EXPLANATORY MEMORANDUM TO

THE GOVERNMENT OF WALES ACT 2006 (DEVOLVED WELSH AUTHORITIES) (AMENDMENT) ORDER 2025

2025 No. 1297

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Wales Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 The Rt Hon Jo Stevens, Secretary of State at the Wales Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Huw Bryer, Deputy Director for the Constitution at the Wales Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 David Harries at the Wales Office Telephone: 07840 009179 or email: David.Harries@ukgovwales.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Order updates the list of devolved Welsh authorities in Schedule 9A (devolved Welsh authorities) to the Government of Wales Act 2006 (GoWA) by removing reference to "The Independent Remuneration Panel for Wales" (IRPW) or "Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol".

4.2 This Order also removes the reference to "The Local Democracy and Boundary Commission for Wales" (LDBC) or "Comisiwn Ffiniau a Democratiaeth Leol Cymru" in Schedule 9A and replaces it with "The Democracy and Boundary Commission Cymru" (DBCC) or "Comisiwn Democratiaeth a Ffiniau Cymru".

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland, and Northern Ireland.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is largely confined to Wales.

5. Policy Context

What is being done and why?

5.1 Section 157A of GoWA defines "devolved Welsh authority" for the purposes of that Act. This includes a public authority whose functions are:

- exercisable only in relation to Wales; and

- wholly or mainly functions that do not relate to reserved matters.

5.2 Public authorities are also devolved Welsh authorities by virtue of being named in Schedule 9A to GoWA, which performs a partly confirmatory role and increases transparency by listing authorities which meet the conditions outlined above. Schedule 9A currently includes references to the IRPW and the LDBC.

5.3 Section 12 of the Senedd Cymru (Members and Elections) Act 2024 renames the LDBC as the DBCC. The DBCC is an independent body which regularly reviews the constituency boundaries of Senedd Cymru (the Welsh Parliament) and the electoral ward boundaries of the 22 local authorities in Wales.

5.4 Section 56 of the Elections and Elected Bodies (Wales) Act 2024 abolishes the IRPW. The IRPW was previously responsible for determining the remuneration arrangements for relevant authorities in Wales, including county and county borough councils, town and community councils, fire and rescue authorities and national park authorities. This function is independent of Welsh Ministers. This function has been transferred to the DBCC and will sit alongside its other democracy-related functions, enabling issues to be dealt with holistically.

5.5 This Order ensures that Schedule 9A to GoWA is updated to reflect the changes explained above in paragraphs 5.3 and 5.4.

What was the previous policy, how is this different?

5.6 The IRPW was previously listed in Schedule 9A to GoWA as a devolved Welsh authority, but has now been abolished. This Order amends Schedule 9A to reflect that change.

5.7 The LDBC was renamed as the DBCC by the Senedd Cymru (Members and Elections) Act 2024. This Order amends Schedule 9A to GoWA to reflect that change.

6. Legislative and Legal Context

How has the law changed?

6.1 This Order removes the reference to the IRPW in Schedule 9A to GoWA and also removes the reference to the LDBC and replaces it with a reference to the DBCC, in consequence of the amendments made by the Senedd Cymru (Members and Elections) Act 2024 and the Elections and Elected Bodies (Wales) Act 2024.

Why was this approach taken to change the law?

6.2 This Order follows the procedure for amendments to Schedule 9A to GoWA set out in section 157A(7) of that Act.

7. Consultation

Summary of consultation outcome and methodology

7.1 As the Order makes consequential amendments to update the list of devolved Welsh authorities, and therefore makes no further changes to UK or Welsh Government policy, a formal public consultation did not take place.

7.2 A White Paper setting out a wide range of proposals for Electoral Administration and Reform was published on 11 October 2022 and was subject to a twelve-week public consultation period. The White Paper set out the Welsh Government's proposals to modernise electoral administration and reform devolved elections. This paper sought

views on a range of policy proposals including the abolition of the IRPW and the transfer of its functions to the DBCC.

7.3 Of the respondents who expressed a view, just over half agreed that the functions of the IRPW should be transferred to the DBCC as it would result in more streamlined working with local authorities and provide greater transparency in the functions around remuneration.

8. Applicable Guidance

8.1 No guidance is required in relation to this instrument.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because this Order updates the list of devolved Welsh authorities in Schedule 9A to GoWA, reflecting the earlier changes brought about by section 12 of the Senedd Cymru (Members and Elections) Act 2024 and section 56 of the Elections and Elected Bodies (Wales) Act 2024. The amendments do not alter UK or Welsh Government policy or its impact in any significant way.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the consequential provisions in this Order make technical amendments which change the wording of the law rather than its purpose or effect.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the consequential provisions in this Order make technical amendments which will update the wording of the law to reflect the changes to public bodies made by the Senedd Cymru (Members and Elections) Act 2024 and the Elections and Elected Bodies (Wales) Act 2024.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Government will continue to review the list of bodies in Schedule 9A and bring forward similar orders in future should further updates be necessary.

10.2 This instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Secretary of State for Wales has made the following statement regarding Human Rights:

"In my view the provisions of the Government of Wales Act 2006 (Devolved Welsh Authorities) (Amendment) Order 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").