

**Y Pwyllgor Deddfwriaeth,
Cyfiawnder a'r Cyfansoddiad**

**Legislation, Justice and
Constitution Committee**

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Mick Antoniw MS,
Counsel General and Minister for the Constitution

31 October 2023

Dear Mick,

Legislation, Justice and Constitution Committee, 16 October 2023

Thank you again for attending our meeting on 16 October 2023. We are grateful for the time you gave over to the Committee.

As noted at the start of the meeting, there are a series of questions we wished to ask you but for which time did not allow. As such, we would welcome a response to the questions in the Annex by 16 November 2023.

I am copying this letter to the Chair of the Reform Bill Committee, David Rees MS.

Yours sincerely,



Alun Davies
Chair (Temporary)

ANNEX

Section 5 – Increasing number of Ministers

Question 1: Section 5 of the Bill permits the maximum limit of the Welsh Ministers to be increased, by regulations, from 17 to 18 or 19. Why is a regulation-making power being proposed and why would a new Bill not be more constitutionally appropriate?

Question 2: Why is there no power to subsequently decrease the maximum limit by regulations in future once the power has been used? As a result, for example, it would not be possible to temporarily increase the limit for specific purposes - such as a dedicated Minister for specific emergencies (e.g. Covid), or large events (e.g. the Commonwealth Games).

Question 3: What consideration was given for the section 5 power to be subject to a procedure requiring a super-majority of Members to vote in favour?

Section 7 – Job-sharing

Question 4: In your view, would section 7 of the Bill become redundant if a new Welsh Government published a statement on job-sharing in, for example, the first year of the Seventh Senedd?

Question 5: Why would a new Welsh Government not be obliged to take any steps in relation to the recommendations of a Committee established under section 7?

Question 6: Why is there no provision in the Bill to require a future Welsh Government to publish and consult on a draft Bill relating to job-sharing?

Section 19 – review provisions

Question 7: Please can you explain why section 19 requires the establishment of a new committee, when a committee established at the start of the Seventh Senedd may be better placed to undertake that work (should it wish to do so)?

Question 8: What factors did you take into account before deciding that the “review must be completed by the committee no later than twelve months after the first meeting of the Senedd following the first general election held after 6 April 2026”? Why would a committee not set its own timetable for post-legislative scrutiny?

Accessibility (including overlap between electoral reform Bills)

Question 9: There is some overlap between this Bill and the Elections and Elected Bodies (Wales) Bill. For example, both amend the Senedd’s disqualification regime, and both make provision about the (currently named) Local Democracy and Boundary Commission for Wales.

- a. Please can you explain why provisions relating to disqualification are not consolidated in a single Bill.
- b. Please can you explain why provisions related to the (currently named) Local Democracy and Boundary Commission for Wales are not consolidated in a single Bill.

Question 10: Please can you explain how the forthcoming 'gender quotas' Bill is likely to interact with this Bill, and the extent to which both are interdependent?

Question 11: Section 4 of the Bill provides for the election of an additional Deputy Presiding Officer by making numerous amendments to section 25 of the *Government of Wales Act 2006*. The overall effect of the amendments on the face of the Bill is difficult to discern without reference to the Schedule of Amendments/Keeling Schedule in the Explanatory Memorandum.

We acknowledge that section 25 of the 2006 Act could not be substituted in its entirety for reasons of legislative competence. However, please can you explain why the Bill did not substitute the majority of the text in section 25 for ease of reading, rather than making numerous separate amendments in section 4?

Potential factors impacting implementation by 2026

Question 12: What assessment has the Welsh Government made of the risk of the Bill being referred to the Supreme Court by the UK Government Attorney General?

Question 13: Please can you explain the consequence of a Supreme Court referral on the ability of the Senedd to implement the electoral reforms under the Bill in time for the 2026 election.

Question 14: Please can you explain what other factors may impact the Senedd's ability to implement the proposed reforms in time for the 2026 election, and how the Welsh Government has mitigated those risks.

Future legislation

Question 15: Does the Welsh Government have plans for any further electoral reform legislation after the forthcoming 'gender quotas' Bill? If so, would the Counsel General commit to such legislation being introduced in draft form?