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Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref CG/PO/69/2024
Ein cyf/Our ref CG/PO/69/2024

5 March 2024

Dear Member of the Senedd

Response to recommendations made by the Reform Bill Committee in their Stage 1 report on the Senedd Cymru (Members and Elections) Bill

In advance of the Stage 2 proceedings on the Senedd Cymru (Members and Elections) Bill (SC(ME)B) later this week, I want to take this opportunity to provide an update on the Welsh Government's approach to a small number of recommendations that the Reform Bill Committee set out in its Stage 1 report.

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.*

In noting this recommendation, I committed to giving further consideration as to any further safeguards or assurances that can be provided. Having done so, I am satisfied that there are robust safeguards and procedures that an Electoral Registration Officer (ERO) must follow before any individual can be removed from a register. The situations where an individual can be removed from a register without a review being undertaken are restricted, and include, for example, where an ERO has received confirmation to their satisfaction that a person registered on a register of local government electors has died. In other situations, an ERO has to undertake a review, and whilst there are different types of review, all require the ERO to contact the elector in question as part of the review.

Electoral law already provides for an appeals process, via the ERO to the County Court. Whilst I considered whether delaying disqualification until such appeal routes had been exhausted, the length of time that such a process would take could lead to a situation where such an appeal had not been resolved before the end of a Senedd term. In the event that the appeal was then unsuccessful, the policy intent behind this disqualification requirement will have been frustrated.

Therefore, I do not intend to make an amendment to this Bill in response to recommendation 38, as I believe the safeguards that are already in place are robust enough to give effect to the policy intent behind this recommendation in all but extremely rare

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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.

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circumstances. The issues created by attempting to legislate to remove all risk of erroneous removal, in my view, outweigh the very small residual risk left by not legislating in this area. In addition, I have asked my officials to continue to work with EROs to identify any further practical safeguards that can be considered.

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.*

In accepting this recommendation in principle, I committed to exploring options to address the issue that underpins this recommendation. Having done so, I am content that the most appropriate approach is to include provision whilst making a new order under section 13 of the Government of Wales Act 2006 to replace the National Assembly for Wales (Representation of the People) Order 2007 (“the Conduct Order”) before the 2026 Senedd election. The Conduct Order currently sets out that where a regional vacancy occurs, the Returning Officer has such a period as they deem reasonable to consider whether attempts to contact a prospective member have been successful, or whether certain notices advising that the prospective member cannot take up the vacancy have been received. Once that period of time has elapsed, the Returning Officer moves to the next prospective member on the list.

The Government intends to make similar provision in respect of vacancies in the new constituency regime in the new Conduct Order, which will be subject to consultation. However, rather than leaving the matter to the discretion of each Returning Officer, the new Conduct Order will seek to standardise the period of time that a Returning Officer must afford a prospective member before moving to the next prospective member on the relevant list. Such a time period would allow an individual who had not been returned at a general election, and who had subsequently been removed from a register of local government electors in a Senedd constituency, an opportunity to meet the registration criteria, and become so registered, in order to take up the vacancy.

Therefore, I do not intend to make any amendment to the SC(ME) Bill, given that the new Conduct Order will give effect to the policy intent behind this recommendation.

Yours sincerely,



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