# ELECTIONS AND ELECTED BODIES (WALES) ACT 2024

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## EXPLANATORY NOTES

### INTRODUCTION

1. These Explanatory Notes are for the Elections and Elected Bodies (Wales) Act 2024 "(**the Act**)" which was passed by Senedd Cymru on 9 July 2024 and received Royal Assent on 9 September 2024. They have been prepared by the Elections Division of the Welsh Government to assist the reader of the Act. The Explanatory Notes should be read in conjunction with the Act but are not part of it. They are not meant to be a comprehensive description of the Act, and where an individual section of the Act does not require explanation or comment, none is given.

### GENERAL OVERVIEW OF THE ACT

2. The Act is divided into 3 Parts containing 73 sections and a Schedule of minor and consequential amendments to other legislation.

### Part 1 - Electoral Administration and Registration

3. Part 1 contains provisions about electoral administration and electoral registration in respect of Senedd Cymru elections and local government elections in Wales and is divided into 5 chapters.

4. Chapter 1 is about the co-ordination of electoral administration for Senedd Cymru elections, local government elections in Wales and devolved referendums. The Chapter confers new functions on the Democracy and Boundary Commission Cymru ("the Commission") and requires the Commission to establish an Electoral Management Board ("the Board") to discharge the functions.

5. Chapter 2 places a duty on electoral registration officers in Wales to register persons as local government electors without an application being made for registration if they are satisfied that the persons are entitled to be registered. Registration as a local government elector entitles a person to vote in Senedd Cymru elections as well as local government elections. The Chapter also provides for procedure by which electoral registration officers give people notice of their intention to register them as local government electors and it makes provision for the circumstances in which the duty to register does not apply.

6. Chapter 3 provides the Welsh Ministers with power by regulation to authorise piloting of reforms to the law relating to Senedd Cymru elections and local elections in Wales. The Chapter makes provision for public authorities with functions relating to electoral administration to make proposals to the Welsh Ministers for electoral pilots, provision for evaluation of proposals for pilots and for the evaluation of the pilots and gives the Welsh Ministers power by regulations to make permanent changes to the law following pilots.

7. Chapter 4 contains provision about accessibility and diversity matters relating to Senedd Cymru elections and local government elections in Wales. It includes provision—
    - conferring duties on the Electoral Commission to report on the administration of ordinary local government elections in Wales (the Electoral Commission is already required by section 5 of the Political Parties, Elections and Referendums Act 2000 (hereafter referred to as "**PPERA**") to report on Senedd Cymru elections)) and to include in its reports on Senedd Cymru and local government elections in Wales a description of the steps taken by returning officers to provide assistance for disabled voters;
    - conferring power on the Welsh Ministers to give directions to local authorities (instead of a power to make regulations) specifying requirements regarding the survey of candidates at local government elections that local authorities are required to conduct by section 1 of the Local Government (Wales) Measure 2011;
    - requiring the Welsh Ministers by regulations to provide for the establishment and operation of a Welsh elections information platform, which is an electronic facility (such as a website or software application) to provide voters in Senedd Cymru and local government elections in Wales with up-to-date information relating to the elections;
    - requiring the Welsh Ministers to make arrangements for the provision of services to promote diversity among those seeking election as Members of the Senedd or as councillors in local government in Wales;
    - for financial assistance schemes to promote diversity in persons seeking elected office in Senedd Cymru or local government in Wales;
    - requiring the Welsh Ministers to issue guidance aimed at encouraging registered political parties to collect and publish diversity information about their candidates for Senedd elections and for such parties to develop and publish strategies aimed at promoting diversity amongst candidates for all Welsh elections.

8. Chapter 5 makes provision about the regulation of expenses incurred in election campaigns in Senedd Cymru elections and local government elections in Wales, including provision—
    - about the treatment of notional campaign expenditure (use of property etc. provided free of charge or at a discount of the market value);
    - providing for a code of practice on election expenses;

- authorising payment of expenses through persons other than election agents;
- for restrictions on which third parties may incur controlled expenditure;
- for a code of practice on controlled election campaign expenditure.

## Part 2 - Elected Bodies and their Members

9. Part 2 of the Act makes provision about reviews of the boundaries and electoral arrangements of local authorities, the remuneration of members of local authorities, disqualification from membership of Senedd Cymru and local authorities and the offence of undue influence. The Part is divided into 4 chapters.

10. Chapter 1 amends Part 3 of the Democracy and Boundary Commission Cymru etc. Act 2013 (hereafter referred to as "the 2013 Act"), which makes provision about reviews of the boundaries and electoral arrangements of the councils of counties, county boroughs and communities in Wales. The chapter—
    - changes the considerations applicable to reviews relating to counties, county boroughs and communities and the applicable review periods;
    - makes clear that a review of seaward boundaries may include more than one local government area;
    - makes changes to the requirements relating to consultation and consideration of representations on reviews;
    - makes provision for the Welsh Ministers to be able to direct the pausing of electoral reviews and sets out requirements regarding the publication of review orders and other related information.

11. Chapter 2 abolishes the Independent Remuneration Panel for Wales and confers its functions on the Commission.

12. Chapter 3 contains provisions for disqualification for being a Member of the Senedd and a community councillor, and for the offence of undue influence. It also contains provisions which prevent a person holding a politically restricted post under a community council, corporate joint committee, or a local authority in Great Britain from becoming or remaining a member of a community council.

13. Chapter 4 makes changes to the 2013 Act relating to who may not be members, chief executive or assistant commissioner of the Commission. It also contains provision for a governance and audit committee of the Commission and confers power on the Commission to charge for goods and services it provides.

## Part 3 - General Provision

14. Part 3 contains provisions that apply to the Act generally, including, a general interpretation provision, power for the Welsh Ministers to make consequential and transitional provision by regulations and provision about the coming into force of the Act.

## COMMENTARY ON SECTIONS

## PART 1 ELECTORAL ADMINISTRATION AND REGISTRATION

## CHAPTER 1: CO-ORDINATION OF ELECTORAL ADMINISTRATION

### Section 1 - Electoral Management Board of Democracy and Boundary Commission Cymru

15. This section of the Act inserts Part 2A into the Democracy and Boundary Commission Cymru etc. Act 2013 ("the 2013 Act") (as renamed by the Senedd Cymru (Members and Elections) Act 2024), which consists of new sections 20A to 20I. This Part describes the Commission's general function of co-ordinating the administration of Senedd and local elections in Wales, along with any devolved referendums in Wales. The Part also sets out the arrangements to establish the Board.

***Section 20A – Electoral administration functions***

16. Section 20A describes the Commission's general function of co-ordinating the administration of Welsh elections and referendums in further detail. Subsections (2) and (3) confirm the function includes—
    (i) assisting returning officers, local authorities and other persons to carry out their functions in relation to Welsh elections and referendums;
    (ii) promoting best practice in Welsh elections and referendums, for example by providing information, advice or training to those involved in the administration of the elections; and
    (iii) providing information, advice or other assistance to the Welsh Ministers about the administration of Welsh elections and referendums.

***Section 20B – Directions to returning officers***

17. Section 20B provides the Commission with a power to issue written directions to returning officers with regards to carrying out their functions in relation to Welsh elections and referendums. An example of directions that could be issued could be to establish a consistent date across Wales for the issue of postal ballot papers.

18. Directions issued by the Commission under this section do not have to be followed if they are inconsistent with any legal duty imposed on the officer or relate to the officer's function relating to a combined poll.

***Section 20C – Directions to electoral registration officers***

19. This section provides the Commission with a power to issue written directions to electoral registration officers with regards to carrying out their functions in relation to Welsh elections and referendums. As with directions issued to returning officers, a direction issued by the Commission under this section does not have to be followed if it is inconsistent with any legal duty imposed on the electoral registration officer.

***Section 20D – Consultation with the Electoral Commission***

20. The Electoral Commission must be consulted before any direction is given under sections 20B or 20C.

***Section 20E – Electoral Management Board***

21. Section 20E requires the Commission to establish the Board, which will be responsible for carrying out the Commission's electoral administration function.

22. When undertaking its work, the Board may also use the power of the Commission in section 12 of the 2013 Act that allows it to do things that are ancillary to the exercise of its other functions (other than borrow money, acquire property without the consent of the Welsh Ministers or form companies).

***Section 20F – Board membership***

23. Section 20F sets out who will be a member of the Board. In summary, the Board must consist of –
    (i) a Chair, who must be a member of the Commission appointed under section 4 of the 2013 Act and have previous experience as a returning officer or electoral registration officer. The Welsh Ministers will decide on their terms and conditions;
    (ii) one other member of the Commission appointed under section 4 of the 2013 Act, whose terms and conditions will also be decided by the Welsh Ministers;
    (iii) at least four other members, who must be current or former returning officers or electoral registration officers (defined by section 20F(9) as "elections officers").

24. Subsection (4) requires the Board to choose one of these members who are current or former elections officers to be the deputy chair of the Board. Subsection (8) sets out the persons who must not be a member of the Board appointed under subsection (1)(c).

***Section 20G – Tenure***

25. Section 20G provides that the members of the Board hold and vacate office in accordance with the terms and conditions of their appointment, as determined under section 20F.

***Section 20H – Board proceedings***

26. Section 20H enables the Board to decide on its own procedure, including the minimum number of members who must be present to make decisions. Subsection (1) confirms that all members votes are equal to the other members, but the Chair (or their deputy in the Chair's absence) will have the deciding vote in the event of a tie. Subsection (3) also confirms the validity of the Board's proceedings or acts if there is a defect in the appointment of a Board member.

27. Subsection (4) enables the Chair or deputy Chair to invite other people to the Board's meetings to provide advice or help with the work of the Board, provided all members agree. This may include, for example, representatives of the Electoral Commission, Association of Electoral Administrators, Electoral Service Managers, representatives of the UK and/or Welsh governments. This is to ensure the Board has sufficient flexibility to seek out the necessary expertise and assistance in the delivery of its functions. Any such attendees would not be part of the Board's membership.

***Section 20I – Interpretation***

28. Section 20I defines certain words and terms used in Part 2A of the 2013 Act (as inserted by section 1(2)).

### Section 2 - Minor and consequential amendments

29. This section introduces the minor and consequential amendments set out in Part 1 of Schedule 1 to the Act which make changes to the 2013 Act relating to Chapter 1 of the Act.

30. Paragraph 1(4) substitutes section 14(1) of the 2013 Act, which deals with directions given to the Commission by the Welsh Ministers, with new subsections (1A), (1B) and (1C).

31. Subsection (1A) allows the Welsh Ministers to issue directions to the Commission in relation to the Commission's functions, apart from in relation to its functions under Part 2A of the 2013 Act relating to the co-ordination of electoral administration, or its functions under Part 3A of the 2013 Act relating to Senedd constituency boundaries.

32. Subsection (1B) sets out that the Commission must comply with a direction given to it by the Welsh Ministers under the 2013 Act, and subsection (1C) requires the Welsh Ministers to publish each direction they give to the Commission or a principal council under the 2013 Act (a "principal council" is the council of a county or county borough in Wales).

## CHAPTER 2: ELECTORAL REGISTRATION WITHOUT APPLICATIONS

### Section 3 - Duty to register local government electors

33. Subsection (1) omits section 18 of the Local Government and Elections (Wales) Act 2021, which contains provision regarding registration of local government electors without application that has not been brought into force.

34. Subsection (2) inserts a new section (9ZA) into the Representation of the People Act 1983 (hereafter referred to as "**the 1983 Act**"). Section 9ZA requires each electoral registration officer in Wales to add eligible electors to the local government register in Wales where the electoral registration officer is satisfied that the person is entitled to be registered. A local government register in Wales is used for elections of councillors to counties, county boroughs and communities in Wales along with elections for membership of Senedd Cymru. Electoral registration officers will need to verify the person's identity and circumstances relating to eligibility in order to be satisfied; and electoral registration officers will need notify persons they intend to register before they do so. There will be no need for the elector to make an application through the existing system if the electoral registration officer has the duty to register them.

35. Section 9ZA(3) requires electoral registration officers to notify persons they are satisfied are eligible for registration before they are registered. The notice must be in writing informing the person of—
    (i) the electoral registration officer's duty to register the person after the end of the notice period;
    (ii) the exceptions to the electoral registration officer's duty to register the person;
    (iii) the elector's right to request exclusion from the edited register of local government electors (if provision is made for an edited register in regulations under section 53 of the 1983 Act);
    (iv) the elector's right to apply for anonymous registration; and
    (v) the types of election the person will and will not be entitled to vote in as a result of being registered without an application (the person would be entitled vote in Senedd Cymru elections and elections for councillors in counties, county boroughs and communities in Wales, but it would not entitle them to vote in an election for membership of the House of Commons in the UK Parliament – an application for registration would be needed for that).

36. The notice period is 60 days (subsection (4) of section 9ZA) and this provides time for a person who receives a notice to respond to it with any concerns or objections before the electoral registration officer's duty to register takes effect at the end of the period.

37. Subsection (5) of section 9ZA requires an electoral registration officer to register the person at the end of the 60-day notice period unless—
    (i) the person has notified the electoral registration officer that they do not wish to be registered (paragraph (a));
    (ii) the electoral registration officer is no longer satisfied that the person is entitled to be registered (paragraph (b)); or
    (iii) the person wishes to make an application for anonymous registration or has made one (paragraph (c)).

38. Where the person objects to their registration without application, the electoral registration officer is required to stop the automatic registration process and instead follow the process in section 9E of the 1983 Act, which requires an electoral registration officer to invite a person to apply for registration if, in relation to an unregistered person whose name and address the electoral registration officer knows, the electoral registration officer has reason to believe that the person is entitled to be registered. Section 9ZA(6) provides the Welsh Ministers with a power to make provision in regulations about the requirements of notices to a person who the electoral registration officer is considering registering under the section, including provision about the form of the notice and how and to whom it may or must be provided.

39. Subsections (8) and (9) require the regulations under subsection (6) to be made by statutory instrument and subject to the negative resolution procedure in the Senedd.

**Section 4 - Provision connected to the duty to register eligible local government electors**

40. Subsection (3) amends section 9E of 1983 Act to make provision about the relationship between the existing duties of electoral registration officers under section 9E with respect to invitations to apply for registration and the new duty to register without application under section 9ZA inserted by section 3. The effect of the amendment to section 9E is that the electoral registration officer's duty in section 9E(1) will not apply whilst the registration process under section 9ZA is on-going.

41. Subsection (4) amends section 13A of the 1983 Act, which requires electoral registration officers to issue notices about alterations to the register listed in subsection (1) of that section. The addition of a person to the register under the new section 9ZA is added to the list of alterations that trigger the duty to issue notices. Subsections (5) and (6) make related consequential amendments to sections 13AB and 13B of the 1983 Act.

42. Subsections (7) and (9) amend section 53 of, and Schedule 2 to, the 1983 Act. Section 53 of the 1983 Act confers a power on the Secretary of State to make regulations about electoral registration under that Act, and Schedule 2 to the 1983 Act specifies things that can be done in regulations under section 53. The powers of the Secretary of State under section 53 (and Schedule 2) were transferred to the Welsh Ministers by the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644), so far as the powers are exercisable within the legislative competence of Senedd Cymru.

43. Subsection (9) amends Schedule 2 to the 1983 Act to specify further things that can be included in regulations under section 53 of that Act in connection with the new duty to register under section 9ZA.

44. Paragraph 1A of Schedule 2 provides for regulations to be made authorising or requiring a person to disclose information to another person for the purpose of assisting a registration officer in relation to matters specified in the paragraph. Paragraph (a) of subsection (9) amends paragraph 1A of Schedule 2, so that assisting a registration officer to decide whether a person is eligible to be included in the register for the purpose of section 9ZA is added to the list of matters in respect of which regulations authorising or requiring disclosure of information can be made.

45. Paragraph (b) of subsection (9) makes clear that regulations under section 53 can make provision about the steps that a registration officer is authorised or required to take for the purpose of deciding whether a person is eligible to be included in the register for the purpose of section 9ZA.

46. Subsection (7) amends section 53 to provide that regulations made by the Welsh Ministers under paragraph 1A(1)(aa) of Schedule 2 (inserted by subsection (9)(a)) authorising or requiring a person to disclose information cannot confer functions on, or modify the functions of, reserved authorities if provision doing such a thing would require the consent or consultation of a Minister of the Crown if the provision were included in an Act of Senedd Cymru.

47. Subsection (8) amends section 56 of the 1983 Act to confer a right of appeal to the county court from decisions under section 9ZA.

48. Paragraphs (c) and (d) of subsection (9) relate to the edited, or open, electoral register. These provisions disapply the regulation making powers in paragraphs 10 and 10B of Schedule 2 of the 1983 Act meaning that Welsh Ministers are not able to make regulations allowing for the creation and supply of an edited, or open, local government electoral register for an area in Wales.

## CHAPTER 3: WELSH ELECTIONS PILOTING AND REFORM

### Section 5 – Pilot regulations: powers

49. Section 5 enables the Welsh Ministers to make regulations ("pilot regulations") for election pilots to take place in connection with the following matters, which are set out in subsection (3):
    (i) registration of electors for Welsh elections, which in practice means the registration of electors on the local government register. These pilots will not however, be able to impact a person's fundamental right to vote and cannot change the franchise;
    (ii) when, where and how voting takes place which could include, but is not limited to, advanced voting arrangements, alternative polling stations, voting electronically etc.;
    (iii) how votes are counted, which could include electronic counting;
    (iv) communication with voters about Welsh elections; and
    (v) processes and procedures before, on or after polling in a Welsh election.

50. A "Welsh election" is defined by subsection (8) and means a Senedd election, an election to a principal council or a community council election. In addition, pilots will also be capable of being run at local government by-elections. These provisions do not apply to UK Parliamentary or Police and Crime Commissioner elections taking place in Wales.

51. Section 5(4) also allows pilots to be run in connection with the changes that sections 3 and 4 make to the 1983 Act in connection with registering as an elector without application. The Welsh Ministers do not need the consent of a principal council to run these pilots, nor do they have to submit a proposal to the Commission.

52. Pilot regulations may create, remove or modify criminal offences, but must not create or modify an offence that is, or becomes, punishable with a term of imprisonment which exceeds one year where the conviction is on indictment, or exceeds "the applicable limit" on summary conviction. The "applicable limit" on summary conviction means the maximum term of imprisonment that a magistrates' court can impose in respect of a summary offence (i.e. an offence that can only be tried in a magistrates' court) and in respect of an either way offence (i.e. an offence that can be tried in the magistrates' court or the Crown Court). The applicable limit is defined by section 224(1A) of the Sentencing Code (the code contained in the Sentencing Act 2020 (c. 17)) and is currently 6 months imprisonment for a summary offence and 6 months for an either way offence. The reference to the Code "as it has effect from time to time" allows for the possibility that either of these limits may change in future. The applicable limit for an either way offence may be amended by the Secretary of State through regulations made under paragraph 14A of Schedule 23 to the Sentencing Code.

**Section 6 – Pilot regulations: requirements**

53. Section 6 sets out the requirements placed on Welsh Ministers when making pilot regulations. Subsection (1) requires pilot regulations to describe the objective of the pilot and specify the date by which the Electoral Commission must prepare its report on the operation of the pilot regulations (see section 17(1)).

54. Subsection (2) prohibits the Welsh Ministers from making pilot regulations which apply to the area of a principal council unless that principal council has consented to the pilot, or the Welsh Ministers have had regard to any recommendations made by the Democracy and Boundary Commission Cymru. However, this prohibition does not apply to any pilot regulations made in the 12 months following the Act receiving Royal Assent where the regulations are for the purpose of testing the arrangements relating to electoral registration without application.

55. Subsection (5) provides that Welsh Ministers must consult with stakeholders they consider appropriate before making pilot regulations relating to the registration of electors without application. It specifically requires Welsh Ministers to consult with stakeholders they deem to represent vulnerable groups.

**Section 7 – Pilot regulations: procedure**

56. Generally, when pilot regulations are made, they are subject to the negative resolution procedure in the Senedd. However, pilot regulations that either test how sections 3 and 4 work in practice; or apply to the area of a principal council without the consent of the principal council that will implement the pilot; or which include provision which creates or widens of the scope of a criminal offence, are subject to the Senedd's affirmative resolution procedure. If Welsh Ministers are proposing to pilot such activity without the consent of the necessary principal council they are also required to lay a statement before the Senedd explaining why they consider the provision should be made without their consent.

**Section 8 – Proposals for pilots made by the Welsh Ministers**

57. Section 8 sets out the procedure that must be followed by the Welsh Ministers when they propose a pilot scheme. Subsection (1) requires the Welsh Ministers to consult on their proposal for a pilot scheme with the returning officers for the areas in which the proposal would apply. They must then submit the proposal to the Democracy and Boundary Commission Cymru for consideration. The Commission's function of considering electoral pilot proposals, and all other functions in relation to electoral pilots, will be delegated to and exercised by its EMB in accordance with section 20E of the 2013 Act (as inserted by section 1 of this Act). Before making any pilot regulations the Welsh Ministers must have regard to the report on the proposal prepared by the EMB.

**Section 9 – Proposals for pilots made by principal councils**

58. Section 9 enables principal councils to propose a pilot scheme in connection with activities to be trialled at ordinary local government elections and local government by-elections. Subsection (2) requires the council to first consult the Welsh Ministers on its proposal before submitting it to the Electoral Management Board for consideration. Before requesting that the Welsh Ministers make pilot regulations on the basis of their proposal, the council must have regard to the report prepared by the Board, and the report must be submitted to the Welsh Ministers along with the request that pilot regulations be made.

**Section 10 – Proposals for pilots made jointly by the Electoral Commission and principal councils**

59. Section 10 enables the Electoral Commission to make joint proposals with principal councils in respect of activities to be trialled at ordinary local government elections and local government by-elections. These proposals will be subject to the same procedural requirements as proposals made by principal councils under section 9.

**Section 11 – Proposals for pilots made by electoral registration officers**

60. In accordance with section 11, electoral registration officers are enabled to make proposals for pilots. This power is however, limited in subsection (1) to the piloting of certain activities relating to the registration of electors. The consultation and submission process that the registration officers are required to follow is the same as that to be followed by principal councils under section 9.

**Section 12 – Joint proposals for pilots**

61. Section 12 enables a principal council, the Electoral Commission and an electoral registration officer to jointly propose a pilot to the Welsh Ministers. If the Electoral Commission is making the proposal it must do so jointly with one or more principal councils but may also make the proposal jointly with an electoral registration officer.

**Section 13 – Electoral Commission recommendations**

62. Section 13 enables the Electoral Commission to recommend proposals for a pilot to a principal council or an electoral registration officer.

**Section 14 – Evaluation of pilot proposals**

63. Section 14 sets out what the Democracy and Boundary Commission Cymru is required to do when evaluating pilot proposals and in preparing their report. The Commission must look at the objectives of the pilot and its desirability, that is to say, whether the pilot could be of benefit to the voter or electoral administrators. It is also required to consider the likely costs and feasibility of the proposed pilot. The Welsh Ministers are able to make regulations under subsection (3) setting out factors they consider relevant to the Commission's evaluation of the pilot proposals, and the Commission must have regard to such factors when assessing the proposal and preparing its report. A public authority that submits a pilot proposal to the Commission under Chapter 3 must provide any additional information requested by the Commission that will allow the proposal to be fully considered and the report to be prepared accurately. The Commission is required to send a copy of the report they produce to whomever submitted the proposal no later than 6 weeks after the proposal was received.

**Section 15 – Welsh election pilot forums**

64. Under section 15 the Democracy and Boundary Commission Cymru is required to set up a forum where issues relating to the practical delivery of the pilot can be discussed. This forum must include, but is not limited to, the returning officers for the participating principal councils as well as electoral administrators from those authorities and members of the Commission.

**Section 16 – Guidance on pilots**

65. Section 16 requires the Democracy and Boundary Commission Cymru to publish guidance on the running of a pilot which must include advice on the arrangements needed for the pilot, the staff training required, as well as how to run the pilot in accordance with the pilot regulations.

**Section 17 – Evaluation of pilot regulations**

66. Section 17 sets out the arrangements for evaluating pilots after they have taken place. This evaluation must be undertaken by the Electoral Commission, who must evaluate the success (or otherwise) of the pilot in meeting its objectives, and whether or not the changes made by pilot regulations should be adopted on a permanent basis. The principal council for the area of the pilot must provide assistance to the Electoral Commission in preparing their report, and the relevant returning officer must publish the report within one month of receiving it, unless the pilot was one falling solely within the remit of section 11, in which case the duty to publish the Democracy and Boundary Commission Cymru's report lies with the electoral registration officer.

**Section 18 – Electoral reform regulations**

67. Section 18 enables the Welsh Ministers to introduce permanent changes, similar to those trialled in a pilot scheme, by way of electoral reform regulations. Subsection (1)(b) provides that such regulations can only be made on the recommendation of the Electoral Commission. Electoral reform regulations can apply the piloted change to any, or all, Welsh elections.

68. Electoral reform regulations may create, remove or modify criminal offences. But the regulations must not create or modify an offence that is, or becomes, punishable with a term of imprisonment which exceeds one year where the conviction is on indictment, or exceeds "the applicable limit" on summary conviction. The "applicable limit" on summary conviction means the maximum term of imprisonment that a magistrates' court can impose in respect of a summary offence (i.e. an offence that can only be tried in a magistrates' court) and in respect of an either way offence (i.e. an offence that can be tried in the magistrates' court or the Crown Court). The applicable limit is defined by section 224(1A) of the Sentencing Code (the code provided for by the Sentencing Act 2020) and is currently 6 months imprisonment for a summary offence and 6 months for an either way offence. The reference to the Code "as it has effect from time to time" allows for the possibility that either of these limits may change in future. The limits may be amended by the Secretary of State through regulations made under paragraph 14A of Schedule 23 to the Sentencing Code.

**Section 19 – Electoral reform regulations: procedure**

69. Section 19 sets out the Senedd procedure that must be followed when making electoral reform regulations. It provides for additional and enhanced scrutiny steps to be undertaken which includes, the requirement of a Senedd Committee to consider the regulations and their implications. The Senedd will also have a longer period in which to consider the regulations and their implications. When the regulations or draft regulations are laid the Welsh Ministers are required to also a lay before the Senedd a copy of the Electoral Commission's report on the pilot regulations prepared under section 17.

70. Where Welsh Ministers have decided not to accept a committee's recommendation to make material changes to draft regulations, either wholly or in part, or make material changes to the draft regulations which are materially different to those recommended by a committee, they must lay a statement before the Senedd setting out the reasons for this decision.

**Section 20 – Publication**

71. Chapter 3 of Part 1 contains a number of provisions which require the publication of documents (see, for example, section 15(7)). Section 20 requires those documents to be published electronically, in addition to any other manner that the person under the duty to publish considers appropriate.

**Section 21 – Regulations: ancillary provision**

72. Section 21 provides that pilot regulations and electoral reform regulations made under Chapter 3 of Part 1 of the Act may include ancillary provision, including consequential, supplementary, incidental, transitional, or saving provision. The regulations may modify enactments (whenever made) and may make different provision for different purposes or different areas.

**Section 22 – Interpretation**

73. Section 22 defines certain words and terms used in Chapter 3 of Part 1 of the Act.

### Section 23 – Consequential amendments

74. This section introduces Part 2 of Schedule 1, which makes minor and consequential amendments that are consequential to the provision in Chapter 3 of Part 1 of the Act.

## CHAPTER 4: ACCESSIBILITY AND DIVERSITY: WELSH ELECTIONS

### Section 24 – Reports by the Electoral Commission

75. Section 24 inserts section 5A into PPERA. The Electoral Commission has a duty under section 5 of PPERA to prepare a report on the administration of each Senedd election. Section 5A(1) of PPERA as inserted by section 24 creates a duty for the Electoral Commission to prepare and publish a report on the administration of ordinary elections of councillors for counties, county boroughs and communities in Wales.

76. Subsections (2) and (3) of section 5A place a duty on the Electoral Commission to include in its reports following Senedd and local government elections a description of the steps returning officers have taken to assist persons with disabilities to vote at those elections where the disabilities could affect their right to vote.

77. Subsection (4) of the section 5A defines "disability" for the purposes of subsection (3) in relation to doing a thing, as including a short-term inability to do it. This is the same as the definition of disability in section 202 of the 1983 Act (under which Act the rules for the conduct of local government elections are made) and in article 2(1) of the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) (which contain the rules for the conduct of Senedd Cymru elections).

78. Subsection (4) of section 5A also defines "returning officer" for the purpose of the duty in subsection (3) to report on steps taken by returning officers. In the case of reports on Senedd elections it is defined by reference to orders made under section 13 of the Government of Wales Act 2006 (hereafter referred to as "**GOWA 2006**"), which govern the conduct of Senedd elections. In the case of reports on local government elections returning officers are defined as a person appointed under section 35(1A) of the 1983 Act.

79. Under the arrangements for electing members to Senedd Cymru established by the Senedd Cymru (Members and Elections) Act 2024 there are no by-elections when there are vacancies in the membership of Senedd Cymru. Section 25(3) makes transitional provision so that prior to the coming into force of the provisions of the Senedd Cymru (Members and Elections) Act 2024 making that change, a report under section 5A(3) will also be required for a Senedd constituency by-election.

**Section 25 – Survey of councillors and unsuccessful candidates in local elections**

80. Section 25 amends section 1 of the Local Government (Wales) Measure 2011, which requires local authorities to conduct a survey of councillors and unsuccessful candidates for council elections in their area. Section 25 removes the requirement for the form of the survey and the questions to be set out in regulations and instead, it enables the Welsh Ministers to set these out in a direction to local authorities. Subsection (4) inserts subsection 3A into the 2011 Measure, which requires the Welsh Ministers to publish any direction given under section 1 or section 2 of the 2011 Measure.

81. A direction given to local authorities under amended section 1 could, among other things include questions aimed at identifying the impact of any local initiatives established to improve the diversity of candidate standing in the election for which the survey is being undertaken.

**Section 26 – Welsh elections information platform**

82. The provisions in section 26 are about making information about Welsh elections available to support voters to take part in Welsh elections. Subsection (1) requires the Welsh Ministers by regulations to set up and maintain a Welsh elections information platform that provides up-to-date information about Senedd Cymru elections and elections of county and county borough councils in Wales. It also enables (but does not require) the Welsh Ministers to make regulations about information that should be available on the platform in relation to community council and mayoral elections in Wales.

83. The regulations made by the Welsh Ministers under this section must also require the Welsh Ministers to publish and lay before the Senedd a report about how they have set up and maintained the platform. A report must be published no more than 12 months after an ordinary Senedd election and principal council election.

**Section 27 – Services to promote diversity in persons seeking elected office**

84. Subsection (1) places a duty on Welsh Ministers to put in place arrangements for the provision of services to promote diversity in the protected characteristics and socio-economic circumstances of persons seeking to stand for election as members of Senedd Cymru and the councils of counties, county boroughs and communities in Wales.

85. "Protected characteristics" are defined for this purpose in subsection (11) as the protected characteristics in section 4 of the Equality Act 2010, which are—

(i) age;
(ii) disability;
(iii) gender reassignment;
(iv) marriage and civil partnership;
(v) pregnancy and maternity;
(vi) race;
(vii) religion or belief;

(viii) sex; and
(ix) sexual orientation.

86. Subsection (2) sets out the matters the Welsh Ministers must have regard to when discharging this duty. The Welsh Ministers must consider whether there are groups of persons with the same protected characteristics that are under-represented in the membership of Senedd Cymru or the councils of counties, county boroughs and communities. Under-representation is to be considered by reference to the population served by the body being considered (subsection (3)).

87. The Welsh Ministers must also have regard to—
(i) the desirability of reducing inequalities of outcome that result from socio-economic disadvantage, and
(ii) the desirability of services being available to persons regardless of their membership or non-membership of a registered political party.

88. Subsection (4) provides that the Welsh Ministers are not required to provide services in respect of every under-represented group identified by virtue of subsection (2).

89. Subsection (5) sets out an exhaustive list of the services which may be provided under the arrangements required by this section. The services are information, advice, training, coaching and mentoring, work experience, equipment and assistance with tasks. Subsection (8) provides a power for the Welsh Ministers to make regulations to add to the list of services and amend or remove any services that are added by the regulations.

90. Subsection (6) requires the Welsh Ministers to ensure that in any arrangement put in place under this duty the Welsh Ministers are prohibited from making decisions in particular cases as to whether an individual is to receive a service under the arrangements.

**Section 28 – Financial assistance schemes to promote diversity in persons seeking elected office**

91. Subsection (1) enables the Welsh Ministers to provide by regulations for schemes of financial assistance to help candidates standing for election for membership of Senedd Cymru or the council of a county, county borough or community in Wales who have specified circumstances or specified characteristics overcome any barriers to their participation in the election connected to those characteristics or circumstances. "Specified" means specified in the regulations (see subsection (13)).

92. Subsection (2) requires the Welsh Ministers make regulations to put in place a scheme of financial assistance to help disabled candidates in such elections overcome any barrier to their participation in the election connected to their disability.

93. Subsection (7) requires that the financial assistance schemes provided for by regulations under this section must not be directly operated by excluded persons. The excluded persons are set out in section 29, and the list of excluded persons includes the Welsh Ministers (as members of the Welsh Government), Ministers of the Crown, local authorities and others.

### Section 29 – Excluded persons

94. This section lists the persons who must not operate a scheme of financial assistance provided for by regulations under section 28.

### Section 30 – Guidance for political parties to promote diversity in persons seeking elected office

95. Subsection (1)(a) places a duty on the Welsh Ministers to issue guidance to encourage registered political parties to collect, collate and publish specified diversity information about their candidates for Senedd elections. The terms 'diversity information' and 'specified' are defined in subsection (3) of this section.

96. Subsection (1)(b) requires the Welsh Ministers to issue guidance to encourage registered political parties to develop, publish, implement and review strategies to promote the diversity of their candidates and to help candidates overcome barriers associated with specified characteristics or circumstances. Whereas the guidance in subsection (1)(a) is about candidates for Senedd elections, the guidance published under subsection (1)(b) is about candidates for all Welsh elections (which is defined in subsection (3)).

97. Subsection (2) provides that the Welsh Ministers must publish guidance under this section; and before 1 May 2025. Thereafter, the Welsh Ministers must review the published guidance from time to time, having regard to the cycle of elections relevant to subsections (1)(a) and (b).

98. Subsection (3) defines certain terms used in this section.

## CHAPTER 5: CAMPAIGN FINANCE

### Section 32 – Notional expenditure: candidates in local government elections

99. Section 32 removes the exception in section 90C(1A) of the 1983 Act so that the provision in section 90C(1A) explaining the meaning of notional expenditure incurred "on behalf of" a candidate also applies to an election in Wales under the Local Government Act 1972.

### Section 33 – Notional and third party expenditure: Senedd Cymru elections

100. Section 33 amends sections 73(1A), 86(1A), and 94(8A) of, and paragraph 3(11) of Schedule 8A to PPERA so that the provisions in relation to notional spending by political parties and third parties also apply to campaign periods for Senedd Cymru elections.

**Section 34 – Codes of practice on expenses**

101. Section 34(1) amends paragraph 14A of Schedule 4A to the 1983 Act which enables the Electoral Commission to prepare a code of practice giving guidance on election expenses for candidates in local government elections in Wales. The amendment clarifies that the guidance can cover the application of the rules in relation to expenses incurred, ensuring that the codes of practice are sufficiently broad so as to include an explanation of the rules on all forms of expenditure.

102. This section also amends section 156(3)(aa) of PPERA so that no Senedd procedure applies to an order made by the Welsh Ministers bringing into force a code of practice prepared by the Electoral Commission in relation to election expenses at elections of the Senedd under Schedule 8 to PPERA . The section also makes further, more general amendments to section 156 to clarify the procedures that apply to statutory instruments made by the Welsh Ministers under the provisions of PPERA.

**Section 35 – Authorised persons not required to pay through election agent**

103. Section 35 amends section 73(5)(ca) of the 1983 Act, which was inserted by the Elections Act 2022, to enable payments to be made on behalf of a candidate or campaign during a local government election campaign in Wales, by an authorised person other than an election agent. This is intended to provide clarity to third parties who have been authorised by a candidate or agent to promote them, under section 75 of the 1983 Act. The amendment ensures that third parties are able to both incur and pay for authorised expenses under section 75, rather than the expenses having to be paid through the agent of the candidate they are promoting.

**Section 36 – Restriction on which third parties may incur controlled expenditure**

104. Section 36 introduces a further restriction on third parties that may incur controlled expenditure (including notional controlled expenditure) in connection with a Senedd election campaign. It does this by inserting a new section 89B into PPERA, providing that only those third parties that would fall within the categories of third party listed in section 88(2) of the 2000 Act are able to incur controlled expenditure expenses above a *de minimis* threshold of £700 during a Welsh devolved regulated period. Inserted section 89B also includes an either way offence of authorising expenses in breach of the section, which is punishable by fine.

**Section 37 – Third parties capable of giving notifications**

105. Section 37 inserts section 88(11) and (12) into PPERA, to allow the Welsh Ministers to amend the list in section 88(2) of third parties who can incur controlled expenditure during a Welsh devolved regulated period. Third parties can be added to or removed from the list, or the list can be varied, but removals or variations can only be effected on the recommendation of the Electoral Commission. The effect of section 37(3) is that any orders made by the Welsh Ministers under section 88(11) of PPERA will be subject to the Senedd's affirmative resolution procedure.

### Section 38 – Code of practice on controls relating to third parties

106. To support third parties' understanding of the restrictions on expenditure, section 38 inserts subsection (1A) into section 100A of PPERA, which was inserted into PPERA by the Elections Act 2022. This requires the Electoral Commission to prepare a code of practice on controlled expenditure by third parties during a Welsh devolved regulated period. Section 38(4) inserts section 100C into PPERA which sets out the process the Electoral Commission must follow when preparing the code of practice, which includes them consulting with the Senedd, and any other persons the Electoral Commission considers appropriate. Section 100C also sets out the process to be followed before adopting a code proposed by the Commission under section 100A(1A) of PPERA. The effect of section 38(5) is that no Senedd procedure applies to an order made under section 100C(8).

### Section 39 – Consequential amendments

107. Section 39 introduces Part 3 of Schedule 1, which contains a number of minor and consequential amendments to PPERA. The substantive amendments made to PPERA by the Act refer to Senedd Cymru elections, and the effect of the further amendments in Part 3 of Schedule 1 is to ensure there is consistency throughout PPERA when it is referring to those elections.

## PART 2 ELECTED BODIES AND THEIR MEMBERS

## CHAPTER 1: ARRANGEMENTS FOR LOCAL GOVERNMENT

### Section 40 – Considerations for a review of principal area electoral arrangements

108. Section 40 substitutes section 30(1) of the 2013 Act and sets out revised considerations for a review of principal area electoral arrangements. The matters which must be considered include the desirability of having a ratio of local government electors to the number of members that is the same or as similar as possible in every electoral ward of the principal area, the geographical size, shape and accessibility of an electoral ward and maintaining local ties including those connected to the use of the Welsh language.

### Section 41 - Review period for principal area reviews

109. Section 41 amends section 29 of the 2013 Act by changing the length of the cycle of reviews of electoral arrangements for principal areas from 10 to 12 years and resetting the start date for the cycles as 30 September 2023. The amendment also enables the Welsh Ministers to amend both the length of the cycle and the re-set date by regulations.

### Section 42 – Review of seaward boundaries

110. Section 42 amends section 28 of the 2013 Act to clarify that the Commission is able to review the seaward boundaries of more than one local government area when it is conducting a review under section 28.

**Section 43 – Electoral review recommendations and decisions: duty to have regard to representations**

111. Section 43 amends section 37 of the 2013 Act to clarify that the Welsh Ministers cannot implement any recommendation or decide to take no action on recommendations in relation to an electoral review until a minimum of six weeks have elapsed beginning with the day on which the Welsh Ministers receive the review recommendations. Also, when the Welsh Ministers are considering a final report of an electoral arrangements review, they must have regard to any representations made to them during the six week 'representation' period.

112. This section also makes similar amendments to sections 38 and 39 of the 2013 Act in relation to the functions exercised by the Commission in respect of reports on community boundary changes and functions exercised by county or county borough councils in respect of community electoral arrangements.

**Section 44 – Names of electoral wards**

113. Section 44 requires the Commission and county or county borough council to consider the naming of electoral wards as part of its pre-review consultation procedure.

114. It inserts section 36A into the 2013 Act which requires the Commission and county or county borough councils (as the case may be) to, in the case of electoral wards that have different names for the purposes of identifying the wards in communication through Welsh and English, specify the Welsh and English language names or proposed names of the electoral wards in both the Welsh and English language versions of their draft and further review reports.

115. Regard must be taken of representations made by the Welsh Language Commissioner as to the orthography of electoral ward names, which may include monolingual electoral ward names.

**Section 45 – Consultation on reviews**

116. Section 45 amends section 34 of the 2013 Act to require the Commission, or as the case may be, a county or county borough council before conducting a review, to bring that review to the attention of members of the public affected by the review.

117. It makes similar amendments to section 35 of the 2013 Act to require the Commission, or as the case may be, a county or county borough council to consult members of the public affected by the review when conducting a review. The Commission or county or county borough council must publicise the fact that representations may be made during the public consultation period and indicate when the public consultation period begins and ends. This section also amends section 36 of the 2013 Act to refer back to the 'public consultation period' defined in section 35(4) of the 2013 Act.

**Section 46 – Meaning of "mandatory consultees" in Part 3 of the 2013 Act**

118. Section 46 amends section 34(3) of the 2013 Act by adding National Park authorities, Port Health authorities and the Welsh Language Commissioner to the list of bodies that must be consulted in relation to a review under Part 3 of the 2013 Act.

**Section 47 – Electoral review recommendations and decisions: period before a local election**

119. Section 47 amends section 29(8) of the 2013 Act to change the period during which the Commission must not make or publish any recommendations relating to the electoral arrangements of a county or county borough council from 9 to 12 months.

120. It also amends section 37 of the 2013 Act to prohibit the Welsh Ministers from exercising their functions under section 37(1) in the six months preceding an ordinary local government election (this is the election to all seats in all councils held once every five years).

**Section 48 – Deadline for completion of reviews**

121. Section 48 amends the 2013 Act by the insertion of a new section 36B. This requires the Commission or a county or county borough council (as the case may be) to publish a statement specifying the day on which a review begins and requires the Commission or a county or county borough council to use its best endeavours to publish its further reports within the deadlines as specified. Failure to meet the timetable does not invalidate the review. The timetable for reviews of principal area boundaries, preserved counties and electoral arrangements for a principal area should be no more than 12 months in length, the timetable for reviews of seaward boundaries should be no more than 18 months in length and for community boundary reviews and community electoral arrangements reviews it should be no more than 24 months in length

**Section 49 – Deadline for the completion of implementation**

122. Section 49 amends section 37 of the 2013 Act by requiring the Welsh Ministers to use their best endeavours to make a decision on each review recommendation they receive under section 37(1) of the 2013 Act within three months of receipt of the recommendations. The Welsh Ministers must also publish a statement setting out their decision in respect of each recommendation. The date of the publication of the statement is to be treated as the date of the decision. Failure to comply with this duty does not invalidate any order or decision.

123. Sections 38 and 39 of the 2013 Act are amended to place a similar duty on the Commission in relation to its decision making on the recommendations it receives from county or county borough councils in respect of community boundary changes and on county or county borough councils in respect of community electoral arrangements.

**Section 50 – Directions to pause reviews**

124. Section 50 amends section 48 of the 2013 Act to enable the Welsh Ministers to issue a direction to pause a review being conducted under Part 3 of the 2013 Act. The Welsh Ministers must not use this power to pause a review for a period greater than 9 months in total. When a review is paused, the period of the pause is not to be taken into account for the purpose of calculating the length of periods under section 36B(2) to (5).

**Section 51 – Community reviews and implementation**

125. Section 51 amends section 22 of the 2013 Act to require county or county borough councils to publish an annual report by no later than 1 July each year on the performance of its functions under Part 3 of the 2013 Act and section 76 of the Local Government Act 1972. This report should explain the performance of its functions so far as the functions relate to community names, community boundary changes, community council changes and community electoral arrangements during the year. A copy of the report must be sent to the Commission and the Welsh Ministers.

126. This section also amends section 31 of the 2013 Act to clarify the duty of a county or county borough council to conduct a review of the electoral arrangements for each community in its area at least once in every review period (12 years). The Welsh Ministers may make regulations to amend the length and start date of the review period.

127. This section also amends section 33(3) of the 2013 Act to require that county or county borough councils take account of special geographical considerations, in particular, the size, shape and accessibility of a community ward together with any local ties connected to the use of the Welsh language when conducting a review of community electoral arrangements.

**Section 52 – Notice of resolutions of status of communities as towns**

128. Section 52 amends section 245B of the Local Government Act 1972 to require a community council to give electronic notice of any resolution it passes under section 245B(1) or (6) (community to have the status, or to cease to have the status, of a town) to the Welsh Ministers, the relevant county or county borough council and the Commission.

**Section 53 – Publication of orders under Part 3 of the 2013 Act**

129. Section 53 amends the 2013 Act by the insertion of section 49ZA. This requires county or county borough councils and the Commission to publish on their websites copies of all the orders they make under Part 3 of the 2013 Act and also those that are made by other bodies able to make orders under the same Part. In the case of the latter, county or county borough councils are required only to publish those orders that are relevant to their area.

130. The section also requires whichever body has made an order under Part 3 of the 2013 Act to send a copy of that order to, or to notify the other bodies that are able to make orders under Part 3, of the making of that order.

131. This requirement applies only to orders made after the coming into force of section 49ZA.

### Section 54 – Publication of up-to-date lists of communities and community councils

132. Section 54 amends the 2013 Act by the insertion of section 49ZB. This requires each county or county borough council to publish and maintain on its website an up-to-date list of all the communities and community councils in its area with their current names. It also requires the Commission to do the same for all of the communities and community councils in Wales. In respect of communities and community councils that have names for the purpose of communication through Welsh and English, the list should show both the Welsh and English language names regardless of whether the list is accessed via the Welsh or English language.

### Section 55 – Transitional provision

133. Section 55 enables any review conducted under Part 3 of the 2013 Act being conducted when Chapter 1 comes into force to be completed under the arrangements that applied when the review was commenced. It also ensures that Part 3 of the 2013 Act and all orders and regulations made under that Part prior to Chapter 1 coming into force continue in effect for the purposes of such reviews.

## CHAPTER 2: REMUNERATION OF ELECTED MEMBERS

### Section 56 – Abolition of the Independent Remuneration Panel for Wales

134. Section 56 abolishes the Independent Remuneration Panel for Wales and removes provisions relating to its functions and membership from the Local Government (Wales) Measure 2011.

### Section 57 – Democracy and Boundary Commission Cymru functions relating to remuneration

135. Section 57 inserts Part 5A into the 2013 Act which sets out the functions of the Commission in respect of payments and pensions to members of relevant authorities in Wales (as defined in new section 69C(2) of the 2013 Act) and payments to former members of local authorities in Wales. Part 5A includes the following provisions:

***Section 69A – Function relating to payments to members***

136. Section 69A sets out the functions of the Commission in respect of payments to members of a relevant authority. For the financial year beginning 1 April 2025 and for each following financial year, the Commission must decide the relevant matters for which a relevant authority is required or is authorised to make payments to members of the authority.

137. "Relevant matters" are defined in subsection (2) as matters that relate to the official business of members (as defined in section 69A(11)) or periods of family absence that members are entitled to have under Part 2 of the Local Government (Wales) Measure 2011.

138. Subsection (3) requires the Commission to set the amount that must be paid to a member or the maximum amount that can be paid to a member. The Commission may decide that payments cannot be paid to more than a fixed proportion or specified number of members of a relevant authority. The proportion or number (as the case may be) cannot exceed 50% unless the Welsh Ministers give their consent.

139. The Commission may set the maximum percentage or other rate by which a relevant authority can adjust for a financial year the amounts that had effect in respect of relevant matters for the previous financial year. An index can also be set.

140. The Commission must, when setting an amount, making a determination or setting a rate or index, take into account the likely financial impact of its decisions on relevant authorities.

***Section 69B – Functions relating to members' pensions***

141. Section 69B requires the Commission to decide the descriptions of members of a relevant authority in respect of whom a relevant authority is required to pay a pension. This excludes co-opted members of relevant authorities who are eligible to be members of the Local Government Pension Scheme. The Commission must also decide the relevant matters in respect of which a relevant authority is required to pay a pension.

***Section 69C – Relevant authorities, members etc.***

142. Section 69C defines certain terms used in Part 5A of the 2013 Act, including "relevant authority" and "members of a relevant authority" and also includes a power to specify a relevant authority in regulations under subsection (2)(e).

***Section 69D – Functions relating to resettlement payments***

143. Section 69D requires the Commission to make certain decisions about resettlement payments. A resettlement payment is a payment to a person who ceases to be a member of a local authority at the end of their term of office, when in office was a member of a local authority (as defined in section 72 of the 2013 Act) of a description specified in regulations made by the Welsh Ministers, has stood for re-election for membership of the same authority and has not been returned to office at that election.

144. The Commission must decide matters such as the amount of a resettlement payment to be paid, the qualifying conditions for payment and the maximum amount to be paid. The Commission must consider the likely financial impact on local authorities and must review decisions in advance of each local government ordinary election beginning with the election that is to be held in May 2027.

***Section 69E – Annual remuneration reports in relation to members of relevant authorities***

145. Section 69E requires the Commission to prepare and publish an annual remuneration report about the exercise of its functions under Part 5A no later than 28 February in the financial year before the financial year to which the report relates or such later date as the Commission and the Welsh Ministers agree. The report must contain the information set out in the section.

***Section 69F – Supplementary remuneration reports***

146. Section 69F enables the Commission to prepare and publish one or more supplementary remuneration reports to its most recent annual remuneration report. The supplementary report may vary provision made in that annual remuneration report or make any provision the annual remuneration report could have made.

***Section 69G – Further provision about annual reports and supplementary reports***

147. Section 69G requires the Commission, before publishing an annual or supplementary remuneration report, to send a draft of that report to certain bodies and persons and publish the draft report as soon as practicable after sending it. When preparing an annual or supplementary remuneration report, the Commission must take into account the last annual remuneration report and any supplementary remuneration report and representations received about these reports and the draft reports.

***Section 69H – Directions to reconsider draft reports***

148. Section 69H enables the Welsh Ministers to direct the Commission to reconsider a provision of a draft annual or draft supplementary remuneration report. It sets out the information that must be specified in a direction, including the reason for giving the direction and a specified date for response. The Commission is not obliged to vary the draft report but must respond and include its rationale if it decides not to vary the draft report.

***Section 69I – Commission's publication and notification duties in relation to reports***

149. Section 69I sets out duties in respect of publishing the annual and supplementary remuneration reports, including the requirement that the Commission allows a minimum period of eight weeks for consultation on a draft report before publishing a supplementary remuneration report and the requirement that the Commission publishes the remuneration reports on its website and in any other way the Commission considers appropriate.

***Section 69J – Administrative requirements for relevant authorities in reports***

150. Section 69J enables annual remuneration reports to require relevant authorities to put in place administrative systems to avoid the duplication of payments in respect of relevant matters and requests for payment in respect of the same relevant matters. These reports can also include the Commission's requirements for keeping records of payments made under Part 5A.

***Section 69K – Publicising requirements for relevant authorities in reports***

151. Section 69K enables the Commission to set out in its annual remuneration report information which relevant authorities are required to publish.

***Section 69L – Monitoring compliance with Commission's requirements***

152. Section 69L requires relevant authorities to comply with any requirement set out in an annual or supplementary remuneration report and enables the Commission to monitor the implementation and management of the payments made by relevant authorities. The Commission can require relevant authorities to provide it with information about matters including matters in connection with payments made in respect of relevant matters, relevant pensions, and resettlement payments. Relevant authorities must comply with any such requirement.

***Section 69M – Directions to enforce compliance with Commission's requirements***

153. Section 69M enables the Welsh Ministers, if they are satisfied that an authority has failed to comply with a requirement in an annual or supplementary remuneration report, to give a direction requiring the authority to comply with that requirement. The section sets out the matters that must be specified in the direction.

***Section 69N – Members wishing to forgo payments***

154. Section 69N enables a person to waive their entitlement to payments, either in full or in part as that person determines. Since authorities are required to make certain payments to members, section 69N(2) enables authorities not to pay allowances in circumstances where a member has elected to forgo payment by notice in writing.

***Section 69O – Withholding payments***

155. Section 69O requires a relevant authority to withhold payments to a person who has been:

a) suspended from being a member (or partially suspended) by virtue of Part 3 of the Local Government Act 2000 or
b) prevented from acting as a member of a local authority in Wales under section 80A(6) of the Local Government Act 1972.

156. The section also enables the Welsh Ministers to issue directions to relevant authorities (following consultation with the Commission) to withhold payments in respect of the relevant matters specified in the direction or to not make a resettlement payment.

157. This section also enables relevant authorities to require a person to make repayments in certain circumstances and enables local authorities to recover payments in certain circumstances.

***Section 69P – Guidance***

158. Section 69P enables the Commission to issue guidance to relevant authorities about how to comply with requirements under Part 5A. It also enables the Welsh Ministers to issue guidance to the Commission about its functions under that Part. Relevant authorities or the Commission, as the case may be, are required to have regard to any guidance issued under this section.

***Section 69Q – Directions under this Part***

159. Section 69Q enables the Welsh Ministers to apply for a court order to enforce directions made under sections 69M and 69O and sets out that the power to issue directions under this Part does not limit the general power of the Welsh Ministers to direct the Commission under section 14 of the 2013 Act.

***Section 69R – Power to modify provision***

160. Section 69R enables the Welsh Ministers to modify Part 5A of the 2013 Act by regulations.

### Section 58 – Transfer of property, rights and liabilities

161. This section provides that all property held by the Independent Remuneration Panel for Wales immediately before its abolition, and all rights and liabilities of the Independent Remuneration Panel for Wales that exist immediately before its abolition, transfer to the Commission.

### Section 59 – Minor and consequential provision

162. This section introduces Part 4 of Schedule 1, which makes minor and consequential amendments that are consequential to sections 56 to 58 of the Act.

### Section 60 – Savings

163. Section 60 saves the effect of the provisions repealed by section 56 for the purposes of the financial year beginning 1 April 2025 other than the references to the Independent Remuneration Panel for Wales, which should be interpreted as references to the Democracy and Boundary Commission Cymru.

## CHAPTER 3: DISQUALIFICATION AND UNDUE INFLUENCE

### Section 61 – Disqualification from being a Member of the Senedd and a community councillor

164. Section 61 amends section 16(1) of GOWA 2006, which specifies the persons who are disqualified from becoming or continuing to be a member of the Senedd (but not from being a candidate to be a Member of the Senedd). It also repeals sections 17B, 17E and 17F of GOWA 2006 which provide for certain limited exceptions from disqualification from Membership of the Senedd by virtue of being a member of other elected bodies, and amends section 17D of GOWA 2006.

165. Section 16(1)(za) of GOWA 2006 provides that a person is disqualified from being a Member of the Senedd if the person is a member of the House of Commons. Section 17B of GOWA 2006 provides an exception from disqualification for a Member of the Senedd returned as a member of the House of Commons within 372 days of the expected day of the next general election of Members of the Senedd. Section 61(3) removes section 17B from GOWA 2006 so that the exception no longer applies.

166. Section 16(1)(zc) of GOWA 2006 provides that a person is disqualified from being a Member of the Senedd if the person is a member of the council of a county or county borough in Wales. Section 61(2)(b) extends this disqualification provision to a person who is a member of a community council in Wales, to bring the arrangements for community councillors (including town councillors) in Wales into line with the disqualification regime for principal councillors in Wales.

167. Section 17D of GOWA 2006 provides for an exception from disqualification for newly elected members for a certain period. A person returned as a Member at an election of the Senedd is not disqualified from being a Member of the Senedd by virtue of being a member of the council of a county or county borough in Wales until that person purports to take the oath of allegiance (or corresponding affirmation) under GOWA 2006. Also, a Member of the Senedd who is returned as a member of a council of a county or county borough in Wales is not disqualified from being a Member of the Senedd until that person makes a declaration of acceptance under the Local Government Act 1972. Section 61(4) amends section 17D so that they also apply where the person is, or is returned as, a member of a community council in Wales.

168. Section 17E of GOWA 2006 provides for a time limited exception from disqualification if a member of the council of a county or county borough in Wales is returned as a Member of the Senedd; and the expected day of the next ordinary election of members of the council is within 372 days of the return day. Section 61(5) removes section 17E of GOWA 2006 so that the exception no longer applies. Section 17F of GOWA 2006 provides for a time limited exception from disqualification if a Member of the Senedd was returned as a member of a council of a county or county borough in Wales and the expected day of the next general election to the Senedd is within 372 days of the return day. Section 61(6) removes section 17F of GOWA 2006 so that the exception no longer applies. Section 61(7) provides that these changes will take effect for the purposes of an election for the Senedd at which the poll is held on or after 6 April 2026.

## Section 62 – Disqualification for corrupt or illegal practice: local government elections

169. Section 62 amends the law on disqualification for candidacy to and membership of local government in Wales. The section inserts subsection (ba) into section 80A(1) of the Local Government Act 1972 to close a gap in the disqualification regime by adding a new category of disqualified persons: persons who are not permitted to stand as a candidate or be a member of a district council in Northern Ireland.

### Section 63 – Disqualification for corrupt or illegal practice: Senedd elections

170. Section 63 amends the law on disqualification for candidacy to and membership of the Senedd. The section inserts paragraph (5A) into Schedule 1A to GOWA 2006 to close a gap in the disqualification regime by adding a new category of disqualified persons: persons who are not permitted to stand as a candidate or be a member of a district council in Northern Ireland.

### Section 64 – Undue Influence

171. Section 114A of the 1983 Act sets out the list of activities that may constitute the corrupt practice of undue influence.

172. Section 64(2) amends section 114A of the 1983 Act so that the description of the corrupt practice of undue influence that currently applies at local elections in England and Parliamentary elections also applies to local government elections in Wales. Section 64(3) omits references to Wales from section 115 so that the description of the corrupt practice of undue influence set out in section 115 of the 1983 Act no longer applies to elections to local government elections in Wales.

### Section 65 – Political restriction of officers and staff

173. Section 65 amends the Local Government and Housing Act 1989 to add that a person who holds a politically restricted post under a community council, corporate joint committee or a local authority in Great Britain is disqualified from becoming or remaining a member of a community council. The amendment further clarifies who is to be regarded as holding a politically restricted post under a community council. The amendment also extends to community councils, the provisions in the Local Government and Housing Act 1989 concerning the granting and supervision of political restriction exemptions, the limitations on paid leave for undertaking local authority duties and the provisions in relation to conflicts of interest in staff negotiations.

## CHAPTER 4: DEMOCRACY AND BOUNDARY COMMISSION CYMRU

### Section 66 - Democracy and Boundary Commission Cymru: persons who may not be members etc.

174. Section 66 amends the 2013 Act by adding to the list of those who are excluded from being members of the Commission so as to ensure impartiality. Those added to the list are members of staff of a National Park authority for a National Park in Wales, members or members of staff of a corporate joint committee, and members or members of staff of a fire and rescue authority. The amendment also clarifies the exclusion for local authority staff.

### Section 67 – Democracy and Boundary Commission Cymru: governance and audit committee

175. Section 67 amends section 17 of the 2013 Act so that it requires the Commission to establish a governance and audit committee. It also confers additional review and assessment functions on the committee in relation to the Commission's internal and external audit arrangements, handling of complaints and review of financial statements and reports. Provision is also made which enables the Commission to confer further suitable functions on the committee. Further, the section amends section 18 of the 2013 Act to specify the maximum number of members of the committee, the minimum number of lay members of the committee and to provide that both the committee chair and deputy to the chair, must be lay members of the committee.

### Section 68 – Democracy and Boundary Commission Cymru: power to charge

176. Section 68 amends the 2013 Act to insert section 11A, which provides the Commission with a power to charge recipients of goods or training provided by the Commission in relation to its electoral administration functions, or those relating to the functions of a principal council under Part 3 of the 2013 Act, where the recipient has agreed to receive the goods or training. For example, the Commission may provide optional training sessions to the electoral community, and could impose a charge on attendees to recover the cost of providing the training.

## PART 3 – GENERAL PROVISION

### Section 69 – Regulations: restrictions

177. Some powers of the Welsh Ministers to make regulations under the Act authorise provision conferring functions on persons and provision to remove or modify existing functions, subject to the breadth of the specific powers (for example, the power to make pilot regulations under section 5 and the power to provide for schemes of financial assistance under section 28). The legislative competence of Senedd Cymru is subject to restrictions in Schedule 7B to GOWA 2006, so that provisions in a Senedd Act conferring functions on public authorities that are not Welsh devolved authorities, or provisions removing or modifying the functions of such authorities, may require the consent or consultation of UK government ministers.

178. Section 69 provides that the regulations under the Act may not include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to GOWA 2006 if the provision were included in an Act of Senedd Cymru; and may not include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.

### Section 70 – General interpretation

179. Section 70 defines certain words and terms used throughout Act.

**Section 71 – Power to make consequential and transitional provision etc.**

180. Section 71 provides the Welsh Ministers with a power to make regulations containing supplementary, incidental, consequential, transitional or saving provisions to give full effect to any provision of the Act. Those regulations must be made by statutory instrument and may amend, modify, repeal or revoke any enactment (which includes provision in Acts of Parliament, Acts or Measures of the Senedd and subordinate legislation).

181. Regulations under this section that amend Acts of Parliament or Acts or Measures of Senedd Cymru would need to be approved by the Senedd. Other regulations made under this section are subject to a negative resolution procedure in the Senedd.

**Section 72 – Coming into force**

182. Section 72 sets out when or how the provisions of the Act come into force.

183. The following provisions come in to force the day after the Act receives Royal Assent (see subsection (1)):

- the Welsh elections piloting and reform provisions (in Chapter 3 of Part 1 and Part 2 of Schedule 1),
- the disqualification from being a Member of the Senedd of community councillors (section 61),
- Democracy and Boundary Commission Cymru: persons who may not be members etc. (section 66), and
- Part 3 of the Act.

184. Provisions about reviews of the boundaries and electoral arrangements for local government (Chapter 1 of Part 2), the survey of councillors and unsuccessful candidates in local government elections (section 25), the guidance for political parties to promote diversity in persons seeking elected office (section 30), and the provisions about disqualification for corrupt or illegal practice (sections 62 and 63) come into force two months after the Act receives Royal Assent (see subsection (2)). Provision about political restriction of officers and staff (section 65) comes into force on 6 May 2027.

185. The other provisions of the Act may be brought in to force on days appointed by order of the Welsh Ministers (see subsection (4)). The orders bringing provisions into force may appoint different days for different purposes and make transitory, transitional or saving provision (see subsection (6)). Such orders must be made by statutory instrument, but no Senedd procedure applies to their making.

**Section 73 – Short title**

186. Section 73 provides that the short title of the Act is the Elections and Elected Bodies (Wales) Act 2024.

## RECORD OF PROCEEDINGS IN SENEDD CYMRU

187. The following table sets out the dates for each stage of the Act's passage through the Senedd. The Record of Proceedings and further information on the passage of this Act can be found on the Senedd website at: Elections and Elected Bodies (Wales) Act 2024 (senedd.wales).

| **Stage** | **Date** |
|---|---|
| Introduced | 2 October 2023 |
| Stage 1 - Debate | 6 February 2024 |
| Stage 2 Scrutiny Committee – consideration of amendments | 16 May 2024 |
| Stage 3 Plenary - consideration of amendments | 2 July 2024 |
| Stage 4 Approved by the Senedd | 9 July 2024 |
| Royal Assent | 9 September 2024 |