SENEDD CYMRU (MEMBER ACCOUNTABILITY AND ELECTIONS) ACT 2026

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Senedd Cymru (Member Accountability and Elections) Act 2026 which was passed by Senedd Cymru on 17 March 2026 and received Royal Assent on 27 April 2026. They have been prepared by the First Ministers' Group of the Welsh Government to assist the reader of the Act. The Explanatory Notes relate to the Act as it received Royal Assent.[1] They should be read in conjunction with the Act but are not part of it.

2. The Explanatory Notes should be read in conjunction with the Act. They are not meant to be a comprehensive description of the Act. Where a provision of the Act does not seem to require any explanation or comment, none is given.

GENERAL OVERVIEW OF THE ACT

3. The Act is divided into 4 Parts containing 27 sections and 1 Schedule.

Part 1 – Recall of Members of the Senedd

4. Part 1 introduces a system for the recall of Members of the Senedd by recall poll. A recall poll is a poll held in a member of the Senedd's constituency on whether the Member should be removed or retained as a Member of the Senedd. The Part makes provision for—
    a. the process for initiating a recall poll (sections 2 to 5);
    b. fixing the date of the poll and public notice of the poll (sections 6 and 7);
    c. the circumstances in which recall polls may be terminated before they take place (section 8);
    d. the franchise for voting in recall polls (section 9);
    e. the conduct of polls, including powers for the Welsh Ministers to make provision by regulations about the recall polls (sections 10 and 11);
    f. the outcome of recall polls (sections 12 to 14);
    g. the functions of constituency returning officers (section 15);
    h. defined terms used in the Part (section 16); and
    i. amendments to other legislation in consequence of the Part (Part 1 of the Schedule).

5. The process of recall is initiated if one of two trigger events, A and B, relating to misconduct by a Member of the Senedd has occurred.

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[1] Changes that have been made to the Act since it received Royal Assent can be identified using the "Changes to Legislation" facility at www.legislation.gov.uk/changes.

6. Trigger event A is that a Member of the Senedd, after becoming a member of the Senedd is convicted in the United Kingdom of an offence for which the member is sentenced or ordered to be imprisoned or detained (in effect for a period of less than a year, as a sentence of a year or more would lead to automatic disqualification from membership of the Senedd under provisions of the Government of Wales Act 2006).

7. Trigger event B is that the Senedd resolves to submit the Member of the Senedd to a recall poll following a report from the Standards of Conduct Committee recommending submission of the member to a recall poll.

8. After becoming aware that a trigger event has occurred, the Presiding Officer is under a duty to fix a date for a recall poll. The constituency returning officer for the Senedd constituency of the member who is subject to the recall poll must be given a notice of the trigger event by the Presiding Officer and the constituency returning officer will then be under a duty to notify the public of the recall poll. The constituency returning officer is responsible for administering the recall poll in accordance with the requirements of the Act and any regulations made by the Welsh Ministers under section 11.

9. Voters in the recall poll may decide to retain or remove the member. If then result of the poll if that the member should be removed, the member's seat becomes vacant. The consequences of a vacancy arising as a result of a recall poll under Part 1 of the Act are provided for by section 11 of the Government of Wales Act 2006.

Part 2 – Standards of Conduct of Members of the Senedd

10. Part 2 contains provision about the standards of conduct of Members of the Senedd—
    a. requiring the committees of the Senedd to include a committee called the Standards of Conduct Committee with functions relating to the standards of conduct of Members of the Senedd (section 18);
    b. requiring that committee to include at least one person who is not a Member of the Senedd (referred to as a 'lay member') (section 18);
    c. requiring the Presiding Officer to ask the Senedd, by way of a tabled motion, to establish or name a Senedd committee to explore the question of whether and, if so, how a code of conduct for Members could be applied to candidates for election to the Senedd (section 19);
    d. empowering the Senedd Commissioner for Standards to carry out investigations on the Commissioner's own initiative without first receiving a formal complaint from anyone alleging misconduct by a member (section 20);
    e. amending the conditions of eligibility for appointment to the office of Senedd Standards of Conduct Commissioner in the National Assembly for Wales Commissioner for Standards Measure 2009 ("the 2009 Measure") (section 21); and
    f. amending and supplementing provision in the 2009 Measure about investigations by the Commissioner (section 22).

Part 3 – Conduct of Senedd Cymru Elections

11. Part 3 amends the power of the Welsh Ministers in section 13 of the Government of Wales Act 2006 ('the 2006 Act') to make provision by order about the conduct of Senedd Cymru elections. It requires the Welsh Ministers to make provision by order under section 13 of the 2006 Act prohibiting the making or publishing of false or misleading statements of fact before or during an election for the purpose affecting the return of any candidate. It also clarifies the scope of the Welsh Ministers power to define the limits of the required prohibition and removes any doubt as regards other things that may already be provided for in exercise of the power in section 13(1) of the 2006 Act.

Part 4 – General

12. Part 4 contains provisions that apply to the Act generally, including provision about the coming into force of the Act and the Short title.

COMMENTARY ON SECTIONS

PART 1 – RECALL OF MEMBERS OF THE SENEDD

Section 1 – Overview

13. Section 1 provides an overview of Part 1 which includes a definition of a "recall poll" for the purposes of this Act.

Section 2 – How a Member of the Senedd becomes subject to a recall poll

14. Section 2 provides for the 'trigger events' which lead to a member becoming subject to a recall poll. There are two trigger events: trigger event A and trigger event B.

15. Trigger event A is that a member, after becoming a member, has been convicted in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained. Trigger event A applies only to convictions received after a person becomes a member. For the purposes of this Act, a person becomes a member when they are declared returned at the beginning of the member's current term of office; convictions in any previous terms served do not lead to trigger event A occurring (see section 3(4)).

16. The disqualification provisions in paragraph 6 of Schedule 1A to the 2006 Act will apply to a member who is sentenced or ordered to be imprisoned or detained indefinitely or for more than 1 year. Any member who is convicted and sentenced or ordered to a term of imprisonment below this threshold or which does not otherwise trigger disqualification, will be subject to a recall poll in accordance with section 2(2).

17. Trigger event B is that the Senedd resolves to submit the member to a recall poll following a report from the Standards of Conduct Committee ("the Committee") recommending that a member be submitted to a recall poll (subsection (4)).

Section 3 – Trigger event A: meaning of key terms

18. Section 3 clarifies the meaning of key terms used in section 2. Subsection (1) provides that trigger event A applies to an offence committed before the member becomes a member and before section 2 comes into force. However, for trigger event A to occur, the member must be convicted on or after the day on which section 2 comes into force. Subsection (2) provides that a sentence or order for the purpose of trigger event A includes a suspended sentence or order, does not include a member being remanded in custody and does not include a member being detained under mental health legislation. Subsection (3) defines 'mental health legislation' for the purposes of trigger event A.

Section 4 – Trigger event A: courts to notify the Presiding Officer

19. Section 4 applies in relation to trigger event A and places requirements on the court that imposes a sentence or order for imprisonment on a member within the meaning of section 2(2) (as clarified by section 3). Subsection (2) requires the court that imposes the sentence or order in relation to the member's conviction to notify the Presiding Officer of that sentence or order. Subsection (4) requires the court that overturns a conviction, sentence or order on appeal to notify the Presiding Officer of that fact. Subsection (5) defines an "appeal" and subsection (6) defines determination of an appeal, for the purposes of this section. Subsection (7) defines "overturned on appeal" for the purposes of this section. Neither of the duties imposed on the Court by this section apply if, when the duty arises, the member's seat has been vacated.

Section 5 – Trigger event B: recall guidance

20. Section 5 relates to trigger event B. Subsection (1) requires the Standards of Conduct Committee to prepare draft guidance ("recall guidance") about the matters to be taken into consideration by that Committee when determining whether to submit a member to a recall poll. In preparing that guidance, the Committee must consider including examples or types of conduct that may lead to a recommendation of recall, in accordance with subsection (10). Subsection (3) provides that if no recall guidance has been issued, the Committee must prepare it and carry out a public consultation, with further requirements relating to consultation set out in subsection (9). Subsection (4) requires the Committee to lay the draft guidance before the Senedd. Subsection (8) provides that the Committee must issue guidance if it is approved by a resolution of the Senedd (but cannot do so before such approval is obtained).

21. In accordance with section 2(4), for the purpose of trigger event B, a member will only become subject to a recall poll if the Senedd resolves to submit the member to a recall poll following a report from the Committee recommending it. Subsection (2) provides that the Committee must have regard to the recall guidance before recommending a member is made subject to a recall poll, and section 5(1) provides that the Committee cannot recommend that a member is made subject to a recall poll unless recall guidance has been issued under this section. This means that until recall guidance has been issued in accordance with section 5, trigger event B cannot occur (but see also section 14).

22. Subsection (5) enables the Committee to replace the recall guidance, whilst subsection (11) provides that the guidance has effect until it is replaced. Subsections (6) and (7) contain requirements in relation to any replacement guidance. The consultation requirements in subsection (9) also apply. Once issued, guidance can only be replaced and not revoked which ensures that trigger event B cannot be "switched off" without the Senedd making further primary legislation.

Section 6 – Presiding Officer's duty to fix date for recall poll and give notice of trigger event

23. Section 6 sets out the requirements on the Presiding Officer once the Presiding Officer has become aware a trigger event has occurred. Subsection (1) requires the Presiding Officer to fix a date for a recall poll as soon as reasonably practicable after becoming aware that a trigger event has occurred in relation to a member and notify the constituency returning officer for the relevant constituency of that fact. The date the Presiding Officer fixes for the poll must be in accordance with subsection (4) and the notice to the constituency returning officer must be in accordance with subsection (5).

24. Subsection (2) sets out the circumstances in which the duty to fix a date for the recall poll does not apply: if it would require the Presiding Officer to fix a date within 6 months of the next scheduled ordinary general election of the Senedd; after such an election; if a member is already subject to a recall poll; or if a member's seat has already been vacated. For the purpose of subsection 2(c) subsection (3) defines the term "subject to a recall poll". This provision ensures a member cannot become subject to a recall poll when already subject to a recall poll.

Section 7 – Public notice of recall poll

25. Section 7 sets out the requirements placed on a constituency returning officer after receiving notice under section 6 that a date for a recall poll in relation to a member of that constituency has been fixed. Subsection (1) requires a constituency returning officer who has received a notice under section 6 to give public notice of a recall poll in accordance with regulations made under section 11. Subsection (2) requires the constituency returning officer to send a notice of the recall poll to such descriptions of persons specified in subsection (2)(a) and (b) which includes persons to be specified in regulations under section 11. Subsection (3) requires the regulations to include information about the trigger event that has occurred in relation to the member.

Section 8 – Early termination of a recall poll

26. Section 8 specifies the circumstances which will have the effect of bringing the recall poll process to an end early i.e. before a poll has taken place and notice of the outcome has been given and names them early termination events A, B and C. Subsection (1) provides that early termination events can only occur after the Presiding Officer's notice under section 6(1) is given and before the notice of the outcome of the recall poll is given under section 12(2)(d).

27. The early termination events are:
    - Early termination event A – that the Presiding Officer has proposed a date for the holding of an extraordinary general election in accordance with section 5(1) of the 2006 Act.
    - Early termination event B – the seat of the member subject to recall is vacated so there is no member to recall, for example because the member resigns.
    - Early termination event C – where trigger event A has occurred, the sentence or conviction leading to trigger event A occurring is overturned on appeal (within the meaning of section 4(7)).

28. Where any of the early termination events occur, subsection (5) requires the Presiding Officer to notify the relevant constituency returning officer that this section applies and to specify which of the early termination events has occurred. Where such a notice is received the constituency returning officer must take no further action in relation to the recall process after receiving the Presiding Officer's notice under subsection (5) except the actions under subsection (7) and any action required or permitted under regulations made under section 11. Subsection (7) requires the constituency returning officer to take all necessary steps to terminate the recall poll process and give public notice of the termination of that process in accordance with any regulations made under section 11. Subsection (8) requires the Presiding Officer to lay the notice given under subsection (5) before the Senedd unless the Senedd has been dissolved in the case of early termination event A.

Section 9 – Entitlement to vote in a recall poll

29. Section 9 provides that persons entitled to vote in a recall poll are those who on the day of the poll would be entitled to vote as electors at a general election to the Senedd and are registered in the register of local government electors at an address within the Senedd constituency of the member who is subject to the recall poll.

Section 10 – Recall polls to be conducted by ballot

30. Section 10 requires a recall poll to be conducted by ballot and specifies the wording of the question and responses to be included on the ballot paper.

Section 11 – Regulations about recall polls

31. Section 11 is a power for the Welsh Ministers to make provision about the conduct of recall polls, the questioning of a recall poll and further provision about notices or other documents, by regulations. Subsection (2) sets out that the regulations may include provision:
    - about the registration of electors,
    - about the limitation of recall poll campaign expenses and donations,
    - for the combination of polls.

32. Subsection (3) identifies the type of provision that may be made under subsection (1) including power for the Welsh Ministers to make provision relating to the application and modification of electoral law and to create criminal offences.

33. Subsection (4)(a) sets out that regulations under section 11 may not include provision that would require the consent of the Secretary of State (i.e. "the appropriate Minister") under any of paragraphs 8(1)(a) or (c), 10 or 11 of Schedule 7B to the 2006 Act if the provision were included in an Act of Senedd Cymru, unless such provision in regulations under this section is in respect of a person specified in subsection (5).

34. Subsection (4)(b)also provides that regulations under section 11 may not include provisions that would require consultation with the appropriate Minister under paragraph 11(2) of Schedule 7B to the Government of Wales Act 2006 if the provision were included in an Act of Senedd Cymru, unless such provision in regulations under this section is in respect of to the list of persons specified in subsection (5).

35. The power to make regulations in section 11 is subject to consultation and consent requirements associated with the Electoral Commission. Subsection (6) requires the Welsh Ministers to consult with the Electoral Commission before making regulations under subsection (1). Subsection (7) provides that the Welsh Ministers must obtain the consent of the Electoral Commission when making provision in regulations about what is and what is not to be treated as recall poll campaign expenses or donations or when setting the limits applying to recall poll campaign expenses or donations unless subsection (8) applies.

36. Subsection (10) provides that the regulations in subsection (1) are subject to the Senedd approval procedure.

Section 12 – Outcome of a recall poll

37. Section 12 sets out the steps that must be taken after the end of voting in a recall poll but does not apply if any of the early termination events have occurred and notice to that effect has been given. Subsection (2) requires the constituency returning officer to take various steps in relation to the outcome of the poll, in accordance with regulations under section 11. The constituency returning officer must determine the result of the poll by reference to the counting of the votes. The result must then be publicly announced, followed by a declaration of the outcome in accordance with subsection (3)(a) and (b) i.e. that the member will either be removed or retained as a member. The constituency returning officer must also notify the Presiding Officer in writing of the result of the recall poll and the declaration.

38. Subsection (3) provides that a member is removed if the majority of votes were cast in favour of the first answer on the ballot paper set out in section 10(4) and a member is retained if the majority of the votes were cast in favour of the second answer on the ballot paper set out in section 10(5) or an equal number of votes were cast in favour of each of the answers on the ballot paper. Subsection (4) requires the Presiding Officer to lay any notice received from the constituency returning officer containing details of the outcome of the recall poll before the Senedd.

Section 13 – Effect of declaration that a Member of the Senedd is removed

39. Section 13 provides that the member's seat becomes vacant once the constituency returning officer makes a declaration under section 12(2)(c)(i) that the member subject to the recall poll is to be removed. Under subsection 13(4), the validity of Senedd proceedings is not affected by the vacancy before the Presiding Officer is notified of it under paragraph 12(2)(d). The vacancy will be filled in accordance with section 11 of the 2006 Act. Section 11 provides that under the closed list proportional system, if a seat held by a member who was returned from a party list becomes vacant, the vacancy is to be filled by the highest-placed person on the list who meets the relevant 'conditions' in section 11 and who has not already been returned. If there are no candidates remaining on the party's list who are eligible at the time to fill the vacancy, or if the member whose seat has become vacant was returned as an individual candidate, the seat will remain vacant until the next general election.

Section 14 – Validity of recall poll not affected by invalidity in Senedd proceedings

40. Section 14 provides that the validity of a recall poll is not affected by any defect in Senedd proceedings leading to the occurrence of trigger event B, nor is the validity of the recall poll affected by any defect in proceedings connected with the issuing of recall guidance.

Section 15 – Functions of constituency returning officers

41. Section 15 sets out the functions of the constituency returning officer in relation to the recall poll. A "constituency returning officer" is the person designated as the returning officer for the constituency in accordance with an order under section 13 of the 2006 Act.

Section 16 – Interpretation of Part 1

42. Section 16 defines certain words and terms used in Part 1 of the Act.

Section 17 – Consequential provision relating to Part 1

43. Section 17 introduces Part 1 of the Schedule which makes consequential provision relating to Part 1 of the Bill. In particular, the consequential amendments to the Representation of the People Act 1983 ensure that the Registration Officer's existing duties in relation to the publication of the electoral registers apply, where appropriate, to recall polls. The consequential amendments to the Political Parties, Elections and Referendums Act 2000 ensure that where appropriate, the oversight functions of the Electoral Commission apply to recall polls.

PART 2 – STANDARDS OF CONDUCT OF MEMBERS OF THE SENEDD

Section 18 – Standards of Conduct Committee

44. Section 18 amends section 28 of the 2006 Act. The effect of those amendments is to enable the Senedd to appoint individuals who are not Members of the Senedd to sit on the Standards of Conduct Committee and any sub-committee of that Committee. Those individuals will be known as lay members. This section also removes the requirement that it is for the Committee only to appoint a sub-committee of a Senedd committee. The effect of this is that Standing Orders may provide for a sub-committee to be appointed by the Committee or by some other means. Section 18 also inserts new sections 30A and 30B into the 2006 Act.

Section 30A – Standards of Conduct Committee

45. New section 30A requires that the Senedd must have as one of its committees a committee which has functions relating to the standards of conduct of Members of the Senedd ("Members"). This section provides the Committee is to be known as the Standards of Conduct Committee but also provides the committee can be known by another name that the Senedd chooses. Subsection (2) specifies the Committee must have functions relating to the standards of conduct of members as specified in standing orders and also provides that the Committee may have other functions if the Standing Orders so provide.

46. Subsection (3) provides that the number of members of the Committee is to be set out in the Standing Orders, enabling the Senedd to decide upon the exact number of members of that Committee.

47. Subsection (4) provides that the Standing Orders must require there to be at least one lay member of the Committee (although section 18(4) of the Bill provides that this is not mandatory until 7 November 2027). This is also subject to the provision in new section 30B(1) which states that the number of lay members may not exceed the number of members of the Committee who are Members of the Senedd. A lay member is defined at subsection (5), for the purpose of this section, as a member who is not an elected Member of the Senedd.

48. Subsections (6) to (10) make further provision about the provision Standing Orders may and must include as regards the governance of the Committee and its lay members.

49. In particular, subsection (6) provides that the Senedd's Standing Orders may make provision:
    a. excluding lay members from proceedings of the Committee, or of a sub-committee of that Committee (it is for the Senedd to decide the circumstances in which that should happen);
    b. for the membership of any sub-committee(s) of the Committee (which may include members who are not members of the Committee);
    c. for members of any sub-committee to be appointed other than by the Committee itself, which allows for a different process for appointment of members and for the Standing Orders to set out that process;
    d. allowing any sub-committee which is set up for the purposes of carrying out reviews of, or appeals against, Committee or sub-committee proceedings relating to the conduct of Members of the Senedd to be made up entirely of one or more lay members (which enables the Senedd to establish an appeals mechanism for appeals against the decision of the Committee in relation to proceedings about the conduct of a Member of the Senedd).

50. Subsection (7) sets out provisions that Standing Orders must make in relation to the participation and voting rights of lay members in proceedings concerning the conduct of members (although this is subject to the provision in section 18(4) that such provision is not mandatory until 7 November 2027 or provision is made in Standing Orders about the inclusion of lay members on the Committee, whichever is the sooner). Lay members must be permitted to have the same participation and voting rights as Members of the Senedd where the proceedings of the committee relate to the conduct of a Member of the Senedd and Standing Orders must specify the number of lay members and other members required for those proceedings to be quorate. Subsection (8) provides that for other proceedings of that committee, it is at the discretion of the Senedd, to be set out in Standing Orders, as to whether lay members should have participation and voting rights and to specify the number of lay members and other members required for such proceedings to be quorate. Subsection (9) places a restriction on the Senedd's discretion by specifying that lay members are not to be permitted to participate or vote in proceedings that relate to the scrutiny of legislation.

51. If the Standing Orders provide that a sub-committee of the Committee is established which is made up entirely of lay members for the purposes of carrying out reviews of or appeals against proceedings relating to the conduct of Members of the Senedd as permitted by subsection (6)(c), subsection (10) disapplies subsection (7) because in that situation there would not be any Members of the Senedd on that sub-committee and therefore no requirement for parity of voting and participation rights.

Section 30B – Lay Members of the Standards of Conduct Committee etc.

52. New section 30B makes provision about the appointment of lay members including how they are to be recruited, appointed, and cease to hold office. This includes provision for automatic termination of appointment of a lay member in certain circumstances.

53. As set out in new section 30A(3) and (4) it is for the Senedd to determine in Standing Orders the number of members the Committee is to have, including the number of lay members, subject to a minimum of one. This discretion is restricted by section 30B(1) which provides that Standing Orders may not allow for there to be more lay members than elected Members of the Senedd appointed to that Committee.

54. Subsection (2) requires that lay members must be appointed by way of a resolution of the Senedd and subsection (3) requires that the motion for such a resolution can only be tabled with the agreement of the Presiding Officer, and once any procedural steps required by Standing Orders have been completed. Subsection (4) requires that any lay member who is put forward for appointment by a resolution at subsection (3) for appointment must have been selected on merit based on a process of fair and open competition. It will be for the Senedd to determine the detail of the recruitment process.

55. Subsection (5) provides that the term of office for a lay member is to be for a fixed period of no more than six years and that this period may end after the dissolution of the Senedd, meaning that a lay member appointment can continue despite the dissolution of the Senedd and the formation of a new Senedd. Other terms and conditions of appointment are for the Senedd to determine and may be set out in Standing Orders. Subsection (10) provides that an individual may hold office as a lay member for a maximum of two terms and those terms do not need to be consecutive.

56. Subsection (6) provides that if the Senedd makes provision in Standing Orders to establish a review or appeal sub-committee as described in section 30A(6)(c), then the "pool" of lay members appointed under section 30B(2) must include a person who is legally qualified. Subsection (7) explains that a person is legally qualified for the purposes of subsection (6) if they have a general qualification within the meaning of section 71(3)(c) of the Courts and Legal Services Act 1990 (c. 41).

57. Subsection (8) sets out that a person will be disqualified from being appointed to be a lay member if they hold any of the offices specified in subsection (9) or have ever held an office specified in paragraphs (a) to (h) of subsection (9).

58. Subsection (11) provides for the circumstances in which a person automatically ceases to hold office as a lay member including express provision that if a person is a candidate in a Senedd general election (after the period for giving notice of withdrawal of candidature has ended) they cannot continue as a lay member, nor if they become disqualified from appointment as a lay member in accordance with subsection (8). The reference to the period for notice of withdrawal of candidature is a reference to any such period as defined in an Order made under section 13 of the 2006 Act.

59. Subsection (12) sets out other ways in which a lay member may cease to hold office; by resigning or by being removed by resolution of the Senedd, agreed by a two thirds majority. Subsection (13) requires that any such resolution may only be tabled with the consent of the Presiding Officer, and only after any procedural steps required by Standing Orders have been completed. Subsection (14) sets out that the Standing Orders must include a process by which any complaint made about the misconduct of a lay member is to be investigated and adjudicated upon (although section 18(4) of the Bill provides that provision of this type is not mandatory until 7 November 2027 or provision has been made in the Standing Orders about the appointment of lay members to the Committee, whichever is the sooner).

60. Subsection (15) provides that the Senedd Commission may determine the remuneration and any allowances to be paid to lay members and may make those payments to them.

61. Subsection (16) clarifies that, for the purposes of section 30B, a "lay member" includes a lay member of the Standards of Conduct Committee and a lay member of a sub-committee of the Standards of Conduct Committee who is not a member of the Standards of Conduct Committee itself.

Section 19 – Report on applying code of conduct to conduct while a candidate in an election

62. Section 19 makes provision requiring the Presiding Officer to table a motion proposing that the Senedd establishes or names a committee to carry out an inquiry into the question of whether and, if so, how a code of conduct for Members of the Senedd should apply to the conduct of a Member at a time when the Member was a candidate at a Senedd election. The motion must also propose that a report of the inquiry must be completed and laid before the Senedd. The motion must be tabled as soon as practicable following the first meeting of the Senedd following the enactment of this Act and in any case within six months of that meeting.

63. If a committee established or named under the motion lays a report on its review before the Senedd, the Welsh Ministers must lay a statement before the Senedd setting out their response to the report.

Section 20 – Power of the Senedd Commissioner for Standards to investigate on own initiative

64. Section 20 amends the National Assembly for Wales Commissioner for Standards Measure 2009 ('the 2009 Measure') by inserting a new section 10A.

10A – Power of the Commissioner to investigate on own initiative

65. New section 10A provides the Commissioner for Standards ('the Commissioner') with the power to investigate the conduct of a Member of the Senedd on their own initiative where the Commissioner is satisfied that the threshold provided for in subsection (1) has been met. The threshold which must be met includes at subsection (1)(b) a requirement that the Commissioner must be satisfied that any other conditions (other than that specified in subsection (1)(a)) – which may be set out in Standing Orders or rules made by the Senedd – are met before such an investigation is commenced. This enables the Senedd to establish those rules and the provision includes some illustrative examples of the types of rules that the Senedd may make.

66. Subsection (2) requires the Commissioner to report to the Senedd on the outcome of an own initiative investigation and subsection (3) requires the investigations and the report to be carried out in line with any provisions made by Standing Orders and the rules relating to the Commissioner's investigations. Subsection (4) provides discretion for the Commissioner to decide when and how to carry out an own initiative investigation and to report its outcome, subject to the requirements in subsections (1) and (3). Subsection (5) provides that the Commissioner may discontinue an own initiative investigation without reporting on it to the Senedd if rules have been made in accordance with subsection (3)(b) setting out the circumstances in which that may happen. Subsection (6) provides that if the Commissioner discontinues an own initiative investigation in accordance with subsection (5), the Commissioner must notify the Member of the Senedd who has been under investigation in writing, giving reasons for discontinuing the investigation. Subsection (7) provides that any report made by the Commissioner to the Senedd on the outcome of an own initiative investigation may not include a recommendation on what sanction, if any, should be imposed on a Member of the Senedd: sanctions are the remit of the Senedd and its Standards of Conduct Committee, based on the report of the Commissioner.

67. Subsection (8) provides that, if in the course of an own initiative investigation, the Commissioner becomes aware of any circumstances which give rise to issues of principle or general practice which are relevant to the Clerk's functions under section 138 of the 2006 Act (that the Clerk is to be the principal accounting officer for the Commission), the Commissioner is required to communicate those circumstances to the Clerk in writing.

68. Subsection (9) requires that Standing Orders must set out the detail of how own initiative investigations will operate. Subsection (10) confirms that, for the purposes of the Commissioner considering whether any conduct took place at a "relevant time" in accordance with new section 10A(1)(a), this means a time when the relevant requirement (for example, to make a declaration, or to behave in accordance with the applicable Code of Conduct on the Standards of Conduct of Members of the Senedd) was in force. This subsection confirms that it does not matter whether the conduct took place before the provisions in 10A came into force or afterwards.

Section 21 - Senedd Commissioner for Standards: eligibility

69. Section 21 amends the 2009 Measure by adding categories of persons not eligible to be appointed as Commissioner. Taking account of provisions which already exist in the 2009 Measure and the amendments this Act makes to those provisions, a person appointed to certain political offices listed in section 1(3)(a)-(bd) are not eligible to be appointed as Commissioner while holding one of those offices or at any time afterwards. Two further categories of persons who are ineligible whilst holding an office/appointment and for a two year period afterwards are added, namely: a person who is employed by a member of the Senedd on work related to the member's political functions (or has been so employed at any time during the period of two years prior to the date when the appointment is to take effect) and a person who is employed by a registered political party (or has been so employed at any time during the period of two years prior to the date when the appointment is to take effect) (listed in section 1(3)(c)-(j), with those listed in section 1(3)(g)-(j) being inserted by this Act). This section also provides that a person appointed to certain political offices or a person engaged in certain activities (listed in section 1(8)(aa)-(e) of the 2009 Measure) ceases to be appointed as Commissioner upon appointment or engagement.

Section 22 – Senedd Commissioner for Standards - investigations

70. Section 22 amends the 2009 Measure by inserting a new section 10B.

10B – Publication of information about investigations

71. New section 10B provides the Commissioner with power to publish specified information about investigations under section 10 and 10A of the 2009 Measure. The information the Commissioner may publish is set out at subsection (1). Subsection (3) specifies the information that must not be published: the identity of the person who made the complaint or information that would allow the person to be identified; any evidence obtained by the Commissioner in the course of the investigation; any opinion, inference or indication of whether the complaint is well-founded.

72. Subsection (4) provides that the Commissioner must have regard to the interests of fairness, the need to avoid prejudice to any criminal investigation or proceedings and the need to avoid harm to any person, before publishing information under section 10B.

73. Subsection (5) provides the Senedd with a power to set out in Standing Orders and rules relating to the consideration of complaints against Members of the Senedd, categories of investigation in respect of which information permitted to be published under section 10B must not be published.

74. Subsection (6) clarifies that the power conferred on the Commissioner by section 10B does not limit any of the Commissioner's other powers to disclose or publish information.

Other miscellaneous amendments to the Measure

75. Sections 22(3)-(7) of the Act make other miscellaneous amendments to the 2009 Measure.

76. Section 11 is amended to make provision to enable the Commissioner to take evidence from a witness via live video or audio link and to require evidence to be given in writing verified by a statement of truth. Section 22(7) inserts a definition of those terms into section 20 (interpretation) of the 2009 Measure.

77. Section 12 is amended to provide the Commissioner with power to issue witness notices by electronic means and to receive information and documentation by electronic means for the purposes of conducting an investigation. It also creates a power to issue a notice in relation to the new power in section 11 to require evidence in writing. Section 22(6) amends section 15 of the 2009 Measure to provide corresponding enforcement provisions.

78. Section 13 is amended to allow the Commissioner to administer an oath to a translator or interpreter and to require a translator or interpreter to take the oath when the Commissioner uses their services when taking evidence from a witness.

Section 23 – Minor and consequential provision relating to Part 2

79. Section 23 introduces Part 2 of the Schedule which makes minor and consequential provision relating to Part 2. In particular, Part 2 amends the 2009 Measure with the effect that the functions of the Commissioner expressly include receipt of a self-referral by a member about their own conduct and that such a referral must be investigated (paragraph 5(3) of the Schedule).

PART 3 – CONDUCT OF SENEDD CYMRU ELECTIONS

Section 24 – Power of the Welsh Ministers to make provision about Senedd elections etc.

80. Section 24 amends section 13 of the 2006 Act. The amendment at subsection (3) inserts new subsections (2A) and (2B) into section 13. Subsection (2A) places a duty on the Welsh Ministers requiring them to make provision, of the kind that may be made under subsection (1)(a) of section 13 of the 2006 Act, about the conduct of Senedd elections, which prohibits the making or publishing of false or misleading statements of fact before or during an election for the purpose of affecting the return of any candidate. New subsection (2B) is a list of the type of provision that may be made when discharging the duty under subsection (2A). Sub-section 24(4) adds a "For the avoidance of doubt" clarificatory provision relating to the creation of criminal offences, and sub-delegation in orders made under section 13 (with a connected omission at sub-paragraph 22(2) of the Act). The effect of these amendments is to clarify what the scope of the power in section 13 of the 2006 Act is and always has been.

PART 4 – GENERAL

Section 25 – Power to make consequential and transitional provision etc.

81. Section 25 provides a power for the Welsh Ministers to make incidental, supplementary, consequential, transitional and saving provision by regulations for in connection with the provisions of the Act. This includes the power to amend other primary and secondary legislation. Where the power is used to amend, repeal or modify primary legislation, the resulting Statutory Instrument is subject to the Senedd approval procedure.

Section 26 – Coming into force

82. Section 26 sets out when and how the provisions of the Act come into force.

83. The provisions of Part 2 (including Part 2 of the Schedule) and Part 4 come into force the day after the day the Act receives Royal Assent (see subsection (1)).

84. The provisions of Part 3 come into force 2 months after the Act receives Royal Assent (see subsection (2)).

85. The provisions of Part 1 and Part 1 of the Schedule are to be brought into force on days appointed by order of the Welsh Ministers (see subsection (3)). The orders bringing provisions into force may appoint different days for different purposes and make transitional or saving provision (see subsection (4)). Such orders must be made by Welsh statutory instrument. In accordance with section 37F of the Legislation (Wales) Act 2019 (anaw 4) the order must be laid before Senedd Cymru as soon as practicable after it is made.

Section 27 – Short Title

86. Section 27 sets out the short title of the Act, by which it may be known and referred. Either the Welsh or the English language title of the Act may be used, including as a citation in other enactments.

RECORD OF PROCEEDINGS IN SENEDD CYMRU

87. 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: **https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=46598**

Stage	Date
Introduced	3 November 2025
Stage 1 - Debate	13 January 2026
Stage 2 – Scrutiny Committee – consideration of amendments	12 February 2026
Stage 3 – Plenary – consideration of amendments	17 March 2026
Stage 4 – Approved by the Senedd	17 March 2026
Royal Assent	27 April 2026