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Counsel General and Minister for the Constitution



Llywodraeth Cymru
Welsh Government

David Rees MS
Chair
Reform Bill Committee

26 January 2024

Dear David,

Senedd Cymru (Members and Elections) Bill

Thank you for the Reform Bill Committee's Report in relation to the Senedd Cymru (Members and Elections) Bill published on 19 January 2024. Please see my responses to the set of recommendations within the report in Annex 1.

As the Bill will be considered by a Committee of the Whole Senedd at Stage 2, I anticipate that a significant number of Members will have an interest in it. With this in mind, I am providing a written response to Committee reports in advance of the general principles debate.

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

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

Yours sincerely,

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Annex 1

Recommendation	Response
<p>Recommendation 1. By majority, we recommend that the Senedd should agree the general principles of the Senedd Cymru (Members and Elections) Bill, but, throughout their ongoing scrutiny of the Bill, Members of the Senedd should have regard to the issues highlighted in our report....Page 39</p>	<p>Noted</p> <p>This recommendation is for the Senedd. As such, no specific response is provided, though the Welsh Government welcomes the recommendation.</p>
<p>Recommendation 2. If the Bill passes Stage 1, the Senedd Commission should write to us in advance of Stage 2 proceedings to outline what the differences in the financial estimates would be if the estimates had been based on the 2023-24 Determination rather than the 2022-23 Determination. The Member in charge should then incorporate these estimates into the revised Explanatory Memorandum and Regulatory Impact Assessment to be laid after Stage 2..... Page 55</p>	<p>Noted</p> <p>This recommendation is for the Senedd Commission. As such, no specific response is provided here. but the Welsh Government will discuss the matter further with the Senedd Commission regarding any implications on the Explanatory Memorandum/Regulatory Impact Assessment.</p>
<p>Recommendation 3. In its response to our report, the Senedd Commission should provide information about any interaction between the proposals in the Senedd Cymru (Members and Elections) Bill (if passed) and the Cardiff Bay 2032 accommodation project. This should include information about how any increase in the number of Members would affect the potential costs of the 2032 project. If it is not possible to provide cost estimates at this stage, the Senedd Commission should provide an indication in its response of when the information may be available. The Senedd Commission should also commit to keeping the Senedd, and the public, updated on these matters. Page 57</p>	<p>Noted</p> <p>This recommendation is for the Senedd Commission. As such, no specific response is provided here.</p>
<p>Recommendation 4. The Business Committee should, as part of its procedural review prior to the 2026 election, consider whether any changes are required to Standing Orders to ensure that the appropriate procedures are in place to facilitate any election of an additional Deputy Presiding Officer under section 25(1A) of the Government of Wales Act</p>	<p>Noted</p> <p>This recommendation is for the Senedd's Business Committee. As such, no specific response is provided here.</p>

2006 (to be inserted by section 4 of the Bill).Page 63	
Recommendation 5. The Business Committee should, as part of its procedural review prior to the 2026 election, make use of the power in section 25(2) of the Government of Wales Act 2006 to specify that in English the Presiding Officer and Deputy Presiding Officer are to be known by the titles of Speaker and Deputy Speaker respectively.... Page 64	Noted This recommendation is for the Senedd's Business Committee. As such, no specific response is provided here.
Recommendation 6. By majority, we recommend that the Member in charge should bring forward amendments at Stage 2 to remove section 5(b) of the Bill (the power for the maximum number of Welsh Ministers to be increased by regulations). Page 73	Reject The inclusion of the power in section 5(b) provides for future-proofing, enabling the Government to react quickly and flexibly to circumstances, without utilising primary legislation for the purpose of increasing the legislative limit by one or two Ministers. This could be necessary due to the devolution of further powers, or otherwise circumstances whereby an increase is merited.
Recommendation 7. If the Member in charge does not accept our Recommendation 6, he should bring forward amendments at Stage 2 to provide that regulations under section 51(3) of the Government of Wales Act 2006 (to be inserted by section 5 of the Bill) to increase the maximum number of Welsh Ministers may not be made unless they have been approved by a supermajority of Members representing at least two-thirds of the total number of Senedd seats. ... Page 73	Accept The application of a supermajority will generally be incompatible with the intention of subordinate legislation to enable a Government to react quickly and flexibly to circumstances. However, in considering this recommendation, I am mindful that this power has a corresponding impact upon the capacity of the Senedd. For this reason, I will develop an amendment to give effect to the Committee's recommendation. The acceptance of this recommendation is therefore framed by the particular nature of this Constitutional Bill and the narrow circumstances associated with this power.
Recommendation 8. If the Member in charge does not accept our Recommendation 6, he should bring forward amendments at Stage 2 to provide that regulations under section 51(3) of the Government of Wales Act 2006 (to be inserted by section 5 of the Bill) to increase the maximum number of Welsh Ministers may not be made unless they include within them a sunset provision that results in the expiry of the regulations (and thereby the resetting of the limit as it stands in primary legislation) before the appointment of any Welsh Ministers by the First Minister nominated by the Senedd	Reject Welsh Government officials have explored the potential for amendments of this nature. However, this process has identified that such amendments would likely impact on Section 48 of the Government of Wales Act 2006. Section 48 is protected from modification by paragraph 7(1) in Schedule 7B to the Government of Wales Act 2006. As such, I do not intend to bring forward amendments to give effect to this recommendation.

<p>following the next ordinary or extraordinary general election.....Page 74</p>	
<p>Recommendation 9. In his response to our report the Member in charge should explain the Welsh Government's rationale for not reducing the length of local government terms at the same time as it is reducing the length of Senedd terms. The Member in charge's response should also outline what plans the Welsh Government has to engage with local authorities in Wales on this point, and what legislative mechanisms would be required to make any changes to the length of local government terms....Page 88</p>	<p>Accept</p> <p>Further to raising the question of local government terms in the Welsh Government's 2022 White Paper on Electoral Administration and Reform, where the majority of responses supported continuing with a five year term, when four year terms were proposed for the Senedd discussions were held with the leadership of the WLGA which indicated local government's preference was still to continue with five year terms.</p> <p>The length of term for local elected members is set out in sections 26 (principal councils) and section 35 (town and community councils) of the Local Government Act 1972 and primary legislation would be required to change it. To ensure local elections can be moved to avoid clashes with other elections or at times of national or local crisis, Welsh Ministers have powers, following appropriate consultation, to change the date of an ordinary local government election in section 37ZA of the Representation of the People Act 1983.</p> <p>These powers were previously used to move the ordinary election of members to the Isle of Anglesey Council from May 2012 to May 2013 and also, prior to the Local Government and Elections (Wales) Act 2021 amending the 1972 Act to enable five-year terms, to move all local government elections from May 2021 to May 2022 to avoid a clash with Senedd elections.</p>
<p>Recommendation 10. Without delay, the Welsh Government should commence consultation on reducing the length of time between principal, town and community council elections from five to four years, with a view to making this change unless there is strong evidence to the contrary.....Page 88</p>	<p>Reject</p> <p>As set out in the response to recommendation 9, local government term lengths were previously consulted on as part of the 2022 White Paper on Electoral Administration and Reform, and the Minister for Finance and Local Government has engaged with local government leadership, who are content that the current five-year terms remain appropriate for local government.</p>

	Local government includes town and community councils and their democratic health is currently the subject of a review by an independent working group.
<p>Recommendation 11. The Member in charge should, in consultation with the Auditor General for Wales and Future Generations Commissioner for Wales, undertake further work to estimate the cost implications of section 3 (frequency of ordinary general elections) on the requirements of the Well-being of Future Generations (Wales) Act 2015, and update the Regulatory Impact Assessment after Stage 2.....Page 88</p>	<p>Accept</p>
<p>Recommendation 12. The Senedd Commission should, as part of its Senedd Reform Programme, consider whether any changes are required to the processes for undertaking Senedd-led (or Senedd Commission-led) public appointments to account for more frequent electoral cycles.....Page 89</p>	<p>Noted</p> <p>This recommendation is for the Senedd Commission. As such, no specific response is provided here.</p>
<p>Recommendation 13. In his response to our report the Member in charge should outline what consideration has been given to the term lengths for Welsh Government-led public appointments in light of the proposed move to four-year Senedd terms, particularly those for which there is agreement that the Senedd may hold pre-appointment hearings....Page 89</p>	<p>Accept</p> <p>Consideration has been given to the term lengths of Welsh Government-led public appointments in light of the proposed move to four-year Senedd terms. No legislative implications have been identified as a result of this consideration. Further consideration is continuing to be given as to any practical implications arising for individual public appointments, in light of the proposed move to four-year Senedd terms.</p>
<p>Recommendation 14. The Member in charge should work with all political parties represented in the Senedd to reach agreement on how the Bill could be amended at Stage 2 to ensure the electoral system provides greater voter choice and improved accountability for future Members to their electorates.Page 120</p>	<p>Noted</p> <p>I note the recommendation of the Committee, however, I remain confident that the proposals in the Bill, which largely give effect to the recommendations of the Special Purpose Committee on Senedd Reform (SPC), will command the necessary supermajority within the Senedd. I also note the Committee's recommendations 15 and 50 in relation to the ballot paper and recall, which would both go some way to providing a stronger voice for voters and improve</p>

	accountability for Members to their electorates.
<p>Recommendation 15. The Member in charge should bring forward amendments at Stage 2 to include a requirement on the face of the Bill that ballot papers must include the names of all candidates, including the names of candidates standing on lists submitted by registered political parties..... Page 121</p>	<p>Accept</p> <p>The Conduct Order¹ currently requires the ballot paper in respect of party lists in regional elections to set out the names of party list candidates, as well as those of individual candidates. It is the intention that the new Conduct Order will continue to impose this requirement in respect of party lists submitted in constituencies in the new regime. However, I recognise that a requirement on the face of the Bill to the effect that the names of all candidates are on the ballot paper will reassure Members and the electorate on this point, and officials will seek to develop amendments to this effect.</p>
<p>Recommendation 16. The Member in charge should bring forward amendments at Stage 2 to ensure the Bill includes provision that enables all vacancies arising between elections to be filled, including vacancies left by Members elected as independents or by Members elected to represent parties whose candidate lists contain no further eligible or willing candidates.... Page 121</p>	<p>Reject</p> <p>The frequency with which Senedd seats become vacant in any circumstances is comparatively rare. Applying the vacancy rate that occurred across the first five Seneddau to a 96 Member Senedd - sitting for four years - would indicate 4-5 vacancies per term.</p> <p>To date, no regional seat that has become vacant has remained so. All have been filled by a candidate on a party's list. Allowing eight candidates to stand on a party's list allows candidates that are not returned at a general election to fill vacancies that may arise.</p> <p>Retaining a vacancy, in the unlikely scenario of a Party's list becoming exhausted, is considered the most appropriate solution, as it will most closely retain the balance of representation at the last election, and therefore continues to best represent voters' intentions at that election.</p> <p>A number of the jurisdictions referred to by the Committee in its consideration of this</p>

¹ The National Assembly for Wales (Representation of the People) Order 2007

	issue retain vacant seats in the event of a party's list becoming exhausted.
<p>Recommendation 17. The Business Committee should, as part of its procedural review prior to the 2026 election, consider whether any changes are required to Standing Orders, conventions or practices to mitigate the impact on Senedd business, including the committee system, either of vacancies that cannot be filled or of changes in the political composition of the Senedd between general elections.....Page 121</p>	<p>Noted</p> <p>This recommendation is for the Senedd's Business Committee. As such, no specific response is provided here.</p>
<p>Recommendation 18. In his response to our report the Member in charge should provide clarity on who will be responsible for leading, driving and coordinating national and local public information and awareness-raising campaigns about the electoral reforms, and in particular the new electoral system.....Page 122</p>	<p>Accept in principle</p> <p>Welsh Government officials have convened a Senedd Electoral Reform Delivery Board with key partners, and further engagement on this point will be pursued through that forum.</p> <p>A number of organisations have statutory responsibilities in this respect, including the Senedd Commission, the Electoral Commission and Local Authorities. The Electoral Management Board will also have a role to play if the Elections and Elected Bodies (Wales) Bill is passed by the Senedd. While it is important that individual statutory duties and powers are respected, there is a common desire to ensure national and local public information and awareness-raising campaigns about electoral reform are planned and co-ordinated effectively and efficiently, to avoid duplication and ensure the intended outcomes of such campaigns are maximised.</p> <p>I will provide an update to Members in due course.</p>
<p>Recommendation 19. The Member in charge should provide assurances to electoral administrators and returning officers that the Welsh Government will provide the financial and other support and resources required for the implementation of the provisions in the Bill.... Page 122</p>	<p>Accept</p> <p>I am happy to provide such assurances. Supporting the successful implementation of this legislation, and the Elections and Elected Bodies (Wales) Bill, if passed by the Senedd, will be a priority over a number of years. Welsh Government officials are working closely with the electoral community – including through the Senedd Electoral Reform Delivery Board – on how to best achieve that.</p>

<p>Recommendation 20. The Member in charge should bring forward amendments at Stage 2 to new section 4(1)(c) to be inserted into the Democracy and Boundary Commission Cymru etc. Act 2013 by section 13 of the Bill to reduce the number of members (other than the chair and deputy chair) of the Democracy and Boundary Commission Cymru to no more than five....Page 138</p>	<p>Noted</p> <p>The increase in the maximum number of Commissioners provided for by the Bill reflects not only the conferral of functions relating to Senedd boundary reviews, which is a function that currently does not exist, but also the transfer of the functions of the Independent Remuneration Panel, and the establishment of the Electoral Management Board (via the Elections and Electoral Bodies Bill).</p> <p>The maximum proposed number of Commissioners is lower, at nine, than the combined current maximum of the LDBCW and IRP (total of twelve). The Committee's report compares the proposed number of Commissioners with that of Boundaries Scotland, which has fewer functions to those proposed for the DBCC.</p> <p>However, I will engage in further discussions with the LDBCW to identify if a reduction in the maximum number of Commissioners would materially impact upon their ability to deliver their statutory responsibilities.</p>
<p>Recommendation 21. The Member in charge should undertake further work with the Local Democracy and Boundary Commission for Wales to:</p> <ul style="list-style-type: none"> ▪ Establish the number of additional commissioners to be recruited (including the specific skills, responsibilities and timing of such appointments). ▪ Ensure that consideration is given to the geographical diversity of commissioners. ▪ Identify any requirements for additional secretariat support.Page 138 	<p>Accept</p> <p>Work is already underway on these matters as part of an Implementation Project Board set up between Welsh Government officials, LDBCW Commissioners and Secretariat and Independent Remuneration Panel Members. Discussions with the organisations have taken place throughout the development of both the Senedd Cymru (Members and Elections) and Elections and Elected Bodies Bills.</p>
<p>Recommendation 22. The Member in charge should bring forward amendments at Stage 2 to provide on the face of the Bill that appointments to the Democracy and Boundary Commission Cymru roles of chair, deputy chair, commissioners and chief executive must be conducted through the public appointments process....Page 138</p>	<p>Accept in Principle</p> <p>As the recommendations of the DBCC will be implemented automatically, with no role for either Welsh Government or the Senedd to amend, I agree that it is vitally important that the members of DBCC are appointed in an open, impartial and transparent way, as provided for by the public appointments process. As is indicated in the Committee's</p>

	<p>report, appointments of LDBCW Commissioners are already undertaken through the public appointments process and subject to the oversight of the Commissioner for Public Appointments. The Bill as introduced does not change this, therefore I will give further consideration as to what further safeguards or clarification may be provided.</p> <p>To note, however, the Chief Executive is an employee of the body corporate of the Commission, and so is recruited through fair and open competition, as any other Chief Executive of an Arms Length Body (rather than through the public appointments process).</p>
<p>Recommendation 23. The Member in charge should bring forward amendments at Stage 2 to extend the list of persons disqualified from appointment to the Democracy and Boundary Commission Cymru to other persons employed in Welsh Government or in party political roles, and to ensure there are similarly robust safeguards in place to prohibit party political activity while in post....Page 139</p>	<p>Accept in principle</p> <p>I will seek to bring forward amendments at Stage 2 to give effect to this recommendation.</p>
<p>Recommendation 24. The Member in charge should consider whether the terms “a member of the staff of Senedd Cymru” and “a person appointed to assist a Member of the Senedd with the carrying out of the Member’s functions” to be inserted into the renamed Democracy and Boundary Commission Cymru etc. Act 2013 by sections 14(1)(b), 14(2) and 16(1)(b)(ii) of the Bill are sufficiently clear and consistent with the terminology used in other legislation.....Page 139</p>	<p>Accept</p> <p>I will consider whether the terms are sufficiently clear and consistent with terminology used in other legislation.</p>
<p>Recommendation 25. The Business Committee should, as part of its procedural review prior to the 2026 election, consider appropriate models of accountability for the Democracy and Boundary Commission Cymru in respect of its functions in relation to Senedd constituency boundaries, including the potential use of the Llywydd’s Committee. The accountability model put in place should include the option for a relevant Senedd committee, if it wishes to do so, to hold pre-appointment hearings as part of the processes for appointing the chair and chief executive of the Democracy</p>	<p>Noted</p> <p>This recommendation is for the Senedd’s Business Committee. As such, no specific response is provided here.</p>

and Boundary Commission Cymru.....Page 140	
<p>Recommendation 26. If the Bill passes Stage 1, the Member in charge should write to us no later than five working days after the general principles motion has been agreed setting out his views on each of the recommendations for technical changes to Schedules 1 and 2 made by the Local Democracy and Boundary Commission for Wales in its written evidence to us. This letter should include an indication for each recommendation made by the LDBCW of whether or not he agrees with the LDBCW that the change is needed, the reasons for his view, and confirmation of whether or not he intends to bring forward amendments to give effect to the recommendation.Page 164</p>	<p>Accept</p> <p>I will write to the Committee within the timescale of the recommendation, setting out views on LDBCW's suggested technical changes included in their written evidence.</p>
<p>Recommendation 27. The Member in charge should bring forward amendments at Stage 2 to new section 49C to be inserted into the Democracy and Boundary Commission Cymru etc. Act 2013 by paragraph 1 of Schedule 2 to the Bill to provide that the impact on the Welsh language is one of the local ties that should be taken into account by the DBCC when determining the Senedd's constituency boundaries. Page 164</p>	<p>Accept in Principle</p> <p>I recognise the importance that the Welsh language plays in building and maintaining community links, and the impact that constituency boundaries can have on those communities.</p> <p>I will give consideration as to the most appropriate way of giving effect to this objective through the legislative instructions that DBCC must follow in undertaking its reviews.</p> <p>It is worth noting that the LDBCW in previous local government reviews has considered the Welsh language as an aspect of local ties, and the DBCC may decide to do so again for Senedd reviews. The Secretariat of the Boundary Commission for Wales has also previously stated in evidence to a UK Parliament Committee that the Commission considers the Welsh language as a community tie, in a discussion on local ties.</p>
<p>Recommendation 28. By majority, we recommend that the Member in charge should bring forward amendments at Stage 2 to new section 49C(1) to be inserted into the Democracy and Boundary Commission Cymru etc. Act 2013 by paragraph 1 of Schedule 2 to the Bill to reduce the</p>	<p>Reject</p> <p>While UK parliamentary boundary reviews now apply a statutory 5% variance from the UK electoral quota, this is not a long-established rule. This statutory electorate range was introduced in 2011, and the 2023</p>

<p>permissible variance from ± 10 per cent.Page 165</p>	<p>UK Parliamentary Boundary review is the first implemented review to have used this variance range.</p> <p>In terms of boundary reviews for the Scottish Parliament, constituencies should be “as near the electoral quota as is practicable” therefore no numerical variance is in place.</p> <p>Introducing a smaller variance away from the electoral quota would also likely mean more change in Senedd constituency boundaries between the 2026 and 2030 Senedd elections and less flexibility for the DBCC to take into account other factors as part of its reviews.</p> <p>A 10% variance is therefore considered appropriate for multi-member constituencies, allowing the DBCC to balance broader factors alongside the importance of maintaining a level of parity of representation.</p>
<p>Recommendation 29. The Member in charge should bring forward amendments at Stage 2 to new section 49C(3) to be inserted into the Democracy and Boundary Commission Cymru etc. Act 2013 by paragraph 1 of Schedule 2 to the Bill to provide that the calculation of the electoral quota should include electors and attainers....Page 165</p>	<p>Reject</p> <p>The Bill provides that the DBCC must use the most recent local government electoral register (published under section 13(1)(a) of the Representation of the People Act 1983) as at the review date, for calculating the electoral quota. This version of the register is considered the most appropriate for use in calculations, as it is this version that is subsequently collated by the ONS and is therefore subject to a number of checks.</p> <p>This version of the register does not include details of those under 16, however, restrictions included in the Senedd and Elections (Wales) Act 2020, prohibit Electoral Registration Officers from publishing, supplying or disclosing a young person’s information except in limited circumstances. Consequently, I cannot accept the recommendation, as details of attainers are not included in the version of the register which is considered on balance to be the most appropriate to use for boundary reviews.</p>
<p>Recommendation 30. The Member in charge should bring forward amendments at Stage 2 to new section 49I(1) to be</p>	<p>Reject</p>

<p>inserted into the Democracy and Boundary Commission Cymru etc. Act 2013 by paragraph 1 of Schedule 2 to the Bill to provide an earlier date by which the final reports of the DBCC must be published and sent to the Welsh Ministers in order to avoid a coincidence with the 1 December deadline that already applies for the publication by electoral registration officers of the revised register of electors following the annual canvass.....Page 165</p>	<p>As a full boundary review is expected to take around two and a half years to complete, bringing the final report deadline forward from 1 December would make delivery challenging. If the date was brought forward then it is possible that the 2030 boundary review would need to start in advance of the 2026 Senedd election, causing confusion for voters and the public.</p> <p>In addition, the DBCC final report being published does not mean that any new boundaries included within them exist in law on the date that the report is published. This does not happen until they are implemented by regulations, several months later. EROs may therefore prefer to not amend their registers until regulations implementing the new boundaries have been made and exist in law.</p>
<p>Recommendation 31. The Member in charge should bring forward amendments at Stage 2 to new section 49J(1)(b) and (3) to be inserted into the Democracy and Boundary Commission Cymru etc. Act 2013 by paragraph 1 of Schedule 2 to the Bill to reduce the period within which Welsh Ministers must bring forward regulations to give effect to the DBCC's recommendations from six months to four months.....Page 166</p>	<p>Accept I will seek to bring forward amendments to give effect to this recommendation</p>
<p>Recommendation 32. The Member in charge should bring forward amendments at Stage 2 to Schedules 1 and 2 to the Bill to provide that the DBCC must consult the Welsh Language Commissioner on the proposed name or names of Senedd constituencies (and on any changes to the proposed name or names), and have regard to any representations made.....Page 166</p>	<p>Accept in part</p> <p>The Bill places a duty on the DBCC to engage with the Welsh Language Commissioner on the orthography of proposed names of constituencies for communication through the medium of Welsh. The policy intention is that this would also include any proposed monolingual names, but further consideration will be given to tabling an amendment to make this clear on the face of the Bill.</p> <p>This would take place in advance of the initial and second (and final) reports being published and therefore in advance of the formal consultation periods beginning. Given this timing in the review, the duty to engage is limited to technical comments on orthography. The DBCC will be required to have regard to</p>

	<p>the Welsh Language Commissioner's comments made as part of this engagement. I will give this further consideration.</p>
<p>Recommendation 33. The Member in charge should bring forward amendments at Stage 2 to Schedules 1 and 2 to the Bill to provide that each Senedd constituency should be given a monolingual name (unless the DBCC considers that there are specific reasons why bilingual names are appropriate).Page 167</p>	<p>Accept</p> <p>I will bring forward an amendment so that the DBCC must give a single monolingual name to Senedd constituencies if acceptable for communication through the medium of both Welsh and English.</p> <p>If the DBCC considers a monolingual name is not acceptable for communication through the medium of both Welsh and English, then the DBCC must propose a name for the Senedd constituency for communication through the medium of Welsh, and a name for the Senedd constituency for communication through the medium of English.</p>
<p>Recommendation 34. The Member in charge should bring forward amendments at Stage 2 to Schedules 1 and 2 to the Bill to provide that if a constituency is to be given a single monolingual name, that name may only be in the Welsh language. Page 167</p>	<p>Accept in Principle</p> <p>In response to recommendation 33 I intend to bring forward an amendment so that the DBCC must give a single monolingual name to Senedd constituencies, if the DBCC consider it acceptable for communication through the medium of both Welsh and English.</p> <p>This means that the DBCC would not propose a non-Welsh name as the monolingual name, as the DBCC would not consider it acceptable for use in communicating through the medium of Welsh. It is therefore not considered necessary for the legislation to state that the monolingual name must be in Welsh. I will, however, consider how best to give effect to this recommendation in developing the amendment referenced above.</p>
<p>Recommendation 35. The Member in charge should bring forward amendments at Stage 2 to Schedules 1 and 2 to the Bill to provide that the Welsh Language Commissioner's role in respect of the orthography of proposed constituency names applies to all proposed constituency names (or changes to those names) whether the proposals are for the purposes</p>	<p>Accept in Part</p> <p>The Bill already provides for the DBCC to engage with the Welsh Language Commissioner on the orthography of proposed constituency names for communication through the medium of Welsh in advance of the publication of the initial report (and at relevant points thereafter). The</p>

<p>of identifying the constituency through the medium of Welsh, the medium of English, or a monolingual name for communication through either language.....Page 167</p>	<p>policy intention is that this requirement would also cover any monolingual names for communication through either language, however further consideration will be given to tabling an amendment to make this clear on the face of the Bill.</p>
<p>Recommendation 36. The Member in charge should bring forward amendments at Stage 2 to Schedules 1 and 2 to the Bill to provide that the Democracy and Boundary Commission Cymru must implement any recommendations made by the Welsh Language Commissioner in respect of the orthography of proposed constituency names. In line with our Recommendation 35, this should include the orthography of names for communication through the medium of Welsh and the medium of English, and any monolingual names for communication through either language.... Page 168</p>	<p>Reject</p> <p>The legal responsibility to name Senedd constituencies is with the DBCC (taking into account the expert advice received from the Welsh Language Commissioner and balancing it with the views received from others as part of the wider consultation periods).</p> <p>By requiring the DBCC to implement any recommendations of the Welsh Language Commissioner, the function of naming constituencies is effectively transferred from DBCC to Welsh Language Commissioner. Such a duty would also mean that any representations made by potential constituents as to naming could not be considered by the DBCC.</p> <p>However, I recognise (drawing on the experience of local government boundary reviews) that there may be benefit in having broad consensus amongst key stakeholders with regard to the principles and conventions of a naming policy established in advance of a Senedd boundary review. Officials will further explore options in respect of a process by which the DBCC would need to consult with stakeholders such as the Welsh Language Commissioner, and publish a naming policy at the commencement of a review.</p>
<p>Recommendation 37. The Member in charge should commit to including a requirement for candidates to provide their electoral register reference on the nomination papers prescribed in the order made under section 13 of the Government of Wales Act 2006. As part of the review and consultation to inform the making of the order, the Member in charge should undertake a data protection impact assessment to ensure that any appropriate steps may be taken in respect of those who are eligible for anonymous registration. Page 180</p>	<p>Accept in principle</p> <p>The Conduct Order will set out the exact processes and declarations that a candidate must make as part of their nomination process.</p> <p>It is currently intended that the Conduct Order will require a candidate to state the name of the Local Authority in which they are registered in the register of local government electors, as part of their consent to nomination.</p>

	<p>Requiring a candidate to provide their electoral registration number raises – as the Committee acknowledges – potential issues in respect of those individuals who are eligible for anonymous registration.</p> <p>As returning officers will take the information on the nomination papers “at face value” - i.e. they would not check to confirm that the declarations made are correct – it is considered that requiring them to make the declaration as set out above achieves the intent behind this recommendation.</p>
<p>Recommendation 38. The Member in charge should bring forward amendments at Stage 2 to section 6 of the Bill to provide an appropriate grace period for a Member to appeal their removal from the register of electors at an address in Wales to prevent them being unseated as a result of their accidental removal from the register. Page 181</p>	<p>Noted</p> <p>I note the committee’s recommendations and will give further consideration to any further safeguards or assurances can be provided.</p>
<p>Recommendation 39. The Member in charge should bring forward amendments at Stage 2 to provide a mechanism for a reserve candidate who would otherwise be eligible to take up a vacancy arising during a Senedd term to become registered in the register of local government electors at an address within a Senedd constituency. The mechanism should include provision for a reasonable time period within which the prospective Member would be required to meet the qualification.....Page 181</p>	<p>Accept in principle</p> <p>I will explore options to enable a “reserve candidate” who would otherwise be eligible to take up a vacancy arising during a Senedd term to become registered in the register of local government electors at an address within a Senedd constituency.</p>
<p>Recommendation 40. The Member in charge should bring forward amendments at Stage 2 to prevent a person whose main residence is outside Wales from satisfying the residency requirement in section 6 of the Bill if they are on the electoral register at an address in Wales by means of a second home.Page 182</p>	<p>Accept in principle</p> <p>I agree that it is important that only people who are genuinely resident in Wales are able to stand as candidates in Senedd Elections, and to sit as Members of the Senedd.</p> <p>As the guidance issued to Electoral Registration Officers by the Electoral Commission sets out, merely owning a second property in Wales would not allow an individual to stand for election, or sit as a Member, and it is unlikely that owning a second property which is visited only for recreational purposes would meet the residency qualification. Such an individual would still need to be able to demonstrate to an electoral registration officer a degree of permanency at an address in order to be</p>

	<p>deemed “resident”, and so be eligible for electoral registration.</p> <p>If someone is able to demonstrate that they are sufficiently “resident” in Wales, so that an Electoral Registration Officer deems that they are eligible to be registered, it is appropriate for that individual to be able to stand for election to the Senedd. Each circumstance should continue to be considered by Returning Officers on a case by case basis, and it is important that any disqualification criteria remains objectively clear to candidates, parties, administrators and – ultimately – a court.</p>
<p>Recommendation 41. The Member in charge should bring forward amendments at Stage 2 to remove sections 7 (review of possible job-sharing of offices relating to the Senedd) and 19 (review of operation of Act etc. after 2026 general election) from the Bill on the basis that the provisions are constitutionally problematic and legally unnecessary.Page 196</p>	<p>Reject</p> <p>Should the Business Committee accept recommendation 42, such work is not incompatible with section 7 of the Bill. In the event that this work has been completed by the end of this Senedd, the seventh Senedd could simply reject the motion provided for in section 7. Please see my more detailed response to recommendations 8 and 9 of the Legislation, Justice and the Constitution Committee’s report.</p> <p>As the Bill emanated from the recommendations of the Special Purpose Committee, it is appropriate that the Senedd is responsible for post-legislative review of the operation and effect of the legislation. Section 19 provides a mechanism for the next Senedd to give consideration to this.</p> <p>For both provisions, the Bill does not seek to restrict the autonomy of a future Senedd – the next Senedd would be entitled to vote for or against the given motions as it chooses under usual procedure.</p>
<p>Recommendation 42. The Business Committee should consider either proposing the establishment of a new committee in the Sixth Senedd to explore the extent to which persons should be able to jointly hold the offices listed in section 7(3) of the Bill, including the extent to which a person should be able to temporarily hold such an office while the person elected or appointed to that office is unavailable, or asking an existing Senedd committee with a relevant remit to undertake such work. If such work is undertaken by a Senedd committee, the Business Committee should schedule time</p>	<p>Noted</p> <p>This recommendation is for the Senedd’s Business Committee. The Welsh Government does not consider its rejection of recommendation 41 to be incompatible with the Business Committee taking this recommendation forward. In the event that this work has been completed before the seventh Senedd, that Senedd could simply reject the motion provided for in section 7.</p>

in Plenary for debate of the outcomes by the Senedd...Page 197	
Recommendation 43. The Member in charge should bring forward amendments at Stage 2 to require the Welsh Ministers to review and report on the operation of the Senedd Cymru (Members and Elections) Act 2024. The outcomes of this review will inform decisions to be taken by future Seneddau and their committees whether, and if so, when and how, they consider it appropriate to conduct post-legislative scrutiny.Page 198	Reject As the Bill emanated from recommendations made of the Special Purpose Committee on Senedd Reform, which were endorsed by the Senedd, the Welsh Government remains of the view that it would be appropriate for the Senedd to have a lead role in any review of the legislation's operation and effect.
Recommendation 44. If the Member in charge does not accept our Recommendation 41, he should bring forward amendments at Stage 2 to remove section 19(2)(b) (which requires the motion tabled by the Presiding Officer to propose that the committee established to review matters relating to the review of the Act and the extent to which elements of a healthy democracy are present in Wales must complete a report on the review no later than twelve months after the first meeting of the Senedd after the 2026 election).Page 199	Reject A 12 month deadline is necessary to provide sufficient time following publication of the review for the seventh Senedd, if it so wishes, to pursue any legislative changes arising from the review and seek their implementation ahead of the 2030 Senedd election. Should the next Senedd wish to provide for a different deadline this can be achieved by way of an amendment to the motion tabled by the Llywydd under section 19.
Recommendation 45. If the Member in charge does not accept our Recommendation 41 or Recommendation 44, he should bring forward amendments at Stage 2 to section 19(2)(b) to replace the current requirement that the motion tabled by the Presiding Officer must specify that the committee's work is to be completed within twelve months of the first meeting after the 2026 election with provision that the motion may include a proposed deadline by which the committee's report is to be completed.....Page 199	Reject A 12-month deadline is necessary to provide sufficient time following publication of the review for the Seventh Senedd, if it so wishes, to pursue any legislative changes arising from the review and seek their implementation ahead of the 2030 Senedd election. Should the next Senedd wish to provide for a different deadline this can be achieved by way of an amendment to the motion tabled by the Llywydd under section 19.
Recommendation 46. By majority, we recommend that, if the Member in charge does not accept our Recommendation 41, he should bring forward amendments at Stage 2 to remove section 19(2)(a)(ii) (which requires the motion tabled by the Presiding Officer to propose that a committee carries out a review of the extent to which elements of a healthy democracy are present in Wales).....Page 200	Reject The impact of the legislative and electoral changes provided for by the Bill will extend beyond the specific effect of the legislative provisions themselves. It is important that the review also considers any wider impact on the elements of healthy democracy in Wales. Examples are provided of potential areas that could be considered as part of a review of the extent to which elements of a healthy democracy are present in Wales are provided in the Explanatory Memorandum.

<p>Recommendation 47. If the Member in charge does not accept our Recommendation 41, he should bring forward amendments at Stage 2 to insert into section 19 provision equivalent to section 7(5) requiring the Welsh Ministers to respond to the report and recommendations made by a committee established pursuant to a motion under section 19(1).....Page 200</p>	<p>Accept</p> <p>Should the next Senedd decide to establish the committee to review the operation and effect of the Act, and that committee produces a report, then the Welsh Ministers would, by convention, respond to the report. Therefore, while such an amendment is not strictly necessary, I will aim to bring forward an amendment to this effect.</p>
<p>Recommendation 48. The Welsh Government should work with the Independent Remuneration Board of the Senedd, the Senedd Commission, the Electoral Commission, registered political parties, and such other stakeholders as it considers appropriate, to review the public resources and funding available to registered political parties in Wales for the purposes of policy development, and the extent to which the eligibility and allocation of such resources and funding reflect devolved responsibilities, parties' electoral support in Wales and their representation in the Senedd. In conducting this review, which should be completed and published in sufficient time to enable the outcomes to be implemented with effect from the start of the Seventh Senedd in 2026, consideration should be given to funding levels, governance arrangements, and any issues relating to the Senedd's legislative competence. Page 205</p>	<p>Noted</p> <p>I will give further consideration to this recommendation in conjunction with the relevant bodies.</p>
<p>Recommendation 49. As it prepares for the implementation of the reforms in the Bill, the Independent Remuneration Board of the Senedd should review the Political Parties Support Allowance and consider any other relevant provision that could be provided through its Determinations. During this process, it should consider in particular the extent to which the support available is equivalent to the level and types of support available elsewhere, including Short Money and Cranborne Money in the UK Parliament. The outcomes of this work should be implemented with effect from the start of the Seventh Senedd in 2026. ..Page 205</p>	<p>Noted</p> <p>This recommendation is for the Independent Remuneration Board of the Senedd. As such, no specific response is provided here.</p>
<p>Recommendation 50. The Standards of Conduct Committee should work with the Standards Commissioner, registered political parties, and such other</p>	<p>Noted</p>

stakeholders as it considers appropriate, to develop options for strengthening individual Members' accountability. This should include consideration of issues including recall of Members, disqualification arrangements and the sanctions available to the Standards of Conduct Committee when a complaint about a Member is upheld. Public consultation on potential options should be completed before the end of the Sixth Senedd in 2026. Page 210

This recommendation is for the Senedd's Standards of Conduct Committee. As such, no specific response is provided here.