



Ein cyf/Our ref: MA/L/CG/0626/19

Llyr Gruffydd AM
Chair, Finance Committee
National Assembly for Wales
Senedd.Finance@assembly.wales

20 September 2019

Dear Llyr,

I am writing ahead of my appearance before your Committee on 25 September to set out my intentions with regard to the Electoral Commission provisions in the Senedd and Elections (Wales) Bill, and other related matters.

Electoral Commission provisions

My overall policy objective in respect of the Electoral Commission (“the EC”) is that now elections to the Assembly and to local government in Wales have been devolved, the EC’s work in relation to those devolved Welsh elections should be funded through devolved mechanisms and it should be accountable to the Assembly.

The EC needs to be funded for devolved Welsh elections from out of the Welsh Consolidated Fund (“the WCF”). However, the core financial provisions in the Government of Wales Act 2006 (“GoWA”) (particularly sections 124 and 125) are predicated on an assumption that a body which is directly funded out of the WCF should not also be directly funded out of the UK Consolidated Fund (“the UKCF”). So bodies which are directly funded from the WCF are accountable only to the Assembly, and bodies directly funded from the UK Consolidated Fund are accountable to the UK Parliament.

The expenditure of a number of UK bodies will ultimately be funded from budgets derived from both the UK Parliament and the devolved legislatures. However, in these cases the additional funding is provided by way of grant support rather than direct from another consolidated fund. These arrangements maintain the accountability for the bodies overall performance to the legislature providing the majority of its funding.

However, establishing a formal funding and accountability relationship between the EC and the Assembly in respect of devolved Welsh elections requires the EC to receive monies

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
YPCCGB@llyw.cymru / PSCGBM@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.

from at least two legislatures, each with their own processes for scrutiny. As such, it is a novel approach for which there is no obvious precedent.

We have explored four potential ways to achieve a new funding and accountability model for the EC.

1. Adding the EC to list of relevant persons at section 124(3) of GoWA

Section 124(3) of GoWA lists the “relevant persons” to whom monies can be paid from the WCF. This list does not include the EC. If it were added, the EC would continue to receive monies from Parliament for all its non-devolved activities. In effect therefore the EC would be a relevant person only for part of its funding and functions, which would be a very novel approach. The general approach has been for the addition of “relevant persons” to apply to newly created bodies who only operate in Wales. In effect GoWA would need to be amended in such a way that it limited the status of the EC as a “relevant person” to the extent of its work on devolved Welsh elections. In addition, the Assembly does not have the legislative competence to amend the list in section 124(3) of GoWA. Overall, this option is neither desirable, nor deliverable in the current timescales.

2. Making provision in the Political Parties, Elections and Referendums Act 2000 (“PPERA”) allowing funding for the EC to be a direct charge on the WCF under section 124(1)(a) of GoWA

Section 124(1)(a) of GoWA allows a payment to be made from the WCF if “it has been charged on that Fund by any enactment”. However, this is intended to be used only where the legislation clearly and specifically sets out what is to be funded, as the payment is not subject to an Assembly Budget resolution as the costs are deemed to be such that it would not be appropriate for the Assembly to scrutinise and authorise. It has not previously been used for funding a body’s activities more broadly, and that is not its purpose. Overall, this option is inappropriate from a constitutional and a financial perspective.

3. Making provision in PERA to make it a relevant enactment for the purposes of section 124(2)(b) of GoWA, to enable payment to be made to the EC out of the WCF

This would require procedures to be put in place for the EC to have its own ambit in the Assembly’s annual budget motion, possibly prescribed in legislation. This option would involve inserting provision into PERA enabling payment to be made to the EC out of the WCF. This would make PERA a ‘relevant enactment’ for the purposes of section 124(2)(b) of GoWA. However, this would be a novel approach for which there is no precedent as far as we are aware. As a minimum we would need to introduce similar accounting and audit requirements around WCF funding as the EC have for UKCF funds.

4. The EC is paid via a body already listed as a relevant person in section 124(3) of GoWA

Given the difficulties associated with the other options above, we have decided to pursue this approach. Given its role in relation to elections to the legislature, it would not be constitutionally appropriate for the Welsh Ministers (the executive) to do so; the only other appropriate body already listed in section 124(3) of GoWA would be the Assembly Commission.

This approach is consistent with what is being proposed for Scotland, where responsibility for the funding of the EC in respect of devolved Scottish elections will be given to the Scottish Parliamentary Corporate Body (“the SPCB”), which is the Scottish equivalent to the Assembly Commission. (We do acknowledge, though, that unlike the Assembly Commission, the SPCB is an established route for funding arms-length bodies.)

In addition, under this option the existing budget, scrutiny and audit framework which applies to the Assembly Commission (as one of the four relevant persons whose expenditure can be met from the WCF) would apply to the funding of the EC. This provision will still allow the Assembly to make provision as to the detail of the scrutiny arrangements and budget process within its own Standing Orders.

In respect of the funding, PPERA currently provides for the EC to be funded out of monies provided by Parliament. However, there are exceptions which allow the Welsh Ministers and the Assembly Commission to fund the EC for specific activities. To support the delivery of option 4, the Senedd Bill amends PPERA to create a further exception which would make the Assembly Commission responsible for funding the EC's work in relation to devolved Welsh elections as well as retaining its ability to fund the EC for specific matters as it does now e.g. promoting Assembly elections.

Under the provisions as drafted, the process would operate as follows:

- PPERA is amended to create an exception to the general provision for the EC to be funded out of monies provided by Parliament, so that the Assembly Commission would be responsible for funding the EC in respect of its work in relation to devolved Welsh elections.
- The Assembly is required in its Standing Orders to designate a relevant body (which would be either a committee chaired by the Presiding Officer or Deputy Presiding Officer, or the Assembly Commission) to have responsibility for oversight of the financing and work plan of the EC in connection with its work in relation to devolved Welsh elections.
- The AC will retain its ability to fund the EC for specific matters as it does now, for example promoting the Assembly elections. The relevant body would scrutinise the budget estimate and plan of the EC, take evidence from the EC and others if appropriate (with the procedures being set out in the Assembly's Standing Orders).
- The results of the scrutiny of the relevant body would determine the budget for the EC in respect of its work on devolved Welsh elections, which becomes part of the Assembly Commission's budget through the annual budget process.
- Once budgets are approved, the Assembly Commission pays the EC for its work in relation to devolved Welsh elections, and the EC undertakes the work set out in its plan.
- At the end of each financial year the EC produces a consolidated set of accounts for the entirety of its UK operations which are then audited by the NAO. The WAO has indicated that it is content for the NAO to continue undertake this work, there is specific provision in Schedule 1 of PPERA setting out the NAO role. We propose that an inter-institutional agreement will be needed which will include (along with other matters) provisions that address how the audit arrangements will work in practice.
- The EC then submits a report, based on its consolidated accounts, to the Assembly.
- The Assembly Commission's own accounts are then produced, and are audited by WAO as per existing arrangements.

We recognise that the approach we have decided to pursue presents a range of challenges in terms of the Assembly Commission taking on a new function, and clarity about how these arrangements fit with the budget process and the role of Finance Committee. However, we consider that these challenges can be addressed through changes to Standing Orders, and that the risks and disadvantages of the other options outweigh the challenges of our approach.

Discussions are ongoing – including between the Welsh Government and the UK Treasury – about the transfer of funding which we would expect to be made into the WCF in order to

cover the cost of funding the EC for its work in relation to devolved Welsh elections. The EC has submitted estimates to the Assembly Commission suggesting that the annual costs of their administration in relation to Welsh elections would vary between £500,000 and £1.6 million over the 2018/19 – 2022/23 period.

As with all functions that are devolved, we would expect a transfer from the UK Treasury to cover these costs. The precise mechanism for determining the value of the transfer has yet to be agreed. Discussions with the UK Treasury are ongoing. If the total costs prove to be higher than the value of the transfer, the shortfall would need to be met from existing Welsh resources.

Matters relating to the EC's budget in respect of devolved Welsh elections will, together with other operational matters, be set out in an inter-institutional agreement, referred to above. The parties to the agreement are expected to include the UK Parliament, the Assembly, the Scottish Parliament and the EC.

I enclose the latest draft of our amendments. Please note that for illustrative purposes the draft amendments use the name for the Assembly previously indicated as the Government's preference. Some of the amendments make provision requiring Minister of the Crown consent, which I will seek as soon as possible.

Financial resolution

On a related matter, I am mindful that Stage 2 proceedings on the Senedd Bill are due to take place on 9 October. With that in mind, I intend to table the financial resolution on 24 September, with a view to holding a debate on it on 1 October.

Responses to Committees' recommendations

Finally, I thought it would be helpful to confirm in writing the Welsh Government's response to your Committee's recommendations, and to those of the Constitutional and Legislative Affairs (CLA) Committee, in relation to the Senedd Bill, which I set out during the Plenary debate on the Bill's general principles on 10 July.

On your Committee's recommendations:

- We are working closely with the Llywydd to address recommendations 1 and 2 on signage and local authority costs.
- Recommendation 3 and 4 on electoral registration are matters for the Welsh Government. We have consulted on this and will include provisions in the Local Government Bill. We do not intend to pursue further changes at the same time as those to the franchise and canvass reform as this would in our view create significant risks.
- We do not accept recommendations 5 and 6, because these are matters for local authorities.
- Neither do we accept recommendations 7 and 8. We do not consider it appropriate to address either the publication of Assembly elections expenditure or returning officer fees in primary legislation. But we intend to address both issues by other means.
- The costs requested in recommendation 11 will be included in the regulatory impact assessment for the Local Government Bill.
- We accept recommendation 12. We intend to include a wide membership on the democratic renewal steering group and sub groups.

- We also accept recommendation 13. As I said I would in the Plenary debate, I am writing today to provide more information on my proposals, and I have delayed moving the financial resolution until we have had the opportunity to discuss them.

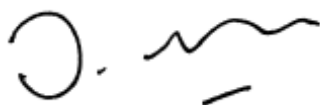
On the CLA Committee recommendations:

- On recommendation 4, I can confirm that the Welsh Government will indeed explain in our explanatory memorandum for the Local Government Bill how the proposed amendments to how existing electoral legislation would look in context.
- On recommendation 6, it remains my view that it would be within the Assembly's legislative competence to amend the opening words of section 1 of GoWA. But in any case the timescales involved to ensure that these important reforms are delivered would make the bringing forward of an Order in Council extremely challenging.
- On recommendation 7, these are matters for the Welsh Government. We are working closely with electoral administrators and the EC through the Wales Electoral Co-ordination Board and other forums. We will publish further financial information when the secondary legislation which implements canvass reform is laid before the Assembly.
- On recommendation 10, the Welsh Government has previously consulted on improving the registration system for electors. We will include provisions in the forthcoming Local Government Bill. But as I stated above, in our view further changes to registration processes should not be taken forward at the same time as changes to the electoral franchise and canvass reform. To do so would create a significant risk to the integrity of devolved Welsh elections.
- On recommendations 11, 12 and 13, the Welsh Government is creating the stakeholder group and will do as the Committee recommends, with the caveat that the work will be wider in scope than recommendation 12 suggests. We are committed to engaging as wide a range of stakeholders as possible in our work on raising awareness about the franchise changes contained in this bill and in the forthcoming Local Government Bill and we will publish the terms of reference and work plan for our stakeholder engagement group in the near future.
- On recommendation 14, the Minister for Education will issue a written statement to outline the delivery of citizenship and political education across Wales from summer 2020.
- On recommendation 15, these are also matters for the Welsh Government and will be considered as part of the budget process for 2020-21. As the awareness-raising campaign will cover the extension of the franchise for both assembly and local government elections I am afraid it is simply not possible to single out the costs incurred for each election in a meaningful way, but we will consider whether there is any other information which we might be able to provide in order to give a fairer picture.
- On recommendations 16 and 17, the Local Government Bill is not a suitable vehicle for provisions relating to the accountability of the EC. This is a matter for the Senedd, not for local government. The Senedd Bill is the right vehicle for these provisions. I have set out my proposals above.
- On recommendation 18, we are preparing amendments on this for consideration at Stage 2, alongside, as previously indicated, amendments to extend the franchise to foreign nationals as well as those on the EC described above and set out in the enclosure to this letter.

I hope that the above information is helpful and I look forward to discussing it further with the Committee next week.

I am copying this letter to the Llywydd, to the Chair of the Constitutional and Legislative Affairs Committee and to the Head of the Electoral Commission in Wales.

Yours Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

Jeremy Miles AM

Y Cwnsler Cyffredinol a Gweinidog Brexit
Counsel General and Brexit Minister

RHESTR O WELLIANNAU DRAFFT

LIST OF DRAFT AMENDMENTS

Bil Senedd ac Etholiadau Cymru

Senedd and Elections (Wales) Bill

Jeremy Miles

Section 1, page 1, line 16, leave out ‘requires the Senedd to consider’ and insert ‘makes provision about’.

Adran 1, tudalen 1, llinell 16, hepgorer ‘ei gwneud yn ofynnol i’r Senedd ystyried’ a mewnosoder ‘gwneud darpariaeth ynghylch’.

Jeremy Miles

Page 14, line 19, leave out section 27 and insert –

[] Financial and oversight arrangements of Electoral Commission

- (1) Schedule 1 to the Political Parties, Elections and Referendums Act 2000 (c. 41) is amended as follows.
- (2) After paragraph 16 insert –

“Financing of Commission: devolved Welsh elections and referendums

- 16A (1) The expenditure of the Commission that is attributable to the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums is (so far as it cannot be met out of income received by the Commission) to be met by the Senedd Commission.
- (2) For each financial year, the Commission must prepare an estimate of the Commission’s income and expenditure that is attributable to the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums.
 - (3) At least six months before the start of the financial year to which an estimate relates, the Commission must submit the estimate to the relevant Senedd body.
 - (4) During the financial year to which an estimate relates, the Commission may prepare a revised estimate and submit it to the relevant Senedd body; and references in the rest of this paragraph to an estimate include a revised estimate.
 - (5) The standing orders of Senedd Cymru must designate one of the

- following as the relevant Senedd body –
- (a) a committee of Senedd Cymru chaired by the Presiding Officer or Deputy Presiding Officer, or
 - (b) the Senedd Commission.
- (6) The relevant Senedd body must –
- (a) examine each estimate submitted to it,
 - (b) decide whether it is satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and
 - (c) if it is not so satisfied, make such modifications to the estimate as it considers appropriate for the purpose of achieving such consistency.
- (7) Before deciding whether it is so satisfied or making any such modifications, the relevant Senedd body must –
- (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2), to any later report made under paragraph 16C(4), and to any recommendations contained in the reports;
 - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (8) The relevant Senedd body must, after concluding its examination and making its modifications (if any) to the estimate, lay the estimate before Senedd Cymru.
- (9) If the relevant Senedd body, in the discharge of its functions under this paragraph –
- (a) does not follow any recommendation contained in a report of the Comptroller and Auditor General,
 - (b) does not follow any advice given to it by the Welsh Ministers, or
 - (c) makes any modification to the estimate,
- it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.
- (10) This paragraph applies in relation to the income and expenditure of the Commission in financial years that begin on or after 1 April 2021.

Five-year plan: devolved Welsh elections and referendums

- 16B (1) When the Commission submit an estimate to the relevant Senedd body under paragraph 16A(3), the Commission must at the same time submit to the relevant Senedd body a plan setting out –

- (a) the Commission's aims and objectives for the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums during the period of five years beginning with the financial year to which the estimate relates, and
 - (b) the Commission's estimated requirements for resources for the exercise of those functions during that five-year period.
- (2) The relevant Senedd body must—
- (a) examine each plan submitted to it,
 - (b) decide whether it is satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and
 - (c) if it is not so satisfied, make such modifications to the plan as it considers appropriate for the purpose of achieving such consistency.
- (3) Before deciding whether it is so satisfied or making any such modifications, the relevant Senedd body must—
- (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2) and to any recommendations contained in the report;
 - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (4) The relevant Senedd body must, after concluding its examination and making its modifications (if any) to the plan, lay the plan before Senedd Cymru.
- (5) If the relevant Senedd body, in the discharge of its functions under this paragraph—
- (a) does not follow any recommendation contained in the report of the Comptroller and Auditor General,
 - (b) does not follow any advice given to it by the Welsh Ministers, or
 - (c) makes any modification to the plan,
- it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.

Examination of Commission: devolved Welsh elections and referendums

- 16C (1) Sub-paragraph (2) applies where an estimate and plan are submitted to the relevant Senedd body under paragraphs 16A(3) and 16B(1).
- (2) For the purpose of assisting the relevant Senedd body to discharge its functions under paragraphs 16A and 16B, the Comptroller and Auditor General must, before the relevant Senedd body considers the

- estimate and plan—
- (a) carry out an examination into the economy, efficiency or effectiveness (or, if the Comptroller and Auditor General so determines, any combination of them) with which the Commission have used their resources in discharging their functions in relation to devolved Welsh elections and devolved Welsh referendums (or, if the Comptroller and Auditor General so determines, any of those functions),
 - (b) report to the relevant Senedd body the results of the examination, and
 - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.
- (3) Sub-paragraph (4) applies where a revised estimate is submitted to the relevant Senedd body under paragraph 16A(4).
- (4) For the purpose of assisting the relevant Senedd body to discharge its functions under paragraph 16A, the Comptroller and Auditor General may, before the body considers the revised estimate—
- (a) carry out a further examination into the matters mentioned in sub-paragraph (2)(a),
 - (b) report to the relevant Senedd body the results of the examination, and
 - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.
- (5) Section 8 of the National Audit Act 1983 (right to obtain documents and information) applies in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.
- (6) See also section 19 of the Public Audit (Wales) Act 2013 (which enables the Wales Audit Office to make arrangements for any function of a public authority or office holder to be exercised by the Auditor General for Wales).”
- (3) In paragraph 18 (audit)—
- (a) in sub-paragraph (1)(b), at the end insert “and the relevant Senedd body”;
 - (b) in sub-paragraph (2)(b), after “Parliament” insert “and Senedd Cymru”;
 - (c) after sub-paragraph (2) insert—
 - “(3) The relevant Senedd body may submit to the Auditor General for Wales any accounts that have been certified and laid before Senedd Cymru under sub-paragraph (2).
 - (4) The Auditor General for Wales must—
 - (a) carry out a further examination of any accounts submitted

under sub-paragraph (3), so far as they relate to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums, and

- (b) prepare and lay before Senedd Cymru a report on the accounts so far as they relate to the exercise of those functions."
- (4) In paragraph 19(4) (responsibilities of accounting officer), after "the Speaker's Committee" insert ", the relevant Senedd body".
- (5) After paragraph 20 insert –

"Reports by Commission: devolved Welsh elections and referendums

- 20A (1) The Commission must, as soon as practicable after the end of each financial year –
 - (a) prepare a report about the performance of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums during that financial year, and
 - (b) lay the report before Senedd Cymru.
- (2) On laying the report, the Commission must publish it in such manner as the Commission may determine.

Reports by relevant Senedd body

- 20B (1) The relevant Senedd body must, at least once in each year –
 - (a) prepare a report on the exercise by the body of its functions under this Schedule, and
 - (b) lay the report before Senedd Cymru.
- (2) For the purposes of the law of defamation, the publication of any matter by the relevant Senedd body in such a report is absolutely privileged."

- (6) In paragraph 25 –

- (a) the existing provision becomes sub-paragraph (1);
- (b) after that sub-paragraph insert –

"(2) In this Schedule –

"devolved Welsh election" means –

- (a) a general election of members of Senedd Cymru;
- (b) an election held under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
- (c) a local government election in Wales;

"devolved Welsh referendum" means a referendum held under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums

relating to local authority executive arrangements);

“relevant Senedd body” means the body designated under paragraph 16A(5).”

- (7) Schedule [*new Schedule*] contains further amendments relating to the Electoral Commission.’.

Tudalen 14, llinell 19, hepgorer adran 27 a mewnosoder –

[] Trefniadau ariannol a goruchwylio’r Comisiwn Etholiadol

- (1) Mae Atodlen 1 i Ddeddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (p. 41) wedi ei diwygio fel a ganlyn.
- (2) Ar ôl paragraff 16 mewnosoder –

“Financing of Commission: devolved Welsh elections and referendums

- 16A (1) The expenditure of the Commission that is attributable to the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums is (so far as it cannot be met out of income received by the Commission) to be met by the Senedd Commission.
- (2) For each financial year, the Commission must prepare an estimate of the Commission’s income and expenditure that is attributable to the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums.
- (3) At least six months before the start of the financial year to which an estimate relates, the Commission must submit the estimate to the relevant Senedd body.
- (4) During the financial year to which an estimate relates, the Commission may prepare a revised estimate and submit it to the relevant Senedd body; and references in the rest of this paragraph to an estimate include a revised estimate.
- (5) The standing orders of Senedd Cymru must designate one of the following as the relevant Senedd body –
- (a) a committee of Senedd Cymru chaired by the Presiding Officer or Deputy Presiding Officer, or
 - (b) the Senedd Commission.
- (6) The relevant Senedd body must –
- (a) examine each estimate submitted to it,
 - (b) decide whether it is satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and

- (c) if it is not so satisfied, make such modifications to the estimate as it considers appropriate for the purpose of achieving such consistency.
- (7) Before deciding whether it is so satisfied or making any such modifications, the relevant Senedd body must –
 - (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2), to any later report made under paragraph 16C(4), and to any recommendations contained in the reports;
 - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (8) The relevant Senedd body must, after concluding its examination and making its modifications (if any) to the estimate, lay the estimate before Senedd Cymru.
- (9) If the relevant Senedd body, in the discharge of its functions under this paragraph –
 - (a) does not follow any recommendation contained in a report of the Comptroller and Auditor General,
 - (b) does not follow any advice given to it by the Welsh Ministers, or
 - (c) makes any modification to the estimate,it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.
- (10) This paragraph applies in relation to the income and expenditure of the Commission in financial years that begin on or after 1 April 2021.

Five-year plan: devolved Welsh elections and referendums

- 16B (1) When the Commission submit an estimate to the relevant Senedd body under paragraph 16A(3), the Commission must at the same time submit to the relevant Senedd body a plan setting out –
- (a) the Commission’s aims and objectives for the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums during the period of five years beginning with the financial year to which the estimate relates, and
 - (b) the Commission’s estimated requirements for resources for the exercise of those functions during that five-year period.
- (2) The relevant Senedd body must –
- (a) examine each plan submitted to it,
 - (b) decide whether it is satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh

elections and devolved Welsh referendums, and

- (c) if it is not so satisfied, make such modifications to the plan as it considers appropriate for the purpose of achieving such consistency.
- (3) Before deciding whether it is so satisfied or making any such modifications, the relevant Senedd body must –
- (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2) and to any recommendations contained in the report;
 - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (4) The relevant Senedd body must, after concluding its examination and making its modifications (if any) to the plan, lay the plan before Senedd Cymru.
- (5) If the relevant Senedd body, in the discharge of its functions under this paragraph –
- (a) does not follow any recommendation contained in the report of the Comptroller and Auditor General,
 - (b) does not follow any advice given to it by the Welsh Ministers, or
 - (c) makes any modification to the plan,
- it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.

Examination of Commission: devolved Welsh elections and referendums

- 16C (1) Sub-paragraph (2) applies where an estimate and plan are submitted to the relevant Senedd body under paragraphs 16A(3) and 16B(1).
- (2) For the purpose of assisting the relevant Senedd body to discharge its functions under paragraphs 16A and 16B, the Comptroller and Auditor General must, before the relevant Senedd body considers the estimate and plan –
- (a) carry out an examination into the economy, efficiency or effectiveness (or, if the Comptroller and Auditor General so determines, any combination of them) with which the Commission have used their resources in discharging their functions in relation to devolved Welsh elections and devolved Welsh referendums (or, if the Comptroller and Auditor General so determines, any of those functions),
 - (b) report to the relevant Senedd body the results of the examination, and
 - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the

light of the examination.

- (3) Sub-paragraph (4) applies where a revised estimate is submitted to the relevant Senedd body under paragraph 16A(4).
 - (4) For the purpose of assisting the relevant Senedd body to discharge its functions under paragraph 16A, the Comptroller and Auditor General may, before the body considers the revised estimate—
 - (a) carry out a further examination into the matters mentioned in sub-paragraph (2)(a),
 - (b) report to the relevant Senedd body the results of the examination, and
 - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.
 - (5) Section 8 of the National Audit Act 1983 (right to obtain documents and information) applies in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.
 - (6) See also section 19 of the Public Audit (Wales) Act 2013 (which enables the Wales Audit Office to make arrangements for any function of a public authority or office holder to be exercised by the Auditor General for Wales)."
- (3) Ym mharagraff 18 (archwilio) —
- (a) yn is-baragraff (1)(b), ar y diwedd mewnosoder "and the relevant Senedd body";
 - (b) yn is-baragraff (2)(b), ar ôl "Parliament" mewnosoder "and Senedd Cymru";
 - (c) ar ôl is-baragraff (2) mewnosoder —
 - "(3) The relevant Senedd body may submit to the Auditor General for Wales any accounts that have been certified and laid before Senedd Cymru under sub-paragraph (2).
 - (4) The Auditor General for Wales must —
 - (a) carry out a further examination of any accounts submitted under sub-paragraph (3), so far as they relate to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums, and
 - (b) prepare and lay before Senedd Cymru a report on the accounts so far as they relate to the exercise of those functions."
- (4) Ym mharagraff 19(4) (cyfrifoldebau'r swyddog cyfrifyddu), ar ôl "the Speaker's Committee" mewnosoder " , the relevant Senedd body".
- (5) Ar ôl paragraff 20 mewnosoder —

"Reports by Commission: devolved Welsh elections and referendums

20A (1) The Commission must, as soon as practicable after the end of each

financial year –

- (a) prepare a report about the performance of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums during that financial year, and
 - (b) lay the report before Senedd Cymru.
- (2) On laying the report, the Commission must publish it in such manner as the Commission may determine.

Reports by relevant Senedd body

- 20B (1) The relevant Senedd body must, at least once in each year –
- (a) prepare a report on the exercise by the body of its functions under this Schedule, and
 - (b) lay the report before Senedd Cymru.
- (2) For the purposes of the law of defamation, the publication of any matter by the relevant Senedd body in such a report is absolutely privileged."

(6) Ym mharagraff 25 –

- (a) daw'r ddarpariaeth bresennol yn is-baragraff (1);
- (b) ar ôl yr is-baragraff hwnnw mewnosoder –

"(2) In this Schedule –

"devolved Welsh election" means –

- (a) a general election of members of Senedd Cymru;
- (b) an election held under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
- (c) a local government election in Wales;

"devolved Welsh referendum" means a referendum held under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to local authority executive arrangements);

"relevant Senedd body" means the body designated under paragraph 16A(5)."

(7) Mae Atodlen [Atodlen newydd] yn cynnwys diwygiadau pellach sy'n ymwneud â'r Comisiwn Etholiadol'.

Jeremy Miles

Section 40, page 20, line 18, leave out 'Part 3 (sections 10 to 28), but, other than section 27 (which takes effect on Royal Assent), it has' and insert 'in Part 3, sections 10 to 26 and 28, but those provisions have'.

Adran 40, tudalen 20, llinell 17, hepgorer ‘Rhan 3 (adrannau 10 i 28) ond, heblaw yn adran 27 (sy’n cael effaith ar y diwrnod y mae’n cael y Cydsyniad Brenhinol), mae iddi’ a mewnosoder ‘yn Rhan 3, adrannau 10 i 26 ac 28, ond mae i’r darpariaethau hynny’.

Jeremy Miles

Section 40, page 20, after line 27, insert –

- ‘() In Part 3, section 27 and Schedule [*new Schedule*] come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- () An order under subsection () may include transitional, transitory or saving provision.’.

Adran 40, tudalen 20, ar ôl llinell 28, mewnosoder –

- ‘() Yn Rhan 3, mae adran 27 ac Atodlen [*Atodlen newydd*] yn dod i rym ar ddiwrnod a bennir gan Weinidogion Cymru mewn gorchymyn a wneir drwy offeryn statudol.
- () Caiff gorchymyn o dan is-adran () gynnwys darpariaeth drosiannol, darpariaeth ddarfodol neu ddarpariaeth arbed.’.

Jeremy Miles

Schedule 1, page 26, after line 34, insert a new Schedule –

‘SCHEDULE []
(*introduced by section* [new section])

ELECTORAL COMMISSION: FURTHER AMENDMENTS

Representation of the People Act 1983 (c. 2)

- 1 (1) Schedule 4A to the 1983 Act is amended as follows.
- (2) In paragraph 14(1), after “code of practice” insert “for elections other than local government elections in Wales”.
- (3) After paragraph 14 insert –
 - “14A(1) The Electoral Commission (“the Commission”) may prepare, and from time to time revise, a code of practice for local government elections in Wales giving –
 - (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
 - (b) guidance (supplementing the definition in section 90ZA(3)) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.
 - (2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Welsh Ministers for approval.

- (3) The Welsh Ministers may approve a draft code with or without modifications.
- (4) Once the Welsh Ministers have approved a draft code they must lay a copy of the draft, in the form in which they have approved it, before Senedd Cymru.
- (5) If the draft incorporates modifications, the Welsh Ministers must at the same time lay before Senedd Cymru a statement of their reasons for making them.
- (6) If, within the 40-day period, Senedd Cymru resolves not to approve the draft, the Welsh Ministers must take no further steps in relation to it.
- (7) If no such resolution is made within the 40-day period –
 - (a) the Welsh Ministers must issue the code in the form of the draft laid before Senedd Cymru,
 - (b) the code comes into force on the date appointed by the Welsh Ministers by order, and
 - (c) the Commission must arrange for the code to be published in such manner as the Commission think appropriate.
- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Senedd Cymru.
- (9) In this paragraph, “the 40-day period”, in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before Senedd Cymru, no account being taken of any period during which Senedd Cymru is dissolved or is in recess for more than four days.
- (10) In this paragraph references to a draft code include a revised draft code.”

Political Parties, Elections and Referendums Act 2000 (c. 41)

2 The Political Parties, Elections and Referendums Act 2000 is amended as follows.

3 (1) Section 6 is amended as follows.

(2) In subsection (3)(b), after “Scottish Parliament” insert “, Senedd Cymru”.

(3) In subsection (6) –

(a) in paragraph (a) –

(i) in sub-paragraph (i), at the end insert “other than those mentioned in paragraph (d) of that subsection”;

(ii) in sub-paragraph (ii), omit “or Wales”;

(b) in paragraph (b), omit “and those under Part II of the Local Government Act 2000”.

4 After section 6 insert –

“6ZA Reviews of devolved electoral matters in Wales

- (1) The Commission must keep the matters mentioned in subsection (2) under review, and must from time to time submit reports on those matters to the Welsh Ministers.
- (2) The matters are –
 - (a) general elections of Members of Senedd Cymru;
 - (b) elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
 - (c) local government elections in Wales;
 - (d) referendums under Part 2 of the Local Government Act 2000 and Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales);
 - (e) the law relating to the matters mentioned in each of paragraphs (a) to (d).
- (3) Subsection (4) applies if the Welsh Ministers request the Commission to review and report on any matter or matters for which provision is or could be made in an Act of Senedd Cymru (whether or not falling within subsection (2)).
- (4) The Commission must, within such time as the Welsh Ministers may specify –
 - (a) review the matters specified in the request, and
 - (b) submit a report on those matters to the Welsh Ministers.
- (5) The Commission must publish each report made under this section in such manner as the Commission may determine.”

5 In section 6C(3), after “6F” insert “or 6G”.

6 In section 6D(4), after “6F” insert “or 6G”.

7 (1) Section 6F is amended as follows.

(2) In subsection (1), after “section 6A” insert “, other than those specified in subsection (2) of section 6G,”.

(3) In subsection (10), after “this section” insert “and section 6G”.

8 After section 6F insert –

“6G Code of practice on attendance of observers at devolved elections in Wales

- (1) The Commission must prepare a code of practice on the attendance at elections specified in subsection (2) of –
 - (a) representatives of the Commission,
 - (b) accredited observers, and
 - (c) nominated members of accredited organisations.

- (2) The code must make provision about attendance at –
 - (a) general elections of Members of Senedd Cymru;
 - (b) elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
 - (c) local government elections in Wales.
- (3) The code must in particular –
 - (a) specify the manner in which applications under sections 6C(1) and 6D(1) are to be made to the Commission;
 - (b) specify the criteria to be taken into account by the Commission in determining such applications;
 - (c) give guidance to relevant officers (within the meaning of section 6E) as to the exercise of the power conferred by subsection (1) of that section;
 - (d) give guidance to such officers as to the exercise of the power mentioned in subsection (2) of that section as it relates to a person having the permission mentioned in subsection (1) of that section;
 - (e) give guidance to such officers as to the exercise of any power under any enactment to control the number of persons present at any proceedings relating to an election as it relates to a person having such permission;
 - (f) give guidance to representatives of the Commission, accredited observers and nominated members of accredited organisations on the exercise of the rights conferred by sections 6A, 6B, 6C and 6D.
- (4) The code may make different provision for different purposes.
- (5) Before preparing the code, the Commission must consult the Welsh Ministers.
- (6) The Commission must lay the code before Senedd Cymru.
- (7) The Commission must publish the code (in such manner as the Commission may determine).
- (8) The following persons must have regard to the code in exercising any function conferred by section 6A, 6B, 6C, 6D or 6E in relation to an election or referendum specified in subsection (2) –
 - (a) the Commission;
 - (b) representatives of the Commission;
 - (c) relevant officers (within the meaning of section 6E).
- (9) The Commission may at any time revise the code.
- (10) Subsections (4) to (7) apply in relation to a revision of the code as they apply in relation to the code.”

- 9 (1) Section 9A is amended as follows.
- (2) In subsection (1)(a), after “relevant officers” insert “mentioned in subsection (2)”.
- (3) After subsection (5) insert—
- “(5A) In relation to electoral registration officers for areas in Wales, the reference to their functions in subsection (2)(a) is a reference to their functions in relation to registers of parliamentary electors.”
- (4) In subsection (6)—
- (a) in paragraph (a), at the end insert “other than one mentioned in paragraph (d) of that subsection”;
- (b) omit paragraph (d);
- (c) in paragraph (e), omit “or Wales”.
- (5) In subsection (7), omit paragraph (b).
- (6) In subsection (8)—
- (a) in the words before paragraph (a), after “sections” insert “9AA,”;
- (b) in paragraph (b), after “subsection (6)” insert “or section 9AA(6)”;
- (c) in paragraph (c), after “subsection (7)” insert “or section 9AA(7)”.
- 10 After section 9A insert—

“9AA Performance standards for devolved elections and referendums in Wales

- (1) The Commission may from time to time—
- (a) determine standards of performance for relevant officers mentioned in subsection (2), and
- (b) publish, in such form and in such manner as they consider appropriate, the standards so determined.
- (2) The standards of performance are such standards as the Commission think ought to be achieved by—
- (a) electoral registration officers for areas in Wales in the performance of their functions in relation to registers of local government electors;
- (b) returning officers in the administration of the elections specified in subsection (6);
- (c) counting officers in the administration of the referendums specified in subsection (7).
- (3) Before determining standards under subsection (1), the Commission must consult—
- (a) the Welsh Ministers, and
- (b) any other person they think appropriate.
- (4) The Commission may determine different standards for different descriptions of relevant officers.

- (5) When the Commission publish standards under subsection (1) they must send a copy to the Welsh Ministers who must lay a copy before Senedd Cymru.
- (6) The elections specified in this subsection are –
 - (a) a general election of Members of Senedd Cymru;
 - (b) an election under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
 - (c) a local government election in Wales.
- (7) The referendums specified in this subsection are referendums under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales)."

11 In section 9B, in subsections (1) and (4), after "9A(1)" insert "or 9AA(1)".

12 In section 9C(2) –

(a) in paragraph (b), after "9A(6)" insert "or 9AA(6)";

(b) in paragraph (c), after "9A(7)" insert "or 9AA(7)".

13 In section 13(12), after "met under" insert "paragraph 16A of Schedule 1 to this Act or".

14 (1) Schedule 1 is amended as follows.

(2) In paragraph 14 –

(a) in sub-paragraph (1) –

(i) in paragraph (b), omit "or 20(12)";

(ii) for paragraph (c) substitute –

"(c) met by the Senedd Commission under paragraph 16A of this Schedule or paragraph 6 of Schedule 2 to the Government of Wales Act 2006.";

(b) after sub-paragraph (6) insert –

"(6A) An estimate prepared under this paragraph for a financial year beginning on or after 1 April 2021 must not include income or expenditure that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums (as to which, see paragraph 16A)."

(3) In paragraph 15, after sub-paragraph (5) insert –

"(6) A plan prepared under this paragraph for a period beginning on or after 1 April 2021 must not include aims, objectives or estimated requirements for the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums (as to which, see paragraph 16B)."

(4) In paragraph 20, after sub-paragraph (1) insert –

"(1A) The reference in sub-paragraph (1) to the Commission's functions does not include the Commission's functions in relation to devolved

Welsh elections or devolved Welsh referendums.”.

Tudalen 26, ar ôl llinell 35, mewnosoder atodlen newydd –

‘ATODLEN []
(a gyflwynir gan adran [adran newydd])

Y COMISIWN ETHOLIADOL: DIWYGIADAU PELLACH

Deddf Cynrychiolaeth y Bobl 1983 (p. 2)

- 1 (1) Mae Atodlen 4A i Ddeddf 1983 wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 14(1), ar ôl “code of practice” mewnosoder “for elections other than local government elections in Wales”.
- (3) Ar ôl paragraff 14 mewnosoder –
- “14A(1) The Electoral Commission (“the Commission”) may prepare, and from time to time revise, a code of practice for local government elections in Wales giving –
- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
- (b) guidance (supplementing the definition in section 90ZA(3)) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.
- (2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Welsh Ministers for approval.
- (3) The Welsh Ministers may approve a draft code with or without modifications.
- (4) Once the Welsh Ministers have approved a draft code they must lay a copy of the draft, in the form in which they have approved it, before Senedd Cymru.
- (5) If the draft incorporates modifications, the Welsh Ministers must at the same time lay before Senedd Cymru a statement of their reasons for making them.
- (6) If, within the 40-day period, Senedd Cymru resolves not to approve the draft, the Welsh Ministers must take no further steps in relation to it.
- (7) If no such resolution is made within the 40-day period –
- (a) the Welsh Ministers must issue the code in the form of the draft laid before Senedd Cymru,
- (b) the code comes into force on the date appointed by the Welsh Ministers by order, and
- (c) the Commission must arrange for the code to be published in

such manner as the Commission think appropriate.

- (8) Sub-paragraph (6) does not prevent a new draft code from being laid before Senedd Cymru.
- (9) In this paragraph, “the 40-day period”, in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before Senedd Cymru, no account being taken of any period during which Senedd Cymru is dissolved or is in recess for more than four days.
- (10) In this paragraph references to a draft code include a revised draft code.”

Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 (p. 41)

2 Mae Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 wedi ei diwygio fel a ganlyn.

3 (1) Mae adran 6 wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (3)(b), ar ôl “Scottish Parliament” mewnosoder “, Senedd Cymru”.

(3) Yn is-adran (6) –

(a) ym mharagraff (a) –

(i) yn is-baragraff (i), ar y diwedd mewnosoder “other than those mentioned in paragraph (d) of that subsection”;

(ii) yn is-baragraff (ii), hepgorer “or Wales”;

(b) ym mharagraff (b), hepgorer “and those under Part II of the Local Government Act 2000”.

4 Ar ôl adran 6 mewnosoder –

“6ZA Reviews of devolved electoral matters in Wales

(1) The Commission must keep the matters mentioned in subsection (2) under review, and must from time to time submit reports on those matters to the Welsh Ministers.

(2) The matters are such matters as the Commission may from time to time determine relating to –

(a) general elections of Members of Senedd Cymru;

(b) elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);

(c) local government elections in Wales;

(d) referendums under Part 2 of the Local Government Act 2000 and Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales);

(e) the law relating to the elections and referendums mentioned in paragraphs (a) to (d).

- (3) Subsection (4) applies if the Welsh Ministers request the Commission to review and report on any matter or matters for which provision is or could be made in an Act of Senedd Cymru (whether or not falling within subsection (2)).
- (4) The Commission must, within such time as the Welsh Ministers may specify –
 - (a) review the matters specified in the request, and
 - (b) submit a report on those matters to the Welsh Ministers.
- (5) The Commission must publish each report made under this section in such manner as the Commission may determine.”

5 Yn adran 6C(3), ar ôl “6F” mewnosoder “or 6G”.

6 Yn adran 6D(4), ar ôl “6F” mewnosoder “or 6G”.

7 (1) Mae adran 6F wedi ei diwygio fel a ganlyn.

(2) Yn is-adran (1), ar ôl “section 6A” mewnosoder “, other than those specified in subsection (2) of section 6G,”.

(3) Yn is-adran (10), ar ôl “this section” mewnosoder “and section 6G”.

8 Ar ôl adran 6F mewnosoder –

“6G Code of practice on attendance of observers at devolved elections in Wales

- (1) The Commission must prepare a code of practice on the attendance at elections specified in subsection (2) of –
 - (a) representatives of the Commission,
 - (b) accredited observers, and
 - (c) nominated members of accredited organisations.
- (2) The code must make provision about attendance at –
 - (a) general elections of Members of Senedd Cymru;
 - (b) elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
 - (c) local government elections in Wales.
- (3) The code must in particular –
 - (a) specify the manner in which applications under sections 6C(1) and 6D(1) are to be made to the Commission;
 - (b) specify the criteria to be taken into account by the Commission in determining such applications;
 - (c) give guidance to relevant officers (within the meaning of section 6E) as to the exercise of the power conferred by subsection (1) of that section;

- (d) give guidance to such officers as to the exercise of the power mentioned in subsection (2) of that section as it relates to a person having the permission mentioned in subsection (1) of that section;
 - (e) give guidance to such officers as to the exercise of any power under any enactment to control the number of persons present at any proceedings relating to an election as it relates to a person having such permission;
 - (f) give guidance to representatives of the Commission, accredited observers and nominated members of accredited organisations on the exercise of the rights conferred by sections 6A, 6B, 6C and 6D.
- (4) The code may make different provision for different purposes.
 - (5) Before preparing the code, the Commission must consult the Welsh Ministers.
 - (6) The Commission must lay the code before Senedd Cymru.
 - (7) The Commission must publish the code (in such manner as the Commission may determine).
 - (8) The following persons must have regard to the code in exercising any function conferred by section 6A, 6B, 6C, 6D or 6E in relation to an election specified in subsection (2) –
 - (a) the Commission;
 - (b) representatives of the Commission;
 - (c) relevant officers (within the meaning of section 6E).
 - (9) The Commission may at any time revise the code.
 - (10) Subsections (4) to (7) apply in relation to a revision of the code as they apply in relation to the code.”
- 9
- (1) Mae adran 9A wedi ei diwygio fel a ganlyn.
 - (2) Yn is-adran (1)(a), ar ôl “relevant officers” mewnosoder “mentioned in subsection (2)”.
 - (3) Ar ôl is-adran (5) mewnosoder –
 - “(5A) In relation to electoral registration officers for areas in Wales, the reference to their functions in subsection (2)(a) is a reference to their functions in relation to registers of parliamentary electors.”
 - (4) Yn is-adran (6) –
 - (a) ym mharagraff (a), ar y diwedd mewnosoder “other than one mentioned in paragraph (d) of that subsection”;
 - (b) hepgorer paragraff (d);
 - (c) ym mharagraff (e), hepgorer “or Wales”.
 - (5) Yn is-adran (7), hepgorer paragraff (b).
 - (6) Yn is-adran (8) –

- (a) yn y geiriau o flaen paragraff (a), ar ôl “sections” mewnosoder “9AA”;
- (b) ym mharagraff (b), ar ôl “subsection (6)” mewnosoder “or section 9AA(6)”;
- (c) ym mharagraff (c), ar ôl “subsection (7)” mewnosoder “or section 9AA(7)”.

10 Ar ôl adran 9A mewnosoder –

“9AA Performance standards for devolved elections and referendums in Wales

- (1) The Commission may from time to time –
 - (a) determine standards of performance for relevant officers mentioned in subsection (2), and
 - (b) publish, in such form and in such manner as they consider appropriate, the standards so determined.
- (2) The standards of performance are such standards as the Commission think ought to be achieved by –
 - (a) electoral registration officers for areas in Wales in the performance of their functions in relation to registers of local government electors;
 - (b) returning officers in the administration of the elections specified in subsection (6);
 - (c) counting officers in the administration of the referendums specified in subsection (7).
- (3) Before determining standards under subsection (1), the Commission must consult –
 - (a) the Welsh Ministers, and
 - (b) any other person they think appropriate.
- (4) The Commission may determine different standards for different descriptions of relevant officers.
- (5) When the Commission publish standards under subsection (1) they must send a copy to the Welsh Ministers who must lay a copy before Senedd Cymru.
- (6) The elections specified in this subsection are –
 - (a) a general election of Members of Senedd Cymru;
 - (b) an election under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
 - (c) a local government election in Wales.
- (7) The referendums specified in this subsection are referendums under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales).”

11 Yn adran 9B, yn is-adrannau (1) a (4), ar ôl “9A(1)” mewnosoder “or 9AA(1)”.

- 12 Yn adran 9C(2) –
- (a) ym mharagraff (b), ar ôl “9A(6)” mewnosoder “or 9AA(6)”;
 - (b) ym mharagraff (c), ar ôl “9A(7)” mewnosoder “or 9AA(7)”.
- 13 Yn adran 13(12), ar ôl “met under” mewnosoder “paragraph 16A of Schedule 1 to this Act or”.
- 14 (1) Mae Atodlen 1 wedi ei diwygio fel a ganlyn.
- (2) Ym mharagraff 14 –
- (a) yn is-baragraff (1) –
 - (i) ym mharagraff (b), hepgorer “or 20(12)”;
 - (ii) yn lle paragraff (c) rhodder –
 - “(c) met by the Senedd Commission under paragraph 16A of this Schedule or paragraph 6 of Schedule 2 to the Government of Wales Act 2006.”;
 - (b) ar ôl is-baragraff (6) mewnosoder –
 - “(6A) An estimate prepared under this paragraph for a financial year beginning on or after 1 April 2021 must not include income or expenditure that is attributable to the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums (as to which, see paragraph 16A).”
- (3) Ym mharagraff 15, ar ôl is-baragraff (5) mewnosoder –
- “(6) A plan prepared under this paragraph for a period beginning on or after 1 April 2021 must not include aims, objectives or estimated requirements for the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums (as to which, see paragraph 16B).”
- (4) Ym mharagraff 20, ar ôl is-baragraff (1) mewnosoder –
- “(1A) The reference in sub-paragraph (1) to the Commission’s functions does not include the Commission’s functions in relation to devolved Welsh elections or devolved Welsh referendums.”.