrity</p> <p>(1) The standing orders must include provision—</p> <p>(a) for a register of interests of Members of the Senedd, and</p> <p>(b) for the register to be published and made available for public inspection.</p> <p>(2) The standing orders must require Members of the Senedd to register in the register of interests registrable interests, as defined for the purposes of this subsection.</p> <p>(3) The standing orders must require any Member of the Senedd who has—</p> <p>(a) a financial interest, as defined for the purposes of this subsection, or</p> <p>(b) any other interest, or an interest of any other kind, as so defined,</p> <p>in any matter to declare that interest before taking part in Senedd proceedings relating to that matter.</p> <p>(4) The standing orders may include provision for preventing or restricting the participation in any Senedd proceedings of a Member of the Senedd who has an interest within subsection (2) or (3) in any matter to which the proceedings relate.</p> <p>(5) The standing orders must include provision prohibiting a Member of the Senedd from—</p>	<p>SC(ME) Bill Part 2 Section 10(6)</p>

<p>(a) advocating or initiating any cause or matter on behalf of any person, by any means specified in the standing orders, in consideration of any payment or benefit in kind of a description so specified, or</p> <p>(b) urging, in consideration of any such payment or benefit in kind, any other Member of the Senedd to advocate or initiate any cause or matter on behalf of any person by any such means.</p> <p>(6) The standing orders must include provision about (or for the making of a code or protocol about) the different roles and responsibilities of Senedd constituency members and Senedd regional members; and—</p> <p>(a) Senedd constituency members must not describe themselves in a manner which suggests that they are Senedd regional members, and</p> <p>(b) Senedd regional members must not describe themselves in a manner which suggests that they are Senedd constituency members.</p> <p>(7) a Member of the Senedd who—</p> <p>(a) takes part in Senedd proceedings without having complied with, or in contravention of, any provision included in the standing orders in pursuance of subsections (2) to (4), or</p> <p>(b) contravenes any provision included in the standing orders in pursuance of subsection (5), commits an offence.</p> <p>(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.</p> <p>(9) A prosecution for an offence under subsection (7) cannot be instituted except by or with the consent of the Director of Public Prosecutions.</p> <p>(10) The validity of any Senedd proceedings is not affected by any contravention or failure to comply with any provision included in the standing orders in pursuance of this section.</p> <p>(11) In this section—</p> <p>(a) references to a Member of the Senedd (apart from those in subsection (6)) include the Counsel General, if not a Member of the Senedd, and</p> <p>(b) “financial interest” includes a benefit in kind.</p>	
<p>41 Proceedings by or against [Senedd] etc</p> <p>(1) Proceedings by or against the [Senedd] are to be instituted by or against the [Senedd] Commission on behalf of the [Senedd].</p> <p>(2) Proceedings by or against—</p> <p>(a) the Presiding Officer or Deputy Presiding Officer a <u>Deputy Presiding Officer</u>, or</p> <p>(b) a member of the staff of the [Senedd],</p>	<p>SC(ME) Bill Part 1 Section 4(3)</p>

<p>are (unless instituted against or by the [Senedd] Commission) to be instituted by or against the [Senedd] Commission on behalf of the Presiding Officer, Deputy Presiding Officer or member of staff.</p> <p>(3) In any proceedings against the [Senedd] the court must not grant a mandatory, prohibiting or quashing order or an injunction, make an order for specific performance or stay the proceedings but may instead make a declaration.</p> <p>(4) In any proceedings against—</p> <p>(a) any [Member of the Senedd],</p> <p>(b) the Presiding Officer or Deputy Presiding Officer a <u>Deputy Presiding Officer</u>,</p> <p>(c) any member of the staff of the [Senedd], or</p> <p>(d) the [Senedd] Commission,</p> <p>the court must not grant a mandatory, prohibiting or quashing order or an injunction, make an order for specific performance or stay the proceedings if the effect of doing so would be to give any relief against the [Senedd] which could not have been given in proceedings against the [Senedd].</p> <p>(5) References in this section to an order include an order which is not final.</p>	
<p>51 Limit on number of Ministers</p> <p>(1) No more than twelve <u>17</u> persons are to hold a relevant Welsh Ministerial office at any time.</p> <p>(2) A relevant Welsh Ministerial office means the office of Welsh Minister appointed under section 48 or the office of Deputy Welsh Minister.</p> <p><u>(3) The Welsh Ministers may by regulations amend subsection (1) to increase the maximum number of holders of a relevant Welsh Ministerial office—</u></p> <p><u>(a) from 17 to 18 or 19;</u></p> <p><u>(b) from 18 to 19.</u></p> <p><u>(4) The power in subsection (3) may not be used to lower the maximum number (including by revoking regulations made under that subsection).</u></p> <p><u>(5) A statutory instrument containing regulations under subsection (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of the Senedd.</u></p>	<p>SC(ME) Bill Part 1 Section 5</p>
<p>159 Index of defined expressions</p> <p>In this Act the following expressions are defined or otherwise explained by the provisions indicated—</p> <p>...</p> <p>constituency vote ————— section 6(2)</p> <p>...</p> <p>the Deputy Presiding Officer ————— section 25(1)(b)</p> <p>...</p>	<p>SC(ME) Bill Part 1 Section 4(4)</p> <p>Part 2 Section 10(7)</p>

<p>electoral region figure — section 8(5) electoral region vote — section 6(3) ... regional returning officer — section 7(7) ... Senedd constituency member — section 1(2)(a) Senedd electoral region — section 2(2) and (3) ... Senedd regional member — section 1(2)(b)</p>	
<p>SCHEDULE 1A</p> <p>DISQUALIFICATION FROM BEING A MEMBER OF THE SENEDD OR A CANDIDATE IN AN ELECTION TO BE A MEMBER OF THE SENEDD</p> <p>PART 1 CATEGORIES OF PERSONS DISQUALIFIED</p> <p><i>Persons under 18 years of age</i></p> <p>1 A person who has not attained the age of 18 before the day on which the person is nominated as a candidate for election as a Member of the Senedd.</p> <p><i>Citizenship</i></p> <p>2.-(1) A person who is not—</p> <p>(a) a British citizen, (b) a qualifying Commonwealth citizen, (c) a qualifying foreign citizen, (d) a citizen of the Republic of Ireland, or (e) a citizen of the European Union who is resident in the United Kingdom.</p> <p>(2) For the purposes of sub-paragraph (1), a person is a qualifying Commonwealth citizen if that person is a Commonwealth citizen who either—</p> <p>(a) is not a person who requires leave under the Immigration Act 1971 (c. 77) to enter or remain in the United Kingdom, or (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.</p>	<p>EEB Bill Part 2, Chapter 3, section 63 Schedule 1, Part 4, 12</p> <p>SC(ME) Bill Part 1 Section 6</p> <p>Part 2 Section 10(8)</p>

(3) For the purposes of sub-paragraph (1), a qualifying foreign citizen is a person resident in the United Kingdom who—

(a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of the European Union, and

(b) either—

(i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or

(ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(4) But a person is not a qualifying Commonwealth citizen by virtue of sub-paragraph (2)(a) or a qualifying foreign citizen by virtue of sub-paragraph (3)(b)(i) if that person does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).

Bankruptcy

3 A person in respect of whom one or more of the following orders has effect—

(a) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 (c. 45) or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19));

(b) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, Part 13 of the Bankruptcy (Scotland) Act 2016 (asp 21) or Schedule 2A to the Insolvency (Northern Ireland) Order 1989.

4 A person who is disqualified from being a member of the House of Commons under section 427 of the Insolvency Act 1986 because of an award of sequestration made by a court in Scotland.

Persons guilty of corrupt or illegal practices at elections

5 A person who is incapable of being elected to the House of Commons having been reported personally guilty or convicted of a corrupt or illegal practice under the Representation of the People Act 1983 (c. 2).

5A A person who is incapable of being elected to or holding

elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) 1962 (c. 14) having been reported guilty or convicted of a corrupt or illegal practice.

Persons imprisoned or detained following conviction etc.

6.-(1) A person found guilty of one or more offences (whether before or after the passing of this Act and whether in the United Kingdom or elsewhere), and sentenced or ordered to be imprisoned or detained indefinitely or for more than one year.

(2) A person is disqualified under this paragraph only while the person is—

(a) detained anywhere in the United Kingdom, the Channel Islands, the Isle of Man, or elsewhere in the European Union, in pursuance of the sentence or order, or

(b) unlawfully at large at a time when the person would otherwise be so detained.

Sex offenders

7 A person subject to—

(a) the notification requirements of, or an order under, Part 2 of the Sexual Offences Act 2003 (c. 42) or

(b) an order under Chapter 2 of Part 11 of the Sentencing Code.

[Persons not registered in electoral register at an address in Wales](#)

[8 A person who is not registered in the register of local government electors at an address within a Senedd constituency.](#)

PART 2 OFFICES THAT DISQUALIFY THE HOLDER

TABLE

Offices and bodies in respect of which there are disqualifying offices

The disqualifying offices

Armed forces

Members of the Royal Navy, the Royal Marines, the regular army (as defined by section 374 of the Armed Forces Act

<p>Auditor General for Wales or Archwilydd Cyffredinol Cymru</p> <p>Children's Commissioner for Wales or Comisiynydd Plant Cymru</p> <p>Civil service</p>	<p>2006 (c. 52)) or the Royal Air Force, not including—</p> <p>(a) an officer on the retired or emergency list of any of the regular armed forces of the Crown,</p> <p>(b) a person who holds an emergency commission in any of those forces,</p> <p>(c) a person who belongs to any reserve of officers of any of those forces,</p> <p>(d) a naval, army, marine or air force pensioner, or former soldier who is liable to be recalled for service, or</p> <p>(e) a person who is an Admiral of the Fleet, a Field Marshal or a Marshal of the Royal Air Force and does not for the time being hold an appointment in the naval, military or air force service of the Crown</p> <p>The Auditor General</p> <p>The Commissioner and deputy Commissioner</p> <p>Members of the civil service of the State, including the civil service of Northern Ireland, the Northern Ireland Court Service, Her Majesty's Diplomatic Service and Her Majesty's Overseas Civil Service</p>	
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Civil Service Commission	The First Civil Service Commissioner and Civil Service Commissioners	
Commission for Equality and Human Rights	The Commissioners	
Commissioner for Older People in Wales or Comisiynydd Pobl Hŷn Cymru	The Commissioner and deputy Commissioner	
Commissioner for Public Appointments	The Commissioner	
Comptroller and Auditor General or Rheolwr ac Archwilydd Cyffredinol	The Comptroller and Auditor General	
Electoral Commission or Comisiwn Etholiadol	The Electoral Commissioners and members of the staff of the Commission	
Electoral Registration Officers	Electoral registration officer for any area in Wales	
Future Generations Commissioner for Wales or Comisiynydd Cenedlaethau'r Dyfodol Cymru	The Commissioner	
Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru	The Chief Inspector	
Independent Remuneration Board of the Senedd or Bwrdd Taliadau Annibynnol y Senedd	The members of the Board	
Independent Remuneration Panel for Wales or Panel Annibynnol Cymru ar	The members of the Panel	

Gydnabyddiaeth
Ariannol

Judicial offices

The following judicial offices—

- (a)
Judge of the Supreme Court;
- (b)
Judge of the High Court or
Court of Appeal in England
and Wales;
- (c)
Judge of the Court of Session
or Temporary Judge in
Scotland;
- (d)
Judge of the High Court or
Court of Appeal in Northern
Ireland;
- (e)
Judge of the Court Martial
Appeal Court;
- (f)
Chairman of the Scottish
Land Court;
- (g)
Circuit Judge in England and
Wales;
- (h)
Sheriff principal, sheriff,
summary sheriff, temporary
sheriff principal, part-time
sheriff or part-time summary
sheriff in Scotland;
- (i)
County Court Judge or
deputy County Court Judge in
Northern Ireland;
- (j)
District Judge (Magistrates'
Courts) (but not Deputy
District Judge (Magistrates'
Courts)) in England and
Wales;
- (k)

	<p>District judge (magistrates' courts) or deputy district judge (magistrates' courts) in Northern Ireland;</p> <p>(l) President of Welsh Tribunals or Llywydd Tribiwnlysoedd Cymru;</p> <p>(m) Judge of the Upper Tribunal;</p> <p>(n) legal member of the Upper Tribunal for Scotland;</p> <p>(o) Chief or other Child Support Commissioner for Northern Ireland or deputy Child Support Commissioner for Northern Ireland;</p> <p>(p) Chief or other Social Security Commissioner for Northern Ireland or deputy Social Security Commissioner for Northern Ireland</p>	
Legislatures	Members of the legislature of any country or territory outside the United Kingdom	
Lieutenancies	Lord-lieutenant or lieutenant of any area in Wales	
Local Democracy and Boundary Commission for Wales or Comisiwn Ffiniau a Democratiaeth Leol Cymru	The members and chief executive of the Commission	
Parliamentary Commissioner for Administration	The Commissioner	
Police forces	Members of any police force maintained by—	
	(a)	

	<p>a local policing body (within the meaning given by section 101 of the Police Act 1996 (c. 16)),</p> <p>(b) the Scottish Police Authority, or</p> <p>(c) the Northern Ireland Policing Board,</p> <p>and “member” in relation to a police force means a person holding office as a constable of that force</p>	
Public Services Ombudsman for Wales or Ombwdsmon Gwasanaethau Cyhoeddus Cymru	The Ombudsman	
Returning officers for Senedd elections	The returning officer for any Senedd constituency or Senedd electoral region	
Senedd Commission	Members of the staff of the Senedd	
Senedd Commissioner for Standards or Comisiynydd Safonau y Senedd	The Commissioner	
Sheriffs	The high sheriff of any area in Wales	
Welsh Language Commissioner or Comisiynydd y Gymraeg	The Commissioner, the Deputy Commissioner and the members of the Advisory Panel to the Welsh Language Commissioner	

Local Government (Democracy) (Wales) Act 2013

Section	Amended by
<p>1 Overview</p> <p>(1) This Part provides an overview of the provisions of this Act.</p> <p>(2) Part 2 renames the Local Government Boundary Commission for Wales as the Local Democracy and Boundary Commission for Wales and reforms its constitution and functions.</p> <p><u>(2A) Part 2A confers electoral administration functions on the Commission and requires the functions to be exercised by a board established by the Commission called the Electoral Management Board.</u></p> <p>(3) Part 3 makes provision about—</p> <p>(a) the duties of the Commission to monitor the arrangements for local government and to conduct reviews where appropriate, and the duties of principal councils to monitor the arrangements for the communities in their area and to conduct reviews where appropriate (see sections 21 and 22),</p> <p>(b) the types of reviews that can be conducted, the considerations to be taken into account by the reviewing body and the changes that can be recommended in relation to each type of review (see sections 23 to 33),</p> <p>(c) the procedure for conducting reviews (see sections 34 to 36),</p> <p>(d) the implementation of recommendations following a review and associated matters (such as the transfer of staff or property between principal councils and other public bodies) (see sections 37 to 44).</p> <p><u>(3A) Part 3A makes provision about Senedd constituency boundary reviews conducted by the Commission.</u></p> <p>(4) Part 4 makes provision about the review of the membership of certain public bodies.</p> <p>(5) Part 5 makes provision—</p> <p>(a) about the appointment of a presiding member for a principal council;</p> <p>(b) restating and extending the powers of local authorities in relation to promoting and opposing private Bills;</p> <p>(c) requiring community council information to be made available electronically;</p>	<p>EEB BILL Schedule 1 Part 1, 1 (1) Schedule 2, Part 4, 13 (2)</p> <p>SC(ME) Bill Schedule 2 Paragraph 2(2)</p>

<p>(d) about the electronic publication of certain public bodies' (including local authorities) registers of members' interests;</p> <p>(e) relating to remote attendance at meetings of principal councils;</p> <p>(f) relating to the role of democratic services committees;</p> <p>(g) applying political balance requirements to the audit committees of principal councils;</p> <p>(h) relating to the functions of the Independent Remuneration Panel for Wales and how it prepares reports;</p> <p>(i) about the establishment of joint standards committees;</p> <p>(j) enabling the standards committee or monitoring officer of a relevant authority to refer cases relating to conduct to the standards committee or monitoring officer of another relevant authority.</p> <p><u>(5A) Part 5A makes provision relating to the functions of the Commission in deciding on the payments and pensions payable to members and former members of certain authorities (including local authorities).</u></p> <p>(6) Part 6 makes general provision about this Act.</p>	
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<p><u>2 Local Democracy and Boundary Commission for Wales Democracy and Boundary Commission Cymru</u></p> <p>(1) The body corporate called the Local Government Boundary Commission for Wales (established under section 53 of the 1972 Act) is to continue in existence.</p> <p>(2) But it is renamed, and is to be known as, the Local Democracy and Boundary Commission for Wales (referred to in this Act as “the Commission”).</p> <p><u>(3) That body corporate (which was first renamed by subsection (2)) is renamed the Democracy and Boundary Commission Cymru (referred to in this Act as “the Commission”).</u></p>	<p>SC(ME) Bill Part 3 Section 12(1)</p>
<p>4 Membership</p> <p>(1) The Commission consists of—</p> <p>(a) a member to chair the Commission (the “chairing member”),</p> <p>(b) a member to act as deputy to the chairing member, and</p> <p>(c) not more than 3 other members. <u>(c) at least 1 but no more than 7 other members.</u></p> <p>(2) Members are to be appointed by the Welsh Ministers on such terms and conditions as the Welsh Ministers may determine (including conditions as to remuneration, allowances and expenses).</p> <p>(3) The Welsh Ministers may not appoint a person who is—</p> <p>(a) a member of Parliament <u>the House of Commons;</u></p> <p>(b) a member of the National Assembly for Wales; <u>(b) a Member of the Senedd;</u></p> <p><u>(ba) a member of the staff of Senedd Cymru;</u></p> <p><u>(bb) a person (not falling within paragraph (ba)) appointed to assist a Member of the Senedd with the carrying out of the Member’s functions;</u></p> <p>(c) a member of a local authority F1...;</p> <p>(d) an officer of a local authority F2...;</p> <p>(e) a member of a National Park authority for a National Park in Wales;</p> <p>(f) a police and crime commissioner for a police area in Wales; or</p> <p>(g) a member of the Commission's staff.</p>	<p>EEB Bill Schedule 3 Part 1, 1 (3)</p> <p>SC(ME) Bill Part 3 Section 13</p> <p>Part 3 Section 14(1)</p>

<p>6 Proceedings</p> <p>(1) The quorum for meetings of the Commission is 3.</p> <p><u>(1A) The Welsh Ministers may by regulations amend subsection (1) to change the quorum, but may not change the quorum to a number which is lower than 3.</u></p> <p>(2) The Commission may otherwise regulate its own procedure.</p> <p>(3) The validity of anything done by the Commission is not affected by any defect in the appointment of a member.</p>	<p>SC(ME) Bill Part 3 Section 15</p>
<p>8 Chief executive</p> <p>(1) The Commission must employ a chief executive.</p> <p>(2) The chief executive is to be appointed by the Commission on such terms and conditions as it may determine (including conditions as to remuneration, pension, allowances and expenses).</p> <p>(2A) But if the office of chief executive has been vacant for more than six months, the Welsh Ministers may appoint a chief executive on such terms and conditions as they may determine (including conditions as to remuneration, pension, allowances and expenses).</p> <p>(3) Before appointing a chief executive under subsection (2A), the Welsh Ministers must consult the Commission.</p> <p>(4) The chief executive may not be—</p> <p>(a) a member of Parliament;</p> <p>(b) a Member of the Senedd;</p> <p><u>(ba) a member of the staff of Senedd Cymru;</u></p> <p><u>(bb) a person (not falling within paragraph (ba)) appointed to assist a Member of the Senedd with the carrying out of the Member's functions;</u></p> <p>(c) a member of a local authority;</p> <p>(d) an officer of a local authority;</p> <p>(e) a member of a National Park authority for a National Park in Wales;</p> <p>(f) a police and crime commissioner for a police area in Wales.</p> <p>(5) The Commission must, in exercising its functions under this section, have regard to any guidance issued by the Welsh Ministers.</p>	<p>SC(ME) Bill Part 3 Section 14(2)</p>

<p>11 Assistant commissioners</p> <p>(1) The Commission may appoint a person (an “assistant commissioner”) to whom, for the purposes of section 13, it may delegate functions.<u>(1) The Commission may appoint one or more persons (to be known as an “assistant commissioner”) to whom the Commission may delegate functions in accordance with section 13(1).</u></p> <p>(2) But the Commission may not appoint a person who is—</p> <p>(a) a member of Parliament;</p> <p>(b) a member of the National Assembly for Wales;<u>(b) a Member of the Senedd;</u></p> <p><u>(ba) a member of the staff of Senedd Cymru;</u></p> <p><u>(bb) a person (not falling within paragraph (ba)) appointed to assist a Member of the Senedd with the carrying out of the Member’s functions;</u></p> <p>(c) a member of a local authority [...]1 ;</p> <p>(d) an officer of a local authority [...]1 ;</p> <p>(e) a member of a National Park authority for a National Park in Wales;</p> <p>(f) a police and crime commissioner for a police area in Wales; or</p> <p>(g) a member of the Commission's staff.</p> <p>(3) Before appointing an assistant commissioner the Commission must consult the Welsh Ministers.</p> <p>(4) The Commission may pay an assistant commissioner such remuneration, allowances or expenses as it may determine.</p> <p>(5) The Commission must consult the Welsh Ministers before determining the remuneration or allowances payable to an assistant commissioner.</p>	<p>SC(ME) Bill Part 3 Section 16</p>
<p><i>General powers and directions</i></p> <p><u>11A Power to charge</u></p> <p>(1) <u>The Commission may charge a person for the provision of goods or services mentioned in subsection (2) to recover the cost of the provision if the person has agreed to the goods or services being provided.</u></p> <p>(2) <u>The goods or services are—</u></p> <p>(a) <u>goods or training the Commission provides or secures in exercise of its functions under section 20A (electoral administration functions);</u></p> <p>(b) <u>training the Commission provides or secures for a principal council in connection with the council’s functions under Part 3.</u></p>	<p>EEB Bill Part 2, Chapter 4, section 66</p>

<p>13 Delegation</p> <p>(1) The Commission may delegate to one or more of its members or an assistant commissioner one or more assistant commissioners such of its functions under—</p> <p>(a) Chapters 2 to 4, 6 or 7 of Part 3 (functions relating to the conduct of reviews of local government or local inquiries);</p> <p>(b) Part 3A (functions relating to Senedd constituency boundary reviews);</p> <p>(c) Schedule 1 to the Local Government and Elections (Wales) Act 2021 (functions relating to initial reviews), as it may determine to the extent so delegated. Chapters 2 to 4, 6 or 7 of Part 3 of this Act (functions relating to the conduct of reviews of local government or local inquiries), or Schedule 1 to the Local Government and Elections (Wales) Act 2021 (functions relating to initial reviews), as it may determine to the extent so delegated.</p> <p>(2) Subsection (1) does not affect the Commission's—</p> <p>(a) responsibility for exercise of delegated functions, or</p> <p>(b) ability to exercise delegated functions.</p>	<p>SC(ME) Bill Schedule 2 Paragraph 2(3)</p>
<p>14 Directions</p> <p>(1) The Commission must comply with any direction (general or specific) given to it by the Welsh Ministers.</p> <p><u>(1A) The Welsh Ministers may give a direction to the Commission in relation to the exercise of the Commission's functions under any enactment, except in relation to the exercise of functions under—</u></p> <p><u>(a) Part 2A (co-ordination of electoral administration);</u></p> <p><u>(b) Part 3A (functions relating to Senedd constituency boundary reviews).</u></p> <p><u>(1B) The Commission must comply with a direction given to it by the Welsh Ministers under this Act.</u></p> <p><u>(1C) The Welsh Ministers must publish each direction they give to the Commission or a principal council under this Act.</u></p> <p>(2) A direction given by the Welsh Ministers under this Act may be varied or revoked by a subsequent direction.</p> <p><u>(3) This section does not permit the Welsh Ministers to give the Commission a direction relating to the exercise of its functions under Part 3A (functions relating to Senedd constituency boundary reviews).</u></p>	<p>EEB Bill Schedule 4 , Part 1, 1 (4)</p> <p>SC(ME) Bill Schedule 2 Paragraph 2(4)</p>
<p><i>Financial matters and governance</i></p> <p>15 Funding</p>	<p>EEB Bill Part 2, Chapter 4, section 65</p>

<p>(1) The Welsh Ministers may pay grants to the Commission of such amounts as they may determine.</p> <p>(2) A grant is made subject to any conditions specified by the Welsh Ministers (including conditions about repayment).</p>	
<p><u>17 Audit committee-Governance and audit committee</u></p> <p>(1) The Commission must establish a committee (an “audit committee”) <u>(a “governance and audit committee”)</u> to—</p> <p>(a) review and scrutinise the Commission's financial affairs,</p> <p>(b) review and assess the Commission's risk management, internal control and corporate governance arrangements,</p> <p><u>(ba) review, assess and manage the Commission’s internal and external audit arrangements,</u></p> <p><u>(bb) review and assess the Commission’s handling of complaints,</u></p> <p><u>(bc) review—</u></p> <p style="padding-left: 20px;">(i) <u>statements of accounts and reports prepared by the Commission under sections 19(1) and 20,</u></p> <p style="padding-left: 20px;">(ii) <u>reports prepared by the Auditor General for Wales under section 19(4),</u></p> <p>(c) review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Commission's functions, and</p> <p>(d) make reports and recommendations to the Commission in relation to reviews conducted under paragraphs (a), (b), <u>(ba), (bb), (bc) or (c).</u></p> <p>(2) The audit <u>governance and audit</u> committee must send copies of its reports and recommendations to the Welsh Ministers.</p> <p><u>(2A) The Commission may confer on the governance and audit committee the functions the Commission considers suitable to be exercised by the committee.</u></p> <p>(3) It is for the audit <u>governance and audit</u> committee to determine how to exercise its functions under this section.</p>	<p>EEB Bill Part 2, Chapter 4, section 65</p>
<p><u>18 Audit committee: membership-Governance and audit committee: membership and quorum</u></p> <p>(1) The audit committee is to consist of—</p> <p>(a) at least two members of the Commission, and</p>	<p>EEB Bill Part 2, Chapter 4, section 65</p>

~~(b) at least one lay member.~~

~~(2) The Commission's chairing member may not be a member of the audit committee.~~

(1) The governance and audit committee is to consist of—

(a) at least two members of the Commission;

(b) at least two lay members;

(c) no more than five members.

(2) A lay member of the governance and audit committee must be appointed—

(a) to chair the committee (the “chair”);

(b) as deputy to the chair.

(2A) A person may not be a member of the governance and audit committee if the person is a member of the Commission and is either the Commission’s chairing member or is acting as deputy to the Commission’s chairing member.

(2B) The quorum for meetings of the governance and audit committee is three members, which must consist of at least one lay member.

(3) The Commission may pay such remuneration, allowances and expenses to a lay member as it may determine.

(4) The Commission must consult the Welsh Ministers before determining the remuneration or allowances payable to a lay member.

(5) In this section “lay member” means any person other than—

(a) a member or an employee of the Commission, or

(b) an expert appointed under section 10(1) or assistant commissioner appointed under section 11(1).

PART 2A CO-ORDINATION OF ELECTORAL ADMINISTRATION

EEB Bill
Part1,
Chapter 1,
section 1

General functions

20A Electoral administration functions

(1) The Commission has the general function of co-ordinating the administration of Welsh elections and referendums.

(2) The general function in subsection (1) includes—

(a) assisting returning officers, local authorities and other persons in carrying out their functions in relation to Welsh elections and referendums;

(b) promoting best practice in the administration of Welsh elections and referendums by providing information, advice or training (or otherwise).

(3) The Commission may provide information, advice or other assistance to the Welsh Ministers about the administration of Welsh elections and referendums.

(4) In this Part, “Welsh elections and referendums” means—

(a) Senedd Cymru elections;

(b) local government elections in Wales;

(c) devolved referendums.

Directions

20B Directions to returning officers

(1) The Commission may give directions in writing to returning officers about the exercise of the officers’ functions in relation to—

(a) Senedd Cymru elections generally,

(b) a particular Senedd Cymru election,

(c) local government elections in Wales generally,

(d) a particular local government election in Wales,

(e) devolved referendums generally, or

(f) a particular devolved referendum.

(2) A direction under subsection (1) may require a returning officer to provide the Commission with information.

(3) A direction under subsection (1) may require a

returning officer—

(a) to exercise any discretion the officer has in performing the officer's functions, or

(b) to exercise the discretion in a particular way.

(4) A returning officer to whom a direction under subsection (1) is given must comply with the direction in so far as it directs the officer—

(a) to exercise any discretion the officer would otherwise have in performing the officer's functions (or exercise it in a particular way), or

(b) to provide information to the Commission.

(5) A returning officer is not required to comply with a direction under subsection (1)—

(a) if compliance with the direction would be inconsistent with a duty of the officer under any enactment,

(b) in so far as exercise of the officer's functions subject to the direction relates to a reserved election in a poll combined with a Welsh election or referendum, or

(c) in so far as exercise of the officer's functions subject to the direction relates to the combination of—

(i) a poll at a reserved election with the poll at a Welsh election or referendum;

(ii) a poll at a Senedd Cymru election with the poll at an ordinary local government election in Wales.

(6) The Commission must publish each direction it gives under subsection (1).

20C Directions to electoral registration officers

(1) The Commission may give directions in writing to electoral registration officers about the exercise of the officers' functions in relation to—

(a) a particular Senedd Cymru election,

(b) a particular local government election in Wales, or

(c) a particular devolved referendum.

(2) A direction under subsection (1) may require an electoral registration officer—

(a) to exercise any discretion the officer has in performing the officer's functions, or

(b) to exercise the discretion in a particular way.

(3) A direction under subsection (1) may require an electoral registration officer to provide the Commission with information.

(4) An electoral registration officer to whom a direction under subsection (1) is given must comply with the direction in so far as it directs the officer—

(a) to exercise any discretion the officer would otherwise have in performing the officer's functions (or exercise it in a particular way), or

(b) to provide information to the Commission.

(5) An electoral registration officer is not required to comply with a direction under subsection (1)—

(a) if it is inconsistent with—

(i) a duty of the officer under any enactment, or

(ii) a direction given under section 52 of the 1983 Act;

(b) in so far as exercise of the officer's functions relates to a poll in a reserved election combined with a poll in a Welsh election or referendum.

(6) The Commission must publish each direction it gives under subsection (1).

20D Consultation with the Electoral Commission

(1) Before giving a direction under section 20B or 20C, the Commission must consult the Electoral Commission.

(2) The Electoral Commission must give a response in writing to the Commission to the matters on which it is consulted.

The Board

20E Electoral Management Board

(1) The Commission must establish a board to be known as the Electoral Management Board ("the Board").

(2) The functions of the Commission under the provisions specified in subsection (3) are delegated to the Board and must only be exercised by the Board.

(3) The provisions are—

(a) sections 20A to 20D;

(b) chapter 3 of Part 1 of the Elections and Elected Bodies (Wales) Act 2024 (Welsh elections piloting and reform);

(c) provision specified in regulations made by the Welsh Ministers.

(4) The powers in section 12 may be exercised by the Board or the Commission in relation to the functions delegated by subsection (2).

(5) Subsection (2) does not affect the Commission's responsibility for exercise of the delegated functions.

20F Board membership

(1) The Board is to consist of—

(a) a member of the Commission to chair the Board who is a former elections officer,

(b) one other member of the Commission, and

(c) members who are elections officers or former elections officers (one of whom is to be the deputy chair of the Board).

(2) The members of the Board are to be appointed by the Commission.

(3) The Commission must appoint at least four members to the Board of the kind described in subsection (1)(c).

(4) The chair is to be chosen by the Commission and the deputy chair is to be chosen by the Board.

(5) Members of the Board who are also members of the Commission are to be appointed on terms and conditions determined by the Welsh Ministers.

(6) The other members of the Board are to be appointed on terms and conditions determined by the Commission after consultation with the Welsh Ministers.

(7) The terms and conditions that may be determined under subsections (5) and (6) include conditions as to remuneration, allowances and expenses.

(8) The Commission must not appoint a person under subsection (1)(c) who is—

(a) a member of the House of Commons;

(b) a Member of the Senedd ;

- _____ (c) a member of the staff of Senedd Cymru;
- _____ (d) a person (not falling within paragraph (c)) appointed to assist a Member of the Senedd with the carrying out of the Member's functions;
- _____ (e) a member of a local authority;
- _____ (f) a member of a National Park authority for a National Park in Wales;
- _____ (g) a police and crime commissioner for a police area in Wales;
- _____ (h) a Commissioner or Assistant Commissioner;
- _____ (i) a member of the Commission's staff;
- _____ (j) a person employed in the civil service of the state.
- _____ (9) In this section, "elections officer" means—
 - _____ (a) a returning officer, or
 - _____ (b) an electoral registration officer.

20G Tenure

Members of the Board hold and vacate office in accordance with their terms and conditions of appointment.

20H Board proceedings

- _____ (1) The members of the Board must have votes of equal weight to each other for the purpose of the Board's decisions, but the chair (or deputy chair if the chair is absent) has the casting vote in the event of a tied vote.
- _____ (2) The Board may otherwise regulate its own procedure (including quorum).
- _____ (3) The validity of anything done by the Board in exercise of the Commission's functions is not affected by any defect in the appointment of a member.
- _____ (4) The chair or deputy chair may (with the agreement of the other members of the Board) invite a person to attend a meeting of the Board for the purpose of providing advice or otherwise assisting the Board.

General

20I Interpretation of this Part

In this Part—

“the 1983 Act” (“Deddf 1983”) means the Representation of the People Act 1983 (c. 2);

“devolved referendums” (“refferenda datganoledig”) means referendums held under—

(a) section 27 of the Local Government Act 2000 (c. 22) or by virtue of regulations or an order made under Part 2 of that Act;

(b) section 40 of the 2011 Measure;

(c) any other enactment (whenever passed or made) that would be within the legislative competence of Senedd Cymru if it were in a provision of an Act of the Senedd (whether the provision would require the consent of a Minister of the Crown or not);

“electoral registration officer” (“swyddog cofrestru etholiadol”) means an officer appointed under section 8(2A) of the 1983 Act or any person who may exercise the functions of the officer;

“local government elections” (“etholiadau llywodraeth leol”) means the election of—

(a) councillors for an electoral ward of a county or county borough,

(b) councillors for a community ward or, in the case of a community where there are no wards, for the community, or

(c) an elected mayor or elected executive member under regulations made by virtue of section 44 of the Local Government Act 2000 (c. 22);

“reserved election” (“etholiad a qedwir yn ôl”) means—

(a) an election for membership of the House of Commons;

(b) an election for the office of police and crime commissioner;

“returning officer” (“swyddog canlyniadau”) means—

(a) a returning officer (however described)—

(i) appointed under section 35(1A) of the 1983 Act,

(ii) designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32) (“the 2006 Act”), or

(iii) appointed under regulations made by virtue of section 44 or 45 of the Local Government Act 2000 (c.22);

<p><u>_____ (b) any person who may exercise the functions of a returning officer falling within paragraph (a).</u></p>	
<p>22 Duties of principal councils in relation to area</p> <p>(1) A principal council must, for the purpose of considering whether it is appropriate to make or recommend changes under this Part, monitor—</p> <p>(a) the communities in its area, and</p> <p>(b) the electoral arrangements of such communities.</p> <p>(2) In pursuance of that duty, a principal council must—</p> <p>(a) have regard to the Commission's timetable for conducting the reviews of principal areas' electoral arrangements required by section 29(1), and</p> <p>(b) carry out such reviews under this Part as are required under this or any other enactment, as may be directed by the Welsh Ministers, or as it otherwise considers appropriate.</p> <p>(3) In carrying out its duties under this Part (and in conducting any review), a principal council must seek to ensure effective and convenient local government.</p> <p>(4) A principal council must provide the Commission with such information as it may reasonably require in connection with the exercise of its functions under this Part.</p> <p>(5) A principal council must, in respect of each reporting period, publish a report describing how it has discharged its duty under subsection (1) and send a copy of the report to the Commission.</p> <p>(6) In this section, "reporting period" means—</p> <p>(a) the period of 10 years beginning with—</p> <p>(i) the date on which the principal council last published a report under section 55(2A) or, if earlier, section 57(4A) of the 1972 Act, or</p> <p>(ii) in the case of a principal council which has not published such a report before coming into force this section, the day on which this section comes into force, and</p> <p>(b) each subsequent period of 10 years.</p> <p><u>(5) Before 1 July in each year, a principal council must publish a report on the performance of its functions under this Part and section 76 of the 1972 Act (change of name of community) in the previous year, so far as the functions relate to—</u></p> <p><u>_____ (a) community names,</u></p> <p><u>_____ (b) community boundary changes.</u></p>	<p>EEB Bill Part 2, Chapter 1, section 51</p>

<p><u>_____ (c) community council changes, and</u></p> <p><u>_____ (d) community electoral arrangements.</u></p> <p><u>(6) A principal council must send a copy of each report it publishes to the Commission and the Welsh Ministers.</u></p> <p><u>(7) In subsection (5), “year” means the period of 12 months beginning with 1 April.</u></p>	
<p>28 Review of seaward boundaries</p> <p>(1) The Commission may conduct a review of so much of the boundary of a local government area (which includes, for the purposes of this section, a preserved county) as —</p> <p>(a) lies below the high-water mark of medium tides, and</p> <p>(b) does not form a common boundary with another local government area.</p> <p>(2) The changes that the Commission may recommend in relation to a review under this section are—</p> <p>(a) the inclusion within the local government area of any area of the sea which, at the time of the review, does not form part of another local government area, and</p> <p>(b) the exclusion of any area of the sea which, at the time of the review, forms part of the local government area.</p> <p><u>(3) A review under this section may review the boundary of more than one local government area.</u></p>	<p>EEB Bill Part 2, Chapter 1, section 42</p>
<p>29 Review of electoral arrangements for principal area</p> <p>(1) The Commission must conduct a review of the electoral arrangements for each principal area at least once in every review period.</p> <p>(2) The Commission must, in respect of each review period—</p> <p>(a) prepare and publish a programme which sets out its proposed timetable for conducting all the reviews required under subsection (1) during the period, and</p> <p>(b) send a copy of the programme to the Welsh Ministers.</p> <p>(3) For the purposes of subsections (1) and (2) “review period” means—</p> <p>(a) the period of 10 years beginning with the day on which this section comes into force, and <u>(a) the period of 12 years beginning on 30 September 2023, and</u></p> <p>(b) each subsequent period of 10 <u>12</u> years.</p> <p><u>(3A) The Welsh Ministers may by regulations amend subsection (3).</u></p>	<p>EEB Bill Part 2, Chapter 1, section 41, Part 2, Chapter 1, section 47</p>

<p>(4) The Commission must comply with its duties in subsection (2)—</p> <p>(a) in respect of the first review period, as soon as possible after it begins, and</p> <p>(b) in respect of each subsequent review period, before the period begins.</p> <p>(5) The Commission may also, of its own initiative or at the request of a principal council, conduct a review of the electoral arrangements for a principal area.</p> <p>(6) But the Commission must not conduct a review under subsection (5) at the request of a principal council if it considers that doing so would impede the proper exercise of its functions.</p> <p>(7) The changes that the Commission may recommend in relation to a review under this section are—</p> <p>(a) such changes to the electoral arrangements for the principal area under review as appears to it appropriate, and</p> <p>(b) in consequence of such change—</p> <p>(i) such community boundary changes as it considers appropriate in relation to any community in the principal area,</p> <p>(ii) such community council changes and changes to the electoral arrangements for such a community as it considers appropriate,</p> <p>(iii) such preserved county changes as it considers appropriate.</p> <p>(8) The Commission must not, in any period of 9 <u>12</u> months preceding the day of an ordinary council election under section 26 of the 1972 Act (elections of councillors), make or publish any recommendations relating to the electoral arrangements of a principal area.</p> <p>(9) In this Part, a reference to the electoral arrangements of a principal area is a reference to —</p> <p>(a) the number of members of the council for the principal area,</p> <p>(b) the number, type and boundaries of the electoral wards into which the principal area is for the time being divided for the purpose of the election of members,</p> <p>(c) the number of members to be elected for any electoral ward in the principal area, and</p> <p>(d) the name of any electoral ward.</p>	
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<p>(10) For the purposes of subsection (9)(b), a reference to the type of an electoral ward is a reference to whether the ward is a single or multiple member ward.</p> <p>(11) In this Part—</p> <ul style="list-style-type: none"> • “electoral ward” means any area for which members are elected to a local authority, • “multiple member ward” means an electoral ward in respect of which a specified number (greater than one) of members are to be elected for that ward, and • “single member ward” means an electoral ward in respect of which only one member is to be elected. 	
<p>30 Considerations for a review of principal area electoral arrangements</p> <p>(1) The Commission, in considering whether to make recommendations for changes to the electoral arrangements for a principal area, must—</p> <p>(a) seek to ensure that the ratio of local government electors to the number of members of the council to be elected is, as nearly as may be, the same in every electoral ward of the principal area,</p> <p>(b) have regard to—</p> <p>(i) the desirability of fixing boundaries for electoral wards which are and will remain easily identifiable,</p> <p>(ii) the desirability of not breaking local ties when fixing boundaries for electoral wards.</p> <p><u>(1) When considering whether to make recommendations for changes to the electoral arrangements of a principal area, the Commission must have regard to the following factors—</u></p> <p><u>(a) the desirability of having a ratio of local government electors to the number of members of the council to be elected that is the same, or nearly the same, in every electoral ward of the principal area;</u></p> <p><u>(b) special geographical considerations, including in particular the size, shape and accessibility of an electoral ward;</u></p> <p><u>(c) any local ties that would be broken by such changes.</u></p> <p>(2) For the purposes of subsection (1)(a), account is to be taken of—</p> <p>(a) any discrepancy between the number of local government electors and the number of persons that are</p>	<p>EEB Bill Part 2, Chapter 1, section 40</p>

<p>eligible to be local government electors (as indicated by relevant official statistics), and</p> <p>(b) any change to the number or distribution of local government electors in the principal area which is likely to take place in the period of five years immediately following the making of any recommendation.</p> <p>(3) In this section, “relevant official statistics” means such official statistics within the meaning of section 6 of the Statistics and Registration Service Act 2007 (c. 18) as the Commission considers appropriate.</p> <p>(4) In this Part, “local government elector” means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts.</p>	
<p>31 Review of electoral arrangements for community by principal council</p> <p><u>(A1) A principal council must conduct a review of the electoral arrangements for each community in its area at least once in every review period.</u></p> <p><u>(A2) In subsection (A1), “review period” means—</u></p> <p>(a) <u>the period of 12 years beginning with the day on which section Error! Reference source not found. of the Elections and Elected Bodies (Wales) Act 2024 comes into force, and</u></p> <p>(b) <u>each subsequent period of 12 years.</u></p> <p><u>(A3) The Welsh Ministers may by regulations amend subsection (A2).</u></p> <p>(1) A principal council may <u>also</u> conduct a review of the electoral arrangements for a community in its area—</p> <p>(a) of its own initiative, or</p> <p>(b) at the request of—</p> <p>(i) the community council for the community, or</p> <p>(ii) not less than 30 local government electors registered in the community.</p> <p>(2) But a principal council must not conduct a review under subsection (1) at the request of the community council or local government electors if it considers that doing so would impede the proper exercise of its functions.</p> <p>(3) The changes that a principal council may propose and make in relation to a review under this section are—</p>	<p>EEB Bill Part 2, Chapter 1, section 51</p>

<p>(a) such changes to the electoral arrangements for the community as the principal council considers appropriate, and</p> <p>(b) in consequence of any change to the electoral arrangements for the community, such changes to the electoral arrangements of the principal area as it considers appropriate.</p> <p>(4) For the purposes of subsection (3)(b), section 30 applies to a principal council as it applies to the Commission.</p> <p>(5) A principal council may enter into an agreement with the Commission for the Commission (under section 32) to exercise the council's function of conducting reviews under this section.</p> <p>(6) The agreement may be on such terms and conditions as the principal council and the Commission consider appropriate.</p> <p>(7) In this Part, a reference to the electoral arrangements of a community is a reference to—</p> <p>(a) the number of members of the council for the community;</p> <p>(b) its division into wards (if appropriate) for the purposes of the election of councillors;</p> <p>(c) the number and boundaries of any wards;</p> <p>(d) the number of members to be elected for any ward;</p> <p>(e) the name of any ward.</p>	
<p>33 Considerations for a review of community electoral arrangements</p> <p>(1) This section applies where a principal council is considering making or, as the case may be, the Commission is considering recommending, changes to the electoral arrangements for a community.</p> <p>(2) In considering whether a community should be divided into community wards, regard is to be had to—</p> <p>(a) whether the number or distribution of the local government electors for the community is such as to make a single election of community councillors impractical or inconvenient, and</p> <p>(b) whether it is desirable that any area of the community should be separately represented on the community council.</p> <p>(3) Where it is decided to divide a community into community wards, in considering the size and boundaries of the wards and in fixing the number of community councillors to be elected for each ward, regard is to be had to—</p>	<p>EEB Bill Part 2, Chapter 1, section 51</p>

<p>(a) any change in the number or distribution of local government electors of the community which is likely to take place within the period of five years immediately following any recommendation,</p> <p>(b) the desirability of fixing boundaries which are and will remain easily identifiable, and</p> <p><u>(b) special geographical considerations, including in particular the size, shape and accessibility of a community ward, and</u></p> <p>(c) any local ties which will be broken by the fixing of any particular boundaries.</p> <p>(4) Where it is decided not to divide a community into community wards, in fixing the number of councillors to be elected for each community, regard is to be had to—</p> <p>(a) the number and distribution of local government electors in the community, and</p> <p>(b) any change in such number or distribution which is likely to take place within the period of five years immediately following the fixing of the number of community councillors.</p> <p>(5) For the purposes of this section, account is to be taken of any discrepancy between the number of local government electors and number of persons that are eligible to be local government electors (as indicated by relevant official statistics).</p> <p>(6) In this section, “relevant official statistics” means such official statistics (within the meaning of section 6 of the Statistics and Registration Service Act 2007 (c. 18)) as the Commission, or as the case may be, principal council considers appropriate.</p>	
<p>34 Pre-review procedure</p> <p>(1) Before conducting a review under this Part, the Commission or, as the case may be, a principal council must take such steps as it considers appropriate to—</p> <p>(a) bring the review to the attention of <u>members of the public affected by the review</u>, the mandatory consultees and any other person it considers likely to be interested in the review, and</p> <p>(b) make the mandatory consultees and such other interested person aware of any directions given by the Welsh Ministers which are relevant to the review.</p> <p>(2) In relation to a review to be conducted under section 29, before conducting the review, the Commission must also consult the mandatory consultees on its intended procedure and methodology for the review and, in particular, on how it</p>	<p>EEB Bill Part 2, Chapter 1, section 45 , Part 2, Chapter 1, section 46</p>

<p>proposes to determine the appropriate number of members for any principal council in the principal area or areas under review.</p> <p>(3) For the purposes of this Part, the “mandatory consultees” are—</p> <p>(a) any local authority affected by the review,</p> <p>(b) except in relation to a review under section 28 (reviews of seaward boundaries), the police and crime commissioner for any police area which may be affected by the review,</p> <p>(ba) any fire and rescue authority (constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies) for an area in Wales which may be affected by the review,</p> <p>(c) except where the review is (or is to be) conducted by it, the Commission,</p> <p><u>(ca) the National Park authority for a National Park in an area affected by the review,</u></p> <p><u>(cb) the Port Health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984 (c. 22) for a port health district in an area affected by the review,</u></p> <p><u>(cc) the Welsh Language Commissioner,</u></p> <p>(d) any organisation representing the staff employed by local authorities which has asked to be consulted, and</p> <p>(e) such other persons as may be specified by order made by the Welsh Ministers.</p> <p>(4) Subsection (1) does not apply to a review conducted by the Commission in the circumstances described in section 26(2)(b)(ii) or (iii).</p>	
<p>35 Consultation and investigation</p> <p>(1) In conducting a review under this Part, the Commission or, as the case may be, a principal council (“the reviewing body”) must—</p> <p><u>(za) consult members of the public in the area affected by the review,</u></p> <p>(a) consult the mandatory consultees and such other persons as it considers appropriate, and</p> <p>(b) conduct such investigations as it considers appropriate.</p> <p>(2) After carrying out the consultation and investigations under subsection (1), the reviewing body must prepare a report containing—</p>	<p>EEB Bill Part 2, Chapter 1, section 45</p>

- (a) any proposals for change it considers appropriate or, if it does not consider any change appropriate, a proposal to that effect,
- (b) details of the review it conducted.
- (3) The reviewing body must—
- (a) publish the report electronically,
- (aa) publicise the fact that representations relating to the review may be made to the reviewing body during the public consultation period,
- (ab) indicate in the publicity when the public consultation period begins and ends,
- (b) secure that the report is available for inspection (without charge) at the offices of any principal council with an interest in the review for the duration of the ~~period for representations~~ public consultation period,
- (c) send copies of the report to the Welsh Ministers and the mandatory consultees,
- (d) inform any other person who submitted evidence to the reviewing body how to obtain a copy of the report, and
- ~~(e) invite representations and notify the persons mentioned in (c) and (d) of the period for representations.~~
- (e) take into account any representations made to it during the public consultation period.
- ~~(4) For the purpose of subsection (3), the “period for representations” is a period of not less than 6, nor more than 12, weeks (as determined by the reviewing body) beginning no earlier than one week after notice of the period is given.~~
- (4) In subsection (3), the “public consultation period” means a period of at least 6 weeks and no more than 12 weeks determined by the reviewing body, which may not begin before the end of a period of 7 days beginning with the day on which the report is published.
- (5) For the purposes of this section, a principal council has an interest in a review if—
- (a) it is the reviewing body,
- (b) its area is under review,
- (c) a community in its area (or the electoral arrangements of such a community) is under review.
- (6) In this section and section 36 a reference to a proposal for change is a reference to any change that the reviewing body may recommend or make (including consequential change) in relation to the type of review being conducted.

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36 Reporting on review

- (1) The Commission or, as the case may be, a principal council (“the reviewing body”) must, after the ~~period for representations~~ public consultation period under section 35(3) has ended, consider its proposals for change having regard to any representations received by it during the period.
- (2) The reviewing body must then prepare a further report.
- (3) Except in relation to a review under section 31, the report must contain—
- (a) any recommendation for change which the reviewing body considers appropriate or, if it does not consider any change appropriate, a recommendation to that effect,
 - (b) details of the review conducted and the consultation carried out in respect of the proposals, and
 - (c) details of any changes to the proposals made in light of the representations received and an explanation of why those changes have been made.
- (4) Where the review is under section 31, the report must contain—
- (a) the changes the reviewing body intends to make to the electoral arrangements for the community under review, or if it does not consider that any such change is appropriate, a statement to that effect,
 - (b) details of the review conducted and the consultation carried out in respect of the proposals, and
 - (c) details of any changes to the proposals made in light of the representations it received and an explanation of why those changes have been made.
- (5) The reviewing body must—
- (a) submit the report and its recommendations to the appropriate implementing authority (except where it is the implementing authority),
 - (b) publish the report electronically and secure that it is available for inspection (without charge) at the offices of any principal council with an interest for a period of at least 6 weeks beginning with the date of publication,
 - (c) send a copy of the report to the mandatory consultees, Ordnance Survey and (unless they are the implementing authority) the Welsh Ministers,
 - (d) inform any other person who submitted evidence or made representations in relation to the report published under section 35 how to obtain a copy of the report.

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<p>(6) For the purposes of subsection (5), the “appropriate implementing authority” is—</p> <p>(a) in relation to a review under section 23, the Welsh Ministers and, in a case where the Commission are making a recommendation for change to a police area, the Secretary of State (in so far as relating to that change);</p> <p>(b) in relation to a review under section 25, the Commission;</p> <p>(c) in relation to a review under section 26, 27, 28 or 29, the Welsh Ministers;</p> <p>(d) in relation to a review under section 32, the principal council of the community which has been the subject of the review.</p> <p>(7) Where the principal council submits a report to the Commission in relation to a review under section 25, the Commission is not to be treated as a mandatory consultee for the purposes of subsection (5)(c).</p> <p>(8) For the purposes of this section a principal council has an interest in a review if—</p> <p>(a) it is the reviewing body;</p> <p>(b) its area is under review;</p> <p>(c) a community in its area (or the electoral arrangements of such a community) is under review.</p> <p>(9) In this section, a reference to a recommendation for change is a reference to any change that the reviewing body may recommend or make (including consequential change) in relation to the type of review being conducted.</p>	
<p><u>36A Names of electoral wards in review reports</u></p> <p>(1) <u>Subsection (2) applies to a review report under this Part so far as it relates to—</u></p> <p><u>(a) an electoral ward that has different names (in any respect) for the purposes of identifying the ward in communication through Welsh and English;</u></p> <p><u>(b) a proposal for an electoral ward to have different names in any respect for the purposes of identifying the ward in communication through Welsh and English.</u></p> <p>(2) <u>The Commission or the principal council (as the case may be) must specify both names or proposed names for the electoral ward in each language version of a report under section 35(2), 36(3) or 36(4).</u></p> <p>(3) <u>In this section, “each language version” means the Welsh version and the English version.</u></p>	<p>EEB Bill Part 2, Chapter 1, section 44</p>

<p><u>36B Deadline for completion of reviews</u></p> <p>(1) <u>Before conducting a review under this Part, the Commission or, as the case may be, a principal council must publish a statement specifying the day on which the review begins.</u></p> <p>(2) <u>The Commission must, in relation to a review it conducts under section 23, 27 or 29, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 12 months beginning with the day specified under subsection (1).</u></p> <p>(3) <u>The Commission must, in relation to a review it conducts under section 28, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 18 months beginning with the day specified under subsection (1).</u></p> <p>(4) <u>The Commission must, in relation to a review it conducts under section 26, 31 or 32, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 24 months beginning with the day specified under subsection (1).</u></p> <p>(5) <u>A principal council must, in relation to a review it conducts under section 25 or 31, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 24 months beginning with the day specified under subsection (1).</u></p> <p>(6) <u>If a reviewing body fails to comply with a duty imposed by this section in relation to a review, the body's failure to comply does not affect the validity of the review for the purposes of this Act.</u></p>	<p>EEB Bill Part 2, Chapter 1, section 48</p>
<p>37 Implementation by the Welsh Ministers</p> <p>(1) The Welsh Ministers may, after receiving a report containing recommendations from the Commission in relation to a review conducted under section 23, 26, 27, 28 or 29, or a request for implementation of its recommendations under section 39(7)—</p> <p>(a) by order implement any recommendation, with or without modification, or</p> <p>(b) decide to take no action <u>on any recommendation.</u></p> <p>(2) But the Welsh Ministers may only implement a recommendation with modification if—</p> <p>(a) in a case involving recommendations for change to electoral arrangements for a principal area, they have</p>	<p>EEB Bill Part 2, Chapter 1, section 43 Part 2, Chapter 1, section 47 Part 2, Chapter 1, section 49</p>

considered the matters described in section 30 and are satisfied that it is appropriate to make the modification,

(b) in a case involving recommendations for change to electoral arrangements for a community, they have considered the matters described in section 33 and are satisfied that it is appropriate to make the modification, and

(c) in any case, they are satisfied that the modification is in the interests of effective and convenient local government.

(2A) The Welsh Ministers must not, in any period of 6 months preceding the day of an ordinary council election under section 26 of the 1972 Act (elections of councillors), exercise their functions under subsection (1).

~~(3) No order may be made under subsection (1)(a) until the expiry of a period of 6 weeks beginning with the date on which the Welsh Ministers receive the recommendations.~~

(3A) The Welsh Ministers must not exercise their functions under subsection (1) before the end of the period of 6 weeks beginning with the day on which the Welsh Ministers receive the recommendations.

(3B) In exercising their functions under subsection (1), the Welsh Ministers must have regard to any representations made by any person on the recommendations and received by the Welsh Ministers during the period of 6 weeks beginning with the day on which the Welsh Ministers receive the recommendations.

(4) The Commission must provide the Welsh Ministers with such further information in relation to its recommendations as the Welsh Ministers may reasonably require.

(5) The Welsh Ministers must use their best endeavours to make a decision on each recommendation received by them, of the kind described in subsection (1), before the end of a period of 3 months beginning at the end of the period specified by subsection (3A).

(6) The Welsh Ministers must publish a statement setting out their decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision for the purposes of subsection (5).

(7) If the Welsh Ministers fail to comply with the duty in subsection (5), the failure to comply does not affect the validity of any order under subsection (1)(a) or any decision to take no action under subsection (1)(b).

38 Implementation of community boundary change

(1) The Commission may, after receiving a report containing recommendations for change from a principal council in relation to a review conducted under section 25—

(a) by order implement the recommendations without modification,

(b) by order implement the recommendations with such modification as may be agreed with the principal council, or

(c) in the circumstances described in section 26(2)(b)(ii) or (iii), conduct its own review.

~~(2) No order may be made under subsection (1) until the expiry of a period of 6 weeks beginning with the date on which the Commission receives the principal council's recommendations.~~

(2A) The Commission must not exercise its functions under subsection (1) before the end of the period of 6 weeks beginning with the day on which the Commission receives the recommendations.

(2B) In exercising its functions under subsection (1), the Commission must have regard to any representations made by any person on the recommendations and received by the Commission during the period of 6 weeks beginning with the day on which the Commission receives the recommendations.

(3) An order under subsection (1) which contains changes to the electoral arrangements of a principal area may be made only with the consent of the Welsh Ministers.

(4) The principal council which made the recommendations must provide the Commission with such further information in relation to the recommendations or the procedure followed as it may reasonably require.

(5) The Commission must use its best endeavours to make a decision on each recommendation received by it, of the kind described in subsection (1), before the end of a period of 3 months beginning at the end of the period specified by subsection (2A).

(6) The Commission must publish a statement setting out its decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision.

(7) If the Commission fails to comply with the duty in subsection (5), the failure to comply does not affect the validity of any order under subsection (1)(a) or (b) or any review under subsection (1)(c).

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39 Implementation of community electoral arrangements change

(1) A principal council may by order implement the changes described in a report prepared by the council under section 36(4).

(2) No order may be made under subsection (1) until the expiry of a period of 6 weeks beginning with the date on which the principal council published its report.

(3) A principal council may, after receiving a report containing recommendations for change from the Commission in relation to a review under section 32—

(a) by order implement the recommendations without modification,

(b) by order implement the recommendations with such modification as may be agreed with the Commission,

(c) decide to take no action and notify the Commission accordingly.

~~(4) No order may be made under subsection (3) until the expiry of a period of 6 weeks beginning with the date on which the council receives the report.~~

(4A) The Council must not exercise its functions under subsection (3) before the end of the period of 6 weeks beginning with the day on which the Council receives the recommendations.

(4B) In exercising its functions under subsection (1) or (3), the Council must have regard to any representations made by any person on the recommendations and received by the Council during the period of 6 weeks beginning with the date on which the Council publishes the report (for functions in subsection (1)) or receives the recommendations (for functions under subsection (3)).

(4C) The principal council must use its best endeavours to make a decision on each recommendation received by it, of the kind described in subsection (3), before the end of a period of 3 months beginning at the end of the period specified by subsection (4A).

(4D) The principal council must publish a statement setting out its decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision.

(4E) If a principal council fails to comply with the duty in subsection (4C), the failure to comply does not affect the validity of any order under subsection (3)(a) or (b) or any decision or notification under subsection (3)(c).

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<p>(5) An order under subsection (1) or (3) which contains changes to the electoral arrangements of a principal area may be made only with the consent of the Welsh Ministers.</p> <p>(6) Subsection (7) applies where—</p> <p>(a) the principal council has notified the Commission that it does not intend to take any action in respect of the recommendations, or</p> <p>(b) the principal council has not made an order (with or without modification) within the period of 6 months beginning with the date on which the council received the Commission's recommendations <u>3 months beginning with the end of period specified by subsection (4C)</u>.</p> <p>(7) The Commission may request the Welsh Ministers implement the recommendations under section 37.</p>	
<p>48 Directions and guidance relating to Part 3</p> <p>(1) The Welsh Ministers may give the Commission directions relating to the exercise of its functions under this Part.</p> <p>(2) In particular, the Welsh Ministers may direct the Commission—</p> <p>(a) to conduct a review under this Part (regardless of whether in the circumstances the Commission would have the power, or would be subject to a duty, to conduct the review),</p> <p>(aa) where the Commission has made recommendations or proposals to the Welsh Ministers, to conduct a further review under this Part,</p> <p>(ab) to stop conducting a review under this Part,</p> <p>(b) not to conduct a review under this Part during a period specified in the direction,</p> <p>(c)</p> <p>(d) to conduct the reviews required under section 29(1) in a different order from that proposed by the Commission in any current programme for electoral arrangements reviews prepared in accordance that section,</p> <p>(e) to have regard to such particular matters as may be specified in the direction when conducting a review.</p> <p><u>(f) to pause a review it conducts under this Part for a period specified in the direction or until a further direction is given.</u></p> <p>(3) Subsection (1) does not limit the general power of direction under section 14.</p> <p>(4) The Welsh Ministers may give a principal council directions relating to the exercise of its functions under this Part.</p>	<p>EEB Bill Part 2, Chapter 1, section 50</p>

<p>(5) In particular, the Welsh Ministers may direct a principal council ...—</p> <p>(a) to conduct a review under section 25 or 31,</p> <p>(aa) to stop conducting a review under section 25 or 31,</p> <p>(ab) not to conduct a review under section 25 or 31 during a period specified in the direction,</p> <p>(b) to have regard to such particular matters as may be specified in the direction when conducting a review.</p> <p><u>(c) to pause a review it conducts under this Part for a period specified in the direction or until a further direction is given.</u></p> <p>(6) A principal council must comply with a direction given by the Welsh Ministers under subsection (4).</p> <p>(7) Directions under this section may relate to a particular review, a type of review or to all reviews.</p> <p>(8) But before making a direction under this section relating to the review of a principal area or its electoral arrangements (or reviews of principal areas or their electoral arrangements generally), the Welsh Ministers must consult the Commission and any association appearing to them to be representative of local authorities.</p> <p>(9) In exercising any function under this Part, the Commission or a principal council must have regard to any guidance issued by the Welsh Ministers.</p> <p><u>(10) The Welsh Ministers must not use the powers of direction under this Act to pause a review for more than 9 months, whether the pause is one period of 9 months or more than one period totalling 9 months.</u></p> <p><u>(11) Any period during which the Commission or a principal council is directed under this Act to pause a review is not to be taken into account for the purpose of calculating the length of the periods mentioned in subsections (2) to (5) of section 36B.</u></p>	
<p><u>49ZA Publication of orders under Part 3</u></p> <p>(1) <u>A principal council must publish and maintain on its website—</u></p> <p>(a) <u>a copy of each order it makes under this Part;</u></p> <p>(b) <u>a copy of each order relating to its area made by the Commission under this Part;</u></p> <p>(c) <u>a copy of, or a link to, each statutory instrument containing an order relating to its area made by the Welsh Ministers under this Part.</u></p>	<p>EEB Bill Part 2, Chapter 1, section 53</p>

<p><u>(2) The Commission must publish and maintain on its website—</u></p> <ul style="list-style-type: none"> <u>(a) a copy of each order made by a principal council under this Part;</u> <u>(b) a copy of each order the Commission makes under this Part;</u> <u>(c) a copy of, or a link to, each statutory instrument containing an order made by the Welsh Ministers under this Part;</u> <u>(d) a copy of, or a link to, each statutory instrument containing an order made by the Secretary of State under this Part.</u> <p><u>(3) A principal council must send a copy of each order it makes under this Part to the Commission.</u></p> <p><u>(4) The Commission must send to a principal council a copy of each order it makes under this Part affecting the area of the principal council.</u></p> <p><u>(5) The Welsh Ministers must—</u></p> <ul style="list-style-type: none"> <u>(a) notify a principal council of each order they make under this Part affecting the area of the principal council;</u> <u>(b) notify the Commission of each order they make under this Part.</u> <p><u>(6) The duties in subsections (1) and (2) apply to orders made after the coming into force of this section.</u></p>	
<p><u>49ZB Publication of up-to-date lists of communities and community councils</u></p> <p><u>(1) A principal council must publish and maintain on its website an up-to date list of all communities and community councils in its area with their current names.</u></p> <p><u>(2) The Commission must publish and maintain on its website an up-to date list of all communities and community councils in Wales with their current names.</u></p> <p><u>(3) If a community or community council has different names for the purpose of communication through the medium of the Welsh language and the English language, both names must be included in a list required to be published under this section.</u></p>	<p>EEB Bill Part 2, Chapter 1, section 54</p>
<p><u>PART 3A</u> <u>SENEDD CONSTITUENCY BOUNDARY REVIEWS</u> <u>49A Senedd constituency boundary reviews</u></p>	<p>SC(ME) Bill Schedule 2 Paragraph 1</p>

- (1) The Commission must conduct a Senedd constituency boundary review once in every review period.
- (2) A Senedd constituency boundary review is a review of the Senedd constituencies for the purpose of determining whether those boundaries should change in order to give effect to the rules set out in section 49C.
- (3) If in the course of a review the Commission determines that the boundaries of a Senedd constituency should change, the Commission must also determine—
- (a) what the names of the affected constituencies should be;
- (b) whether each affected constituency should be a county constituency or a borough constituency.
- (4) But if in the course of a review the Commission determines that, while the boundaries of a Senedd constituency should not change, the name of the constituency or its [designation] as a county constituency or a borough constituency should change, it may determine—
- (a) what the name of the constituency should be;
- (b) whether it should be a county constituency or a borough constituency.
- (5) For the purpose of subsection (1), “review period” means—
- (a) the period beginning with 1 April 2025 and ending with 30 November 2028,
- (b) the period of 8 years beginning with 1 December 2028,
- and
- (c) each subsequent period of 8 years.

49B Notice of commencement of Senedd constituency boundary review

- (1) As soon as reasonably practicable after commencing a Senedd constituency boundary review, the Commission must publish a notice—
- (a) stating that the Commission has commenced a review,
- and
- (b) specifying the date on which the review commenced.
- (2) In this Part, “review date” means the date specified in the notice under subsection (1)(b).

49C Constituency rules

- (1) The electorate for each Senedd constituency must be—
- (a) no less than 90% of the electoral quota, and
- (b) no more than 110% of the electoral quota.
- (2) When considering during a Senedd constituency boundary review whether there should be changes to the Senedd constituencies, and what those changes should be—
- (a) the Commission may have regard to—

- (i) local government boundaries that exist or are prospective on the review date;
- (ii) special geographical considerations, including in particular the size, shape and accessibility of a proposed or existing Senedd constituency;
- (iii) any local ties that would be broken by such changes; but
- (b) in any event the Commission must—
 - (i) seek to minimise the amount of change to the Senedd constituencies that exist on the review date, and
 - (ii) have regard to the inconveniences caused by making changes to the Senedd constituencies.
- (3) For the purposes of subsection (1)—
 - (a) the electorate is the total number of local government electors, and
 - (b) the electoral quota is the electorate of Wales divided by 16 (which is the number of Senedd constituencies), and for the purposes of paragraph (a), a local government elector is a person registered in the relevant version of the register of local government electors at an address [within a Senedd constituency].
- (4) The relevant version of the register of local government electors is the version that is, on the review date, the most recent version published under section 13(1)(a) of the Representation of the People Act 1983 (c. 2).
- (5) In the case of a local government boundary that is prospective on the review date, it is that boundary (rather than any existing boundary that it replaces) that must be taken into account under subsection (2)(a)(i).
- (6) A local government boundary is “prospective” on the review date if, on that date—
 - (a) it is specified in a provision of—
 - (i) primary legislation, or
 - (ii) an instrument made under primary legislation, and
 - (b) the provision specifying the boundary is not yet in force for all purposes.
- (7) In subsection (6), “primary legislation” means—
 - (a) an Act enacted under Part 4 of the Government of Wales Act 2006 (c. 32);
 - (b) a Measure enacted under Part 3 of that Act;
 - (c) an Act of the Parliament of the United Kingdom.

49D Determining the names of the Senedd constituencies

- (1) Each Senedd constituency must have—
 - (a) a name for the purposes of identifying the constituency in communication through the medium of Welsh, and
 - (b) a name for the purposes of identifying the constituency in communication through the medium of English,

unless the Commission considers one name is acceptable for communication through either language.
(2) The Commission must, when determining the name of a constituency—
(a) consult the Welsh Language Commissioner on the orthography of the proposed name for communication in the medium of Welsh, and
(b) consider its proposals having regard to any representations received from the Welsh Language Commissioner.
(3) A requirement under this Part to set out the names of the Senedd constituencies in a report is a requirement to set out both names—
(a) in the Welsh language version, and
(b) in the English language version,
unless the Commission considers one name is acceptable for communication through either language.

49E Initial report on boundary review and first period for representations

(1) After taking the steps in sections 49B(1) and 49D(2), the Commission must make an initial report setting out—
(a) the Commission's proposals for change to—
(i) the boundaries of the Senedd constituencies;
(ii) the names of the Senedd constituencies, or
(b) if it does not consider any change appropriate, a statement to that effect.
(2) The Commission must—
(a) publish the initial report,
(b) inform any person it considers appropriate of how to access the report,
(c) invite representations on the report, and
(d) notify any person it considers appropriate of the first period for representations.
(3) The first period for representations is a period of eight weeks, beginning with the date on which the initial report is published.

49F Publication of, and consultation on, representations

(1) At the end of the first period for representations the Commission must publish a document setting out any representations received during that period.
(2) The Commission must also—
(a) inform any person it considers appropriate of how to access the document published under subsection (1),
(b) invite representations in respect of the representations set out in the document published under subsection (1),

(c) notify any person it considers appropriate of the second period for representations, and

(d) publish information about the times and places at which public hearings under section 49G will be held and, where hearings are to be held partly in person and partly through the use of remote facilities, specify instructions on how to make representations using remote facilities.

(3) The second period for representations is a period of six weeks, beginning with the date on which the document is published under subsection (1).

(4) In subsection (2)(d), “remote facilities” means any equipment or other facility that enables people who are not in the place where the hearing is being held to make representations at the hearing. make representations at the hearing.

49G Public hearings

(1) During the second period for representations, the Commission must hold at least two but no more than five public hearings to enable representations to be made about its proposals.

(2) The public hearings must between them cover the whole of Wales.

(3) A public hearing must be completed within two days.

(4) If a hearing is to be held partly through the use of remote facilities (within the meaning given in section 49F(4)), the remote facilities must enable the people making representations at the hearing but who are not in the place where the hearing is being held to speak to and be heard by (whether or not it enables those people to see and be seen by)—

(a) each other, and

(b) people at the place where the hearing is being held.

(5) The Commission must appoint a person to chair each hearing (“the chair”).

(6) The chair must determine the procedure that is to govern that hearing.

(7) The chair must make arrangements for a public hearing to begin with an explanation of—

(a) the proposals with which the hearing is concerned;

(b) how representations about the proposals may be made.

(8) The chair must allow representations to be made—

(a) by each political party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000

(c. 41) and either—

(i) has at least one Member of the Senedd, or

(ii) received at least 10% of the votes cast in the most recent general election;

(b) by any other person considered by the chair to have an interest in any of the proposals with which the hearing is concerned.

(9) The chair may—

(a) determine the order in which representations are made;

(b) restrict the amount of time allowed for representations and need not allow the same amount to each person;

(c) if necessary because of shortage of time, determine which of the persons mentioned in subsection (8)(b) are not allowed to make representations.

(10) The chair may put questions, or allow questions to be put, to a person making representations at the hearing.

(11) If questions are allowed to be put, the chair may regulate the manner of questioning or restrict the number of questions a person may ask.

49H Second report on boundary review and final period for representations

(1) At the end of the second period for representations the Commission must—

(a) consider its proposals having regard to the representations made during the first and second periods for representations, and

(b) if it is considering any changes that were not set out in the initial report to the names of the Senedd constituencies—

(i) consult the Welsh Language Commissioner on the orthography of the proposed names for communication in the medium of the Welsh language, and

(ii) have regard to any representations made by the Commissioner.

(2) After taking the steps in subsection (1), the Commission must make a second report—

(a) setting out any representations (of the kind described in section 49F(2)(b)) received;

(b) containing records of the public hearings held under section 49G;

(c) setting out—

(i) the Commission's proposals for change to the boundaries and names of the Senedd constituencies, or

(ii) if the Commission does not consider any change appropriate, a statement to that effect;

(d) specifying details of any changes the Commission has made to the proposals set out in the initial report, and an explanation of why those changes have been made.

(3) The Commission must—

(a) publish the second report,

(b) inform any person it considers appropriate of how to access the report,

- (c) invite representations on the report, including representations in respect of the representations made during the public hearings, and
- (d) notify any person it considers appropriate of the final period for representations.
- (4) The final period for representations is a period of four weeks, beginning with the date on which the second report is published.
- (5) At the end of the final period for representations the Commission must—
 - (a) publish any representations received,
 - (b) consider its proposals having regard to those representations, and
 - (c) if it is considering any changes that were not set out in the second report to the names of the Senedd constituencies—
 - (i) consult the Welsh Language Commissioner on the orthography of the proposed names for communication in the medium of the Welsh language, and
 - (ii) have regard to any representations made by the Commissioner.

49I Final report on boundary review

- (1) Before 1 December 2028, and before 1 December every eighth year after that, the Commission must—
 - (a) make and publish a final report, and
 - (b) send it to the Welsh Ministers.
- (2) The final report must—
 - (a) either—
 - (i) set out the details of any changes that are required to be made to the Senedd constituencies, or
 - (ii) state that no alteration is required to be made to the Senedd constituencies, and
 - (b) specify details of any changes the Commission has made to the proposals set out in the second report, and explain why those changes have been made.
- (3) If changes are required to be made to the boundaries of Senedd constituencies, the final report must set out—
 - (a) the boundaries of the Senedd constituencies that are to be changed,
 - (b) the names of the Senedd constituencies that are to be changed, and
 - (c) whether each Senedd constituency that is to be changed is to be a county constituency or borough constituency.
- (4) If the boundaries of a Senedd constituency are not to be changed but a change is required to either or both—
 - (a) the name of the constituency;
 - (b) its designation as a county constituency or borough constituency,

the final report must set out the change.

(5) A failure by the Commission to comply with a deadline in subsection (1) does not invalidate a final report.

(6) As soon as reasonably practicable after receiving a final report, the Welsh Ministers must lay it before Senedd Cymru.

49J Implementation of final report by the Welsh Ministers

(1) Where a final report sets out changes that are required to be made to the Senedd constituencies, the Welsh Ministers must make regulations giving effect to the determinations in the Commission's final report—

(a) as soon as reasonably practicable after laying the report before Senedd Cymru, and

(b) in any event, unless there are exceptional circumstances, before the end of the period of six months beginning with the date the report is laid before the Senedd.

(2) Where regulations are not made in accordance with subsection (1)(b), the Welsh Ministers must lay a statement before Senedd Cymru setting out the exceptional circumstances.

(3) A statement under subsection (2) must be laid before the end of the period of six months beginning with the date the final report is laid before Senedd Cymru.

(4) Further statements setting out the exceptional circumstances must be laid before Senedd Cymru before the end of each subsequent period of four weeks beginning with the day on which the previous statement was laid, until the regulations are made.

(5) Regulations under this section may make provision for any matters which the Welsh Ministers consider are incidental to, or consequential on, the determinations in the final report.

(6) Regulations under this section must be made by statutory instrument.

(7) A statutory instrument containing regulations under this section must be laid before Senedd Cymru as soon as reasonably practicable after the regulations are made.]

(8) The coming into force of the regulations does not affect the return of a Member of the Senedd to Senedd Cymru, or the constitution of Senedd Cymru, until the dissolution of the Senedd in connection with the next ordinary general election.

49K Modification of final report by the Commission

(1) This section applies where—

- (a) the Welsh Ministers have laid a final report before Senedd Cymru under section 49I(6),
(b) the report sets out changes that are required to be made to the Senedd constituencies,
(c) the Commission considers that the report needs to be modified to correct an error or errors in respect of any of the matters mentioned in section 49I(3) or (4), and
(d) regulations have not yet been made under section 49J.
(2) The Commission may send a statement to the Welsh Ministers specifying—
(a) the modifications of the report, and
(b) the reasons for those modifications.
(3) The Commission must publish a statement sent to the Welsh Ministers under subsection (2).
(4) As soon as reasonably practicable after receiving a statement, the Welsh Ministers must lay it before Senedd Cymru.
(5) Where a statement has been sent to the Welsh Ministers, the regulations made under section 49J must give effect to the final report with the modifications specified in the statement.

49L Interpretation of Part

(1) In this Part—

“general election” means an ordinary general election or an extraordinary general election held under Part 1 of the Government of Wales Act 2006 (c. 32);

“local government boundaries” are the boundaries of counties, county boroughs, electoral wards, communities and community wards in Wales;

“remote facilities” has the meaning given by section 49F(4);

“review date” has the meaning given by section 49B(2);

“Senedd constituency” means a constituency provided for in regulations made under section 49J.

(2) Where this Part imposes a duty on the Commission to publish a notice, report or other document, the notice, report or other document must be published—

(a) on the Commission’s website, and

(b) in such other manner as the Commission considers appropriate.

Independent Remuneration Panel for Wales

62 Functions relating to payments to members

~~In section 142 of the 2011 Measure (functions relating to payments to members)—~~

~~(a) in subsection (4), after “proportion” insert “or specified number”;~~

~~(b) after subsection (5) insert—~~

~~“(5A) The number specified by the Panel in accordance with subsection (4), expressed as a proportion of the total number of members of an authority, may not exceed fifty per cent unless the consent of the Welsh Ministers has been obtained.”.~~

63 Functions relating to salaries of heads of paid service

~~(1) After section 143 of the 2011 Measure insert—~~

~~“143A Functions relating to salaries of heads of paid service~~

~~(1) The Panel may make recommendations to a qualifying relevant authority about—~~

~~(a) any policy in the authority's pay policy statement which relates to the salary of the authority's head of paid service;~~

~~(b) any proposed change to the salary of the authority's head of paid service.~~

~~(2) A qualifying relevant authority must have regard to any recommendation received from the Panel when performing its functions under section 38 or 39 of the Localism Act 2011 (c. 20).~~

~~(3) A qualifying relevant authority must, before making a change to the salary of its head of paid service which is not commensurate with a change to the salaries of the authority's other staff—~~

~~(a) consult the Panel about the proposed change, and~~

~~(b) have regard to any recommendation received from the Panel when deciding whether or not to proceed with making the change.~~

~~(4) A qualifying relevant authority must provide the Panel with such information as the Panel may reasonably require in connection with the exercise of its functions under this section.~~

~~(5) The Panel may publish any recommendations it makes under this section.~~

EEB Bill
Schedule 1,
Part 4, 13 (3)

~~(6) The Panel must have regard to any guidance issued by the Welsh Ministers when exercising its functions under this section.~~

~~(7) In this section—~~

- ~~• “head of paid service” (“”) means a head of paid service designated under section 4(1) of the Local Government and Housing Act 1989;~~
- ~~• “pay policy statement” (“”) means a pay policy statement produced by a relevant authority (within the meaning of section 43(1) of the Localism Act 2011) under section 38 of that Act;~~
- ~~• “qualifying relevant authority” (“”) means a relevant authority (within the meaning of this Part) which is required to produce a pay policy statement;~~
- ~~• “salary” (“”) includes, in the case of a head of paid service engaged by a qualifying relevant authority under a contract for services, payments by the authority to the head of paid service for those services.”.~~

~~(2) In the Part heading of Part 8 of the 2011 Measure, omit “MEMBERS.”.~~

~~(3) In section 112 of the 1972 Act (appointment of staff), in subsection (2A), after “statement)” insert “ and in relation to a local authority in Wales, section 143A of the Local Government (Wales) Measure 2011 (functions of the Independent Remuneration Panel in relation to salaries of heads of paid service).”.~~

~~64 Relevant authorities~~

~~In section 144 of the 2011 Measure (relevant authorities, members etc.)—~~

~~(a) in subsection (2), after paragraph (d) insert—~~

~~“(e) a body specified as a relevant authority in an order made by the Welsh Ministers.”,~~

~~(b) after subsection (5) insert—~~

~~“(6)A body may only be specified as a relevant authority if—~~

~~(a) the Welsh Ministers exercise functions in respect of it,~~

~~(b) it exercises relevant functions, and~~

~~(c) its membership includes at least one member of an authority described in subsection (2)(a) to (d).~~

~~(7) A “relevant function” is—~~

~~(a) a function conferred by an Act or Measure of the National Assembly for Wales, or~~

<p>(b) a function that could be conferred by an Act of the National Assembly for Wales.</p> <p>(8) Sections 142(4), 143, 147(3)(b) and 155 do not apply in relation to a relevant authority described in subsection (2)(e)."</p> <p><i>65 Subsequent annual reports</i></p> <p>In section 147 of the 2011 Measure (subsequent annual reports)—</p> <p>(a) in subsection (2)(a), for "31 December" substitute "28 February",</p> <p>(b) in subsection (4), after "(e)" insert "(including by specifying a number under section 142(4))",</p> <p>(c) for subsection (9) substitute—</p> <p>"(9) The provisions of an annual or supplementary report under this section come into force on the date specified for that purpose in the report.</p> <p>(10) Where subsection (11) applies, the report may specify that a qualifying provision is to be treated as having been brought into force up to 3 months earlier than the date of publication of the report.</p> <p>(11) This subsection applies where a supplementary report contains a qualifying provision.</p> <p>(12) A "qualifying provision" is a provision making a variation for the purposes of subsection (3)(a), (b) or (c) of section 146."</p> <p><i>66 Consultation on draft reports</i></p> <p>In section 148 of the 2011 Measure (consultation on draft reports)—</p> <p>(a) in subsection (1), "or a supplementary report" is repealed, and</p> <p>(b) after that subsection insert—</p> <p>"(1A) The Panel must not publish a supplementary report—</p> <p>(a) before the end of the period of four weeks beginning with the day on which it sends a draft of the report in accordance with section 147, or</p> <p>(b) later than the end of the period of eight weeks beginning with the day on which it sends a draft of the report in accordance with section 147."</p> <p><i>67 Publicity requirements in reports</i></p> <p>In section 151 of the 2011 Measure (publicity requirements in reports)—</p>	
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<p>(a) in subsection (1), after paragraph (b) insert — “(c) about other payments made to members of relevant authorities from other public bodies.”.</p> <p>(b) after subsection (2) insert — “(3) For the purposes of subsection (1)(c), a “public body” is —</p> <p>(a) a local health board,</p> <p>(b) a police and crime panel,</p> <p>(c) a relevant authority,</p> <p>(d) a body designated as a public body in an order made by the Welsh Ministers.”.</p>	
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PART 5A

FUNCTIONS RELATING TO PAYMENTS AND PENSIONS

Remuneration of authority members

69A Function relating to payments to members

(1) For the financial year beginning 1 April 2025 and for each following financial year, the Commission must decide the relevant matters for which a relevant authority—

(a) is required to make payments to members of the authority;

(b) is authorised to make payments to members of the authority.

(2) In this Part relevant matters are—

(a) matters relating to the official business of members of relevant authorities;

(b) periods of family absence under Part 2 of the 2011 Measure.

(3) When making a decision under subsection (1) the Commission must set for each relevant matter one of the following—

(a) the amount that a relevant authority must pay to a member of the authority;

(b) the maximum amount that a relevant authority may pay to a member of the authority.

(4) The Commission may decide that payments in respect of a relevant matter or matters may not be paid to more than a fixed proportion or specified number of the members of a relevant authority.

(5) The proportion fixed by the Commission under subsection (4) may not exceed 50% unless the Welsh Ministers give their consent.

(6) The number specified by the Commission under subsection (4), expressed as a proportion of the total number of members of a relevant authority, may not exceed 50% unless the Welsh Ministers give their consent.

(7) The Commission may set—

(a) the maximum percentage or other rate by which a relevant authority may adjust for a financial year the amounts that had effect in respect of relevant matters for the financial year preceding that year;

EEB Bill
Part 2,
Chapter 2,
section 57

(b) an index by reference to which a relevant authority may adjust for a financial year the amounts that had effect in respect of such of the relevant matters for the previous year as the Commission decides.

(8) The powers under subsection (7) may be exercised to—

(a) set a rate and an index in relation to the same matter;

(b) set different rates or indices in relation to different matters.

(9) When setting an amount under subsection (3), making a determination under subsection (4) or setting a rate or index under subsection (7), the Commission must take into account what it considers will be the likely financial impact of doing so on relevant authorities.

(10) The Commission may make different decisions under subsection (1), set different amounts under subsection (3), make different determinations under subsection (4), or set different rates or indices under subsection (7), in relation to relevant authorities of different descriptions or different relevant authorities of the same description.

(11) For the purposes of subsection (2) a matter relates to the official business of a member of a relevant authority if it is a matter which a member undertakes—

(a) as a member of a relevant authority, or

(b) as a member of a body to which the member is appointed by, or following nomination by, the relevant authority or a group of bodies including the relevant authority.

(12) In this section and in section 69E “financial year” means a period of 12 months ending with 31 March.

69B Functions relating to members’ pensions

(1) This section applies in relation to members of relevant authorities who—

(a) are not co-opted members, and

(b) are for the time being eligible for membership of a pension scheme in accordance with regulations under section 7 of the Superannuation Act 1972 (c. 11)(local government pension schemes).

(2) The Commission must decide the descriptions of members in respect of whom a relevant authority is required to pay a pension (a “relevant pension”).

(3) The Commission must decide the relevant matters in respect of which a relevant authority is required to pay a relevant pension.

(4) The Commission may make different decisions in relation to relevant authorities of different descriptions or different relevant authorities of the same description.

69C Relevant authorities, members etc.

(1) This section applies for the purposes of this Part.

(2) An authority is a relevant authority if it is—

(a) a local authority;

(b) a National Park authority for a National Park in Wales;

(c) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c.21) or a scheme to which section 4 of that Act applies;

(d) a corporate joint committee;

(e) a body specified as a relevant authority in regulations made by the Welsh Ministers.

(3) A reference to a description of a relevant authority is to be read with subsection (2).

(4) “Member”, in relation to a relevant authority, includes—

(a) an elected mayor of the authority (within the meaning of section 39(1) of the Local Government Act 2000),

(b) an elected executive member of the authority (within the meaning of section 39(4) of that Act),

(c) a co-opted member of the authority, and

(d) a person who is a member of a sub-committee of a corporate joint committee and is entitled to vote on any question to be decided by that sub-committee.

(5) “Co-opted member”, in relation to a relevant authority other than a corporate joint committee, means a person who is not a member of the authority (except by virtue of subsection (4)) but—

(a) is a member of a committee or sub-committee of the authority or is a member of, and represents the authority on, a joint committee or joint sub-committee of the authority, and

(b) is entitled to vote on questions for decision at meetings of that committee or sub-committee.

(6) A body may only be specified as a relevant authority in regulations under subsection (2)(e) if—

(a) the Welsh Ministers exercise functions in respect of it,

(b) it exercises a function conferred by a Measure or Act of Senedd Cymru, or a function that could be conferred by an Act of Senedd Cymru (including a function that could be conferred only with the consent of a Minister of the Crown), and

(c) its membership includes at least one member of an authority described in subsection (2)(a) to (d).

(7) Sections 69A(4), 69B, 69E(4)(d) and 69O do not apply in relation to a relevant authority described in subsection (2)(d) or (e).

(8) In this section “corporate joint committee” means a committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021.

69D Functions relating to resettlement payments

(1) A resettlement payment is a payment to a person who—

(a) ceases to be a member of a local authority at the end of their term of office,

(b) when in office was a member of a local authority of a description specified in regulations made by the Welsh Ministers,

(c) stands for re-election for membership of the same authority in the ordinary election of the local authority for the term following the term of office, and

(d) is not returned as a member at that election.

(2) The Commission must decide—

(a) the circumstances in which a local authority is required to make a resettlement payment;

(b) the circumstances in which a local authority is authorised to make a resettlement payment;

(c) the matters in respect of which a resettlement payment is payable.

(3) When making a decision under subsection (2) the Commission must set—

(a) the qualifying conditions for payment;

(b) the amount a local authority is required to pay;

(c) the maximum amount a local authority may pay to a member;

(d) a mechanism by which the amount of payments set under paragraph (b) or (c) may be increased or decreased;

(e) requirements on how payments are to be made (and their frequency).

(4) The Commission must make arrangements to review any decision it makes under subsection (2) and, if it thinks appropriate, may revise its decision.

(5) When making a decision under this section the Commission must take into account the likely financial impact of its decision on local authorities.

(6) When making a decision under subsection (2) the Commission may make different provision in relation to local authority members of different descriptions or different members of the same description.

(7) The Commission must make a decision under subsection (2) before each ordinary election of the local authority, beginning with the election that is to be held in May 2027 and must review the decision before each subsequent ordinary election.

(8) Subsection (7) applies only if the Welsh Ministers make regulations under subsection (1)(b).

69E Annual remuneration reports in relation to members of relevant authorities

(1) The Commission must prepare and publish a report (an “annual remuneration report”) about the exercise of its functions under this Part in respect of each financial year.

(2) An annual remuneration report must set out the requirements imposed on relevant authorities by the Commission under sections 69A, 69B and 69D.

(3) An annual remuneration report must be published no later than—

(a) 28 February in the financial year before the financial year to which the report relates, or

(b) such later date as the Commission and the Welsh Ministers may agree.

(4) An annual remuneration report must set out—

(a) the relevant matters,

(b) the amounts set under section 69A(3),

(c) the proportion or number determined under section 69A(4),

(d) the members or descriptions of members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension,

(e) the relevant matters in respect of which a relevant pension is payable,

(f) any percentage, rate or index set under section 69A(7) and the relevant matter to which it relates, and

(g) any decision about resettlement payments under section 69D.

69F Supplementary remuneration reports

(1) After publishing an annual remuneration report but before publishing the next report, the Commission may prepare and publish one or more supplementary remuneration reports to the annual remuneration report (“a supplementary remuneration report”).

(2) The supplementary remuneration report may—

(a) vary the provision made in the annual remuneration report under section 69E(4);

(b) make any provision that the annual remuneration report could have made under section 69E(4).

69G Further provision about annual remuneration reports and supplementary remuneration reports

(1) Before publishing an annual remuneration report or a supplementary remuneration report under section 69E or 69F, the Commission must—

(a) send a draft of the report it proposes to make to—

(i) the Welsh Ministers,

(ii) the relevant authorities that are required or authorised by the Commission to make payment to their members in respect of relevant matters, and

(iii) such other persons as the Commission considers appropriate,

(b) publish the draft report as soon as practicable after sending it.

(2) When preparing an annual remuneration report or a supplementary remuneration report under section 69E or 69F, the Commission must take into account—

(a) the last annual remuneration report and any supplementary remuneration reports relating to the last annual remuneration report;

(b) representations received about the reports referred to in paragraph (a) and the draft reports referred to in subsection (1).

(3) The provisions of an annual or supplementary remuneration report under section 69E or 69F have effect on the date specified for that purpose in the report.

(4) But where a supplementary remuneration report contains provision made under section 69F(2) varying a provision made under section 69E(4)(a), (b) or (c), the supplementary remuneration report may specify that the provision is to be treated as having effect up to 3 months earlier than the date of publication of the supplementary remuneration report.

69H Directions to reconsider draft reports

(1) The Welsh Ministers may direct the Commission to reconsider a provision of a draft annual or draft supplementary remuneration report.

(2) A direction under this section must specify—

(a) the provision,

(b) the reason for giving the direction, and

(c) the date by which the Welsh Ministers require the Commission to respond.

(3) The Commission—

(a) must respond to the direction no later than the date specified in the direction;

(b) must not publish the report before responding to the direction.

(4) If the Commission decides not to vary the draft report in response to the direction, it must specify in its response the reason for its decision.

69I Commission's publication and notification duties in relation to reports

(1) The Commission must not publish an annual remuneration report under section 69E before the end of the period of 12 weeks beginning with the day on which it sends a draft of the report under section 69G(1)(a)(i).

(2) The Commission must not publish a supplementary remuneration report—

(a) before the end of the period of 8 weeks beginning with the day on which it sends a draft of the report in accordance with section 69G(1)(a)(i), or

(b) later than the end of the period of 12 weeks beginning with the day on which it sends a draft of the report in accordance with section 69G(1)(a)(i).

(3) Subsections (1) and (2) are subject to section 69H(3)(b) (publishing of report permitted only if Commission has responded to direction).

(4) The Commission must publish each annual remuneration report, supplementary remuneration report, and draft report prepared under Part 5A on its website, and in any other way the Commission considers appropriate.

(5) Copies of anything published under subsection (4) may be supplied free of charge or on payment of such fee, not exceeding the cost of supplying the copy, as the Commission may determine.

(6) As soon as reasonably practicable after publishing an annual remuneration report or supplementary remuneration report, the Commission must notify the persons it considers likely to be affected by it of how they can access the report or obtain a copy of it.

69J Administrative requirements for relevant authorities in reports

(1) An annual remuneration report may include the Commission's requirements for—

(a) avoiding duplication of-

(i) payments in respect of relevant matters, and

(ii) requests for payment in respect of the same relevant matters under section 69A(2)(a);

(b) keeping records of—

(i) requests for payments in respect of relevant matters;

(ii) payments made in respect of relevant matters;

(iii) payments made in respect of relevant pensions;

(iv) resettlement payments made under section 69D.

(2) An annual remuneration report must set out the Commission's requirements in relation to how a relevant authority determines which relevant authority is required to make a payment in a case where a member of a relevant authority does something—

(a) for which a payment in respect of a relevant matter must be made, and

(b) which relates to another relevant authority (as well as the authority to which the member belongs).

69K Publishing requirements for relevant authorities in reports

(1) An annual remuneration report may set out the Commission's requirements for relevant authorities to publish information about—

(a) payments made in respect of relevant matters;

(b) payments made in respect of relevant pensions;

(c) resettlement payments made under section 69D;

(d) other payments made to members of relevant authorities from other public bodies.

(2) For the purposes of sub-paragraph (1)(d), a "public body" is—

(a) a local health board;

(b) a police and crime panel;

(c) a relevant authority;

(d) a body designated as a public body in regulations made by the Welsh Ministers.

(3) The Commission may require different publishing arrangements to be made by authorities of different descriptions or different authorities of the same description.

69L Monitoring compliance with Commission's requirements

(1) A relevant authority must comply with any requirement set out in an annual remuneration report or supplementary remuneration report.

(2) The Commission may monitor the making of payments by relevant authorities in respect of relevant matters; and may require a relevant authority to provide it with information about—

(a) the matters which are relevant matters in relation to the authority;

(b) requests to the authority for payments in respect of relevant matters;

(c) payments made by the authority in respect of relevant matters.

(3) The Commission may monitor the making of payments by relevant authorities in respect of relevant pensions and may require a relevant authority to provide it with information about—

(a) the members of the authority to or in respect of whom the authority is required to pay relevant pensions;

(b) payments made by the authority in respect of relevant pensions.

(4) The Commission may monitor the making of resettlement payments by local authorities and may require a local authority to provide it with information about—

(a) the former members of the local authority to or in respect of whom the authority is required to pay a resettlement payment;

(b) resettlement payments made by the local authority.

69M Directions to enforce compliance with Commission’s requirements

(1) If the Welsh Ministers are satisfied that a relevant authority has failed to comply with a requirement in an annual or supplementary remuneration report made under this Part, they may direct the authority to comply with the requirement.

(2) A direction under this section must specify—

(a) the requirement;

(b) the reason for giving the direction;

(c) the steps that the Welsh Ministers require the authority to take;

(d) the date by which the Welsh Ministers require the authority to take the steps.

69N Members wishing to forgo payments

(1) This section applies if a person elects, by notice in writing given to the proper officer of the authority, to forgo (either completely or to the extent specified in the notice) entitlement to payments in respect of the relevant matters, or resettlement payment, specified in the notice.

(2) The requirement imposed on the authority by section 69A and 69D to make payments specified in the notice does not apply in the case of that member (or does not apply to the extent specified in the notice).

(3) In this section “proper officer” has the meaning given in section 270(3) of the 1972 Act.

69O Withholding payments

(1) A relevant authority must not make payments in respect of relevant matters or a relevant pension to a person who is—

(a) suspended or partially suspended from being a member of the authority by virtue of Part 3 of the Local Government Act 2000 (c. 22) (conduct of local government members etc.);

(b) prevented from acting in the office of a member of a local authority in Wales under section 80A(6) of the 1972 Act (disqualification).

(2) A local authority must not make a resettlement payment to a person who is prevented from acting in the office of a member of a local authority in Wales under section 80A(6) of the 1972 Act.

(3) The Welsh Ministers may, in cases they consider appropriate, direct a relevant authority not to—

(a) make payments (including in respect of pensions) in respect of the relevant matters specified in the direction;

(b) make a resettlement payment.

(4) Before giving a direction under subsection (3), the Welsh Ministers must consult the Commission.

(5) A relevant authority may require a person to repay payments made in respect of relevant matters or a relevant pension to a person in respect of a period during which the person was not entitled to receive the payment for any reason, including (but not limited to) the following reasons—

(a) the payments were made in breach of subsection (1);

(b) the payments were made in breach of a direction under subsection (3)(a);

(c) the person had ceased to be a member of the authority.

(6) A local authority may require a person to repay a resettlement payment made under section 69D where the person was not entitled to receive the payment for any reason, including (but not limited to) the following reasons—

(a) the payment was made in breach of subsection (2);

(b) the payment was made in breach of a direction under subsection (3)(b).

69P Guidance

(1) The Commission may issue guidance to relevant authorities about how to comply with requirements imposed under this Part.

(2) The Welsh Ministers may issue guidance to the Commission about the Commission's functions under this Part.

<p><u>(3) The powers of the Commission and the Welsh Ministers to issue guidance under subsections (1) and (2) includes the power to vary or revoke guidance given.</u></p> <p><u>(4) A relevant authority, or the Commission as the case may be, must have regard to guidance given under this section.</u></p> <p><u>69Q Directions under this Part</u></p> <p><u>(1) A direction given under section 69M and 69O is enforceable by mandatory order on the application of the Welsh Ministers.</u></p> <p><u>(2) The power to give directions under this Part does not limit the general power of direction under section 14.</u></p> <p><u>69R Power to modify provision</u></p> <p><u>The Welsh Ministers may by regulations make modifications of this Part so as to add, vary or omit provision conferring or imposing a function on the Commission.</u></p>	
<p>PART 6 MISCELLANEOUS AND GENERAL PROVISION</p> <p><u>70ZA Directions</u></p> <p><u>A direction given by the Welsh Ministers under this Act must be given in writing.</u></p>	<p>EEB Bill Schedule 1, Part 4, 13 (4)</p>

<p>71 Orders and regulations</p> <p>(1) Any power of the Welsh Ministers to make an order or regulations under this Act (other than an order under section 47) is exercisable by statutory instrument and includes power to—</p> <p>(a) make incidental, consequential, supplemental, transitional, transitory or savings provision as the Welsh Ministers consider necessary or expedient for the purposes of, or in connection with, this Act,</p> <p>(b) modify any enactment (including this Act), and</p> <p>(c) make different provision for different purposes and areas.</p> <p>(2) A statutory instrument which contains—</p> <p>(a) an order under section 34(3)(e) or 70(1),</p> <p>(b) an order under section 37(1) which includes provision altering the area of a principal council or a preserved county ..., or</p> <p><u>(ba) regulations under section 20E(3)(c),</u></p> <p><u>(bb) regulations under section 29(3A),</u></p> <p><u>(bc) regulations under section 31(A3),</u></p> <p>(c) regulations under section 41(1),</p> <p><u>(d) regulations under section 69C(2)(e), 69D(1)(b) or 69K(2)(d),</u></p> <p>is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.</p> <p>(3) Despite subsection (2), any statutory instrument containing an order or regulations made under this Act which includes provision adding to, replacing or omitting any part of the text of an Act of Parliament or a Measure or Act of the National Assembly for Wales is not to be made until a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.</p> <p>(4) This section does not apply to an order made under section 45 or 75, or regulations made under section 49J.</p>	<p>EEB Bill Part 2, Chapter 1, section 41 Part 2, Chapter 1, section 51 Schedule 1 Part 1, 1(5) Schedule 1, Part 4, 13 (5)</p> <p>SC(ME) Bill Schedule 2 Paragraph 2(5)</p>
<p>72 Interpretation</p> <p>(1) In this Act, unless the context otherwise requires—</p> <ul style="list-style-type: none"> • “1972 Act” means the Local Government Act 1972 (c. 70), • “2011 Measure” means the Local Government (Wales) Measure 2011 (nawm 4), 	<p>EEB Bill Schedule 1, Part 1, 1 (6)</p>

<ul style="list-style-type: none"> • “community meeting” is a meeting of the local government electors for a community convened under section 27(1) of the 1972 Act, • “enactment” includes an enactment comprised in subordinate legislation, • <u>“enactment” means any of the following or a provision of any of the following—</u> <ul style="list-style-type: none"> <u>(a) an Act or Measure of Senedd Cymru;</u> <u>(b) an Act of the Parliament of the United Kingdom;</u> <u>(c) any subordinate legislation.</u> • “local authority” means a principal council or a community council, • “local government area” means a principal area or a community, • “modify”, in relation to an enactment, includes amend or repeal, • “principal area” means a county or a county borough in Wales, • “principal council” means a county council or a county borough council in Wales. <p>(2) Schedule 3 (index of defined expressions) has effect.</p>							
<p>76 Short title The short title of this Act is the Local Government (Democracy) (Wales) Act 2013 Democracy and Boundary Commission Cymru etc. Act 2013.</p>	<p>SC(ME) Bill Part 3 Section 11(3)</p>						
<p>SCHEDULE 3</p> <p>INDEX OF DEFINED EXPRESSIONS</p> <p>The expressions listed in the first column are defined by or (as the case may be) are to be interpreted in accordance with the provisions of this Act listed in the second column in relation to those expressions.</p> <p style="text-align: center;"><i>TABLE 2</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><i>Expression</i></th> <th style="text-align: left;"><i>Relevant provision</i></th> </tr> </thead> <tbody> <tr> <td>1972 Act (<i>Deddf 1972</i>)</td> <td>Section 72(1)</td> </tr> <tr> <td><u>1983 Act (<i>Deddf 1983</i>)</u></td> <td><u>section 20</u></td> </tr> </tbody> </table>	<i>Expression</i>	<i>Relevant provision</i>	1972 Act (<i>Deddf 1972</i>)	Section 72(1)	<u>1983 Act (<i>Deddf 1983</i>)</u>	<u>section 20</u>	<p>EEB Bill Schedule 1, Part 1, 1 (7) Schedule 1, Part 4, 13 (6)</p> <p>SC(ME) Bill Schedule 2 Paragraph 2(6)</p>
<i>Expression</i>	<i>Relevant provision</i>						
1972 Act (<i>Deddf 1972</i>)	Section 72(1)						
<u>1983 Act (<i>Deddf 1983</i>)</u>	<u>section 20</u>						

2011 Measure (<i>Mesur 2011</i>)	Section 72(1)	
<u>Annual remuneration report</u> (<i>Adroddiad blynyddol ar dâl</i>)	<u>Section 69E</u>	
Appropriate implementing authority (<i>Awdurdod gweithredu priodol</i>)	Section 36(6)	
Assistant Commissioner (<i>Comisiynydd Cynorthwyol</i>)	Section 11(1)	
Chairing member (<i>Aelod cadeirio</i>)	Section 4(1)(a)	
Community boundary change (<i>Newid i ffin cymuned</i>)	Section 23(4)(a)	
Community council change (<i>Newid i gyngor cymuned</i>)	Section 23(4)(b)	
Community meeting (<i>Cyfarfod cymunedol</i>)	Section 72(1)	
<u>Devolved referendums</u> (<i>Refferenda datganoledig</i>)	<u>section 20I</u>	
Electoral arrangements for community (<i>Trefniadau etholiadol ar gyfer cymuned</i>)	Section 31(7)	
Electoral arrangements for principal area (<i>Trefniadau etholiadol ar gyfer prif ardal</i>)	Section 29(9)	
Electoral arrangements change (<i>Newid i drefniadau etholiadol</i>)	Section 23(4)(c)	
<u>Electoral registration officer</u> (<i>Swyddog cofrestru etholiadol</i>)	<u>section 20I</u>	
Electoral ward (<i>Ward etholiadol</i>)	Section 29(11)	
Enactment (<i>Deddfiad</i>)	Section 72(1)	

Executive arrangements (<i>Trefniadau gweithrediaeth</i>)	Section 52(9)	
Expert (<i>Arbenigwr</i>)	Section 10(1)	
Local authority (<i>Awdurdod lleol</i>)	Section 72(1)	
Local government area (<i>Ardal llywodraeth leol</i>)	Section 72(1)	
<u>Local government elections</u> (<i>Etholiadau llywodraeth leol</i>)	<u>section 20I</u>	
Local government elector (<i>Etholwr llywodraeth leol</i>)	Section 30 for the purposes of Part 3 and section 49C(3) for the purposes of Part 3A	
Mandatory consultees (<i>Ymgynghoreion gorfodol</i>)	Section 34(3)	
Modify (<i>Addasu</i>)	Section 72(1)	
Multiple member area (<i>Ardal amlaelod</i>)	Section 29(11)	
Preserved county (<i>Sir wedi ei chadw</i>)	Section 27(4)	
Preserved county change (<i>Newi i sir wedi ei chadw</i>)	Section 23(4)(d)	
Principal area (<i>Prif ardal</i>)	Section 72(1)	
Principal council (<i>Prif gyngor</i>)	Section 72(1)	
Principal area boundary change (<i>Newid i ffin prif ardal</i>)	Section 23(4)(e)	
Public body (<i>Corff cyhoeddus</i>)	Section 40(6)	
Qualifying public body (<i>Corff cyhoeddus cymwys</i>)	Section 50(5)	
<u>Relevant authority</u> (<i>Awdurdod perthnasol</i>)	<u>Section 69C</u>	

<u>Relevant pension (<i>Pensiwn perthnasol</i>)</u>	<u>Section 69B</u>
<u>Reserved election (<i>Etholiad a gedwir yn ôl</i>)</u>	<u>section 20I</u>
<u>Resettlement payment (<i>Taliad ailsefydlu</i>)</u>	<u>Section 69D</u>
<u>Returning officer (<i>Swyddog canlyniadau</i>)</u>	<u>section 20I</u>
Single member area (<i>Ardal un aelod</i>)	Section 29(11)
<u>Supplementary remuneration report (<i>Adroddiad atodol ar dâl</i>)</u>	<u>Section 69F</u>
The Commission (<i>Y Comisiwn</i>)	Section 2
<u>Welsh elections and referendums (<i>Etholiadau a refferenda Cymreig</i>)</u>	<u>section 20A(4)</u>

Local Government and Elections (Wales) Act 2021

Section	Amended by
<p>18 Registration of local government electors without application</p> <p>(1) The 1983 Act is amended as follows.</p> <p>(2) In section 9 (registers of electors), after subsection (2) insert—</p> <p>“(2A) In relation to each register of local government electors for an area in Wales, the names of persons the registration officer has decided to register in accordance with section 9ZA must also be contained in the register, along with the information mentioned in paragraphs (b) and (c) of subsection (2) relating to those persons.”</p> <p>(3) After section 9 insert—</p> <p>“9ZA Registration of local government electors in Wales without application</p>	<p>EEB Bill Part 1, Chapter 2, Section 3</p>

~~(1) This section applies to the registration of local government electors in Wales.~~

~~(2) If the registration officer is satisfied that a person not in the register of local government electors is entitled to be registered, the officer may decide to register the person without an application, subject to the provisions of this section.~~

~~(3) Before deciding to register a person, the registration officer must notify the person in writing of—~~

~~(a) the officer's intention to register the person without an application after the end of the notice period required by subsection (5),~~

~~(b) the person's right to request exclusion from the edited register,~~

~~(c) the person's right to apply for anonymous registration,~~

~~(d) the type of elections in which the person will be entitled to vote following registration under this section, and~~

~~(e) the type of elections in which the person will not be entitled to vote following registration under this section, unless an application for registration is made.~~

~~(4) The notice under subsection (3) must be in a form specified in regulations made by the Welsh Ministers; and the regulations may make further provision about giving notice for the purposes of this section.~~

~~(5) The registration officer must not register the person under this section—~~

~~(a) before the end of a period of 28 days beginning with the day on which the notice is issued;~~

~~(b) at any time when there is an undetermined application by the person for an anonymous entry in the local government register under section 9B.~~

~~(6) The registration officer must keep a separate list of the persons registered under this section.~~

~~(7) The power to make regulations under this section is exercisable by statutory instrument.~~

~~(8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru, unless it also contains provisions subject to an affirmative procedure in Senedd Cymru.”~~

~~(4) In section 9E (maintenance of registers: invitations to register in Great Britain), after subsection (1) insert—~~

~~“(1A) The duty in subsection (1) does not apply if the registration officer intends to register the person without an application under section 9ZA and gives notice to the person in accordance with that section.”~~

~~(5) In section 10ZE (removal of electors in Great Britain from register)—~~

~~(a)after subsection (2) insert —
“(2A)Where a person is entered in a register of local government electors in Wales by virtue of section 9ZA, the registration officer must also remove the person's entry from the register if the officer determines that the person is not entitled to be registered in the register of local government electors for reasons other than those mentioned in subsection (1).”;~~

~~(b)in subsection (3), after “(1)” insert “ or (2A)”;~~

~~(c)after subsection (4) insert —
“(4A)The Welsh Ministers may by regulations make provision about the procedure for making determinations under subsection (2A), which may include provision requiring an officer to take prescribed steps before making a determination.”~~

~~(d)after subsection (5) insert —
“(5A)In relation to a person registered under section 9ZA, a registration officer for a local government area in Wales must consider whether to make a determination under subsection (2A) if the officer—
(a)receives an objection to the person's registration in the register, or
(b)otherwise becomes aware of information that causes the officer to suspect that the person is not entitled to be registered in the register of local government electors.
(5B)The Welsh Ministers' power to make regulations under subsection (4A) is exercisable by statutory instrument.
(5C)A statutory instrument containing regulations under subsection (4A) is subject to annulment in pursuance of a resolution of Senedd Cymru, unless it also contains provisions subject to an affirmative procedure in Senedd Cymru.”~~

~~(6)In section 13A(1) (alteration of registers), after paragraph (zb) insert—
“(zc)in the case of a registration officer for a local government area in Wales, decides to register a person under section 9ZA;”~~

~~(7)In section 13AB(1) (alteration of registers: interim publication dates), in paragraph (a) after “(zb),” insert “(zc),”~~

~~(8)In section 13B(2) (alteration of registers: pending elections), in paragraph (a) after “(zb),” insert “(zc),”~~

~~(9)In section 56(1) (registration appeals: England and Wales), after paragraph (aa) insert —
“(azaa)from any decision of a registration officer for a local government area in Wales to register a person under section 9ZA;”~~

138 Reviews of electoral arrangements

EEB Bill

<p>(1) The Welsh Ministers may direct the Local Democracy and Boundary Commission for Wales to conduct an initial review of electoral arrangements after the Welsh Ministers—</p> <p>(a) receive a merger application, or</p> <p>(b) give notice as described in section 129(6).</p> <p>(2) Before giving a direction under subsection (1) the Welsh Ministers must consult—</p> <p>(a) the Local Democracy and Boundary Commission for Wales, and</p> <p>(b) such persons representing principal councils as the Welsh Ministers consider appropriate.</p> <p>(3) A direction under subsection (1) to conduct an initial review in relation to a proposal to transfer part of a principal area to be abolished to another principal area, or in relation to restructuring regulations which provide for such a transfer—</p> <p>(a) must specify the area (which may be all or part of a principal area) that is to be subject to the initial review, and</p> <p>(b) may specify that one or more matters of a kind described in sub-paragraph (i) or (ii) are not to be considered in the initial review; and those matters are—</p> <p>(i) matters set out in the definition of “electoral arrangements” in paragraph 3(1) of Schedule 1;</p> <p>(ii) matters set out in the definition of “relevant consequential changes” in that paragraph.</p> <p>(4) A direction under subsection (1) must specify the voting system in relation to which the electoral arrangements are to be reviewed.</p> <p>(5) Schedule 1 makes provision in relation to initial reviews conducted by virtue of this section.</p> <p>(6) The Welsh Ministers may by regulations amend subsection (3) of section 29 of the 2013 Act (periodic reviews of electoral arrangements for principal areas).</p>	<p>Part 2, Chapter 1, section 41</p>
<p>SCHEDULE 1 INITIAL REVIEWS OF ELECTORAL ARRANGEMENTS ETC.</p> <p>...</p> <p>Delegation by the Commission of functions under this Schedule</p> <p>13 In section 13(1) of the 2013 Act— (a) after “Part 3” insert “ of this Act ”;</p>	<p>SC(ME) Bill Schedule 2 Paragraph 2(7)</p>

(b) after “or local inquiries)” insert “, or Schedule 1 to the Local Government and Elections (Wales) Act 2021 (functions relating to initial reviews),”.

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