

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/CG/3305/21

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee

John Griffiths MS
Chair
Local Government and Housing Committee

Senedd Cymru

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12 October 2021

Dear both,

The UK Government introduced the Elections Bill to the UK Parliament on 5 July, and I subsequently laid a Legislative Consent Memorandum (LCM) before the Senedd on 9 September. The memorandum confirmed the Welsh Government would not recommend consent to the Bill as introduced. Business Committee subsequently referred the LCM to both your respective Committees.

As outlined in paragraph 9 of the LCM, whilst provisions relating to European Citizens Voting and Candidacy Eligibility were intended to apply only to reserved elections, clause 11 of and Schedule 7 to the Bill as introduced, amended existing provision in the Representation of the People Act 1983 in such a way that those provisions applying to the devolved franchised were repealed and therefore changed the entitlement to register for and vote at Welsh local government and Senedd elections. Changes to the provisions to correct the unintended consequences for devolved Welsh elections have been discussed with the UK Government and amendments were laid by the UK Government on 16 September 2021, during Commons Committee stage, that limit the application of the changes to reserved elections as was the original intention. The amendments can be found here: [elections_day_pbc_0916_fm \(parliament.uk\)](https://www.parliament.uk/business/committees/commons-committee/publications/elections-day-pbc-0916-fm)

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Amendment 8 makes technical amendments to Schedule 7, which amends various provisions of the Representation of the People Act 1983, to clarify that changes affecting the rights of EU citizens to vote in local government elections in England do not affect the position in relation to local government elections in Wales. Amendment 7 is consequential on amendment 8. Amendment 9 clarifies that section 49(5)(b)(iiia) of the Representation of the People Act 1983 (as would be inserted by paragraph 1(8)(a) of Schedule 7) will apply to England only. Amendment 10 clarifies that section 49(5)(b)(iv) of the Representation of the People Act 1983 will continue to apply, but to Wales only.

The Welsh Government is supportive of these amendments to correct the unintended consequences of provisions included in the Bill as introduced.

In my view, as the effect of the amendments is that only the franchise for reserved elections would now be changed, they make provision which is consequential to matters outwith the legislative competence of the Senedd, and does not require Senedd consent by virtue of the exception in Standing Order 29.1(i). I have therefore not laid a supplementary LCM in relation to them. However, given that the provisions to be amended were identified in the LCM as requiring Senedd consent, I wanted to inform you of these changes.

I will continue to keep you updated as the Bill progresses.

Yours sincerely,

A handwritten signature in blue ink, reading "Mick Antoniw". The signature is written in a cursive style and is positioned above a short horizontal line.

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