



**Elin Jones AC, Llywydd**

Cynulliad Cenedlaethol Cymru

**Elin Jones AM, Presiding Officer**

National Assembly for Wales

Constitutional and Legislative Affairs Committee  
National Assembly for Wales

2 April 2019

Our ref: EJ/HG

Dear Mick

**Senedd and Elections (Wales) Bill**

During our evidence session on the above Bill on 11 March, I promised to provide the Committee with further information relating to some of the issues discussed during the session. I have highlighted relevant sections of the Bill's Explanatory Memorandum that may be of interest to the Committee in its consideration of these issues (annex 1). I hope the Committee will find this helpful in informing its scrutiny of the Bill.

I also promised to provide copies of correspondence with Welsh Ministers relating to the Bill. Please find that correspondence attached (annex 2).

Please let me know of any other further information the Committee wishes to receive on the Bill.

I look forward to discussing the Bill again with the Committee in due course.

Yours sincerely

Elin Jones AM

Llywydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

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## Annex 1 – further information

### Name of the National Assembly for Wales

During our discussion on changing the Assembly's name the Committee asked whether changing the name to the monolingual 'Senedd' would "create a problem with regard to the duties on the Assembly to treat both languages on an equal basis?".

This question is addressed in sections 906-909 of the Explanatory Memorandum to the Bill, replicated below for ease of reference:

906. In accordance with the requirements of the *National Assembly for Wales (Official Languages Act) 2012*, the Assembly Commission operates an Official Languages Scheme. The current scheme was agreed by the Commission at the beginning of the Fifth Assembly in July 2017.<sup>1</sup> The scheme sets out how the Assembly Commission will provide services in both Welsh and English to reflect the equal status of both the Assembly's official languages. Section 13.2 of the scheme states:

"Our corporate identity is bilingual. However, some terms are known by a single name in both of the official languages, including the following:

- Llywydd;
- Senedd, Neuadd, Cwrt, Oriel, Siambr;
- Tŷ Hywel; Siambr Hywel; and
- Pierhead."

907. The term "Senedd" will provide a single, new name for the Assembly to be used in both the official languages in the same way as the names listed above.

908. This approach will be reflected in branding material associated with the name change and on public information such as signage, illustrating that the term "Senedd" reflects the institution's role as the Welsh parliament.

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<sup>1</sup> National Assembly for Wales Commission, [The Official Languages Scheme for the Fifth Assembly](#), July 2017

909. It may be argued that the adoption of a Welsh term (i.e. Senedd) as a new name for the Assembly does not reflect the equal status of both the Assembly's official languages. However, the requirement to reflect the equal status of both languages does not require both languages to be treated in exactly the same way, as demonstrated by the list of Assembly-related names shown above. It is considered that the adoption of a Welsh term as a new name for the Assembly, for use in both of the Assembly's official languages, will help achieve greater parity of status for both languages over time, in terms of their use and profile. The Bill also provides that the Senedd may also be known as the Welsh Parliament, which provides further mitigation against this argument.

## **Elections**

The Committee enquired "if it's right to be able to vote at 16, why shouldn't you be able to stand for election at 16?". In addition to the rationale provided during the evidence session, I draw the Committee's attention to the relevant part of the Explanatory Memorandum where consideration is given to lowering the minimum age of candidacy and the explanation for not pursuing this in the Bill (paragraphs 996 – 1000 of the Explanatory Memorandum):

996. Changes to the law on disqualification from being an Assembly Member will not directly affect children and young people. Instead, prospective Assembly Members will, as now, need to be 18 on the day they are nominated in order to stand for election.
997. An argument could theoretically therefore be advanced that this discriminates against children and young people on the basis of age, and that the age of candidacy should be lowered. Indeed, in Scotland, Liberal Democrat MSP Alex Cole-Hamilton tabled a motion, which received cross-party support, calling for the minimum age for candidates standing in Scottish parliamentary elections to be lowered to 16.<sup>2</sup>

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<sup>2</sup> Scottish Parliament, [Motion S5M-11890: Alex Cole-Hamilton, Edinburgh Western, Scottish Liberal Democrats, Date Lodged: 26/04/2018](#)

998. However, this issue was not raised as a concern in the Assembly Commission's consultation, and research has indicated that no country in the world currently has a candidacy age lower than 18. Consideration would also need to be given to how such a proposal would interact with child protection laws (for example, limits on working hours).
999. It may also be noted that all 11- to 17-year-olds who are living<sup>3</sup>, or receiving education, in Wales are eligible to stand as a candidate in constituency elections to the Welsh Youth Parliament. There are also opportunities to stand as a candidate in school and youth councils.
1000. Consequently, the decision not to reduce the candidacy age of elections to the Assembly is not considered to infringe upon children's' rights to be free from discrimination.

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<sup>3</sup> Defined as permanently or ordinarily resident in Wales.

## **Annex 2 – correspondence on the Bill with Welsh and UK Ministers**

Copies of the following letters are provided below:

- A. Letter to the Llywydd from the Welsh Government's First Minister re response to the Assembly Commission's consultation on changing the Assembly's name – 16 February 2017
- B. Letter from the Llywydd to the Welsh Government's Cabinet Secretary for Local Government and Public Services re Assembly reform and local government electoral reform: joint working and information sharing – 2 February 2018
- C. Letter to the Llywydd from the Welsh Government's Cabinet Secretary for Local Government and Public Services re collaboration and information sharing – 21 February 2018
- D. Letter from the Llywydd to the Welsh Government's Cabinet Secretary for Local Government and Public Services re Electoral Commission financing and accountability arrangements – 20 March 2018
- E. Letter to the Llywydd from the Welsh Government's First Minister re joint working arrangements between the Assembly Commission and Welsh Government – 30 August 2018
- F. Letter to the Llywydd from the Welsh Government's Cabinet Secretary for Local Government and Public Services re the financing and accountability arrangements of the Electoral Commission - 20 September 2018
- G. Letter from the Llywydd to the Welsh Government's Cabinet Secretary for Local Government and Public Services re Reducing the voting age to 16: implications for education curriculum – 12 October 2018
- H. Letter from the Llywydd to the Welsh Government's Cabinet Secretary for Education re Reducing the voting age to 16: implications for education curriculum – 12 October 2018
- I. Letter to the Llywydd from the Welsh Government's First Minister re changing the Assembly's name – 10 December 2018
- J. Joint letter to the Llywydd from the Welsh Government's Ministers for Education and for Housing and Local Government re preparatory work to change the franchises for Assembly and Local Government elections – 30 January 2019

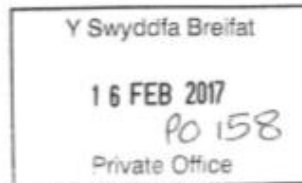
A.

Y Gwir Anrh/Rt Hon Carwyn Jones AC/AM  
Prif Weinidog Cymru/First Minister of Wales



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Welsh Government

Elin Jones AM  
Presiding Officer  
National Assembly for Wales  
Cardiff Bay  
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16 February 2017

Dear Elin

I am writing in response to the Assembly Commission's consultation on whether the National Assembly should change its name.

Since the early days of devolution, we have seen the Assembly steadily change and develop from an institution with limited powers into a mature parliamentary body with full law-making powers and new responsibilities for raising taxes. The Wales Act 2017 allows us to rename the institution to reflect its status as a national parliament, on a par with the other legislatures in the UK. I believe we should make use of this new power, and in my view the name Welsh Parliament/Senedd Cymru, with Members to be known as Member of the Welsh Parliament (MWP)/Aelod o Senedd Cymru (ASC), are the best options, both for constitutional consistency and to enhance public understanding of its role.

As I made clear when we met recently, I believe any renaming of the Assembly should be achieved by means of a standalone Bill, and should not be combined with any legislative reform to Assembly election arrangements.

Yours sincerely

CARWYN JONES


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Rydym yn croesawu derbyn goheblaeth yn Gymraeg. Byddwn yn ateb goheblaeth 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.

**B.**

 **Elin Jones AC, Llywydd**  
Cynulliad Cenedlaethol Cymru  
**Elin Jones AM, Presiding Officer**  
National Assembly for Wales

Alun Davies AM  
Cabinet Secretary for Local Government and Public  
Services  
National Assembly for Wales  
5th Floor  
CF99 1NA

Our ref: EJ/HG

02 February 2018

Dear Alun,

**Assembly reform and local government electoral reform: joint working and information sharing**

As we agreed during our discussion on 17 January 2018, I am writing to you to propose an approach to information sharing and joint working in relation to the Assembly Commission's Assembly reform programme and the Welsh Government's local government electoral reform work. I am grateful to you for your willingness to work collaboratively in this respect, to ensure that our respective reform proposals are developed to form a coherent, workable and effective framework for elections in Wales.

To achieve this, we agreed that our officials should continue to work collaboratively to make good use of public resource and expertise, share relevant information and documentation throughout the process of developing our respective legislative proposals. This will be particularly important given uncertainty at this stage about the order in which the Bills will be introduced and the order which they will receive Royal Assent.

We will continue to maintain an open dialogue through regular meetings with your officials and recognise that even if there is any divergence of policy decisions, the overall framework needs to be joined up and coherent.

Proactive and transparent sharing of information will help to avoid duplication of work, not least for the stakeholders who will be affected by the proposals contained in both pieces of legislation. Such information or documents might include, for example:

- Policy or drafting instructions relating to relevant areas of policy;

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- Information relating to the impact assessments of the policy options considered, such as the potential costs, savings and benefits of policy proposals, or information about or to inform the completion of impact assessments, for example equalities, language and justice impact assessments;
- Other Bill and related policy documents prior to publication, for example consultation documents, consultation reports, oral or written statements, Explanatory Memoranda or Bills.

We agreed when we met that it would be helpful to set out clearly the basis on which information will be shared. In that regard, I suggest the following:

*Information shared by the Welsh Government:*

- Information and documents shared by the Welsh Government with the Assembly Commission will be restricted for use by Assembly Commission officials working directly on the Assembly reform programme. They may also be shared with the Llywydd, in her capacity as Member in charge of the Assembly Reform work, or with Daniel Greenberg, who has been retained by the Assembly Commission to carry out expert legal drafting work.
- Such information and documents will be used by officials to inform the development of the Assembly Commission's legislative proposals and accompanying documentation. For example, information provided may be included in documents produced by Assembly Commission officials for the purposes of advising the Member in charge. If such information is used within documents which may be published, where possible it will be referenced to its primary source, rather than to the Welsh Government.
- No information or documents shared with us will be used for any purpose other than the development and delivery of the Assembly reform programme.

*Information shared by the Assembly Commission:*

- We expect that documents or information shared by the Assembly Commission with the Welsh Government will be seen only by the Bill team and other lawyers working on local government electoral reform, used only for the purposes of informing the development of that work, and not made public in any way or disclosed to external stakeholders.

*Information shared by either party:*

- The sharing of any documents or information between the Welsh Government and Assembly Commission will be carried out in accordance with data protection legislation. For example, personal data and identifying information will be redacted, unless the owners of the information have given their consent for it to be shared.





**Elin Jones AC, Llywydd**

Cynulliad Cenedlaethol Cymru

**Elin Jones AM, Presiding Officer**

National Assembly for Wales

I hope that the approach to joint working, cooperation and information sharing set out above is acceptable to you. I look forward to hearing from you.

Should you wish to make reference to our commitment to collaborative working in your forthcoming statement on Local Government Reform, I believe that would be a positive signal to Members and stakeholders that we are developing proposals to produce a coherent joined up framework that works for voters in Wales.

Yours sincerely,

Elin Jones AM  
Llywydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English.

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C.

Alun Davies AC/AM  
Ysgrifennydd y Cabinet dros Lywodraeth Leol a  
Gwasanaethau Cyhoeddus  
Cabinet Secretary for Local Government and Public  
Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref ARD/00114/18

Elin Jones AM/AC  
Assembly Member for Ceredigion  
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21<sup>st</sup> February 2018

*Alun Davies*

Thank you for your letter of 2<sup>nd</sup> February concerning collaboration and the sharing of information in relation to our respective Assembly reform and local electoral reform programmes. I share your view that there is much to be gained from joint working both to keep each other informed of developments and to avoid unnecessary duplication.

I am happy for my officials to continue to liaise closely with yours during this period when we are both seeking to refine proposals for possible inclusion within Bills for introduction to the Assembly in the near future. The joint meetings which have been underway for some time should continue. In light of the common issues arising in our respective reform programmes and the close timetables, I am also prepared to agree to the general principle of sharing of relevant policy and legal instructions, draft impact assessments and other information as you suggest, subject to consideration of any specific issues raised by legal services about the information. Information will be disclosed on a strictly confidential basis for sharing between officials, legal advisers and legislative drafters only, in addition to ourselves. In light of the perceived benefits, I would be grateful if your officials could also share their relevant information with our officials, on comparable terms.

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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.

As you are aware, there is a potential difficulty presented by the linkage between the Assembly franchise and the local government register of electors. As any change to the Assembly franchise would require approval by a two-thirds majority of Assembly Members, it is essential that timing and wording of the two proposed Bills is coordinated to ensure that such a majority should only apply to an Assembly Reform Bill.


I think it would be beneficial for us to hold further meetings during forthcoming months to ensure that we are kept well-informed of progress on both sides.

Cofiau  
Alun

**Alun Davies AC/AM**

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Gwasanaethau Cyhoeddus  
Cabinet Secretary for Local Government and Public Services

**D.**

 **Elin Jones AC, Llywydd**  
Cynulliad Cenedlaethol Cymru  
**Elin Jones AM, Presiding Officer**  
National Assembly for Wales

Alun Davies AM  
Cabinet Secretary for Local Government and Public Services  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Our ref: PO/EJ/HG

20 March 2018

Dear Alun,

Thank you for our constructive meeting to discuss our respective electoral reform intentions. I would like to invite you to consider a matter which has been raised with me by the Electoral Commission as a result of the devolution of new powers in the Wales Act 2017.

The Wales Act 2017 enables the Assembly to legislate to change the arrangements for the accountability and financing of the Electoral Commission in Wales. The Electoral Commission has met with me to discuss how to take forward what it views as an important corollary of the devolution of powers relating to electoral arrangements in Wales. The Commission has invited me to consider how best to approach this matter.

Please find attached the original proposal which the Electoral Commission shared with me last year. There are of course considerations as to how funding would be transferred should this proposal be implemented. The Speaker's Committee currently funds the Electoral Commission. The Electoral Commission has offered to provide financial estimates of the sums which will be sought from the Assembly in accordance with the proposal. We expect to receive these estimates in early March.

In principle, I see merit in reflecting these changes in the governance arrangements for the Electoral Commission and making it accountable to the Assembly. I have considered whether it would be appropriate for the Assembly Commission to consider these matters as part of the Assembly Reform Bill. Given that changing the accountability and funding of the EC from the Speaker's

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National Assembly for Wales

Committee to the Assembly is a significant change which goes beyond the remit of the Assembly Commission and also the timescale for introduction of the Assembly Reform Bill, I believe there are more appropriate avenues to take forward these legislative proposals.

Given the importance of ensuring that the financing and accountability arrangements for the Electoral Commission are robust and appropriate, and the potential complexities involved, I will be making the Assembly's Constitutional and Legislative Affairs Committee aware of these proposals and will share with them the further information to be received from the Electoral Commission. I have also suggested to the Electoral Commission that they share their proposal and financial estimates with the Welsh Government.

If you are minded to pursue these proposals, then the Assembly's view of how future arrangements should work would be required in order to inform the development of legislative proposals.

We have agreed to meet regularly over the next few months to discuss electoral reform. I would be more than happy to discuss the Electoral Commission's proposal with you during our next meeting.

Yours sincerely,

Elin Jones AM  
Llywydd

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English

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## Annex – The Electoral Commission’s proposal on funding and accountability



### Accountability to the National Assembly for Wales

The Wales Act 2017 provides the National Assembly for Wales with the responsibility for local government elections and a Welsh general election. It also accepted the principle that, as a result of these changes, there would be a single UK-wide Electoral Commission which would report to more than one legislature.

The Act does not include any specific details as to how the Commission would account to the National Assembly for Wales or how we would be funded.

This paper is intended to provide advice as to how the Electoral Commission could be accountable to the National Assembly for Wales following commencement of the Wales Act 2017, which is expected to be in the spring of 2018.

We have, since the establishment of the Commission, reported to the National Assembly for Wales in relation to policy scrutiny matters and have a long history of giving evidence to those legislatures and advice. It is not currently suggested that the way we do this would change significantly.

We have committed to providing options to the National Assembly for Wales on how we should account and submit financial funding estimates in the future. We have therefore sought to develop principles to underpin our discussions in relation to the establishment of financial accountability structures to the legislatures and to inform the submission of financial estimates to them and the consequential impact on the submission of plans and estimates to the Speaker’s Committee of the Westminster Parliament.

Wherever practicable we should be funded by the relevant legislature rather than government and we actively welcome scrutiny and accountability for how we spend public funds to the legislature which provided them.

It is proposed that the body to which we account to at the National Assembly for Wales should have the following characteristics and functions:

- Be independent of any Welsh Government department;
- Report directly to the Assembly;
- Be chaired by a non-party representative (a Presiding Officer or Deputy Presiding Officer).



**Elin Jones AC, Llywydd**

Cynulliad Cenedlaethol Cymru

**Elin Jones AM, Presiding Officer**

National Assembly for Wales

## Y Comisiwn Etholiadol The Electoral Commission

Functions to include:

- General oversight of how the Electoral Commission exercises its functions derived from that legislature;
- Review of the Commission's annual estimate of resources required for delivery of functions carried out under its legislative responsibility;
- Require the Commission to provide an annual report to facilitate scrutiny of the Commission's activities;
- Receive reports from the Wales Audit Office.

Previous discussions have indicated that there are some current arrangements in place that might be utilised for the Electoral Commission to report to the National Assembly for Wales in the future. These include:

- A committee of the National Assembly for Wales
- The current panel of Assembly Commissioners

Another option would be for the National Assembly for Wales to consider establishing a 'Presiding Officer's Committee' – a model similar to the Speaker's Committee on the Electoral Commission in the UK Parliament.

### Resource planning in the Commission

In July and August resource planning options will be modelled and reviewed to establish a preferred methodology for preparing estimates each year for approval by the UK Parliament, the Scottish Parliament and the National Assembly for Wales.

The type of issues that will be considered when constructing and reviewing options and models include:

- To seek funding from the legislatures for only marginal costs (i.e. 'additional costs only' (e.g. public awareness, election specific research, any new staff hired just for that poll) as we have in the past;
- To seek to include 'core' costs (e.g. all Wales office staff, a percentage of staff time outside Wales working on matters derived from legislative competencies held by the National Assembly for Wales, facilities at least in part in Wales or across the UK, ongoing work in non-election years and work relating to by-elections etc.).

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**Elin Jones AM, Presiding Officer**

National Assembly for Wales

**Y** **The**  
**Comisiwn** **Electoral**  
**Etholiadol** **Commission**

- The Commission recognises that staff in Wales also work on matters which derive their legislative basis from the UK Parliament and that staff based across the UK contribute to Wales specific work;
- Is this calculation possible/desirable to provide an exact estimate for all costs derived from National Assembly for Wales legislative responsibilities or do we need to develop a formula whereby we calculate an annual 'Wales activity estimate' which can be agreed by the National Assembly for Wales? Such a formula be accepted by HM Treasury (the Speaker's Committee is required to seek advice from HM Treasury before agreeing the Electoral Commission's Estimate) and the Wales Audit Office (as advisers to the National Assembly for Wales)?
- The funding assumptions (e.g. marginal or full cost funding; costing of all, or some, activity by country) and the basis for annual calculations (i.e. cost allocation methodologies, use of 'high-level' formula or 'exact cost' calculations) will inform how plans and budgets are presented and would have a consequential impact on the funding of the Commission in the future should there be any move away from the model of a single UK-wide Electoral Commission.

The Commission will make a recommendation relating to proposed financial modelling, potentially including a preferred model in Wales, in or around September 2017 and we will put these proposals to the Assembly Commission at that time.

**The Electoral Commission**  
**June 2017**

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Prif Weinidog Cymru/First Minister of Wales



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Presiding Officer  
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Y Swyddfa Breifat

30 AUG 2018  
PO 524  
Private Office

30 August 2018

Dear Elin

Further to our recent discussions on extending the franchise to include 16 and 17 year olds for the National Assembly for Wales elections in 2021, I am pleased to attach for your agreement the Memorandum of Understanding which will govern how this work will be taken forward.

I am content with the arrangements it sets out and hope that you are also content. I believe delivering this change and providing young people with a voice in our democracy will show that Wales is leading the way on democratic reform.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones', written in a cursive style.

CARWYN JONES

## **Memorandum of Understanding**

### **National Assembly for Wales Elections 2021**

#### **Provision of Welsh Government staff resource and Assembly Commission resources for the delivery of the extension of the National Assembly for Wales franchise to include 16 and 17 year olds to form part of an Assembly Commission Bill**

#### **1. Introduction**

1.1 This Memorandum of Understanding (MoU) sets out the scope, principles, governance, working arrangements and delivery tasks in relation to the Welsh Government and Assembly Commission's agreement for the Welsh Government to deliver primary and secondary legislation to give effect to agreed changes in relation to extending the franchise for the National Assembly for Wales for the 2021 elections to include 16 and 17 year olds.

1.2 This MoU does not preclude either formal or informal discussion on other matters of mutual interest in relation to electoral or Assembly reform.

#### **2. Scope**

2.1 The Welsh Government will deliver the primary legislation required to give effect to the agreed franchise changes in relation to 16 and 17 year olds. The primary legislation will be taken forward as part of a Commission Bill, of which the Commission has agreed that the Llywydd will be Member in Charge.

2.2 To facilitate this the Welsh Government will deliver policy and legal instructions, draft provisions to be included in the Bill, extracts for the explanatory memorandum and explanatory notes, regulatory impact assessment, justice impact assessment, equality impact assessment, Welsh Language Impact assessment and children's rights assessment relevant extracts, briefing material for the lead member in respect of the franchise change and any necessary amendments and updates on any of these documents as the Bill proceeds through the National Assembly for Wales.

2.3 Welsh Government officials will not be required to attend Committee or other proceedings with the Member in Charge for the Assembly Commission Bill. Translation of all documents provided will be the responsibility of the Assembly Commission, but the Office of the Legislative Counsel will ensure that the English and Welsh texts of the franchise provisions are legally equivalent. It will be the Welsh Government's responsibility to ensure that documents are received within agreed timescales to ensure that there is sufficient time for translation to be completed.

2.4 Secondary legislation will be taken forward by Welsh Government where Ministers have been delegated the power.

### 3. Principles

3.1 All policy decisions in relation to the franchise for the National Assembly for Wales elections required to be made in relation to primary legislation will be made by the Llywydd.

3.2 In making these policy decisions the Llywydd may seek advice from Welsh Government officials and may meet with officials in this context. These meetings will include Assembly Commission officials.

3.3 Welsh Government officials will not make this advice or contents of discussions available to Welsh Ministers without the prior agreement of the Llywydd.

3.4 Welsh Government officials will not make the content of advice given to Welsh Ministers on franchise matters available to the Llywydd without the prior agreement of Welsh Ministers.

3.5 Welsh Government officials will not make Assembly Commission advice, documents or content available to Welsh Ministers without the prior agreement of the Llywydd.

3.6 All of the delivery tasks will be subject to Welsh Government's internal quality assurance processes in respect of the production of legislation. This relates to processes set out in the Welsh Government's Legislation Handbook as well as Legal Services and OLC's internal checking processes. However, the aim is to work on a 'no surprises' basis and all drafts will be routinely discussed and considered as part of the fortnightly liaison meeting between Assembly Commission and Welsh Government officials (see below).

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3.7 Political sign off of the franchise changes will rest with the Llywydd.

3.8 Welsh Government officials will keep Assembly Commission officials informed of progress and any risks or issues which may impact on the delivery of the franchise changes to be included in the Assembly Commission Bill and the related secondary legislation. This will include, subject to the agreement of Welsh Ministers, any inter-related risks or issues in respect of proposed changes to the local government franchise.

3.9 Assembly Commission officials will keep Welsh Government officials informed of any relevant progress issues or wider risks or issues in relation to the Commission's Bill as a whole which may impact upon its delivery or implementation.

3.10 Assembly Commission and Welsh Government officials will work together to ensure stakeholders in the electoral community and those impacted by the change in the franchise are well informed of and engaged with the change.

3.11 Assembly Commission officials and Welsh Government officials will exchange in confidence legislative timetables relating to both primary and secondary legislation

in respect of any changes to be made to the National Assembly and local government franchises so that relevant handling issues can be considered collectively.

#### 4. Governance

4.1 There will be both political and official governance arrangements to oversee the delivery of the primary and secondary legislation.

**Political** – the First Minister and the Cabinet Secretary for Local Government and Public Services will have regular meetings (both individually and collectively) with the Llywydd as Member in Charge to consider progress and handling issues. This may form part of the agenda of any regular meetings already scheduled. The aim will be to ensure there is transparency and 'no surprises' in relation to matters in respect of extending the franchise for both the National Assembly for Wales and local government to include 16 and 17 year olds and other policy issues relating to the Bill, recognising that the overall framework for elections needs to be joined up and coherent.

The Llywydd and officials will be responsible for briefing the Assembly Commission ("the Commission") and securing the decisions required from the Commission on the Bill, reflecting the delegation of responsibilities between the Llywydd as Member in Charge and the Commission.

Key Commission decision points are:

- 24 September 2018: Commission meeting to make final decision on scope and timing of the Bill.
- October 2018 (date tbc): Assembly debate on a motion to endorse the Commission's decision to introduce the Bill.

Commission meetings will also take place on the dates listed below. As a minimum, it is anticipated that the Llywydd will provide verbal updates to Commissioners on progress at these meetings.

- 5 November 2018
- 10 December 2018
- 28 January 2019
- 4 March 2019
- 1 April 2019
- 13 May 2019 (subject to Business Committee decisions on legislative timetable, this meeting may provide an opportunity for Commissioners to consider Stage 1 committee recommendations).
- 10 June 2019
- 15 July 2019

- 23 September 2019
- 4 November 2019
- 9 December 2019

**Officials** – Assembly Commission and Welsh Government officials will meet fortnightly to discuss progress, risks and issues in respect of the franchise changes. This may form part of the agenda of any regular meetings already scheduled.

The Assembly Commission Bill SRO, the Welsh Government Bill Lead Official and the Welsh Government Lead Official for the franchise changes will meet as needed but no less frequently than quarterly to consider risks and issues in relation to the delivery of the Bill.

Welsh Government Officials will attend for relevant items on the Assembly Reform Project board when requested to provide information and updates on the delivery of the franchise changes.

## **5. Working Arrangements**

5.1 Constitutional Affairs and Inter Governmental Relations Division (CAIGR) will be the overall Welsh Government lead for the Bill. Local Government Democracy Division (LGD) will lead on the delivery of the franchise changes for the Assembly Commission.

5.2 The first point of contact for the Commission on Bill queries and the Government's position on all its included matters will be CAIGR; this will include formal contact on the Government's position on any changes to the Assembly franchise. Discussions between CAIGR and Assembly Commission officials will be the mechanism for exploring any policy disagreements. Where necessary these may be referred to the political governance arrangements set out above.

5.3 CAIGR will be the Welsh Government contact also for the Government's position in respect of any motions the Llywydd may table to seek motions of support from the Assembly to bring forward the Commission Bill, the Stage 1 general principles motion, any amendments the Llywydd intends to bring forward, and the Stage 4 motion, and also in respect of the Government's role in moving the financial resolution for the Bill (the Llywydd will table it).

5.4 The first point of contact for queries relating to the delivery of the franchise changes will be the Head of Diversity, Democracy and Remuneration Team in the Local Government Democracy Division. This includes all queries including those requiring legal input.

5.5 This will be critical to monitoring overall workloads and priorities so that work can be delivered to the standards in the required timeframe.

5.6 The first point of contact for queries relating to the Assembly Commission support for delivery of the franchise changes will be the Bill Manager in Strategic Transformation, Assembly Business Directorate.

5.7 The first point of contact for queries relating to other elements of the Assembly Commission Bill will be the Head of Strategic Transformation.

5.8 However, where matters relate to on-going development or queries on matters relating to issues discussed at the regular liaison meetings relevant officials will liaise with their opposite numbers directly, including legal teams.

5.9 The approach will be collaborative and follow the principles set out in the Civil service statement on collaborative working attached at Annex A. To facilitate this Welsh Government and the Assembly Commission will exchange a list of relevant officials.

## **6. Delivery Tasks for the Franchise Change up to introduction**

6.1 In the period leading up to introduction of the Bill Welsh Government will deliver (in English only):

- First draft of policy and legal issues paper by end w/c 23 July
- Final draft of policy and legal issues paper including headline costs/savings, impact assessments and implementation plans by September 5th, in order to inform the Commission's decisions on 24 September
- Draft Bill provisions by September 14th
- Regulatory Impact Assessment (RIA) extract by September 28th
- Equalities Impact Assessment extract by September 28<sup>th</sup>
- Official Languages Impact Assessment by September 28th
- Children's Rights Impact Assessment extract by September 28th
- Justice System Impact Identification and Justice Impact Assessment extract by September 28<sup>th</sup>
- Any other relevant assessments identified as work progresses by September 28th
- Explanatory Memorandum extract by September 28th
- Explanatory Notes Extract by September 28th
- Statement of Policy Intent extract by September 28th
- Table of Derivations extract by September 28<sup>th</sup>
- Schedule of Amendments as required by SO 26.6C extract by September 28<sup>th</sup>
- Equivalence check of the Welsh text – allow 1 week after the translation of the text for this.

6.2 All of the above relate to the agreed extension to the National Assembly franchise only.

6.3 The Assembly Commission will be responsible for translation of these outputs and ensuring their coherence with the Commission Bill as a whole, but the Bill provisions on the franchise translated by the Commission will be checked for legal equivalence by the Office of the Legislative Counsel. Assembly Commission and Welsh Government will also agree the approach for each Impact Assessment to ensure overall coherence.

6.4 Amendments to the Bill in relation to the franchise will be provided in English. The Welsh text of the amendments will be translated by the Assembly Commission and legal equivalence checked by OLC.

6.5 The Commission will be responsible for ensuring that the PO determination on proper form for Bills is complied with. The Welsh Government will provide ODT and PDF files of the English text drafted in Legislative Workbench. Welsh Government will share earlier drafts to enable Assembly Commission officials to inform them of any issues which require addressing regarding compliance ahead of the agreed delivery date.

6.6 Should any Minister of the Crown consents be required the approach to taking these forward will be agreed through the political governance arrangements set out above, so that wider considerations in relation to any Welsh Government Bills or other matters in the Assembly Commission Bill can be taken in to account.

6.7 Welsh Government will provide appropriate content related to franchise to inform the production of a paper on the proposed Bill's policy implications, risks and benefits, drafting approach (including subordinate legislation) and initial estimate of costs to the Commission by 5<sup>th</sup> September. This will support Assembly Commission discussions scheduled for 24<sup>th</sup> September. Assembly Commission officials will agree the format of this paper with Welsh Government ahead of the 5<sup>th</sup> September.

#### **Delivery Schedule: Mid-October 2018 all final documents**

### **7. Introduction of the Bill**

7.1 Welsh Government officials will provide briefing materials and lines to take for the Plenary session to introduce the Bill. Welsh Government officials will also be available to brief the Member in Charge, with Assembly Commission officials, as part of the preparations for introduction.

### **8. Post Introduction of the Bill**

*All legislative stages dates are provisional and subject to Business Committee decision*

#### **Stage 1**

8.1 For Stage 1 Welsh Government officials will provide briefing and contributions to enable the Member in Charge to attend committee and other proceedings (Welsh

Government officials will not attend Committee or other proceedings in support but will be available to brief the lead member, with Assembly Commission officials, in advance of committee or other proceedings). However, Welsh Government officials will provide private technical briefings to committees if required. Briefing and support in developing a response to Committee will be provided if required.

**Delivery Schedule: During stage 1 and contribution to response to Committee report by 20 May**

## **Stage 2**

8.2 For Stage 2 Welsh Government officials will lead on the production of any technical amendments or alternative amendments required, including accompanying briefing materials. Technical amendments will be agreed between OLC and Assembly Commission lawyers; any amendments with a policy basis would be put to the Llywydd for agreement. Welsh Government officials will not attend Committee or other proceedings in support of the lead member but will be available to brief the lead member with Assembly Commission officials in advance of committee or other proceedings, including briefings on non Government amendments.

8.3 Amendments to the Bill will be provided in English. The Welsh text will be produced by the Assembly Commission and legal equivalence checked by OLC The Commission will be responsible for putting the amendments into the Legislative Workbench software and ensuring that the PO determination on proper form for amendments is complied with. OLC and Assembly Commission lawyers will also proof read the franchise provisions post Stage 2.

8.4 The Assembly Commission Bill Team will be responsible for coordinating the progress of Stage 2 including the tracking of any required Commission amendments which might arise as a result of technical or other changes arising out of Committee. They will also be responsible for dealing with matters relating to grouping. Welsh Government officials will not provide advice to the Llywydd in relation to any Government amendments which might be laid at this stage. CAIGR will facilitate any discussion in relation to mutually beneficial amendments or other Government amendments.

**Delivery Schedule: During Stage 2 w/c 24 June to 15 July 2019**

## **Stages 3 and 4**

8.5 Welsh Government officials will lead on the production of any technical amendments or alternative amendments required, including accompanying briefing materials for both stages. Technical amendments will be agreed between OLC



and Assembly Commission lawyers; policy amendments will be agreed by the Llywydd. Welsh Government officials will not attend Committee or other proceedings in support of the lead member but will be available to brief (and input into the provision of briefing materials for) the lead member with Assembly Commission officials in advance of committee and other proceedings, including in relation to non Government amendments. Welsh Government officials will provide updated contributions to supporting materials such as the RIA if required.

8.6 Amendments to the Bill will be provided in English. The Welsh text will be produced by the Assembly Commission and legal equivalence checked by OLC. The Commission will be responsible for putting the amendments into the Legislative Workbench software and ensuring that the PO determination on proper form for amendments is complied with.

8.7 The Assembly Commission Bill Team will be responsible for coordinating the progress of Stage 3 including the tracking of any required Commission amendments which might arise as a result of technical or changes arising out of Committee. They will also be responsible for dealing with matters relating to grouping. Welsh Government officials will not provide advice, in relation to any Government amendments which might be laid at this stage. CAIGR will facilitate any discussion in relation to mutually beneficial amendments or other Government amendments.

**Delivery Schedule: During stage 3 w/c 7 October 2019 with any updated documents required delivered by w/c 17 September 2019**

#### **Report Stage if needed**

8.8 Welsh Government officials will provide amendments and accompanying briefing as required. Welsh Government officials will not attend proceedings in support of the Member in Charge but will be available to brief (and input into the provision of briefing materials for) the Llywydd with Assembly Commission officials in advance these proceedings, including in relation to non Government amendments.

#### **Post Royal Assent**

8.9 Welsh Government officials will provide the final version of the explanatory notes in relation to the franchise, taking account of input from Assembly Commission officials as appropriate.

### **9. Secondary Legislation**

9.1 It will be for the Welsh Government to deliver any secondary legislation required.

9.2 The Llywydd will be consulted on the approach and strategy for subordinate legislation and the approach will be agreed as part of the development of the primary legislation. As soon as the approach is developed Welsh Ministers will write to the Llywydd with the Statement of Policy Intent for all delegated powers in

the Bill and an outline timetable for delivery of the subordinate legislation needed to give effect to the franchise changes in relation to 16 and 17 year olds.

#### **10. During the passage of the Bill, after Royal Assent and making of the secondary legislation stakeholder Engagement**

10.1 Assembly Commission and Welsh Government officials will work together to create an education and awareness raising campaign to encourage 16 and 17 year olds to vote. This may include advertising, written material and face to face promotion in schools and other institutions. Assembly Commission and Welsh Government officials will also work together with the electoral community and the Electoral Commission to ensure the practical implementation of the changes is effective.

#### **11. Translation**

11.1 Any documents provided to the Assembly Commission in relation to any of the above delivery tasks will be provided in English. Translation where required will be provided by the Assembly Commission (with the exception of materials relating to the secondary legislation, including the Statement of Policy Intent, which will be the responsibility of the Welsh Government and stakeholder engagement where a shared approach will be adopted) .

#### **12. Provision of Commission policy and legal staff**

12.1 Delivery of the franchise changes is a significant undertaking for Welsh Government in terms of staff resourcing and the Llywydd will therefore ensure that Assembly Commission policy and legal officials can be called upon to enable delivery.

12.2 In terms of the provision of policy resources, the tasks and the deadlines for which they need to be delivered will be agreed with the Head of Strategic Transformation.

12.3 For these tasks Assembly Commission staff will be responsible to the lead Welsh Government officials working on the franchise changes. Welsh Government will undertake to ensure that where it is agreed Assembly Commission will provide staff to support delivery there will be an opportunity for an exchange of experience and an opportunity for learning.

12.4 In terms of policy support the likely level of support is anticipated to be equivalent to one member of staff (HEO) over the period of this MoU. The provision of this support can be flexible and may be provided by different individuals depending on the nature and timing of the tasks to be undertaken. The tasks would be mainly in respect of support to deliver specific briefing and contributions to the various policy documents as well as contribution to overall quality control processes such as checking and editing.

12.5 The Assembly Commission will provide legal support equivalent to two full time members of staff up to December 2019 and one member of staff during the remainder of the period covered by this MoU. Lawyers will be seconded to Welsh Government to enable resources to be released to support the delivery of the franchise changes.

### **13. Dispute Resolution**

13.1 As set out above the intention is to work collaboratively and on a 'no surprises' basis. It is hoped that this will result in mutual agreement throughout the duration of this MoU.

13.2 The first stage of the process will be discussion at fortnightly Welsh Government and Assembly Commission meetings.

13.3 The second stage will be discussion between the Deputy Director Local Government Democracy and the Head of Strategic Transformation for any non legal opinion based disputes. Legal opinion based disputes will be discussed by the Deputy Director Local Government Legal Team and OLC and the Head of Assembly Commission Legal services.

13.4 The third stage will be discussions between the Permanent Secretary and the Chief Executive and Clerk of the Assembly.

13.5 Respective political advisors may be engaged in the discussion at any stage in the dispute resolution process if it is deemed to be relevant by the parties concerned.

### **14. Duration**

14.1 This MoU covers the period from the date of signature by Welsh Government and the Llywydd to 31 December 2020.

### **15. Cessation**

15.1 Both parties to this MoU may withdraw from the arrangement following a period of reasonable notice, but no less than four weeks.

### **16. Information Sharing**

16.1 All documents produced by the Welsh Government relating to the development of the franchise changes for the Assembly Bill will be categorised 'Official: Sensitive' and will be shared with the Commission on a confidential basis through secure file transfer. Officials in Welsh Government not within the immediate team working on the franchise changes will not have access to these documents as they will be saved in a caveated file to preclude unauthorised access.

16.2 All information and documents shared by the Welsh Government with the Assembly Commission will be saved in a file with access restricted to those working directly on the Bill and as referred to above. They may also be shared with the Assembly Commission's external legal drafter to ensure coherence with the overall Bill.

16.3 All information and documents relating to the Bill shared by the Assembly Commission with the Welsh Government will be marked "ASSEMBLY RESTRICTED" and will be for use only by the immediate team working on franchise changes, unless with the prior agreement of the Head of Strategic Transformation and as referred to above. They will not be made public in any way or disclosed to external stakeholders.

16.4 Responsibility for dealing with Freedom of Information requests in respect of these documents will be the responsibility of the recipient of the request. Assembly Commission officials and Welsh Government officials will provide any necessary assistance to each other in dealing with such requests. The Assembly Commission will provide Welsh Government with access to all documents which will support the development of the delivery tasks for the franchise change. There will be no requirements for personal information to be exchanged, for example, specific consultation respondents as part of this access.

## Guiding principles for collaborative working on government legislation

In developing policy and legislation, all officials must serve Ministers as one team. For this reason all officials should follow these guiding principles for collaborative working on legislation in accordance with the values of integrity, honesty, objectivity and impartiality set out in the Civil Service Code.

All officials will continue to discharge their individual responsibilities while also engaging with and supporting colleagues to deliver theirs. In doing so they should bring the full range of their skills and abilities to bear to the range of tasks in producing effective policy and legislation. This requires:

- a) An understanding of individual and collective roles and responsibilities, including what to expect from particular professionals and specialists;
- b) Mutual respect;
- c) Striking a balance between timely and in-depth communication;
- d) A shared understanding of individual and collective priorities and pressures;
- e) An understanding of the big picture, and how each individual's contribution fits into this. The big picture includes the political and constitutional context; the fit with other parts of the current and prospective legislative framework; and approaches to implementation of legislation.

All officials will seek to establish and build relationships based on trust, with each other and with Ministers. Officials will, in particular, ensure their communication with Ministers, and with each other, is timely, clear, effective and honest, particularly in respect of the following matters:

- a. Potential slippage in the timetable of a Bill – recognising its potential knock-on effect on others involved in the production of the Bill, the effects of delaying the delivery of the policy, and any potential impact on the wider legislative programme;
- b. Dealing with risks, complex and sensitive issues, and problems – this requires both confidence and humility when discussing;
- c. Resolving disputes – this requires a willingness to be pragmatic, openminded and to reflect on the comments of colleagues.

Officials should also work collaboratively with special advisers as part of their approach to developing policy and progressing legislation. Special advisers play a key role in supporting effective communication between officials and Ministers and in supporting Ministers in working with politicians and other stakeholders to ensure the delivery of legislative proposals.

All officials will work to support a learning culture. This includes:

- a) Taking responsibility for their own development – identifying their learning needs and actively pursuing opportunities to meet those needs;
- b) Supporting the development of others and the organisation, including by freely sharing their own learning and experience.

## Definitions

**Franchise change** – extension of the National Assembly franchise within agreed parameters determined by the Llywydd to be the addition of 16 and 17 year olds (this includes all aspects of the policy such as registering attainers).

**Delivery of primary legislation** – Preparation of policy and legal instructions in relation to the franchise change, preparation of supporting documentation to be included in the Bill documentation (including those required by NAW Standing Orders or other legislative requirements),

**Delivery of secondary legislation** – preparation of policy instructions and provision of relevant secondary legislation to give effect to the agreed franchise change, including supporting documentation required by NAW Standing Orders or other legislative requirements

**Assembly Commission Bill team** – Commission staff responsible for the management and delivery of the whole of the Commission's Bill

**Local Government Bill team** – Welsh Government staff responsible for the management and delivery of the Welsh Government's Local Government Bill

**Welsh Government's Assembly Commission Bill Team** – Welsh Government staff in CAIGR responsible for the Government's response to the Assembly Commission's Bill

**Bill communication and stakeholder engagement** – actions need to promote the changes to the franchise with those affected by them and the general public. Working with stakeholders to ensure they are aware of the changes and can facilitate their implementation, in particular the electoral community (Returning officers, registration officers, elections teams, the Electoral Commission).

F.

Alun Davies AC/AM  
Ysgrifennydd y Cabinet dros Lywodraeth Leol a  
Gwasanaethau Cyhoeddus  
Cabinet Secretary for Local Government and Public  
Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref ARD/0373/18

Elin Jones AC/AM  
Llywydd/Presiding Officer  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Y Swyddfa Breifat

20 SEP 2018  
PO 529  
Private Office

20 September 2018

Dear Elin,

I am writing in further response to your letter of 20<sup>th</sup> March this year. I appreciate that time has passed since then but we have, of course, discussed the issues raised concerning the governance and funding of the Electoral Commission on a number of occasions since.

Having now had time to consider the matter fully, I agree with you that legislation will be required to govern the relationship between the Electoral Commission and the Assembly. The Commission will continue to provide a service in relation to Welsh elections as they have always done but in the absence of specific provision to report to the National Assembly for Wales, they would be doing so under the regime established with the Speaker's Committee in the UK Parliament, despite electoral functions on Assembly and local elections having now been devolved.

As for the vehicle which should be employed to bring this about, I am not convinced that inclusion in the proposed Local Government Bill is the best option. It is not a local government matter and, given your proposals to introduce possibly two Assembly Bills, one of these would seem the most appropriate legislative option. Given the scope of the upcoming Assembly Reform Bill, I propose that the provisions are included within this Bill. I am fully aware that Commission resources are tight, as are ours, and as such I propose that my officials work closely with your officials and support this work by providing draft provisions for inclusion in your first Bill as Stage 2 amendments. In return, I would ask that your officials take a lead on discussing the financial agreement with the Speakers Committee and provide the supporting material required for the Bill's passage through the Assembly.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

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[Correspondence.Alun.Davies@gov.wales](mailto:Correspondence.Alun.Davies@gov.wales)

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

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



I understand that our officials are working effectively together on the extension of the Assembly franchise to 16 and 17 year olds and I would hope that this arrangement could extend to the necessary provisions around the accountability of the Electoral Commission.


Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alun', with a horizontal line underneath it.

**Alun Davies AC/AM**

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Gwasanaethau Cyhoeddus  
Cabinet Secretary for Local Government and Public Services

G.

 **Elin Jones AC, Llywydd**  
Cynulliad Cenedlaethol Cymru  
**Elin Jones AM, Presiding Officer**  
National Assembly for Wales

Alun Davies AM  
Cabinet Secretary for Local Government and Public Services  
Welsh Government  
Ty Hywel  
Cardiff Bay  
CF99 1NA

Your ref:  
Our ref: EJ/TJ

12 October 2018

Dear Alun

**Reducing the voting age to 16: implications for education curriculum**

I would like to invite you and Kirsty Williams AM, Cabinet Secretary for Education, to meet jointly to discuss the potential implications for the education curriculum of reducing the voting age to 16.

As you are aware, our respective officials are developing legislation that will reduce the voting age in Assembly elections and Local Government elections to 16. The Commission intends to introduce the Bill in January 2019, subject to the agreement of the Assembly and therefore it will be first to come under the scrutiny of the Assembly.

The Assembly Commission's legislation will deliver a key recommendation of the Expert Panel on Assembly Electoral Reform, in its report 'A Parliament that works for Wales'. However, you will recall that the Expert Panel also recommended that:

"To ensure that young people are encouraged and supported to exercise their right to vote, any reduction in the minimum voting age should be accompanied by appropriate, effective and non-partisan political and citizenship education. This must ensure that young people hear political views from across the spectrum, and are equipped to make up their own minds about how to exercise their democratic right."

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English

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**Elin Jones AC, Llywydd**  
Cynulliad Cenedlaethol Cymru  
**Elin Jones AM, Presiding Officer**  
National Assembly for Wales

The provision of citizenship or political education was also a theme in our findings from the public consultation which we undertook earlier this year. On behalf of the Assembly Commission, I would therefore be very grateful for the opportunity to speak with you and the Cabinet Secretary about how we ensure that a change in voting age is accompanied by the young people affected having appropriate opportunities for learning about political and citizenship education.


Should you be willing to undertake such a meeting, my officials will collaborate with your own and those of the Cabinet Secretary to arrange a suitable date in November.

I look forward to your response. I am copying this letter to Kirsty Williams AM, Cabinet Secretary for Education.

Yours sincerely

Elin Jones AM  
Llywydd

H.

 **Elin Jones AC, Llywydd**  
Cynulliad Cenedlaethol Cymru  
**Elin Jones AM, Presiding Officer**  
National Assembly for Wales

Kirsty Williams AM  
Cabinet Secretary for Education  
Welsh Government  
Ty Hywel  
Cardiff Bay  
CF99 1NA

Your ref:  
Our ref: EJ/TJ

12 October 2018

Dear Kirsty

**Reducing the voting age to 16: implications for education curriculum**

I would like to invite you and Alun Davies AM, Cabinet Secretary for Public Services and Local Government, to meet jointly to discuss the potential implications for the education curriculum of reducing the voting age to 16.

As you are aware, the Assembly Commission intends to introduce legislation that will reduce the voting age in Assembly elections to 16. The Welsh Government intends to similarly reduce the voting age in Local Government elections to 16.

The Assembly Commission's legislation will deliver a key recommendation of the Expert Panel on Assembly Electoral Reform, in its report 'A Parliament that works for Wales'. However, you will recall that the Expert Panel also recommended that:

"To ensure that young people are encouraged and supported to exercise their right to vote, any reduction in the minimum voting age should be accompanied by appropriate, effective and non-partisan political and citizenship education. This must ensure that young people hear political views from across the spectrum, and are equipped to make up their own minds about how to exercise their democratic right."

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English

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**Elin Jones AC, Llywydd**  
Cynulliad Cenedlaethol Cymru  
**Elin Jones AM, Presiding Officer**  
National Assembly for Wales

The provision of citizenship or political education was also a theme in our findings from the public consultation which we undertook earlier this year. On behalf of the Assembly Commission, I would therefore be very grateful for the opportunity to speak with you about ensuring that a change in voting age is accompanied by the young people affected having appropriate opportunities for learning about political and citizenship education.

Should you be willing to undertake such a meeting, my officials will collaborate with your own and those of the Cabinet Secretary to arrange a suitable date in November.

I look forward to your response. I am copying this letter to Alun Davies AM, Cabinet Secretary for Public Services and Local Government.

Yours sincerely

Elin Jones AM  
Llywydd

I.

Y Gwir Anrh/Rt Hon Carwyn Jones AC/AM  
Prif Weinidog Cymru/First Minister of Wales



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: MA - L FM 0852 18

Elin Jones AM/AC, Llywydd  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Y Swyddfa Breifat

10 DEC 2018

PO 571

Private Office

[Llywydd@assembly.wales](mailto:Llywydd@assembly.wales)

10 December 2018

Dear Elin

I am writing in relation to the draft Senedd and Elections (Wales) Bill, a version of which your officials have recently shared with us. I know that my officials have provided a number of detailed comments on the Bill's provision, which I hope your officials found helpful, and I want to set out my general position on the main elements of the Bill.

In respect of the Assembly's change of name, I note that you have settled on 'Senedd (Welsh Parliament)'. As a general point I remain committed to using the opportunity of changing our parliament's name to broaden and deepen understanding amongst the electorate and other stakeholders of the devolved institutions. However, your current proposed approach would result in section 1(1) of the Government of Wales Act 2006 providing that "There is to be an Assembly for Wales to be known as the Senedd (Welsh Parliament)"; that formulation will, it seems to me, serve only to add to the confusion that already exists about the names of our institutions.

We think it would be better if section 1(1) to GOWA reads as follows in the future:

"There is to be a parliament for Wales to be known as the Senedd."

For the sake of argument, this redraft accepts the decision to use "Senedd" alone as the name in both English and Welsh, but we are giving further thought to this.

I understand that your legal advisers do not think it is possible to change the words "an Assembly" to "a parliament" in the opening of section 1(1), because of the limitations of the exception in paragraph 7(2)(a)(i) of Schedule 7B to GOWA 2006. Our position is that an Assembly Act could replace the words "an Assembly" with "a parliament" in section 1(1) of GOWA despite the limitations of the exception in paragraph 7(2)(a) of Schedule 7B to GOWA 2006. The exception in paragraph 7(4) allowing modification of GOWA as a consequence or as an incident of the name change seems specifically designed for this kind of purpose. The exception in paragraph 7(4) does not mean that an Assembly Act could make any change of substance to section 1(1), such as abolishing itself, as this would

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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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not be a sensible consequence or incident of changing the Assembly's name – that would be a substantive effect of a different order that would need to be dealt with in the exceptions in paragraph 7(2) if it were to be allowed.

Also, we are not convinced by the argument put to us that the name change makes a substantive change to the status of the Assembly which goes beyond the changes authorised by paragraphs 7(2)(a)(i) and 7(4) of Schedule 7B. The UK Parliament has already legislated to create a body that has the parliamentary functions in Wales of making laws and holding to account the executive charged with administering those laws. Parliament chose to call it the National Assembly of Wales when it was created and this is the reason why the word "Assembly" appears in the first words of section 1(1), rather than for any reason of substance. The Assembly has been given the power to change the name, but not the power to abolish itself, and this is the reason for the division of form and function between paragraphs 7(2)(a)(i) and 7(4) of Schedule 7B.

Our understanding is that the suggested use of "Welsh Parliament" is not intended to give the Senedd an alternative name, rather it is only provided to aid understanding for those unfamiliar with the Welsh language. We are concerned that the way you have drafted the provision may have the effect of authorising the use of "Welsh Parliament" for all purposes, which is not your intention.

I also assume that you have assured yourself that the use of "Senedd" satisfies the Assembly's legal obligations in respect of the official status of both languages and the obligation to treat both languages equally.

Overall, I know that my officials have raised with yours a number of concerns about the drafting of Part 2 of the Bill, but the draft Bill has not as yet been changed to address these concerns. The question of whether and how the Welsh Government might seek to address this matter once the Bill is introduced will be for my successor, but unless appropriate amendments are made ahead of introduction, my advice is likely to be that our drafting concerns are such that the Welsh Government should seek to amend the Bill to rectify the relevant sections.

In respect of the franchise changes, the Welsh Government supports the extension of the Assembly franchise to 16 and 17 year olds, and as you know we intend to extend the local government franchise in the same way. However, our Local Government Bill is likely to also extend the franchise to foreign nationals (subject to all other eligibility criteria being met), but I understand that you do not currently intend to extend the Assembly franchise in the same way. We may return to this matter when we consider what amendments the Welsh Government may seek to make to the Bill, once introduced.

My officials have provided detailed comments in respect of the disqualification provisions. My priority for these provisions is to ensure that the law in this area is as clear as possible for all citizens as well as those directly affected, although I recognise that there are inherent complexities. Once we see the final text of the Bill for introduction, we will consider whether we believe amendments are necessary to the disqualification provisions.

As my officials have communicated to yours, the Government believes the power included in Part 5 of the Bill for the Welsh Ministers to implement Law Commission recommendations is both unnecessary and potentially unhelpful; again we may return to these matters once the Bill has been introduced.

I understand that it is intended that a further clause is to be added to the Bill which will enable further consideration of the financing and accountability of the Electoral

Commission's activities in relation to devolved Welsh elections at Stage 2. We are supportive of this.

I also wanted to touch upon your plans for the introduction of a second Assembly reform Bill before the end of this Assembly. The proposed changes to the size of the Assembly and its electoral system are currently the subject of consultation within the political parties, and once it becomes clearer where consensus for change exists, it will be for the next First Minister and Cabinet to agree the Welsh Government's position on how any further legislative proposals might be taken forward. However, in my view the arrangements by which the Senedd and Elections (Wales) Bill has been produced have created significant resource and governance challenges and should not be repeated given the likely scale, subject matter and complexity of a second Bill. You may wish, therefore, to consider what alternative approaches we might take as and when the potential content of any second Bill becomes clearer.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones', written in a cursive style.

**CARWYN JONES**



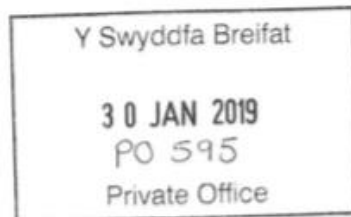
J.

Julie James AC/AM  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

Kirsty Williams AC/AM  
Y Gweinidog Addysg  
Minister for Education



Llywodraeth Cymru  
Welsh Government



30 January 2019

Dear Llywydd,

As you know, our officials have been collaborating to develop the evidence base and a range of resources in support of extending the franchise for both the Assembly and local government elections.

Discussion to date has identified three broad elements to this work as follows:

**Conduct research**

A two-stage programme of research is required to develop an evidence base for extending the voting franchise. The first stage will include a review of existing international evidence on the methods for promoting effective citizen engagement in local democratic processes. The second will include primary research with proposed newly enfranchised groups of voters as well as those already entitled to vote, but who are politically disengaged. This work will seek to establish how best to inform these groups of their rights and promote democratic participation.

**Develop a communication plan**

We envisage a four-stage plan, phased as follows:

- (i) support the introduction of the Bills into the Assembly;
- (ii) inform newly enfranchised groups of their right to vote and the process for electoral registration;

- (iii) support and encourage young people's understanding and engagement with democracy in Wales;
- (iv) encourage young people to turn out to vote in the Assembly Elections in 2021 and Local Government elections in 2022.

**Produce educational material for delivery in schools and elsewhere**

This will involve letting a contract to develop teaching and learning resources for schools and further education colleges, to include a professional learning offer component in support of teachers.

Our officials understand that the Assembly's excellent Educational team will be available to help support the communication work. You are aware that Welsh Government will also be extending the franchise to foreign nationals for local government elections. These represents a larger part of the electorate and we will be highlighting to your officials, the need for careful handling of the messaging in the communication and education campaigns, in order that the present planned divergence in the franchise for Welsh elections, does not result in confusion for the electorate.

We estimate the cost of this work at around £895,000 - £945,000 over three years, commencing in 2019/20 and would be grateful if you take the matter of a financial contribution from the Commission under consideration.

Finally, we anticipate the need to establish a Welsh Government External Board of advisors to help with this work, supported by our respective officials and would welcome any suggestions you may have for its membership.



**Julie James AC/AM**  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government



**Kirsty Williams AC/AM**  
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