



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **Consent to the UK Government exercising a delegated legislative power in a devolved area in relation to Wales**

**DATE**            **20 January 2022**

**BY**                **Mick Antoniw, Counsel General and Minister for the Constitution**

I am writing to inform the Senedd of a recent consent to the UK Government exercising a delegated legislative power in a devolved area in relation to Wales. Agreement was sought to the making of The Social Security (Scotland) Act 2018 (Disability Assistance and Information Sharing) (Consequential Provision and Modifications) Order 2022. This is the second Order to be made under section 104 of the Scotland Act 1998 in consequence of section 31 of the Social Security (Scotland) Act 2018.

Section 104 of the Scotland Act 1998 enables the Secretary of State to make provision which is considered necessary or expedient in consequence of any provision made by or under an Act of the Scottish Parliament.

Article 11 of the proposed Order amends regulation 53 of the Representation of the People (England and Wales) Regulations 2001 to enable individuals to apply to vote by proxy in UK Parliamentary elections and local government elections in England and Wales without the need for proof (attestation) of their application if they are in receipt of the enhanced rate of the mobility component of a new disability benefit in Scotland called the Adult Disability Payment (ADP). The amendments to Regulation 53, insofar as they relate to proxy vote applications for local government elections in Wales are making provision in an area which is within the Senedd's legislative competence.

The effect of the Order is that an individual who has recently moved to Wales and is temporarily still in receipt of the enhanced rate of the mobility component of ADP payable in Scotland will still be entitled to apply to vote by proxy without proof (attestation) of their application in a Welsh local government election, subject to satisfying all relevant registration conditions.

The proposed amendment is consistent with the approach that The Social Security (Scotland) Act 2018 (Disability Assistance, Young Carer Grants, Short-term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2021 previously took towards individuals who are in receipt of the mobility component of disability assistance for children and young people at the higher rate in Scotland.

The amendment will provide continuity for individuals and allow them to participate in the democratic process on the same basis that they would have been entitled to, had their new claim for social security benefit payable in Wales been processed at the relevant time. As this would be for a narrow time period and would be likely to have a limited impact I therefore agreed to the Order being taken forward by the UK Government on the same basis as the 2021 Order.

The Order will be laid before the UK Parliament on 27 January 2022.