



Llywodraeth Cymru  
Welsh Government

# **SENEDD CYMRU (MEMBERS AND ELECTIONS) BILL**

Explanatory Memorandum  
incorporating the  
Regulatory Impact Assessment and  
Explanatory Notes

**September 2023**

# **Senedd Cymru (Members and Elections) Bill**

## **Explanatory Memorandum to Senedd Cymru (Members and Elections) Bill**

This Explanatory Memorandum has been prepared by the Economy, Treasury and Constitution Group of the Welsh Government and is laid before Senedd Cymru.

### **Member's Declaration**

In my view the provisions of the Senedd Cymru (Members and Elections) Bill, introduced by me on the 18 September 2023, would be within the legislative competence of Senedd Cymru.

***Mick Antoniw MS***

Counsel General and Minister for the Constitution  
Member of the Senedd in charge of the Bill

18 September 2023

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Welsh Government

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# PART 1 – EXPLANATORY MEMORANDUM

## Chapter 1: Description

1. The role and responsibilities of the Senedd Cymru, commonly known as the Senedd, have grown considerably since it was first established in 1999. Then, it had no primary law-making powers, was not formally separated from the Welsh Government, and was known as the National Assembly for Wales. Now, the democratically elected body makes laws, sets taxes and holds the Welsh Government to account in some of the areas which have the greatest impact on people's lives. It represents the interests of Wales and its people, making decisions which affect the lives of every single person in Wales.
2. The Senedd now operates on the basis of a reserved powers model following the amendments made to Government of Wales Act 2006 (GoWA 2006) by the Wales Act 2017 (WA 2017). It has responsibility for Welsh taxes, including income tax-varying powers. It considers not only laws proposed by the Welsh Government,<sup>1</sup> but also determines whether to give consent to UK legislation that relates to Wales' devolved competence.
3. Over the last two decades, a series of reports have proposed reforms to the Senedd, with the intention of ensuring it had the capacity to deliver its responsibilities effectively. A key element that has consistently been identified for addressing the capacity of the Senedd is the total number of Members in the Senedd (which affects the ability of individual Members to deliver scrutiny).

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<sup>1</sup> Along with legislation introduced by individual Members of the Senedd, Senedd Committees and the Senedd Commission.

4. In 2004, the Richard Commission recommended that in consequence to the devolution of primary legislative powers:

*“the capacity of the Assembly should be increased, by a combination of reviewing its working methods and increasing its Membership from 60 to 80 – with implications for the method of election.”<sup>2</sup>*

5. Ten years later, in 2014, the Silk Commission recommended that the size of the Senedd be increased so that it could perform its scrutiny role better. In forming this conclusion, it noted that:

*“The National Assembly is small in relation to the Scottish Parliament, the Northern Ireland Assembly and its international comparators. We are clear that this causes problems for effective governance. What may have been appropriate before the National Assembly had a full legislative role (though it was questioned even then) is certainly less appropriate now. There is simply not sufficient strength in depth, given the number of Members on more than one committee. Specialism is difficult and the scrutiny that keeps governments on their toes is less easy. This problem will grow substantially once the National Assembly begins to scrutinise tax legislation, and will grow even further if the important additional responsibilities we are recommending in this report are given to the National Assembly.”<sup>3</sup>*

6. The Silk Commission acknowledged that this increase would involve financial costs. However, it considered that “good scrutiny means good legislation and good legislation pays for itself.”<sup>4</sup>

7. In 2015 the cross-party Assembly Commission<sup>5</sup> unanimously stated that, in its view:

*“with only 60 Members, the National Assembly is small by any objective local, national or international comparison. Assembly*

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<sup>2</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Chapter 13, Paragraph (para) 33

<sup>3</sup> Empowerment and Responsibility, Legislative Powers to strengthen Wales, Commission on Devolution in Wales, March 2014, [nationalarchives.gov.uk](http://nationalarchives.gov.uk), Para 13.3.4

<sup>4</sup> Ibid, para 13.3.6

<sup>5</sup> The Senedd Commission is made up of the Senedd’s Llywydd and four Members. It has responsibility for ensuring that property, staff and services are provided for the Senedd.

*Members are thinly spread, especially in their committee work, and these pressures will only intensify as our legislative and fiscal responsibilities increase... The Assembly needs to have between 80 and 100 Members if it is properly to hold the Welsh Government to account or to scrutinise the growing volume of policy and legislation for which the institution is responsible;”<sup>6</sup>*

8. The Wales Act 2017 devolved powers to the Senedd in relation to its size and electoral arrangements. In February 2017, in anticipation of such powers coming into effect, the Senedd Commission established the Expert Panel on Assembly Reform.
9. The Expert Panel’s report, *A Parliament that works for Wales*, made recommendations on the size of the Senedd, its electoral system and boundaries, and on the diversity of the Senedd.<sup>7</sup> In particular, it recommended that the Senedd “should be increased to at least 80 Members, and preferably closer to 90 Members.”<sup>8</sup> In considering different electoral systems, the Expert Panel adopted the principle that “the system should be no less proportional than the Assembly’s current electoral arrangements, and preferably be more proportional.”<sup>9</sup>
10. A number of the Expert Panel’s recommendations concerning the Senedd’s electoral franchise were subsequently addressed by the Senedd and Elections (Wales) Act 2020, including the lowering of the voting age in Senedd elections to 16. The Explanatory Memorandum to that Act anticipated that further reforms would follow, and described the legislation as being:

*“the first part of a two-phase legislative strategy to progress... reforms. It is anticipated that the second phase of the legislative*

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<sup>6</sup> National Assembly for Wales Commission, *The future of the Assembly and its capacity to deliver for Wales*, January 2015; Pages 7 and 13 [The Future of the Assembly-E.pdf \(senedd.wales\)](#).

<sup>7</sup> Expert Panel on Assembly Electoral Reform, [A Parliament the Works for Wales](#), November 2017.

<sup>8</sup> Expert Panel on Assembly Electoral Reform, [A Parliament the Works for Wales](#), November 2017, Recommendation 1

<sup>9</sup> Expert Panel on Assembly Electoral Reform, [A Parliament the Works for Wales](#), November 2017, Para 10.02

*strategy will incorporate the electoral system and size of the Assembly.”<sup>10</sup>*

11. In 2018, the Expert Panel’s recommendations were included in the Senedd Commission’s public consultation, *Creating a Parliament for Wales*, to which over 3,200 responses were received.<sup>11</sup> Notably, of the 1,800 responses to questions about the size of the Senedd, a majority thought that the institution needed more Members to carry out its role effectively.

12. In 2019, the Committee on Senedd Electoral Reform was established to examine the recommendations of the Expert Panel. It published its report, *Senedd reform: The next steps* in September 2020, agreeing that the size of the Senedd should be increased. It stated that the majority of the evidence it had heard:

*“expressed concern over whether a 60 Member Senedd has sufficient capacity to fulfil its responsibilities effectively.”<sup>12</sup>*

13. The Committee also recommended that Members of the Senedd should be elected via the Single Transferable Vote (‘STV’) system. It stated that the Covid-19 pandemic had curtailed its work in exploring boundary review arrangements and that consequently it had not reached firm conclusions on that matter. However, it commented that it was “anomalous and unsustainable” that there was no legislative mechanism in place for reviewing the Senedd’s boundaries. On this basis, it recommended that legislative proposals should be brought forward to establish review arrangements and that responsibility for such review should rest with an independent boundary review body.

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<sup>10</sup> Senedd Commission, [Senedd and Elections \(Wales\) Act - Explanatory Memorandum](#), February 2019, para 6

<sup>11</sup> Senedd Commission, [Creating a Parliament for Wales: Consultation report](#), October 2018, page 6

<sup>12</sup> Committee on Senedd Electoral Reform, *Senedd reform: the next steps*, September 2020, para 22.



14. In December 2021, the Welsh Government’s refreshed Programme for Government,<sup>13</sup> incorporating the Co-operation Agreement (published in December 2021), committed to introduce legislation to reform the Senedd to one based on 80 to 100 Members, based on a voting system which was as proportional – or more – than the current one, and to introduce gender quotas in law.
15. The Special Purpose Committee on Senedd Reform was also established in 2021, with a remit to consider the conclusions previously reached by the Committee on Senedd Electoral Reform and make recommendations for policy instructions for a Welsh Government Bill on Senedd Reform. The Committee published its report *Reforming our Senedd: A stronger voice for the People of Wales* in 2022<sup>14</sup>, which included recommendations for policy instructions for legislation on Senedd Reform in time for the next Senedd election in 2026.
16. In June 2022, the Senedd voted in favour of endorsing the Special Purpose Committee’s report. In July 2022, the Welsh Government formally responded<sup>15</sup> to the Special Purpose Committee’s report, stating it would prepare and introduce Senedd Reform legislation to take forward the Committee’s recommendations. The response noted that further policy and legal analysis would be undertaken where appropriate to determine the detail required to give effect to the recommendations, particularly in relation to the Committee’s higher-level recommendations.
17. The Senedd Cymru (Members and Elections) Bill has consequently been prepared for the purpose of delivering

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<sup>13</sup> Welsh Government, [Programme for government](#), June 2021.

<sup>14</sup> Special Purpose Committee on Senedd Reform, *Reforming our Senedd: A stronger voice for the People of Wales*, May 2022.

<sup>15</sup> Welsh Government, Response to the Report of the Special Purpose Committee on Senedd Reform, July 2022, [gen-ld15253-e.pdf \(senedd.wales\)](#).

the Special Purpose Committee's recommendations for Senedd reform.

18. This Explanatory Memorandum has been prepared and laid in accordance with Standing Order 26.6<sup>16</sup>

19. It sets out the background to the provisions and scope of the Bill, includes an assessment of the Bill's financial implications, and a range of impact assessments.

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<sup>16</sup> Annex 2- Index of Standing Order requirements sets out where in this Explanatory Memorandum each of the requirements of Standing Order 26.6 are met.

## Chapter 2: Legislative Competence

20. Senedd Cymru ("the Senedd") has the legislative competence to make the provisions in the Senedd Cymru (Members and Elections) Bill pursuant to Part 4 of the Government of Wales Act 2006 ("GoWA 2006") as amended by the Wales Act 2017.

## Chapter 3: Purpose and intended effect of the legislation

21. This chapter encompasses:

- The context and need for the Senedd Cymru (Members and Elections) Bill (sub-chapter 3.1); and
- The intended effect of the legislation (sub-chapter 3.2).

### **Context and need for the Bill**

22. In accordance with the recommendations of the Special Purpose Committee, the overall purpose of the Bill is to make the Senedd a more effective legislature for, and on behalf of, the people of Wales. This purpose reflects the intention of the Special Purpose Committee, stated in its report, of delivering “a strengthened parliament to represent the people of Wales.”<sup>17</sup>

23. The Bill’s provisions provide for:

- increasing the size of the Senedd to 96 Members;
- increasing the legislative limit on Welsh Government Ministers to 17 (in addition to the First Minister and Counsel General), with power to further increase this limit to 18 or 19;
- increasing the maximum number of Deputy Presiding Officers who may be elected from within the Senedd to two;
- changing the Senedd’s electoral system so that all Members are elected via a closed proportional list system, with votes translated into seats via the D’Hondt formula;
- repurposing and renaming the Local Democracy and Boundary Commission for Wales (LDBCW), including:
  - providing the renamed Democracy and Boundary Commission Cymru (DBCC) with the functions necessary to establish new Senedd constituencies and

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<sup>17</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voice for the People of Wales, May 2022, Chair’s Foreword, Page 7

- to undertake ongoing reviews of Senedd constituency boundaries;
- providing instructions for the DBCC to follow in undertaking their boundary reviews;
- returning the normal length of time between Senedd ordinary general elections to four years;
- requiring candidates to, and Members of, the Senedd to be resident in Wales;
- a review of the operation and effect of the new legislative provisions following the 2026 election; and
- a mechanism for the Senedd's consideration of job-sharing of offices relating to the Senedd, in the Seventh Senedd.

24. The context and rationale for these specific provisions is detailed below. The effect of these provisions is set out in the following sub-chapter.

### ***Rationale for increasing the size of the Senedd***

25. The overall purpose of the Bill is to make the Senedd a more effective legislature for, and on behalf of, the people of Wales. Increasing the size- and thereby the capacity- of the Senedd is a key element of this overall purpose.

26. The size of a parliament has a critical bearing on the capacity of its Members to hold an executive to account. It impacts on its ability to scrutinise, oversee and improve policy, legislation and spending and taxation, to engage with and serve the people it represents. It correlates with an individual Member's capacity to prepare for scrutiny, to conduct background research and engage with the people they represent, to raise constituents' concerns in the course of their parliamentary responsibilities. If a Member sits on multiple Committees, they must divide up their time in preparing to deliver scrutiny. Their individual capacity is further affected by any additional responsibilities they may have (such as being a Party Leader, Business Manager, etc.).

These conflicting demands and responsibilities impact on their ability to specialise in an area of policy and legislative scrutiny, to build up greater expertise and knowledge in holding the executive to account.

27. This is not to say that every legislature needs to be bigger. In a written submission to the Expert Panel on Assembly Reform the Sir Bernard Crick Centre for the Public Understanding of Politics at Sheffield University commented that:

*“There is a fairly clear ratio within comparative politics in relation to parliaments and legislatures where the executive is derived from the legislature. Too few members and the need to appoint an executive essentially hollows-out the capacity of the legislature and leaves the executive possibly over-dominant; too many members and the legislature risks becoming bloated and inefficient with few opportunities for career progression for individual members.”<sup>18</sup>*

28. However, a series of reports have previously determined the Senedd to be an undersized legislature. For example, the Expert Panel on Assembly Reform considered that an increase was necessary to:

*“ensure that the parliament... has sufficient capacity to fulfil its policy, legislative and financial scrutiny responsibilities, and that Members can also undertake their representative, campaigning, political and other roles.”<sup>19</sup>*

29. Similarly, the Committee on Senedd Electoral Reform considered that:

*“Increasing the number of Members ... [could provide greater] potential for engagement with people and stakeholders across Wales, more scope for Members to specialise and build expertise, more opportunities for creative and strategic thinking, a more resilient committee system, and the chance to develop a more positive and constructive political culture which facilitated more cross-party and collaborative working. Such improvements could*

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<sup>18</sup> Quote attributed by Expert Panel on Assembly Electoral Reform, in [A Parliament the Works for Wales](#), November 2017, to Sir Bernard Crick, Centre for the Public Understanding of Politics at Sheffield University.

<sup>19</sup> Expert Panel on Assembly Electoral Reform, in [A Parliament the Works for Wales](#), November 2017, page 28.

*contribute to improved legislation, more effective policy and spending decisions, better value for money, and most importantly, better outcomes for the people and communities of Wales.*"<sup>20</sup>

30. Likewise, the Special Purpose Committee on Senedd Reform in 2022 commented that:

*"an increase will provide greater opportunity for individual Members to prepare for scrutiny, to conduct background research and engage with the people of Wales to better represent their concerns."*<sup>21</sup>

31. Indeed, despite its responsibilities, the Senedd is the smallest of all the devolved legislatures in the UK and has remained the same size since its establishment in 1999. The Scottish Parliament has 129 Members, and the Northern Ireland Assembly has 90.

32. On this basis, the Special Purpose Committee recommended that "the Senedd have 96 Members."<sup>22</sup>

33. In making this recommendation, the Committee noted that 96 Members would still put the Senedd below the size of many of its international comparators. In their 2013 report, *Size Matters*, the UK's Changing Union Project and Electoral Reform Society Cymru had previously undertaken detailed work on the size of the Senedd in an international context. This found that across the EU, the average number of Members for an equivalent legislature would be "around 140 Members."<sup>23</sup>

34. The Committee also noted that a Senedd of 96 Members will mean that there would be one Member per 33,021

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<sup>20</sup> Committee on Senedd Electoral Reform, *Senedd reform: the next steps*, September 2020, Para 43

<sup>21</sup> Special Purpose Committee on Senedd Reform, *Reforming our Senedd: A stronger voice for the People of Wales*, May 2022, para 27.

<sup>22</sup> Special Purpose Committee on Senedd Reform, *Reforming our Senedd: A stronger voice for the People of Wales*, May 2022, Recommendation 2, Page 23

<sup>23</sup> UK's Changing Union and Electoral Reform Society Cymru, *Size Matters: making the National Assembly more effective*, 2013

people in Wales.<sup>24</sup> The UK's Changing Union and Electoral Reform Society Cymru previously noted in their 2013 Size Matters report that by way of comparison:

*“For countries up to 10 million [people] it is [on average] one [Member] per 22,122 [people], and for those in the population range of 1-6 million it is one [Member] per 23,566 [people].”<sup>25</sup>*

### **Risks associated with the Senedd's current size**

35. The various reports proposing Senedd reforms have also identified a range of risks and issues associated with the Senedd's current size, considered below.

#### *The ability of the Senedd to scrutinise effectively*

36. A consistent concern arising in the varied reports has been that the size of the Senedd impacts on its collective ability to effectively hold the Welsh Government to account, including scrutiny of policy and legislation.

37. The Senedd is a unicameral legislature. This means that there is no opportunity for a second, revising, chamber to catch any issues that Members might miss in their scrutiny, nor to put right any issues which emerge.

38. Ineffective scrutiny in turn risks missed opportunities, defective legislation or poorer outcomes. It also constrains the extent to which the Senedd can fully represent the interests of the people it serves.

39. In particular, a lack of capacity limits the ability of Members of the Senedd to specialise, as would be the case in other parliaments. Ideally, Members are experts in a particular field of scrutiny, utilising committee meetings to hold the

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<sup>24</sup> Population of Wales estimated as 3,170,000 Population estimates for the UK, England and Wales, Scotland and Northern Ireland - Office for National Statistics (ons.gov.uk)

<sup>25</sup> UK's Changing Union and Electoral Reform Society Cymru, Size Matters: making the National Assembly more effective, 2013



Welsh Government to account, not only on the basis of background briefings from staff, but on the basis of their own research and engagement.

40. The Special Purpose Committee highlighted that while Members in other parliaments will rarely sit on multiple Committees, this is common practice in the Senedd,<sup>26</sup> impeding the opportunity for Members to specialise. The Committee also noted that:

*“currently, it is common for Members to sit on multiple Committees, with both policy and legislative scrutiny responsibilities. Many also have additional responsibilities: of the Senedd’s 60 Members, currently only 26 are not a Minister; Llywydd; Deputy Presiding Officer; Party Leader; Business Manager; Senedd Commissioner or Committee Chair.”<sup>27</sup>*

41. The Special Purpose Committee concluded that more Members would provide for better governance, more effective policy, more efficient spending, and to better legislation.

### *Engagement*

42. Another theme from the reports is that while the Senedd has undertaken many innovative approaches to engaging with the public, its size is a limitation on such activity. For example, the Committee on Senedd Electoral Reform identified that the Senedd’s size:

*“limits the time available to Members to undertake informal or innovative engagement with stakeholders and the public, resulting in engagement activity becoming ineffective or official-led.”<sup>28</sup>*

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<sup>26</sup> The report noted that as of 16 May 2022, even excluding membership of the Committee for the Scrutiny of the First Minister, the Special Purpose Committee on Senedd Reform and Business Committee, 18 Members sat on 2 committees; and 3 Members sat on 3 committees.

<sup>27</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voice for the People of Wales, May 2022, para 27.

<sup>28</sup> Committee on Senedd Electoral Reform, Senedd reform: the next steps, September 2020, Page 26

43. The Committee on Senedd Electoral Reform identified that this issue was compounded by the Senedd's size also limiting:

*“time and opportunities for the Senedd or Members to operate beyond Cardiff Bay, risking the perception of the Senedd as a truly national institution.”<sup>29</sup>*

44. This limitation on the Senedd's capacity to facilitate engagements risks a detrimental impact on democratic participation, constricting the diversity of voices reflected in the Senedd's work, and potentially missing opportunities to identify what is or is not working in Wales's communities.

*A constraint upon future decisions around the devolution of powers*

45. As previously noted, the role and responsibilities of the Senedd have grown considerably since its original establishment under the Government of Wales Act 1998 (GOWA 1998). However, a range of reports have identified that the size of the Senedd is now a potential constraint upon the devolution of further powers.

46. For example, the Commission on Justice in Wales previously commented in 2019 that it:

*“would find it difficult to see how there could be proper scrutiny of a Justice Department or of Bills relating to justice if there was no increase in the size of the Assembly.”<sup>30</sup>*

47. Decisions on whether legislative responsibilities should sit with the Senedd or Westminster should be determined on the basis of what approach best meets the needs of the people of Wales, not on whether the Senedd has capacity to form additional scrutiny committees.

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<sup>29</sup> Committee on Senedd Electoral Reform, Senedd reform: the next steps, September 2020, Page 26

<sup>30</sup> The Commission on Justice in Wales, Justice in Wales for the people of Wales, October 2019, paragraph 12.83

48. Accordingly, the Special Purpose Committee on Senedd Reform considered that:

*“increasing the Senedd’s capacity to 96 will future proof and mitigate against debates about the appropriate devolution of powers being curtailed by the limits of the Senedd’s capacity.”<sup>31</sup>*

*A limitation on the Senedd’s ability to consider UK-wide frameworks and legislation*

49. The Senedd also has an increasing role in monitoring and scrutinising UK-wide common frameworks, along with international agreements (e.g. trade agreements), and UK legislation which affects the interests of Wales.

50. Following the UK’s departure from the EU, twenty-six Common Frameworks were established by the UK and devolved governments to manage divergence in some of the policy areas previously coordinated at EU level (such as air quality, food safety and cross-border health threats). The Frameworks set out how the four governments intended to work together and decide when to follow the same rules and when to take different approaches. The Senedd has had an increasing role in monitoring and scrutinising such frameworks, with its committees undertaking a series of inquiries into their development.<sup>32</sup>

51. The Senedd also has a key role in the development of UK legislation. When the UK Parliament wishes to legislate on a matter which has been devolved to the Senedd, it will “not normally”<sup>33</sup> do so without seeking the consent of the Senedd. The Welsh Government follows the principle that primary legislation in devolved areas should be enacted by the Senedd, but that there are circumstances where it is

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<sup>31</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voice for the People of Wales, May 2022, para 30

<sup>32</sup> Common frameworks - Sixth Senedd, <https://business.senedd.wales/mgIssueHistoryHome.aspx?Id=38285>

<sup>33</sup> S.107(6) GoWA 2006

sensible and advantageous for provisions that would be within the Senedd's legislative competence to be sought for Wales in UK Parliament Bills, with the consent of the Senedd.

52. However, such legislation requires the Senedd to have sufficient capacity to deliver scrutiny upon it effectively.

53. Accordingly, the Special Purpose Committee on Senedd Reform concluded that increasing the number of Members in the Senedd to 96 would recognise:

*“the Senedd’s increasing role in monitoring and scrutinising UK-wide common frameworks, international agreements (including trade agreements) and UK legislation which affect the interests of Wales.”<sup>34</sup>*

### **Alternative approaches to increasing the capacity of the Senedd**

54. Many of the reports noted above also considered whether the capacity of the Senedd could be improved through other means than increasing its size.

55. For example, the Expert Panel considered a range of approaches that had previously been undertaken by the Senedd Commission and the Independent Remuneration Board to enhance and maximise capacity. These approaches variously included:

- changes to working practices and procedures;
- the structure of the Senedd's working week;
- the number of sitting weeks per year;
- induction, training and professional development;
- involvement of experts, the public, and stakeholders in scrutiny;
- resources available to committees;
- the configuration of the committee system; and
- the support and resources available to Members.

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<sup>34</sup> Special Purpose Committee on Senedd Reform, *Reforming our Senedd: A stronger voice for the People of Wales*, May 2022, Para 28

56. However, the Panel concluded that while these approaches had improved the capacity of the institution, fundamentally they had not and could not address the underlying limiting factor: the severely limited time available to a Senedd of 60 elected Members to carry out its responsibilities.
57. Moreover, several of these potential approaches would give rise to complications of their own. For example, changes to the Senedd's working week could potentially be proposed by the Senedd's Business Committee in the future, to restructure arrangements for Senedd business days, or to put an onus on longer hours. However, any increase in Senedd business time would necessarily have an adverse impact on both the time available for constituency business (and thereby the opportunity for Members to engage with and address the concerns of the constituents they serve) and the time available for Members to conduct research and prepare for delivering scrutiny. Varying the number of sitting weeks per year would likewise have an adverse impact on the time available for constituency business.
58. The Senedd's Standing Order 11.10 also requires the Senedd's timetable to have regard to the family and constituency responsibilities of Members. The concept of family-friendly hours will have different connotations for different Members, influenced by a Member's geographic location and their working preferences. Nevertheless, it can reasonably be assumed that an onus on longer hours is likely to impact on the attractiveness of the role for potential candidates, potentially resulting in a less diverse Senedd. Longer hours would also result in increased costs being incurred by Senedd Commission staff in supporting Members.

59. An argument could be made that the capacity of the Senedd could be improved by increasing the staffing capacity and support made available to Members. However, this would itself have cost implications, and it may be considered that there is a point of diminishing returns: the Senedd's Llywydd has previously commented that:

*“there's only so much you can squeeze into somebody's head on a Sunday night when they're reading their committee papers.”<sup>35</sup>*

60. Moreover, it may be considered inappropriate to put undue influence in the responsibility of unelected officials. The former Clerk of the House of Commons, Lord Lisvane, cautioned that doing so would:

*“risk the political process being staff-driven, rather than Member-driven. That means in turn that non-elected staff have inappropriate political power, and that does not (or should not) play well with the public.”<sup>36</sup>*

61. Similarly, the Senedd's Business Committee has previously considered the appropriate size of Senedd committees, reducing their sizes in order to reduce the number of committees that an individual Member sits on. Theoretically, the Business Committee could reduce the sizes of the Senedd's committees further. However, this would make it more challenging for political parties' membership of committees to reflect the overall balance of political groups in the Senedd. Reducing the size of committees could also reduce the diversity of perspectives and angles of scrutiny that a committee would bring to bear and would place even greater weight of responsibility on individual Members in preparing for and delivering scrutiny. In the event of a Member's absence from the committee, there would also be

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<sup>35</sup> Record of Proceedings (RoP), Committee on Senedd Electoral Reform, 2 December 2019, [Committee on Senedd Electoral Reform](#)

<sup>36</sup> Quote attributed by Expert Panel on Assembly Electoral Reform, in [A Parliament the Works for Wales](#), November 2017, to EP03, Written Submission to the Expert Panel, Lord Lisvane.

greater risks around a committee being inquorate, or of inconsistencies in the Committee's scrutiny.

62. Since the Expert Panel's report, the Senedd has made significantly greater use of technology to facilitate Members in attending committees and plenary sessions virtually, or in a hybrid format. For some Members this has had a positive impact in reducing the amount of time previously taken travelling from their constituencies to the Senedd, which has provided some individual Members with greater capacity. However, these gains have not resolved the fundamental issues around the sufficiency of the Senedd's capacity.

### **Rationale for 96 Members**

63. The Special Purpose Committee considered that the size of the Senedd should be increased to 96 Members. This is marginally beyond the range of 80–90 previously recommended by the Expert Panel in 2017 and the Committee on Senedd Electoral Reform in 2020.

64. The Special Purpose Committee believed this increase to be a proportionate adjustment, in light of the wide array of changes in the political landscape of Wales, since the Expert Panel reported. The Committee noted, for example, that the responsibilities of the Welsh Government and the Senedd had increased since the time of the panel's report, primarily as a result of the UK's withdrawal from the EU. In addition, as a result of the Covid-19 pandemic, public awareness of the Senedd and Welsh Government's responsibilities was believed to have significantly increased, providing opportunities for greater public engagement.<sup>37</sup>

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<sup>37</sup> See for example Wales Online, Covid, Wales and devolution: How 12 months of a pandemic changed what we know about how we're governed, March 2021  
<https://www.walesonline.co.uk/news/politics/covid-wales-devolution-how-12-19942938>

65. The Committee also noted that the Covid-19 pandemic had prompted a number of changes in the Senedd's ways of working, which had reduced some of the financial costs historically associated with increasing the number of Members of the Senedd. For example, increased use of home working by Senedd Commission staff means that the Regulatory Impact Assessment in this Explanatory Memorandum assumes that Ty Hywel will be able to accommodate the additional Members and their staff, rather than there being a requirement to rent or purchase additional accommodation.
66. The Committee also noted that since the Expert Panel's report there had been confirmation that the number of Welsh MPs would be reduced from 40 to 32.
67. 96 Members is also mathematically divisible in such a way that it provides for each of the newly established 16 constituencies to be represented by the same number of representatives. As set out below in Paragraph 172, "pairing" the new 32 UK Parliamentary constituencies in Wales leads to 16 new multi-member Senedd constituencies.

### ***Rationale for increasing the legislative limit on Welsh Ministers***

68. The Special Purpose Committee considered that the primary purpose of an increase in the size of the Senedd must be to enable an improved level of parliamentary representation, legislation and scrutiny of government. However, the Committee also anticipated that its recommendations on an increased size of the Senedd might result in consideration of whether there should be an associated change in the size of the Welsh Government. It recommended that the Senedd's Business Committee and the Welsh Government consider how cross-party consideration could be facilitated on the



question of whether any increase in the size of the Welsh Government would be appropriate, balanced against the need for enhanced scrutiny.

69. Welsh Ministers are appointed by the First Minister, with the approval of the King, under section 48 of GoWA 2006. Excluding the First Minister and Counsel General, the number of Welsh Ministers and Deputy Welsh Ministers cannot currently exceed 12 at any time (section 51(1) of GoWA 2006).

70. However, since the passing of GoWA 2006, the executive powers and responsibilities of Welsh Ministers have increased significantly. For example, since the passing of the Wales Act 2017, the Welsh Ministers have been able to exercise executive ministerial functions by virtue of the transfer of functions under section 58A of the Government of Wales Act 2006.

71. Welsh Ministers' executive powers and responsibilities have also increased as a result of the UK's withdrawal from the EU (particularly in the fields of environment and rural affairs and economic affairs).

72. The current limitation requires some Ministers to have particularly broad-ranging portfolios. In Business Committee's discussions of this issue, Darren Millar MS noted that:

*“we have some enormous portfolios. If you look at [the Minister for Climate Change's] portfolio, for example, it's just, frankly, ridiculous for one Minister to be able to be on top of a brief of that size, and indeed for Members of the Senedd to effectively hold a single Minister to account when they've got such a wide brief.”<sup>38</sup>*

73. Welsh Ministers also have a substantially increased role in inter-governmental relations, with inter-ministerial

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<sup>38</sup> RoP, Business Committee, 15 November 2022.

meetings to co-ordinate policies, programmes, and the operation of the intergovernmental frameworks.

74. Concerns have also previously been expressed about the existing limit potentially compromising the Welsh Government's flexibility to react to events. In February 2020, the then Minister for Finance and Trefnydd commented in correspondence that whereas:

*“The Scottish Government was able to appoint an additional Cabinet Minister to be responsible for managing the very extensive new policy and inter-governmental matters arising [from Brexit]... in contrast, the Welsh Government, with a full set of Ministers already in place in line with the statutory limit, has been able to manage these additional responsibilities only by asking the Counsel General to assume them, in addition to his other responsibilities as the Government's Law Officer.”<sup>39</sup>*

75. It may be noted that there is no legislative limit upon the number of Ministers in Scotland. The UK Government has a limit on the number of paid Ministerial posts, but not on unpaid Ministerial posts (and thereby does not have an overarching limit on the total number of paid and unpaid Ministers). However, the removal of a legislative limit on the number of Ministers in Wales could potentially jeopardise the additional capacity for the Senedd rendered by an increase in its size.

76. In engaging with Business Committee's consideration of this issue, the Welsh Government considered that there was no 'perfect number' that wholly balanced the competing arguments on the size of an increase. However, the Welsh Government ultimately concluded that increasing the limit from 12 to 17 (plus the First Minister and Counsel General) would be an appropriately judicious determination, balancing the arguments for:

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<sup>39</sup> Committee on Senedd Electoral Reform: inquiry into the capacity of the Assembly, Minister for Finance and Trefnydd, 10 February 2020, <https://business.senedd.wales/documents/s98990/CAER5-5-20%20Paper%20to%20note%205.pdf>

- addressing the existing capacity pressures on Ministers;
- providing a modicum of flexibility to respond to events; and
- reflecting that the primary intention of the Special Purpose Committee’s recommendations was to increase the scrutiny capacity of the Senedd.

77. In proportionate terms, the Welsh Government (12 Ministers plus the First Minister and Counsel General) currently constitutes 23.3% of the Senedd’s 60 Members. In an enlarged Senedd, a Welsh Government of 17 Ministers, along with the First Minister and Counsel General, would constitute 19.8% of the Senedd’s 96 Members.

78. Following a public consultation on this issue (detailed in Chapter 4), on a majority vote<sup>40</sup>, the Senedd’s Business Committee concluded that:

*“... it would be reasonable for an increase in the Senedd’s membership, from 60 to 96 Members, to be accompanied by an increase in the maximum number of Welsh Ministers which may be appointed, from 12 to 17.”<sup>41</sup>*

79. In addition, there may be circumstances in the future where there is considered need to increase the number of Ministers beyond 17. This could be due to the devolution of further powers, or otherwise circumstances whereby an increase is merited.

80. As such, Business Committee also concluded it would:

*“be reasonable for the legislation to include a mechanism which would enable the Welsh Government to propose further increasing this limit to a maximum of 19 by way of secondary legislation, in order to future proof the legislation for the devolution of further*

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<sup>40</sup> The report notes that Darren Millar MS, representing the Welsh Conservatives, and the Llywydd dissented from this majority view, and both expressed an alternative view “that the maximum number of Welsh Ministers should be set at 16.” Business Committee, Response to the Special Purpose Committee on Senedd Reform’s report – Reforming our Senedd: A stronger voice for the people of Wales, December 2022, para 15.

<sup>41</sup> Business Committee, Response to the Special Purpose Committee on Senedd Reform’s report – Reforming our Senedd: A stronger voice for the people of Wales, December 2022, page 3.

*powers, or other circumstances where an increase is considered to be merited. Such an increase should be subject to an affirmative (majority) vote of the Senedd.”<sup>42</sup>*

81. Under this proposal, it would be necessary for the Welsh Government of that time to publicly justify why circumstances necessitated increasing the number of Ministers beyond 17. Notably, if the limit on Ministers was increased to 19 in the future, this would be equivalent to the overall increase in the Senedd’s size (of 60%).

82. As noted above, in proportionate terms, the Welsh Government (12 Ministers plus the First Minister and Counsel General) currently constitutes 23.3% of the Senedd’s 60 Members. In an enlarged Senedd, a Welsh Government of 19 Ministers along with the First Minister and Counsel General would constitute 21.9% of the Senedd’s 96 Members. This would therefore still represent a smaller proportion of the Senedd’s overall capacity than is currently the case.

### ***Rationale for increasing the maximum number of Deputy Presiding Officers who may be elected from within the Senedd***

83. GoWA 2006 currently states that:

**“25 Presiding Officer etc.**

*(1) The Senedd must, at its first meeting following a general election, elect from among the Members of the Senedd —*

*(a) a presiding officer (referred to in this Act as “the Presiding Officer”), and*

*(b) a deputy presiding officer (referred to in this Act as “the Deputy Presiding Officer”).”<sup>43</sup>*

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<sup>42</sup> Business Committee, Response to the Special Purpose Committee on Senedd Reform’s report – Reforming our Senedd: A stronger voice for the people of Wales, December 2022, page 7. The report also notes that whilst a majority of Business Committee’s membership considered “that such a vote should be passed on a simple majority, Darren Millar stated that it should require the support of two-thirds of Members voting.”

<sup>43</sup> Section 25, GoWA 2006

84. The current provisions therefore provide for the Senedd to only elect a single Deputy Presiding Officer, who deputises as necessary for the Llywydd.

85. A larger Senedd may decide to meet more regularly or for longer. Consideration has therefore been given to whether it would be beneficial for it to have the flexibility to elect an additional Deputy Presiding Officer to support the Llywydd in managing business, and in particular in carrying out some of the Llywydd's wider duties, such as representing the Senedd etc. Effective management of Senedd business may reasonably be expected to have a positive effect on the Senedd's capacity to deliver its role of holding the Welsh Government to account.

86. The Llywydd's role is to chair Plenary, maintain order and protect the rights of Members of the Senedd. The Llywydd is responsible for ensuring that business is handled on the basis of equality and impartiality. They are responsible for Standing Orders and are the final authority on their interpretation. The Llywydd also plays an active role in representing the Senedd and Wales's interests on a national, UK and international stage. The Senedd's Standing Orders define the Llywydd's functions as being:

*"to chair plenary meetings; to determine questions as to the interpretation or application of Standing Orders; to represent the Senedd in exchanges with any other bodies, whether within or outside the United Kingdom, in relation to matters affecting the Senedd; and such other functions conferred by any enactment, by the Senedd or by these Standing Orders."*<sup>44</sup>

87. The Senedd already has capacity to establish a Temporary Chair of Plenary Meetings (Standing Orders 6.22–6.23) and an Acting Chair of Plenary Meetings (Standing Orders

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<sup>44</sup> Welsh Parliament, Senedd Business, Standing Orders of the Welsh Parliament, Standing Order 6.15, July 2023.

26.23A–26.23D). However, these roles have limitations. A Temporary Chair of Plenary Meetings may only chair on a temporary basis at the request of the Llywydd or Deputy Presiding Officer, and has specific limitations on exercising the powers of the Llywydd. An Acting Chair of Plenary Meetings is similarly limited to only undertaking the Llywydd’s functions in relation to plenary business. This means that – unlike a Deputy Presiding Officer – a Temporary Chair or Acting Chair could not undertake the wider functions and responsibilities of the Llywydd. For example, they could not determine whether legislation was within the competence of the Senedd; represent the Senedd in giving evidence to other parliamentary bodies; or chair the Llywydd’s Committee.

88. In its report, the Special Purpose Committee commented that in association with increasing the overall size of the Senedd an:

*“argument could be made that the Senedd should have flexibility through its Standing Orders to elect more Deputy Presiding Officers should it so wish (and any criteria relating to the party to which they may come from).”<sup>45</sup>*

89. However, the Expert Panel had previously expressed caution on the appointment of office holders, commenting that:

*“The Assembly must exercise restraint in the way it makes use of any increase in the size of the institution—for example in relation to the number and size of committees, the appointment of office holders, and the maximum size of the Welsh Government—in order to ensure that the potential benefits for the quality and quantity of scrutiny are realised and additional costs are kept to an absolute minimum.”*

90. An additional Deputy Presiding Officer could be perceived as reducing the capacity of the Senedd for scrutiny, which

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<sup>45</sup> Special Purpose Committee on Senedd Reform, *Reforming our Senedd: A stronger voice for the People of Wales*, May 2022, Para 46

was the primary purpose behind the Special Purpose Committee's recommendation that the size of the Senedd be increased. However, unlike Ministers, there are no restrictions on Deputy Presiding Officers in having a role in scrutiny. For example, at the time of Senedd Cymru (Members and Elections) Bill's introduction the current Deputy Presiding Officer was variously the Chair of the Committee for the Scrutiny of the First Minister, the Llywydd's Committee and the Reform Bill Committee.

91. As a result, the Special Purpose Committee recommended that:

*“...consideration is given to the question of whether the Senedd should have flexibility through its Standing Orders to elect more Deputy Presiding Officers should it so wish. This consideration should then inform the development of legislation to provide for a Senedd of 96 Members.” (Recommendation 5)*

92. The Senedd's Business Committee considered this issue in a series of meetings in autumn 2022. This included a public meeting on 15 November 2022. The Committee also conducted a public consultation on issues related to Senedd Reform, receiving 14 responses. Further information on the Business Committee's consultation is set out in chapter 4.

93. Arguments raised by consultees in favour of an increase included that:

- increases in law-making powers and taxation powers had made business more complex to navigate; and
- a larger Senedd may be required to meet more often and/or for longer plenary sessions, subsequently bringing greater demands on the Llywydd and Deputy Presiding Officer's time.

94. Arguments raised by consultees against an increase included that additional Deputy Presiding Officers were not required to fulfil the genuine and evidenced objectives of

enlargement of the Senedd. It was also suggested that Business Committee should reflect on the Senedd's existing powers to elect acting chairs of plenary meetings and to bear in mind the relationship between the number of Deputy Presiding Officers and the number of available backbenchers to ensure a greater capacity for scrutiny in the next Senedd.

95. Ultimately, the Business Committee concluded that the “maximum permissible number of Deputy Presiding Officers, should be increased from 1 to 2.”<sup>46</sup> In coming to this conclusion, it noted that an additional Deputy Presiding Officer could cover functions of the Llywydd that an acting Chair could not.

96. The Senedd Cymru (Members and Election) Bill gives effect to this conclusion.

97. It may be noted that there is parliamentary precedent for this approach. The House of Commons is required to have a Speaker and three deputies. The Scottish Parliament is required to elect two deputies within 14 days of an election and may then elect one or more additional deputies at any time.

98. This approach will also provide flexibility to future Seneddau<sup>47</sup> in determining whether capacity is best invested in one or two Deputy Presiding Officers.

99. In reaching its conclusion, the Business Committee also stipulated certain restrictions upon the eligibility of candidates for election to become the additional Deputy Presiding Officer. In particular, it considered that:

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<sup>46</sup> Business Committee, Response to the Special Purpose Committee on Senedd Reform's report – Reforming our Senedd: A stronger voice for the people of Wales, Conclusion 2, Page 10

<sup>47</sup> The term 'Seneddau' is used throughout this Explanatory Memorandum to refer to periods of more than one Senedd term.



*“a) where practicable, the additional Deputy Presiding Officer should not belong to the same political group as either the other Deputy Presiding Officer or the Presiding Officer; and*

*b) not all Presiding Officers are members of a political group with an executive role/non-executive role.”<sup>48</sup>*

100. In reaching this conclusion, the Committee commented that:

*“Section 25(9) of the Government of Wales Act 2006 provides that a two thirds majority of the Senedd may resolve to disapply the requirement that the Presiding Officer and Deputy Presiding Officer must not belong to the same political group, and must not both belong to a political group with an executive role. We believe this provision should be maintained for any new provisions which relate to the political balance of the offices of Presiding Officer and Deputy Presiding Officer.”<sup>49</sup>*

101. In developing the legislation to give effect to the Business Committee’s conclusions, particular consideration has been given to its nuance that the identified limitations on the selection of additional Deputy Presiding Officer are only to have effect “where practicable.”

102. The nuance of “where practicable” reflects that the limitations identified by Business Committee are more restrictive than those placed on the selection of deputies in other parliaments. In Scotland, for example, there are no legislative restrictions on the selection of Speaker or their deputies. Indeed, the Scottish Parliament’s Standing Orders only provide that the Presiding Officers and Deputies cannot all be from the same party.

103. Analysis has been undertaken of the composition of groups and Members of the six Seneddau to date. If the legislative changes proposed by Business Committee had been in effect in any of these previous Seneddau, it would

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<sup>48</sup> Business Committee, Response to the Special Purpose Committee on Senedd Reform’s report – Reforming our Senedd: A stronger voice for the people of Wales, Conclusion 2, Page 10

<sup>49</sup> Business Committee, Response to the Special Purpose Committee on Senedd Reform’s report – Reforming our Senedd: A stronger voice for the people of Wales, Conclusion 2, Page 10

have been possible in all of them for an additional Deputy Presiding Officer to have been elected, without technical need to disapply Business Committee's requirements.

104. Two scenarios have been identified whereby the Senedd could not elect an additional Deputy Presiding Officer without disapplying the restrictions identified by Business Committee. These are:

- if the Senedd only had one or two groups, with no Members who were not in a group; or
- if all Members were in executive groups (i.e. there were two or more groups in a coalition government, and no non-executive groups).

105. In either of these scenarios, it would not be practicable for the Senedd to elect an additional Deputy Presiding Officer without first disapplying the Business Committee's identified restrictions. The likelihood of either of these scenarios occurring currently appears very low, although it is impossible to predict how the political landscape of Wales may change over time. Notably, however, were either of these situations to occur, the Senedd would be well positioned to disapply the limitations identified by Business Committee via a two-thirds vote.

106. Additional scenarios have also been identified whereby the Senedd could technically elect an additional Deputy Presiding Officer without disapplying the restrictions identified by Business Committee, but doing so might be considered impracticable. For example, a future Senedd might consist predominantly of two large groups and a third much smaller group. The members of the third, much smaller, group, might potentially see it as impracticable for one of their number to take on the responsibilities of a Deputy Presiding Officer. However, in this (and all other such

identified scenarios), the Senedd would again be well positioned to disapply the limitations identified by Business Committee via a two-thirds vote.

107. Consideration has been given to identifying in legislation those circumstances where Business Committee's restrictions should not apply, on the grounds of not being practicable. However, the determination of what 'is practicable' is by its nature subjective, and pre-emptively identifying such situations and providing mechanisms for resolving them in legislation is challenging.

108. Consequently, it is considered that the most flexible mechanism for resolving circumstances whereby one or both of the Business Committee's restrictions were not considered practicable, would be for a two-thirds vote of the Senedd to be able to disapply the restriction.

109. As such, it has been determined that providing for the Senedd to remove the restrictions identified by Business Committee via a two-thirds vote would be the most effective mechanism for the Senedd to resolve circumstances where the restrictions were not practicable. In effect, the intended limitation of the Business Committee's restrictions only having effect "where practicable," is addressed by the opportunity for a two thirds majority vote to disapply such limitations, including in circumstances where the limitation is "not practicable."

***Rationale for changing the electoral system to provide for the election of all Members via a closed proportional list system, with votes translated into seats via the D'Hondt formula;***

***Rationale for changing the electoral system***

110. The Special Purpose Committee on Senedd Reform unanimously concluded that it would be desirable to change the Senedd's current electoral system: the Mixed Member Proportional (MMP) System.

111. The Committee considered that MMP would not be a viable system for a Senedd of more than 80 Members, which would entail either increasing the number of constituencies or having a larger number of regional Members than constituency Members (the Senedd currently has 40 constituency Members and 20 regional Members). The Committee did not consider either of these possibilities to be desirable. The Committee also commented that in practice:

*“regional Members cover very large geographic areas, while constituency Members receive a disproportionate share of constituency casework.”<sup>50</sup>*

112. The Committee considered a number of different options for changing the electoral system, including the Single Transferrable Vote system and Flexible Proportional List system.

113. The Committee's report details that:

*“A majority of Members on our Committee, representing a legislative supermajority within the Senedd as a whole, favoured the introduction of a proportional list system. It was noted that this system would provide a single route to election for all Members and would enable a proportionate election of Members.*

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<sup>50</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voice for the people of Wales, Para 58

*This left us with a decision as to whether we would recommend a flexible or closed list system.*

*A minority in our Committee (Jane Dodds MS) did not favour the adoption of closed lists, believing that they would reduce choice for voters and concentrate too much power in the hands of party machines, and, in particular, believing that the adoption of closed lists would weaken the lines of accountability between an individual Member and their electorate. This minority accepted that there was a theoretical risk that not using closed lists could dilute the effect of gender quotas, but believed in practice that effect would be offset by the greater choice that an open system would offer, which would also allow voters who wished to express a preference for candidates with protected characteristics to do so.*

*A second minority in our Committee (Siân Gwenllïan MS) favoured an open or flexible list proportional system. She noted that these systems would enable Members to be elected with an individual mandate, but simultaneously provide for a party to exert influence in the selection of its candidates. However, in the spirit of achieving a negotiated set of outcomes on the supermajority required to deliver Senedd reform, she considered that a closed list proportional system would be acceptable. She also considered that such a system would facilitate the introduction of statutory integrated gender quotas.*

*Consequently, a majority on our Committee, representing a legislative supermajority within the Senedd, favoured a closed list proportional system. This majority considered that ballots used under a closed list proportional system would already be very familiar to voters (being akin to those currently used to elect Regional Members) and would facilitate strong, cohesive political parties. It was also noted that this system would readily integrate with the introduction of legislative gender quotas, and facilitate parties in putting forward a more diverse list of candidates on a broader basis.*

*This majority recognises that this system will not provide for the public to directly elect individual Members. However, it is considered that Members would ultimately still be accountable to the electorate, because their performance as individual Members will have a bearing upon the votes cast for their parties, which in turn will determine their likelihood of election.”<sup>51</sup>*

**114.** In addition, the Committee’s Report identified a range of strengths associated with a closed proportional list system, including:

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<sup>51</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voice for the people of Wales, Paras 73-78

- familiarity of the system to voters, as it is currently used in Senedd regional elections;
- a single system for election to all Senedd seats;
- securing higher proportionality than a First Past The Post (FPTP) system which is currently used in Senedd constituency elections;
- facilitating strong, cohesive political parties; and
- allowing parties to drive a greater diversity of candidates, including through the use of party list ordering.

115. The report also set out the limitations of a closed proportional list system:

- no choice of individual candidates for electors; and
- no direct accountability of individual Members to electors.

116. As noted above, the Committee was conscious that a closed proportional list system would not allow the public to directly elect specific candidates, which could be considered to impact on the individual accountability of Members. However, the Committee considered that ultimately Members would have an accountability to the electorate, as their behaviours as individuals would have a bearing on the votes cast for their parties, which in turn would determine whether they gained, retained or lost seats in the Senedd.

117. Although varied forms of closed proportional list system are theoretically possible, in developing this legislation the Welsh Government has anticipated that electors would wish to be aware which candidates are standing in a particular constituency, and their affiliation to particular parties.

118. The report concluded that a closed proportional list system for Senedd elections provided the best option for implementing electoral change, including facilitating strong cohesive political parties.

119. The Welsh Government has developed this legislation to implement the recommendations made in the report of the Special Purpose Committee on Senedd Reform. It is considered by the Welsh Government that the closed list proportional system provided for by this legislation will enable greater proportionality than the current Mixed Member Proportional (MMP) system. This reflects the commitment in the Co-operation Agreement between the Welsh Government and Plaid Cymru that the new system should be as proportional – or more – than the current system.
120. Proportional List systems are broadly more proportional than either plurality systems, or mixed systems (though the sources of disproportionality – vote distribution and district magnitude – means that this will not always be the case).
121. The legislation provides for a move from a system of only a third of members being elected through proportional lists, to a system of all members being elected through proportional lists.
122. It moves away from single-member districts (first past the post), which overrepresent the largest vote share in that constituency.
123. The higher the district magnitude (the number of representatives per electoral district) the lower the effective vote threshold needed to gain a seat, meaning greater potential for proportionality. A district magnitude of six is considered to ensure an appropriate level of proportionality, whilst protecting against hyper-proportionality.<sup>52</sup>

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<sup>52</sup> The concept of hyper-proportionality refers to a circumstance whereby a party that gained a very low level of public support nevertheless secured seats (potentially in multiple constituencies) due to the proportionality of a particular system.

124. Parties will now need to reach the effective threshold in a smaller multi-member constituency, than a larger electoral region, in order to secure a seat.

### **Rationale for utilising the D'Hondt system**

125. The Special Purpose Committee on Senedd Reform recommended that the D'Hondt formula be used to translate votes into seats. The Committee commented that this system is already familiar to voters as it is used in Senedd regional elections. It is also familiar to Returning Officers and other officials responsible for administering elections in Wales.
126. Under the D'Hondt method, for each round of seat calculation (whereby a seat is awarded to the party with the most votes), the D'Hondt method divides the total number of votes received by each party by the number of seats they have already won, plus one. This means that once a party has won one seat, their total vote share is divided by two for the next rounds of voting (one seat, plus one). Once a party has won two seats, their total vote share will be divided by three (two seats, plus one), and so on. If there is a tie after the calculation of votes, where only a single seat is available, lots may be drawn to determine the winning candidate (thereby avoiding any need for an election to be re-run). This is the system currently used in Senedd elections and is therefore familiar to returning officers.
127. The Sainte-Laguë formula was also considered by the Committee but was not recommended. The Sainte-Laguë method operates in much the same way as D'Hondt; the only difference being that a different formula is used to divide a party's total number of votes for each round. The Sainte-Laguë formula divides the votes by twice the number of seats already won, plus one. This means that where the



D'Hondt divisors are 1, 2, 3, etc, the Sainte-Laguë divisors are 1, 3, 5, etc.

128. In some countries the Sainte-Laguë method has been modified to reduce the risk of political fragmentation, which could result from smaller parties benefitting from the method. In certain circumstances, there are risks of hyper-proportionality whereby a party that gained a very low level of public support, could secure seats (potentially in multiple constituencies). Hyper-proportionality in turn could give rise to circumstances where smaller parties had a disproportionate voice, and thereby influence upon government formulation and policy.

129. The Welsh Government accepted this recommendation made by the Committee, and the Senedd Cymru (Members and Elections) Bill gives effect to such.

### **Rationale for list design**

130. The list design proposed through the Senedd Cymru (Members and Elections) Bill will retain most of the elements of the current system for electing Regional Members (set out in section 7 of the Government of Wales Act 2006). Political parties will determine the order of candidates on their list at nomination and seats will be allocated on the basis of such.

131. Under this system, registered political parties will be able submit a list of up to 8 candidates in any constituency. This recognises that the new constituencies will have 6 Senedd Members elected, and allows for candidates withdrawing before the election, and replacement of Members who may die or stand down after being elected creating a casual vacancy. This removes the need to hold a by-election if a Member resigns after being returned, or is subsequently disqualified and ensures that the votes of

electors at an election are represented. This will ensure the Senedd remains as fully constituted as possible.

132. The key aim for allowing extended lists is to ensure the Senedd remains as fully constituted as possible. As such, enabling political parties to effectively include ‘reserve’ candidates on their lists is consistent with the wider arguments made in relation to the increase in the numbers of Members of the Senedd (i.e. maintaining the capacity of the Senedd). Such ‘reserve’ candidates will only be called on (in order of unelected candidates from the list) where there is a vacancy between Senedd elections.

133. The overall intention is for the list design to be familiar to both voters and returning officers as it will closely resemble that currently used for regional elections. The names of a party’s candidates will be included on the ballot, to give prospective candidates greater accountability than if only the party’s name was stated, as electors will be able to cast their vote in full knowledge of who could fill the seats from a party list.

### **Rationale for filling vacant seats**

134. The Special Purpose Committee on Senedd Reform recommended that:

*“vacancies between elections under the closed proportional list system are filled through the next candidate on a party’s list.”<sup>53</sup>*

135. The Special Purpose Committee saw little merit in by-elections being held to fill vacant seats, as seats can normally be filled from a party list.

136. Under the electoral system provided for by the Senedd Cymru (Members and Elections) Bill, where a vacancy

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<sup>53</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voice for the people of Wales, Recommendation 9

occurs the seat will be filled by the next person from the registered party list submitted.

137. Filling vacant seats ensures the Senedd remains as fully constituted as possible. This safeguards the ability to the Senedd to carry out its functions, including making legislation and forming committees.
138. The Senedd Cymru (Members and Elections) Bill will establish a new electoral system which removes the need to hold by-elections when a seat becomes vacant, which can speed the process for filling vacant seats. Removing first past the post elections will also save money as elections will not need to be re-run.

### **Rationale for allowing seats to remain vacant**

139. Under the current electoral system, there are certain circumstances where a regional seat will not be filled if it becomes vacant during the course of a Senedd term. Such a circumstance has not yet happened in the Senedd's history but could happen if a regional seat was occupied by an individual candidate (sometimes referred to as an independent candidate) who then resigned or otherwise vacated a seat, or if there were no eligible replacements on a party's list to fill a vacancy.
140. Following the Senedd Cymru (Members and Elections) Bill, this possibility will apply for all seats of the Senedd, as all seats will be filled via a list, or by an individual candidate.
141. Allowing vacancies to exist in these circumstances means there is a risk that the level of representation for constituents could be reduced. However, in developing this legislation, a number of options for mitigating this risk have been considered and discounted. A by-election for filling a vacancy held on a first past the post basis could negatively

impact on the overall proportionality of the Senedd. A by-election based on a closed proportional list system which used the D'hondt method (i.e. taking account of the existing seats that parties held) could result in a party that received fewer votes than other parties 'winning' the by-election, which could significantly impact on voter turnout, the perceived legitimacy of the election and could be regarded as poor use of public finances.

142. Similarly, allowing a party to pass a seat onto an individual of their choice, that was not originally included on a list, would mean that that individual had no democratic mandate. Allowing a vacancy to be filled through a "recount" mechanism (i.e. allocating the seat to whichever party would have the next highest vote calculation) could be perceived as significantly altering the outcome of the last election, because in addition to a party losing a seat, another party would receive an additional seat that was not voted to them at the original poll. By contrast, allowing a vacancy to remain will enable the result of the election to be preserved as far as is possible.

143. It is also noted that as all constituencies will be multi-member, even if one seat within a constituency is vacant, voters in that constituency will continue to be represented within the Senedd until the subsequent Senedd general election. The chance of a constituency being wholly unrepresented is considered to be extremely low: for example, even if a single party won all six seats in a constituency, then all six members within that constituency (and the two possible additional members on a party list) would need to withdraw, resign or otherwise exit their seat within a single Senedd term for this circumstance to arise.

144. As such, the legislation continues to allow for seats, in certain circumstances, to remain vacant.

**Rationale for Returning Officers consulting exhausted lists as each vacancy arises**

145. Under the Senedd's current electoral system, and under that provided for by the Senedd Cymru (Members and Elections) Bill, there is a duty on returning officers to contact non-elected persons from the relevant party list to establish if they meet the criteria for filling a vacancy and if they wish to do so. This is done until either a person is nominated as a replacement, or until a list is exhausted, at which point the vacancy remains unfilled.
146. However, when a vacancy arises, returning officers are required to return to a list that has previously been considered exhausted (unless all persons are already sitting Senedd Members) as each subsequent vacancy occurs and repeat the process. The rationale for this is that a person from a previously exhausted list (who may have previously declined to be nominated as a replacement) may on a later occasion be eligible.
147. This provision helps to ensure the Senedd remains as fully constituted as possible. The Senedd Cymru (Members and Elections) Bill will make no change to this arrangement.

***Rationale for repurposing the Local Democracy and Boundary Commission for Wales, and empowering it to review and report on Senedd boundaries;***

**Reviewing Senedd constituency boundaries**

148. The Senedd Cymru (Members and Elections) Bill makes provision for the Local Democracy and Boundary Commission for Wales (LDBCW) to be given the relevant functions to undertake Senedd boundary reviews.

149. Across the UK, boundary review arrangements are specified in primary legislation which provide for reviews to be carried out by independent boundary review commissions. For example, provisions for reviews of:

- UK Parliamentary constituencies are specified in the Parliamentary Constituencies Act 1986 (as amended),
- Scottish Parliament constituencies are specified in the Scotland Act 1998 (as amended)
- local government boundaries in Wales are specified in the Local Government (Democracy) (Wales) Act 2013.

150. Before 2011, the Senedd's boundaries were automatically linked to the UK Parliament's boundaries, with any changes made to these replicated in the Senedd's boundaries.

151. However, the UK's Parliamentary Voting System and Constituencies Act 2011 severed this link. As a result, there are currently no legislative provisions or mechanisms in place for reviewing either the Senedd's boundaries or the apportionment of seats to Senedd constituencies and regions.

152. Making provision for Senedd boundary reviews to take place is required to enable the wider package of Senedd Reform, including the establishment of a new voting system.

153. The Special Purpose Committee considered that it would be appropriate for an independent body, such as the LDBCW, to be given the functions to undertake Senedd boundary reviews as it removes any perception that elected Members might seek to influence electoral matters that would be more appropriately left to an independent body. The Committee for Senedd Electoral Reform similarly stated in its report that having independent boundary commissions limits "the extent to which political parties can either directly

influence, or be perceived to influence, the recommendations which result.”<sup>54</sup>

154. An independent body undertaking boundary reviews also reflects boundary review arrangements elsewhere in the UK. For example, reviews of UK Parliamentary constituencies in Wales are undertaken by the Boundary Commission for Wales. UK Parliamentary constituencies in Scotland are reviewed by The Boundary Commission for Scotland. Scottish Parliament reviews are undertaken by Boundaries Scotland.

### **Rationale for conferring the relevant functions on the LDBCW**

155. Rather than confer functions on an existing body, it would technically be possible to establish a new body to carry out the role of reviewing the Senedd’s boundaries.

156. However, this could take a significant amount of time and would impact on the start time of any review (as some of the necessary actions in setting up a new body – e.g. appointing staff, staffing arrangements, confirming the name and status of the body, internal policies and procedures – could not begin or be confirmed until after the legislation receives Royal Assent). Creating a completely new body would therefore have significant delivery implications in advance of the 2026 Senedd election.

157. In terms of existing bodies, those considered most appropriate to take on the Senedd constituency review processes would be either the Boundary Commission for Wales (“BCW”) or the LDBCW. However, as the BCW is a reserved authority, consent of UK Government Ministers would be required to confer the relevant functions upon it.

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<sup>54</sup> Committee on Senedd Electoral Reform, Senedd reform: the next steps, September 2020, [Senedd reform: the next steps](#), para 138

This is not a consideration in relation to the LDBCW, as it is a devolved Welsh Authority.

158. The LDBCW is an independent Welsh Government sponsored body, with a current remit to publish a programme of work which keeps under review the electoral arrangements for the 22 principal councils. It therefore has experience and expertise in carrying out reviews of electoral arrangements which makes it well placed to undertake Senedd boundary reviews.

159. It is also worth noting that in Scotland, Boundaries Scotland has responsibility for carrying out reviews of electoral wards for local authorities, and constituencies and regions of the Scottish Parliament.

160. For the reasons details above, conferring the functions on to the LDBCW was considered to be the most appropriate option. This also aligns with the Special Purpose Committee's recommendation 20:

*“We recommend that the power to review Senedd boundaries, including the power to define multi member constituencies for the 2026 election should be conferred on the Local Democracy and Boundary Commission for Wales”<sup>55</sup>*

### **Renaming the Local Democracy and Boundary Commission for Wales**

161. The Bill also provides for the renaming of the LDBCW to the 'Democracy and Boundary Commission Cymru' (DBCC).

162. It is considered appropriate to rename LDBCW to reflect the significant proposed change to its functions. This will provide clarity and transparency on its revised functions. Given that its remit will be broader than undertaking reviews

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<sup>55</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voice for the people of Wales, Recommendation 20



related to local government, it is appropriate that its name reflects this change.

163. This recommendation also accords with the Special Purpose Committee’s recommendation 21 to rename the body:

*“We recommend that the Senedd Reform legislation should take steps to reconstitute and rename the Local Democracy and Boundary Commission for Wales to reflect its new functions. This should include any appropriate adjustments to its configuration, governance, staffing and financial resourcing.”<sup>56</sup>*

164. Renaming the LDBCW also anticipates future legislative proposals, to be encompassed in the Elections and Elected Bodies (Wales) Bill, including the LDBCW taking on the functions of the Independent Remuneration Panel for Wales (IRP). This will entail wider changes in the responsibilities of the body, but the proposed name change anticipates this change.

### **Membership of the Democracy and Boundary Commission Cymru**

165. The Bill also makes provision to increase the maximum number of DBCC Commissioners allowable from five to nine. There is no requirement in the Bill for the maximum number of Commissioners to be in place, subject to there being a quorum of three. It may be noted that provision is also made for a regulation making power to amend the quorum number at a later date (further details are set out in the later sub-section of this chapter).

166. The increased number of Commissioners takes into account the expected increase in workload for the DBCC in respect of both Senedd boundary review work, and anticipates workload arising from the transfer of the

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<sup>56</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voice for the people of Wales, Recommendation 21

functions of the IRP (via the forthcoming Elections and Elected Bodies (Wales) Bill).

167. Economies of scale, arising from consolidating the functions of the IRP into the DBCC, mean that the overall total number of allowable Commissioners and Members will decrease. This is because currently, the maximum number of DBCC Commissioners is five, and the maximum number of members of the IRP is seven – a total of 12. Therefore, it is anticipated that the net effect of the Senedd Cymru (Members and Elections) Bill and the Elections and Elected Bodies (Wales) Bill will ultimately be a reduction in the overall total of Commissioners by three. However, as the transfer of functions of the IRP is addressed through separate legislation, this saving does not form part of the Senedd Cymru (Members and Elections) Bill’s Regulatory Impact Assessment.

168. Retaining an odd number of Commissioners is also considered important to reduce the possibility of deadlock in the DBCC’s decision making.

169. Further changes are also proposed related to the membership of the renamed DBCC, which are covered in a following sub-section of the Explanatory Memorandum.

## ***Rationale for boundary reforms***

### ***Why boundary reforms are needed ahead of the 2026 Senedd election***

170. The Bill makes provision for the overall size of the Senedd, and the voting system to change for the 2026 election (and beyond), meaning that the current Senedd constituencies and regions will also need to change, to allow the new electoral system to operate based on 16 multi-member constituencies.

171. Given the timing constraints to undertake a full boundary review ahead of the 2026 election, the review will need to be undertaken on a streamlined basis (the DBCC will only have received its statutory powers to commence the review after the Bill has received Royal Assent in Summer 2024, and will need to make its final report before 1 April 2025).

172. For this reason, the basis of the review in advance of the 2026 election will be to pair the new 32 UK Parliamentary constituencies in Wales into 16 Senedd constituencies. The detail of this review is set out in a later section of this Explanatory Memorandum.

173. This also aligns with the Special Purpose Committee on Senedd Reform’s recommendation 31:

*“We recommend that Senedd reform legislation includes provisions to enable a streamlined boundary review, for the purpose of defining the proposed 16 multi member constituencies. This should be completed in sufficient time to enable the implementation of its recommendations, and for electoral administrators and political parties to make necessary preparations ahead of the 2026 election.”<sup>57</sup>*

### **Why further boundary reforms are needed following the 2026 Senedd election.**

174. As set out above, the boundary review ahead of the 2026 election is solely a ‘pairing’ review, in that it will pair the 32 new UK Parliamentary constituencies to form 16 new Senedd constituencies. This means that the franchise for Senedd elections will not be taken into account as part of the ‘pairing’ review. In particular, the UK Parliamentary constituencies are based on the UK Parliament franchise, which does not include 16- and 17- year old voters or qualifying foreign nationals.

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<sup>57</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voice for the people of Wales, Recommendation 31

175. A ‘full’ review ahead of the 2030 election will allow for the franchise for devolved elections in Wales to be included within that boundary review.
176. Ynys Môn had protected status within the UK Parliament constituency boundary review (and was therefore exempt from the electoral quota set as part of that review), which means that the Senedd constituency for the 2026 election which includes Ynys Môn will be significantly smaller in terms of number of electors than the other constituencies. Undertaking a ‘full’ Senedd boundary review ahead of the 2030 election therefore allows opportunity for increasing parity of representation throughout Wales.
177. It may be noted that there has not been a ‘full’ Senedd constituency review since the review that was undertaken ahead of the (then) National Assembly for Wales election in 2007. This means that it has been 16 years since the last ‘full’ boundary review, and over that time it is expected that there have been changes to the distribution of the population within Wales.

### **Boundary reforms following the 2030 election**

178. Provision is also made in the Bill regarding arrangements for periodic ‘full’ boundary reviews to take place following the 2030 Senedd election.
179. Regular boundary reviews will mean that constituencies will continue to reflect communities within Wales, in terms of the size of the electorate. It will also mean that constituencies will not be unduly impacted by population and demographic changes.
180. The Special Purpose Committee report was also clear on the need for the Senedd reform legislation to include “a

requirement for full boundary reviews to be undertaken on a periodic basis”.<sup>58</sup>

### ***Rationale for a Residency Requirement***

181. In the course of developing and preparing the Senedd reform legislation, the Welsh Government, and their Co-operation Agreement partners in Plaid Cymru, have considered a number of related policies that did not form part of the Special Purpose Committee’s original recommendations.

182. In particular, it is considered appropriate that candidates standing for election to be a Member of the Senedd should be subject to the same residency requirements as an individual who wishes to vote at that election. Consideration was given to developing a bespoke definition of residency for the purpose of giving effect to this policy. However, the definition of residency – whilst subject to significant latitude in terms of interpretation – is well established in electoral law, and so it is deemed appropriate by Welsh Government to utilise this existing definition as far as is practicable.

183. The switch to a closed list electoral system will make it incompatible for an elector to simultaneously both:

- support a particular party; and
- refuse to vote for a particular candidate of that party (e.g. because they are not resident in Wales).

184. If an elector supports a party’s list except for a candidate who they believe has no residency in Wales, they

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<sup>58</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voice for the people of Wales, Recommendation 23

must either not vote for that party or be unable to express their objections.

185. In order to vote in a particular Senedd constituency at a Senedd Election, an individual must be registered in the register of local government electors at an address within the constituency.

186. One of the requirements for registration is that an individual is “resident in that area”.

187. “Resident” means the definition given in sections 5–7 of the Representation of the People Act 1983.

188. The Senedd Cymru (Members and Elections) Bill provides that an individual who is not registered in the register of local government electors at an address within Wales) is disqualified from being a candidate for election to the Senedd.

189. Therefore, in order to be validly nominated as a candidate at a Senedd General election, a person must have met the same residency criteria that they need to have met to in order to vote at a Senedd General election (and to have been registered as such).

190. It is also considered proper that sitting members of the Senedd, as Welsh lawmakers, are subject to those laws, and should therefore be resident in Wales. Therefore, the Bill makes provision to disqualify from being a Member of the Senedd any person who is not registered in the register of local government electors at an address within Wales.

191. Whilst “being eligible to register to vote on residency grounds” was considered as being the criteria by which a residency requirement could be defined, it is considered by Welsh Government that using “registered to vote”, provides

an element of clarity to potential candidates, political parties, electoral administrators, and – ultimately – a court considering such an issue.

192. The residency definition as set out in the Representation of the People Act 1983 does not provide for a “hard and fast” rule as to whether someone is resident at an address or not. Tying the residency requirement to registration means the question of whether an individual meets that requirement is easily answered – they are either registered on a register of local government electors within Wales, or they are not.

### ***Rationale for reducing Senedd term lengths from five to four years***

193. The move to five-year Senedd terms was in response to the change made to UK Parliamentary elections through the Fixed Term Parliaments Act 2011. Since that change was reversed in 2022, the position in relation to UK Parliamentary elections is effectively the same as it was pre-2011. It appears logical that Senedd elections should now also revert to the pre-2011 position.
194. In more general terms, in keeping with the overarching aim of Senedd reform to make Wales a more democratic country, moving back to a four-year term will allow voters to cast their verdict on the performance of governments more frequently and to give increased popular legitimacy to Welsh governance. Reducing term lengths from a democratic perspective also offsets the removal of by-elections. The Bill therefore provides an opportunity to make this change.
195. Whilst it is difficult to definitively conclude whether a four or five-year term is most appropriate, the key factors to balance are democratic renewal, voter fatigue and

providing a sufficient amount of time for an administration to implement its agenda. However, it is considered that four-year terms sufficiently balance these considerations and were in fact the “norm” in Welsh democracy at the point of devolution and continued until relatively recently.

196. The rationale for changing the length of the Senedd term from four to five years was to prevent clashes with UK Parliamentary elections. If Senedd terms had remained at four years, with fixed Parliamentary elections every five years, there would be a clash of elections every twenty years. However, given that Parliamentary elections are no longer fixed, this rationale no longer applies.

197. Due to the flexibility of the prerogative powers to call a UK General Election, there could still be clashes of Senedd and UK Parliamentary elections. However, this remains the case whether Senedd terms remain at five years or revert back to four years.

### ***Rationale for implementing a review mechanism***

198. The genesis of Senedd reform proposals have come from the Senedd itself, through the Expert Panel on Assembly Electoral Reform, The Committee on Senedd Electoral Reform, and latterly the Special Purpose Committee on Senedd Reform.

199. Whilst this is a Welsh Government bill, its core purpose is to give legislative effect to the recommendations of the Special Purpose Committee on Senedd Reform, whose recommendations were previously endorsed by the Senedd.

200. Therefore, whilst consideration was given to placing a reporting duty on Welsh Ministers, it was determined by Welsh Government that it is appropriate that any review of the operation and effect of the Act, as well as a review of the



elements of a healthy democracy is also undertaken by the Senedd. This would require the Senedd Committee to prepare and publish a report on the operation and effects of the Act, considering issues such as:

- The impacts of the new voting system on proportionality;
- The introduction of multi-member constituencies; and
- The experience of closed lists.

201. It will also be able to consider any other Senedd reform issue that it considers relevant in the context of undertaking a review of the extent to which the elements of a healthy democracy are present in Wales, and may consider:

- The awareness and understanding of devolved Welsh government and elections;
- An assessment of turnout levels and an exploration of proposals for how this may be increased;
- Support for members and parties to undertake their Senedd roles; and
- The infrastructure in place to support a strong Welsh democracy.

### ***Rationale for Job Sharing provisions***

202. Several organisations and reports in recent years have identified job-sharing as a practical measure which could help level the playing field in terms of access to elected office, removing barriers and potentially benefitting some groups in society including women, older people, disabled people and carers.

203. In a parliamentary context, job-sharing could potentially take a number of different forms. For example, job-sharing could variously entail:

- two Members of the Senedd job-sharing an executive or Senedd role (such as a Committee Chair);
- two persons standing in a Senedd election as a single candidate to be returned as a single Member, with those two persons undertaking the role of a Member concurrently; and/or
- a 'locum MS' covering for an MS if they were unable to act for an extended period of time (e.g. because they were taking parental leave) or an MS temporarily holding an executive or Senedd role if the person appointed is unable to act for an extended period of time.

204. Recommendation 13 of the Special Purpose Committee's report concluded that:

*"further consideration should be given, on a cross-party basis, to exploring the feasibility and legislative challenges associated with enabling election on the basis of job sharing".<sup>59</sup>*

205. The provisions in the Bill relating to job-sharing are intended to trigger action by the Senedd (and a subsequent response by the Welsh Ministers) in relation to this important area of work which has the potential to make elected office more accessible to a broader range of people and increase diversity and inclusion within the Senedd. The provisions in the Bill provide a pathway for further consideration of the practical and legislative implications of job-sharing for candidates standing in a Senedd election to be returned as a job-sharing Member of the Senedd, job-sharing executive and Senedd roles set out in GoWA 2006, and arrangements for temporarily holding an office while that person is unavailable. In the event that the motion is agreed and a committee established, the motion would propose that the committee prepare a report, with recommendations, following its review. As part of its work,

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<sup>59</sup> Special Purpose Committee on Senedd Reform, Reforming Our Senedd A Stronger Voice for the People of Wales, Recommendation 13

the Committee (if established) may potentially also reflect on the job sharing arrangements provided for in the Local Government Act 2021, and the use of job sharing in local government in Wales. If the Committee agrees to lay a report before the Senedd following its review, the Welsh Ministers are required by the legislation to lay a statement setting out their response to the report and any steps they intend to take in relation to the recommendations (including any steps to be undertaken via the Welsh Government’s legislative programme<sup>60</sup>).

206. The Welsh Government considers that any review of job-sharing should be led by the Senedd itself, while ensuring that there is an effective mechanism for the Welsh Government to play its part in responding to any recommendations and in mapping out next steps. These provisions give effect, as far as possible, to the principle established by the Special Purpose Committee report that:

*“further consideration should be given, on a cross-party basis, to exploring the feasibility and legislative challenges associated with enabling election on the basis of job sharing.”<sup>61</sup>*

207. In developing these provisions, the Welsh Government gave consideration to an alternative approach of framing a Committee’s consideration of job sharing within the context of the review mechanism (detailed above). However, it was considered by the Welsh Government that the review of job-sharing should be a stand-alone section of the Bill, providing greater opportunity to clearly set out the scope of the review and the steps it should entail.

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<sup>60</sup> Given that certain forms of job-sharing would require changes to existing legislation, it is considered appropriate that this is delivered through primary legislation, rather than- for example- providing regulation making powers to Welsh Ministers to enable such changes.

<sup>61</sup> Special Purpose Committee on Senedd Reform, Reforming Our Senedd A Stronger Voice for the People of Wales, Recommendation 13

208. The Special Purpose Committee's report also recommended that the Business Committee considers the practical and procedural issues associated with the two Members job-sharing a particular role within the Senedd. For this reason, the provisions in the legislation do not extend to exploring issues relating to job sharing of non-statutory roles in the Senedd, which are for the Senedd Commission, Business Committee and the Senedd's Independent Remuneration Board to determine.

### ***Diversity measures***

209. The Special Purpose Committee concluded that legislative gender quotas should form part of the new electoral system, with the rejection of candidate lists by Returning Officers as a sanction for non-compliance with the legislative quotas. The Committee also concluded that it would be appropriate for Senedd reform legislation to include provision for the collection and publication of candidate diversity data. The Welsh Government will make provision for gender quotas and the publication of diversity information in respect of Senedd candidates in forthcoming legislation.

210. The Special Purpose Committee also concluded that Senedd reform legislation should include provisions that encourage each political party standing candidates in a Senedd election to publish a diversity and inclusion strategy.

211. The Welsh Government is committed to providing guidance to support political parties in publishing diversity and inclusion strategies, delivering on recommendations in reports published over recent years, particularly those in the report of the Expert Panel on Assembly Electoral Reform in 2017; in the Committee on Senedd Electoral Reform report in 2020, as well as the Special Purpose Committee's report in 2022. These strategies are important in setting out how,

over the longer term, political parties intend to ensure that their pipeline of candidates are reflective of the diversity of the Welsh population.

## **Intended effect: what the Bill does**

### **Size of the Senedd**

212. The Bill provides for the size of the Senedd to be increased from 60 to 96 Members, by:

- Establishing 16 constituencies; and
- Establishing 6 Members for each constituency.

213. These elements are considered in greater detail below.

### **Establishment of 16 Constituencies**

214. The Special Purpose Committee considered a range of options for the appropriate number of constituencies.

215. It determined that the boundaries for the 2026 election should be based upon the final 32 UK Parliamentary constituencies proposed by the Boundary Commission for Wales once it had concluded its 2023 Parliamentary Review, paired to create 16 new constituencies. Its decision on the number of constituencies was interdependent with its decisions on the overall size of the Senedd, the number of seats per constituency and its preferred electoral 'building blocks' for determining the boundaries for 2026.

216. The Committee's rationale for creating 16 new constituencies was that:

- an initial alignment with UK Parliamentary constituencies would initially provide the benefits of simplicity for voters, electoral administrators and political parties;
- for the purpose of the 2026 election, there would be value in using the constituencies that had most recently been reviewed as a set of electoral 'building blocks,' given that a swift process would be necessary for pairing them;

- there would be value in providing for Senedd constituencies to contain a broadly equal number of electors, with each represented by the same number of seats– it was considered that this would avoid any perception that particular areas of Wales had less representation than others;
- 16 constituencies would enable for each constituency being represented by 6 seats, and the total size of the Senedd being 96 seats. A 6–seat constituency which would not incur the risks previously identified by the Expert Panel of either being less proportional than the current electoral system or of hyper–proportionality;
- As the constituencies would be initially aligned rather than co–terminous with the Westminster constituencies, this would avoid risks associated with future changes to Westminster constituencies (such as a change in their number), over which the Senedd does not have direct control.

217. The Committee then considered whether the number of constituencies should be variable in future elections. However, it concluded that in a multi–member constituency system, the number of constituencies were of such fundamental importance to the operation of the electoral system and the representation of the electorate that this should be specified in primary legislation and should not be altered either by a Boundary commission or through secondary legislation.

218. The Committee therefore recommended that the number of Senedd constituencies is specified as 16 in primary legislation.

### **Establishment of 6 seats for each constituency**

219. The Special Purpose Committee considered that allocating 6 members per multi–member constituency

would strike a balance between allowing for greater diversification of representation whilst mitigating against the risks of hyper-proportionality.

220. In making this recommendation, the Committee noted that the view of the Expert Panel had been that ideally constituencies should return no more than 6 Members to mitigate against the risks of hyper-proportionality.

221. The Committee also noted concerns previously identified by the Expert Panel that significant variations in the number of Members elected for each constituency:

*“could lead to a perception of greater representation for particular areas in Wales, or greater likelihood of proportional outcomes or diversity of representation in some constituencies compared to others.”<sup>62</sup>*

222. The Committee therefore considered that it would be appropriate for all constituencies to return an equal number of Members per multi-member constituency and that this should be specified in primary legislation and should not be altered either by a Boundary Commission or through secondary legislation.

### **Formulation of ‘96’ Members**

223. The Bill does not explicitly state that the enlarged Senedd has 96 Members. Rather the figure of 96 is derived from multiplying the number of constituencies by the number of Members per constituency.

224. This continues the current practice whereby GoWA 2006 does not specify that the Senedd has “60 Members.” Rather, the figure of “60” was derived as the outcome of a

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<sup>62</sup> Expert Panel, A Parliament that works for Wales: Report of the Expert Panel on Assembly Electoral Reform, November 2017, paragraph 14.22



number of constituent parts. A similar approach is currently taken in other UK Parliaments.

225. The Bill also amends GoWA 2006 to refer to ‘Members’ rather than ‘regional Members’ or ‘constituency Members.’ This reflects that there will no longer be a need to differentiate between Members on the basis of how they were elected. Consideration was given to referring to all Members as ‘constituency Members,’ but it was considered that this could potentially have created confusion (as ‘Constituency Members’ were historically elected via a First Past the Post System).

### ***Increase in the maximum possible number of Welsh Ministers***

226. Section 51(1) of GoWA 2006) currently limits the number of persons holding “Welsh Ministerial office” to twelve.

227. This limit includes Ministers (appointed under section 48) and Deputy Ministers (appointed under section 50) but does not include the Offices of the First Minister and Counsel General, meaning that the effective limit on the size of the Welsh Government is currently fourteen.

228. The Bill increases the limit on the number of persons holding “Welsh Ministerial office” from twelve to seventeen.

229. The Bill also provides a power for the Welsh Government to make secondary legislation that can amend the new limit of seventeen, to either eighteen or nineteen (either incrementally or immediately).

230. This power will be subject to an affirmative (majority) vote of the Senedd, reflecting both that the use of such power will impact on the Senedd’s capacity for scrutiny and

will amend primary legislation. It will be necessary for a future Welsh Government, at the time of using such a power, to publicly justify why circumstances necessitate that the number of Ministers should be increased beyond 17. The effect of such secondary legislation would be permanent. Once the power has been exercised to increase the limit within the permitted range, that will become the statutory limit for that Senedd and all future Seneddau, unless and until the power is exercised to increase the limit again, up to a maximum of 19).

231. The limit will continue to include both Ministers and Deputy Ministers. The limit will also continue to not include the Offices of the First Minister and Counsel General. This means that the effective limit on the total size of the Welsh Government will rise from fourteen to nineteen (i.e. including the First Minister and Counsel General). In addition, the exercise of the power could see the limit rise to twenty-one in the future.

232. The Bill makes no changes to the roles or functions of Welsh Ministers or Deputy Ministers.

## ***Increase in the maximum possible number of Deputy Presiding Officers***

### **Legislative context**

233. GoWA 2006 currently states that:

*“25 Presiding Officer etc.*

*(1) The Senedd must, at its first meeting following a general election, elect from among the Members of the Senedd —*

*(a) a presiding officer (referred to in this Act as “the Presiding Officer”), and*

*(b) a deputy presiding officer (referred to in this Act as “the Deputy Presiding Officer”).”<sup>63</sup>*

234. The current provisions therefore include a requirement to elect a single Deputy Presiding Officer.

235. GoWA 2006 also states that:

“25 (7) Subject to subsection (9), the Presiding Officer and the Deputy Presiding Officer must not belong to—

(a) the same political group, or

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

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

(9) The Senedd may resolve that subsection (7) is not to apply for so long as the resolution so provides; but if the motion for the resolution is passed on a vote it is of no effect unless at least two-thirds of the Members of the Senedd voting support it.”<sup>64</sup>

236. There is therefore currently a requirement that the Llywydd and Deputy Presiding Officer are from different political groups, and that they are not both from groups with an executive role.

### **Effect of the legislation- election of an additional Deputy Presiding Officer**

237. The Senedd Cymru (Members and Elections) Bill provides for the Senedd to be able (but not required) to elect an additional Deputy Presiding Officer under a new provision inserted into GoWA 2006– section 25(1A).

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<sup>63</sup> Section 25, GoWA 2006

<sup>64</sup> Section 25, GoWA 2006

238. New section 25(1A) provides that any additional Deputy Presiding Officer may be elected at any time during a Senedd. Unlike the Llywydd and Deputy Presiding Officer elected under section 25(1)(b), they do not need to be elected at the Senedd's first meeting after a general election.<sup>65</sup> This is to provide the Senedd with flexibility in determining the circumstances in which the election of an additional Deputy Presiding Officer, under section 25(1A), would be appropriate.

239. The legislation also provides that the Standing Orders may provide for any additional Deputy Presiding Officer, elected under section 25(1A), to hold office for a shorter period of time than the remainder of the duration of the Senedd term in which they were elected. This is to provide the Senedd with flexibility in determining the duration of such appointments and is in contrast with the Deputy Presiding Officer elected under section 25(1)(b).

240. Section 23 of GoWA 2006 provides that prior to taking the oath or affirmation of allegiance, Members of the Senedd must not do anything as a Member of the Senedd, other than:

- to take part in proceedings of the Senedd at which Members of the Senedd take the oath or make the affirmation, or
- to take part in any earlier proceedings for the election of the Presiding Officer or Deputy Presiding Officer.

241. The legislation provides that this exception for electing a Deputy Presiding Officer does not encompass the

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<sup>65</sup> And in practice is unlikely to be elected at this first meeting, as this may be incompatible with procedural requirements associated with putting forward a motion to first establish an additional Deputy Presiding Officer and then elect an additional Deputy Presiding Officer.

election of an additional Deputy Presiding Officer elected under section 25(1A).

242. The legislation also provides that:

- the additional Deputy Presiding Officer elected under 25(1A) cannot be from the same political group as either the Presiding Officer or other Deputy Presiding Officer,<sup>66</sup> unless the Senedd resolves by a two-thirds vote that this requirement does not apply; and
- the additional Deputy Presiding elected under 25(1A) cannot be a Member of a non-executive group if both the Presiding Officer and Deputy Presiding Officer are Members of non-executive groups,<sup>67</sup> unless the Senedd resolves by a two-thirds vote that this requirement does not apply.

243. These provisions follow the conclusions of the Senedd's Business Committee.

244. It was not considered necessary for the legislation to provide for one aspect of the Business Committee's conclusions: that any additional Deputy Presiding Officer elected under 25(1A) cannot be a Member of an executive group if both the Presiding Officer and Deputy Presiding Officer are Members of executive groups. This was because section 25(7)(b) GoWA currently ensures that circumstances cannot arise. Section 25(7)(b) provides that the Presiding Officer and the Deputy Presiding Officer (elected under 25(1)(b)) cannot both be from executive group (unless the Senedd has resolved to enable such by way of a two-thirds vote).

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<sup>66</sup> This means that they could variously be: a Member of a different group to that of either the Presiding Officer or the other Deputy Presiding Officer, an independent Member or a Member who was not part of a political group.

<sup>67</sup> This means that they could variously be: a Member of an executive group, an independent Member or a Member who was not part of a political group.

**Effect of the legislation: functions of the additional Deputy Presiding Officer elected under 25(1A)**

245. Unless otherwise stated, all legislative functions, duties, powers and other requirements that are currently stated in GoWA for the Deputy Presiding Officer also apply to the additional Deputy Presiding Officer elected under 25(1A).
246. The Llywydd can authorise the Deputy Presiding Officer to exercise the functions of the Llywydd. In the event of an additional Deputy Presiding Officer being elected under section 25(1A), the Llywydd would be able to authorise either or both of the Deputy Presiding Officers with specific functions.
247. It may be noted that in the event that the Llywydd is unable to act, section 25(10) provides that the Deputy Presiding Officer may exercise the Llywydd's functions. This would apply to both the Deputy Presiding Officer and any additional Deputy Presiding Officer elected under section 25(1A).
248. In developing this legislation, consideration has been given to a circumstance where two Deputy Presiding Officers did not agree on how the Llywydd's functions were to be exercised, and whether legislation should provide a resolution to such a scenario (for example, by establishing one of the Deputy Presiding Officers as having authority in such circumstances). However, this would be an arbitrary determination of hierarchy. Moreover, no mechanism for resolving such a circumstance has been identified in the legislation underpinning the appointment of deputies in the other UK Parliaments.
249. Given that such a disagreement could in practice be resolved through discussion between the two Deputy

Presiding Officers (or via a mechanism provided through the Senedd's Standing Orders) it has not been considered necessary to stipulate in legislation a mechanism for resolving such a circumstance.

250. GoWA 2006 currently provides that in the event a Deputy Presiding Officer, elected under 25(1)(b), ceases to hold office or dies, the Senedd must elect a replacement from amongst the Members of the Senedd. This requirement will continue in circumstances where an additional Deputy Presiding Officer has already been elected under section 25(1A). The additional Deputy Presiding Officer elected under 25(1A) will not automatically replace or 'backfill' the vacated role of the Deputy Presiding Officer elected under 25(1)(b). The additional Deputy Presiding Officer elected under 25(1A) can stand for election to replace the Deputy Presiding Officer, elected under 25(1)(b), and if they were elected would cease to be the Deputy Presiding Officer elected under 25(1A).

251. Section 25(12) provides that the Senedd may in its Standing Orders include provision for another person to exercise the Presiding Officer's functions in the event that the Llywydd and the Deputy Presiding Officer have vacated their offices or are unable to act. Following the Senedd Cymru (Members and Elections) Bill this provision will remain, but amended to only take effect if:

- the Llywydd has vacated their office or is unable to act;  
and
- the office of Deputy Presiding Officer is vacant or, for any reason, no Deputy Presiding Officer is able to act.

252. Section 25 of GoWA 2006 allows Standing Orders to make provision for the participation (including voting) in Senedd proceedings of the Presiding Officer and Deputy

Presiding Officer. It is anticipated that Standing Orders will also provide for the participation of any additional Deputy Presiding Officer elected under section 25(1A).

### ***Change in the electoral system***

253. The Bill makes provision for electors to have a single constituency vote through a closed proportional list, under the D'Hondt formula. It is anticipated that a closed list proportional system will facilitate the introduction of statutory integrated gender quotas. The First Minister set out in his June 2023 statement on the Welsh Government's legislative programme that in addition to the Senedd Cymru (Members and Elections) Bill, a further Bill will be brought forward to introduce gender quotas for candidates for election to the Senedd, with the aim of making the Senedd more effective by being more representative of the people it serves.

254. A person may only stand once as a candidate at a general election. The Bill provides for the design of lists, specifically:

- Lists can only be submitted by registered political parties;
- A list cannot include a person who is on any other list (whether in the same constituency or another);
- A list cannot include a person who is standing as an individual candidate (whether in the same constituency or another);
- Political parties can determine the order of the candidates on a list (i.e. the composition of a closed list);
- The number of candidates on a list can be between 1 and 8; and
- A person may not be an individual candidate if they also appear on any party list, or as an individual candidate in any other constituency.



### **D'Hondt formula**

255. For each round of voting (whereby a seat is awarded to the party with the most votes), the D'Hondt method divides the total number of votes received by each party by the number of seats they have already won, plus one. This means that once a party has won one seat, their total vote share is divided by two for the next rounds of voting (one seat, plus one). Once a party has won two seats, their total vote share will be divided by three (two seats, plus one), and so on.

### **Returning a Senedd at an election**

256. The Special Purpose Committee considered both flexible and closed proportional list systems and recommended the closed proportional list system.

257. A closed proportional list allows political parties to determine the order of candidates on a constituency list. Seats will be awarded to the candidate/party with the highest number of votes after each round, with the D'Hondt formula adjusted and applied at each round. Seats won by parties will be allocated according to the order of a party list.

258. Under the current system (i.e. that used for Senedd elections prior to April 2026<sup>68</sup>), electors have two votes– one constituency vote and one regional vote. The constituency election is returned under a simple majority system (first past the post) and the regional election returned through a proportional list system, using the D'Hondt formula.

259. The D'Hondt system to be used in the new electoral system is very similar to the way in which regional members

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<sup>68</sup> The scheduled date of the next general election to the Senedd is in May 2026. However, reference is made in this Explanatory Memorandum and the Bill to April 2026, because the Llywydd has power to move the date of any scheduled general election by up to one month.

were historically returned to the Senedd, prior to April 2026, and is therefore familiar to electors. The legislation provides for the new system to be in place for Senedd elections from April 2026.

260. Seats will be allocated to political parties or an individual candidate after each round of calculation is undertaken. Seats won by political parties will then be awarded to candidates based on the order of the list submitted by the political party at the nomination stage, subject to any withdrawals or deaths.
261. Political parties are responsible for the order of candidates on a closed list prior to election but will not be able to reorder the list after nominations close, nor to bypass names after the election.
262. In the event of a tie after the calculation of votes, where only a single seat is available, lots will be drawn to decide the winner.

**Maintaining a Senedd by filling vacant seats that arise between elections**

263. The Bill makes provision for how Senedd vacancies which arise between elections will be filled. A seat may become vacant where a Member of the Senedd resigns, dies or is disqualified.
264. By-elections will not be held where a seat becomes vacant.
265. The Bill does not make provision to disqualify a Member of the Senedd if they change parties or leave a party to become an individual Member (i.e. not part of a registered political party), or if an individual Member (i.e. someone who is not a member of a registered political party) joins a party.

266. Returning Officers will consider the party list when a vacancy arises unless all candidates are already sitting Members of the Senedd.

267. Where a vacancy arises, it will be filled by the next candidate on a party's list, subject to confirmation they are eligible. Eligibility conditions remain as described currently in Section 11 of GoWA 2006.

268. Where a party list is exhausted, or an individual member's seat becomes vacant, the Senedd seat will remain vacant.

### ***Repurposing and renaming of the Local Democracy and Boundary Commission for Wales***

269. The Bill confers functions on the Local Democracy and Boundary Commission for Wales (LDBCW), renamed as the Democracy and Boundary Commission Cymru (DBCC), to undertake Senedd boundary reviews (in accordance with applicable rules) and to report and make recommendations as to the configuration of Senedd constituencies.

270. The Bill does not impact on the reviews the DBCC already undertakes in relation to local government community and electoral boundaries and the DBCC will retain this function (subject to any changes made via the forthcoming Elections and Elected Bodies (Wales) Bill). As outlined above, this will mean that the DBCC will have similar functions to Boundaries Scotland, which reviews both local authority boundaries and Scottish Parliamentary constituency boundaries, but not UK parliamentary constituencies.

271. The Bill renames the body to the 'Democracy and Boundary Commission Cymru' / 'Comisiwn Democratiaeth a Ffiniau Cymru'. This reflects the revised functions of the

LDBCW (both for Senedd boundary reviews and the transfer of the functions of the IRP) and its existing role in reviewing local government electoral boundaries.

272. The Bill increases the maximum number of Commissioners from 'not more than five' to 'not more than nine' to address the increase in functions of the DBCC, including the transfer of functions from the IRP. As public appointees, Welsh Ministers will continue to determine the number of Commissioners in post.
273. The Bill makes provision for Welsh Ministers to increase the quorum of meetings of the Commission (currently at a minimum of three) through secondary legislation if the commission concludes at a later date that there is a need for a slightly higher quorum, when it has determined its new operating model.
274. The legislation allows for Commissioners of the DBCC to appoint Assistant Commissioners to assist in the discharge of their duties in relation to Senedd boundary reviews, consulting with Welsh Ministers before doing so. This mirrors current arrangements for local government reviews.
275. The legislation also updates the current list of persons disqualified from being appointed as a Commissioner of the DBCC to include Senedd Commission staff, and any other persons appointed to assist a Member of the Senedd with the carrying out of their functions. This is due to the Commission's new responsibilities in relation to Senedd boundaries. The legislation also updates the list of persons disqualified from being appointed as Assistant Commissioners and Chief Executive of the Commission in the same way.

## ***Boundary reforms***

### **2026 review**

276. The provisions in the Bill require the Democracy and Boundary Commission Cymru (DBCC) to undertake a ‘pairing’ boundary review ahead of the 2026 Senedd Election, and sets out the rules the DBCC must follow when undertaking the review.
277. The DBCC must propose new Senedd constituencies formed of two new UK Parliamentary constituencies in Wales, following the completion of the 2023 UK Parliamentary boundary review. The two UK Parliamentary constituencies must be contiguous.
278. The review therefore will entail using the new 32 UK Parliamentary constituencies in Wales as building blocks for the 16 new Senedd constituencies.
279. The UK parliamentary constituencies to be used will have been recently reviewed as part of the 2023 UK Parliamentary Boundary Review and are based on the UK Parliamentary franchise.
280. For UK Parliamentary boundary reviews, the Parliamentary Constituencies Act 1986 (as amended) sets out in Schedule 2 a number of Rules for the development of proposals for individual constituencies. Rule 2 provides that – apart from five specified exceptions in the UK, including one in Wales – every constituency must have an electorate that is no less than 95% and no more than 105% of the ‘UK electoral quota’.
281. The Senedd Cymru (Members and Elections) Bill does not itself set an electoral quota for the pairing of boundaries for 2026. However, as the UK parliamentary constituencies all have to be within 5% of the UK parliamentary electoral

quota, in practice the Senedd constituencies for 2026 will be very similar in electorate size. The exception to this will be the constituency pairing which includes Ynys Môn as it had protected status as part of the UK Parliament boundary review.

282. The Bill states that when determining the pairings, the DBCC may take into account as part of its consideration of possible combinations:

- a. Local government boundaries that exist on the review date;
- b. Special geographical considerations, including the size, shape and accessibility of proposed Senedd constituencies;
- c. Any local ties that would be broken by the proposed pairings.

283. The factors the DBCC may take into account listed above are similar to those for other boundary reviews, such as the UK Parliamentary reviews. A requirement that it ‘may’ consider the boundaries of existing constituencies (which is included in the UK Parliament reviews) is not included in the above list because it is explicitly included in the mandatory rules for the DBCC i.e. that it must take into account UK Parliamentary constituencies (and does not take account of the existing 40 Senedd constituencies).

284. It may be noted that the 2023 UK Parliamentary Review was not based on current Welsh local government ward boundaries. The UK Parliament boundary review was based on the local government boundaries that were in place at the time of that review, and since then there have been changes to local government boundaries in Wales. This means that a small number of wards (eight) are split between UK Parliamentary Constituencies. Consequently, when those constituencies are used as the basis of the

pairing exercise, there may be local government wards split between Senedd Constituencies. The legislation does not require any action to be taken to rectify these split wards during the 2026 review, as this could add undue complexity to the review and thereby impact on the required completion of the review in time for the 2026 Senedd election. Senedd constituencies that will result from this review will only be in place for one cycle, and it is anticipated that any split wards will be rectified as part of the review undertaken in advance of the subsequent election.

285. As noted above, Ynys Môn was a protected constituency in the UK parliamentary review, but the Bill does not provide it with protected status in the 2026 review. The DBCC will be required to pair Ynys Môn with another UK Parliament constituency.

286. The Bill sets out how the DBCC must state the name by which the new constituencies will be known. Names must be proposed in both English and Welsh. However, if a name is acceptable in both languages, the Commission will propose that name. The Bill sets out how the Commission is required to engage with the Welsh Language Commissioner to seek views on the orthography (the accepted way of spelling and writing words) of the proposed Welsh Language name at relevant times throughout the review.

287. The Bill provides that the Commission must state (“designate”) whether a new constituency is either a county or a borough constituency. This is a legal requirement in other boundary reviews and the main effect of this designation is linked to regulated expenditure by candidates. The Senedd reform legislation does not include the factors the DBCC should take into account when designating new Senedd constituencies, though this is normally related to the rurality of the constituency.

288. The legislation requires the DBCC to undertake two consultation periods as part of the review. The first consultation period will be four weeks long following the publication of an ‘initial report’ and a second consultation period will also be four weeks long following the publication of a ‘second report’. Whilst the consultation windows are shorter than those included as part of ‘full’ UK Parliament boundary reviews, they are considered proportionate given the timing pressures, and the nature of the streamlined boundary review. The legislation therefore does not mandate any public hearings as part of the consultation requirements. The DBCC will be required to publish all representations received during both consultation periods.

289. The Bill requires the DBCC to publish a final report (and to send a copy to Welsh Ministers) before 1 April 2025. Welsh Ministers must then lay the report before the Senedd on behalf of the DBCC. A deadline is considered necessary to ensure enough preparation time for electoral administrators.

290. The Bill contains a requirement for Welsh Ministers to implement, via regulations, the DBCC’s determinations included in its final report. The regulations must be laid before the Senedd.

291. This approach – in which neither the Welsh Ministers nor the Senedd can alter the determinations of the DBCC or prevent them from becoming law – removes the risk (perceived or actual) that politicians can influence the implementation of boundaries in a way that could potentially benefit a particular Member or Political Party. It is also in line with recommendation 29 of the Committee on Senedd Electoral Reform:

*“recommendations should be implemented without a requirement for Senedd approval and with government ministers having no*



*power to amend such recommendations, other than if requested by the boundary commission to correct errors.”<sup>69</sup>*

292. The Bill sets out how the regulations must be made within fourteen weeks after the final report of the DBCC has been laid before the Senedd. In the event of “exceptional circumstances”, Welsh Ministers may make the regulations beyond the fourteen-week period, accompanied by a statement setting out the nature of the “exceptional circumstances”. In this event, Welsh Ministers must make a statement (in advance of the end of the fourteen-week period) to the Senedd outlining the exceptional circumstances necessitating a delay. Welsh Ministers must subsequently make additional statements every four weeks until the regulations are made.

293. The Bill also makes provision for Welsh Ministers to correct errors notified to them by the DBCC. Where errors are identified after the final report has been published and laid before the Senedd which would require a modification to the determinations, the DBCC must submit to the Welsh Ministers (and then publish as soon as possible) a statement setting out the modifications they consider should be made to the determinations to correct any errors, and the reasons for those modifications. On receiving the statement from the DBCC, Welsh Ministers should lay (on behalf of the DBCC) the statement as published before the Senedd. The regulations giving effect to the determinations must reflect the modifications outlined in such a statement. This is the only process by which determinations of the DBCC can be modified and this is in line with arrangements for Scottish Parliament and UK Parliament boundary reviews.

294. The coming into force of the regulations will not affect the return of a Member of the Senedd, or the

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<sup>69</sup> Special Purpose Committee on Senedd Reform, Reforming Our Senedd A Stronger Voice for the People of Wales, recommendation 29

constitution of the Senedd, until the dissolution of the Senedd in connection with the first general election to be held after 6 April 2026. This means that any election taking place on or before 6 April 2026 will be held under the existing electoral system and constituency boundaries, but that if an ordinary general election is moved forward by a month, as a result of the Llywydd exercising their power under s4 of GoWA, that election could still be held on the basis of the new electoral system and Senedd constituency boundaries.

295. Welsh Ministers also have a power to move the date of an ordinary Senedd election if otherwise it would be held on the same date as a UK Parliament general election. The above provisions therefore also cover the possibility of an ordinary Senedd election being moved one month earlier by Welsh Ministers.

### **2030 'full' boundary review**

296. The Bill makes provision for the DBCC to undertake a 'full' boundary review ahead of the 2030 Senedd Election.

297. As part of the review, the DBCC will need to determine (in accordance with the rules of the review) whether the boundaries of the interim 16 Senedd constituencies paired for 2026 should change (and if so, what changes should be made), or whether no changes are required.

298. The Bill provides that one rule of the review is that the DBCC must propose constituencies between 90% and 110% of the electoral quota. The electoral quota is the number of registered electors eligible to vote in Senedd elections in Wales divided by the total number (16) of Senedd constituencies.

299. A 10% variance is considered appropriate as it allows for balance and flexibility for the DBCC to consider factors other than the quota, whilst also maintaining a level of parity of representation between electors in different constituencies. The electoral quota will be based on the most recent local government electoral register as at the review date (the same electoral franchise exists for both local government and Senedd elections). The most recent register is defined as being the most recent version published under Section 13(1)(a) of the Representation of the People Act 1983.

300. The Bill also provides that in addition to the electoral quota requirement set out above, in considering whether there should be changes to Senedd constituencies (and if so, what those changes should be), the DBCC may have regard to (in no order of precedence):

- Local government boundaries which exist or are prospective at the start of the review;
- Special geographic considerations, including in particular the size, shape and accessibility of a proposed or existing Senedd constituency; and
- Any local ties that would be broken by such changes.

301. These factors are similar to those included in other boundary reviews, for example the UK Parliamentary boundary reviews, and reflect the factors included as part of the 2026 review.

302. In considering changes that may be proposed in respect of the factors above, the Bill provides that the DBCC will weigh up and balance the benefits of any such proposals with the requirement to seek to minimise the amount of change to the interim Senedd constituencies established for 2026 and having regard to the inconveniences caused by making changes to them.

303. Limiting change for change's sake is considered important from a public and voter understanding perspective. There will be a significant change in boundaries between the current constituencies and ones that will be used for the 2026 election. There could also be potential for further significant change before the 2030 Senedd election, therefore lessening the potential for change is considered appropriate to seek to minimise voter and public confusion. This is especially important given that another UK Parliamentary boundary review will be taking place around the same time with a reporting deadline of 1 October 2031, which could mean more change to electoral boundaries. Considering the implications of significant change is also considered important to minimise, where appropriate, disruption to, and changes required by, electoral administrators.

304. As with the 2026 review, the Bill sets out how the DBCC must state the name by which the new constituencies will be known. Names must be proposed in both English and Welsh. However, if a name is acceptable in both languages, the Commission will propose that name. This is intended to facilitate and promote the use of the Welsh language and take forward the Welsh Government's stated policy and aspirations in terms of language policy. The Bill sets out how the Commission is required to engage with the Welsh Language Commissioner to seek views on the orthography (the accepted way of spelling and writing words) of the proposed Welsh Language name at relevant times throughout the review.

305. As with the 2026 review, the legislation provides that the Commission must state ("designate") whether a new constituency is either a county or a borough constituency. This is a legal requirement in other boundary reviews and

the main effect of this designation is linked to regulated expenditure by candidates. The Bill does not include the factors the DBCC should take into account when designating new Senedd constituencies, though this is normally related to the rurality of the constituency.

306. The legislation requires the DBCC to undertake three consultation periods as part of the review. The first consultation period will be eight weeks long following the publication of an ‘initial report’, and a second consultation period will follow and will last six weeks. Provision is also made in the Bill for public hearings to take place as part of the second consultation period, and for how they are to be conducted (mirroring arrangements for UK Parliament constituency boundary reviews). Following a publication of a ‘second report’, a third consultation period of four weeks is required to take place. The DBCC will be required to publish representations received during the consultation periods, including representations made at public hearings.
307. The Bill requires the DBCC to publish a final report (sending a copy submitted to Welsh Ministers) before 1 December 2028. Welsh Ministers must then lay the report before the Senedd on behalf of the DBCC. As for the 2026 boundary review, a deadline is considered necessary to ensure enough preparation time for electoral administrators to understand the new constituency arrangements, prior to a subsequent election.
308. As with arrangements for the 2026 review, the Bill contains a requirement for Welsh Ministers to implement, via regulations, the DBCC’s determinations included in its final report. The regulations must be laid before the Senedd.
309. As outlined in the 2026 review section above, this approach – in which neither Welsh Ministers, nor the Senedd,

can alter the determinations of the Commission, or prevent them from becoming law – removes the risk (perceived or actual) that politicians can influence the implementation of boundaries in a way that could potentially benefit a particular Member or Political Party. It is also in line with recommendation 29 of the Special Purpose Committee on Senedd Reform:

*“recommendations should be implemented without a requirement for Senedd approval and with government ministers having no power to amend such recommendations, other than if requested by the boundary commission to correct errors.”<sup>70</sup>*

310. The Bill also sets out how the regulations must be made as soon as is practicably possible and in any event within six months after the final report of the DBCC has been laid before the Senedd. In the event of “exceptional circumstances”, Welsh Ministers may make the regulations beyond the six-month period. In this event, Welsh Ministers must make a statement (in advance of the end of the six-month period) to the Senedd outlining the exceptional circumstances necessitating a delay. Welsh Ministers must subsequently make additional statements every four weeks until the regulations are made.

311. As with the 2026 review, the Bill also makes provision for Welsh Ministers to correct errors notified to them by the DBCC. Where errors are identified after the final report has been published and laid before the Senedd which would require a modification to the determinations, the DBCC must submit to the Welsh Ministers (and then publish as soon as possible) a statement setting out the modifications they consider should be made to the determinations to correct any errors, and the reasons for those modifications. On receiving the statement from the DBCC, Welsh Ministers

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<sup>70</sup> Special Purpose Committee on Senedd Reform, Reforming Our Senedd A Stronger Voice for the People of Wales, recommendation 29.

should lay (on behalf of the DBCC) the statement as published before the Senedd. The regulations giving effect to the determinations must reflect the modifications outlined in such a statement. This is the only process by which determinations of the DBCC can be modified, and is in line with arrangements for Scottish Parliament and UK Parliament boundary reviews.

312. The legislation provides that the provisions for the 2030 boundary review must come into effect for the purposes of an ordinary Senedd election held after 1 April 2030. This date reflects that under section 4 of GoWA 2006, the Llywydd has the power to vary the date of an ordinary Senedd election (to move it forward or backwards) by up to one month. This means that if an election takes place after 1 April 2030, any revised Senedd boundaries proposed for the 2030 election would be used.

313. As outlined previously, Welsh Ministers also have a power to move the date of an ordinary Senedd election if otherwise it would be held on the same date as a UK Parliament general election. The above provisions cover the possibility of an ordinary Senedd election being moved one month earlier by Welsh Ministers.

314. If Welsh Ministers were to move the election scheduled for May 2030 forward by more than one month, then that election would be held on the basis of the existing Senedd boundaries (i.e. the boundaries established for the 2026 Senedd election). This takes account of the limited time that electoral administrators would have to prepare for the election (the Gould principle).

### **Periodic reviews after 2030**

315. The Special Purpose Committee on Senedd Reform made clear that Senedd reform legislation should also

include a requirement for full boundary reviews to be undertaken on a periodic basis, and this has been reflected in the Bill.

316. This would ensure that the current situation, whereby Senedd constituency boundaries have not been reviewed for over 15 years, will not happen again.

317. Regular boundary reviews are considered necessary to take into account changes in demographics and populations over time and to ensure that parity of representation across constituencies is maintained.

318. The Bill therefore states how the DBCC must review Senedd constituency boundaries by carrying out 'full' reviews at regular intervals of one every eight years. This means there will be no more than two Senedd terms between each 'full' review, and boundaries will be in place for two Senedd elections.

319. Providing a schedule for regular reviews will also assist the DBCC with the planning process and managing their work. It also provides assurance to the public that constituencies will be reviewed regularly.

320. For other parliaments of the UK, timescales for reviews are also set out in primary legislation – for UK Parliament boundary reviews, it is set as every eight years, whereas for Scottish Parliament reviews, it is currently set as not less than 8 and not more than 12 years.

321. The Bill sets out that the rules and processes involved for the regular reviews will be the same as those that are covered above for the 2030 review, with final reporting deadlines of before the 1 December in every eighth year following 1 December 2028.



## ***Residency Requirement***

322. This Bill provides that an individual who is not registered in the register of local government electors at an address within Wales is disqualified from being a candidate for election, and from being a Member of the Senedd.

323. Therefore, in order to be validly nominated as a candidate at a Senedd General election, and to remain a Member, a person must have met the same residency criteria that they need to have met in order to vote at a Senedd General election (and to have been registered as such).

324. “Resident” means the definition given in the Representation of the People Act 1983.

325. However, the residency provisions of the Bill would only require an individual to reside somewhere in Wales, not in a specific Senedd constituency. For example, it would be possible for a person to be on the register of local government electors in Pembrokeshire and stand for election in a constituency in Cardiff. By contrast, to vote in a particular constituency you must be resident in that constituency.

326. Similarly, candidates who are not elected at a Senedd General election but who are later in a position to fill a casual vacancy must be resident in Wales at the point they fill the vacancy and for as long as they remain a member of the Senedd.

## ***Reduction in Senedd Term Lengths***

327. This Bill provides for the reduction of the length of Senedd Terms from five years to four years by changing the frequency of ordinary general elections. This would mean that following the ordinary general election in May 2026, the

following ordinary general elections will be held on the first Thursday in May 2030, then May 2034, and so on.

### ***Review Mechanism***

328. This Bill will place a duty on the Llywydd to table a motion, to establish a Senedd Committee to conduct a review of the changes introduced by the Act following the 2026 election.

329. The motion will require the review post-2026 Senedd election to consider:

- the operation and effect of the provisions of the Government of Wales Act 2006 and the Local Government (Democracy) (Wales) Act 2013 as amended by this Bill; and
- the extent to which elements of a healthy democracy are present in Wales.

330. The Llywydd is required to table the motion as soon as practicable after the first meeting of the Senedd returned post-2026 election, but in any event no longer than 6 months from that date.

331. The review must be concluded within 12 months of the first meeting of the Senedd returned post-2026 election (i.e. if the Llywydd were to take all of the available 6 months to table the said motion and it was agreed, the appointed committee will be entitled to a further 6 months in which to complete its review).

### ***Job-sharing***

332. The Bill places a duty on the Llywydd to table a motion proposing that a committee of the Senedd undertakes a review of the extent to which persons should be able to jointly hold, or temporarily hold, particular offices in the Senedd and government. This is intended to provide

sufficient scope for the committee, if established, to review the practical and legislative implications of job-sharing for candidates standing in a Senedd election to be returned as a job-sharing Member of the Senedd, job-sharing executive and Senedd roles set out in GoWA 2006, and arrangements for temporarily holding an office while that person is unavailable.

333. The Llywydd must table the motion as soon as practicable after the first meeting of the Senedd following the first general election held after 6 April 2026 and no later than six months after the first meeting of the Senedd following that election.

334. The motion tabled by the Llywydd must also propose that the committee established to undertake the review should prepare a report, with recommendations, following its review. If the committee is established and it agrees that a report should be laid before the Senedd, the Welsh Ministers must lay a statement which responds to the report, setting out what action, if any, is proposed in response to the recommendations. It is anticipated that both the committee's report and the response from the Welsh Ministers will give consideration to the practical and legislative implications of enabling job-sharing.

## Chapter 4: Consultation

335. The Special Purpose Committee's report set an ambitious timetable to implement Senedd Reform in time for the next scheduled Senedd election in 2026. The Committee identified that a boundary review could only be initiated after the passage of legislation to enable such, and therefore that Senedd Reform legislation would need to be introduced as a matter of urgency if its proposals were to be implemented in time for the 2026 election. In addition, it is entirely appropriate that electoral administrators and political parties have appropriate time to prepare for the implementation of such changes, following the making of relevant legislation.<sup>71</sup>

336. The Welsh Government had noted in its response to the report of the Special Purpose Committee on Senedd Reform, *Reforming Our Senedd, A Stronger Voice for the People of Wales*, that this tight timetable might potentially limit or curtail opportunities for pre-legislative scrutiny. This eventuality came to pass, and in the timescale available for developing the legislation it was not possible for the Welsh Government to undertake its own open public consultation on either the general concepts of Senedd Reform or a draft Bill.

337. Instead, the Welsh Government undertook:

- Targeted bilateral engagement with external stakeholders to ensure officials were cognisant of their views on key issues; and

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<sup>71</sup> For example, the Gould Convention provides that all relevant legislation to an election- including secondary legislation- should be made at least six months prior to the notice of that election, to ensure there is sufficient time for changes to electoral law to be properly implemented. The Gould Convention arises from a report on the [Scottish Elections 2007: The independent review of the Scottish Parliamentary and local government elections 3 May 2007](#).

- Early and detailed engagement with the electoral administrator community, ensuring that administrative concerns could be fed into the legislation design process.

338. For example, there has been regular engagement with the secretariat of the Local Democracy and Boundary Commission for Wales during the development of the Bill, to ensure that the proposals included are both deliverable and reflect existing boundary review practices. Regular meetings have been held about the proposed arrangements and possible impact on the Commission, alongside the changes to be made via the Elections and Elected Bodies (Wales) Bill.

339. There has also been direct engagement with the Electoral Commission on those aspects of reform which impact directly on it, and the Electoral Commission has facilitated engagement with a number of political party representatives on proposals impacting on political parties.

340. The Welsh Government has also engaged with the Information Commissioner's Office on elements of the Bill relating to the privacy of people's information.

341. Such engagements have informed the evolution and development of the Bill.

342. The Welsh Government will also undertake a public consultation on changes to and consolidation of the National Assembly for Wales (Representation of the People) Order 2007 (the Conduct Order), which will provide the statutory basis for the 2026 election, and will incorporate changes arising from the Senedd Cymru (Members and Elections) Bill. It will also incorporate practical measures, such as the design of the ballot paper.

343. In addition, while the Welsh Government was not able to undertake its own public consultation, in developing the

legislation it has considered the wealth of information on the public's views on Senedd Reform, as expressed in a series of consultations undertaken over the last twenty years. A summary of these consultations is detailed below.

344. With regard to those changes that this Bill introduces that are not as a result of Special Purpose Committee recommendations,<sup>72</sup> the extremely truncated timescales for legislative development means that there has not been specific engagement undertaken on these elements.

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<sup>72</sup> In particular returning the normal length of time between Senedd ordinary general elections to four years; requiring candidates to, and Members of, the Senedd to be resident in Wales; a review of the operation and effect of the new legislative provisions following the 2026 election; and a mechanism for the Senedd's consideration of job-sharing of offices relating to the Senedd, in the Seventh Senedd.

## **The Commission on the Powers and Electoral Arrangements of the National Assembly for Wales (the Richard Commission), 2004**

345. In 2002, the Welsh Government established an independent Commission to review the powers and electoral arrangements of the National Assembly for Wales in order to ensure that it was able to operate in the best interests of the people of Wales. In its report, the Commission made recommendations related to the Assembly's structure, membership and electoral system.

346. The Richard Commission informed its report by gathering the views of the people of Wales via public meetings, public opinion survey research, meetings with young people and representative organisations and two consultations issued in November 2002 and February 2003. The Commission held a total of 115 evidence sessions and received over 300 written submissions.

347. The Commission acknowledged that its public meetings were not a representative sample of people in Wales, commenting that:

*“those who chose to come to our meetings, or respond to our consultation, were people particularly interested in the Assembly and its future. It is not surprising that they expressed their views strongly.”<sup>73</sup>*

348. Some respondents to the Commission's varied engagement efforts questioned (even then) how the National Assembly for Wales could cope with only 60 Members, with one respondent highlighting:

*“The very damaging and inevitable consequences of such a small number of Welsh AMs have been: an impossibly small Cabinet, Ministers greatly overburdened and...committees, each with a*

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<sup>73</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Chapter 3, Para 4

*membership much too small to give proper and close scrutiny...annual spend, soon to be £12 billion, should be effectively tested, scrutinised and closely monitored. How can this be properly done by 60 AMs?”<sup>74</sup>*

349. Others commented that the size of the Assembly should only be increased in the event that it was to gain further powers, with one respondent commenting that:

*“The number of members... should only increase if the Assembly received extra powers... The small size of the Assembly has its advantage... every member needs to know quite a lot of what is going on in Wales.”<sup>75</sup>*

350. The report also notes that “a few respondents felt that 60 Members was too many”<sup>76</sup> with one stating that they were:

*“not convinced that there is enough business to fully occupy the time of the existing members. I submit that the members...be reduced to 40.”<sup>77</sup>*

351. The report details that “the powers of the Assembly prompted much more comment than the electoral arrangements”<sup>78</sup> and that those respondents who did focus on electoral arrangements “put forward a wide range of views both for and against the current voting system.”<sup>79</sup> These included concerns about public understanding of a list system and the proportionality of the system. A repeated concern arising from the MMP system was that it resulted in “a difference in representation and workload between

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<sup>74</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Written response to consultation (author not identified in the Commission’s report)

<sup>75</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Written response to consultation (author not identified in the Commission’s report)

<sup>76</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Chapter 3, Para 38

<sup>77</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Written response to consultation (author not identified in the Commission’s report)

<sup>78</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Chapter 3, Para 39

<sup>79</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Chapter 3, Para 40



constituency and regional AMs,”<sup>80</sup> with one speaker at a public meeting in Swansea commenting that the system:

*“creates two classes of AMs....in some minds this attaches different levels of legitimacy to different AMs. The regional top up seats are not identified by the electorate in general. This means local casework tends to go to those elected on a parliamentary constituency basis. It also means the AMs elected on a regional basis are more able to pick and choose what issues to campaign on.”*<sup>81</sup>

352. Those respondents who favoured a change in electoral system most often suggested STV, with one commenting that they had:

*“participated in every election for which I have been eligible since the age of 21 and... [my].... vote has not once, in all those 54 years, had any bearing on the result whatsoever. To all intents and purposes I feel disenfranchised by the present system. I want to be able to make my vote effective and can see no other way of achieving this than by means of a change to STV.”*<sup>82</sup>

353. The report details that those persons who commented on the Senedd’s boundaries “were largely in favour of retaining the link with the [UK] Parliamentary boundaries,”<sup>83</sup> with a written opinion at a public meeting in Llandrindod Wells commenting that it was “very important to keep these the same for Parliamentary and Assembly elections. People are confused enough as it is.”<sup>84</sup>

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<sup>80</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Chapter 3, Para 46

<sup>81</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Speaker, Public Meeting in Swansea (speaker not identified in the Commission’s report)

<sup>82</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Written opinion, Public meeting, Cardiff

<sup>83</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Chapter 3, Para 47

<sup>84</sup> Report of the Richard Commission: Commission on the Powers and Electoral Arrangements of the National Assembly for Wales, Written Opinion, Public Meeting in Llandrindod Wells (not identified in the Commission’s report)

## **The Commission on Devolution in Wales (the Silk Commission), 2014**

354. The *Commission on Devolution in Wales* was established by the UK Government in 2011 to review the financial and constitutional arrangements in Wales. It carried out its work in two parts. In 2012, the Commission published its report on Part I, which looked at fiscal powers. In 2014 the Commission published its report on Part II of its remit, *Empowerment and Responsibility: Legislative Powers to Strengthen Wales*, which focused on the wider powers of the National Assembly for Wales. Across these reports it made a series of recommendations related to the National Assembly and its relationship with the UK Parliament. These included that the size of the National Assembly should be increased so that it could perform its scrutiny role better.

355. The Commission's second report was informed by a *Call for Evidence* that was circulated to nearly 800 interested groups and organisations and received over 200 submissions. The Commission held a series of public events throughout the country which were attended by over 400 people. Over 500 responses were received to a questionnaire that was made available at these events, in hard copy and online. The Commission also gathered statistical data on public opinion on Welsh devolution via a public opinion survey, which consisted of telephone interviews with a representative sample of 2,009 members of the Welsh population aged 16 and above.

356. The Commission received a range of evidence calling for the size of the Assembly to be increased, with the then Presiding Officer stating that:

*“given the weight of responsibility resting with the Institution, and the unavoidable scale of the workload faced by Members, I am in*

*no doubt that the number of Assembly Members should be increased from 60 to 80.”<sup>85</sup>*

357. The UK’s Changing Union project noted that “research indicates that the Assembly is below the ‘floor size’ that would allow Members to undertake effectively all necessary functions.”<sup>86</sup> It commented that with the granting of primary legislative powers under the 2006 Government of Wales Act:

*“there can be no justification for this state of affairs to continue. Should the Assembly acquire further powers, the case for an increase in the number of Assembly Members in our view becomes unanswerable.”<sup>87</sup>*

358. In his evidence, Professor John Williams, Aberystwyth University stated that: “the capacity of the Assembly to scrutinise legislation is restricted by the limited number of AMs available to undertake that role’.”<sup>88</sup> He asked whether:

*“a standing body appointed to scrutinise and advise the appropriate Assembly Committee (would) provide the necessary additional support? This would not undermine the democratic accountability of the Assembly, but would rather enhance its ability to ensure that legislation is fit for purpose’.”<sup>89</sup>*

359. The Electoral Reform Society recommended “an increase in the number of Assembly Members” and noted that “it is vital to democratic policy outcomes that we have sufficient oversight and scrutiny capacity in order to shape those outcomes so that they serve the people of Wales as well as possible.”<sup>90</sup> It stated that “it is clear that the size of the Assembly means that there are not enough people to provide effective scrutiny already.”<sup>91</sup>

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<sup>85</sup> The [Commission on Devolution in Wales - Empowerment and Responsibility - Legislative Powers to Strengthen Wales](#), March 2014, Page 153

<sup>86</sup> The Commission on Devolution in Wales, *Legislative Powers to Strengthen Wales*, 2014, Page 153

<sup>87</sup> The Commission on Devolution in Wales, *Legislative Powers to Strengthen Wales*, 2014, Page 153

<sup>88</sup> The Commission on Devolution in Wales, *Legislative Powers to Strengthen Wales*, 2014, Page 153

<sup>89</sup> The Commission on Devolution in Wales, *Legislative Powers to Strengthen Wales*, 2014, Page 153

<sup>90</sup> The Commission on Devolution in Wales, *Legislative Powers to Strengthen Wales*, 2014, Page 153

<sup>91</sup> The Commission on Devolution in Wales, *Legislative Powers to Strengthen Wales*, 2014, Page 153

360. The Church in Wales expressed concern that:

*“in-depth scrutiny of important legislation may suffer because there are not enough back-bench AMs to carry out all the necessary tasks. Where large numbers of AMs have to be part of the government, it is hard for them to be sufficiently independent.”*<sup>92</sup>

361. Unite Wales likewise noted that:

*“as earlier raised by the Richard Commission and others, the existing 60 Assembly Members is not sufficient enough to effectively scrutinise the legislative and departmental work of the Welsh Government.”*<sup>93</sup>

362. The Law Society concurred that the “current complement of just 60 Assembly Members is too few” and that the “figure compares unfavourably with the Parliament in Scotland which has 129 and the Northern Ireland Assembly which has 108.”<sup>94</sup> It also commented that “this is an issue which if not addressed when the powers of the National Assembly for Wales are widened will intensify.”<sup>95</sup>

363. The Institute of Welsh Politics considered that there “is already a strong case for increasing the number of AMs elected to the NAfW.”<sup>96</sup> It added that:

*“any further transfer of competencies to the NAfW makes increasing the number of elected representatives essential if the body is to undertake its legislative and scrutiny functions effectively.”*<sup>97</sup>

364. The Wales Study Group of the Study of Parliament Group considered that it is “hard to disprove that substantial capacity constraints arise from having such a relatively small number of AMs.”<sup>98</sup> It also considered that at some stage the:

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<sup>92</sup> The Commission on Devolution in Wales, Legislative Powers to Strengthen Wales, 2014, Page 154

<sup>93</sup> The Commission on Devolution in Wales, Legislative Powers to Strengthen Wales, 2014, Page 154

<sup>94</sup> The Commission on Devolution in Wales, Legislative Powers to Strengthen Wales, 2014, Page 154

<sup>95</sup> The Commission on Devolution in Wales, Legislative Powers to Strengthen Wales, 2014, Page 154

<sup>96</sup> The Commission on Devolution in Wales, Legislative Powers to Strengthen Wales, 2014, Page 154

<sup>97</sup> The Commission on Devolution in Wales, Legislative Powers to Strengthen Wales, 2014, Page 154

<sup>98</sup> The Commission on Devolution in Wales, Legislative Powers to Strengthen Wales, 2014, Page 154

*“capacity issues will have to be addressed, otherwise there will be an inevitable continued impact on the profile, effectiveness and legitimacy of the Assembly.”<sup>99</sup>*

365. The Commission notably concluded that:

*“A number of possible remedies to the ‘capacity gap’ have been suggested. One is to add unelected, non-voting members to committees, or to create a second Chamber. These are democratically problematic and we do not recommend them. Greater flexibility on the number and size of committees; increased research staff capacity; and better use of Assembly Members’ time— ‘smarter working’—are other suggested remedies. Each may bring some relief, and we encourage the National Assembly and its Business Committee to consider them. However, they cannot provide the long-term solution needed. We are convinced that the National Assembly requires more backbench members who will be able to scrutinise Welsh Government legislation and policy more thoroughly.”<sup>100</sup>*

## **A Parliament that works for Wales: The report of the Expert Panel on Assembly Electoral Reform, 2017**

366. The Expert Panel on Assembly Electoral Reform was appointed by the Llywydd and Assembly Commission in February 2017, and tasked with making recommendations on the number of Members the Assembly needs, the system by which they should be elected, and the minimum voting age for Assembly elections.

367. The Expert Panel supplemented its own expertise by inviting targeted evidence from specialists, and by issuing a general invitation for interested individuals, groups and organisations, and the public, to share their views.

368. The panel received 33 written submissions from individuals and organisations.

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<sup>99</sup> The Commission on Devolution in Wales, *Legislative Powers to Strengthen Wales*, 2014, Page 154

<sup>100</sup> Commission on Devolution in Wales, *Empowerment and responsibility: legislative powers to strengthen Wales*, 2014, para 13.3.2

369. It also considered relevant information in the public domain, noting for example that in his autobiography, Rhodri Morgan, the former First Minister of Wales, had said that the Richard Commission’s recommendation on size had not been implemented because it:

*“...would screw up any chances of getting the other conclusions on law-making powers through—the people of Wales were simply not ready to accept any argument for more AMs, however logical the reasoning over increased work on the legislative front needing more legislators to carry it out.”<sup>101</sup>*

370. Evidence considered by the panel also included an analysis by the Hansard Society of the impact of the Senedd’s size on engagement, which found that:

*“the small size of the Assembly and the associated visibility of any absences from committee or Plenary meetings... made it difficult to engage with other elements of the role, including engagement with external organisations, groups or the public.”<sup>102</sup>*

371. The panel also noted that, in 2014, Bangor University had undertaken research on the barriers to standing for election to the Senedd, and found that respondents:

*“...strongly noted the work-life imbalance as a potential barrier, with respondents discussing both the stress of the role itself as well as the impact it has on their family and social lives.”<sup>103</sup>*

372. The panel also undertook informal discussions with individual Members, with many noting the importance of using recess periods for constituency business, particularly as certain community events (e.g. farmers’ markets or community council meetings) take place during the Senedd’s working week. One commented that:

*“...it’s very easy to exist in a bubble in Cardiff Bay and not understand the very real pressures facing people, businesses and*

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<sup>101</sup> Morgan, R. (2017) Rhodri: A Political Life in Wales and Westminster, University of Wales Press, p.245

<sup>102</sup> Hansard Society, Assembly Line? The Experiences and Development of New Assembly Members, 2013

<sup>103</sup> Bangor University, Evaluating barriers to entering the Assembly: what prevents us from standing?, July 2014

*services which is why the recess period is an important time to engage with our local communities.”<sup>104</sup>*

373. In evidence to the Panel, the Auditor General for Wales notably expressed concerns about the capacity of a 60 Member Senedd to carry out its financial scrutiny responsibilities effectively, particularly following the devolution of tax varying powers. He commented that:

*“60 Members is too low a number to ensure that there are sufficient Members with the time and interest to apply consistent close scrutiny to Ministers’ fiscal proposals. Fiscal proposals are fairly technical in nature, and consideration of their likely economic effects is not straightforward.”<sup>105</sup>*

374. The panel concluded that 'more Assembly Members are needed if the Assembly is to work effectively in meeting the scrutiny and legislative challenges and opportunities that it faces today as well as in the future. There is therefore a compelling case for a substantial increase in size.'

375. The panel also noted evidence related to job sharing. For example, Campbell and Childs highlighted (in relation to MPs, though the Panel considered that the issues raised were equally relevant to Members of the Senedd) that job sharing arrangements could make it more accessible for people with disabilities or caring responsibilities to put themselves forward for election. They also argued that it could allow doctors, teachers, nurses (and other professionals) to become:

*“MPs whilst continuing to maintain their professional skills. Furthermore, there are risks and costs involved in standing in marginal seats, and allowing MPs to continue to pursue a career part time outside of politics might allow more people to consider standing for election. In an aging society, it would also permit the older MP to better balance work and retirement by enabling them to effectively work part-time in their later years. Or it might enable*

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<sup>104</sup> Expert Panel on Assembly Electoral Reform, in [A Parliament the Works for Wales](#), November 2017, Para 6.24, Informal discussions with Members

<sup>105</sup> Expert Panel on Assembly Electoral Reform, in [A Parliament the Works for Wales](#), November 2017, Para 6.24, Para 7.21, 61 EP18 Auditor General for Wales

*a sitting MP to stand for one Parliament as a job-share so they can take on a caring role for an elderly relative before returning full-time at a later election.”<sup>106</sup>*

## **Creating a Parliament for Wales: consultation undertaken by the Senedd Commission, 2018**

376. Following the publication of the report of the Expert Panel on Assembly Electoral Reform in December 2017, the Senedd Commission decided to consult the public and stakeholders on the Panel’s recommendations and on the potential scope of other reforms to the Assembly’s electoral and internal arrangements. The Senedd Commission’s 2018 consultation<sup>107</sup> on *Creating a Parliament for Wales* is relevant to the Senedd Cymru (Members and Elections) Bill. That consultation received over 3,200 responses, and included questions on the Senedd’s size, electoral system, boundaries and measures related to its diversity.

377. A bilingual consultation document and response form were made available in hard copy and online, which included background information about the proposals. Easy read versions of the consultation document and response form were also made available.

378. A microsite was published, which provided details of the proposals in a more accessible way. Respondents could choose between completing an online survey covering all of the proposals or separate surveys addressing only the proposals of interest to them. The consultation documents and microsite were promoted via social media, shared via email with a range of stakeholders and distributed by the Assembly’s Outreach and Education teams.

379. Materials for young people, including workshop activities, were developed, and shared with schools and

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<sup>106</sup> Fawcett Society, *Open House? Reflections on the possibility and practice of MPs job-sharing*, September 2017

<sup>107</sup> Senedd Commission, [Creating a Parliament for Wales: Consultation report](#), October 2018.



youth groups across Wales. Sessions were delivered across Wales by the Senedd's Outreach and Education teams.

380. Four regional consultation events were held across Wales and promoted in various ways. Each event included presentations on the work of the Expert Panel and the potential reforms proposed in the consultation document. Attendees at the events were able to ask questions about the proposals and were encouraged to respond to the consultation.

381. The Senedd Commission also undertook targeted engagement with specific stakeholders, including electoral stakeholders, local government stakeholders, unions, the private and voluntary sectors and others.

382. The Commission received over 3,200 submissions to its consultation. Respondents could respond separately to each of the six issue-specific online surveys or could respond to the consultation as a whole. For this reason, the 3,200 submissions cannot be directly equated to 3,200 separate respondents.

383. A summary of the consultation responses is set out below. A full report on the [consultation](#) is available via the Senedd's website.

### ***Number of Members of the Senedd***

384. Notably, there was a majority view in favour of an increase in the number of Members of the Senedd, as provided for in the Senedd Cymru (Members and Elections) Bill. Of the 1,830 responses to questions on the number of Members the Senedd needs:

- 56 per cent (1,030) of responses were in favour of more Members;
- 39 per cent (710) were opposed; and

- five per cent (90) were unsure or did not express a preference.

385. The main reasons given for supporting an increase in the number of Members were more effective representation; greater diversity and range of views; a stronger voice for Wales; better scrutiny of the Welsh Government; better debates, policy and legislation; and greater accountability.

386. The main reasons given for opposing an increase in the number of Members were the additional cost and the impact of the cost on the delivery of public services.

387. Of the 1,030 responses in favour of increasing the number of Members:

- 95 per cent (980) agreed with the Expert Panel's recommendation of an increase to between 80 and 90 Members;
- Four per cent (40) suggested more than 90 Members; and
- one per cent (10) suggested 61–79 Members.

388. Although this indicates a historic public preference for a smaller number of Members than provided for in this legislation, the Special Purpose Committee rationalised that an increase to 96 was appropriate in light of the wide array of changes in the political landscape of Wales since the Expert Panel reported.

### ***Electoral System***

389. The Senedd Commission's consultation did not include questions specifically on a closed proportional list system. Of the 1,330 responses to questions on the three electoral systems recommended by the Expert Panel:

- 54 per cent (720) indicated a preference for the Single Transferable Vote System;
- 17 per cent (230) preferred Flexible List Proportional Representation;

- 16 per cent (210) favoured the Mixed Member Proportional System
- 13 per cent (170) of responses did not favour any of these three options put forward by the Expert Panel.

390. Of the 720 responses who supported Single Transferable Vote, 54 per cent (390) did not explain why. Reasons given by those who did provide explanations included:

- The proportionality of the Single Transferable Vote electoral system.
- Greater voter choice, in particular the high degree of control for voters over which candidates were elected.
- Increased fairness, with some responses suggesting that Single Transferable Vote was fairer because the outcomes would reflect all votes cast.
- A greater degree of Member accountability and engagement with the electorate. Some responses suggested this could, in turn, result in better Members being elected.
- The simplicity of the Single Transferable Vote system, and people's ability to understand it more easily than other systems.
- The advantages of the Single Transferable Vote system for smaller political parties. Some responses suggested that candidates representing smaller political parties would find it easier to get elected under Single Transferable Vote than under the current electoral system.
- The potential of the system to support candidate and Member diversity.

391. Of the 230 responses that expressed a preference for Flexible List Proportional Representation, 64 per cent (150) did not explain why. Reasons given by those who did provide explanations included:

- The proportionality of the Flexible List system.
- The degree to which outcomes under this system reflect all votes cast.

- Increased fairness.
- The ease with which the Flexible List Proportional Representation system can be understood.
- The advantages of Flexible List Proportional Representation for independent candidates and smaller political parties.

392. It is not possible to tell what the public's view would have been on a closed proportional list system, had it been included in the Senedd Commission's consultation. Nevertheless, it may be noted that the Commission's consultation did indicate a substantive majority in favour of changing the electoral system away from the current MMP system, with only 16 percent in favour of it being continued. As previously noted, in the timescale available for developing the Senedd Cymru (Members and Elections) Bill it was not possible for the Welsh Government to undertake its own open public consultation on either the general concepts of Senedd Reform or a draft Bill.

### ***Boundaries***

393. Of the 1,240 responses to a question on the constituencies that the Expert Panel had recommended should be used to elect a larger Assembly:

- 40 per cent (500) said that if the Assembly adopted either the Single Transferable Vote or Flexible List Proportional Representation for the election of Assembly Members, then Members should be elected on the basis of 20 constituencies made up of pairs of the existing 40 Assembly constituencies;
- 29 per cent (350) of responses preferred a model comprising 17 constituencies based on the existing 22 local authority areas; and
- 31 per cent (380) said 'don't know'.

394. The Senedd Commission's consultation did not include a question on using sixteen constituencies based on

a pairing of Westminster constituencies. These were not on the table at the time. As such, it is not possible to tell what the public's view would have been on this approach, had it been included. As previously noted, in the timescale available for developing the Senedd Cymru (Members and Elections) Bill it was not possible for the Welsh Government to undertake its own open public consultation on either the general concepts of Senedd Reform or a draft Bill.

### ***Job Sharing***

395. Of 1,300 responses to a question on job sharing:

- 34 per cent (440) agreed with the Expert Panel's recommendation that people should be able to stand for election to the Assembly on the basis of job sharing;
- 52 per cent (680) of responses disagreed; and
- 14 per cent (180) said 'don't know'.

396. Respondents identified a number of benefits of job-sharing, including:

- enabling more people to stand for election to the Senedd, for example those who are not able to work full time;
- greater diversity within the Senedd; and
- a wider range of skills and experience.

397. Respondents also identified a number of concerns about the practicalities of job sharing, including:

- how voting would be shared between partners, especially where partners did not have a shared view on particular issues;
- how job partners would be able to communicate and engage effectively with others;
- the risks of job sharing arrangements deteriorating during an elected term, resulting in arguments based on voting

intentions (where an unforeseen difference emerges between job sharing AMs); and

- views that Members should not have other work commitments (which were presented as an argument against job sharing).

398. Concerns were also expressed about the risks of job sharing for representation, including:

- the electorate being less familiar with two Members than one;
- difficulty knowing which job sharing partner to engage with on specific issues; and difficulty for the electorate to hold job partners to account.

399. Other issues raised in relation to job sharing included:

- additional costs resulting from job sharing;
- clarity or lack thereof for voters on the policy positions upon which job partners seek election; and
- differing political views leading to difficulties between job partners whilst in office.

400. 26 organisations responded to questions on job-sharing. Unlike respondents in general, most organisations supported the introduction of job sharing despite its practical challenges:

*“The idea of job sharing has real potential for making the Assembly accessible to a more diverse range of members. There are risks associated with its implementation, however we believe it would be possible to manage these. For example, we would suggest a clear and formal arrangement for each party involved in the job sharing role on key issues, areas of work, working hours and encourage regular communication between the two individuals, as well as the support of their party and the Assembly Commission. Furthermore, the electorate should be aware of the arrangement at the time of election, with both candidate’s names on the ballot paper and the principle of job sharing clear to them. If one of the representatives stands down the other should too.”<sup>108</sup>*

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<sup>108</sup> Creating a Parliament for Wales, [Full consultation report PDF 1.1MB.pdf \(senedd.wales\)](#) Page 29

- Electoral Reform Society Cymru

*“In principle we support the concept of job-sharing, not least because it works in other sectors and legislatures should not hold themselves apart from the culture and rules that they encourage other bodies to adopt. However, there are concerns and risks, in relation to constitutional propriety and representation that are important in the parliamentary context but which do not apply in other sectors. Any job share will require a protocol to deal with responsibilities and liabilities, to allow for either a clear split between the two individuals or the level at which responsibility is shared.[...]The challenges are not insurmountable but they do require detailed consideration.*

- Hansard Society

*“If the law was amended to allow candidates to stand for election under a job sharing arrangement, legislation relating to the form of nomination papers and the ballot paper would need to be amended, and a range of technical issues would also need to be addressed. This would include, for example, what would happen if one elected member in a job share partnership decided to stand down.”*

- Electoral Commission

401. These contributions have been taken into account in the development of the Bill’s provisions on job sharing, which provide a mechanism or pathway for the Senedd to consider the extent to which people should be able to jointly hold offices (including job-sharing for candidates standing in a Senedd election to be returned as a job-sharing Member of the Senedd, and job-sharing executive and Senedd roles set out in GoWA 2006); and whether a person should be able to temporarily hold office while another person appointed or elected to that office is unavailable.

## **Senedd reform: The next steps - Committee on Senedd Electoral Reform, 2020**

402. The Committee on Senedd Electoral Reform was established on 18 September 2019 to examine the recommendations of the Expert Panel on Assembly Electoral Reform.

403. The Committee's report was informed by six oral evidence sessions which were attended by 20 individuals and organisations, two stakeholder events, one focusing on the capacity of the Senedd and the other focusing on the diversity of the Senedd. In addition, 12 individuals and organisations provided written evidence to the Committee.

404. Notably, the committee invited suggestions for alternative measures which could be considered to alleviate capacity pressures in the Sixth Senedd or in the longer term, including:

- Timetabling or procedural measures: such as extending the formal Senedd working week; increasing the number of sitting weeks; reviewing the organisation of Plenary business or the balance between committee and Plenary activity; or use of technology or proxy voting to enable remote participation.
- Reviewing the operation or structure of committees: such as changing sizes, remits, functions or ways of working; giving greater account when establishing remits to the anticipated volume or complexity of legislation; undertaking more coordinated or joint scrutiny; use of ad hoc committees or rapporteurs; rigorous prioritisation; more flexible legislative timetables; or meeting during recesses.
- Enhancing support and information: for example by increasing provision for Members' support staff; reviewing Commission services and staffing; enabling the co-option of experts onto Senedd committees; or improving links with experts, academics and stakeholders.
- Increasing or enhancing public engagement: for example by engaging with more diverse groups; making use of paid consultants embedded in communities or remunerated advisory groups; undertaking more activity across Wales; or using innovative deliberative



engagement tools like citizens' assemblies to test policy ideas or explore complex issues.

- Other measures: such as working collaboratively with elected representatives at local or Westminster levels; devolving responsibilities to regional or local level; prioritising the exercise of devolved powers; or pausing the devolution of further powers.<sup>109</sup>

405. However, the Committee also detailed that stakeholders had noted that many of these options had already been tried, could be expensive or could give rise to unintended consequences for the legislature, its Members, its diversity or the people it represents.<sup>110</sup>

406. The Committee concluded that increasing the number of Members:

*“to a figure more appropriate for the legislature’s responsibilities would lead to corresponding increases in the effectiveness and impact of the Senedd’s scrutiny and oversight work. In a larger institution there could be greater potential for engagement with people and stakeholders across Wales, more scope for Members to specialise and build expertise, more opportunities for creative and strategic thinking, a more resilient committee system, and the chance to develop a more positive and constructive political culture which facilitated more cross-party and collaborative working. Such improvements could contribute to improved legislation, more effective policy and spending decisions, better value for money, and most importantly, better outcomes for the people and communities of Wales.”<sup>111</sup>*

407. The Committee also took evidence on the Senedd’s electoral system, reporting that:

*“only UKIP defended the current MMP/AMS system. Other stakeholders raised concerns about the extent to which voters fully understand the way in which the system operates, criticised the inherent disproportionality in the First Past the Post element of the*

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<sup>109</sup> Committee on Senedd Electoral Reform, [Senedd reform: the next steps](#), Para 31

<sup>110</sup> Committee on Senedd Electoral Reform, [Senedd reform: the next steps](#), Para 32

<sup>111</sup> Committee on Senedd Electoral Reform, [Senedd reform: the next steps](#), Para 43

*system, and suggested that the system gives too much control to parties rather than voters.”<sup>112</sup>*

408. The Committee reported that few contributors:

*“to our inquiry focused on the Flexible List Proportional Representation system... ERS Cymru recognised the potential for the Flexible List system to result in proportional electoral outcomes, but criticised it on the basis that it weakened the constituency link between voters and representatives, and did not offer the same degree of nuanced choice for voters as STV.”<sup>113</sup>*

409. The Committee reported that STV was the preferred option for many who responded to its consultation. It noted that respondents had highlighted the

*“potential proportionality of electoral outcomes offered by STV, the potential reduction in ‘wasted’ votes or tactical voting, the degree of nuanced voter choice, and the retention of a clear constituency link between voters and their representatives (often cited as a key advantage of the First Past the Post electoral system).”<sup>114</sup>*

410. However, the Committee on Senedd Electoral Reform did not specifically consult on a closed list proportional list system. As such, it is not possible to tell what evidence would have been raised on this approach, had it been included.

411. The Committee took a range of evidence on the issue of the Senedd’s boundaries. For example, the AEA considered that divergent Senedd and Westminster boundaries would “inevitably create administrative difficulties and voter confusion,”<sup>115</sup> and described itself as:

*“...extremely concerned about the impact of any cross-boundary proposals following the [2023 Westminster boundary] review, and the likely increase in complexity across the UK at the next scheduled UK Parliamentary General Election”.*

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<sup>112</sup> Committee on Senedd Electoral Reform, [Senedd reform: the next steps](#), Para 67

<sup>113</sup> Committee on Senedd Electoral Reform, [Senedd reform: the next steps](#), Para 79 and ESB07 Electoral Reform Society Cymru; Jess Blair, RoP [paras 87-88 and 90], 16 March 2020

<sup>114</sup> Committee on Senedd Electoral Reform, [Senedd reform: the next steps](#), Para 78

<sup>115</sup> Quote attributed by Committee on Senedd Electoral Reform, in *Senedd reform: the next steps*, to a written submission from the Association of Electoral Administrators, 6 July 2020

412. While recognising the benefits of co-terminous constituencies for the Senedd and Westminster, ERS Cymru were concerned that:

*“it might lead to a situation where the Senedd chooses boundaries just on that basis that are, perhaps, less good for itself, and then Westminster might reform their own boundaries. So it’s very much a game of balance and pragmatism, and judging what is the most likely scenario to happen.”<sup>116</sup>*

413. Some witnesses advocated co-terminosity of Senedd boundaries with local authority boundaries. For example, Professor Mollison considered that this would have benefits of “minimising overlaps of responsibility for communities and public services,”<sup>117</sup> while acknowledging that the varying sizes of local authority areas in Wales could lead to variations in the number of Members representing each area. Similarly, Professor Awan-Scully agreed that aligning Senedd boundaries with local authority areas would offer simplicity but cautioned that “local government boundaries are not necessarily set in stone either.”<sup>118</sup>

414. Notably, the Senedd Cymru (Members and Elections) Bill will initially provide for the Senedd’s constituencies to be aligned with those of the UK Parliamentary constituencies. However, they will not be co-terminous (i.e. automatically linked) to them. This means that deviations from the UK’s constituencies could occur in future full Senedd boundary reviews (for example, if the UK Parliament were to change the number of constituencies in Wales).

415. The Committee also took a range of evidence on job sharing as a means to increasing diversity. Many of those who gave evidence to the Committee argued that enabling

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<sup>116</sup> Jess Blair, ERS Cymru, RoP, Committee on Senedd Electoral Reform, 16 March 2020, para 138.

<sup>117</sup> Quote attributed by Committee on Senedd Electoral Reform, in Senedd reform: the next steps, to ESB01 Professor Mollison

<sup>118</sup> Quote attributed by Committee on Senedd Electoral Reform, in Senedd reform: the next steps, to Professor Awan-Scully, RoP, Committee on Senedd Electoral Reform, [para 127], 16 March 2020

job sharing would reduce barriers which might otherwise prevent people from standing for election to the Senedd. For example, Leonard Cheshire Cymru suggested that job sharing could “be an effective way to redefine roles in public life and make them more accessible for disabled candidates.”<sup>119</sup> However, the Committee also heard concerns about how job sharing would operate in practice, such as how political differences between job sharing partners could be addressed and the impact of job sharing on democratic accountability. Concerns were also raised that a job share could be seen by parties or others as a way to increase capacity by having two individuals work together to deliver more than 100 per cent of the role and its workload. It was suggested that this could particularly be a risk for political roles, as they were sometimes poorly defined and not well-understood.<sup>120</sup> ERS Cymru suggested that if arrangements for job sharing were put in place, the Electoral Commission and Senedd Commission would need to provide clear public guidance in advance of an election on how job sharing would work in practice.<sup>121</sup>

## **The Special Purpose Committee on Senedd Reform, 2022**

416. The Special Purpose Committee on Senedd Reform was a cross-party committee of Members of the Senedd established on 6 October 2021, with a remit to consider the conclusions previously reached by the Committee on Senedd Electoral Reform in the Fifth Senedd; and to make recommendations for policy instructions for a Welsh Government Bill on Senedd reform.

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<sup>119</sup> Committee on Senedd Electoral Reform, DIV06 Leonard Cheshire Cymru

<sup>120</sup> Committee on Senedd Electoral Reform, Diversity of the Senedd: note of discussion event, para 36; Councillor Sherwood, RoP [para 61], 3 February 2020

<sup>121</sup> Committee on Senedd Electoral Reform, DIV01 Electoral Reform Society Cymru

417. There were three phases to the Committee's work. In phase one it identified where there was common ground between the policy positions of the Senedd's respective political parties, in relation to the Committee on Senedd Electoral Reform's conclusions on:

- the Senedd's size and associated electoral system;
- the establishment of ongoing boundary and seat apportionment review arrangements; and
- legislative measures to encourage diversity.

418. In phase two, based upon these identified areas of common ground, the Special Purpose Committee on Senedd Reform gathered further information necessary for it to develop policy proposals. This included a number of private meetings.<sup>122</sup> The Committee detailed that its discussions were also informed by the information and evidence base previously compiled by its immediate predecessors: the Expert Panel on Assembly Electoral Reform ("the Expert Panel") and the Committee on Senedd Electoral Reform. To this end, it invited stakeholders that had previously provided information to its predecessors to update such information if they wished.

419. In phase three the Committee developed recommendations for policy instructions for a Welsh Government Bill on Senedd reform. It published its report in May 2022, concluding that the Senedd's size should be increased to 96, recommending a range of measures to increase the diversity of the Senedd; and making detailed proposals on the Senedd's electoral system. The Senedd Cymru (Members and Elections) Bill has been developed to

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<sup>122</sup> Which were not limited by the Senedd's Standing Orders, in order to facilitate frank, open and interactive discussions with a range of stakeholders

give effect to the majority of the Committee's recommendations.

## **Consultation undertaken by the Senedd's Business Committee, 2022**

420. Following the report of the Special Purpose Committee on Senedd Reform, the Senedd's Business Committee undertook a short inquiry into four of its recommendations, which were relevant to the Business Committee's procedural role. These included recommendations on the size of the Welsh Government and appropriate number of Deputy Presiding Officers in an expanded Senedd, both of which are addressed in the Senedd Cymru (Members and Elections) Bill.

421. The Business Committee issued a public call for evidence on these issues, receiving 14 responses.

### *Size of the Welsh Government*

422. The Special Purpose Committee anticipated that the Welsh Government might wish to make a case for an increase in its size to accompany the increase in the number of Senedd Members, but also considered that "any such proposal would need to be carefully considered, proportionate and subject to detailed legislative scrutiny."<sup>123</sup> It stated "this should not be a decision for government alone, because any increase in its size will mean a corresponding decrease in the Senedd's capacity for delivering scrutiny."<sup>124</sup> On that basis, it called on the Welsh Government and the Business Committee to facilitate cross-party consideration of the appropriate size of the Welsh Government.

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<sup>123</sup> Special Purpose Committee on Senedd Reform, *Reforming our Senedd: A stronger voices for the people of Wales*, 30 May 2022, para 43.

<sup>124</sup> Special Purpose Committee on Senedd Reform, *Reforming our Senedd: A stronger voices for the people of Wales*, 30 May 2022, para 43.

423. The Business Committee received a range of evidence on the appropriate size of the Welsh Government.
424. Some consultees suggested that there needed to be greater flexibility in the number of Welsh Ministers, in order to meet changing circumstances and political priorities posed by a larger Senedd with increased responsibilities. Their view was that the Bill should be used to remove the cap altogether on the number of Welsh Ministers.<sup>125</sup>
425. Other consultees considered that there should continue to be a legislative limit, but with it raised to provide for additional Ministers. Arguments raised by consultees in favour of increasing the number of Welsh Ministers include that this was appropriate because of the increase in powers since 2006, and the likelihood of additional powers being devolved in future.<sup>126</sup>
426. Other consultees considered that the limit should not be increased. Arguments raised against increasing the maximum number of Ministers included the size of the Government or the Commission might be interpreted as “nest-feathering” and could jeopardise public support for the wider enlargement and reform.<sup>127</sup>
427. The Business Committee concluded that it would be reasonable for an increase in the Senedd’s membership, from 60 to 96 Members, to be accompanied by an increase in the maximum number of Welsh Ministers which may be appointed, from 12 to 17 (not including the First Minister or Counsel General).

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<sup>125</sup> For example, Lee Waters MS, SR2 and Jane Dodds MS, SR7

<sup>126</sup> For example, the Welsh Labour Group in the Senedd SR8 and the Plaid Cymru Group in the Senedd SR10.

<sup>127</sup> For example, Professor Laura McAllister and Sir Paul Silk, Business Committee, SR9

428. The Committee also considered that it would be reasonable for the legislation to include a mechanism which would enable the Welsh Government to propose further increasing this limit to a maximum of 19 by way of secondary legislation in order to future proof the legislation for the devolution of further powers, or other circumstances where an increase is considered to be merited. Such an increase should be subject to an affirmative (majority) vote of the Senedd.

429. The Senedd Cymru (Members and Elections) Bill gives effect to the Committee's conclusions.

### ***Number of Deputy Presiding Officers***

430. The Special Purpose Committee recommended that:

*“consideration is given to the question of whether the Senedd should have flexibility through its Standing Orders to elect more Deputy Presiding Officers should it so wish. This consideration should then inform the development of legislation to provide for a Senedd of 96 Members.”<sup>128</sup>*

431. Introducing this recommendation, the Special Purpose Committee commented that “it should be for the Senedd to determine how to best make use of the additional capacity [the Committee had] recommended” and that an

*“argument could be made that the Senedd should have flexibility through its Standing Orders to elect more Deputy Presiding Officers should it so wish (and any criteria relating to the party to which they may come from).”<sup>129</sup>*

432. The Llywydd and Deputy Presiding Officer provided a joint response to the Business Committee which highlighted how increases in law-making powers and taxation powers had made business in the Senedd more complex to navigate. Their view was that a larger Senedd might be required to

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<sup>128</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voices for the people of Wales, 30 May 2022, Recommendation 5

<sup>129</sup> Special Purpose Committee on Senedd Reform, Reforming our Senedd: A stronger voices for the people of Wales, 30 May 2022, para 46



meet more often and/or for longer plenary sessions, which would bring an even greater demand on the Llywydd and Deputy Presiding Officer's time. They proposed amendments to existing legislation in order to remove the restriction which permits only one Deputy Presiding Officer. To ensure that the principle of flexibility is maintained, they proposed amending legislation to allow for "at least one" Deputy Presiding Officer.<sup>130</sup>

433. Other consultees recommended that Business Committee should reflect on existing powers to elect acting chairs of plenary meetings and to bear in mind the relationship between the number of DPOs and the number of available backbenchers to ensure a greater capacity for scrutiny in the next Senedd.<sup>131</sup>

434. Some consultees considered that one Deputy Presiding Officer would be sufficient for the next Senedd,<sup>132</sup> with arguments against increasing the number of Deputy Presiding Officers including that it was not required "to fulfil the genuine and evidenced objectives of enlargement."<sup>133</sup>

435. Other consultees suggested that the Senedd should have flexibility to determine the appropriate number of Deputy Presiding Officers, via Standing Orders.<sup>134</sup>

436. The Business Committee ultimately concluded that it would be reasonable for an increase in the Senedd's membership to be accompanied by an increase in the maximum permissible number of Deputy Presiding Officers (DPO), which should be increased from 1 to 2. They also proposed that, should a change be made, Section 25(7–9) of

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<sup>130</sup> Business Committee, SR12

<sup>131</sup> For example, the Welsh Labour Group in the Senedd SR8 and the Plaid Cymru Group in the Senedd SR10.

<sup>132</sup> For example, the Plaid Cymru Group in the Senedd SR10.

<sup>133</sup> Professor Laura McAllister and Sir Paul Silk, SR9

<sup>134</sup> For example, Lee Waters MS, SR2

GoWA should be revised to ensure that the Presiding Officer and all Deputies should not belong to the same political group, nor should they all belong to political groups with an executive or non-executive role.

437. The Senedd Cymru (Members and Elections) Bill gives effect to the Committee's conclusions.

## Chapter 5: Power to make subordinate legislation

438. The Senedd Cymru (Members and Elections) Bill contains provisions to make subordinate legislation and issue determinations. Table 5.1 (subordinate legislation) sets out in relation to these:

- (i).the person upon whom, or the body upon which, the power is conferred;
- (ii).the form in which the power is to be exercised;
- (iii).the appropriateness of the delegated power;
- (iv).the applied procedure; that is, whether it is “affirmative”, “negative”, or “no procedure”, together with reasons why it is considered appropriate.

439. The Welsh Government will consult on the content of the subordinate legislation where it is considered appropriate to do so. The precise nature of consultation will be decided when the proposals have been formalised.

**Table 5.1: Summary of powers to make subordinate legislation in the provisions of the Senedd Cymru (Members and Elections) Bill**

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
5	Welsh Ministers	Regulations	To provide an element of flexibility in relation to the maximum number of Welsh Ministers in the future, if appropriate. The power is itself subject to a maximum increase to 19 Ministers.	Affirmative	This is a power to vary the upper limit on the number of Welsh Ministers set out in primary legislation and so it is appropriate that there is an additional level of scrutiny.
15	Welsh Ministers	Regulations	To provide an element of flexibility in relation to the quorum of meetings of the Democracy and Boundary Commission Cymru in the future, if appropriate.	Affirmative	This is a power to vary the quorum of meetings of the Commission set out in primary legislation and so it is appropriate that there is an additional level of scrutiny.
20(1)	Welsh Ministers	Regulations	To ensure any amendments to legislation which are appropriate to give full effect to any provision of the Bill do not require further primary legislation.	Negative, but affirmative if modifying primary legislation	It is appropriate that there is an additional level of scrutiny if primary legislation is amended, repealed, or modified.
Schedule 1, para 9(1)	Welsh Ministers	Regulations	To ensure the final report of the Democracy and Boundary Commission Cymru in relation to the 2026 boundary review is implemented.	Laying Only	It is appropriate that boundary reports are implemented without political influence.
Schedule 2 <i>(proposed new section 49J of the Democracy</i>	Welsh Ministers	Regulations	To ensure future boundary review final reports of the Democracy and Boundary Commission Cymru can be implemented.	Laying Only	It is appropriate that boundary reports are implemented without political influence.

and Boundary Commission in Cymru etc. Act 2013)					
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*NB: At section 8 of the Bill a new section 7 of the Government of Wales Act 2006 (candidates at general elections) is substituted for the existing one. The new section 7(6) defines a 'constituency returning officer' by reference to an order of the Welsh Ministers under section 13 of that Act (an existing power). This reflects the current section 7(7) of that Act, except that the current section 7(7) defines a 'regional returning officer'. As such, it is not considered to be a new power and so has not been included in the table above.*

## Part 2 – REGULATORY IMPACT ASSESSMENT

### Chapter 6: Regulatory Impact Assessment (RIA) summary

440. A Regulatory Impact Assessment has been completed for the Bill and it follows below.

441. A report from the Auditor General for Wales on the appropriateness of charging expenditure on the Welsh Consolidated Fund from one provision in this Bill, required under Standing Order 26.6(xi), is attached at Annex 4.

442. The following table presents a summary of the costs and benefits for the Bill as a whole. The table has been designed to present the information required under Standing Order 26.6 (viii) and (ix).

<b><i>Senedd Cymru (Members and Elections) Bill</i></b>		
<b><i>Preferred option: This implements the recommendations of the Special Purpose Committee on Senedd Reform which reported in May 2022.</i></b>		
<b>Stage:</b> Introduction	<b>Appraisal period:</b> 2024-25 - 2031-32	<b>Price base year:</b> 2022-23
<b>Total Cost</b> Total: £99.7m to £119.6m Present value: £83.8m to £100.5m	<b>Total Benefits</b> Total: £- Present value: £-	<b>Net Present Value (NPV):</b> £-83.8m to £-100.5m

#### **Administrative costs**

## Costs:

Over the eight-year appraisal period the majority of the administrative costs are expected to fall to the Senedd Commission. The transitional cost of £5,787,300 to £5,986,800 includes an expansion of the current Siambwr, the creation of additional offices within Ty Hywel and staff costs associated with the implementation of the Bill. In addition, there are ongoing costs of between £82,196,900 and £100,017,500, this includes additional staff within the Senedd Commission, Office holder costs, Member and support staff salaries and other allowances.

There will be a transitional cost of £1,968,600 to Welsh Government for the creation of additional Ministerial offices in Ty Hywel and staff costs to implement the Bill. The Welsh Government's ongoing costs are expected to be between £8,342,300 and £10,270,200. Much of this is expected to be the opportunity costs associated with needing additional private office and Cabinet Secretariat staff. Other ongoing costs relate to security and IT.

There will be a cost of £2,079,600 (£42,000 transitional and £2,037,600 ongoing) to the Local Democracy and Boundary Commission for Wales for undertaking boundary reviews ahead of the 2026 and 2030 elections.

There is a transitional cost of £60,000 to Local Authorities. As set out below, ongoing cost-savings are anticipated for Local Authorities as a result of the provisions in the Bill.

<b>Transitional:</b> £7,858,000 to £8,057,400	<b>Recurrent:</b> £92,576,800 to £112,325,300	<b>Total:</b> £100,434,700 to £120,382,700	<b>PV: £84,466,300</b> to <b>£101,165,5600</b>
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## Cost-savings:

Ongoing cost savings of £751,000 have been identified for Local Authorities as a result of changes to the electoral system (reduction in number of ballot papers) and number of constituencies (saving on Returning Officer fees). These savings are split between the two Senedd elections within the appraisal period in 2026 and 2030. Further savings may result once more information is available on the exact pairing of constituencies which will allow decisions to be taken on practical election issues such as size and location of count venues.

<b>Transitional: £-</b>	<b>Recurrent:</b> £751,000	<b>Total: £751,000</b>	<b>PV: £633,800</b>
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**Net administrative cost: £99,683,800 to £119,631,700**

## **Compliance costs**

No compliance costs have been identified.

No compliance costs have been identified.			
<b>Transitional: £-</b>	<b>Recurrent: £-</b>	<b>Total: £-</b>	<b>PV: £-</b>

## **Other costs**

No other costs have been identified.

No other costs have been identified.			
<b>Transitional: £-</b>	<b>Recurrent: £-</b>	<b>Total: £-</b>	<b>PV: £-</b>

## **Unquantified costs and disbenefits**

The increase in the size of the Senedd and potential increase in the number of Ministers will inevitably have implications for the Welsh Government's own ways of working, including its administration and delivery in response to increased scrutiny. There will be implications for policy and government business teams within Welsh Government providing advice and support for Ministers, including for responses to increased volumes of Senedd questions, briefings for Ministers, correspondence etc. The extent of the impact and the additional resources required will depend on a number of decisions that can only be taken after the legislation is passed and in preparation for the next Senedd.



## **Benefits**

The changes are envisaged to result in a number of benefits, however, it has not been possible to monetise these benefits at this stage. The Senedd will be better equipped to:

- hold the Executive to account;
- scrutinise policy and legislation in greater detail; and
- engage with the electorate.

**Total: £-**

**PV: £-**

## **Key evidence, assumptions and uncertainties**

The main areas of uncertainty relate to the pairing of constituencies (to be undertaken by Summer 2025) and decisions regarding the number of Welsh Ministers and organisation of Senedd business (neither of which will be known until after the start of the Seventh Senedd in 2026).

There has been extensive engagement with key stakeholders including the Senedd Commission, the Electoral Commission and the Local Democracy and Boundary Commission for Wales during the development of this RIA. The assumptions made in calculating costings are set out as part of the narrative for each of the organisations.

## Chapter 7: Options

443. This RIA is structured around the costs that are estimated to arise for the key organisations that will be impacted by the reforms. Costs for each organisation are presented, followed by the foreseen overarching benefits.

444. As the Special Purpose Committee's recommendations in relation to Senedd Reform were endorsed by the Senedd and were followed by a commitment from the Welsh Government to bring forward legislation to implement them, the assessment of costs has been made on the basis of those proposals rather than a number of different high-level options being costed (for example, an option to increase capacity without increasing the number of Members or ones that would increase the number of Members by differing levels). Costing such options could potentially be considered disingenuous, as these were not actively under consideration. The two options presented in this RIA are therefore:

Option 1. Business as usual; and

Option 2. Implement the Senedd Cymru (Members and Elections) Bill

445. For some costs within the preferred option, more than one scenario has been costed in order to reflect that some costs will depend on decisions yet to be taken. The assumptions underpinning the different scenarios are set out in the relevant sections.

## Chapter 8: Costs and benefits

446. The appraisal period for this Regulatory Impact Assessment covers 2024–25 to 2031–32. This period covers two Senedd election cycles and is therefore considered sufficient for the estimated costs to reach a steady state.

447. Unless otherwise stated, all costs have been rounded to the nearest £100. Some of the totals in tables may not sum due to this rounding. Costs have been discounted using HM Treasury’s central discount rate of 3.5%.

### **Option 1. Business as usual**

448. This is the baseline option and as such there are no additional costs and benefits associated with this option. The additional costs and benefits of the proposed legislation have been assessed against this baseline.

449. It has not been possible to financially quantify the potential opportunity costs that could arise as a result of missing the opportunity to address the capacity of the Senedd. Such capacity is intended to facilitate more effective scrutiny, which in turn may reasonably be anticipated to maximise the value for money delivered through public expenditure, and thereby in financial savings. In evidence to the Committee on Senedd Electoral Reform, a range of stakeholders cautioned that a lack of capacity within the Senedd’s scrutiny functions has led to scrutiny opportunities being missed as a result of heavy workloads and competing priorities, a lack of systematic post-legislative scrutiny, and tendency towards short, sharp inquiries in place of longer-term, in-depth work.<sup>135</sup>

450. For example, in evidence to the Committee on Senedd Electoral Reform, the Auditor General for Wales previously highlighted that poorer outcomes and additional costs can arise

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<sup>135</sup> Committee on Senedd Electoral Reform, [Senedd reform: the next steps](#), September 2020, Para 292

from inadequate pre-legislative and legislative scrutiny. Reflecting in particular on the Public Audit (Wales) Act 2013, he noted his view that the implications of the Act's "defects" had included:

- "excessively complex and onerous fee provisions" leading to additional administrative costs of approximately 10 per cent or around £35,000 per year;
- additional time, resource and money expended by both the Senedd Commission and Audit Wales to "deal with the Act's rather disjointed appointment and remuneration provisions"; and
- time spent by the Senedd's Finance Committee developing "proposals for remedial amendments... to address accepted weaknesses in the Act."<sup>136</sup>

451. Similarly, the Electoral Reform Society has previously advocated that:

*"When making the case around incurring additional costs for reform, it is vital we remember that these costs are both relatively small and that improvement in scrutiny (as a consequence of having an increase in members) can deliver real dividends for public services. We should look at these reforms in the round as they will deliver a larger, stronger Senedd with a higher level of accountability to the public. That is a worthwhile investment."*<sup>137</sup>

452. Option 1 entails the existing ongoing costs in running elections. For example, the Welsh Government meets the costs of local Returning Officers in delivering devolved elections. The Electoral Commission's report on the 2021 elections also notes that:

*"On 26 February 2021, Welsh Government confirmed that the Senedd election would go ahead on 6 May and provided £1.5 million to support Returning Officers to secure venues, staffing and run Covid-19 secure elections. Cabinet Office provided additional funds to support the running of the Police and Crime Commissioner election."*<sup>138</sup>

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<sup>136</sup> Auditor General for Wales, [Letter to Committee on Senedd Electoral Reform](#), 15 May 2020.

<sup>137</sup> Electoral Reform Society Cymru, [Consultation response to Committee on Senedd Electoral Reform](#), February 2020

<sup>138</sup> Electoral Commission, [Report on the May 2021 elections in Wales](#), September 2021.

453. Option 1 also entails the ongoing costs of supporting a parliamentary democracy. The Senedd Commission receives an annual budget from the Welsh Consolidated Fund, with its draft budget for 2023–2024<sup>139</sup> detailing that this encompassed:

- expenditure under the Commission’s direct control, including a Project Fund (the operational budget);
- expenditure relating to work in preparation for Senedd Reform;
- depreciation (a non–cash expense);
- interest expense on lease liabilities as required by International Financial Reporting Standard (IFRS) 16 (a non–cash expense);
- the budget identified for the Independent Remuneration Board’s Determination on Members’ Pay and Allowances;
- the budget for the clerking, administrative and other costs to provide support to the Independent Remuneration Board;
- the budget for the Office of the Standards Commissioner; and
- the accounting provision for the Members of the Senedd Pension Scheme under HM Treasury’s Annually Managed Expenditure (“AME”) heading (Pension Finance Cost).

## **Option 2. Implement the Senedd Cymru (Members and Elections) Bill**

### ***General Approach to cost assessment***

454. The Senedd Cymru (Members and Elections) Bill provides for:

- increasing the size of the Senedd to 96 Members;
- increasing the legislative limit on Welsh Government Ministers to seventeen (in addition to the First Minister and Counsel General), with power to further increase this limit to nineteen;
- increasing the maximum number of Deputy Presiding Officers who may be elected from within the Senedd to two;
- changing the Senedd’s electoral system so that all Members are elected via a closed proportional list system, with votes translated into seats via the D’Hondt formula;

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<sup>139</sup> Senedd Commission, [Draft Budget 2023-2024](#), September 2022, page 7.

- repurposing and renaming the Local Democracy and Boundary Commission for Wales, including:
  - providing the new Democracy and Boundary Commission Cymru with the functions necessary to undertake ongoing reviews of Senedd constituency boundaries;
  - providing instructions for the Democracy and Boundary Commission Cymru to follow in undertaking their boundary reviews;
- returning the normal length of time between Senedd ordinary general elections to 4 years;
- requiring candidates to, and Members of, the Senedd to be resident in Wales;
- a review of the operation of the new legislative provisions following the 2026 and 2030 elections;
- and
- the Senedd's consideration of job-sharing of offices relating to the Senedd.

455. Detailed cost estimates to accompany the Bill have been developed, including in relation to its implications for the Welsh Government, Senedd Commission, Local Authorities, the Local Democracy and Boundary Commission for Wales and the Electoral Commission. Value for money will continue to be given full consideration as the Welsh Government makes progress with delivering the reform and turns to implementation.

456. There are some costs which have already been incurred and are expected to be incurred in 2023–24 and to a lesser degree in the early part of 2024–25, prior to the Bill receiving Royal Assent, and as such these are considered to be 'sunk costs' as they would be incurred, and not be recoverable, in the event the legislation did not receive Royal Assent. For transparency, these are referenced in the sections for the organisations to which they relate but are not included as costs of the Bill. The quantifiable costs that fall in 2023–24 are for the Senedd Commission (£515,000 which relate to staff costs, early work required on accommodation and some capital costs) and the Welsh

Government (£2.2m which relates to preparation and delivery of legislation).

457. The Senedd election in 2030 (financial year 2030–31) will be the first where the Senedd has 96 Members at the point of dissolution of the Seventh Senedd and also at the start of the new Senedd. Thereafter all Seneddau are expected to start and end with 96 Members. The new Democracy and Boundary Commission Cymru will also have completed their review for the 2030 election and subsequent reviews will be considered ‘business as usual’. As a result, a ‘steady state’ for costs is envisaged from 2031–32.

458. The provision in the Bill to change Senedd term lengths to four years will lead to one additional election occurring in every 20–year period. The first point at which this would be realised is 2046, and so falls outside the appraisal period employed for this RIA. Changing Senedd term lengths to four years will bring forward the financial year in which election related costs are incurred.

459. Whilst the RIA attempts to provide the best estimate of likely costs as a result of the Senedd Cymru (Members and Elections) Bill, there are some unknown factors which, when subsequent decisions have been taken, could impact on the estimates (either in terms of costs or savings). These include:

- the pairing arrangements for constituencies;
- decisions taken (post–election) by the Senedd and First Minister (e.g. on number of Committees, Welsh Ministers etc.); and
- future budgetary decisions and changes to ways of working which are not as a direct result of the legislation.

### ***Costs and benefits to the Electoral Commission***

460. The expectation is that the Electoral Commission would have a role in the production of guidance including changes to the voting system and new requirements for candidates and parties.

461. The Electoral Commission have indicated that currently they are confident that although the reforms would require some additional activity from the Commission, much of this would be either cost-neutral, included as part of the work they already carry out, or would only result in small one-off costs. They also do not anticipate any significant savings for the Commission as a result of the reforms.

462. The expected changes will all require the Commission to update their guidance for candidates, parties, and electoral administrators, as well as their resources and information for voters. Although this would be a significant piece of work, they view this as being part of their existing responsibilities and functions around the provision of guidance and no additional costs would be incurred as a direct result of the Bill. As long as all required legislation is in place in adequate time, they would use existing capacity from Commission teams to deliver this activity.

463. As a broad estimate the Electoral Commission has advised that the cost of developing and issuing this guidance is estimated to be £6,000. This is an on-going cost that will be incurred regardless of whether or not there is Senedd Reform legislation (i.e. it is not an additional cost).

### ***Costs and Savings for the Senedd Commission***

464. As referenced in Chapter 4 of this Explanatory Memorandum there have been a number of earlier reports on Senedd Reform, some of which have included cost estimates. For example, the Expert Panel's report included cost estimates from the (then) Assembly Commission, which encompassed annual costs of "£6.6 million to £9.6 million per annum"<sup>140</sup> along with a range of one-off costs, such as those associated with adjustment of the Siambr and Members' office accommodation. Similarly, the

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<sup>140</sup> Expert Panel, [A Parliament that works for Wales](#), November 2017, Para 16.15



Committee on Senedd Electoral Reform was provided with financial estimates by the Llywydd on the Senedd Commission's costs potential arising from Senedd Reform, which depending on the number of additional Members and decisions taken about the organisation of Senedd business, "amounted to a financial range of ongoing costs between £7.4 million and £12.9 million per year."<sup>141</sup>

465. However, these estimates are not directly comparable to the assessment undertaken for this Regulatory Impact Assessment due to the differing nature of the proposed reforms. This exercise has also been undertaken in accordance with established practice on preparing Regulatory Impact Assessments and reflects a different appraisal period.

### **Approach**

466. The Senedd Commission was asked to provide core information relating to the financial implications of the reforms on the Senedd. In preparing their figures the Senedd Commission adopted a number of common assumptions (the business-related assumptions are set out below with the full list at Annex 5 of this Explanatory Memorandum) which had been agreed in consultation with the Business Committee and Independent Remuneration Board.

467. It should be noted that a number of these assumptions (for example the number of Committees and amount of Plenary time) will be a matter for the Seventh Senedd to take a decision on after the next election. They are not a direct consequence of specific provisions within the Bill, but rather may emanate from an increase in the number of Members of the Senedd. It would be the decisions themselves which would give rise to the actual costs. The common assumptions are not intended to prescribe how the future reformed Senedd should operate; they are simply what the Senedd

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<sup>141</sup> Committee on Senedd Electoral Reform, Senedd reform: the next steps, September 2020, Para 378

Commission determined to be a reasonable basis for producing best estimates, given what is currently known and what decisions have (or have not) been taken at this time.

468. For the reasons set out above the Senedd Commission provided two models for business in the Seventh Senedd to illustrate that there will be a range of options.

### **Common assumptions used in calculating Senedd Commission cost estimates**

#### ***Minimal change scenario***

469. The minimal change scenario assumed that arrangements for the organisation of Senedd business would broadly reflect the current state. This could be considered beneficial in allowing Members to perform their role of holding the Welsh Government to account to a greater degree of depth. For example, a minimal increase in the number of committees could maximise the time available for Members to prepare for delivering committee scrutiny. The assumptions for the minimal change scenario were that it would entail:

- up to four party groups;
- one additional committee;
- a similar level of plenary time; and
- a similar number of sitting weeks.

#### ***Greater change scenario***

470. The greater change scenario encompassed an increase to Senedd business. This could be considered beneficial in providing the Senedd with more formal opportunities for Members to hold the Welsh Government to account. The assumptions for the greater change scenario were that it would entail:

- five party groups;
- up to three additional committees;

- an additional day of plenary time; and
- an additional sitting week.

471. In order to draw together the estimates, each of the Senedd Commission's three Directorates (Senedd Business Directorate, Communications and Engagement Directorate, Resources Directorate), within which there are 15 Services, provided associated cost implications (transitional and ongoing) across the appraisal period and working within the agreed assumptions. These figures were subsequently considered and agreed by the Senedd Commission's Executive Board and Senedd Commissioners prior to being provided to the Welsh Government.

472. Engagement took place between Welsh Government and Senedd Commission officials following submission of the initial information at the end of March 2023. This was to ensure figures were understood and represented in a manner that was consistent with Welsh Government's usual practice, and other cost estimates contained within the Regulatory Impact Assessment.

### **Senedd Commission staff costs**

473. The increase in Members from 60 to 96, arising from the Senedd Cymru (Members and Elections) Bill, will require additional staffing within the Senedd Commission across a range of the 15 Services in order to provide support functions to the additional Members. In some areas a proportional increase has been assessed as not being necessary and in preparing the material for inclusion in the RIA the assumption was that increases in headcount for Commission staff should be kept to a minimum and reflect any ‘cap’ on the overall Commission staffing establishment agreed in the Senedd Commission’s Medium Term Financial Plan. It has been noted that this approach would necessitate a review of service levels in a reformed Senedd in due course, if the Bill is passed. The Senedd Commission also sought to ensure cost saving opportunities were identified and seized, wherever possible, and would continue to do so as work to prepare for Senedd Reform continued.

474. The estimated increase in staff, for both transitional and ongoing activity, is 78.1 (FTE) in the minimal change scenario and 113 (FTE) in the greater change scenario. This is an increase (from the 2023–24 establishment headcount of 522) of 14.96% (minimum change) and 21.65% (greater change) compared to a 60% increase in Members. The estimated increase in staff on an ongoing basis is 50.4 (FTE) in the minimal change scenario and 84.3 (FTE) in the greater change scenario. This is an increase (from the 2023–24 establishment headcount of 522) of 9.66% (minimum change) and 16.15% (greater change) compared to a 60% increase in Members. This reflects the fact that in some areas there is a less than proportionate uplift in the number of staff compared to Members, and assumes that some changes to working practices may be necessary.

**Table 8.1: Breakdown of Senedd Commission staff numbers by grade (Full Time Equivalent)**

	Minimal change scenario		Greater change scenario	
	Transitional	Ongoing	Transitional	Ongoing

<b>Team Support</b>	3.8	13.4	3.8	20
<b>Management Band 3</b>	5	14	5	16.3
<b>Management Band 2</b>	9.6	11	11.6	25
<b>Management Band 1</b>	4	9	3	16
<b>Executive Band 2</b>	3	3	3	7
<b>Executive Band 1</b>	2.3	0	2.3	0
<b>Total</b>	<b>27.7</b>	<b>50.4</b>	<b>28.7</b>	<b>84.3</b>

475. The increases in staff required are split across the 15 Service areas. They variously arise from the anticipated need to provide:

- Translation for additional Plenary/committee meetings and tutors to support Members, their support staff and Commission staff members to learn or improve their Welsh language skills;
- ICT support for the additional Members, Committees and Plenary time;
- Chamber and Committee Service support for extended Plenary time and for Table Office to handle increased volumes of Senedd business, such as Written Questions, as well as a proportionate increase in the number of interests to be formally registered, arising from 36 additional Members;
- Security staff to manage an increase in the number of vetting checks needed, provide day-to-day support and cover the increase in events/activity on the Senedd Estate;
- Engagement Services resource for booking meeting and event venues for more Members and supporting events and community engagement;
- Communications resources for providing a public awareness campaign on the changes arising from Senedd Reform;
- Commission and Member Services to accommodate an increase in the volume of both transactions and advice to Members;
- Committee support for outputs (such as reports) and general activity (for example the publication of papers, and the arrangement and support of meetings) as well as legislative scrutiny support and support for Members' Bills.

476. Staff-related opportunity costs – i.e., the cost associated with the time spent by Senedd Commission staff on tasks directly related to the reform legislation, which would otherwise be spent on other activities – were assessed and are indicated as ‘Existing’ costs within the figures, where applicable. For the purposes of feasibility, these opportunity costs have been recorded only in those instances where at least 50% of a staff member’s time would be reallocated to tasks directly relating to the reform legislation.

**Table 8.2: Summary of Senedd Commission staff costs**

	2024-25		2025-26		2026-27		2027-28		2028-29		2029-30		2030-31		2031-32	
	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High
Ongoing	287,400	287,400	1,683,100	2,643,900	2,341,400	4,196,300	2,392,600	4,247,600	2,392,600	4,247,600	2,392,600	4,247,600	2,392,600	4,247,600	2,392,600	4,247,600
Transitional	1,241,900	1,293,200	981,300	1,032,500	275,500	275,500	-	-	-	-	-	-	-	-	-	-

***Accommodation related costs***

477. In order to accommodate the increased number of Members and their support staff, it will be necessary to undertake work to re-fit Ty Hywel and also to expand the current Siambr.

478. Costs will fall across multiple years (£995,000 in 2024–25 and £885,000 in 2025–26) to reflect the preparatory work and lead-in time needed. There will also be an element of cost in 2023–24 which is covered in the later section on sunk costs. These costs include architectural and design services for expansion of the Siambr, the expansion of the Siambr itself to accommodate 96 Members, and the creation of offices within Ty Hywel for 96 Members. There is no variation in these costs between the two scenarios.

479. In the greater change scenario there would be an increase in utility costs for heating, cooling and lighting for additional Committee and Plenary sessions. An increase of one additional committee in the minimal change scenario was assessed to have only a low impact and therefore additional cost was not included for that scenario.

### ***Revenue costs***

480. Increased revenue costs are envisaged in a range of areas such as externally contracted services for Members (for example provision of constituency translation service which is a requirement under the Official Languages Scheme), ICT licences, security and the Welsh Youth Parliament (WYP). The size of the WYP is assumed to increase in the greater change scenario, commensurate with the increase in size of the Senedd itself. Consequently, additional estimated costs relating to the WYP elections have been included as it is anticipated that additional campaigning may be required to encourage more member nominations and there will be additional costs to the election provider. Costs related to the WYP are based on an election every 3 years.
481. An assumption has been made that the minimal change for the WYP would be to maintain the current size and not increase the number of members elected to the WYP from 60.
482. Costs under this heading commence from 2024–25 but vary across the financial years prior to the 2026 election. From 2026–27 there remains some variation between financial years, but the annual costs stabilise in the region of £500,000 (minimal change scenario) and £1,000,000 (greater change scenario).

### ***Other Capital costs***

483. Capital costs outside of accommodation include mobile and specialised interpretation kits for group meetings and headsets; hardware for Members, support staff and offices; and ICT replacement/renewal costs. The increase in costs is driven by the increased number of Members of the Senedd and the majority of the costs under this heading are transitional and incurred in 2025–26 and 2026–27. In addition, there are ongoing costs ranging between £10,000 and £65,500 per annum in the minimal change

scenario and between £10,000 and £81,900 per annum in the greater change scenario.

### ***Election costs***

484. These are naturally confined to specific years within the appraisal period. Primarily the additional costs arise from the need to prepare for a proportionate increase in the number of Members not returned post-election and therefore entitled to claim a Resettlement Grant. There are also costs arising from usual work undertaken ahead of an election (for example the purchase of ICT kit and refurbishment of Members' areas in the building) but the higher number of Members results in these costs increasing proportionately.

485. The costs (£300,000 in 2029–30 and £1,500,000 in 2030–31) do not vary across the two scenarios and are expected to be incurred for each Senedd election.

486. These additional costs differ between the 2026 election and the 2030 election, with the higher costs for the 2030 election reflecting the Sixth Senedd ending with 60 Members and the seventh Senedd ending with 96.

**Table 8.3: Summary of Senedd Commission non-staff costs:**

		2024-25		2025-26		2026-27		2027-28		2028-29		2029-30		2030-31		2031-32	
		Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High
Accommodation	Ongoing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Transitional	995,000	995,000	885,000	885,000	-	-	-	-	-	-	-	-	-	-	-	-
Other capital	Ongoing	37,000	39,000	65,500	81,900	40,800	61,400	10,000	10,000	28,500	28,500	47,000	49,000	65,500	81,900	40,800	61,400
	Transitional	-	-	762,000	819,000	600,400	600,400	-	-	7,500	7,500	-	-	-	-	-	-
Revenue	Ongoing	17,100	18,400	111,600	475,300	513,900	1,040,200	510,100	1,054,300	510,100	1,049,300	510,100	1,049,300	510,100	1,054,300	510,100	1,049,300
	Transitional	5,000	5,000	33,800	73,700	-	-	-	-	-	-	-	-	-	-	-	-
Election	Ongoing	-	-	-	-	-	-	-	-	-	-	300,000	300,000	1,500,000	1,500,000	-	-
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-



### ***Members of the Senedd and Support Staff related costs***

487. The Independent Remuneration Board of the Senedd makes independent decisions on the pay and direct support for Members of the Senedd to attract a wide range of capable and diverse candidates and to enable those elected as Members to do their jobs effectively, ensuring value for money for the people of Wales.
488. The base salary for a Member, additional office holder salaries, and the Staffing Expenditure Allowance are set out in the Independent Remuneration Board's Determination on Members' Pay and Allowances<sup>142</sup>. The 2022–23 Determination was used as a basis for estimating all Determination costs.
489. The majority of the costs captured under this heading (adjusted to incorporate 'on-costs') are salaries for the additional Members of the Senedd. The costs for Member salaries have been calculated as £3,250,300 per annum from 2026–27, on the basis of the current base salary for a Member of £67,900 plus on-costs, multiplied by 36.
490. As set out in the Determination, Members of the Senedd are entitled to claim staffing expenditure costs, up to a maximum of £110,600, for persons employed by them where those costs are wholly, exclusively and necessarily incurred to enable the performance of the Member's duties. Such persons are referred to as Support Staff – they are employed directly by individual Members, unlike Senedd Commission staff. If all Members claimed the maximum amount this would give rise to a cost for Support Staff of £3,980,500, plus on-costs (resulting in a total of £4,889,400) and would arise from 2026–27. Costs to support induction for new Members have been included in the Senedd Staff Costs section.

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<sup>142</sup> [Determination on Members' Pay and Allowances: 2022-23 \(senedd.wales\)](#)

**Table 8.4: Summary of Members and Support Staff salary costs**

	2024-25		2025-26		2026-27		2027-28		2028-29		2029-30		2030-31		2031-32	
	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High
Member salaries	Ongoing	-	-	-	-	-	3,250,400	3,250,400	3,250,400	3,250,400	3,250,400	3,250,400	3,250,400	3,250,400	3,250,400	3,250,400
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Member support staff salaries	Ongoing	-	-	-	-	4,889,400	4,889,400	4,889,400	4,889,400	4,889,400	4,889,400	4,889,400	4,889,400	4,889,400	4,889,400	4,889,400
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

**Office holders**

491. This category of costs also includes the additional salaries for Committee Chairs, Ministers, Deputy Presiding Officer, Political Group Leaders, Business Committee Members as well as Members’ travel, allowances and office costs, residential accommodation and support for political parties. These costs would be incurred on an annual basis from 2026–27 (subject to decisions of future Seneddau and First Ministers on office holder numbers).

492. The actual figures for several of these costs will depend on the decisions made at the start of the Seventh Senedd (and in future Seneddau). For example, the Senedd’s Business Committee will determine the number of committees and therefore the number of Committee Chairs, while the First Minister will determine the number of Ministers appointed to the Welsh Government. The overall cost associated with additional salaries for Committee Chairs and Welsh Ministers will depend on the number of additional Committees and Ministerial appointments. The additional number and cost of Business Committee Members will depend on the number of Party Groups in the Senedd after the election.

493. The estimated costs set out in this assessment for the additional salaries for the second Deputy Presiding Officer, Ministers, Committee Chairs, Business Committee Members and Political Group Leaders reflect the common assumptions in the minimal and greater change scenarios.

494. Specifically, the Bill provides for a second Deputy Presiding Officer to be appointed. In the minimal change scenario, no

additional Deputy Presiding Officer is appointed, and so the estimated cost is £0, while in the greater change scenario the additional Deputy Presiding Officer is appointed at a cost of £28,700 per annum, which reflects the additional salary for a Deputy Presiding Officer of £22,300 plus on costs.

495. In terms of Welsh Ministers, the Bill increases the limit on the number of Ministers that may be appointed by the First Minister from 12 to 17. In the minimal change scenario, no additional Ministers are appointed and so the estimated cost is £0, while in the greater change scenario five Ministers are appointed at a cost of £250,900 per annum. This reflects the additional salary of a Welsh Minister of £38,200 per annum plus on-costs, multiplied by 5. It should be noted that this provides a maximum and minimum of the range, but both the number of Ministers appointed, and the combination of Ministers and Deputy Ministers appointed could vary and will affect the actual cost associated with additional salaries.

496. A lower, potentially more likely, scenario would involve a combination of Ministers and Deputy Ministers appointed to the five additional Ministerial positions in proportion with the ratio of previous Governments. As currently there are seven Ministers as well as the First Minister and the Counsel General and five Deputy Ministers, the appointment of an additional three Ministers and two Deputy Ministers to the potential Ministerial posts would be a proportionate extrapolation. The overall additional cost of this scenario would be £208,000 (3x £50,200 plus 2x £28,700)

497. The number of Committees (and therefore Chairs) is assumed to increase by one under the minimal change scenario and so the estimated cost is £17,200 (additional salary of £13,800 plus on-costs), whereas the assumption in the greater change scenario is three additional Committees which would give rise to an increase per annum of £51,700 (additional salary, plus on-costs, for three Chairs).

498. The minimum change scenario assumes up to four Party Groups (one more than the current Senedd) which would result in an additional per annum cost of £17,200 for the Leader of that Group (additional salary of £13,800 plus on costs). The greater change scenario assumes that there would be up to five Party Groups (two more than the current Senedd) which would give rise to an increase per annum of £34,500 (additional salary plus on costs multiplied by two).
499. The minimum change scenario assumes one additional Party Group which would result in an additional Business Manager and therefore one additional member of Business Committee at an annual cost of £11,000 (allowance plus on-costs). The greater change scenario assumes two additional Party Groups and hence two additional Business Managers and therefore Business Committee members at an annual cost of £22,100 (allowance plus on-costs).
500. New Members of the Senedd are entitled to an annual office allowance of £23,300, as well as an additional office set-up allowance for the requisition of furniture in the first year only of £5,000. These costs will be identical in the minimum and the greater change scenario and for the 36 new members the total costs will be £1,017,400 ( $£23,260 + £5,000 \times 5$ ) in 2026–27, and £837,400 ( $£23,260 \times 36$ ) in subsequent years.
501. All new Members are also entitled to residential accommodation allowances and in the absence of details of the constituency locations for new Members, it has been assumed that on average new Members will be entitled to the intermediate area allowance of £7,400 as per the 2022–23 Remuneration Board Determination. The cost estimates per annum will therefore be £266,800 in both the minimum and greater change scenarios ( $£7,400 \times 36$ ).

502. The current Senedd Commission budget assumption allocates £250,000 for travel expenses for the 60 current Members of the Senedd, which equates to £4,200 per Member. It has been assumed that an average similar amount of travel will be undertaken by the new Members which will result in additional costs of £150,000 per year ( $£4,200 \times 36$ ) for both the minimum and greater change scenarios.

503. The current budget for support for political parties is £1,049,100 which equates to £17,500 per Member. An additional budget of £629,500 will therefore be required for the 36 new members for either scenario ( $36 \times £17,500$ ).

**Table 8.5: Summary of additional costs for office holders**

		2024-25		2025-26		2026-27		2027-28		2028-29		2029-30		2030-31		2031-32	
		Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High
Deputy Presiding Officer salary	Ongoing	-	-	-	-	-	28,700	-	28,700	-	28,700	-	28,700	-	28,700	-	28,700
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Minister salaries	Ongoing	-	-	-	-	-	250,900	-	250,900	-	250,900	-	250,900	-	250,900	-	250,900
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Committee Chair salaries	Ongoing	-	-	-	-	17,200	51,700	17,200	51,700	17,200	51,700	17,200	51,700	17,200	51,700	17,200	51,700
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Political Group Leader salaries	Ongoing	-	-	-	-	17,200	34,500	17,200	34,500	17,200	34,500	17,200	34,500	17,200	34,500	17,200	34,500
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Business Committee Members	Ongoing	-	-	-	-	11,000	22,100	11,000	22,100	11,000	22,100	11,000	22,100	11,000	22,100	11,000	22,100
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Member allowances and office costs	Ongoing	-	-	-	-	1,017,400	1,017,400	837,400	837,400	837,400	837,400	837,400	837,400	837,400	837,400	837,400	837,400
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential Accommodation	Ongoing	-	-	-	-	266,800	266,800	266,800	266,800	266,800	266,800	266,800	266,800	266,800	266,800	266,800	266,800
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Members Travel	Ongoing	-	-	-	-	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Support for political parties	Ongoing	-	-	-	-	629,500	629,500	629,500	629,500	629,500	629,500	629,500	629,500	629,500	629,500	629,500	629,500
	Transitional	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

## **Sunk Costs**

504. Costs estimated to be incurred prior to the Senedd Cymru (Members and Elections) Bill being passed by the Senedd and receiving Royal Assent have not been included in the overall costing of this RIA since they will have been incurred even if the Bill were not to complete its legislative passage. However, for transparency, costs for 2023–24 have been identified as set out below.

**Table 8.6: Senedd Commission costs for 2023–24**

Cost type	Transitional		Ongoing	
	Minimal change	Greater change	Minimal change	Greater change
Senedd Commission staff costs	£360,900	£360,900	£65,700	£65,700
Accommodation-related costs inc. Siambro expansion and Ty Hywel refit	£65,000	£65,000	£0	£0
Other capital costs inc. Senedd Commission funded ICT equipment	£0	£0	£18,500	£18,500
Revenue costs inc. externally contracted services for Members, and ICT licensing	£0	£0	£4,900	£4,900
Election costs	£0	£0	£0	£0
Total	£425,900	£425,900	£89,100	£89,100

## **Savings**

505. No overall cost savings were identified by the Senedd Commission.

## **Overall costs**

506. The full set of estimated costs is shown in the tables below. The figures provided cover an appraisal period of 2024–25 to 2031–32, show a breakdown of transitional and ongoing costs covering both a minimum change scenario and a greater change scenario.

507. The range of additional ongoing costs in non-election years (post-2026 election which is the point at which the reforms occur) is estimated to be £12,981,700 per annum for the minimum change scenario and £16,057,300 per annum for the greater change scenario.
508. In the years prior to the 2026 election the additional costs are significantly lower and relate to Senedd Commission staff or work to prepare for the forthcoming changes (such as accommodation) rather than to direct costs associated with Members. The latter set of costs arise from 2026-27 onwards following the election of a larger Senedd.



**Table 8.7: Summary of Senedd Commission costs (£)**

Cost type	2024-25				2025-26				2026-27				2027-28				2028-29				2029-30				2030-31				2031-32			
	Transitional		On-going		Transitional		On-going		Transitional		On-going		Transitional		On-going		Transitional		On-going		Transitional		On-going		Transitional		On-going		Transitional		On-going	
	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change		
Scenario	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change	Minimal change	Greater change		
<b>Senedd Commission costs</b>																																
Senedd Commission staff costs	£1,241,900	£1,293,200	£287,400	£287,400	£981,300	£1,032,500	£1,683,100	£2,643,900	£275,500	£275,500	£2,341,400	£4,196,300	£0	£0	£2,392,600	£4,247,600	£0	£0	£2,392,600	£4,247,600	£0	£0	£2,392,600	£4,247,600	£0	£0	£2,392,600	£4,247,600	£0	£0	£2,392,600	£4,247,600
Accommodation-related costs inc. Siamb expansion and Ty Hywel refit	£995,000	£995,000	£0	£0	£885,000	£885,000	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	
Other capital costs inc. Senedd Commission funded ICT equipment	£0	£0	£37,000	£39,000	£762,000	£819,000	£65,500	£81,900	£600,400	£600,400	£40,800	£61,400	£0	£0	£10,000	£10,000	£7,500	£7,500	£28,500	£28,500	£0	£0	£47,000	£49,000	£0	£0	£65,500	£81,900	£0	£0	£40,800	£61,400
Revenue costs inc. externally contracted services for Members, and ICT licensing	£5,000	£5,000	£17,100	£18,400	£33,800	£73,700	£111,600	£475,300	£0	£0	£513,900	£1,040,200	£0	£0	£510,100	£1,054,300	£0	£0	£510,100	£1,049,300	£0	£0	£510,100	£1,049,300	£0	£0	£510,100	£1,054,300	£0	£0	£510,100	£1,049,300
Election costs	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	
<b>Subtotal</b>	<b>£2,241,900</b>	<b>£2,293,200</b>	<b>£341,500</b>	<b>£344,900</b>	<b>£2,662,000</b>	<b>£2,810,200</b>	<b>£1,860,100</b>	<b>£3,201,000</b>	<b>£875,900</b>	<b>£875,900</b>	<b>£2,896,100</b>	<b>£5,297,900</b>	<b>£0</b>	<b>£0</b>	<b>£2,912,700</b>	<b>£5,311,900</b>	<b>£7,500</b>	<b>£7,500</b>	<b>£2,931,200</b>	<b>£5,325,400</b>	<b>£0</b>	<b>£0</b>	<b>£3,249,700</b>	<b>£5,646,000</b>	<b>£0</b>	<b>£0</b>	<b>£4,468,200</b>	<b>£6,883,800</b>	<b>£0</b>	<b>£0</b>	<b>£2,943,500</b>	<b>£5,358,300</b>
<b>Members of the Senedd and Member Support Staff costs</b>																																
Member salaries	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£3,250,400	£3,250,400	£0	£0	£3,250,400	£3,250,400	£0	£0	£3,250,400	£3,250,400	£0	£0	£3,250,400	£3,250,400	£0	£0	£3,250,400	£3,250,400	£0	£0	£3,250,400	£3,250,400
Deputy Presiding Officer salaries	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£28,700	£0	£0	£28,700	£0	£0	£0	£28,700	£0	£0	£0	£28,700	£0	£0	£0	£28,700	£0	£0	£0	£28,700	
Minister salaries	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£250,900	£0	£0	£250,900	£0	£0	£0	£250,900	£0	£0	£0	£250,900	£0	£0	£0	£250,900	£0	£0	£0	£250,900	
Committee Chair salaries	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£17,200	£51,700	£0	£0	£17,200	£51,700	£0	£0	£17,200	£51,700	£0	£0	£17,200	£51,700	£0	£0	£17,200	£51,700	£0	£0	£17,200	£51,700
Political Group Leader salaries	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£17,200	£34,500	£0	£0	£17,200	£34,500	£0	£0	£17,200	£34,500	£0	£0	£17,200	£34,500	£0	£0	£17,200	£34,500	£0	£0	£17,200	£34,500
Business Committee	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£11,000	£22,100	£0	£0	£11,000	£22,100	£0	£0	£11,000	£22,100	£0	£0	£11,000	£22,100	£0	£0	£11,000	£22,100	£0	£0	£11,000	£22,100
Member support staff salaries	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£4,889,400	£4,889,400	£0	£0	£4,889,400	£4,889,400	£0	£0	£4,889,400	£4,889,400	£0	£0	£4,889,400	£4,889,400	£0	£0	£4,889,400	£4,889,400	£0	£0	£4,889,400	£4,889,400
Member allowances and office costs	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£1,017,400	£1,017,400	£0	£0	£837,400	£837,400	£0	£0	£837,400	£837,400	£0	£0	£837,400	£837,400	£0	£0	£837,400	£837,400	£0	£0	£837,400	£837,400
Residential Accommodation Expenditure	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£266,800	£266,800	£0	£0	£266,800	£266,800	£0	£0	£266,800	£266,800	£0	£0	£266,800	£266,800	£0	£0	£266,800	£266,800	£0	£0	£266,800	£266,800
Members Travel	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£150,000	£150,000	£0	£0	£150,000	£150,000	£0	£0	£150,000	£150,000	£0	£0	£150,000	£150,000	£0	£0	£150,000	£150,000	£0	£0	£150,000	£150,000
Support for political parties	£0	£0	£0	£0	£0	£0	£0	£0	£0	£0	£629,500	£629,500	£0	£0	£629,500	£629,500	£0	£0	£629,500	£629,500	£0	£0	£629,500	£629,500	£0	£0	£629,500	£629,500	£0	£0	£629,500	£629,500
<b>Subtotal</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£0</b>	<b>£10,249,000</b>	<b>£10,591,400</b>	<b>£0</b>	<b>£0</b>	<b>£10,069,000</b>	<b>£10,411,400</b>	<b>£0</b>	<b>£0</b>	<b>£10,069,000</b>	<b>£10,411,400</b>	<b>£0</b>	<b>£0</b>	<b>£10,069,000</b>	<b>£10,411,400</b>	<b>£0</b>	<b>£0</b>	<b>£10,069,000</b>	<b>£10,411,400</b>	<b>£0</b>	<b>£0</b>	<b>£10,069,000</b>	<b>£10,411,400</b>
<b>Total</b>	<b>£2,241,900</b>	<b>£2,293,200</b>	<b>£341,500</b>	<b>£344,900</b>	<b>£2,662,000</b>	<b>£2,810,200</b>	<b>£1,860,100</b>	<b>£3,201,000</b>	<b>£875,900</b>	<b>£875,900</b>	<b>£13,145,100</b>	<b>£15,889,300</b>	<b>£0</b>	<b>£0</b>	<b>£12,981,700</b>	<b>£15,723,300</b>	<b>£7,500</b>	<b>£7,500</b>	<b>£13,000,200</b>	<b>£15,736,800</b>	<b>£0</b>	<b>£0</b>	<b>£13,318,700</b>	<b>£16,057,300</b>	<b>£0</b>	<b>£0</b>	<b>£14,537,200</b>	<b>£17,295,200</b>	<b>£0</b>	<b>£0</b>	<b>£13,012,500</b>	<b>£15,769,700</b>

## *Costs and Savings for Local Authorities*

### Approach

509. The Welsh Local Government Association (WLGA) was asked to assist Welsh Government officials in pulling together an aggregate picture of the net financial impacts to Local Authorities by providing the additional costs or savings to the status quo resulting directly from the Senedd Cymru (Members and Elections) Bill provisions. The Welsh Government funds Local Authorities for the administration of Senedd elections, for transparency these are the costs and savings that would be seen in the administration of elections by Local Authorities, that ultimately fall to the Welsh Government. Wider electoral reform changes and the general economic position will also impact on costs relating to running an election, but these have not been factored into the Regulatory Impact Assessment as they are beyond the scope of Senedd Reform.
510. A small working group was formed of Local Authority representatives, including former and current Regional Returning Officers and Electoral Services Managers, considered to be representative of the wider country by providing a geographical spread and also covering both urban and rural Local Authorities. The group identified the areas of activity and spend that would be affected and agreed the estimated percentage change to costs falling to Local Authorities as a result of the proposed changes.
511. The working group noted there were a number of unknown and unquantifiable implications which could ultimately impact on future costs. For example, the pairing of the UK Parliamentary Constituencies to create the new Senedd Constituencies will not be concluded until 2025. A number of operational decisions would flow from the new constituency boundaries, including alternative polling station locations or count venues which may be required to accommodate a change in geography or volume of votes. It was

noted that fewer, but larger, count venues may be required given the change in Senedd constituencies. Similarly, a change in distance between polling stations and the count venue could have implications for transportation costs and time for electoral administrators and movement of ballot papers. It was also considered that, subject to the new constituencies, additional resource may be required to support Returning Officers (ROs) in relation to additional workload arising from the enhancement in size of the constituencies. Such costs may also be accompanied by potential savings in relation to the time, and therefore staff costs, required to conduct the count as a result of the reduction from two to one ballot papers per elector.

512. Consequently, due to the level of uncertainty around a number of parameters, it has not been possible to quantify these costs with any accuracy. It has therefore been assumed that changes would not be incurred in terms of overall polling station and count costs. There would likely be greater clarity on the costs for future elections following the election in 2026 and these would be published post-election in line with current practice.

513. Furthermore, the group also agreed it should be assumed the size of the ballot papers would be within existing printing parameters. As a consequence, the reduction from two to one ballot paper per elector has been assessed as resulting in a saving for the cost of printing ballot papers. It has also had no impact on ballot boxes.

514. The areas identified by the Working Group as being subject to a cost increase or saving were:

- Returning Officers costs and fees (40% decrease in number of ROs and hence fees but 35% increase in costs);
- ballot paper printing costs (50% decrease in cost);
- nominations (2% increase in cost); and
- training (0.5% increase in cost)

515. Where the WLGA Working Group had identified a percentage cost or a saving as a result of Senedd Reform, the percentage has been applied to 2021 election claims for each constituency and were used to identify the costs for the above categories. However, the 2021 Senedd Election was combined with the (postponed) Police and Crime Commissioner (PCC) election as well as taking place during the Covid-19 pandemic, and therefore, whilst costs were disaggregated as much as possible, the comparison may be less accurate than if the costs had been taken from a comparable poll. Since the previous non-combined poll was in 2011 it was not felt appropriate to use those costs as a comparison given the changes in the intervening period (e.g. to the franchise) and the change in costs over that time.

516. The figures included in the RIA are therefore considered to be a best estimate based on the best evidence available at this point in time.

517. The majority of costs falling to local authorities are expected to be incurred in the year of an election, which within the context of this Bill's appraisal period will be 2026-27 and again in 2030-31.

#### ***Returning Officer costs and fees***

518. The Senedd Cymru (Returning Officers' Charges) Order 2021 set out the maximum recoverable amounts for the 2021 Senedd election. There were there were 4 levels of payments for services rendered by electoral administrators (£4000, £4500, £5500, £8500) and these were applied to the 40 Senedd constituencies according to a set of criteria which includes constituency electorate and residential property figures. A separate figure (£2,500 each) applied for the five Regional constituencies. The overall maximum total for RO Fees under the current structure is therefore £244,500.

519. The actual amount claimed for the 2021 Senedd election was £231,900 as some ROs claimed less than the maximum permitted.

520. For the purposes of like-for-like comparison, moving to 16 constituencies will result in a requirement for 16 Returning Officers which, if all were assumed to be set at the maximum limit in recognition of the enhancement in size, would result in an overall limit of £136,000 which would represent a £108,500 saving on the current £244,500 maximum (45% saving). However, policy decisions would need to be taken in respect of the appropriate limits for the next and future elections, and the appropriate band for each of the new constituencies and therefore this could be subject to some variation.

521. As referenced above, it is estimated that larger constituencies will give rise to increased administrative costs linked to the enhancement in size of the new Senedd constituencies and the assumed need for additional core support locally and via other local authority teams. In addition, there may be a need to appoint directly remunerated Deputy Returning Officers to support Returning Officers in light of the larger constituencies.

522. It has therefore been estimated that costs could increase by 35% which when based on an overall maximum limit of £136,000 would result in an additional cost of £47,600. This would lead to a new overall cost of £183,600.

523. This would result in a small saving in overall costs of around £61,000 compared with 2021 costs associated with the current system and number of constituencies and regions.

### ***Ballot paper printing costs***

524. The changes to the electoral system will result in a move from two ballot papers for a Senedd election (constituency and

regional) to just one. As a result, it has been assumed that printing costs would reduce by 50%. This print saving assumes the ballot papers for the new system would still adhere to standard parameters – if this were not to be the case then the potential savings would likely decrease.

525. Changes in the cost of other printed items were not included in the calculations as it was not considered the changes brought about by Senedd Reform would impact on them (for example, the proposed changes have no bearing on the cost of postal vote envelopes and does not change the number of voters eligible to vote by post).

Cost of printing ballot papers (2021)	£583,300
Total with GDP Deflator (1.08352)	£632,000
50% saving in ballot paper printing cost	-£316,000

### ***Training costs***

526. Training costs are envisaged to increase slightly to reflect the need for familiarisation with the amended system, although the Working Group suggested these may potentially be offset by the proposed creation of a funded Electoral Management Board (EMB). Costs have been included at this stage as the proposals for an EMB would be taken forward as part of the proposed Electoral Reform legislation. The training would mainly be carried out just ahead of an election, with the costs therefore likely incurred in the financial year the election is held. The anticipated increase in cost is £1,300.

### ***Electoral Management System***

527. Changes to the Electoral Management System will be required to reflect the implications of Senedd Reform, but it is anticipated that the majority of these will be relatively small or

considered to be part of business as usual and the contracted service provided by the three suppliers. The contracts with suppliers are held by Local Authorities and therefore the costs identified fall to them.

528. Based on previous experience of changes to the Electoral Management System, it has been estimated that changes will require two people working for 10 days at a daily rate of £1000, duplicated across all three suppliers. This estimate will be subject to negotiation and contractual agreement with suppliers and depend on the scale of the electoral management system changes required.

529. Due to work needing to be undertaken in advance of the election, costs in this area would likely be incurred in 2025–26.

530. The Working Group identified that an increase in costs (2%) associated with the nominations process could be incurred as a result of changes e.g. increase in number of Members of the Senedd will potentially increase the number of candidates, increasing nomination time and costs. Calculations for any changes identified by the Working Group were based on 2021 election claims where specific nominations costs were only identified in a small number of claims, hence a relatively small estimated increase in costs (£100).

**Table 8.8: Summary of Local Authority Costs**

<b>Transitional cost (incurred in 2025-26)</b>		
Electoral Management System	£60,000	
<b>Ongoing costs (incurred in 2026-27 and repeated in 2030-31)</b>		
Change to maximum recoverable amount for services rendered by electoral administrators	-£108,500	Reduction in number of ROs to 16 but all paid at highest band of £8500. 2021 maximum £244,500
Change in Returning Officer costs	£47,600	35% increase

Decrease in ballot paper printing costs	-£316,000	50% decrease
Nomination costs	£100	2% increase
Increase in training costs (although noting these could be offset against new EMB)	£1,300	0.5% increase
<b>Total ongoing cost</b>	<b>-£375,500</b>	

### ***Other costs/savings***

531. Under the provisions in the Bill, any vacant seats would be filled by reference back to the relevant list. No provision is made for by-elections, therefore if a casual vacancy arose and the candidate list for the incumbent party had been exhausted the seat would remain vacant until the next Senedd election. Such a change removes the costs currently associated with a by-election for a constituency seat and therefore provides a potential saving in costs. Since the establishment of the Senedd in 1999 there have been four by-elections over five full Senedd terms, but it is not possible to predict with certainty the frequency of them being called and therefore a monetary saving has not been factored into the cost table. It is however worth noting that based on previous costs the saving would likely be in the region of £140,000 per by-election (using an average of the last two by-elections adjusted for inflation).

532. The WLGA Working Group assumed costs in some areas would be neutral. This reflects that certain marginal savings (e.g. with only one ballot paper the time to count votes is likely to be shorter and therefore result in a lower staff cost), would likely equate to certain marginal cost increases (e.g. venue hire could be more due to the need for larger venues).

533. It is possible that additional costs and savings could be identified once the pairing arrangements for constituencies have



been confirmed and Local Authorities are able to consider the operational impact of those and the implications for election costs.

## ***Costs and savings for the Local Democracy and Boundary Commission for Wales***

### **Approach**

534. The Local Democracy and Boundary Commission for Wales (LDBCW) was asked to provide the additional costs or savings to the status quo resulting directly from the Senedd Cymru (Members and Elections) Bill provisions. Estimates have been provided based on costs from the Boundary Commission for Wales 2023 Parliamentary Review.

### **Costs and savings**

#### ***Rebranding and website costs***

535. The Bill renames the LDBCW to the ‘Democracy and Boundary Commission Cymru’ (DBCC) which will result in costs associated with re-branding, including website costs such as updating domain names. These are transitional costs, estimated to be £42,000 in 2024–25.

#### ***Commissioner Costs***

536. The Bill increases the maximum number of Commissioners from ‘not more than five’ to ‘not more than nine’ in response to the additional functions provided to the DBCC. As public appointees, Welsh Ministers will determine the number of Commissioners in post and the costs are therefore discretionary. However, for transparency the estimates of an additional four Commissioners have been included in this RIA, based on the current rate of remuneration (at the current day rates of: Chair – £268, Deputy Chair – £234, Member – £198).

537. Higher costs will be incurred in review years to reflect the additional preparation time and meetings. These are £31,400 for

the first review and £25,100 per annum for the second review (falling to £18,800 for the third year of the second review). In non-review years, Commissioner costs fall to £13,100. These costs are summarised in the table below.

**Table 8.9: DBCC Commissioner Costs**

	1st Review	Non-Review Year	2nd Review			Non-Review Year		
Budget Item	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
Commissioner Costs	£31,400	£13,100	£25,100	£25,100	£18,800	£13,100	£13,100	£13,100

### **Staff costs**

538. The Bill requires the DBCC to undertake a boundary review ahead of the 2026 Senedd Election. Due to the time available this review is streamlined and will result in the 32 new UK Parliamentary constituencies being ‘paired’ to create the 16 new Senedd constituencies. The Bill requires the DBCC to undertake a ‘full’ boundary review ahead of the 2030 Senedd Election. Due to the timing and nature of the first review, it can be delivered with the current staffing structures and numbers of the LDBCW, however the second review will require additional staff. The staff allocation for the first review will be: one Grade 6 (50%), one Grade 7 (50%), one HEO (75%), one HEO (50%) and a Team Support (100%) in 2024–25. The second Review staff allocation will require the allocation for the first review as well as an additional HEO (100%) and an EO (100%) in 2026–27 and 2027–28. Additionally, HEO resource (100%) will be required in the final quarter of 2025–26 and the first quarter of 2026–27. This is reduced in the last year of the review (2028–09) to: one Grade 6(50%), one Grade 7(50%), one HEO (50%) and a Team Support (50%).

539. The costs of the first review in 2024–25 will therefore be £195,800 and are classed as ‘opportunity costs’ as they are costs associated with the time spent by existing LDBCW staff on tasks directly related to implementation of the Bill, which would otherwise be spent on other activities. The second review will result in a cost of £13,200 in 2025–26, £302,300 in 2026–27 and £289,100 in 2027–28 (£195,800 of which are opportunity costs)

and reduces to £139,300 in the year 2028–29. The table below outlines the year-on year costs. No additional accommodation costs will be incurred for the additional staff as the existing office space will be sufficient.

**Table 8.10: DBCC Staff Costs**

	1st Review	Non-Review Year	2nd Review			Non-Review Year		
Budget Item	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
Staff Costs	£195,800	£13,200	£302,300	£289,100	£139,300	£0	£0	£0

***Non-staff costs associated with the Reviews***

*Consultation Portal costs*

540. Costs associated with the consultation portal, including the portal build, penetration testing, support and hosting costs will be incurred. The portal will be decommissioned after the second review. The costs associated with the portal are significantly reduced (by approximately £40,000) due to much of the work on the build and design having been done for the electoral reviews portal. The costs for the Bill associated with the portal will be £70,800 for 2024–25, £7,200 in the interim year between reviews 2025–26 and £10,800 per year for the 3 years of the second review 2026–27 – 2028–29. The year-on-year costs are outlined in the table below.

**Table 8.11 DBCC Consultation Portal Costs**

	1st Review	Non-Review Year	2nd Review			Non-Review Year		
Budget Item	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
Consultation Portal costs	£70,800	£7,200	£10,800	£10,800	£10,800	£0	£0	£0

*Public Hearings costs*

541. Estimated costs related to holding public hearings as part of the second review will be £96,000 in 2027–28 and will include event costs, assistant commissioner fees, travel and subsistence as well as online streaming services.

*Advertising costs*

542. Advertising costs associated with the two reviews will be incurred, including the development of a package of advertising materials to be used for TV, radio, social media and print options; and intensive online advertising during consultation periods, including paid print and radio advertisements, as well as advertisements on public transport.

543. Extensive advertising will be undertaken for the first review costing £117,000 in 2024–25, with costs of £48,000 per year over the second review period, totalling £144,000 over three years, as outlined in the table below. Estimates were based on the advertising costs associated with the recent Parliamentary Review.

**Table 8.12: DBCC Advertising Costs**

Budget Item	1st Review	Non-Review Year	2nd Review			Non-Review Year		
	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
Advertising costs	£117,000	£0	£48,000	£48,000	£48,000	£0	£0	£0

### **ICT and Telecoms costs**

544. There will be additional ICT costs for the DBCC associated with the implementation of the Bill, including purchasing ICT equipment and relevant software and licenses for the four additional Commissioners for the first review (at a cost of £36,000) and updates to software during the second review, as well as additional expenditure for increased staffing (at a cost of £120,000). A summary of costs and the years they fall in can be found in the table below.

**Table 8.13: DBCC ICT and Telecoms costs**

Budget Item	1st Review	Non-Review Year	2nd Review			Non-Review Year		
	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
ICT and telecoms costs	£36,000	£0	£48,000	£36,000	£36,000	£0	£0	£0

### **Legal Costs**

545. Throughout the review process, the DBCC will require independent legal advice to ensure that it is operating within the limits of the legislation as well as reviewing DBCC publications. These costs are estimated to be £36,000 for the first review and a

total of £42,000 over three years for the second review – costs are based on the costings of the BCW 2023 Parliamentary review. A year-by-year breakdown of legal costs can be found in the table below.

**Table 8.14: DBCC Legal Costs**

	1st Review	Non-Review Year	2nd Review			Non-Review Year		
Budget Item	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
Legal costs	£36,000	£0	£12,000	£18,000	£12,000	£0	£0	£0

### **Translation costs**

546. Additional translation costs of £78,000 will be incurred by the DBCC for each review. This includes translation of documentation and materials that are published as well as simultaneous interpretation at the public events and is in line with the Welsh language standards. Estimates have been based on spend on the Parliamentary review.

547. A year-by-year breakdown of the costs can be found in the table below.

**Table 8.15: DBCC Translation Costs**

	1st Review	Non-Review Year	2nd Review			Non-Review Year		
Budget Item	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
Translation costs	£78,000	£0	£18,000	£36,000	£24,000	£0	£0	£0

### **Miscellaneous Review costs**

548. Miscellaneous costs incurred for the Reviews, (including printing and proofreading costs will be £24,000 for the first review and £25,200 for the second review. A year-by-year breakdown of these costs can be found in the table below.

**Table 8.16: DBCC Miscellaneous Review Costs**

	1st Review	Non-Review Year	2nd Review			Non-Review Year		
Budget Item	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
Misc Review costs	£24,000	£0	£6,000	£9,600	£9,600	£0	£0	£0

### **Audit Fees**

549. Estimates provided from Audit Wales indicate that the annual audit fees for the renamed LDBCW will increase as a result of the Bill by an additional £4,800 per annum.

## Summary of costs

550. The total cost of the Bill to DBCC over the review period is estimated as £2,079,600, though this includes £913,300 of opportunity costs. The most significant expenditure will fall in the review years 2024–25 and 2026–27 – 2028–29, after which the annual costs associated with the Bill will fall to £17,900 per annum. These ongoing costs are associated with the cost of the new Commissioners and annual audit fees.

551. It should be noted that the Bill requires the DBCC to undertake periodic reviews of the Senedd constituency boundaries every eight years. These would be full reviews and costs would be expected to align with those set out for the second review. These costs have not been captured in this RIA as they fall outside of the appraisal period, and because of the alignment with the second review are considered to be periodic, but business as usual, from 2030 onwards.

552. A summary of the DBCC costs can be found in the table below.

**Table 8.17: Summary of DBCC costs**

Budget Item	1st Review	Non-Review Year	2nd Review			Non-Review Year		
	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
Rebranding & Website Costs	£42,000	£0	£0	£0	£0	£0	£0	£0
Commissioner Costs	£31,400	£13,100	£25,100	£25,100	£18,800	£13,100	£13,100	£13,100
Staff Costs	£195,800	£13,200	£302,300	£289,100	£139,300	£0	£0	£0
Consultation Portal costs	£70,800	£7,200	£10,800	£10,800	£10,800	£0	£0	£0
Public Hearings costs	£0	£0	£0	£96,000	£0	£0	£0	£0
Advertising costs	£117,000	£0	£48,000	£48,000	£48,000	£0	£0	£0
ICT and telecoms costs	£36,000	£0	£48,000	£36,000	£36,000	£0	£0	£0
Legal costs	£36,000	£0	£12,000	£18,000	£12,000	£0	£0	£0
Translation costs	£78,000	£0	£18,000	£36,000	£24,000	£0	£0	£0
Misc Review costs	£24,000	£0	£6,000	£9,600	£9,600	£0	£0	£0
Audit Fees	£4,800	£4,800	£4,800	£4,800	£4,800	£4,800	£4,800	£4,800
<b>Total</b>	<b>£635,800</b>	<b>£38,300</b>	<b>£475,000</b>	<b>£573,400</b>	<b>£303,300</b>	<b>£17,900</b>	<b>£17,900</b>	<b>£17,900</b>

## ***Costs and Savings for Welsh Government***

### ***Approach***

553. The financial impacts of the Senedd Cymru (Members and Elections) Bill on the Welsh Government are largely as a direct result of the potential increase in Ministers but also indirectly as a result of the increase in size of the Senedd. The financial estimates for changes impacting Welsh Government have been identified and quantified, where possible, by engaging with officials from across the organisation.
554. The Bill provides for increasing the legislative limit on the number of Welsh Ministers who may be appointed by the First Minister from twelve to seventeen (in addition to the First Minister and Counsel General, who are directly appointed by the Crown upon nomination by the Senedd). The Bill also provides a power to further increase this limit to eighteen or nineteen by statutory instrument and with the approval of the Senedd. The decision on how many, if any, additional Ministers will be appointed is a decision to be taken by the First Minister following the next Senedd Ordinary General Election in 2026. Costs associated with additional Ministers are therefore subject to this discretion. However, for transparency potential scenarios have been included in the cost estimates of the Bill which reflect the direct costs for the Welsh Government of five additional Ministers. It should be noted that additional salaries for Ministerial appointments are included in Senedd Commission costings as they are responsible for payments to office holders.
555. If a future First Minister were not to appoint more than the current number of Ministers (as reflected in the Senedd Commission's minimal change scenario), the direct costs of

Senedd reform to the Welsh Government would be confined to a portion of the Cabinet Secretariat costs related to an increase in business driven by additional Members of the Senedd (as referenced below). This would represent a minimum financial impact, however due to the very limited implications on costings for such a scenario have not been included.

556. The maximum potential costs associated with the Bill in this area would be the appointment of five additional Ministers (as reflected in the Senedd Commission's greater change scenario), as this would give rise to the level of support afforded a Minister. Financial estimates for this scenario have been calculated to represent the top of a range.

557. A lower, potentially more likely, scenario would involve a combination of Ministers and Deputy Ministers appointed to the five additional Ministerial positions in proportion with the ratio of previous Governments. As currently there are seven Ministers as well as the First Minister and the Counsel General and five deputy Ministers, the appointment of an additional three Ministers and two deputy Ministers to the potential Ministerial posts would be a proportionate extrapolation.

558. While the Bill provides a power to further increase the limit of Welsh Ministers to eighteen or nineteen, the rationale for doing so is to future proof the legislation for the devolution of further powers, or other circumstances where an increase is considered to be merited, as this would be achieved through regulations subject to the Senedd's approval. Consequently, these financial estimates have not accounted for a further change in the limit of Welsh Ministers beyond the initial increase to seventeen, set out on the face of the Bill. Any such financial implications for a further increase would be set out in the Regulatory Impact Assessment to accompany the relevant statutory instrument.



559. The increase in the number of Members of the Senedd and their capacity to scrutinise Ministers will have an impact on the work of the Welsh Government. The overall size of the Senedd will increase from 60 to 96 Members (an increase of 60%), however assuming the number of Ministers increases by five, the number of Members outside the Government will increase from 46 to 77 (an increase of 67.4%). With an increase of this extent, it can be presumed that there will be an increase (potentially significant) in the volume of Senedd-related business for Ministers for which support from the Welsh Government Civil Service would be required. This could include Senedd Questions and Ministerial correspondence with Members. Similarly, an increase in Plenary time, as provided for in the Senedd Commission's greater change scenario, or increase in the number of Committees at which Ministers would be required to provide evidence, as reflected in both the minimal and greater change scenarios, would also have an impact. Senedd business comes in a variety of forms, such as Written Questions, Oral Statements and debates. However, the cost of each item (by virtue of Welsh Government Ministerial and staff time) would differ depending on its nature and complexity. It is therefore not possible to quantify with any accuracy the volume of increased work as this is largely dependent on a number of factors and variables. The exact level of additional demand will ultimately be determined by decisions which can only be taken at the start of the next Senedd. The determination of what constitutes 'additional' work would also be complex to determine, because in practice, work initially prompted by Senedd business (e.g. a Written Question) may then have intersectional benefits for policy or legislative development. The additional cost to Welsh Government for the increased workload associated with the increase in the size of the Senedd is therefore unknown at this stage.

## **Direct Financial Implications**

### *Ministerial Support staff*

560. Welsh Ministers are provided with direct support by the Welsh Government Civil Service to support them in carrying out their Ministerial duties. If additional Ministers were appointed, resources would need to be put in place to provide this support to these Ministers. It is estimated that this support would be provided from within existing resources by redeploying staff from other roles. It would not therefore require an additional financial outlay by the Welsh Government. However, there will be an opportunity cost since these members of staff would otherwise be employed elsewhere in the organisation. As such, the value of this time has been included in the cost implications of the Bill for transparency and completeness.

561. Welsh Ministers are provided with direct personal administrative support by Ministerial Private Offices. Currently levels of support provided to Ministers and Deputy Ministers may vary, however the standard composition of a Ministerial Private office is five members of staff at varying grades, with Deputy Ministers supported by two members of staff, as follows:

**Table 8.18 Standard composition of Ministerial Private Office**

<b>Job Title</b>	<b>Grade</b>	<b>Average Annual Gross Cost</b>
Senior Private Secretary	Grade 7	£86,731
Private Secretary	HEO	£52,774
Assistant Private Secretary	EO	£40,504
Diary Secretary	EO	£40,504
Administrative Support	Team Support	£33,927

**Table 8.19 Standard composition of Deputy Ministerial Private Office**

<b>Job Title</b>	<b>Grade</b>	<b>Average Annual Gross Cost</b>
Private Secretary	HEO	£52,774
Diary Secretary	EO	£40,504

562. It should be noted that Senior Private Secretaries and Private Secretaries receive a 'PS Allowance' in recognition of the unsocial hours that can be required as part of the duties.
563. In the higher potential scenario of five additional Ministers the additional cost of providing Private Office support would be £1,284,700 per annum (including salaries and allowances for 25 members of staff) and for lower scenario of three Ministers and two deputy Ministers the costs would be £963,400 per annum (including salaries and allowances for 19 members of staff). The Ministerial support staff would be required from 2026–27 onwards.
564. Special Advisers add a political dimension to the advice and assistance available to Ministers while reinforcing the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support. They are appointed by the First Minister to help Ministers on matters where the work of Government and the work of the Government Party overlap and where it would be inappropriate for permanent civil servants to become involved. The First Minister is required, by section 16 of the Constitutional Reform and Governance Act 2010, to prepare an annual report about Special Advisers serving the Welsh Government, which must contain information about the number and cost of the special advisers, and lay that report before the Senedd. The number of Special Advisers is not directly related or dependent on the number of Ministers. Senedd Reform will not change the breadth of Welsh Ministers' responsibilities collectively and therefore no additional costs, arising from Senedd Reform, are anticipated in this area.

#### *Accommodation costs*

565. Currently Welsh Ministers are provided with offices in Ty Hywel and access to office space on a 'hot office' basis in the Welsh Government building at Cathays Park. Hot office space is also

provided in offices across the Welsh Government estate for Ministers to access. A potential increase in the number of Ministers would require the refurbishment of space on the second floor of Ty Hywel to provide five additional permanent Ministerial Offices. Refurbishment works would be carried out in 2025–2026 to ensure space was available following the 2026 election and, including the furnishing of offices, would cost an estimated £272,600. If an assumption is made that occupancy of existing space in Cathays Park and the rest of the estate is consistent with the current ‘hot office’ approach, no additional refurbishment would be needed to meet the requirements of additional Ministers.

#### *IT costs*

566. Ministers are provided with the necessary IT equipment to enable them to carry out their Ministerial duties, including the ability to work remotely. Some of this equipment will be one-off costs (such as phones, docking stations, monitors and printers, headsets and webcams) whilst due to licensing some will be costs incurred per four-year period (Laptops and tablets). Annual ongoing costs are also incurred for broadband, phone and annual licensing fees. Ministers usually have equipment to allow hybrid working installed in their offices which incur costs per 5 years. Welsh Government staff redeployed into Ministerial support roles will have been provided with standard IT equipment and so these will not be additional costs, however, Senior Private Secretaries and Private Secretaries are provided with mobile phones and so these costs have been included.

567. The cost of providing a similar level of IT equipment to a potential five additional Ministers and their Private office staff would be £71,900 in the year 2026–27, £13,100 in the year 2029–30 and £37,500 in year 2030–31 as well as an annual cost of £10,300.

## *Security*

568. A potential increase in Ministers would have implications for the current levels of protective security provided. An additional two members of staff (costing £105,500) would be required from 2026–27. Security staff are specialist roles and so not positions which could be filled through the redeployment of existing staff. They would therefore be additional costs to the Welsh Government.

## *Travel and Subsistence*

569. In addition to the official car service, expenditure associated with the conduct of Ministerial duties, including travel costs, accommodation and subsistence, is covered by the Welsh Government. This may be arranged by a Ministerial Private Office or incurred by the Minister and claimed back. Whilst an increase in the number of Ministers increases the capacity to undertake government business which may require travel and subsistence claims, the areas which are devolved remain the same and so it does not necessarily follow that costs will increase proportionately with the increase in Ministers. However, a maximum potential increase can be estimated based on the assumption that additional Ministers would result in a proportionate increase to the current costs, resulting in a maximum additional cost of £48,200 per annum from 2026–27.

## *Cabinet Secretariat*

570. The increase of Members of the Senedd provided for by the Bill will have a direct impact on the volume of work managed by Welsh Government officials. The full extent of the impact will be dependent on decisions which are yet to be made, such as an increase in Committees and plenary time, and will be determined by the requirements of Standing Orders. However, the capacity of the Senedd to provide scrutiny of the Welsh Government will be increased and therefore an assumption can reasonably be made

that there will be a consequential increase in business managed by the Welsh Government.

571. As noted above, the volume of such work for the wider organisation cannot be quantified. However, there will need to be a specific increase in staff within Cabinet Division to co-ordinate and manage the Senedd Questions, correspondence, liaison with additional Senedd Committees and management of plenary business. With a potential increase in Ministers, as outlined above, there will also be implications for Travel and Subsistence which will require additional administrative resources. A total of 7 FTE staff members at varying grades (as below) will be required to support this work at a cost of £262,900 from 2026–27. The Team Support posts would manage the anticipated increase in correspondence and support the potential expansion of Cabinet / Sub Committees and potential expansion of work related to Senedd Committee liaison functions. The EO and HEO posts would manage the potential increase in Senedd Questions and Senedd Business. These positions will be filled from within existing resources and are therefore an opportunity cost rather than an additional financial outlay for the Welsh Government.

**Table 8.20: Cabinet Secretariat costs**

Grade	FTE	Average Band Cost	Cost (rounded)
HEO	1	£52,774	£52,800
EO	1	£40,504	£40,500
TS	5	£33,927	£169,600
<b>Total</b>			<b>£262,900</b>

*Welsh Government Delivery of Senedd Reform*

572. Preparation of new subordinate legislation arising directly from the Senedd Cymru (Members and Elections) Bill and implementation work for the reforms requires expenditure in line with the clear mandate that the Senedd provided for the Welsh Government to deliver the recommendations of the Special Purpose Committee in time for the next Senedd election in 2026.

An allocation of £1.2million has been made for 2024–2025. Costs incurred in the preparation of the Bill are considered ‘sunk costs’ as they would not be recoverable should the Bill not receive Royal Assent and are outside the scope of this RIA. Therefore, on an assumption that, if approved by Members, the Bill will receive Royal Assent in the summer of 2024, the proportionate amount remaining for the implementation and delivery work for 2024–25 will be £900,000. Therefore, the quantifiable ‘sunk costs’ for the Welsh Government in 2024–25 is £300,000 and in 2023–24 was £2,200,000.

573. Welsh Government staff will continue implementation work, including stakeholder engagement and the programme governance arrangements in order to ensure the delivery of Senedd Reforms for the 2026 General Ordinary Senedd Election at which point the majority of changes will be in place. A team of 5.2 FTE at varying grades (as below) will be required at a cost of £336,800 per annum. Work related to Senedd Reform from 2027–28 will be considered business as usual for the Welsh Government and costs have not been included. Additional costs will be incurred associated with the implementation of the Bill provided by Welsh Government legal services but as these are considered operational costs, they have not been included.

**Table 8.21: Welsh Government costs related to delivery of Senedd Reform**

<b>Grade</b>	<b>FTE</b>	<b>Average Band Cost</b>	<b>Cost (rounded)</b>
Deputy Director	0.2	£120,174	£24,000
Grade 7	1	£86,731	£86,700
SEO	2	£66,364	£132,700
HEO	1	£52,774	£52,800
EO	1	£40,504	£40,50
<b>Total</b>			<b>£336,800</b>

574. These costs will be met from within existing resources and therefore represent opportunity costs rather than an additional financial outlay to the Welsh Government.

575. The direct costs estimate resulting from the Senedd Cymru (Members and Elections) Bill on the Welsh Government can be found at the table below.



**Table 8.22 Welsh Government Direct Costs**

Range		2024/25		2025/26		2026/27		2027/28		2028/29		2029/30		2030/31		2031/32	
		Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High
<b>Opportunity costs</b>																	
Private Office staff costs	Ongoing	0	0	0	0	963,400	1,284,700	963,400	1,284,700	963,400	1,284,700	963,400	1,284,700	963,400	1,284,700	963,400	1,284,700
	Transitional	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SR WG Delivery staff costs	Ongoing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Transitional	900,000	900,000	336,800	336,800	336,800	336,800	0	0	0	0	0	0	0	0	0	0
Cabinet Secretariat staff	Ongoing	0	0	0	0	262,900	262,900	262,900	262,900	262,900	262,900	262,900	262,900	262,900	262,900	262,900	262,900
	Transitional	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Non Opportunity costs</b>																	
Security	Ongoing	0	0	0	0	105,500	105,500	105,500	105,500	105,500	105,500	105,500	105,500	105,500	105,500	105,500	105,500
	Transitional	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
IT	Ongoing	0	0	0	0	10,300	10,300	10,300	10,300	10,300	10,300	10,300	10,300	10,300	10,300	10,300	10,300
	Transitional	0	0	0	0	71,900	71,900	0	0	0	0	13,100	13,100	37,500	37,500	0	0
Ministerial T&S	Ongoing	0	0	0	0	48,200	48,200	48,200	48,200	48,200	48,200	48,200	48,200	48,200	48,200	48,200	48,200
	Transitional	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Accommodation	Ongoing	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Transitional	0	0	272,600	272,600	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>																	
Including opportunity costs	Ongoing	0	0	0	0	1390400	1711700	1390400	1711700	1390400	1711700	1390400	1711700	1390400	1711700	1390400	1711700
	Transitional	900,000	900,000	609,400	609,400	408,600	408,600	0	0	0	0	13,100	13,100	37,500	37,500	0	0
<b>COMBINED TOTAL</b>		900,000	900,000	609,400.00	609,400.00	1,799,000	2,120,300	1,390,400	1,711,700	1,390,400	1,711,700	1,403,500	1,724,800	1,427,900	1,749,200	1,390,400	1,711,700
<b>TOTAL</b>																	
Excluding opportunity costs	Ongoing	0	0	0	0	164100	164100	164100	164100	164100	164100	164100	164100	164100	164100	164100	164100
	Transitional	0	0	272600	272600	71900	71900	0	0	0	0	13100	13100	37500	37500	0	0
<b>COMBINED TOTAL</b>		0	0	272,600.00	272,600.00	236,000	236,000	164,100	164,100	164,100	164,100	177,200	177,200	201,600	201,600	164,100	164,100

## ***Indirect Financial Implications***

576. In addition to the direct costs outlined above, the increase in the size of the Senedd and potential increase in Ministers will inevitably also have significant implications for the Welsh Government's own ways of working, including its administration and delivery in response to increased scrutiny. There will be implications for policy and government business teams within Welsh Government providing advice and support for Ministers, including for responses to increased volumes of Senedd Questions, briefings for Ministers and correspondence.
577. The extent of the impact and the additional resources required will be determined by decisions that can only be taken after the legislation is passed and in preparation for the next Senedd. In addition, discussions with government business teams reveal that the nature of the work and the approach taken across the policy and government business teams is highly varied and therefore it is not possible to quantify the implications with any degree of accuracy. Cost estimates have therefore not been included within this RIA as they would be imprecise and potentially misleading. These costs are therefore unknown at this stage.
578. There are a number of potential additional costs associated with increasing the number of Ministers which have not been included in the overall cost estimates as they are considered to be wholly discretionary. Additional Ministers would necessitate an increase in direct support (such as Private Office support, which is accounted for below), other areas may be affected by an increase in Ministers, but that is not inevitable and requirements may be met through changes to ways of working. Any decision in relation to these services is not contingent on the provisions within this Bill.
579. Welsh Government Ministers have access to Press Office support to assist them in carrying out their Ministerial duties,

though the level of support required varies depending on the nature of a Minister's portfolio responsibilities. The overall policy responsibilities of Welsh Ministers will not change as a result of this Bill, therefore an increase in Ministerial appointments does not necessarily require an increase in Press Office capacity. Any decisions about the size and structure of the Press Office would be a matter for the First Minister following the Senedd election in 2026. These costs are therefore unknown at this stage.

580. Welsh Ministers also have access to official vehicles staffed by salaried drivers for use when conducting Ministerial business. The Official Car Service is managed in such a way to provide an effective service to Ministers while maximising value for money. The number of vehicles and drivers do not correlate to the number of Ministers as each Minister is not entitled to their own car and driver. Any decisions about the capacity of the official car fleet and the team of drivers would be a matter for the First Minister following the Senedd election, and would take into account a number of factors, including the Welsh Government's commitment to environmental sustainability, and so not determined by the number of Ministers. These costs are therefore unknown at this stage.

581. There will be no overall increase to Welsh Government resources to manage the implications of the potential increase in volume of Senedd and Government work. Changes to current ways of working, streamlining processes, restructuring functions and/or departments, and redeploying teams may be necessary. However, beyond the normal course of work to increase efficiency, these will be decisions to be taken in the future. These changes will not be taken forward in isolation and will be aligned with wider Welsh Government organisational plans for change and improvement.

## Savings

582. No overall savings were identified by the Welsh Government.

## Overall costs

583. The summary of estimated costs is shown in the table below. The ongoing costs to the Welsh Government from 2027–2028, the first year after the implementation of changes the 2026 Senedd Ordinary General Election, will be between £1,390,400 per annum for the lower scenario and £1,711,700 per annum for the higher scenario. However, a significant portion of the Welsh Government costs will not be additional expenditure, but opportunity costs as they relate to staff costs which will be met by redeploying staff already employed by the Welsh Government. The ongoing costs to the Welsh Government excluding opportunity costs will be £164,100 per annum.

584. The total cost to the Welsh Government across the appraisal period will be between £10,310,900 and £12,238,800 including opportunity costs for the lower and higher scenario respectively, and £1,379,600 excluding opportunity costs.

**Table 8.23: Summary of Welsh Government costs**

Range		2024/25		2025/26		2026/27		2027/28		2028/29		2029/30		2030/31		2031/32	
		Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High	Low	High
<b>TOTAL</b>	Ongoing	£0	£0	£0	£0	£1,390,400	£1,711,700	£1,390,400	£1,711,700	£1,390,400	£1,711,700	£1,390,400	£1,711,700	£1,390,400	£1,711,700	£1,390,400	£1,711,700
Including opportunity costs	Transitional	£900,000	£900,000	£609,400	£609,400	£408,600	£408,600	£0	£0	£0	£0	£13,100	£13,100	£37,500	£37,500	£0	£0
<b>COMBINED TOTAL</b>		£900,000	£900,000	£609,400	£609,400	£1,799,000	£2,120,300	£1,390,400	£1,711,700	£1,390,400	£1,711,700	£1,403,500	£1,724,800	£1,427,900	£1,749,200	£1,390,400	£1,711,700
<b>TOTAL</b>	Ongoing	£0	£0	£0	£0	£164,100	£164,100	£164,100	£164,100	£164,100	£164,100	£164,100	£164,100	£164,100	£164,100	£164,100	£164,100
Excluding opportunity costs	Transitional	£0	£0	£272,600	£272,600	£71,900	£71,900	£0	£0	£0	£0	£13,100	£13,100	£37,500	£37,500	£0	£0
<b>COMBINED TOTAL</b>		£0	£0	£272,600	£272,600	£236,000	£236,000	£164,100	£164,100	£164,100	£164,100	£177,200	£177,200	£201,600	£201,600	£164,100	£164,100
<b>OPPORTUNITY COSTS</b>		£900,000	£900,000	£336,800	£336,800	£1,563,100	£1,884,400	£1,226,300	£1,547,600	£1,226,300	£1,547,600	£1,226,300	£1,547,600	£1,226,300	£1,547,600	£1,226,300	£1,547,600

## *Costs and savings for Political Parties*

585. Changes to the Senedd electoral system, such as the number of constituencies and introduction of closed proportional lists, may give rise to additional costs as well as savings for political parties who are engaged in the electoral process in Wales. For example, political parties may need to adapt how they are organised, such as their candidate selection processes, in order to participate in the new electoral system, but there will be fewer constituencies and a single, uniform system to manage resulting in one vote per elector. However, these costs and savings would not be possible to quantify as the extent of the changes required would vary extensively between each political party. Individual parties vary in size, are organised differently, and have their own selection processes. Therefore, the starting point for each party, and the extent of changes required to adapt their own election process that may result in costs or savings, could differ greatly. In addition there is also discretion in the extent to which political parties choose to participate in elections with respect to the number of constituencies and the number of candidates they put forward, which would have a significant bearing on any potential costs and savings. As these decisions are not as a direct result of the Bill and are yet to be taken by political parties, they are not possible to quantify and costs and savings are unknown at this stage.

## **Benefits**

586. Changes arising from Senedd Reform are not envisaged to result in overall cost savings. Some public sector organisations and areas of activity will experience monetary savings (for example due to a reduced number of constituencies or from moving to one voting system rather than two and so only needing one ballot paper) but these will be offset by costs increasing in other organisations and areas of activity (for example salary costs for 36 additional Members of the Senedd).

587. However, as recognised in a number of earlier reports and referenced in parts 1 and 3 of this Explanatory Memorandum, the changes are envisaged to result in a number of non-monetary benefits, some examples of which are provided below.

588. With a greater number of Members, the Senedd will be better equipped to hold the Executive to account via scrutinising policy and legislation in greater detail, including government Budgets and Bills, which can be expected to result in improved legislation and spending plans which in turn would lead to better outcomes for the people of Wales. An overall increase in the number of Members is likely to bring a greater range of expertise but will also mean that Members are less likely to be required to sit on multiple committees. This should provide greater capacity for them to specialise in the areas of interest to their committee and prepare for scrutiny, leading to deeper and more effective scrutiny. The Senedd makes decisions which affect the lives of every single person in Wales. These steps to improve the scrutiny and governance of such decisions will result in better decisions and outcomes for the electorate.

589. The change to a closed proportional list system is envisaged to bring about a number of benefits, namely the move away from the mixed member system will remove confusion for the electorate and individual constituents from having Members

elected by two systems by instead having a single system for election to all Senedd seats. The closed list proportional system provided for by this legislation will enable greater proportionality than the current Mixed Member Proportional (MMP) system. Multi-member constituencies are likely to ensure the composition of the Senedd better reflects the balance of votes cast at Senedd elections, thereby allowing parties to drive a greater diversity of candidates, thus helping to make the Senedd more representative of the people it serves.

590. An increase in the overall number of Members, as well as within each constituency, would also increase capacity to engage with the electorate, communities, and stakeholder groups, thus making Members more accessible to those they represent. This, combined with the greater clarity of representation arising from the removal of a second type of Member, should therefore provide an improved experience for the electorate.

591. Other potential benefits from the provisions set out in the Bill include Members being subject to the laws of the Senedd of which they are part, as a result of the residency requirement for Members; and more frequent democratic renewal by virtue of elections to the Senedd being held every four rather than five years.

592. In 2020, Professor Laura McAllister provided evidence to the Committee on Senedd Electoral Reform that even marginal gains in the efficiency of public services, better decision-making, or early rectification of potential defects in policy or legislation as a result of improved scrutiny carried out by a larger Senedd could result in both financial and non-financial benefits:

*“But I will say that I feel that an enlarged Assembly or an appropriate sized Assembly—put it another way—would actually generate savings to the public purse by effective scrutiny. I think it would deliver better in policy and legislative terms on a very basic level to the population, and it*

*can't be beyond us, as a population, [...] to be able to make that case effectively to people.”<sup>143</sup>*

593. Additionally, evidence from the Auditor General for Wales to the Committee on Senedd Electoral Reform in 2020, sought to quantify the scale of gains which would be required to offset the potential additional costs. He commented that an improvement in value or financial savings of just 0.17 per cent in respect of the Welsh Government’s annual spending of £17.5 billion would offset the additional annual cost of 30 additional Members estimated in the Expert Panel’s report (£10 million a year in total, including support costs).<sup>144</sup>

594. Taking a similar approach with figures from this Regulatory Impact Assessment (taking the minimal and greater figures for 2031–32 total costs as this is where a new ‘steady state’ is expected) and the Welsh Consolidated Fund for 2023–24:

Welsh Consolidated Fund £24,138,851,000

Minimal: £14,420,801 = 0.05974%

Greater: £ 17,499,286 = 0.07249%

595. Therefore, it is anticipated that an improvement in value or financial savings of less than 0.1% of the Welsh Consolidated Fund would offset the additional costs.

596. The Committee on Senedd Electoral Reform’s own view was that:

*“cost alone should not be an excuse for failing to invest in our democracy by ensuring that the Senedd’s electoral arrangements are appropriate, and that its boundaries and seat apportionments ensure people across Wales have equal representation and equal voices in the selection of their representatives.”<sup>145</sup>*

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<sup>143</sup> Professor McAllister, RoP Committee on Senedd Electoral Reform, 20 January 2020, para 91.

<sup>144</sup> Auditor General for Wales, [Letter to Committee on Senedd Electoral Reform](#), 15 May 2020.

<sup>145</sup> Committee on Senedd Electoral Reform, *Senedd Reform: The Next Steps*, September 2020, Para 371



597. This view supported earlier comments by the Silk Commission in their first report in 2012<sup>146</sup> (*‘Good scrutiny means good legislation, and good legislation pays for itself.’*) and the Electoral Reform Society (in 2014) ‘A more effective democratic structure should be a vital part of meeting the need for a more mature democracy that better serves the people of Wales. Democracy on a shoestring undermines effective and efficient governance, and in the end also results in higher costs due to inadequate scrutiny’.<sup>147</sup>

598. Overall, therefore, despite the fact that there are expected to be limited monetary benefits from the changes proposed in the legislation there are a range of expected benefits and recognition from a range of sources that Senedd Reform would nevertheless bring about benefits.

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<sup>146</sup> Empowerment and Responsibility: Financial Powers to Strengthen Wales Commission on Devolution in Wales November 2012 [\[ARCHIVED CONTENT\] \(nationalarchives.gov.uk\)](#)

<sup>147</sup> [Size Matters: Making the National assembly more effective – Electoral Reform Society – ERS \(electoral-reform.org.uk\)](#)

## Part 3- IMPACT ASSESSMENTS

### Chapter 9: Integrated Impact Assessment

599. Alongside the assessment of costs, an integrated impact assessment has been carried out on all elements of The Senedd Cymru (Members and Elections) Bill. The purpose of this assessment has been to consider the impact of the Bill's provisions on particular groups of people and policy areas and to consider any changes needed to the Bill in order to mitigate negative impacts or ensure more positive impacts.

600. The integrated impact assessment is summarised below, is published in full on the Welsh Government's website and a copy can be made available, on request, from [SeneddReform@gov.wales](mailto:SeneddReform@gov.wales).

601. Where the Integrated Impact Assessment has identified that the Bill could have specific impacts, or where there is a legislative requirement to produce such, more detailed, individual impact assessments have also been undertaken into:

- Equality;
- Children's Rights;
- Privacy;
- Welsh Language;
- Biodiversity; and
- Justice.

602. These are summarised below, in the subsequent sub-chapters. The Justice Impact Assessment is set out in full.

603. As previously noted in Chapter 4, a range of public consultations have previously been undertaken on matters related to Senedd Reform. Responses to these consultations have helped inform the preparation of the integrated and individual impact assessments. Individual impact assessments have also been

informed by discussions with internal stakeholders and specific dialogue with external expert stakeholders, including the Information Commissioner's Office and the Ministry of Justice.

604. It may be noted that neither the integrated impact assessment, nor the individual impact assessments, seek to evaluate issues that are not being addressed by this Bill. For example, reference is not made to the implications of legislative gender quotas for parties standing lists of candidates for election to the Senedd, or to the implications of publishing information about the diversity of candidates standing for election to the Senedd, as this will be addressed through subsequent legislation. Likewise, reference is not made to the Welsh Government's planned production of guidance to facilitate political parties in developing diversity and inclusion strategies, because this does not specifically arise from this Bill.

605. Some of the impact assessments identify potentially negative impacts on particular groups or areas. As noted in the assessments, mitigating measures have been agreed to avoid or reduce negative impacts. The impact assessments also identify that some of the Bill's provisions could have positive impacts on particular groups or areas. No impacts have been identified which required introduction of this legislation to be reconsidered or delayed.

## **Summary of Integrated Impact Assessment**

### ***Impact on the well-being of future generations***

606. The integrated impact assessment considers the implications of the legislation in relation to the five ways of working identified within the [Well-being of Future Generations \(Wales\) Act](#).

607. In this context, the legislation is considered to have a range of positive impacts, including for the Senedd's **long-term** capacity

to hold the Welsh Government to account, make laws, consider tax variations, and represent the people of Wales. It also removes a constraint upon future decisions around the devolution of powers, which should be taken on the basis of what approach best meets the needs of the people of Wales. Better scrutiny is considered to make for better policy and law-making, thereby potentially **preventing** a wide-array of problems arising in the future. The measures in the Bill relating to job-sharing will help to lay the foundations for a diverse and inclusive legislature which is better able to reflect a broader range of perspectives and viewpoints. One of the guiding principles in the Welsh Government's framework for electoral reform in Wales has been equity, whereby every person that wishes to participate in democracy must be enabled to do so, and to do so in a safe and respectful environment, so that Wales's institutions are diverse and representative of the people they serve.

608. In the development of electoral changes, **integrated** consideration has been given to the broader changes impacting on the capacity of local authorities' elections teams. This includes the implementation of the UK Government's Elections Act 2022, and reforms being separately delivered through the Welsh Government's Elections and Elected Bodies (Wales) Bill.

609. **Collaboration** and **involvement** with partners and stakeholders have been vital to the development of this legislation, including external delivery partners in the electoral community, and it is anticipated that this approach will be maintained in the implementation of this legislation.

### ***Impact on social wellbeing***

610. Consideration has been given in the integrated impact assessment to how, and to what extent, the legislation may affect people and communities. This included impacts on particular individuals, groups of people or communities, people living in,

working in, or linked to particular places, consumers of particular products or services, workers, in general and in specific sectors, and the goal of promoting decent and fair work (as per section 4 of the Well-being of Future Generations (Wales) Act 2015).

611. For example, the assessment identified that measures to increase the size of the Senedd will in broad terms improve its ability to scrutinise on behalf of, and represent, the interests of a wider range of communities and people across Wales.

612. However, the assessment also identified a range of potential impacts arising from people living in larger Senedd constituencies. Some may perceive this positively, considering that their constituency will now be represented by six Members, and may consider it more appropriate for each constituency to be represented by the same number of Members. Others may perceive this more negatively, potentially feeling that their local area may have lost its voice or identity. Residents of the Ynys Môn UK Parliament constituency will be part of a larger Senedd constituency by comparison, and one that will extend onto the mainland. Consideration has been given to whether residents of Ynys Môn may consider this to be a negative impact, given Ynys Môn's distinctive geography as an island.

613. The assessment also notes that the legislation will disqualify from standing for election to the Senedd (and being a Member of the Senedd) a person who is not registered in the register of local government electors within a Senedd constituency. This may mean that individuals who are currently resident outside of Wales, but who are planning to seek election to the Senedd in a future election will need to relocate in order to be resident. It may be noted that the Representation of the People Act 1983 already provides that a person who does not have a fixed or permanent address may register at the place where they spend most of their time, or to which they have a local connection, by making a declaration of local connection.

## ***Rural Proofing***

614. The Integrated Impact Assessment has concluded that a full rural proofing impact assessment was not required.
615. In reaching this conclusion, the Assessment noted that in broad terms, measures to increase the size of the Senedd will improve its ability to conduct policy and legislative scrutiny, including in relation to rural individuals and communities across Wales.
616. The Assessment also considered the implications of the Senedd having geographically larger constituencies, including whether people living and working in rural areas might consider the identities and needs of their communities to be subsumed within a larger area. It also considered the risk that people in rural communities may have concerns that elected Senedd members will be geographically based further away from their communities. However, the Assessment also notes that the Senedd's new electoral system will mean that people in rural communities will be represented by six Members, which may mitigate such risks. Moreover, the Democracy and Boundary Commission Cymru (DBCC) may take into account as part of the 'pairing' boundary review (ahead of the 2026 Senedd election) "any local ties that would be broken by the proposed pairings". In addition, when considering whether there should be changes to Senedd constituency boundaries as part of the review to take place ahead of the 2030 election (and in subsequent reviews) the DBCC may also take into account "any local ties that would be broken by such changes". It is considered that this will ameliorate any such impacts on the identities of rural communities.
617. In addition, the Assessment also notes that the Bill provides for the DBCC to take into account as part of its boundary reviews special geographical considerations, including the size, shape and accessibility of new or existing Senedd constituencies. This means

that the DBCC will be considering the potential impacts of the size of constituencies as part of its work. Moreover, changes to Senedd constituency boundaries will not impact on access to services available for people in rural communities, as these are not delivered on the basis of Senedd constituencies.

618. Beyond these matters, the Bill's provisions are not considered to have specific impacts on people in rural communities. As such a full Rural-Proofing Impact Assessment has not been conducted.

### ***Health***

619. The Assessment details that in broad terms, measures to increase the size of the Senedd will improve its ability to conduct policy and legislative scrutiny, including in relation to the health of communities and people across Wales. However, beyond this, the majority of the Bill's provisions are not considered to impact (either beneficially or negatively) on health. As such a full Health Impact Assessment has not been conducted.

### ***Economic Impact***

620. In broad terms, measures to increase the size of the Senedd will improve its ability to scrutinise policy and legislation related to economic well-being. However, beyond this, the majority of the Bill's provisions are not considered to impact (either beneficially or negatively) on economic well-being.

621. The overall cost implications of the legislation are also considered to be appropriate, as improved scrutiny of spending plans are expected to assist in realising best value for money from Wales's annual budget of around £24 billion.

622. As such a full Economic Impact Assessment has not been conducted.

## ***Impact on the Public Sector***

623. A full impact assessment on the Bill's impact on the Public Sector has not been conducted. However, the Integrated Impact Assessment has considered in detail the Bill's potential implications for the public sector.
624. Increasing the number of Members of the Senedd, the maximum number of Welsh Ministers and the maximum number of Deputy Presiding Officers will have varied implications for the workloads of public bodies such as the Senedd Commission (in providing support to Members) and the Welsh Government (in providing support to Ministers and responding to parliamentary scrutiny). These are considered in detail in the Bill's Regulatory Impact Assessment.
625. The Bill also makes provision for the renamed Democracy and Boundary Commission Cymru (DBCC) to be repurposed in order to undertake boundary reviews of Senedd constituencies. In addition to these responsibilities, the DBCC will continue to publish a programme of work which keeps under review the electoral arrangements of the 22 principal councils in Wales. The Bill also provides for an increase in the maximum number of Commissioners allowable for the DBCC, to take into account the additional responsibilities and expected increase in the workloads for Commissioners.
626. It is anticipated that the Welsh Government's own forthcoming Elections and Elected Bodies (Wales) Bill will provide for the renamed Democracy and Boundary Commission Cymru taking on the functions of the Independent Remuneration Panel for Wales (IRP). The increase in the maximum number of Commissioners anticipates this change. In this context, the increase from a maximum of five to nine Commissioners can be seen as actually representing a 25% reduction in the current



combined ceiling of 12 within the two existing bodies (five boundary commissioners and seven IRP members).

627. The Assessment also considers the implications of the additional responsibilities being conferred on the secretariat of the renamed Democracy and Boundary Commission Cymru. Additional costs arising from this workload are incorporated into the Regulatory Impact Assessment set out in Part 2 of this Explanatory Memorandum.

628. The Assessment also considers the implications for public bodies of changes to the voting system associated with Senedd Elections, such as local authorities amending and adapting current practices, and the Electoral Commission producing updated guidance to explain the changes to all those engaged in elections, including candidates and voters. The financial implications of such changes are incorporated into the Regulatory Impact Assessment set out in Part 2 of this Explanatory Memorandum.

629. The Assessment also notes that increasing the frequency of Senedd general elections will result in minimal increased costs associated with administering Senedd elections for electoral administrators and bodies such as the Electoral Commission. It also necessitates boundary reviews being conducted on a more frequent basis than would otherwise be necessary (i.e. once every eight years, rather than once every ten). Conversely, the removal of the need for by-elections will result in financial savings for bodies involved in their delivery. The financial implications of such changes are incorporated into the Regulatory Impact Assessment set out in Part 2 of this Explanatory Memorandum.

### ***Impact on the Third Sector***

630. The Assessment identified that the legislation could have marginal impacts upon third sector bodies with a particular interest in electoral voting systems.

631. However, these implications are not considered sufficiently significant to necessitate a full assessment on the Bill's impact on the Third Sector.

### ***Impact on Environmental Wellbeing***

632. In broad terms, measures to increase the size of the Senedd will improve its ability to scrutinise policy and legislation related to environmental wellbeing.

633. Beyond this, the majority of the Bill's provisions are not considered to impact (either beneficially or negatively) on environmental wellbeing.

634. However, to demonstrate compliance with Section 6 of the Environment (Wales) Act 2016, a Biodiversity Impact Assessment has been completed.

### ***Impact on Socio Economic Disadvantage***

635. In broad terms, measures to increase the size of the Senedd will improve its ability to scrutinise the impact of policies and legislation in relation to socio-economic disadvantage.

636. Beyond this, the majority of the Bill's provisions are not considered to impact (either beneficially or negatively) on economic well-being.

### ***Competition Assessment***

637. The Bill's provisions are not considered to create a risk of a significant or detrimental effect on competition. The Bill is not considered to have direct implications for private businesses, nor on geographic, product, temporal or permanent markets.

## **Summary of Equality Impact Assessment**

638. The Equality Impact Assessment was conducted to consider the potential impacts of the legislation on people with protected characteristics as described in the Equality Act 2010.
639. The Full Impact Assessment details that in overarching terms, the Bill is expected to have broadly positive impacts for a range of people with protected characteristics. Measures to increase the size of the Senedd will potentially improve its ability to scrutinise on behalf of, and represent, the interests of a wider range of communities and people across Wales, including people with protected characteristics as described in the Equality Act 2010.

## **Summary of Children's Rights Impact Assessment**

640. Ministers are required to have due regard to the United Nations Convention on the Rights of the Child when exercising any of their functions.
641. The Children's Rights Impact Assessment (CRIA) considers the effect of the Senedd Cymru (Member and Elections) Bill on children in Wales and their rights under the United Nations Convention on the Rights of the Child (UNCRC).
642. The UNCRC is an international human rights treaty that applies to all children and young people up to the age of 18. It was ratified by the UK in December 1991 and came into force in the UK in January 1992.
643. The Welsh Government adopted the Convention as the basis for policy-making for children and young people in Wales in 2004. Children's rights in Wales are further protected by the Rights of Children and Young Persons (Wales) Measure 2011, which requires Welsh Ministers to have due regard to the substantive

rights and obligations within the UNCRC and its optional protocols.

644. CRIAs are a key mechanism for implementing the UNCRC. The Welsh Government has committed to undertaking them as a means of ensuring that due regard is given to children's rights when introducing legislation or exercising Ministerial functions.
645. In preparing the Bill, consideration was given to whether children and particular groups of children may be affected. This has informed the analysis of how the Bill impacts on the Articles of the Convention.
646. The Assessment sets out that the overall impact on Children's Rights is not significant, and is generally positive.
647. In reaching this conclusion, the Assessment noted that the Senedd Commission's 2018 consultation, *Creating a Parliament for Wales* had previously asked for views on the Expert Panel's recommendations (including changes to the Senedd's size, electoral and operational arrangements). No concerns were raised specifically in relation to children and young people.<sup>148</sup> This consultation was informed by a variety of methods, including the publication of an Easy Read consultation document and response form, as well as workshops and focus groups with over 400 young people (albeit such workshops were primarily focussed on the lowering of the voting age in Senedd elections, which was also recommended by the expert panel, and has since been implemented).
648. In broad terms, the Assessment considers that changes to the Senedd's size will positively impact on all children, in terms of their representation by Members of the Senedd, and their opportunity to directly participate in the work of the Senedd,

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<sup>148</sup> Senedd Commission, [Creating a Parliament for Wales: Consultation report](#), October 2018.

through public petitions, engagement with committee inquiries, etc.

649. The Bill is relevant to a number of articles within the UNCRC. The most relevant articles that have been identified are articles 2, 12 and 13 and 17, which refer to respect for the views of the child, freedom of expression and access to information. It also raises some issues in relation to article 14, which refers to freedom of thought, belief and religion, and article 30, which relates to children from minority or indigenous groups.
650. **Articles 1, 3, 4 and 5** contain general principles of the Convention in relation to who is protected, an affirmation that all relevant organisations should work towards the best interests of children, and parental freedom. Articles 1, 3, 4 and 5 are respected by the Bill.
651. **Article 2** addresses children's right to be free from discrimination. The Assessment notes that changes to the Senedd's electoral system will have effect upon 16- and 17-year-olds who are able to vote, but does not consider this to have positive or negative effect compared to its impact on voters who are over 18. The Bill does not affect the rights of 16- and 17-year-olds (including looked-after and disabled children and young people) to vote- only the way that such votes take place.
652. Currently, there is no statutory power to review the Senedd's constituency boundaries- they are ossified, not adapting to reflect changes in population demographics.
653. This will initially be addressed for the purpose of the 2026 election through the pairing of UK Parliamentary constituencies (which were established in 2023) and in the long-term through 'full' boundary reviews.
654. The Children's Rights Impact Assessment has noted that the rules for the pairing boundary review to take place ahead of

the 2026 Senedd election do not include a requirement to meet an electoral quota. Because the UK Parliamentary constituencies that will be paired have been formed on the basis of the UK Parliamentary franchise, this means that they will not take account of the geographic distribution of 16- and 17-year-olds (because they are not enfranchised to vote in UK Parliamentary elections).

655. However, it is not considered that this will have a discriminatory effect on 16-17 year olds themselves. It introduces the potential for some constituencies to have a larger or smaller number of electors than might be expected on the basis of the UK's electoral quota, but this is not considered to correlate to a discriminatory impact for 16- and 17-year-olds themselves.

656. The impact of 16- and 17-year-olds on variations in constituency voter sizes is also likely to be superseded by:

- existing population variations in the Senedd's constituency sizes – as there is currently no mechanism at all for constituency boundaries to take account of population demographics;
- Ynys Môn having protected status within the UK Parliament constituency boundary review, which means that the Senedd constituency for the 2026 election which includes Ynys Môn will be significantly smaller in terms of number of electors than the other constituencies.
- changes in population demographics since the UK Parliamentary registers of 2 March 2020, upon which the 2023 UK Parliamentary constituencies were based.

657. Moreover, the subsequent 'full' review to be undertaken in advance of the 2030 election, does include a requirement to meet an electoral quota (which will include 16- and 17-year-olds as part of the franchise), and therefore the Senedd electoral franchise will be taken into account as part of that and subsequent reviews.

658. Changes to the law on disqualification from being a Member of the Senedd will not directly affect children and young

people. Instead, prospective Members will, as now, need to be 18 on the day they are nominated in order to stand for election. An argument could theoretically be advanced that this discriminates against children and young people on the basis of age, and that the age of candidacy should be lowered. However, this issue was not raised as a concern in the Senedd Commission's 2018 consultation, *Creating a Parliament for Wales*.

659. The Scottish Government has previously consulted on whether 16- and 17-year-olds should be able to stand for election to the Scottish Parliament. However, the consultation noted a range of complexities associated with such, including that:

*“Enabling 16- and 17-year-olds to stand for election could be argued to raise potential wellbeing concerns, such as the potential exposure of young people to intimidation (e.g. in the form of hate speech or on the campaign trail). Working hours at the Scottish Parliament and in local councils could also be a potential concern for 16 and 17-year-old representatives. The Scottish Parliament's normal Parliamentary week is between the hours of 14:30 and 17:30 on Monday, 09:15 and 17:30 on Tuesday, Wednesday and Thursday and 09:30 and 12:30 on Friday a meeting of the Parliament may continue to 19:00 on Wednesday if the Parliament so decides. An MSP may also have to live in Edinburgh during the week, if their home is too far away to travel to the Parliament each day, which could be an additional concern for 16 and 17 year olds. It could also be argued that holding office at the age of 16 or 17 could impact on a young person's education (e.g. in the taking of exams) and there are also data protection issues that arise in relation to the handling of personal data of persons aged under 18.”<sup>149</sup>*

660. In addition, all 11- to 17-year-olds who are living, 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.

661. As a result, the decision not to reduce the candidacy age of elections to the Senedd is not considered to infringe upon children's rights to be free from discrimination.

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<sup>149</sup> Scottish Government, Electoral Reform Consultation, published 14 December 2022, [Electoral reform consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/consultation-electoral-reform).

662. It may also be noted that the increase in the size of the Senedd does not legislatively necessitate changes to the Welsh Youth Parliament. However, the upper range of costs provided by the Senedd Commission encompasses a potential increase in the size of the Welsh Youth Parliament to 96. This is not a decision for the Welsh Government to take, but it may be noted that an expansion of the Welsh Youth Parliament would have benefits in enabling a greater number of children and young people to participate in it.

663. It may also be noted that changes to the electoral system by which the Members of the Senedd are voted in, would not legislatively necessitate changes in the Welsh Youth Parliament's electoral system. Neither would a change in the Welsh Youth Parliament's size. Currently a third of the Welsh Youth Parliament's Members are elected via partner organisations, selected on the basis of their ability to return and support young people from diverse backgrounds, with the remaining two-thirds elected via constituency based first-past-the-post elections. This balance could potentially be maintained in a 96 Member Welsh Youth Parliament (i.e. 32 Welsh Youth Parliament Members could be elected via partner organisations and 64 Members could be elected via a first past and online election, with each of the 16 constituencies electing 4 Members). Again, decisions on the Welsh Youth Parliament's electoral systems and arrangements will not be a matter for the Welsh Government to determine.

664. **Article 12** of the UNCRC states that every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. It is considered that improving the size of the Senedd will potentially improve its ability to consider and take seriously the views, feelings and wishes of children and young people across Wales. It is considered that article 12 is given effect by the Bill.



665. **Article 13** states that every child must be free to get and to share information, as long as the information is not damaging to them or to others. Again, it is considered that improving the capacity of the Senedd will potentially improve its ability to provide information to children and young people across Wales. It is considered that article 13 is given effect by the Bill.
666. **Article 14** provides that State Parties shall respect the right of the child to freedom of thought, conscience and religion. Again, it is considered that improving the capacity of the Senedd will potentially improve its ability to engage with children and young people across Wales, thereby providing a benefit to children and young people in giving voice to their beliefs. It is considered that article 14 is respected by the Bill.
667. **Article 17** provides that every child has the right to reliable information from a variety of sources and that government should encourage the media to provide information that children can understand. Education materials prepared to promote awareness of the changes to the Senedd's electoral system will be developed with consideration for the needs of children and young people, including those with disabilities. This gives effect to both article 17 and **article 23**, which provides that a disabled child has the right to live a full and decent life with dignity and, as far as possible, independence, and to play an active part in the community.
668. It may also be noted that the Bill will not change the existing rights of 16- and 17-year-old disabled voters. Under the new electoral system, voters will continue to be able to request assistance to mark the ballot paper, utilise a tactile voting device (to assist visually impaired people or those with limited dexterity to mark their ballot paper in secret), have reference to a large-print version of the ballot paper, and know that when polling places are designated, regard must be given to accessibility for disabled voters.

669. **Article 28** states that every child has the right to an education, while **article 29** sets out the goals of such education. Although not directly legislated for in the Bill itself, it is anticipated that schools and other education institutions will provide a supportive framework for 16- and 17- year voters seeking to learn about the new electoral system. As such it is considered that articles 28 and 29 are respected under the Bill.

## **Summary of Privacy Impact Assessment**

670. The majority of the Bill's provisions are not considered to give rise to matters related to the processing of information that could be used to identify individuals, or relate only tangentially to such. For example, an increase in the number of Members of the Senedd will mean that bodies which already process information related to Members (for example, the Senedd Commission) will be responsible for a greater volume of information. However, such bodies already have processes in place for processing information about Members, and the Bill is not considered to have effect upon such processes. Similarly, the Bill provides for an increase in the maximum number of Welsh Government Ministers and Deputy Presiding Officers, but is not considered to have effect upon existing processes for handling information about Welsh Government Ministers or Deputy Presiding Officers.

## **Summary of Welsh Language Impact Assessment**

671. A full Welsh Language Impact Assessment has been conducted.

672. In broad terms, measures to increase the size of the Senedd will improve its ability to conduct policy and legislative scrutiny, including in relation to cultural wellbeing and the Welsh language.

673. The Assessment considered in particular the Welsh Language implications associated with the naming of Senedd constituencies. This will be a central element of the DBCC's reviews of Senedd constituency boundaries. The Bill places a requirement

on the DBCC to engage with the Welsh Language Commissioner on the orthography (the accepted way of spelling and writing words) of the proposed Welsh names for new Senedd constituencies.

674. There may be valuable principles from the standard forms of Welsh place names which can be applied to the names of new Senedd constituencies. This will mean that the Welsh names for Senedd constituencies are accurate and reflect certain conventions (for example, when hyphens should be used, whether names should be written as one word or more etc).

675. In previous local government boundary reviews, the LDBCW has considered Welsh Language as an aspect of local ties that should be considered. It is expected that this will also be the case for Senedd boundary reviews, so that proposals are put forward that do not undermine the use of Welsh language.

676. The regulations implementing the new Senedd constituencies in law following the completion of boundary reviews will be made both in English and Welsh. The Order that sets out the current Senedd constituencies, *The Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006 (as amended)* – is currently in English only. Consequently, the Welsh names of Senedd constituencies will exist in law for the first time. This will extend into law what has happened in practice (i.e. existing Senedd constituencies have been referred to by both their English and Welsh names).

677. As part of its reviews, the DBCC must propose constituency names in English and Welsh, or one name if such is considered acceptable in both languages. In the scenario where there are different names in English and Welsh, both names should be included in the English and Welsh versions of the reports they publish as part of the review. This will enable electors to more easily and readily consider the approach taken

in identifying the recommended constituency names in both languages.

## **Summary of biodiversity impact assessment**

678. A full biodiversity impact assessment has been conducted.

679. In broad terms, measures to increase the size and diversity of the Senedd will improve its ability to conduct policy and legislative scrutiny, including examining:

- the extent to which biodiversity has been integrated into decision making;
- the Welsh Government's understanding and awareness of the importance of biodiversity; and
- the Welsh Government's capacity for biodiversity action.

680. As set out in the RIA, changes in the physical infrastructure of the Senedd to accommodate an increased number of Members are expected to be internal in nature. It is not anticipated that this will have negative impacts on habitats or species through changes in land use or negatively impact upon the Senedd Commission's Carbon Strategy, which previously committed it to a doubling of the green space on the estate.

681. The Senedd Commission's annual report for 2021–2022 notes that the Commission has made positive progress on biodiversity, including:

*“a significant increase in the Tŷ Hywel garden area, utilising what was previously a stone-covered area to add in new pollinator-friendly plants and a second small pond to support invertebrates. We are also investigating the site's ability to support hedgehogs, in order to help reduce the decline of these wonderful animals. In partnership with National Trust, and with the support of the Commissioner for Sustainable Development, Janet Finch-Saunders MS, we have recently introduced a new Bug Hotel area to the Tŷ Hywel garden. This features bug boxes for creatures such as solitary bees and spiders to nest and overwinter in, as well as being an area where the trunk of the Senedd Christmas tree can be left to become an insect habitat. The Pierhead Bees project has continued throughout the pandemic, with the bees taking little heed of the changing working patterns*

*of staff, and indeed public life in general in their normally-busy surroundings of Cardiff Bay. Overall they increased their honey crop again this year. Without extracting any from the new third hive, the other two increased their honey productivity by almost 30% this year.*<sup>150</sup>

682. It is not anticipated that changes arising from the Senedd Cymru Bill will negatively impact on this positive progress.

## **Justice Impact Assessment**

683. The Justice Impact Assessment is set out in full below, with the exception of the name of the Bill and the personal contact details of individual Welsh Government officials.

### ***Overview***

684. The Welsh Government's assessment of the impacts of this legislation on the justice system is that it has no or negligible potential impact.

685. This assessment had been reached because the legislation does not create or expand any existing criminal offences. As part of reforms for the Senedd and its elections, it is proposed that it be made a requirement for any candidate to be a Member of the Senedd, any individual returned as a Member of the Senedd, and any individual sitting as a Member of the Senedd, to be resident in Wales (measured by reference to being registered as an elector for devolved elections). It is proposed that non-compliance with the residency definition will be a disqualification criteria. Therefore, the circumstances in which an individual could lodge an election petition, and on which (under Section 19 of the Government of Wales Act) an individual could make an application to the High Court could potentially be expanded. There are no plans to create or amend the actual procedure by which such issues can be raised.

686. Whilst the legislation does lead to a potential increase in applications to the courts, the likelihood of an increase occurring

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<sup>150</sup> Senedd Commission, Annual Report 2021-2022, June 2022, Page 23

is considered negligible. Furthermore, the very limited impact foreseen on the justice system (in relation to creating a new disqualification for standing for election to the Senedd on the grounds of residency) will not be in effect until the 2026 general election to the Senedd, giving notice to those who may be affected. Moreover, there have been only two possible instances of making a false declaration in relation to disqualification at elections to the National Assembly for Wales/ Senedd Cymru since 1999. It is therefore estimated that at most Senedd elections in future, as in the past, there would be no cases.

### ***Nature of proposal***

687. The proposals below relate to the way that Senedd Cymru functions, the nature of elections to it and associated matters to increase the diversity of its membership.

688. The Senedd Cymru (Members and Elections) Bill will be introduced by the Welsh Government that will provide for a number of measures, including:

- increasing the size of the Senedd to 96 Members and change to the Senedd's electoral system;
- increasing the legislative limit on Welsh Ministers to seventeen (in addition to the First Minister and Counsel General) and increasing the maximum number of Deputy Presiding Officers who may be elected from within the Senedd to two;
- requiring candidates to, and Members of, the Senedd to be resident in Wales; and
- a review of the operation of the new legislative provisions following the 2026 election.

689. None of these can be achieved without legislation. No new offences will be created.

### **Residency Detail**

690. As set out above, it is proposed that it be made a requirement for any candidate to be a Member of the Senedd, any

individual returned as a Member of the Senedd, and any individual sitting as a Member of the Senedd to be resident in Wales (measured by reference to being registered as an elector for devolved elections). It is proposed that non-compliance with the residency definition will be a disqualification criteria.

691. The new disqualification provision (based on residency) will take effect upon the dissolution of the present Senedd for the 2026 general election to the Senedd. It is considered important to ensure that candidates and Members are resident in Wales for two key reasons:

692. Firstly, it would align the residency requirement to vote in Senedd elections (under section 12 of the Government of Wales Act 2006) with the residency requirement to stand in elections.

693. Secondly, it would ensure that Welsh lawmakers were resident in the area in which the laws they pass would have effect.

694. However, there are already a significant number of disqualification grounds on which an individual could make such a submission or application (see s16 of the Government of Wales Act 2006, and Schedule 1A to the Government of Wales Act 2006). No election petitions have been submitted in respect of any Senedd elections, nor has any application been made to the High Court on the basis that a Member has, at any time since return, been disqualified. Therefore, whilst expanding the disqualification grounds does lead to a risk of an increase in potential applications to the courts, that risk is considered negligible.

695. Furthermore, during the window for nominations a Returning Officer is entitled to hold a nomination paper invalid. If that is their decision, it is final and cannot be questioned in any proceedings whatsoever. This acts as a check on any declarations and disqualifications ahead of an individual becoming a candidate.

### **Post-implementation review**

696. It is proposed that the legislation will receive Royal Assent in the summer of 2024, and that the new electoral system that it provides for will be implemented in time for the Senedd General Election scheduled for May 2026, and then in every subsequent general election.

697. It is proposed that the legislation includes a means by which the Senedd may undertake a review of the operation and the effect of the legislation after the election scheduled for May 2026, and the subsequent scheduled General Election. Whilst it is not proposed that the implementation of the residency requirement is a specific item that the Senedd should consider, it is proposed that the Senedd include within its assessment any Senedd Reform issues that it considers relevant.

### **Similarity to legislation being brought forward in England**

698. Not applicable.



## Chapter 10: Affordability Assessment

### **Approach**

699. While an RIA assesses social value and therefore includes cultural, social and environmental impacts alongside economic costs and benefits, an affordability assessment is a purely financial assessment. As such, only cash costs and cash-releasing benefits are included. Any environmental, social, cultural and wider economic costs and benefits identified in an RIA would be removed from an affordability assessment.

700. The affordability assessment considers the same time period as the RIA, 2024–25 to 2031–32.

701. The RIA identified a number of opportunity costs associated with the time spent by existing members of staff on activities related to the implementation of the Bill. Since these opportunity costs do not represent an additional financial outlay to the organisations concerned, they have been removed from this affordability assessment.

702. Finally, the cash costs and cash-releasing benefits in this assessment have been adjusted to reflect anticipated inflation during the appraisal period. This adjustment has been made on the basis of the GDP deflator projections included in the Office for Budget Responsibility's (OBR) Economic and Fiscal Outlook<sup>151</sup> which was published in March 2023. The OBR's projections only extended to 2027–28 and so the average of the OBR's projections have been used for the remainder of the appraisal period. Although inflation is now falling, there remains a degree of uncertainty around its future path. Welsh Government will

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<sup>151</sup> Office for Budget Responsibility, [Economic and fiscal outlook, March 2023](#).

continue to monitor the impact of inflation on the financial costs of the Bill.

703. Unless otherwise stated, all costs have been rounded to the nearest £100. Some of the totals in tables may not sum due to this rounding.

## **Bodies**

### ***Senedd Commission***

704. The Senedd Commission estimates represent the largest proportion of cost implications as a result of the Senedd Cymru (Members and Elections) Bill, a summary of which can be found in the table below. It is worth noting that a number of these costs are based on assumptions that relate to decisions that are yet to be taken. Such costs are discretionary and could change as a result of associated decisions at the time.

**Table 10.1: Senedd Commission affordability assessment**

Year	2024/25		2025/26		2026/27	
Scenario	Minimal Change	Greater Change	Minimal Change	Greater Change	Minimal Change	Greater Change
Capital Costs	£1,032,000	£1,034,500	£1,712,500	£1,785,900	£682,300	£661,800
Revenue Costs	£860,600	£913,100	£2,118,800	£3,534,500	£13,221,700	£15,986,400
<b>Total</b>	£1,892,600	£1,947,700	£3,831,300	£5,320,400	£13,904,100	£16,648,200
<b>Total adjusted for Inflation</b>	£1,970,900	£2,028,300	£4,029,700	£5,596,000	£14,799,500	£17,720,400

Year	2027/28		2028/29		2029/30	
Scenario	Minimal Change	Greater Change	Minimal Change	Greater Change	Minimal Change	Greater Change
Capital Costs	£10,000	£10,000	£36,000	£36,000	£47,000	£49,000
Revenue Costs	£12,854,700	£15,596,400	£12,854,700	£15,591,400	£13,154,700	£15,891,400
<b>Total</b>	£12,864,700	£15,606,400	£12,890,700	£15,627,300	£13,201,700	£15,940,400
<b>Total adjusted for Inflation</b>	£13,926,100	£16,893,800	£14,178,516	£17,118,500	£14,751,600	£17,811,800

Year	2030/31		2031/32	
Scenario	Minimal Change	Greater Change	Minimal Change	Greater Change
Capital Costs	£65,500	£81,900	£40,800	£61,400
Revenue Costs	£14,354,700	£17,096,400	£12,854,700	£15,591,400
<b>Total</b>	<b>£14,420,200</b>	<b>£17,178,300</b>	<b>£12,895,600</b>	<b>£15,652,700</b>
<b>Total adjusted for Inflation</b>	<b>£16,371,300</b>	<b>£19,502,500</b>	<b>£14,875,000</b>	<b>£18,055,400</b>

705. Any increase in the Senedd Commission’s budget is subject to the approval of the Senedd. An increase to reflect these estimates would be taken directly from the Welsh Consolidated Fund and represents less than 0.1% of the overall fund (based on the annual ‘steady state’ cost following implementation as a proportion of 2023–24 Welsh Consolidated Fund). However, this will reduce the overall portion remaining in the fund from which the Welsh Government would set its spending plans.

706. The majority of the costs relate to staffing directly as a result of the increased size of the Senedd, provided for by the Bill. As described in the RIA, Part 2, chapter 8 these costs are estimated to be off-set by the scale of gains as a consequence of improved scrutiny of budgets and legislation, which result from the increased capacity of the Senedd. The Welsh Government’s assessment is that the overall costs are therefore affordable.

### ***Local Authorities***

707. There is currently a large degree of uncertainty around the costs to the Local Authorities and it is possible that additional costs and savings could be identified once the pairing arrangements for constituencies have been confirmed and Local Authorities are able to consider the operational impact of those and the implications for election costs.

708. However current estimates on the implications of the Bill for Local Authorities will be an overall saving and are therefore affordable. There will be initial transitional costs of £60,000 in

2025–26, following which there will be an estimated saving of £375,500 per election year.

### ***Welsh Government***

709. The majority of Welsh Government costs are opportunity costs and so have not been included within the assessment of affordability. It should be acknowledged that against the current economic backdrop, difficult decisions regarding public expenditure have to be made, and so the majority of Welsh Government costs are expected to be met from within existing resources with resulting re-prioritisation elsewhere. The remaining costs (excluding less than £300,000 related to management of increased Senedd business) are all discretionary and will be determined by decisions taken by the First Minister following the 2026 election, primarily the number of Ministerial appointments.

**Table 10.2: Welsh Government affordability assessment**

	2024/25		2025/26		2026/27		2027/28	
<i>Range</i>	Low	High	Low	High	Low	High	Low	High
Capital costs	£0	£0	£272,600	£272,600	£82,200	£82,200	£10,300	£10,300
Revenue costs	£0	£0	£0	£0	£153,800	£153,800	£153,800	£153,800
Total costs	£0	£0	£272,600	£272,600	£236,000	£236,000	£164,100	£164,100
<b>Total adjusted for inflation</b>	£0	£0	£286,700	£286,700	£251,200	£251,200	£177,600	£177,600
	2028/29		2029/30		2030/31		2031/32	
<i>Range</i>	Low	High	Low	High	Low	High	Low	High
Capital costs	£10,300	£10,300	£23,500	£23,500	£47,800	£47,800	£10,300	£10,300
Revenue costs	£153,800	£153,800	£153,800	£153,800	£153,800	£153,800	£153,800	£153,800
Total costs	£164,000	£164,000	£177,200	£177,200	£201,600	£201,600	£164,100	£164,100
<b>Total adjusted for inflation</b>	£180,500	£180,500	£198,000	£198,000	£228,900	£228,900	£189,300	£189,300

710. This represents 0.000012 of the overall Welsh Government budget (£24,138,851,000<sup>152</sup>) which is drawn from the Welsh Consolidated Fund. The Welsh Government’s assessment is that,

<sup>152</sup> [Final budget 2023 to 2024: motion \(gov.wales\)](#)

given the anticipated benefits of greater scrutiny, these costs are affordable.

### ***Electoral Commission***

711. The costs to the Electoral Commission identified as a result of this Bill are all opportunity costs and will be met from within existing resources. The overall budget of the Electoral Commission 2023–24 is £1,414,000.

### ***Local Democracy and Boundary Commission Wales***

712. The cost of the Bill to the Local Democracy and Boundary Commission Wales (the LDBCW), are below. These exclude opportunity costs, which will be met from within the LDBCW's existing resources. The LDBCW is in receipt of an annual budget of £750,000 from the Welsh Government which relates to grant in aid. The costs of Senedd reform would represent an increase of 53.9% to their annual budget in the first review year. This is not affordable to the Commission and its grant in aid from the Welsh Government will need to be increased to meet these additional costs in 2024–25. However, this represents a minor proportion of the Welsh Government's total budget and is therefore considered to be affordable given the anticipated benefits of more up to date and representative Senedd electoral arrangements for voters.

**Table 10.3: DBCC affordability assessment**

	1st Review	Non-Review Year	2nd Review			Non-Review Year		
	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
Capital Costs	£36,000	£0	£48,000	£36,000	£36,000	£0	£0	£0
Revenue Costs	£404,000	£38,300	£231,200	£341,600	£267,300	£17,900	£17,900	£17,900
<b>Total</b>	<b>£440,000</b>	<b>£38,300</b>	<b>£279,200</b>	<b>£377,600</b>	<b>£303,300</b>	<b>£17,900</b>	<b>£17,900</b>	<b>£17,900</b>
<b>Total adjusted for inflation</b>	<b>£458,200</b>	<b>£40,300</b>	<b>£297,200</b>	<b>£408,800</b>	<b>£333,600</b>	<b>£20,000</b>	<b>£20,300</b>	<b>£20,700</b>

## **Overall Summary**

713. The total costs of the Bill are included in the table below. Based on the information outlined above, the Welsh Government's assessment is that the Bill will be affordable over the appraisal period.

**Table 10.4: Summary of Affordability Assessment**

		2024/25		2025/26		2026/27		2027/28	
<i>Range</i>		Low	High	Low	High	Low	High	Low	High
<b>Senedd Commission</b>	Capital	£1,032,000	£1,034,500	£1,712,500	£1,785,900	£682,300	£661,800	£10,000	£10,000
	Revenue	£860,600	£913,100	£2,118,800	£3,534,500	£13,251,800	£15,964,400	£12,854,700	£15,596,400
<b>Welsh Government</b>	Capital	£0	£0	£272,600	£272,600	£82,200	£82,200	£10,300	£10,300
	Revenue	£0	£0	£0	£0	£153,800	£153,800	£153,800	£153,800
<b>LDBCW</b>	Capital	£36,000	£36,000	£0	£0	£48,000	£48,000	£36,000	£36,000
	Revenue	£404,000	£404,000	£25,100	£25,100	£279,200	£279,200	£377,600	£377,000
<b>Local Authorities</b>	Capital	£0	£0	£0	£0	£0	£0	£0	£0
	Revenue	£0	£0	£0	£0	-£375,500	-£375,500	£0	£0
<b>Total</b>		£2,332,600	£2,387,700	£4,129,000	£5,618,100	£14,091,700	£16,835,900	£13,442,400	£16,184,000
<b>Total adjusted for inflation</b>		£2,429,100	£2,486,500	£4,342,900	£5,909,100	£14,999,200	£17,920,100	£14,551,400	£17,519,200

		2028/29		2029/30		2030/31		2031/32	
<i>Range</i>		Low	High	Low	High	Low	High	Low	High
<b>Senedd Commission</b>	Capital	£36,000	£36,000	£47,000	£49,000	£65,500	£81,900	£40,800	£61,400
	Revenue	£12,854,700	£15,744,300	£13,154,700	£15,891,400	£14,354,700	£17,096,400	£12,854,700	£15,591,400
<b>Welsh Government</b>	Capital	£10,300	£10,300	£23,500	£23,500	£47,800	£47,800	£10,300	£10,300
	Revenue	£153,800	£153,800	£153,800	£153,800	£153,800	£153,800	£153,800	£153,800
<b>LDBCW</b>	Capital	£36,000	£36,000	£0	£0	£0	£0	£0	£0
	Revenue	£303,300	£128,000	£17,900	£17,900	£17,900	£17,900	£17,900	£17,900
<b>Local Authorities</b>	Capital	£0	£0	£0	£0	£0	£0	£0	£0
	Revenue	£0	£0	£0	£0	£0	£0	£0	£0

<b>Total</b>	£13,394,100	£16,130,800	£13,396,900	£16,135,500	£14,639,700	£17,397,800	£13,077,600	£15,834,700
<b>Total adjusted for inflation</b>	£14,732,200	£17,742,200	£14,969,600	£18,029,800	£16,620,500	£19,751,700	£15,085,000	£18,265,400



## Chapter 11: Post implementation review

714. The Bill provides that the Llywydd must table a motion as soon as practicable, and in any event within six months of the first meeting of the Senedd following the May 2026 election, which (if approved by the Senedd) would establish a Committee to undertake a review of the operation and effect of parts of this Bill.
715. That review must cover Parts 1 and 2 of the Bill, being the provisions in respect of the Senedd and its Members, the number of Welsh Ministers, and the voting system in Senedd general elections. In addition, the motion must propose that the review also covers the extent to which the elements of a healthy democracy are present in Wales, allowing significant discretion to the Committee to determine the scope of the review. The Bill provides that the Committee must report within 12 months of the first meeting of the Senedd following the 2026 election.
716. The Bill does not make provision for a post implementation review of the provisions relating to the repurposing of the Local Democracy and Boundary Commission, or the provisions relating to the instructions it must follow in undertaking Senedd Boundary reviews. This is in acknowledgement of the independence of the Commission's work, which is reflected in the automaticity of the implementation of the Commission's recommendations.

## Annex 1: Explanatory Notes

# SENEDD CYMRU (MEMBERS AND ELECTIONS) BILL

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## EXPLANATORY NOTES

### INTRODUCTION

1. These Explanatory Notes are for the Senedd Cymru (Members and Elections) Bill which was introduced in Senedd Cymru on 18 September 2023. They have been prepared by the Economy, Treasury and Constitution Group of the Welsh Government to assist the reader of the Bill. The Explanatory Notes should be read in conjunction with the Bill but are not part of it.
2. The Bill makes provision for increasing the number of Members of the Senedd, by amending the number of constituencies and the number of seats for each constituency and removing reference to the five electoral regions. It also makes associated changes resulting from this change in size. These include increasing the legislative limit on the number of Welsh Ministers and increasing the maximum number of Deputy Presiding Officers who may be elected from within the Senedd.
3. The Bill also provides for changing the Senedd's mixed member electoral system so that all Members are elected via a closed proportional list system, with votes translated into seats via the D'Hondt formula. In association it provides for repurposing and renaming the Local Democracy and Boundary Commission for Wales, including providing the new Democracy and Boundary Commission Cymru with the functions necessary to undertake ongoing reviews of Senedd constituency boundaries. It also provides instructions for the Democracy and Boundary Commission Cymru to follow in undertaking their boundary reviews, including in respect of the streamlined review to pair the 32 new UK Parliamentary constituencies in advance of the 2026 Senedd election (to form 16 new Senedd constituencies), a full review in advance of the subsequent election, and ongoing periodic reviews.
4. The Bill will also return the normal length of time between Senedd ordinary general elections to 4 years; require candidates to, and Members of, the Senedd to be registered in the register of local

government electors at an address within Wales; provide for a requirement that the Presiding Officer asks the Senedd by way of a motion tabled to consider a review of the operation of the new legislative provisions following the 2026 election and provide for a requirement that the Presiding Officer asks the Senedd by way of a motion tabled to undertake work to explore practical and legislative considerations relating to implementing job sharing of certain offices including for candidates standing in a Senedd election.

## PART 1 THE SENEDD AND WELSH MINISTERS

This Part makes provision to change the number of Members of the Senedd, by way of amending the number of constituencies and the number of seats for each constituency and removing reference to the five electoral regions. It also makes associated changes, such as providing for the specification of Senedd constituencies by reference to regulations made to implement the boundary reviews provided for in Part 4, and amending the frequency of ordinary general elections to the Senedd. In association with the change in the number of Members of the Senedd, it provides power to appoint a second Deputy Presiding Officer, in addition to the Deputy Presiding Officer that must be appointed at the first meeting of the Senedd under Section 25(1)(b) of the Government of Wales Act 2006. It likewise provides for an increase in the maximum number of Welsh Ministers that can hold office at the same time. It also disqualifies from standing for election to the Senedd, or from remaining as a Member of the Senedd, a person who is not registered in the register of local government electors at an address within a Senedd constituency. It provides for a requirement that the Presiding Officer asks the Senedd by way of a motion tabled to undertake work to explore practical and legislative considerations relating to implementing job sharing for certain offices including candidates standing to the Senedd. This Part makes amendments to the Government of Wales Act 2006 (“the 2006 Act”). In addition, this Part also amends other legislation in consequence of the other provisions of this Part, in particular, the Wales Act 2014, the Political Parties, Elections and Referendums Act 2000 and the Public Audit (Wales) Act 2013.

5. Section 1 amends the 2006 Act to provide for the Senedd to have 16 constituencies, each with six seats. This means that the Senedd will have 96 Members (16 multiplied by six) except in circumstances where it has one or more vacancies. While the boundaries of the Senedd’s 16 constituencies may change, there will be 16 constituencies, each electing six seats.
6. Section 2 amends the 2006 Act to provide for the Senedd’s constituencies under the new electoral system. For the first election

held after 6 April 2026, the constituencies will be specified in regulations made under paragraph 9 of schedule 1 to the Act. Subsequently, they will be specified in regulations under section 49J of the Democracy and Boundary Commission Cymru etc. Act 2013. This means that the Members of the Senedd will be exclusively elected from the 16 Senedd constituencies (there will be no regional Members).

7. Section 3 amends the frequency of ordinary general elections so as to take place every four years, rather than every five years.
8. Section 4 provides for the Senedd to be able to elect a second Deputy Presiding Officer, in addition to the Deputy Presiding Officer that must be appointed at the first meeting of the Senedd under Section 25(1)(b) of the 2006 Act. The Standing Orders of the Senedd may provide for the additional Deputy Presiding Officer to hold office for a specified period of time (rather than staying in post until the dissolution of a Senedd). This may be appropriate if the additional Deputy Presiding Officer is appointed to undertake a specific task, for example.
9. Section 4 also ensures that Members cannot take part in proceedings related to the appointment of a second Deputy Presiding Officer if they have not first taken the oath or affirmation of allegiance. Section 4 amends the definition of Deputy Presiding Officer so as to encompass any second Deputy Presiding Officer elected during the Senedd term. However, regarding the ability of Members of the Senedd to take part in proceedings for the election of the Deputy Presiding Officer prior to having taken the oath or affirmation of allegiance, this exception continues to be limited to the Deputy Presiding Officer that must be appointed at the first meeting of the Senedd under section 25(1)(b). This reflects the fact that it is not envisaged that any appointment of a second Deputy Presiding Officer would be time critical, and that preceding procedural steps would be required. The section also provides certain restrictions on the Senedd's choice of a second Deputy Presiding Officer (they cannot be from the same political group as either the Presiding Officer or other Deputy Presiding Officer, and they cannot be a Member of a non-executive group if both the Presiding Officer and Deputy Presiding Officer are Members of non-executive groups). However, it also provides that these restrictions can be superseded by a two-thirds majority vote in the Senedd.
10. Unless otherwise stated above, section 4 provides that the legislative functions, duties, powers, and other requirements that apply to the Deputy Presiding Officer that must be appointed at the first meeting of the Senedd under Section 25(1)(b) of the 2006 Act would also apply to

any additional Deputy Presiding Officer. This section also makes related amendments to the 2006 Act and other legislation.

11. Section 5 provides for an increase to the maximum number of Welsh Ministers that can hold office at the same time, from 12 to 17. This limit includes Deputy Ministers but does not include the First Minister and Counsel General. Section 5 also provides a regulation making power for this legislative limit to be increased in the future, to a maximum of 19. The power can only be used to increase the number as it is a maximum limit not a required number. Regulations made under this section would be subject to the affirmative procedure.
12. Section 6 disqualifies from standing for election to the Senedd, or from remaining as a Member of the Senedd, a person who is not registered in the register of local government electors at an address within a Senedd constituency.
13. Section 7 makes provision requiring the Presiding Officer of the first Senedd elected after 6 April 2026 to table a motion (as soon as practicable following the first meeting of that Senedd, but in any case within six months of that meeting) proposing that the Senedd establishes a committee to review the extent to which persons should be able to jointly hold a relevant office (i.e. to 'job-share') or to temporarily hold a relevant office while the person holding that office is unavailable. "Relevant office" refers to the roles listed in section 7(3). If it were agreed by the Senedd that such a review is to be undertaken, it is anticipated that the committee would consider both the practical and legislative implications. The motion tabled by the Presiding Officer must also propose that the committee prepares a report on its review, with recommendations. If a committee established under this motion lays a report on its review before the Senedd, the Welsh Ministers must lay a statement before the Senedd setting out their response to the report and any steps which they propose to take, which may include legislative steps.

## **PART 2 – VOTING SYSTEM AT SENEDD GENERAL ELECTIONS AND ALLOCATION OF SEATS**

This Part provides for changing the Senedd's electoral system so that all Members are elected via a closed proportional list system, with votes translated into seats via the D'Hondt formula. This Part also provides for the filling of Senedd vacancies which arise between elections.

14. Section 8 substitutes sections 6 to 9 of the 2006 Act to give effect to the new electoral system. The references below are to the proposed new sections of GoWA ("new section").
15. New section 6 of the 2006 Act provides that persons voting in Senedd general elections can cast one vote- either for a registered political party that has submitted a list of candidates for that constituency, or for an independent candidate standing in that constituency. In consequence of the change to a closed proportional list system there is only a single route to election, and one vote (rather than two).
16. New section 7 of the 2006 Act makes provision for candidates standing at a Senedd general election. A list submitted by a registered political party must contain between 1 and 8 candidates. The list must not include a person who is included on any other list (whether in the same constituency or another), or who is standing as an individual candidate (again, whether in the same constituency or another). Similarly, a person may not be an individual candidate if they also appear on any party list, or as an individual candidate in any other constituency. The result is that a person may only stand once as a candidate at a general election. The section also defines "constituency returning officer."
17. New sections 8 and 9 of the 2006 Act set out the method for allocating seats and applying the d'Hondt method.
18. New section 8 provides for the "seat allocation figure". Seats are to be allocated in turn to the party or individual candidate with the highest seat allocation figure (new section 9(1) and (2)).
19. For an individual candidate, the seat allocation figure is the total number of votes received by that candidate. For a party standing in a constituency, it is the total number of votes received by the party in that constituency, divided by the "seat allocation divisor". Initially the seat allocation divisor is one, meaning that the first seat allocation figure for a party is the total number of votes it has received in the constituency.
20. Therefore the first of the 6 seats for the constituency is allocated to the party or individual candidate that received the most number of votes.
21. New section 9 provides for the recalculation of a party's seat allocation figure with an increased divisor when allocating the second to sixth seats if the party was allocated the previous seat. So, to allocate the second seat, if the first seat was allocated to a party, its seat allocation

figure must be recalculated by adding one to its previous seat allocation divisor (i.e. the divisor becomes 2). The second seat is then allocated to the party or individual candidate with the highest seat allocation figure. *(For example, if Party A had won 50,000 votes in a constituency, and this was enough for the first seat to be allocated to Party A, then when allocating the second seat, the 50,000 would be divided by  $1+1=2$ , giving a seat allocation figure for Party A of 25,000).*

22. This process is then carried out again for the remaining seats, with a recalculation taking place each time a party was allocated the previous seat. So, taking the example above, if 25,000 was the highest seat allocation figure when allocating the third seat, it would be allocated to Party A and its seat allocation figure, when allocating the fourth seat, would be 50,000 divided by 3 (previous seat allocation divisor of  $2 + 1$ ), giving a seat allocation figure of 16,666.6667.
23. Any individual candidate to whom a seat has been allocated is disregarded in subsequent rounds. Similarly, if a party is allocated seats for all the candidates on its list, that party is disregarded in subsequent rounds.
24. A party must fill the seats that it is allocated with the candidates that appear on its list in the order in which they appear on that list.
25. In the event of a tie in any round in the seat allocation figure for two or more parties or individual candidates, a seat is to be allocated to each of those parties or candidates provided there are enough remaining seats. If there are insufficient seats remaining, then the tie is to be broken as follows:
  - the seat allocation figure for the tied parties or individual candidates is recalculated by adding one to the total number of votes that they received.
  - if the revised seat allocation figure breaks the tie, then the remaining seat (or seats) is allocated in the usual way, namely to the party or individual candidate with the highest seat allocation figure.
26. If a tie remains, then the constituency returning officer must resolve it by lots.
27. Section 9 amends the 2006 Act so as to set out the position regarding vacancies arising between elections (they may arise, for example, as a result of a Member of the Senedd's resignation) in the new proportional closed list electoral system. It repeals section 10 of the

2006 Act (which provides for the holding of by-elections in respect of vacancies in constituency seats) and substitutes a new section 11.

28. New section 11 of the 2006 Act provides that if a seat held by a candidate who was returned from a party list becomes vacant, the vacancy is to be filled by the highest person on that list (who has not already been returned) who meets the following conditions. The conditions are that the person is willing to serve and in the case of a person who is not a member of the party, the party has not given notice to the constituency returning officer that it does not wish that person to fill the vacancy. It is for the constituency returning officer to notify the Presiding Officer of the name of the person (if any) who is to fill the vacancy.
29. If there are no candidates remaining on a party's list who are eligible to fill a vacancy or if the Member of the Senedd whose seat has become vacant was returned as an individual candidate, then the seat will remain vacant until the next general election.
30. Section 10 makes related amendments, arising from Part 2, to the 2006 Act and other legislation.

### **PART 3 – DEMOCRACY AND BOUNDARY COMMISSION CYMRU**

This part makes provision for the repurposing and renaming of the Local Democracy and Boundary Commission for Wales in consequence of the conferral of Senedd constituency boundary reviews functions. This part contains amendments to the Local Government (Democracy) (Wales) Act 2013.

31. Section 11 makes provision to change the short title of the Local Government (Democracy) (Wales) Act 2013 to the Democracy and Boundary Commission Cymru etc. Act 2013 to reflect the amendments being made to it by this Bill.
32. Section 12 changes the name of the Local Democracy and Boundary Commission for Wales to the Democracy and Boundary Commission Cymru to reflect its updated responsibilities.
33. Section 13 increases the number of members of the Commission from a maximum of five to a maximum of nine. This is in recognition of the increase in the expected workload of Democracy and Boundary Commission Cymru ("the Commission") in consequence of its new functions.



34. Section 14 amends which persons may not be appointed as Commissioners or as Chief executive of the Commission so that there remains impartiality when exercising its new Senedd constituency boundary review functions.
35. Section 15 makes provision for a regulation-making power enabling Welsh Ministers to change the statutory quorum for meetings of the Commission from the current statutory requirement of three. This regulation making power permits an increase or decrease in the quorum number provided that any decrease does not change the quorum to a number lower than three. Regulations made under this power would be subject to the affirmative procedure.
36. Section 16 clarifies that the Commission may appoint more than one Assistant Commissioner at any one time to whom it may delegate functions in accordance with section 13 of the 2013 Act. This section also amends which persons may not be appointed as Assistant Commissioners to align with the amendments made by section 14 to those who may not be appointed as Commissioners under the Act.

#### **PART 4 - SENEDD CONSTITUENCY BOUNDARY REVIEWS**

37. Section 17 introduces Schedule 1 which makes provision about the Senedd constituencies for which Members of the Senedd will be elected for the first general election held after 6 April 2026.
38. Section 18 introduces Schedule 2 which inserts a new Part 3A into the 2013 Act which makes provision about the Senedd constituencies for which Members of the Senedd will be elected for general elections after 1 April 2030.

#### **PART 5 – REVIEW OF OPERATION OF ACT (ETC.) AND GENERAL PROVISIONS**

This part provides for a requirement that the Presiding Officer asks the Senedd by way of a motion tabled to consider a review of the operation of the new legislative provisions following the 2026 election. This part also includes: a power to make consequential and transitional provisions, provisions about the Senedd procedure to apply to regulations provided for in the Bill, an interpretation section, transitional provisions in respect of Part 1 and 2, provisions about commencement and the Short Title of the Bill.

39. Section 19 places a duty on the Presiding Officer to table a motion proposing that the Senedd establish a Committee to review the operation and effect of Parts 1 and 2 of this Act (“Senedd Cymru and Welsh Ministers”, and “Voting System at General Elections and Allocation of Seats”), as well as to review the extent to which the elements of a healthy democracy are present in Wales.
40. This review may consider such issues as:
- (i). The impacts of the new voting system on proportionality;
  - (ii). The introduction of multi-member constituencies;
  - (iii). The experience of closed lists.
41. The provision allows the Committee to include, within its report, an assessment of any other Senedd Reform issues that it considers relevant, such as:
- (i). The awareness and understanding of devolved Welsh government and elections;
  - (ii). An assessment of turnout levels and an exploration of proposals for how this may be increased;
  - (iii). Support for members and parties to undertake their Senedd roles;
  - (iv). The infrastructure in place to support a strong Welsh democracy.
42. The motion must be tabled as soon as practicable after the first meeting of the Senedd returned at a general election held after 6 April 2026, but in any event within 6 months of that meeting, and the motion must propose that the Committee must complete its report within 12 months of said meeting.
43. Section 20 provides that the Welsh Ministers may by regulations make such supplementary, incidental, consequential, transitional, transitory or saving provision as they consider appropriate, in order to give full effect to any provision of the Bill or any provision made under the Bill. This includes a power to amend, repeal, revoke or modify any enactment whenever passed.
44. Section 21 makes general provision about regulations made under the Bill (except those made under paragraph 9 of Schedule 1), including the procedures of Senedd Cymru applicable to those regulations. Powers to make regulations under the Bill are exercisable by statutory instrument and such powers include the power to make different

provision for different purposes and incidental, supplementary, consequential, transitory, transitional, or saving provision.

45. Section 22 defines certain words and terms used in the Bill.
46. Section 23 makes transitional provision relating to Parts 1 and 2. Sections 1, 2 and 6, and Part 2 do not have effect in relation to a general election where the poll is held on or before 6 April 2026, a Senedd returned at such an election or the return of a Member to such a Senedd. Section 23(2) also provides that coming into force of the provision made in section 6 (disqualification from being a member of the Senedd or a candidate) does not have effect in relation to a candidate for any election held under section 10 of the 2006 Act (by-elections to fill a constituency vacancy), or a candidate included on a list submitted under section 7 of the 2006 Act for return as a Senedd regional member where the poll is held on or before 6 April 2006.
47. Section 24 makes provision for the coming into force of the Bill:
- (i). Part 3, section 17, Part 5 (other than section 20), and Schedule 1 are to come into force on the day after the Bill receives Royal Assent.
  - (ii). Sections 1, 2, 6, 7, 18, and 19, Part 2, and Schedule 2 are to come into force two months after the day on which the Bill which receives Royal Assent.
  - (iii). Sections 3, 4 and 5 are to come into force the day after the day of a poll for the first general election held after 6 April 2026.
48. Section 25 provides that the short title of the Bill is the Senedd Cymru (Members and Elections) Act 2024.

#### **SCHEDULE 1: SENEDD CONSTITUENCIES FOR FIRST GENERAL ELECTION AFTER 6 APRIL 2026**

(2026 Boundary review)

This Schedule makes provision for the new Democracy and Boundary Commission Cymru (“the Commission”) to carry out a review to establish new Senedd constituencies before the first general election to be held after 6 April 2026, due to changes to the Senedd’s electoral system. It sets out the rules and process the Commission must follow to determine those constituencies.

49. Paragraph 1 provides that this Schedule makes provision about the constituencies for which Members of the Senedd will be elected at the first general election held after 6 April 2026. This will allow for the possibility of a Senedd general election taking place up to one calendar month earlier than the scheduled election on 7 May 2026 to be conducted in accordance with the new electoral system established by this Act. This paragraph also confirms that the Senedd constituencies provided for by this Schedule will remain in place until regulations under section 49J of the Democracy and Boundary Commission Cymru etc. Act 2013 are in force, or the constituencies are otherwise changed under any enactment.
50. Paragraph 2 provides that each Senedd Constituency is to consist of two contiguous UK parliamentary constituencies in Wales. It requires the Commission to conduct a review in accordance with the Schedule and lists the determinations the Commission must make in this boundary review. This includes determining: which UK parliamentary constituencies in Wales are to be combined to create the 16 Senedd constituencies; the names of those constituencies (in accordance with paragraph 5); and whether they are county or borough constituencies.
51. Paragraph 3 provides that the Commission must publish a notice once the review has commenced and that such notice must specify the date that the review commenced.
52. Paragraph 4 lists factors the Commission may take into account in making determinations as part of this boundary review, including existing local government boundaries, geographical considerations and any local ties that would be broken by proposed pairings of UK parliamentary constituencies.
53. Paragraph 5 sets out how the names of Senedd constituencies are to be determined, and the actions the Commission must take when determining those names, including consultation with the Welsh Language Commissioner. Constituencies must have an English and a Welsh name, unless one name is acceptable in either language. Any report must set out both the English and Welsh names, unless one name is acceptable in either language.
54. Paragraph 6 requires the Commission to publish an initial report and details what that report should contain. This paragraph also provides

that the first period for representations is a period of four-weeks and that period begins on the date that the initial report is published.

55. Paragraph 7 sets out actions the Commission must take following the first period for representations including the requirement to publish the representations received (in accordance with Paragraph 14), to consider its proposals having regard to those representations and to consult the Welsh Language Commissioner if any changes to the constituency names for communication in the medium of Welsh are proposed. Having taken the necessary steps outlined in Paragraph 7(1), Paragraph 7(2) requires the Commission to make a second report and details what the report should contain. Paragraph 7(3) requires the Commission to publish the second report and invite representations on it. Paragraph 7(4) provides that the second period for representations is a period of four weeks and begins on the date that the second report is published. Paragraph 7(5) sets out the actions the Commission must take following the second period for representations, which mirror the actions to be taken following the first period for representations.
56. Paragraph 8 provides that the Commission must, before 1 April 2025, make and publish a final report on the 2026 boundary review, and send this report to Welsh Ministers. The report must confirm which of the UK parliamentary constituencies have been combined to create the new 16 Senedd constituencies in Wales, the name of each constituency (in accordance with Paragraph 5), and whether each constituency is a county or borough constituency. The report must specify the detail of any changes to the proposals made in the second report and explain why such changes have been made. This Paragraph confirms that the report is not made invalid if it is not submitted to Welsh Ministers by 1 April 2025. This paragraph also requires Welsh Ministers to lay the final report before the Senedd as soon as reasonably practicable following receipt of the report.
57. Paragraph 9 sets out details of how the final report is to be implemented. The Welsh Ministers must make regulations implementing the determinations in the Commission's final report as soon as reasonably practicable and within 14 weeks of laying of the final report before the Senedd, unless there are exceptional circumstances. Where there are exceptional circumstances, the Welsh Ministers must within 14 weeks of laying the final report, lay a statement setting out the exceptional circumstances. The Welsh

Ministers must continue to lay such statements every 4 weeks until the regulations are made.

58. Paragraph 10 provides that modifications can be made to the final report by the Commission, after the Welsh Ministers have laid the report before the Senedd but before regulations have been made under paragraph 9. The paragraph sets out the steps the Commission and Welsh Ministers must follow if the Commission considers the report needs to be modified including the publishing and laying of a statement by the Commission specifying the modifications and the reasons why they are sought. Paragraph 10(5) requires the Welsh Ministers to give effect to the final report and any modifications set out in a statement under paragraph 10(2) when making regulations under paragraph 9.
59. Paragraph 11 provides that the Senedd boundary review functions in this Schedule can be delegated by the Commission in accordance with section 13(1) of the 2013 Act.
60. Paragraph 12 provides that the Welsh Ministers are not permitted to give the Commission a direction under section 14 of the 2013 Act related to the exercise of its Senedd boundary review functions (as provided for by this Schedule).
61. Paragraph 13 defines terms used in this Schedule.
62. Paragraph 14 provides that the Commission must publish any reports or other documents in accordance with the requirements of this paragraph.

#### SCHEDULE 2: NEW PART 3A OF THE 2013 ACT

This Schedule makes provision for the Democracy and Boundary Commission Cymru (“the Commission”) to carry out a review of Senedd constituency boundaries before the Senedd general election to be held after 1 April 2030. It also makes provision for regular Senedd constituency boundary reviews to take place once in every period of eight years after the 2030 review is concluded. It sets out the rules and process the Commission must follow to determine those constituencies.

63. Paragraph 1 of Schedule 2 inserts a new Part 3A into the 2013 Act, as detailed in the paragraphs below.
64. Section 49A requires the Commission to conduct a boundary review once in each review period, with subsection (5) defining the length of a review period as being the period beginning with 1 April 2025 and ending with 30 November 2028, and the period of eight years beginning with 1 December 2028 and each subsequent period of eight years. Section 49A sets out the matters the Commission must determine if it considers that the boundaries of a Senedd constituency should change. This section also sets out the matters the Commission may determine if it considers that the name or designation of a constituency should change.
65. Section 49B provides that the Commission must publish a notice once the review has commenced, and such notice must specify the date on which the review commenced. This section also defines “review date” for the purpose of Part 3A of the 2013 Act by reference to the date specified in the notice of commencement.
66. Section 49C sets out the rules the Commission must or may follow when conducting its reviews. Subsection (1) requires that each Senedd constituency must be within an electoral quota variance of no less than 90% and no more than 110% of the electoral quota. The electoral quota is defined in subsection (3)(b) of this section. Subsection (2) provides a list of factors that the Commission may have regard to when determining whether there should be changes to Senedd constituency boundaries and what those changes should be. Subsection 2(b) states that the Commission must, in any event, seek to minimise the number of changes to Senedd constituencies and have regard to the inconveniences caused by the making of any changes. Subsection (4) specifies which version of the register of local government electors is to be used to determine the electoral quota for each review. Subsection (5), read with subsection (2)(a)(i) of this section, requires the Commission to consider prospective boundaries on the review date and subsection (6) defines “prospective” for the purposes of this section.
67. Section 49D sets out how the names of Senedd constituencies are to be determined, and the actions the Commission must take when determining those names, including consultation with the Welsh Language Commissioner. Constituencies must have an English and a

Welsh name, unless one name is acceptable in either language. Any report made under this Part must set out both the English and Welsh names, unless one name is acceptable in either language.

68. Section 49E requires the Commission to make and publish an initial report and provides details of what that report should contain. This section also requires the Commission to invite representations and provides that the first period for representations is a period of eight weeks, beginning with the date on which the initial report is published.
69. Section 49F sets out the actions the Commission must take following the first period for representations, including the requirement in subsection 1 to publish any representations received (in accordance with section 49M(2)). Once the representations (following the first period) are published, the second period for representations commences and will last for six weeks, starting from the date the document in subsection (1) is published. The Commission must notify any person it considers appropriate of how to access the document and invite further representations on the representations made in the document. The Commission is also required to publish information about public hearings, including where and when they will be held. Subsection (4) defines “remote facilities” in the context of public hearings.
70. Section 49G sets out details of how many public hearings are to be held during the second period for representations and describes how those hearings are to be conducted.
71. Section 49H sets out the actions the Commission must take at the end of the second period for representations. The Commission must first consider its proposals having regard to representations made during the first and second period for representations and consult the Welsh Language Commissioner in the event of any changes to the names of the constituencies for communication in the medium of the Welsh language. The Commission must then publish a second report, which must set out: any representations received; the records of any public hearings held; the Commission’s proposals for change or a statement that they do not consider any change appropriate; and details of any changes made the proposals in the initial report and an explanation of why those changes have been made. Section 49H also requires the Commission to undertake a third and final period for representations lasting four weeks (beginning with the date the second report is



published) and outlines the actions to be taken following the end of that final period for representations, including publishing any representations received and considering its proposals having regard to those representations. This includes a further requirement to consult the Welsh Language Commissioner where there are changes to the names for communication in the medium of the Welsh language.

72. Section 49I requires the Commission to publish a final report before 1 December 2028, and before 1 December every eight years thereafter, and to send that report to Welsh Ministers. This section sets out what a final report must contain, including either the details of any changes that are required to be made to Senedd constituencies or a statement that no alteration is required as well as any changes to the proposals set out in the second report together with the reason for those changes. Section 49I(3) and (4) lists what the report must specifically set out where changes are required. This section provides that a final report is not made invalid if it is not submitted to Welsh Ministers by the publication deadline. This section also provides that the Welsh Ministers must lay the final report before the Senedd as soon as reasonably practicable after it is received.

73. Section 49J details how a final report must be implemented by the Welsh Ministers. Where changes are required to be made to Senedd constituencies, the Welsh Ministers must make regulations giving effect to the determinations made in a final report of the Commission as soon as reasonably practicable after laying the report before the Senedd and, unless there are exceptional circumstances, in any event within 6 months. This section also sets out the actions to be taken by Welsh Ministers in the event of any such exceptional circumstances which are identical to those required under Schedule 1 of the Bill. Regulations under this section are to be made by statutory instrument, which must be laid before the Senedd as soon as reasonably practicable after they are made. Subsection (8) ensures that the coming into force of the regulations does not affect the return of a Member of the Senedd or the constitution of the Senedd until the dissolution of the Senedd in connection with the next ordinary general election.

74. Section 49K describes how a final report may be modified in the event of any errors identified by the Commission, after it has been laid before the Senedd but prior to regulations being made under section 49J. This section provides details of the actions the Commission and Welsh Ministers must follow in that event, including the publishing and

laying of a statement specifying any modifications and the reasons for those modifications. Subsection (5) requires the regulations made by Welsh Ministers under section 49J to reflect the final report and any modifications specified in the statement.

75. Section 49L defines terms used in Part 3A of the 2013 Act. This section also sets out where the Commission is to publish any notices, reports and other documents required under this Schedule.
76. Paragraph 2 of Schedule 2 sets out related amendments to the 2013 Act. Paragraph 2(2) amends Section 1 of the 2013 Act to provide an overview of what provision is made in the new Part 3A of the Act. Paragraph 2(3) allows for the delegation of Senedd boundary review functions (as provided for in new Part 3A of the Act) to Assistant Commissioners. Paragraph 2(4) amends section 14 of the 2013 Act so that the Welsh Ministers may not give directions to the Commission relating to the exercise of its functions relating to Senedd constituency boundary reviews (as provided for by new Part 3A of the Act). Paragraph 2(5) amends the 2013 Act so that section 71 of the 2013 Act (Orders and Regulations) does not apply to regulations made under Section 49K in new Part 3A of the Act). Paragraph 2(6) amends table 2 of the 2013 Act to include a reference to section 49C(3) in the defined expression “local government elector”.
77. Paragraph 3 makes a transitional modification to the 2013 Act as amended by the Bill to ensure that the definition of the term “Senedd constituency” in section 49L(1) is read as referring to regulations made under paragraph 9 of Schedule 1 to the Bill (following the review conducted under that Schedule) until such time as the first set of regulations under section 49J are made.

## Annex 2: Index of Standing Order requirements

Table A2.1: Index of Standing Order requirements

Standing order		Section	pages/ paragraphs
26.6(i)	Statement the provisions of the Bill would be within the legislative competence of the Senedd	Member's declaration	Page 1
26.6(ii)	Set out the policy objectives of the Bill	Chapter 3 - Purpose and intended effect of the legislation	Pages 11 -90
26.6(iii)	Set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted	Chapter 3  Chapter 3  Chapter 3	Paragraphs 54-62 for alternative approaches to increasing capacity of the Senedd  Paragraphs 75 and 78 (footnote 44) for alternative approach to increasing the limit upon Welsh Ministers  Paragraph 107 for alternative approach to restrictions on appointment of an additional Deputy Presiding Officer.

Standing order		Section	pages/ paragraphs
		Chapter 3	Paragraphs 112-113 for alternative approach to changing the Senedd's electoral system.
		Chapter 3	Paragraphs 127-128 for alternative approach to determining seats from votes.
		Chapter 3	Paragraphs 141-142 for alternative approaches to enabling vacancies in certain circumstances.
		Chapter 3	Paragraphs 155-157 for alternative approaches to conferring functions on the Local Democracy and Boundary Commission for Wales.
		Chapter 3	Paragraph 182 for alternative approach to defining residency for purpose of standing for election.

Standing order		Section	pages/ paragraphs
		Chapter 3	Paragraph 195 for alternative approach to reducing Senedd term lengths from five to four years.
		Chapter 3	Paragraph 200 for alternative approach to introducing a review mechanism.
		Chapter 3	Paragraph 207 for alternative approach to addressing job-sharing
		Chapter 8, Part 2 – Regulatory Impact Assessment	Pages 130-132 for alternative approach to legislating (business as usual).

Standing order		Section	pages/ paragraphs
26.6(iv)	Set out the consultation, if any, which was undertaken on: <ul style="list-style-type: none"> <li>(a) the policy objectives of the Bill and the ways of meeting them;</li> <li>(b) the detail of the Bill, and</li> <li>(c) a draft Bill, either in full or in part (and if in part, which parts)</li> </ul>	Chapter 4 – Consultation	Paragraphs 338-340 for summary of consultation with external stakeholders  Pages 93 -120 for summary of previous consultations.
26.6(v)	Set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended	Chapter 4 – Consultation	Pages 94 -121 for summary of previous consultations and how these relate to the Bill.
26.6(vi)	If the bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision	Chapter 4 – Consultation	Paragraph 336 for rationale
26.6(vii)	Summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill	Annex 1 – Explanatory Notes	Pages 217-233
26.6(viii)	Set out the best estimates of:	Part 2 – Regulatory Impact Assessment	Pages 125- 128 for summary.

Standing order	Section	pages/ paragraphs
	<p>(a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;</p> <p>(b) the administrative savings arising from the Bill;</p> <p>(c) net administrative costs of the Bill's provisions;</p> <p>(d) the timescales over which such costs and savings would be expected to arise; and</p> <p>(e) on whom the costs would fall</p>	Pages 129-184 for detailed options and costs and benefits
26.6(ix)	Any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially.	Part 2 – Regulatory Impact Assessment and Part 3 – Integrated Impact Assessment
26.6(x)	<p>Where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <p>(a) the person upon whom, or the body upon which, the power is conferred and the</p>	Chapter 5 - Power to make subordinate legislation

Standing order	Section	pages/ paragraphs
	<p>form in which the power is to be exercised;</p> <p>(b) why it is considered appropriate to delegate the power; and</p> <p>(c) the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);</p>	
26.6(xi)	Where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate.	Annex 4
26.6(xii)	Set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act.	Chapter 9- Justice Impact Assessment
		Page 282
		Pages 204 - 207



Standing order		Section	pages/ paragraphs
26.6B	Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.	The requirement in Standing Order 26.6B for a Table of Derivations is not applicable to this Bill as the Bill is a standalone piece of legislation and does not derive from existing primary legislation for the purposes of amendment or consolidation.	N/A
26.6C	Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill	Annex 3 – Schedule of Amendments	Pages 241 – 281

# Annex 3: Schedule of amendments

## Amendments to be made by the Senedd Cymru (Members and Elections) Bill

This document is intended to show how the provisions of the following legislation, as they applied in relation to Wales on 4 August 2023, would look once amended by the Senedd Cymru (Members and Elections) Bill (if enacted), as introduced on 18th September 2023.

### Primary Legislation

- Government of Wales Act 2006
- Local Government (Democracy) (Wales) Act 2013
- Political Parties, Elections and Referendums Act 2000
- Wales Act 2014
- Public Audit Wales Act 2013
- Local Government and Elections (Wales) Act 2021

### Secondary Legislation

- National Assembly for Wales Commissioner for Standards Measure 2009
- National Assembly for Wales (Remuneration) Measure 2010

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

Material to be added by the Senedd Cymru (Members and Elections) Bill is underlined, e.g. added material looks like this.

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

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

### Warning

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

It has been produced solely to help people understand the effect of the Senedd Cymru (Members and Elections) Bill. It is not intended for use in any other context.

## Government of Wales Act 2006

Section	Amended by
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<p><b>1 The [Senedd]</b></p> <p>(1) There is to be [a parliament] for Wales to be known as [Senedd Cymru or the Welsh Parliament (referred to in this Act as "<i>the Senedd</i>")].</p> <p><del>(2) The [Senedd] is to consist of—</del></p> <p><del>(a) one member for each [Senedd] constituency (referred to in this Act as ["<i>Senedd constituency members</i>"]), and</del></p> <p><del>(b) members for each [Senedd] electoral region (referred to in this Act as ["<i>Senedd regional members</i>"]).</del></p> <p><u>(2) There are—</u></p> <p><u>(a) 16 Senedd constituencies, and</u></p> <p><u>(b) six seats for each constituency,</u></p> <p><u>and the Senedd is to consist of the members for those constituencies.</u></p> <p>(2A) Members of the Senedd are to be known by that name or as Aelodau o'r Senedd.</p> <p>(3) [Members of the Senedd] are to be returned in accordance with the provision made by and under this Act for—</p> <p>(a) the holding of general elections of [Members of the Senedd]<sup>6</sup> (for the return of the entire [Senedd] ), and</p> <p>(b) the filling of vacancies in [Senedd] seats.</p> <p>(4) The validity of any [Senedd] proceedings is not affected by any vacancy in its membership.</p> <p>(5) In this Act [ "<i>Senedd proceedings</i>" ] means any proceedings of—</p> <p>(a) the [Senedd] ,</p> <p>(b) committees of the [Senedd] , or</p> <p>(c) sub-committees of such committees.</p>	<p>Part 1 Section 1</p>
<p><del><b>2 [Senedd] constituencies and electoral regions</b></del></p> <p><del>[(1) The [Senedd] constituencies are the constituencies specified in the Parliamentary Constituencies and [Senedd] Electoral Regions (Wales) Order 2006 (<a href="#">SI 2006/1041</a>) as amended by—</del></p> <p><del>(a) the Parliamentary Constituencies and [Senedd] Electoral Regions (Wales) (Amendment) Order 2008 (<a href="#">SI 2008/1791</a>), and</del></p> <p><del>(b) any Order in Council under the <a href="#">Parliamentary Constituencies Act 1986</a> giving effect (with or without modifications) to a report falling within <a href="#">section 13(3) or (4)</a> of the Parliamentary Voting System and Constituencies Act 2011.]</del></p> <p><del>(2) There are five [Senedd] electoral regions.</del></p> <p><del>(3) The [Senedd] electoral regions are as specified in the Parliamentary Constituencies and [Senedd] Electoral Regions (Wales) Order 2006.</del></p> <p><del>(4) There are four seats for each [Senedd] electoral region.</del></p> <p><del>(5) ...</del></p> <p><del>(6) ...</del></p> <p><b><u>2 Senedd constituencies</u></b></p> <p><u>(1) The Senedd constituencies are the constituencies specified in regulations under section 49J of the Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4).</u></p> <p><u>(2) Until the first set of regulations made under that section are in force, the reference in subsection (1) to regulations under that section is to be read as a reference to regulations under paragraph 9 of Schedule 1 to the Senedd Cymru (Members and Elections) Act 2024 (asc 00).</u></p>	<p>Part 1 Section 2</p>

<p><b>3 Ordinary general elections</b></p> <p>(1) The poll at an ordinary general election is to be held on the first Thursday in May in the <del> fifth</del> <u>fourth</u> calendar year following that in which the previous ordinary general election was held, unless—</p> <ul style="list-style-type: none"><li>(a) subsection (1A) prevents the poll being held on that day, or</li><li>(b) the day of the poll is determined by a proclamation under section 4.</li></ul> <p>(1A) The poll is not to be held on the same date as the date of the poll at—</p> <ul style="list-style-type: none"><li>(a) a parliamentary general election.</li></ul> <p>(1B) Where subsection (1A) prevents the poll being held on the day specified in subsection (1), the poll is to be held on such day, subject to subsection (1A), as the Welsh Ministers may by order specify unless the day of the poll is determined by a proclamation under section 4(2) as modified by section 4(2A).</p> <p>(2) If the poll is to be held on the first Thursday in May or on the day specified by an order under subsection (1B), the Senedd—</p> <ul style="list-style-type: none"><li>(a) is dissolved by virtue of this section at the beginning of the minimum period which ends with that day, and</li><li>(b) must meet within the period of fourteen days beginning immediately after the day of the poll.</li></ul> <p>(3) In subsection (2) “the minimum period” means the period determined in accordance with an order under section 13.</p> <p>(4) In calculating any period of days for the purposes of subsection (2)(b), the following days are to be disregarded—</p> <ul style="list-style-type: none"><li>(a) Saturday and Sunday,</li><li>(b) any day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971 (c. 80), and</li><li>(c) any day appointed for public thanksgiving or mourning.</li></ul> <p>(5) No order is to be made under subsection (1B) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Senedd.</p>	<p>Part 1 Section 3(1)</p>
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<p><b><del>6 Voting at general elections</del></b></p> <p><del>(1) Each person entitled to vote at a general election in a Senedd constituency has two votes.</del></p> <p><del>(2) One (referred to in this Act as a “constituency vote”) is a vote which may be given for a candidate to be the Senedd constituency member for the Senedd constituency.</del></p> <p><del>(3) The other (referred to in this Act as an “electoral region vote”) is a vote which may be given for—</del></p> <p><del>(a) a registered political party which has submitted a list of candidates to be Senedd regional members for the Senedd electoral region in which the Senedd constituency is included, or</del></p> <p><del>(b) an individual who is a candidate to be a Senedd regional member for that Senedd electoral region.</del></p> <p><del>(4) The Senedd constituency member for the Senedd constituency is to be returned under the simple majority system.</del></p> <p><del>(5) The Senedd regional members for the Senedd electoral region are to be returned under the additional member system of proportional representation provided for in this Part.</del></p> <p><del>(6) In this Act “registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).</del></p> <p><b><del>7 Candidates at general elections</del></b></p> <p><del>(1) At a general election a person may not be a candidate to be the Senedd constituency member for more than one Senedd constituency.</del></p> <p><del>(2) Any registered political party may submit a list of candidates for return as Senedd regional members for a particular Senedd electoral region at a general election.</del></p> <p><del>(3) The list must be submitted to the regional returning officer.</del></p> <p><del>(4) The list must not include more than twelve persons (but may include only one).</del></p> <p><del>(5) The list must not include a person—</del></p> <p><del>(a) who is included on any other list submitted for the Senedd electoral region or any list submitted for another Senedd electoral region,</del></p> <p><del>(b) who is an individual candidate to be a Senedd regional member for the Senedd electoral region or another Senedd electoral region,</del></p> <p><del>(c) who is a candidate to be the Senedd constituency member for a Senedd constituency which is not included in the Senedd electoral region, or</del></p> <p><del>(d) who is a candidate to be the Senedd constituency member for a Senedd constituency included in the Senedd electoral region but is not a candidate of the party.</del></p> <p><del>(6) A person may not be an individual candidate to be a Senedd regional member for the Senedd electoral region if that person is—</del></p> <p><del>(a) included on a list submitted by a registered political party for the Senedd electoral region or another Senedd electoral region,</del></p> <p><del>(b) an individual candidate to be a Senedd regional member for another Senedd electoral region,</del></p> <p><del>(c) a candidate to be the Senedd constituency member for a Senedd constituency which is not included in the Senedd electoral region, or</del></p> <p><del>(d) a candidate of any registered political party to be the Senedd constituency member for a Senedd constituency included in the Senedd electoral region.</del></p> <p><del>(7) In this Act “regional returning officer”, in relation to a Senedd electoral region, means the person designated as the regional returning officer for the Senedd electoral region in accordance with an order under section 13.</del></p>	<p>Part 2 Section 8</p>
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### **8 Calculation of electoral region figures**

- ~~(1) This section and section 9 are about the return of Senedd regional members for an electoral region at a general election.~~
- ~~(2) The person who is to be returned as the Senedd constituency member for each Senedd constituency in the Senedd electoral region is to be determined before it is determined who are to be returned as the Senedd regional members for the Senedd electoral region.~~
- ~~(3) For each registered political party by which a list of candidates has been submitted for the Senedd electoral region—~~
- ~~(a) there is to be added together the number of electoral region votes given for the party in the Senedd constituencies included in the Senedd electoral region, and~~
- ~~(b) the number arrived at under paragraph (a) is then to be divided by the aggregate of one and the number of candidates of the party returned as Senedd constituency members for any of those Senedd constituencies.~~
- ~~(4) For each individual candidate to be a Senedd regional member for the Senedd electoral region there is to be added together the number of electoral region votes given for the candidate in the Senedd constituencies included in the Senedd electoral region.~~
- ~~(5) The number arrived at—~~
- ~~(a) in the case of a registered political party, under subsection (3)(b), or~~
- ~~(b) in the case of an individual candidate, under subsection (4),~~
- ~~is referred to in this Act as the electoral region figure for that party or individual candidate.~~

### **9 Allocation of seats to electoral region members**

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

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- ~~(a) a recalculation has been carried out under section 8(3)(b) after adding one to the number of votes given for each party with that electoral region figure, and~~  
~~(b) one has been added to the number of votes given for each individual candidate with that electoral region figure.~~  
~~(9) If, after that, the highest electoral region figure is still the electoral region figure of two or more parties or individual candidates, the regional returning officer must decide between them by lots.~~

### **6 Voting at general elections**

(1) Each person entitled to vote at a general election in a Senedd constituency may give a vote for—

- (a) a registered political party that has submitted a list of candidates to be Members of the Senedd for the constituency, or  
(b) an individual who is a candidate (“an individual candidate”) to be a Member of the Senedd for the constituency.

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

### **7 Candidates at general elections**

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

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

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

(4) The list must not include a person—

- (a) who is included on another list submitted under this section (whether for the constituency or another constituency);  
(b) who is an individual candidate to be a Member of the Senedd (whether for the constituency or another constituency).

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

- (a) included on a list submitted under this section (whether for the constituency or another constituency);  
(b) an individual candidate to be a Member of the Senedd for another constituency.

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

### **8 Calculation of seat allocation figures**

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

(2) For each registered political party by which a list of candidates has been submitted under section 7 (candidates at general elections) for the constituency—

- (a) the votes given in the constituency for the party are to be added up, and  
(b) the number arrived at under paragraph (a) is to be divided by the seat allocation divisor.

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

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

(5) The number arrived at—

(a) in the case of a registered political party, under subsection (2)(b), or

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

is referred to in section 9 as the “seat allocation figure” for that party or individual candidate.

### **9 Allocation of seats**

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

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

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

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

(b) for any subsequent application of subsection (2), if the previous application of that subsection resulted in the allocation to the party of a seat for the constituency,

and each recalculation is to be carried out under section 8(2)(b) after adding one to the previous seat allocation divisor for that party.

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

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

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

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

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

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

(b) one has been added to the number arrived at under section 8(4) for any individual candidate with the tied seat allocation figure.

(9) If, after that, the highest seat allocation figure is still the seat allocation figure for two or more parties or individual candidates (so it is still the case that more than the full number of seats for the constituency would be allocated), the constituency returning officer must decide between them by lots.



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<p><b><del>10 Constituency vacancies</del></b></p> <p><del>(1) This section applies if the seat of a Senedd constituency member returned for a Senedd constituency is vacant.</del></p> <p><del>(2) Subject to subsection (7), an election must be held in the Senedd constituency to fill the vacancy.</del></p> <p><del>(3) At the election, each person entitled to vote only has a constituency vote; and the Senedd constituency member for the Senedd constituency is to be returned under the simple majority system.</del></p> <p><del>(4) The date of the poll at the election must be fixed by the Presiding Officer.</del></p> <p><del>(5) The date must fall within the period of three months beginning with the occurrence of the vacancy.</del></p> <p><del>(6) But if the vacancy does not come to the Presiding Officer's notice within the period of one month beginning with its occurrence, the date must fall within the period of three months beginning when it does come to the Presiding Officer's notice.</del></p> <p><del>(7) The election must not be held if it appears to the Presiding Officer that the latest date which may be fixed for the poll would fall within the period of three months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 4).</del></p> <p><del>(8) The standing orders must make provision for determining the date on which a vacancy occurs for the purposes of this section.</del></p> <p><del>(9) A person may not be a candidate in an election to fill a vacancy if the person is—</del></p> <p><del>(a) a Member of the Senedd, or</del></p> <p><del>(b) a candidate in another such election.</del></p>	<p>Part 2 Section 9(2)</p>
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<p><b><u>11 Electoral region vacancies</u></b></p> <p><del>(1) This section applies if the seat of a Senedd regional member returned for a Senedd electoral region is vacant.</del></p> <p><del>(2) If the Senedd regional member was returned (under section 9 or this section) from the list of a registered political party, the regional returning officer must notify to the Presiding Officer the name of the person who is to fill the vacancy.</del></p> <p><del>(3) A person's name may only be so notified if the person—</del></p> <p><del>(a) is included on the list submitted by the registered political party for the last general election,</del></p> <p><del>(b) is willing to serve as a Senedd regional member for the Senedd electoral region, and</del></p> <p><del>(c) is not a person to whom subsection (4) applies.</del></p> <p><del>(4) This subsection applies to a person if—</del></p> <p><del>(a) the person is not a member of the registered political party, and</del></p> <p><del>(b) the registered political party gives notice to the regional returning officer that the person's name is not to be notified to the Presiding Officer as the name of the person who is to fill the vacancy.</del></p> <p><del>(5) But if there is more than one person who satisfies the conditions in subsection (3), the regional returning officer may only notify the name of whichever of them was the higher, or the highest, on that list.</del></p> <p><del>(6) A person whose name is notified under subsection (2) is to be treated as having been declared to be returned as a Senedd regional member for the Senedd electoral region on the day on which notification of the person's name is received by the Presiding Officer.</del></p> <p><del>(7) The seat remains vacant until the next general election—</del></p> <p><del>(a) if the Senedd regional member was returned as an individual candidate, or</del></p> <p><del>(b) if that Senedd regional member was returned from the list of a registered political party but there is no one who satisfies the conditions in subsection (3).</del></p> <p><del>(8) For the purposes of this section, a person included on the list submitted by a registered political party for the last general election who—</del></p> <p><del>(a) was returned as a Member of the Senedd at that election (even if the return was void), or</del></p> <p><del>(b) has subsequently been returned under section 10 or this section (even if the return was void);</del></p> <p><del>is treated on and after the return of the person, as not having been included on the list.</del></p> <p><b><u>11 Vacant seats</u></b></p> <p><u>(1) This section makes provision about what is to happen if the seat of a Member of the Senedd becomes vacant.</u></p> <p><u>(2) If the Member was an individual candidate when returned as a Member of the Senedd, the seat remains vacant until the next general election.</u></p> <p><u>(3) If the Member was returned as a Member of the Senedd from a list submitted under section 7 by a registered political party, the constituency returning officer must notify to the Presiding Officer the name of the person (if any) who is to fill the vacancy.</u></p> <p><u>(4) A person's name may be notified under subsection (3) only if the person—</u></p> <p><u>(a) is included on the list mentioned in subsection (3),</u></p> <p><u>(b) is willing to serve as a Member of the Senedd, and</u></p> <p><u>(c) is not a person to whom subsection (5) applies.</u></p> <p><u>(5) This subsection applies to a person if—</u></p> <p><u>(a) the person is not a member of the registered political party that submitted the list, and</u></p>	<p>Part 2 Section 9(3)</p>
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<p><u>(b) the party gives notice to the constituency returning officer that the person's name is not to be notified to the Presiding Officer as the name of the person who is to fill the vacancy.</u></p> <p><u>(6) But if there is more than one person who satisfies the conditions in subsection (4), the constituency returning officer may only notify the name of whichever of them was the higher, or the highest, on the list.</u></p> <p><u>(7) If there is no-one who satisfies the conditions in subsection (4), the seat remains vacant until the next general election.</u></p> <p><u>(8) A person whose name is notified under subsection (3) is to be treated as having been declared to be returned as a Member of the Senedd on the day on which notification of the person's name is received by the Presiding Officer.</u></p> <p><u>(9) For the purposes of this section, a person included on the list mentioned in subsection (3)—</u></p> <p><u>(a) who was returned as a Member of the Senedd at the election for which the list was submitted (even if the return was void), or</u></p> <p><u>(b) who was subsequently returned as a Member of the Senedd under this section (even if the return was void),</u></p> <p><u>is treated on and after their return as not having been included on the list.</u></p>	
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<p><b>12 Entitlement to vote</b></p> <p>(1) The persons entitled to vote at an election of Members of the Senedd <del>(or of a Member of the Senedd)</del> in a Senedd constituency are those who on the day of the poll—</p> <p>(a) would be entitled to vote as electors at a local government election in an electoral area wholly or partly included in the Senedd constituency..., and</p> <p>(b) are registered in the register of local government electors at an address within the Senedd constituency.</p> <p>(1A). . . . .</p> <p>(1B). . . . .</p> <p>(2) But a person is not entitled as an elector—</p> <p>(a) to cast more than one <del>constituency vote, or more than one electoral region</del> <u>vote, vote</u> in the same Senedd constituency at any general election, <u>or</u></p> <p>(b) to vote in more than one Senedd constituency at any general election, <del>or</del></p> <p>(c) <del>to cast more than one vote in any election held under section 10.</del></p>	<p>Part 2 Section 10(2)</p>
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<p><b>13 Power of the Welsh Ministers to make provision about elections etc</b></p> <p>(1) The Welsh Ministers may by order make provision that would be within the legislative competence of the Senedd, if included in an Act of the Senedd, as to—</p> <p>(a) the conduct of elections of Members of the Senedd,  (b) the questioning of an election of Members of the Senedd and the consequences of irregularities, and  (c) the return of a Member of the Senedd otherwise than at an election.</p> <p>(2) The provision that may be made under subsection (1)(a) includes, in particular, provision—</p> <p>(a) about the registration of electors,  (b) for disregarding alterations in a register of electors,  (c) about the limitation of the election expenses of candidates (and the creation of criminal offences in connection with the limitation of such expenses),  (d) for the combination of polls,  (e) <del>for modifying the application of sections 6 and 8(2) where the poll at an election for the return of a Senedd constituency member is abandoned (or notice of it is countermanded), and</del>  (f) for modifying section 9(7) to ensure the allocation of the correct number of seats for the <del>region constituency</del>.</p> <p>(3) The provision that may be made under subsection (1)(c) includes, in particular, provision modifying section <del>11(3) to (5)</del><u>11(4) to (6)</u>.</p> <p>(4) An order under this section may—</p> <p>(a) apply or incorporate, with or without modifications or exceptions, any provision of or made under the election enactments, and  (b) so far as may be necessary in consequence of any provision made by an order under this section, make modifications of any provision made by or under any enactment relating to the registration of parliamentary electors or local government electors.</p> <p>(5) In subsection (4)(a) “the election enactments” means—</p> <p>(a) the Representation of the People Acts,  (b) the Political Parties, Elections and Referendums Act 2000,  (c)... and  (d) any other enactments relating to parliamentary elections... or local government elections.</p> <p>(6) No return of a Member of the Senedd at an election may be questioned except by an election petition under the provisions of Part 3 of the Representation of the People Act 1983 as applied or incorporated in an order under this section.</p> <p>(7) No order is to be made under this section unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Senedd.</p>	<p>Part 2 Section 10(3)</p>
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<p><b>13A Power of the Secretary of State to make provision about the combination of polls</b></p> <p>(1) The Secretary of State may by regulations make provision for—</p> <p>(a) the combination of polls at ordinary general elections of Members of the Senedd with polls at parliamentary by-elections, and</p> <p>(b) the combination of polls at extraordinary general elections of Members of the Senedd, <del>and by-elections for the return of Members of the Senedd</del>, with polls at parliamentary by-elections or parliamentary general elections.</p> <p>(2).....</p> <p>(3).....</p> <p>(4) The Secretary of State may not make regulations under this section without the agreement of the Welsh Ministers.</p> <p>(5) Regulations under this section may—</p> <p>(a) apply or incorporate, with or without modifications or exceptions, any provision made by or under the election enactments, and</p> <p>(b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections of Members of the Senedd.</p> <p>(6) In subsection (5)(a) “the election enactments” has the meaning given by section 13(5).</p> <p>(7) No regulations are to be made under this section unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.</p>	<p>Part 2 Section 10(4)</p>
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<p><b>18 Effect of disqualification</b></p> <p>(A1) If a person who is disqualified from being a candidate to be a Member of the Senedd (see section 16(A1)) is nominated as a candidate at a general election of Members of the Senedd <del>or an election to fill a vacancy under section 10</del>, the person's nomination is void.</p> <p>(1) If a person who is disqualified from being a Member of the Senedd is returned as a Member of the Senedd, the person's return is void and the person's seat is vacant.</p> <p>(2).....</p> <p>(3) If a person who is a Member of the Senedd becomes disqualified—</p> <p>(a) from being a Member of the Senedd,...</p> <p>(b).....</p> <p>the person ceases to be a Member of the Senedd (so that the person's seat is vacant).</p> <p>(4) Subsections (1) to (3) have effect subject to any resolution of the Senedd under section 17(3).</p> <p>(5) In addition, subsection (3) has effect subject to—</p> <p>(a).....</p> <p>(b) section 427 of the Insolvency Act 1986 (c. 45) (bankruptcy etc.).</p> <p>(6) If, in consequence of the provision mentioned in subsection (5), the seat of a person who is disqualified from being a Member of the Senedd is not vacant, the person does not cease to be a Member of the Senedd until the person's seat becomes vacant.</p> <p>(7) But for any period for which the person is disqualified but the person's seat is not vacant—</p> <p>(a) the person must not participate in any Senedd proceedings, and</p> <p>(b) any of the person's other rights and privileges as a Member of the Senedd may be withdrawn by the Senedd.</p> <p>(8) The validity of any Senedd proceedings is not affected by the disqualification of any person—</p> <p>(a) from being a Member of the Senedd,...</p> <p>(b).....</p>	<p>Part 2 Section 10(5)</p>
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<p><b>20 Remuneration of [Members of the Senedd]</b></p> <p>(1) [Provision must be made] for the payment of salaries to [Members of the Senedd].</p> <p>(2) [Provision may be made] for the payment of allowances to [Members of the Senedd].</p> <p>(3) [Provision may be made] for the payment of pensions, gratuities or allowances to, or in respect of, any person who—</p> <p>(a) has ceased to be [a Member of the Senedd], or</p> <p>(b) has ceased to hold office as the Presiding Officer or <del>Deputy Presiding Officer</del> a Deputy Presiding Officer, or such other office in connection with the [Senedd] as the [Senedd] may determine, but continues to be [a Member of the Senedd].</p> <p>(4) Such provision may, in particular, include provision for—</p> <p>(a) contributions or payments towards provision for such pensions, gratuities or allowances, and</p> <p>(b) the establishment and administration (whether by the [Senedd] Commission or otherwise) of one or more pension schemes.</p> <p>(5) Sums required for the making of payments by virtue of provision under subsection (1) or (3) to or in respect of a person who holds or has held the office of Presiding Officer or Deputy Presiding Officer are to be charged on the Welsh Consolidated Fund.</p> <p>[(6) Provision under this section is to be made by determination made by the Board.]</p> <p>[(7) The [Senedd] Commission must give effect to any determination made by the Board under this section.</p> <p>(8) In this section (and in sections 22, 24, 53 and 54) “the Board” means the [Independent Remuneration Board of the Senedd] established by section 1 of the National [Senedd] for Wales (Remuneration) Measure 2010 (nawm 4—).]</p>	<p>Part 1 Section 4(2)</p>
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<p><b>25 Presiding Officer etc</b></p> <p>(1) The [Senedd] must, at its first meeting following a general election, elect from among the [Members of the Senedd]—</p> <p>(a) a presiding officer (referred to in this Act as “the Presiding Officer”), and</p> <p>(b) a deputy presiding officer (<del>referred to in this Act as “the Deputy Presiding Officer”</del>—(see subsection (1B)(a)).</p> <p><u>(1A) The Senedd may at any time elect one additional deputy presiding officer from among the Members of the Senedd (but there may be no more than one additional deputy presiding officer at any time).</u></p> <p><u>(1B) In this Act, “Deputy Presiding Officer” means, unless the context requires otherwise—</u></p> <p><u>(a) the person elected under paragraph (b) of subsection (1);</u></p> <p><u>(b) a person elected under subsection (1A),</u>  <u>but in section 23(4)(b) “Deputy Presiding Officer” means only the person elected under paragraph (b) of subsection (1).</u></p> <p>(2) The person elected under paragraph (a) of subsection (1) is to be known as the Presiding Officer or by such other title as the standing orders may provide; and the person elected under paragraph (b) of that subsection <del>is to be known as the Deputy Presiding Officer</del> and a person elected under subsection (1A) are each to be known as Deputy Presiding Officer or by such other title as the standing orders may provide.</p> <p>(3) The Presiding Officer holds office until the conclusion of the next election of a Presiding Officer under subsection (1).</p> <p><del>(4) The Deputy Presiding Officer holds office until the [Senedd] is dissolved.</del><u>(4) A Deputy Presiding Officer holds office until the Senedd is dissolved; but the standing orders may make provision for a Deputy Presiding Officer elected under subsection (1A) to hold office for a shorter time.</u></p> <p>(5) But the Presiding Officer or <del>Deputy Presiding Officer</del> <u>a Deputy Presiding Officer—</u></p> <p>(a) may at any time resign,</p> <p>(b) ceases to hold office on ceasing to be [a Member of the Senedd] otherwise than by reason of a dissolution, and</p> <p>(c) may be removed from office by the [Senedd].</p> <p>(6) If the Presiding Officer or the Deputy Presiding Officer <u>elected under paragraph (b) of subsection (1)</u> ceases to hold office under subsection (5) (or dies), the [Senedd] must elect a replacement from among the [Members of the Senedd] <u>(and references in this section to a person elected under paragraph (a) or (b) of subsection (1) include a reference to a person elected under this subsection).</u></p> <p>(7) Subject to subsection (9), the Presiding Officer and the Deputy Presiding Officer <u>elected under paragraph (b) of subsection (1)</u> must not belong to—</p> <p>(a) the same political group, or</p> <p>(b) different political groups both of which are political groups with an executive role.</p> <p><u>(7A) Subject to subsection (9), a Deputy Presiding Officer elected under subsection (1A) must not belong to—</u></p> <p><u>(a) the same political group as either the Presiding Officer or Deputy Presiding Officer elected under paragraph (b) of subsection (1), or</u></p> <p><u>(b) where the Presiding Officer and the Deputy Presiding Officer elected under paragraph (b) of subsection (1) both belong to political groups without an executive role, a political group without an executive role.</u></p> <p>(8) For the purposes of this Act a political group is a political group with an executive role if the First Minister or one or more of the Welsh Ministers appointed under section 48 belong to it.</p>	<p>Part 1 Section 4(1)</p>
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<p>(9) The [Senedd] may resolve that <del>subsection (7) is not to apply one or both of subsections (7) and (7A) are not to apply</del> for so long as the resolution so provides; but if the motion for the resolution is passed on a vote it is of no effect unless at least two-thirds of the [Members of the Senedd] voting support it.</p> <p>(10) The Presiding Officer's functions may be exercised by <del>the Deputy Presiding Officer</del> <u>a Deputy Presiding Officer</u> if—</p> <p>(a) the office of Presiding Officer is vacant, or</p> <p>(b) the Presiding Officer is for any reason unable to act.</p> <p>(11) The Presiding Officer may (subject to the standing orders) authorise <del>the Deputy Presiding Officer</del> <u>a Deputy Presiding Officer</u> to exercise functions of the Presiding Officer.</p> <p>(12) The standing orders may include provision for the Presiding Officer's functions to be exercisable by any person specified in, or determined in accordance with, the standing orders if—</p> <p>(a) the office of Presiding Officer is vacant or the Presiding Officer is for any reason unable to act, and</p> <p><del>(b) the office of Deputy Presiding Officer is vacant or the Deputy Presiding Officer is for any reason unable to act.</del> <u>(b) the office of Deputy Presiding Officer is vacant or, for any reason, no Deputy Presiding Officer is able to act.</u></p> <p>(13) The standing orders may include provision as to the participation (including voting) in [Senedd] proceedings of the Presiding Officer and <del>Deputy Presiding Officer</del> <u>a Deputy Presiding Officer</u> and any person acting by virtue of subsection (12).</p> <p>(14) The validity of any act of a person as Presiding Officer or Deputy Presiding Officer, or of any person acting by virtue of subsection (12), is not affected by any defect in the person's appointment by the [Senedd].</p> <p>(15) Subsections (10) to (12) are subject to paragraph 11 of Schedule 2.</p>	
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<p><b>36 Integrity</b></p> <p>(1) The standing orders must include provision—</p> <p>(a) for a register of interests of Members of the Senedd, and</p> <p>(b) for the register to be published and made available for public inspection.</p> <p>(2) The standing orders must require Members of the Senedd to register in the register of interests registrable interests, as defined for the purposes of this subsection.</p> <p>(3) The standing orders must require any Member of the Senedd who has—</p> <p>(a) a financial interest, as defined for the purposes of this subsection, or</p> <p>(b) any other interest, or an interest of any other kind, as so defined, in any matter to declare that interest before taking part in Senedd proceedings relating to that matter.</p> <p>(4) The standing orders may include provision for preventing or restricting the participation in any Senedd proceedings of a Member of the Senedd who has an interest within subsection (2) or (3) in any matter to which the proceedings relate.</p> <p>(5) The standing orders must include provision prohibiting a Member of the Senedd from—</p> <p>(a) advocating or initiating any cause or matter on behalf of any person, by any means specified in the standing orders, in consideration of any payment or benefit in kind of a description so specified, or</p> <p>(b) urging, in consideration of any such payment or benefit in kind, any other Member of the Senedd to advocate or initiate any cause or matter on behalf of any person by any such means.</p> <p><del>(6) The standing orders must include provision about (or for the making of a code or protocol about) the different roles and responsibilities of Senedd constituency members and Senedd regional members; and—</del></p> <p><del>(a) Senedd constituency members must not describe themselves in a manner which suggests that they are Senedd regional members, and</del></p> <p><del>(b) Senedd regional members must not describe themselves in a manner which suggests that they are Senedd constituency members.</del></p> <p>(7) a Member of the Senedd who—</p> <p>(a) takes part in Senedd proceedings without having complied with, or in contravention of, any provision included in the standing orders in pursuance of subsections (2) to (4), or</p> <p>(b) contravenes any provision included in the standing orders in pursuance of subsection (5), commits an offence.</p> <p>(8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.</p> <p>(9) A prosecution for an offence under subsection (7) cannot be instituted except by or with the consent of the Director of Public Prosecutions.</p> <p>(10) The validity of any Senedd proceedings is not affected by any contravention or failure to comply with any provision included in the standing orders in pursuance of this section.</p> <p>(11) In this section—</p> <p>(a) references to a Member of the Senedd <del>(apart from those in subsection (6))</del> include the Counsel General, if not a Member of the Senedd, and</p> <p>(b) “financial interest” includes a benefit in kind.</p>	<p>Part 2 Section 10(6)</p>
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<p><b>41 Proceedings by or against [Senedd] etc</b></p> <p>(1) Proceedings by or against the [Senedd] are to be instituted by or against the [Senedd] Commission on behalf of the [Senedd].</p> <p>(2) Proceedings by or against—</p> <p>(a) the Presiding Officer or <del>Deputy Presiding Officer</del> <u>a Deputy Presiding Officer</u>, or</p> <p>(b) a member of the staff of the [Senedd],</p> <p>are (unless instituted against or by the [Senedd] Commission) to be instituted by or against the [Senedd] Commission on behalf of the Presiding Officer, Deputy Presiding Officer or member of staff.</p> <p>(3) In any proceedings against the [Senedd] the court must not grant a mandatory, prohibiting or quashing order or an injunction, make an order for specific performance or stay the proceedings but may instead make a declaration.</p> <p>(4) In any proceedings against—</p> <p>(a) any [Member of the Senedd],</p> <p>(b) the Presiding Officer or <del>Deputy Presiding Officer</del> <u>a Deputy Presiding Officer</u>,</p> <p>(c) any member of the staff of the [Senedd], or</p> <p>(d) the [Senedd] Commission,</p> <p>the court must not grant a mandatory, prohibiting or quashing order or an injunction, make an order for specific performance or stay the proceedings if the effect of doing so would be to give any relief against the [Senedd] which could not have been given in proceedings against the [Senedd].</p> <p>(5) References in this section to an order include an order which is not final.</p>	<p>Part 1 Section 4(3)</p>
<p><b>51 Limit on number of Ministers</b></p> <p>(1) No more than <del>twelve</del> <u>17</u> persons are to hold a relevant Welsh Ministerial office at any time.</p> <p>(2) A relevant Welsh Ministerial office means the office of Welsh Minister appointed under section 48 or the office of Deputy Welsh Minister.</p> <p><u>(3) The Welsh Ministers may by regulations amend subsection (1) to increase the maximum number of holders of a relevant Welsh Ministerial office—</u></p> <p><u>(a) from 17 to 18 or 19;</u></p> <p><u>(b) from 18 to 19.</u></p> <p><u>(4) The power in subsection (3) may not be used to lower the maximum number (including by revoking regulations made under that subsection).</u></p> <p><u>(5) A statutory instrument containing regulations under subsection (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of the Senedd.</u></p>	<p>Part 1 Section 5</p>

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<p><b>159 Index of defined expressions</b>          In this Act the following expressions are defined or otherwise explained by the provisions indicated—</p> <p>...          constituency vote ————— section 6(2)          ...          the Deputy Presiding Officer ————— section 25(1)(b)          ...          electoral region figure ————— section 8(5)          electoral region vote ————— section 6(3)          ...          regional returning officer ————— section 7(7)          ...          Senedd constituency member ————— section 1(2)(a)          Senedd electoral region ————— section 2(2) and (3)          ...          Senedd regional member ————— section 1(2)(b)</p>	<p>Part 1          Section 4(4)            and            Part 2          Section 10(7)</p>		
<p><b>SCHEDULE 1A Disqualification from being a Member of the Senedd or a Candidate in an Election to be a Member of the Senedd</b></p> <p><b>PART 1 Categories of Persons Disqualified</b></p> <p>...  <u>Persons not registered in electoral register at an address in Wales</u>          8 A person who is not registered in the register of local government electors at an address within a Senedd constituency.</p>	<p>Part 1          Section 6</p>		
<p><b>SCHEDULE 1A Disqualification from being a Member of the Senedd or a Candidate in an Election to be a Member of the Senedd</b></p> <p>...  <b>PART 2 Offices that disqualify the holder</b>  <i>TABLE</i></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;"><i>Offices and bodies in respect of which there are disqualifying offices</i></td> <td style="width: 50%; text-align: center;"><i>The disqualifying offices</i></td> </tr> </table> <p>...          Returning officers for Senedd elections      The returning officer for any Senedd constituency or <del>Senedd electoral region</del></p> <p>...</p>	<i>Offices and bodies in respect of which there are disqualifying offices</i>	<i>The disqualifying offices</i>	<p>Part 2          Section 10(8)</p>
<i>Offices and bodies in respect of which there are disqualifying offices</i>	<i>The disqualifying offices</i>		

## Local Government (Democracy) (Wales) Act 2013

Section	Amended by
<p><b>1 Overview</b></p> <p>(1) This Part provides an overview of the provisions of this Act.</p> <p>(2) Part 2 renames the Local Government Boundary Commission for Wales as the Local Democracy and Boundary Commission for Wales and reforms its constitution and functions.</p> <p>(3) Part 3 makes provision about—</p> <p>(a) the duties of the Commission to monitor the arrangements for local government and to conduct reviews where appropriate, and the duties of principal councils to monitor the arrangements for the communities in their area and to conduct reviews where appropriate (see sections 21 and 22),</p> <p>(b) the types of reviews that can be conducted, the considerations to be taken into account by the reviewing body and the changes that can be recommended in relation to each type of review (see sections 23 to 33),</p> <p>(c) the procedure for conducting reviews (see sections 34 to 36),</p> <p>(d) the implementation of recommendations following a review and associated matters (such as the transfer of staff or property between principal councils and other public bodies) (see sections 37 to 44).</p> <p><u>(3A) Part 3A makes provision about Senedd constituency boundary reviews conducted by the Commission.</u></p> <p>(4) Part 4 makes provision about the review of the membership of certain public bodies.</p> <p>(5) Part 5 makes provision—</p> <p>(a) about the appointment of a presiding member for a principal council;</p> <p>(b) restating and extending the powers of local authorities in relation to promoting and opposing private Bills;</p> <p>(c) requiring community council information to be made available electronically;</p> <p>(d) about the electronic publication of certain public bodies' (including local authorities) registers of members' interests;</p> <p>(e) relating to remote attendance at meetings of principal councils;</p> <p>(f) relating to the role of democratic services committees;</p> <p>(g) applying political balance requirements to the audit committees of principal councils;</p> <p>(h) relating to the functions of the Independent Remuneration Panel for Wales and how it prepares reports;</p> <p>(i) about the establishment of joint standards committees;</p> <p>(j) enabling the standards committee or monitoring officer of a relevant authority to refer cases relating to conduct to the standards committee or monitoring officer of another relevant authority.</p> <p>(6) Part 6 makes general provision about this Act.</p>	<p>Schedule 2 Paragraph 2(2)</p>

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<p><b><del>2 Local Democracy and Boundary Commission for Wales</del> <u>Democracy and Boundary Commission Cymru</u></b></p> <p>(1) The body corporate called the Local Government Boundary Commission for Wales (established under section 53 of the 1972 Act) is to continue in existence.</p> <p>(2) <del>But it is renamed, and is to be known as, the Local Democracy and Boundary Commission for Wales (referred to in this Act as “the Commission”).</del></p> <p><u>(3) That body corporate (which was first renamed by subsection (2)) is renamed the Democracy and Boundary Commission Cymru (referred to in this Act as “the Commission”).</u></p>	<p>Part 3 Section 12(1)</p>
<p><b>4 Membership</b></p> <p>(1) The Commission consists of—</p> <p>(a) a member to chair the Commission (the “chairing member”),</p> <p>(b) a member to act as deputy to the chairing member, and</p> <p><del>(c) not more than 3 other members.</del> <u>(c) at least 1 but no more than 7 other members.</u></p> <p>(2) Members are to be appointed by the Welsh Ministers on such terms and conditions as the Welsh Ministers may determine (including conditions as to remuneration, allowances and expenses).</p> <p>(3) The Welsh Ministers may not appoint a person who is—</p> <p>(a) a member of Parliament;</p> <p><del>(b) a member of the National Assembly for Wales;</del> <u>(b) a Member of the Senedd;</u></p> <p><u>(ba) a member of the staff of Senedd Cymru;</u></p> <p><u>(bb) a person (not falling within paragraph (ba)) appointed to assist a Member of the Senedd with the carrying out of the Member’s functions;</u></p> <p>(c) a member of a local authority [...]<a href="#">1</a> ;</p> <p>(d) an officer of a local authority [...]<a href="#">1</a> ;</p> <p>(e) a member of a National Park authority for a National Park in Wales;</p> <p>(f) a police and crime commissioner for a police area in Wales; or</p> <p>(g) a member of the Commission's staff.</p>	<p>Part 3 Section 13</p> <p>and</p> <p>Part 3 Section 14(1)</p>
<p><b>6 Proceedings</b></p> <p>(1) The quorum for meetings of the Commission is 3.</p> <p><u>(1A) The Welsh Ministers may by regulations amend subsection (1) to change the quorum, but may not change the quorum to a number which is lower than 3.</u></p> <p>(2) The Commission may otherwise regulate its own procedure.</p> <p>(3) The validity of anything done by the Commission is not affected by any defect in the appointment of a member.</p>	<p>Part 3 Section 15</p>

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<p><b>8 Chief executive</b></p> <p>(1) The Commission must employ a chief executive.</p> <p>(2) The chief executive is to be appointed by the Commission on such terms and conditions as it may determine (including conditions as to remuneration, pension, allowances and expenses).</p> <p>(2A) But if the office of chief executive has been vacant for more than six months, the Welsh Ministers may appoint a chief executive on such terms and conditions as they may determine (including conditions as to remuneration, pension, allowances and expenses).</p> <p>(3) Before appointing a chief executive under subsection (2A), the Welsh Ministers must consult the Commission.</p> <p>(4) The chief executive may not be—</p> <p>(a) a member of Parliament;</p> <p>(b) a Member of the Senedd;</p> <p><u>(ba) a member of the staff of Senedd Cymru;</u></p> <p><u>(bb) a person (not falling within paragraph (ba)) appointed to assist a Member of the Senedd with the carrying out of the Member’s functions;</u></p> <p>(c) a member of a local authority;</p> <p>(d) an officer of a local authority;</p> <p>(e) a member of a National Park authority for a National Park in Wales;</p> <p>(f) a police and crime commissioner for a police area in Wales.</p> <p>(5) The Commission must, in exercising its functions under this section, have regard to any guidance issued by the Welsh Ministers.</p>	<p>Part 3 Section 14(2)</p>
<p><b>11 Assistant commissioners</b></p> <p><del>(1) The Commission may appoint a person (an “assistant commissioner”) to whom, for the purposes of <a href="#">section 13</a>, it may delegate functions.</del> <u>(1) The Commission may appoint one or more persons (to be known as an “assistant commissioner”) to whom the Commission may delegate functions in accordance with section 13(1).</u></p> <p>(2) But the Commission may not appoint a person who is—</p> <p>(a) a member of Parliament;</p> <p><del>(b) a member of the National Assembly for Wales;</del> <u>(b) a Member of the Senedd;</u></p> <p><u>(ba) a member of the staff of Senedd Cymru;</u></p> <p><u>(bb) a person (not falling within paragraph (ba)) appointed to assist a Member of the Senedd with the carrying out of the Member’s functions;</u></p> <p>(c) a member of a local authority [...]<a href="#">1</a> ;</p> <p>(d) an officer of a local authority [...]<a href="#">1</a> ;</p> <p>(e) a member of a National Park authority for a National Park in Wales;</p> <p>(f) a police and crime commissioner for a police area in Wales; or</p> <p>(g) a member of the Commission's staff.</p> <p>(3) Before appointing an assistant commissioner the Commission must consult the Welsh Ministers.</p> <p>(4) The Commission may pay an assistant commissioner such remuneration, allowances or expenses as it may determine.</p> <p>(5) The Commission must consult the Welsh Ministers before determining the remuneration or allowances payable to an assistant commissioner.</p>	<p>Part 3 Section 16</p>



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<p><b>13 Delegation</b></p> <p>(1) The Commission may delegate to one or more of its members or <del>an assistant commissioner</del> one or more assistant commissioners such of its functions under—</p> <p>(a) Chapters 2 to 4, 6 or 7 of Part 3 (functions relating to the conduct of reviews of local government or local inquiries);</p> <p>(b) Part 3A (functions relating to Senedd constituency boundary reviews);</p> <p>(c) Schedule 1 to the Local Government and Elections (Wales) Act 2021 (functions relating to initial reviews), as it may determine to the extent so delegated. <del>Chapters 2 to 4, 6 or 7 of Part 3 of this Act (functions relating to the conduct of reviews of local government or local inquiries), or Schedule 1 to the Local Government and Elections (Wales) Act 2021 (functions relating to initial reviews), as it may determine to the extent so delegated.</del></p> <p>(2) Subsection (1) does not affect the Commission's—</p> <p>(a) responsibility for exercise of delegated functions, or</p> <p>(b) ability to exercise delegated functions.</p>	<p>Schedule 2 Paragraph 2(3)</p>
<p><b>14 Directions</b></p> <p>(1) The Commission must comply with any direction (general or specific) given to it by the Welsh Ministers.</p> <p>(2) A direction given by the Welsh Ministers under this Act may be varied or revoked by a subsequent direction.</p> <p>(3) This section does not permit the Welsh Ministers to give the Commission a direction relating to the exercise of its functions under Part 3A (functions relating to Senedd constituency boundary reviews).</p> <p><i>I.</i></p>	<p>Schedule 2 Paragraph 2(4)</p>
<p><b><u>PART 3A</u></b> <b><u>SENEDD CONSTITUENCY BOUNDARY REVIEWS</u></b> <b><u>49A Senedd constituency boundary reviews</u></b></p> <p><u>(1) The Commission must conduct a Senedd constituency boundary review once in every review period.</u></p> <p><u>(2) A Senedd constituency boundary review is a review of the Senedd constituencies for the purpose of determining whether those boundaries should change in order to give effect to the rules set out in section 49C.</u></p> <p><u>(3) If in the course of a review the Commission determines that the boundaries of a Senedd constituency should change, the Commission must also determine—</u></p> <p><u>(a) what the names of the affected constituencies should be;</u></p> <p><u>(b) whether each affected constituency should be a county constituency or a borough constituency.</u></p> <p><u>(4) But if in the course of a review the Commission determines that, while the boundaries of a Senedd constituency should not change, the name of the constituency or its [designation] as a county constituency or a borough constituency should change, it may determine—</u></p> <p><u>(a) what the name of the constituency should be;</u></p> <p><u>(b) whether it should be a county constituency or a borough constituency.</u></p> <p><u>(5) For the purpose of subsection (1), “review period” means—</u></p> <p><u>(a) the period beginning with 1 April 2025 and ending with 30 November 2028,</u></p> <p><u>(b) the period of 8 years beginning with 1 December 2028, and</u></p> <p><u>(c) each subsequent period of 8 years.</u></p> <p><b><u>49B Notice of commencement of Senedd constituency boundary review</u></b></p>	<p>Schedule 2 Paragraph 1</p>

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

#### **49C Constituency rules**

- (1) The electorate for each Senedd constituency must be—  
(a) no less than 90% of the electoral quota, and  
(b) no more than 110% of the electoral quota.  
(2) When considering during a Senedd constituency boundary review whether there should be changes to the Senedd constituencies, and what those changes should be—  
(a) the Commission may have regard to—  
(i) local government boundaries that exist or are prospective on the review date;  
(ii) special geographical considerations, including in particular the size, shape and accessibility of a proposed or existing Senedd constituency;  
(iii) any local ties that would be broken by such changes; but  
(b) in any event the Commission must—  
(i) seek to minimise the amount of change to the Senedd constituencies that exist on the review date, and  
(ii) have regard to the inconveniences caused by making changes to the Senedd constituencies.  
(3) For the purposes of subsection (1)—  
(a) the electorate is the total number of local government electors, and  
(b) the electoral quota is the electorate of Wales divided by 16 (which is the number of Senedd constituencies), and  
for the purposes of paragraph (a), a local government elector is a person registered in the relevant version of the register of local government electors at an address [within a Senedd constituency].  
(4) The relevant version of the register of local government electors is the version that is, on the review date, the most recent version published under section 13(1)(a) of the Representation of the People Act 1983 (c. 2).  
(5) In the case of a local government boundary that is prospective on the review date, it is that boundary (rather than any existing boundary that it replaces) that must be taken into account under subsection (2)(a)(i).  
(6) A local government boundary is “prospective” on the review date if, on that date—  
(a) it is specified in a provision of—  
(i) primary legislation, or  
(ii) an instrument made under primary legislation, and  
(b) the provision specifying the boundary is not yet in force for all purposes.  
(7) In subsection (6), “primary legislation” means—  
(a) an Act enacted under Part 4 of the Government of Wales Act 2006 (c. 32);  
(b) a Measure enacted under Part 3 of that Act;  
(c) an Act of the Parliament of the United Kingdom.

#### **49D Determining the names of the Senedd constituencies**

- (1) Each Senedd constituency must have—

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

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

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

**49F Publication of, and consultation on, representations**

- (1) At the end of the first period for representations the Commission must publish a document setting out any representations received during that period.
- (2) The Commission must also—  
(a) inform any person it considers appropriate of how to access the document published under subsection (1),  
(b) invite representations in respect of the representations set out in the document published under subsection (1),  
(c) notify any person it considers appropriate of the second period for representations, and  
(d) publish information about the times and places at which public hearings under section 49G will be held and, where hearings are to be held partly in person and partly through the use of remote facilities, specify instructions on how to make representations using remote facilities.
- (3) The second period for representations is a period of six weeks, beginning with the date on which the document is published under subsection (1).

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

#### **49G Public hearings**

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

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

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

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

(a) each other, and

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

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

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

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

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

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

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

(a) by each political party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41) and either—

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

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

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

(9) The chair may—

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

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

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

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

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

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

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

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

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

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- (i) consult the Welsh Language Commissioner on the orthography of the proposed names for communication in the medium of the Welsh language, and
- (ii) have regard to any representations made by the Commissioner.
- (2) After taking the steps in subsection (1), the Commission must make a second report—
  - (a) setting out any representations (of the kind described in section 49F(2)(b)) received;
  - (b) containing records of the public hearings held under section 49G;
  - (c) setting out—
    - (i) the Commission’s proposals for change to the boundaries and names of the Senedd constituencies, or
    - (ii) if the Commission does not consider any change appropriate, a statement to that effect;
  - (d) specifying details of any changes the Commission has made to the proposals set out in the initial report, and an explanation of why those changes have been made.
- (3) The Commission must—
  - (a) publish the second report,
  - (b) inform any person it considers appropriate of how to access the report,
  - (c) invite representations on the report, including representations in respect of the representations made during the public hearings, and
  - (d) notify any person it considers appropriate of the final period for representations.
- (4) The final period for representations is a period of four weeks, beginning with the date on which the second report is published.
- (5) At the end of the final period for representations the Commission must—
  - (a) publish any representations received,
  - (b) consider its proposals having regard to those representations, and
  - (c) if it is considering any changes that were not set out in the second report to the names of the Senedd constituencies—
    - (i) consult the Welsh Language Commissioner on the orthography of the proposed names for communication in the medium of the Welsh language, and
    - (ii) have regard to any representations made by the Commissioner.

**49I Final report on boundary review**

- (1) Before 1 December 2028, and before 1 December every eighth year after that, the Commission must—
  - (a) make and publish a final report, and
  - (b) send it to the Welsh Ministers.
- (2) The final report must—
  - (a) either—
    - (i) set out the details of any changes that are required to be made to the Senedd constituencies, or
    - (ii) state that no alteration is required to be made to the Senedd constituencies, and
  - (b) specify details of any changes the Commission has made to the proposals set out in the second report, and explain why those changes have been made.
- (3) If changes are required to be made to the boundaries of Senedd constituencies, the final report must set out—
  - (a) the boundaries of the Senedd constituencies that are to be changed,
  - (b) the names of the Senedd constituencies that are to be changed, and

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(c) whether each Senedd constituency that is to be changed is to be a county constituency or borough constituency.

(4) If the boundaries of a Senedd constituency are not to be changed but a change is required to either or both—

(a) the name of the constituency;

(b) its designation as a county constituency or borough constituency, the final report must set out the change.

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

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

#### **49J Implementation of final report by the Welsh Ministers**

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

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

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

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

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

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

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

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

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

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

#### **49K Modification of final report by the Commission**

(1) This section applies where—

(a) the Welsh Ministers have laid a final report before Senedd Cymru under section 49I(6),

(b) the report sets out changes that are required to be made to the Senedd constituencies,

(c) the Commission considers that the report needs to be modified to correct an error or errors in respect of any of the matters mentioned in section 49I(3) or (4), and

(d) regulations have not yet been made under section 49J.

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<p><u>(2) The Commission may send a statement to the Welsh Ministers specifying—</u></p> <p><u>(a) the modifications of the report, and</u></p> <p><u>(b) the reasons for those modifications.</u></p> <p><u>(3) The Commission must publish a statement sent to the Welsh Ministers under subsection (2).</u></p> <p><u>(4) As soon as reasonably practicable after receiving a statement, the Welsh Ministers must lay it before Senedd Cymru.</u></p> <p><u>(5) Where a statement has been sent to the Welsh Ministers, the regulations made under section 49J must give effect to the final report with the modifications specified in the statement.</u></p> <p><b><u>49L Interpretation of Part</u></b></p> <p><u>(1) In this Part—</u></p> <p><u>“general election” means an ordinary general election or an extraordinary general election held under Part 1 of the Government of Wales Act 2006 (c. 32);</u></p> <p><u>“local government boundaries” are the boundaries of counties, county boroughs, electoral wards, communities and community wards in Wales;</u></p> <p><u>“remote facilities” has the meaning given by section 49F(4);</u></p> <p><u>“review date” has the meaning given by section 49B(2);</u></p> <p><u>“Senedd constituency” means a constituency provided for in regulations made under section 49J.</u></p> <p><u>(2) Where this Part imposes a duty on the Commission to publish a notice, report or other document, the notice, report or other document must be published—</u></p> <p><u>(a) on the Commission’s website, and</u></p> <p><u>(b) in such other manner as the Commission considers appropriate.”</u></p>	
<p><b>71 Orders and regulations</b></p> <p>(1) Any power of the Welsh Ministers to make an order or regulations under this Act (other than an order under section 47) is exercisable by statutory instrument and includes power to—</p> <p>(a) make incidental, consequential, supplemental, transitional, transitory or savings provision as the Welsh Ministers consider necessary or expedient for the purposes of, or in connection with, this Act,</p> <p>(b) modify any enactment (including this Act), and</p> <p>(c) make different provision for different purposes and areas.</p> <p>(2) A statutory instrument which contains—</p> <p>(a) an order under section 34(3)(e) or 70(1),</p> <p>(b) an order under section 37(1) which includes provision altering the area of a principal council or a preserved county..., or</p> <p>(c) regulations under section 41(1),</p> <p>is to be subject to annulment in pursuance of a resolution of the National Assembly for Wales.</p> <p>(3) Despite subsection (2), any statutory instrument containing an order or regulations made under this Act which includes provision adding to, replacing or omitting any part of the text of an Act of Parliament or a Measure or Act of the National Assembly for Wales is not to be made until a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales.</p> <p>(4) This section does not apply to an order made under section 45 or 75, or regulations made under section 49J.</p>	<p>Schedule 2 Paragraph 2(5)</p>

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<p><b>76 Short title</b>          The short title of this Act is the <del>Local Government (Democracy) (Wales) Act 2013</del> <u>Democracy and Boundary Commission Cymru etc. Act 2013</u>.</p>	<p>Part 3          Section          11(3)</p>				
<p><b>SCHEDULE 3</b>  <b>INDEX OF DEFINED EXPRESSIONS</b>          The expressions listed in the first column are defined by or (as the case may be) are to be interpreted in accordance with the provisions of this Act listed in the second column in relation to those expressions.</p> <p style="text-align: center;"><i>TABLE 2</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; padding: 5px;"><i>Expression</i></th> <th style="text-align: left; padding: 5px;"><i>Relevant provision</i></th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">                     ...                      Local government elector (<i>Etholwr llywodraeth leol</i>)                      ...                 </td> <td style="padding: 5px;">                     ...                      Section 30 <u>for the purposes of Part 3 and section 49C(3) for the purposes of Part 3A</u>                      ...                 </td> </tr> </tbody> </table>	<i>Expression</i>	<i>Relevant provision</i>	... Local government elector ( <i>Etholwr llywodraeth leol</i> ) ...	... Section 30 <u>for the purposes of Part 3 and section 49C(3) for the purposes of Part 3A</u> ...	<p>Schedule 2          Paragraph          2(6)</p>
<i>Expression</i>	<i>Relevant provision</i>				
... Local government elector ( <i>Etholwr llywodraeth leol</i> ) ...	... Section 30 <u>for the purposes of Part 3 and section 49C(3) for the purposes of Part 3A</u> ...				



## Political Parties, Elections and Referendums Act 2000

Section	Amended by
<p><b>5 Reports on elections, referendums etc.</b></p> <p>(1) The Commission shall, after—</p> <p>(a) each election to which this section applies, and</p> <p>(b) each referendum to which Part VII applies,</p> <p>prepare and publish (in such manner as the Commission may determine) a report on the administration of the election or referendum.</p> <p>(2) The elections to which this section applies are the following, namely—</p> <p>(a) a parliamentary general election;</p> <p>(b) . . . . .</p> <p>(c) a Scottish Parliamentary general election;</p> <p>(d) a National Assembly for Wales general election;</p> <p>(e) a Northern Ireland Assembly general election.</p> <p>(f) an ordinary election of police and crime commissioners.</p> <p>(2A) After—</p> <p>(a) a parliamentary by-election,</p> <p>(b) an election held under section 9 of the Scotland Act 1998 (election for the Scottish Parliament in the case of a constituency vacancy),...</p> <p>(c) <del>an election held under section 10 of the Government of Wales Act 2006 (election for the National Assembly for Wales in the case of a constituency vacancy),</del> or</p> <p>(d) an election held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner),</p> <p>the Commission may prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.</p> <p>(2AA) Subsection (2AB) applies where a report under this section relates to—</p> <p>(a) a parliamentary general election,</p> <p>(b) a parliamentary by-election,</p> <p>(c) an ordinary election of police and crime commissioners,</p> <p>(d) an election held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner), or</p> <p>(e) a Northern Ireland Assembly general election.</p> <p>(2AB) The report must include a description of the steps taken by returning officers to assist relevant persons (within the meaning of rule 29 of Schedule 1 to the Representation of the People Act 1983) to vote at the election.</p> <p>(2B) After an ordinary election of councillors for local government areas in Scotland, the Commission must prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.</p> <p>(2C) Subsection (2D) applies where a report under this section relates to one of the following elections—</p> <p>(a) a Scottish Parliamentary general election,</p> <p>(b) an election held under section 9 of the Scotland Act 1998 (constituency vacancies), or</p> <p>(c) an ordinary election of councillors for local government areas in Scotland.</p>	<p>Part 2 Section 10(9)(a)</p>

<p>(2D) The report must include a description of the steps taken by returning officers to assist disabled persons (within the meaning of section 6(2) of the Equality Act 2010) to vote at the election.</p> <p>(2E) In subsection (2D), “returning officer”—</p> <p>(a) in the case of a Scottish Parliamentary general election, means an officer who is—</p> <p>(i) appointed by order in accordance with section 12(1) of the Scotland Act 1998, or</p> <p>(ii) appointed by order under section 12(6) of that Act,</p> <p>(b) in the case of an election held under section 9 of that Act, means an officer who is appointed by order in accordance with section 12(1) of that Act,</p> <p>(c) in the case of an ordinary election of councillors for local government areas in Scotland, means an officer who is appointed under section 41(1) of the Representation of the People Act 1983.”.</p> <p>Miscellaneous</p> <p>(3) After a poll held under section 64 of the Government of Wales Act 2006 the Commission shall, if requested to do so by the National Assembly for Wales, at the Assembly’s expense prepare and publish (in such manner as the Commission may determine) a report on the administration of the poll.</p> <p>(4) After the end of a recall petition period (within the meaning of Schedule 3 to the Recall of MPs Act 2015), the Commission must prepare and publish (in such manner as the Commission may determine) a report on the actions taken, or not taken, under or by virtue of that Act in relation to the recall petition in question after the giving of the Speaker’s notice under section 5 of that Act in relation to that petition.</p>	
<p><b>6ZA Reviews of devolved electoral matters in Wales</b></p> <p>(1) The Commission must keep the matters mentioned in subsection (2) under review, and must from time to time submit reports on those matters to the Welsh Ministers.</p> <p>(2) The matters are such matters as the Commission may from time to time determine relating to—</p> <p>(a) general elections of Members of the Senedd;</p> <p>(b) <del>elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);</del></p> <p>(c) local government elections in Wales;</p> <p>(d) referendums under Part 2 of the Local Government Act 2000 and Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales);</p> <p>(e) the law relating to the elections and referendums mentioned in paragraphs (a) to (d).</p> <p>(3) Subsection (4) applies if the Welsh Ministers request the Commission to review and report on any matter or matters for which provision is or could be made in an Act of Senedd Cymru (whether or not falling within subsection (2)).</p> <p>(4) The Commission must, within such time as the Welsh Ministers may specify—</p> <p>(a) review the matters specified in the request, and</p> <p>(b) submit a report on those matters to the Welsh Ministers.</p> <p>(5) The Commission must publish each report made under this section in such manner as the Commission may determine.</p>	<p>Part 2 Section 10(9)(b)</p>

<p><b>6A Attendance of representatives of Commission at elections etc.</b></p> <p>(1) A representative of the Commission may attend—</p> <p>(a) proceedings relating to an election specified in subsection (5) which are the responsibility of the returning officer for the election;</p> <p>(b) proceedings relating to a referendum to which Part 7 applies which are the responsibility of the relevant counting officer.</p> <p>(c) proceedings relating to a recall petition which are the responsibility of the petition officer in relation to the petition.</p> <p>(2) The right conferred on a representative of the Commission by this section is subject to any enactment which regulates attendance at the proceedings in question.</p> <p>(3) In this section, “representative of the Commission” means any of the following—</p> <p>(a) a member of the Commission;</p> <p>(b) a member of staff of the Commission;</p> <p>(c) a person appointed by the Commission for the purposes of this section.</p> <p>(4) A reference to the relevant counting officer must be construed—</p> <p>(a) if the area to which the proceedings relates is in Great Britain, in accordance with section 128(3);</p> <p>(b) if the area to which the proceedings relates is Northern Ireland, as a reference to the Chief Electoral Officer for Northern Ireland.</p> <p>(5) The elections specified in this subsection are—</p> <p>(a) an election mentioned in section 5(2);</p> <p>(b) a parliamentary by-election;</p> <p>(c) an election under section 9 of the Scotland Act 1998 (constituency vacancies);</p> <p><del>(d) an election under section 10 of the Government of Wales Act 2006 (constituency vacancies);</del></p> <p>(da) an election under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner);</p> <p>(e) a local government election in England or Wales;</p> <p>(ea) a local government election in Scotland;</p> <p>(f) a local election in Northern Ireland.</p>	<p>Part 2 Section 10(9)(c)</p>
<p><b>6G Code of practice on attendance of observers at devolved elections in Wales</b></p> <p>(1) The Commission must prepare a code of practice on the attendance at elections specified in subsection (2) of—</p> <p>(a) representatives of the Commission,</p> <p>(b) accredited observers, and</p> <p>(c) nominated members of accredited organisations.</p> <p>(2) The code must make provision about attendance at—</p> <p>(a) general elections of Members of the Senedd;</p> <p><del>(b) elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);</del></p> <p>(c) local government elections in Wales.</p> <p>...</p>	<p>Part 2 Section 10(9)(d)</p>
<p><b>9AA Performance standards for devolved elections and referendums in Wales</b></p> <p>(1) The Commission may from time to time—</p> <p>(a) determine standards of performance for relevant officers mentioned in subsection (2), and</p>	<p>Part 2 Section 10 (9)(e)</p>

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<p>(b) publish, in such form and in such manner as they consider appropriate, the standards so determined.</p> <p>(2) The standards of performance are such standards as the Commission think ought to be achieved by—</p> <p>(a) electoral registration officers for areas in Wales in the performance of their functions in relation to registers of local government electors;</p> <p>(b) returning officers in the administration of the elections specified in subsection (6);</p> <p>(c) counting officers in the administration of the referendums specified in subsection (7).</p> <p>(3) Before determining standards under subsection (1), the Commission must consult—</p> <p>(a) the Welsh Ministers, and</p> <p>(b) any other person they think appropriate.</p> <p>(4) The Commission may determine different standards for different descriptions of relevant officers.</p> <p>(5) When the Commission publish standards under subsection (1) they must send a copy to the Welsh Ministers who must lay a copy before Senedd Cymru.</p> <p>(6) The elections specified in this subsection are—</p> <p>(a) a general election of Members of the Senedd;</p> <p>(b) <del>an election under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);</del></p> <p>(c) a local government election in Wales.</p> <p>(7) The referendums specified in this subsection are referendums under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales).</p>	
<p><b>SCHEDULE 1 The Electoral Commission</b>  <b><i>Financing of Commission: devolved Welsh elections and referendums</i></b>  <b>[16A</b></p> <p>(1) The expenditure of the Commission that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums is (so far as it cannot be met out of income received by the Commission) to be payable out of the Welsh Consolidated Fund.</p> <p>(2) For each financial year, the Commission must prepare an estimate of the Commission's income and expenditure that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums.</p> <p>(3) At least six months before the start of the financial year to which an estimate relates, the Commission must submit the estimate to the Llywydd's Committee.</p> <p>(4) During the financial year to which an estimate relates, the Commission may prepare a revised estimate and submit it to the Llywydd's Committee; and references in the rest of this paragraph to an estimate include a revised estimate.</p> <p>(5) The committees of Senedd Cymru must include one to be known as the Llywydd's Committee or Pwyllgor y Llywydd.</p> <p>(6) The committee must be chaired by the Presiding Officer or <del>the Deputy Presiding Officer</del> <u>a Deputy Presiding Officer</u>.</p> <p>(7) The Llywydd's Committee must—</p> <p>(a) examine each estimate submitted to it,</p>	<p>Part 1 Section 4(5)</p>

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<p>(b) decide whether it is satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and</p> <p>(c) if it is not so satisfied, make such modifications to the estimate as it considers appropriate for the purpose of achieving such consistency.</p> <p>(8) Before deciding whether it is so satisfied or making any such modifications, the Llywydd's Committee must—</p> <p>(a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2), to any later report made under paragraph 16C(4), and to any recommendations contained in the reports;</p> <p>(b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.</p> <p>(9) The Llywydd's Committee must, after concluding its examination and making its modifications (if any) to the estimate, lay the estimate before Senedd Cymru.</p> <p>(10) If the Llywydd's Committee, in the discharge of its functions under this paragraph—</p> <p>(a) does not follow any recommendation contained in a report of the Comptroller and Auditor General,</p> <p>(b) does not follow any advice given to it by the Welsh Ministers, or</p> <p>(c) makes any modification to the estimate,</p> <p>it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.</p>	
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## Wales Act 2014

Section	Amended by
<p><b>1 Frequency of Assembly ordinary general elections</b>            (1) In section 3(1) of GOWA 2006 (date of Assembly ordinary general elections), for “fourth” substitute “fifth”.            (2) .....</p>	<p>Part 1            Section 3(2)</p>
<p><b>2 Removal of restriction on standing for election for both constituency and electoral region</b>            (1) GOWA 2006 is amended as follows:            (2) In section 7 (candidates at general elections) —            (a) in subsection (5), for paragraph (c) (and the “or” before it) substitute —            “(c) who is a candidate to be the Assembly constituency member for an Assembly constituency which is not included in the Assembly electoral region, or            (d) who is a candidate to be the Assembly constituency member for an Assembly constituency included in the Assembly electoral region but is not a candidate of the party.”;            (b) in subsection (6), for paragraph (c) (and the “or” before it) substitute —            “(c) a candidate to be the Assembly constituency member for an Assembly constituency which is not included in the Assembly electoral region, or            (d) a candidate of any registered political party to be the Assembly constituency member for an Assembly constituency included in the Assembly electoral region.”            (3) In section 9 (allocation of seats to electoral region members) —            (a) in subsection (4), after “as an” insert “Assembly constituency member or”;            (b) in subsection (5), at the end insert “(disregarding anyone already returned as an Assembly constituency member, including anyone whose return is void)”;            (c) in subsection (6), for the words from “by the return” to “(2)” substitute “(by the return of persons included on it as Assembly constituency members or by the previous application of subsection (1) or (2))”;            (4) In section 11(8) (electoral region vacancies) —            (a) for paragraphs (a) to (c) substitute —            “(a) was returned as an Assembly member at that election (even if the return was void), or            (b) has subsequently been returned under section 10 or this section (even if the return was void).”;            (b) in the words after paragraph (c) omit “, or of the successful candidate at the election.”</p>	<p>Part 2            Section 10(12)</p>

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## Public Audit (Wales) Act 2013

Section	Amended by
<p><b>28 Functions of the National Assembly</b></p> <p>(1) The National Assembly may by standing orders make provision regarding the exercise of the functions conferred upon it by or under this Act.</p> <p>(2) Such provision includes, but is not limited to, delegating functions to the Presiding Officer, <del>the Deputy Presiding Officer</del> a <u>Deputy Presiding Officer</u>, a committee or sub-committee of the National Assembly or the chair of such a committee or sub-committee.</p> <p>(3) This section does not apply to the National Assembly's functions under section 30 (orders).</p>	Part 1 Section 4(6)

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## Local Government and Elections (Wales) Act 2021

Section	Amended by
<p><b>SCHEDULE 1</b>  <b>INITIAL REVIEWS OF ELECTORAL ARRANGEMENTS ETC.</b>            ...  <i>Delegation by the Commission of functions under this Schedule</i>            13 In section 13(1) of the 2013 Act —            (a) after “Part 3” insert “ of this Act ”;            (b) after “or local inquiries” insert “, or Schedule 1 to the Local Government and Elections (Wales) Act 2021 (functions relating to initial reviews), ”.            ...</p>	<p>Schedule 2            Paragraph 2(7)</p>



## National Assembly for Wales Commissioner for Standards Measure 2009

Section	Amended by
<p><b>6 Functions of the Commissioner</b></p> <p>(1) The functions of the Commissioner are—</p> <p>(a) to receive any complaint that the conduct of a Member of the Senedd has, at a relevant time, failed to comply with a requirement of a relevant provision,</p> <p>(b) to investigate any such complaint in accordance with the provisions of this Measure,</p> <p>(c) to report to the Senedd the outcome of any such investigation,</p> <p>(d) to advise Members of the Senedd and members of the public about the procedures for making and investigating complaints to which paragraph (a) applies, and</p> <p>(e) the further functions conferred by section 7.</p> <p>(2) A “relevant time” means a time when the requirement in question was in force but it is irrelevant whether the conduct in question is alleged to have taken place before or after this section comes into force.</p> <p>(3) A “relevant provision” means—</p> <p>(a) any provision of the Standing Orders relating to—</p> <p>(i) the registration or declaration of financial or other interests,</p> <p>(ii) the notification by Members of the Senedd of their membership of societies,</p> <p>(iii) the registration or notification of any other information relating to Members of the Senedd or to persons connected to Members of the Senedd.</p> <p>(b) any resolution of the Senedd relating to the financial or other interests of Members of the Senedd,</p> <p>(c) any Code of Conduct approved by the Senedd relating to standards of conduct of Members of the Senedd, <u>and</u></p> <p>(d) any resolution of the Senedd relating to standards of conduct of Members of the Senedd, <del>and</del></p> <p>(e) <del>any provision included in the Standing Orders (or in any code or protocol made under them) in accordance with section 36(6) of the Act.</del></p> <p>(4) It is irrelevant whether a relevant provision came into force before or after this section comes into force.</p>	<p>Part 2 Section 10(10)</p>

## National Assembly for Wales (Remuneration) Measure 2010

Section	Amended by
<p><b>SCHEDULE 1</b>  <b>DISQUALIFICATION FROM MEMBERSHIP OF THE BOARD</b>  <b>1</b> The following persons are disqualified from being members of the Board—</p> <ul style="list-style-type: none"> <li>(a) a Member of the Senedd,</li> <li>(b) the Counsel General (if not a Member of the Senedd),</li> <li>(c) a candidate for election as a Member of the Senedd,</li> <li>(d) a person whose name could, if the seat of a <del>regional</del> Member of the Senedd became vacant, be required to be notified to the Presiding Officer under section 11 of the Act (<del>electoral region vacancies vacant seats</del>),</li> <li>(e) a member of the European Parliament, House of Commons,... Scottish Parliament or Northern Ireland Assembly,</li> <li>(f) a member of the staff of the Senedd,</li> <li>(g) a member of the staff of the Welsh... Government,</li> <li>(h) a person employed by a Member of the Senedd or by a group of Members for the purpose of assisting that member or the members of that group to perform the functions of a Member of the Senedd,</li> <li>(i) the Auditor General for Wales,</li> <li>(j) the Senedd Commissioner for Standards,</li> <li>(k) a member of the Senedd Commission Corporate Governance Committee,</li> <li>(l) a person holding the appointment of Independent Adviser to the Senedd Commission,</li> <li>(m) . . . . .</li> <li>(n) a person holding the appointment of Non-Executive Director of the Welsh... Government.</li> </ul> <p>...</p> <p><b>3</b> When determining, for the purposes of paragraph 1(d), whether the name of a person could be required to be notified to the Presiding Officer under section 11 of the Act, the requirements of paragraphs (b) and (c) of <del>subsection (3)</del> <u>subsection (4)</u> of that section are to be disregarded.</p>	<p>Part 2  Section 10(11)</p>

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## Annex 4: Report of the Auditor General on the appropriateness of provisions to charge additional Deputy Presiding Officer remuneration on the Welsh Consolidated Fund

Under Senedd Standing Order 26.6 (xi), where a Bill contains any provision charging expenditure on the Welsh Consolidated Fund, the Bill's Explanatory Memorandum must incorporate a report of the Auditor General setting out the Auditor General's views on whether the charge<sup>153</sup> is appropriate.

The provisions of the Bill amending section 25 of the Government of Wales Act 2006, by creating an additional office of Deputy Presiding Officer, effectively create an additional charge on the Welsh Consolidated Fund. To enable compliance with Standing Order 26.6 (xi), I am therefore providing this report of my views on the appropriateness of such a charge.

The charging of the remuneration of certain significant offices, such as that of the Presiding Officer and Deputy Presiding Officer, is an established feature of existing legislation, including section 20(5) of the Government of Wales Act 2006. The purpose of such arrangements is to ensure and emphasise the independence of such offices from interference by Government or Senedd, and I consider them appropriate.

As the new office of additional Deputy Presiding Officer is, as I understand it, to have the same functions and constitutional significance as the existing office of Deputy Presiding Officer, I consider that extension of the existing provision to charge remuneration on the Fund is appropriate.

Adrian Crompton  
Auditor General for Wales  
August 2023

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<sup>153</sup> In the context of the Welsh Consolidated Fund, the term "charge" has a specific meaning: that sums are payable from the Fund without further authorisation by way of a Senedd budget motion. Standing Order 26.6 (xi) is a safeguard against new legislation providing for such charges inappropriately.

## Annex 5 – Senedd Commission’s Common Assumptions

717. Below are the common assumptions agreed by the Senedd Commission, in consultation with the Business Committee and Independent Remuneration Board of the Senedd. These common assumptions were used as the basis for estimating the costs, to the Senedd Commission, of implementing the forthcoming Senedd Cymru (Members and Elections) Bill.

### **Legislative Assumptions**

- Senedd Reform will take effect for the Seventh Senedd, May 2026.
- Senedd powers remain as they are currently.
- 96 Members, all elected on the same basis from 16 new multi-member constituencies.

### **Business related assumptions**

#### ***Minimal Change Scenario***

718. Senedd business to broadly reflect current levels, allowing Members to perform their role to a greater degree of depth in holding the Government to account. This would entail:

- up to four party groups;
- one additional committee;
- a similar level of plenary time;
- a similar number of sitting weeks.

#### ***Greater change***

719. An increase to Senedd business, allowing the Senedd to provide more formal opportunities for Members to hold the government to account. This would entail:

- five party groups;
- up to three additional committees;
- an additional day of plenary time; and

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- an additional sitting week.

## **The two scenarios**

**Table A5.1: Summary of Senedd Commission assumptions in two scenarios**

	Minimum Change	Maximum change
No of party groups	4	5
No. of additional committees	1	3
Additional plenary time	+ 0 days (2 days a week)	+ 1 day (3 days a week)
Additional sitting weeks in a year	+ 0 (35 weeks)	+ 1 (36 weeks)
Member Bills	No increase	Proportional increase
Welsh Ministers	12	17
Deputy Presiding Officers	No increase i.e. 1	2

## **Members' allowances**

- All member allowance and salary calculations are based upon the current Remuneration Board Determination.
- Inner, outer and intermediate areas remain as they are currently.
- Group support allowance total to remain the same, regardless of the number of parties.
- Where relevant, allowances to be estimated on the basis of maximum available allowances.
- Most Members will have an individual constituency office. A minority of Members will choose to share a constituency office.

## **Office holders**

- Under the minimal change scenario there is no change to the maximum number of Welsh Ministers which may be appointed, which remains at 12 (the current maximum). Under the greater change scenario the maximum number of Welsh Ministers is increased from 12 to 17.
- The number of additional committees (and therefore, committee chairs) is set at 1 under the minimal change scenario and 3 under the greater change scenario.
- Increase in the maximum permissible number of Deputy Presiding Officers, from 1 to 2.
- No change to size or composition of the Senedd Commission.

## **Staffing**

- Increases in headcount for Commission staff should be kept to a minimum and reflect any 'cap' on the overall Commission staffing establishment agreed in the Senedd Commission's Medium Term Financial Plan (MTFP), noting that this will necessitate a review of service levels in a reformed Senedd.

## **Accommodation**

- Tŷ Hywel will accommodate and provide sufficient space for each Member of the Senedd plus Member support staff and group support staff.
- Tŷ Hywel will accommodate and provide sufficient space for Commission staff.
- The Siambr must accommodate all 96 Members at the same time.
- Welsh Government will have sufficient dedicated space within Tŷ Hywel.