

**ACCOMPANYING DOCUMENTS**

**Explanatory Notes and an Explanatory Memorandum are printed separately.**

# **Elections and Elected Bodies (Wales) Bill**

[AS PASSED]

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# Elections and Elected Bodies (Wales) Bill

[AS PASSED]

An Act of Senedd Cymru to make provision about electoral administration and registration in Wales; piloting of changes to the electoral system in Wales; the system for reviewing arrangements for local government in Wales; disqualifying community councillors from membership of Senedd Cymru; the corrupt practice of undue influence as it applies to Senedd Cymru elections and local government elections in Wales; and the functions and constitution of the Democracy and Boundary Commission Cymru.

**Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:**

## PART 1

### ELECTORAL ADMINISTRATION AND REGISTRATION

#### CHAPTER 1

##### CO-ORDINATION OF ELECTORAL ADMINISTRATION

#### **1 Electoral Management Board of Democracy and Boundary Commission Cymru**

- (1) The Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4) (“the 2013 Act”) is amended as follows.
- (2) After Part 2 insert—

#### “PART 2A

##### CO-ORDINATION OF ELECTORAL ADMINISTRATION

###### *General functions*

#### **20A Electoral administration functions**

- (1) The Commission has the general function of co-ordinating the administration of Welsh elections and referendums.
- (2) The general function in subsection (1) includes—
  - (a) assisting returning officers, local authorities and other persons in carrying out their functions in relation to Welsh elections and referendums;
  - (b) promoting best practice in the administration of Welsh elections and referendums by providing information, advice or training (or otherwise).
- (3) The Commission may provide information, advice or other assistance to the Welsh Ministers about the administration of Welsh elections and referendums.
- (4) In this Part “Welsh elections and referendums” means—

- (a) Senedd Cymru elections;
- (b) local government elections in Wales;
- (c) devolved referendums.

*Directions*

**20B Directions to returning officers**

- (1) The Commission may give directions in writing to returning officers about the exercise of the officers' functions in relation to –
  - (a) Senedd Cymru elections generally,
  - (b) a particular Senedd Cymru election,
  - (c) local government elections in Wales generally,
  - (d) a particular local government election in Wales,
  - (e) devolved referendums generally, or
  - (f) a particular devolved referendum.
- (2) A direction under subsection (1) may require a returning officer to provide the Commission with information.
- (3) A direction under subsection (1) may require a returning officer –
  - (a) to exercise any discretion the officer has in performing the officer's functions, or
  - (b) to exercise the discretion in a particular way.
- (4) A returning officer to whom a direction under subsection (1) is given must comply with the direction in so far as it directs the officer –
  - (a) to exercise any discretion the officer would otherwise have in performing the officer's functions (or exercise it in a particular way), or
  - (b) to provide information to the Commission.
- (5) A returning officer is not required to comply with a direction under subsection (1) –
  - (a) if compliance with the direction would be inconsistent with a duty of the officer under any enactment,
  - (b) in so far as exercise of the officer's functions subject to the direction relates to a reserved election in a poll combined with a Welsh election or referendum, or
  - (c) in so far as exercise of the officer's functions subject to the direction relates to the combination of –

- (i) a poll at a reserved election with the poll at a Welsh election or referendum;
  - (ii) a poll at a Senedd Cymru election with the poll at an ordinary local government election in Wales.
- (6) The Commission must publish each direction it gives under subsection (1).

## **20C Directions to electoral registration officers**

- (1) The Commission may give directions in writing to electoral registration officers about the exercise of the officers' functions in relation to –
  - (a) a particular Senedd Cymru election,
  - (b) a particular local government election in Wales, or
  - (c) a particular devolved referendum.
- (2) A direction under subsection (1) may require an electoral registration officer –
  - (a) to exercise any discretion the officer has in performing the officer's functions, or
  - (b) to exercise the discretion in a particular way.
- (3) A direction under subsection (1) may require an electoral registration officer to provide the Commission with information.
- (4) An electoral registration officer to whom a direction under subsection (1) is given must comply with the direction in so far as it directs the officer –
  - (a) to exercise any discretion the officer would otherwise have in performing the officer's functions (or exercise it in a particular way), or
  - (b) to provide information to the Commission.
- (5) An electoral registration officer is not required to comply with a direction under subsection (1) –
  - (a) if it is inconsistent with –
    - (i) a duty of the officer under any enactment, or
    - (ii) a direction given under section 52 of the 1983 Act;
  - (b) in so far as exercise of the officer's functions relates to a poll in a reserved election combined with a poll in a Welsh election or referendum.
- (6) The Commission must publish each direction it gives under subsection (1).

**20D Consultation with the Electoral Commission**

- (1) Before giving a direction under section 20B or 20C, the Commission must consult the Electoral Commission.
- (2) The Electoral Commission must give a response in writing to the Commission to the matters on which it is consulted.

*The Board*

**20E Electoral Management Board**

- (1) The Commission must establish a board to be known as the Electoral Management Board (“the Board”).
- (2) The functions of the Commission under the provisions specified in subsection (3) are delegated to the Board and must only be exercised by the Board.
- (3) The provisions are –
  - (a) sections 20A to 20D;
  - (b) chapter 3 of Part 1 of the Elections and Elected Bodies (Wales) Act 2024 (Welsh elections piloting and reform);
  - (c) provision specified in regulations made by the Welsh Ministers.
- (4) The powers in section 12 may be exercised by the Board or the Commission in relation to the functions delegated by subsection (2).
- (5) Subsection (2) does not affect the Commission’s responsibility for exercise of the delegated functions.

**20F Board membership**

- (1) The Board is to consist of –
  - (a) a member of the Commission to chair the Board who is a former elections officer,
  - (b) one other member of the Commission, and
  - (c) members who are elections officers or former elections officers (one of whom is to be the deputy chair of the Board).
- (2) The members of the Board are to be appointed by the Commission.
- (3) The Commission must appoint at least four members to the Board of the kind described in subsection (1)(c).
- (4) The chair is to be chosen by the Commission and the deputy chair is to be chosen by the Board.
- (5) Members of the Board who are also members of the Commission are to be appointed on terms and conditions determined by the Welsh Ministers.

- (6) The other members of the Board are to be appointed on terms and conditions determined by the Commission after consultation with the Welsh Ministers.
- (7) The terms and conditions that may be determined under subsections (5) and (6) include conditions as to remuneration, allowances and expenses.
- (8) A person appointed under subsection (1)(c) must not be –
  - (a) a member of a UK legislature;
  - (b) a member of the staff of the Senedd (within the meaning of the Government of Wales Act 2006 (c. 32));
  - (c) a person engaged by a member of a UK legislature, under a contract of service or a contract for services, in connection with the carrying out of the member’s functions;
  - (d) a member of a local authority;
  - (e) a member of a National Park authority for a National Park in Wales;
  - (f) a police and crime commissioner for a police area in Wales;
  - (g) a Commissioner or Assistant Commissioner;
  - (h) a member of the Commission’s staff;
  - (i) a person employed in the civil service of the state.
- (9) In this section “elections officer” means –
  - (a) a returning officer, or
  - (b) an electoral registration officer.

**20G Tenure**

Members of the Board hold and vacate office in accordance with their terms and conditions of appointment.

**20H Board proceedings**

- (1) The members of the Board must have votes of equal weight to each other for the purpose of the Board’s decisions, but the chair (or deputy chair if the chair is absent) has the casting vote in the event of a tied vote.
- (2) The Board may otherwise regulate its own procedure (including quorum).
- (3) The validity of anything done by the Board in exercise of the Commission’s functions is not affected by any defect in the appointment of a member.

- (4) The chair or deputy chair may (with the agreement of the other members of the Board) invite a person to attend a meeting of the Board for the purpose of providing advice or otherwise assisting the Board.

*General*

**20I Interpretation of this Part**

In this Part –

“the 1983 Act” (*“Deddf 1983”*) means the Representation of the People Act 1983 (c. 2);

“devolved referendums” (*“refferenda datganoledig”*) means referendums held under –

- (a) section 27 of the Local Government Act 2000 (c. 22) or by virtue of regulations or an order made under Part 2 of that Act;
- (b) section 40 of the 2011 Measure;
- (c) any other enactment (whenever passed or made) that would be within the legislative competence of Senedd Cymru if it were in a provision of an Act of the Senedd (whether the provision would require the consent of a Minister of the Crown or not);

“electoral registration officer” (*“swyddog cofrestru etholiadol”*) means an officer appointed under section 8(2A) of the 1983 Act or any person who may exercise the functions of the officer;

“local government elections” (*“etholiadau llywodraeth leol”*) means the election of –

- (a) councillors for an electoral ward of a county or county borough,
- (b) councillors for a community ward or, in the case of a community where there are no wards, for the community, or
- (c) an elected mayor or elected executive member under regulations made by virtue of section 44 of the Local Government Act 2000 (c. 22);

“reserved election” (*“etholiad a gedwir yn ôl”*) means –

- (a) an election for membership of the House of Commons;
- (b) an election for the office of police and crime commissioner;

“returning officer” (*“swyddog canlyniadau”*) means –

- (a) a returning officer (however described) –
  - (i) appointed under section 35(1A) of the 1983 Act,

- (ii) designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32) (“the 2006 Act”), or
  - (iii) appointed under regulations made by virtue of section 44 or 45 of the Local Government Act 2000 (c. 22);
- (b) any person who may exercise the functions of a returning officer falling within paragraph (a).”

## 2 Minor and consequential amendments

Part 1 of Schedule 1 makes minor and consequential amendments relating to this Chapter.

### CHAPTER 2

#### ELECTORAL REGISTRATION WITHOUT APPLICATIONS

## 3 Duty to register local government electors

- (1) Section 18 (registration of local government electors without application) of the Local Government and Elections (Wales) Act 2021 (asc 1) is omitted.
- (2) After section 9 of the Representation of the People Act 1983 (c. 2) (“the 1983 Act”) (registers of electors), insert –

#### “9ZA Duty to register eligible local government electors in Wales

- (1) This section applies to the registration of local government electors for an area in Wales.
- (2) The duty in subsection (3) applies if –
  - (a) a registration officer is aware of a person’s name and address,
  - (b) the person is not registered in the register of local government electors maintained by the officer, and
  - (c) the officer is satisfied that the person is entitled to be registered in that register.
- (3) The registration officer must notify the person in writing of –
  - (a) the officer’s duty under subsection (5) to register the person after the end of the notice period,
  - (b) the exceptions to the duty under subsection (5) in paragraphs (a) to (c) of that subsection,
  - (c) the person’s right to request exclusion from the edited register of local government electors, if provision is made for an edited register in regulations under section 53,
  - (d) the person’s right to apply for anonymous registration,
  - (e) the type of elections in which the person will be entitled to vote following registration under this section, and

- (f) the type of elections in which the person will not be entitled to vote following registration under this section unless an application for registration is made.
- (4) In this section “the notice period” is the period of 60 days beginning with the day on which the notice under subsection (3) is given.
- (5) After the end of the notice period the registration officer must register the person in the register of local government electors, unless—
  - (a) the person has notified the officer in writing that the person does not wish to be registered,
  - (b) the officer is no longer satisfied that the person is entitled to be registered in the register of local government electors (whether because of information provided by the person or otherwise), or
  - (c) the person has notified the officer that the person wishes to make an application for an anonymous entry in the local government register under section 9B in conjunction with an application for registration in that register under section 10ZC or the person has made such an application.
- (6) The Welsh Ministers may by regulations make provision about giving notice for the purpose of this section, including (but not limited to) provision—
  - (a) about the form of the notice;
  - (b) about how the notice is given;
  - (c) requiring or authorising the registration officer to give a copy of the notice to a person other than the person to be registered.
- (7) The registration officer must keep a separate list of the persons registered under this section.
- (8) The power to make regulations under this section is exercisable by statutory instrument.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru.”

#### **4 Provision connected to the duty to register eligible local government electors**

- (1) The 1983 Act is amended as follows.
- (2) In section 9 (registers of electors), after subsection (2) insert—
  - “(2A) Subject to any other provision of this Act, each register of local government electors for an area in Wales must also contain the names of persons who are registered in accordance with section 9ZA(5) along with the information mentioned in paragraphs (b) and (c) of subsection (2) relating to those persons.”
- (3) In section 9E (maintenance of registers: invitations to register in Great Britain), after subsection (1) insert—

- “(1A) The duty of a registration officer under subsection (1) does not apply in relation to the registration of a person in a register of local government electors for an area in Wales if –
- (a) the registration officer has yet to complete any steps prescribed under section 53 in connection with the duty in section 9ZA(3) as it relates to the person or is otherwise yet to decide whether the duty in section 9ZA applies to the person,
  - (b) the duty in section 9ZA(3) applies in relation to the person and the notice period under that section has not ended, or
  - (c) the duty in section 9ZA(5) applies in relation to the person.”
- (4) In section 13A(1) (alteration of registers), after paragraph (zb) insert –
- “(zc) in the case of a registration officer for a local government area in Wales, is required by section 9ZA(5) to enter a person in the register;”.
- (5) In section 13AB(1) (alteration of registers: interim publication dates), in paragraph (a) after “(zb),” insert “ (zc),”.
- (6) In section 13B(2) (alteration of registers: pending elections), in paragraph (a) after “(zb),” insert “ (zc),”.
- (7) In section 53 (power to make regulations as to registration etc.), after subsection (8) insert –
- “(8A) Provision made by regulations relating to the matters specified in paragraph 1A(1)(aa) of Schedule 2 –
- (a) may only be made by the Welsh Ministers;
  - (b) may not include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru;
  - (c) may not include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.”
- (8) In section 56(1) (registration appeals: England and Wales), after paragraph (aa) insert –
- “(azaa) from any decision of a registration officer for a local government area in Wales to register a person under section 9ZA(5);”.
- (9) In Schedule 2 (provisions which may be contained in regulations as to registration etc.) –
- (a) in paragraph 1A(1), after paragraph (a) insert –
- “(aa) to decide whether a person is eligible to be included in the register for the purpose of section 9ZA;”;
- (b) after paragraph 1B insert –

“1C Provision authorising or requiring a registration officer maintaining a register of local government electors for an area in Wales to take specified steps for the purpose of deciding whether a person is eligible to be included in the register for the purpose of section 9ZA.”

(c) in paragraph 10, after sub-paragraph (2) insert –

“(3) This paragraph does not apply to a register of local government electors for an area in Wales.”

(d) in paragraph 10B, after sub-paragraph (3) insert –

“(4) Paragraph (b) of sub-paragraph (1) does not apply to a register of local government electors for an area in Wales.”

### CHAPTER 3

#### WELSH ELECTIONS PILOTING AND REFORM

##### *Welsh election pilots*

## 5 Pilot regulations: powers

- (1) The Welsh Ministers may by regulations make Welsh election pilot provision (“pilot regulations”).
- (2) Welsh election pilot provision is provision that –
  - (a) relates to one or more relevant electoral matters,
  - (b) has effect for a specified period or a specified Welsh election,
  - (c) applies in relation to an electoral area or two or more electoral areas, and
  - (d) is either –
    - (i) not in elections legislation,
    - (ii) different from provision in elections legislation, or
    - (iii) connected to provision of the kind specified in sub-paragraph (i) or (ii).
- (3) The relevant electoral matters are –
  - (a) registration of persons eligible to vote in a Welsh election, including (among other things) –
    - (i) the rights and duties of individuals as regards registration,
    - (ii) the administration of registration and the register of electors,
    - (iii) access to and publication of the register of electors,but it does not include any condition of eligibility for registration provided for in primary legislation;
  - (b) when, where and how voting at a Welsh election is to take place;
  - (c) how the votes cast at a Welsh election are to be counted;
  - (d) communication with voters about a Welsh election;
  - (e) processes and procedures before, on or after polling in a Welsh election.

- (4) Welsh election pilot provision also includes provision made for the purpose of testing how the changes made by sections 3 and 4 work in practice –
- (a) that has effect for a specified period or a specified Welsh election,
  - (b) that applies in relation to an electoral area or two or more electoral areas, and
  - (c) the effect of which corresponds to the effect of the amendments made by sections 3 and 4 (or the subordinate legislation that may be made by virtue of those sections).
- (5) Pilot regulations may implement proposals for pilot regulations made under this Act with or without modifications to the proposal.
- (6) Pilot regulations may create, remove or modify offences.
- (7) Pilot regulations must not create an offence that is punishable (or modify an offence so that it becomes punishable) –
- (a) on conviction on indictment, with imprisonment for a term exceeding one year;
  - (b) on summary conviction, with imprisonment for a term exceeding the applicable limit for a summary offence or an either way offence (as the case may be) under section 224(1A) of the Sentencing Code (as it has effect from time to time).
- (8) In this section –
- “electoral area” (*“ardal etholiadol”*) means –
- (a) in relation to the return of a member of Senedd Cymru, a Senedd constituency;
  - (b) in relation to a local government election, the area of a council to which the election applies or any part of its area;
- “elections legislation” (*“deddfwriaeth etholiadau”*) means an enactment (whenever passed or made) that applies in relation to –
- (a) a Welsh election, or
  - (b) registration of persons eligible to vote in a Welsh election;
- “primary legislation” (*“deddfwriaeth sylfaenol”*) means provision contained in an Act of Senedd Cymru or an Act of the Parliament of the United Kingdom;
- “specified” (*“penodedig” ac “a bennir”*) means specified in pilot regulations;
- “Welsh election” (*“etholiad Cymreig”*) means an election for the return of a member of –
- (a) Senedd Cymru;
  - (b) the council of a county or county borough in Wales;
  - (c) the council of a community in Wales.

## 6 Pilot regulations: requirements

- (1) Pilot regulations must specify –

- (a) the objective of the pilot for which they make provision;
  - (b) the day before which the Electoral Commission must send its report under section 17.
- (2) Pilot regulations must not make provision applying to the area of a principal council (or any part of it) unless –
- (a) the principal council consents, or
  - (b) if the council does not consent, the Welsh Ministers have had regard to any recommendations made by the Democracy and Boundary Commission Cymru on whether the regulations should be made without the principal council's consent.
- (3) Subsection (2) does not apply to pilot regulations that only contain provision of the kind specified in section 5(4) if they are made before the end of the period of 12 months beginning with the day on which this Act receives Royal Assent.
- (4) Pilot regulations must not modify section 9D of the 1983 Act (annual canvass) or any other provision relating to a canvass under that section unless the regulations implement a proposal (with or without modification) from a registration officer under section 11.
- (5) Before making any pilot regulations under section 5 which relate to electoral registration without application, the Welsh Ministers must undertake consultation with such stakeholders as they consider appropriate, but in particular, with those that they deem to represent vulnerable groups.

## **7 Pilot regulations: procedure**

- (1) The power to make pilot regulations is exercisable by statutory instrument.
- (2) When a statutory instrument or a draft statutory instrument containing pilot regulations is laid before Senedd Cymru for the purposes of this section, the Welsh Ministers must also lay before the Senedd a copy of the report on the regulations prepared by the Democracy and Boundary Commission Cymru under section 14.
- (3) If a statutory instrument or a draft statutory instrument containing pilot regulations laid before Senedd Cymru makes provision applying to the area of a principal council (or any part of it) to which the council has not given its consent, the Welsh Ministers must also lay a statement before the Senedd explaining why they consider the provision should be made without the council's consent.
- (4) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (5) Subsection (4) applies to a statutory instrument containing pilot regulations that make provision –
- (a) applying to the area of a principal council (or any part of it) and the council has not given its consent,
  - (b) for a Welsh election pilot falling within section 5(4), or
  - (c) creating, or widening the scope of, a criminal offence.

- (6) A statutory instrument containing pilot regulations to which subsection (5) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru.

*Proposals for pilots*

**8 Proposals for pilots made by the Welsh Ministers**

- (1) Before making pilot regulations that have not been the subject of a proposal under sections 9 to 11, the Welsh Ministers must consult each returning officer for an area to which the regulations will apply about their proposals for the pilot to be provided for in the regulations.
- (2) After consulting in accordance with subsection (1) and before making pilot regulations relating to any relevant electoral matter, the Welsh Ministers must –
  - (a) submit proposals for the pilot to be provided for in regulations to the Democracy and Boundary Commission Cymru, and
  - (b) have regard to the Commission’s report on the proposals under section 14.
- (3) This section does not apply to pilot regulations that only contain provision of the kind specified in section 5(4) if they are made before the end of the period of 12 months beginning with the day on which this Act receives Royal Assent.

**9 Proposals for pilots made by principal councils**

- (1) A principal council may propose to the Welsh Ministers that pilot regulations are made in relation to any relevant electoral matter in so far as it relates to local government elections.
- (2) Before making a proposal under subsection (1), the principal council must consult the Welsh Ministers.
- (3) After consulting in accordance with subsection (2) and before making a proposal under subsection (1), the principal council must –
  - (a) submit the proposal for the pilot to be provided for in regulations to the Democracy and Boundary Commission Cymru, and
  - (b) have regard to the Commission’s report on the proposal under section 14.
- (4) If a principal council makes a proposal under subsection (1), it must send a copy of the Democracy and Boundary Commission Cymru report on the proposals under section 14 to the Welsh Ministers.

**10 Proposals for pilots made jointly by the Electoral Commission and principal councils**

- (1) The Electoral Commission and one or more principal councils (“relevant councils”) may, acting jointly, propose to the Welsh Ministers that pilot regulations are made in relation to any relevant electoral matter in so far as it relates to local government elections.
- (2) Before making a proposal under subsection (1), the Electoral Commission and each relevant council acting jointly must consult the Welsh Ministers.

- (3) After consulting in accordance with subsection (2) and before making a proposal under subsection (1), the Electoral Commission and each relevant council acting jointly must –
  - (a) submit the proposal for the pilot to be provided for in regulations to the Democracy and Boundary Commission Cymru, and
  - (b) have regard to the Commission’s report on the proposal under section 14.
- (4) If the Electoral Commission and each relevant council acting jointly makes a proposal under subsection (1), they must send a copy of the Democracy and Boundary Commission Cymru report on the proposal under section 14 to the Welsh Ministers.

**11 Proposals for pilots made by electoral registration officers**

- (1) An electoral registration officer may propose to the Welsh Ministers that pilot regulations are made in relation to ascertaining –
  - (a) the names and addresses of persons who are not registered in a register but who are entitled to be registered;
  - (b) those persons who are registered in a register but who are not entitled to be registered.
- (2) Before making a proposal under subsection (1), an electoral registration officer must consult the Welsh Ministers.
- (3) After consulting in accordance with subsection (2) and before making a proposal under subsection (1), the electoral registration officer must –
  - (a) submit the proposal for the pilot to be provided for in regulations to the Democracy and Boundary Commission Cymru, and
  - (b) have regard to the Commission’s report on the proposal under section 14.
- (4) If an electoral registration officer makes a proposal under subsection (1), the officer must send a copy of the Democracy and Boundary Commission Cymru report on the proposal under section 14 to the Welsh Ministers.

**12 Joint proposals for pilots**

- (1) A person who may make a proposal under any of sections 9 to 11 may make the proposal jointly with one or more other persons making a proposal under any of those sections.
- (2) Any duty to consult a person with whom the person makes a joint proposal does not apply.
- (3) If the joint proposal relates to matters that the person does not have the power to propose, the person may still make the proposal in so far as the person does have the power to do so.

**13 Electoral Commission recommendations**

The Electoral Commission may recommend proposals for pilot regulations to a person that may make a proposal under any of sections 9 to 11.

*Evaluation of pilot proposals***14 Evaluation of pilot proposals**

- (1) When proposals for pilot regulations are submitted to the Democracy and Boundary Commission Cymru under sections 8 to 11, the Commission must prepare a report on the proposals.
- (2) The report must contain an assessment of—
  - (a) whether the objective of the proposed pilot is desirable;
  - (b) the likely costs and feasibility of the proposed pilot.
- (3) In making its assessment for the purposes of the report, the Democracy and Boundary Commission Cymru must have regard to any relevant factors specified in regulations made by the Welsh Ministers.
- (4) The report may contain recommendations on any matter the Democracy and Boundary Commission Cymru considers relevant to the proposed pilot.
- (5) A public authority that submits proposals to the Democracy and Boundary Commission Cymru under any of sections 8 to 11 must give the Commission such assistance as the Commission may reasonably require in connection with the preparation of the report.
- (6) The Democracy and Boundary Commission Cymru must send its report to the person who submitted the proposal before the end of a period of 6 weeks beginning with the day it receives the proposals.
- (7) The Welsh Ministers must publish a report sent to them under this section or sections 9 to 11 when they make the pilot regulations.
- (8) The power to make regulations in subsection (3) is exercisable by statutory instrument.
- (9) A statutory instrument containing regulations under subsection (3) is subject to annulment in pursuance of a resolution of Senedd Cymru.

**15 Welsh election pilot forums**

- (1) This section applies if—
  - (a) the Democracy and Boundary Commission Cymru has prepared a report on one or more proposals for pilot regulations under section 14,
  - (b) the proposals are for—
    - (i) a pilot in the area of more than one principal council, or
    - (ii) different pilots in the areas of different principal councils to take place at the same Senedd Cymru general election or the same ordinary elections of councillors, and
  - (c) the Commission considers it likely that the pilot or pilots will take place.
- (2) The Democracy and Boundary Commission Cymru must establish a forum for discussion of issues relating to the pilot or pilots with a view to providing persons implementing the pilot or pilots with information and advice.
- (3) A forum established under subsection (2) must include—

- (a) the returning officers of each principal council participating in the pilot or pilots;
  - (b) representation of electoral administrators from each principal council participating in the pilot or pilots;
  - (c) one or more members of the Democracy and Boundary Commission Cymru with relevant experience.
- (4) The Democracy and Boundary Commission Cymru may invite any person they consider appropriate to participate in a forum.

*Guidance on pilots*

**16 Guidance on pilots**

- (1) In relation to each instrument containing pilot regulations, the Democracy and Boundary Commission Cymru must give guidance in writing to persons responsible for implementing the regulations.
- (2) The guidance must include advice on –
  - (a) the arrangements needed for the pilot;
  - (b) the staff training required for the pilot;
  - (c) running the pilot in accordance with the pilot regulations.
- (3) The guidance may include information or advice on any other matter the Democracy and Boundary Commission Cymru considers relevant to the pilot.
- (4) The Welsh Ministers may by regulations specify further matters that the Democracy and Boundary Commission Cymru must include in the guidance.
- (5) The power to make regulations in subsection (4) is exercisable by statutory instrument.
- (6) A statutory instrument containing regulations under subsection (4) is subject to annulment in pursuance of a resolution of Senedd Cymru.

*Evaluation of pilots*

**17 Evaluation of pilot regulations**

- (1) The Electoral Commission must prepare a report on the operation of the pilot regulations before the day specified under section 6(1)(b).
- (2) The report must contain, in particular –
  - (a) a description of –
    - (i) the way in which the provision made by the pilot regulations differed from the provisions which would otherwise have applied, or
    - (ii) in the case of pilot regulations containing provision of the kind specified in section 5(4), the provisions being tested;
  - (b) a copy of the pilot regulations;
  - (c) an assessment of the success or otherwise of the pilot regulations in achieving the objective specified in the pilot regulations;

- (d) an assessment of whether provision similar to that made by the pilot regulations should apply generally, and on a permanent basis, in relation to Welsh elections or any type of Welsh election.
- (3) The principal council for any area or part of an area to which pilot regulations apply must give the Commission such assistance as the Commission may reasonably require in connection with the preparation of the report.
- (4) The assistance may include –
  - (a) making arrangements for ascertaining the views of electors about the operation of the provisions of the pilot regulations;
  - (b) reporting to the Commission allegations of electoral offences or other malpractice.
- (5) The Commission must send a copy of the report to –
  - (a) the Welsh Ministers,
  - (b) each returning officer for the election to which the pilot regulations applied, unless the report only relates to proposals made under section 11, and
  - (c) if the report relates to proposals made under section 11, each electoral registration officer for an area to which the pilot regulations applied,before the day specified in the pilot regulations.
- (6) A returning officer who receives a report under subsection (5) must publish the report before the end of the period of one month beginning with the day the officer receives the report from the Commission, unless the report only relates to proposals made under section 11.
- (7) An electoral registration officer who receives a report under subsection (5) must publish the report before the end of the period of one month beginning with the day the officer receives the report from the Commission.

*Reform following pilots*

**18 Electoral reform regulations**

- (1) The power in subsection (3) applies if –
  - (a) the Welsh Ministers consider, in the light of a report made under section 17 on the operation of pilot regulations, that it would be desirable to achieve the reform outcome in subsection (2) (“the reform outcome”), and
  - (b) the Electoral Commission recommends making regulations under this section to achieve the reform outcome.
- (2) The reform outcome is for provision similar to that made by the pilot regulations to apply generally, and on a permanent basis, in relation to Welsh elections or any type of Welsh election.
- (3) The Welsh Ministers may by regulations make provision for or in connection with relevant electoral matters to achieve the reform outcome (“electoral reform regulations”).

- (4) Nothing in this section affects the other powers of the Welsh Ministers to make provision for or in connection with relevant electoral matters to achieve the reform outcome.
- (5) Electoral reform regulations may create, remove or modify offences.
- (6) Electoral reform regulations must not create an offence that is punishable (or modify an offence so that it becomes punishable) –
  - (a) on conviction on indictment, with imprisonment for a term exceeding one year;
  - (b) on summary conviction, with imprisonment for a term exceeding the applicable limit for a summary offence or an either way offence (as the case may be) under section 224(1A) of the Sentencing Code (as it has effect from time to time).
- (7) Electoral reform regulations may confer, remove or modify power to make subordinate legislation.
- (8) If electoral reform regulations create a power to make subordinate legislation, the regulations must provide –
  - (a) that the subordinate legislation is to be made by statutory instrument, and
  - (b) that the instrument may not be made unless a draft of it has been laid before and approved by a resolution of Senedd Cymru.

## **19 Electoral reform regulations: procedure**

- (1) The power to make electoral reform regulations is exercisable by statutory instrument.
- (2) When a statutory instrument or a draft statutory instrument containing electoral reform regulations is laid before Senedd Cymru for the purposes of this section, the Welsh Ministers must also lay before the Senedd a copy of the report on the regulations prepared by the Electoral Commission under section 17.
- (3) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (4) Subsection (3) applies to a statutory instrument containing electoral reform regulations that make provision –
  - (a) modifying primary legislation,
  - (b) creating, or widening the scope of, a criminal offence, or
  - (c) creating or amending a power to legislate.
- (5) Any other statutory instrument containing electoral reform regulations is subject to annulment in pursuance of a resolution of Senedd Cymru, unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.
- (6) Subsection (7) applies if the Welsh Ministers are of the opinion that the appropriate procedure for a statutory instrument containing electoral reform regulations is for it to be subject to annulment in pursuance of a resolution of Senedd Cymru.
- (7) The Welsh Ministers may not make the instrument so that it is subject to that procedure unless –
  - (a) condition 1 is met, and

- (b) either condition 2 or 3 is met.
- (8) Condition 1 is that the Welsh Ministers –
  - (a) have made a statement in writing to the effect that in their opinion the instrument should be subject to annulment in pursuance of a resolution of Senedd Cymru, and
  - (b) have laid before the Senedd –
    - (i) a draft of the instrument, and
    - (ii) a memorandum setting out the statement and the reasons for the Welsh Ministers' opinion.
- (9) Condition 2 is that a committee of Senedd Cymru charged with doing so has made a recommendation as to the appropriate procedure for the instrument.
- (10) Condition 3 is that the period of 14 days beginning with the first day after the day on which the draft instrument was laid before Senedd Cymru as mentioned in subsection (8) has ended without any recommendation being made as mentioned in subsection (9).
- (11) Nothing in this section prevents the Welsh Ministers from deciding at any time before a statutory instrument to which subsection (5) applies is made that another procedure should apply to the instrument.
- (12) If after the expiry of the 40-day period the draft regulations laid under this section are approved by a resolution of Senedd Cymru, the Welsh Ministers may make regulations in the terms of the draft regulations, subject to subsection (13).
- (13) The procedure in subsections (14) to (19) applies to the draft regulations instead of the procedure in subsection (12) if –
  - (a) either Senedd Cymru so resolves within the 30-day period, or
  - (b) a committee of Senedd Cymru charged with reporting on the draft regulations so recommends within the 30-day period and Senedd Cymru does not by resolution reject the recommendation within that period.
- (14) The Welsh Ministers must have regard to –
  - (a) any representations,
  - (b) any resolution of Senedd Cymru, and
  - (c) any recommendations of a committee of Senedd Cymru charged with reporting on the draft regulations,made during the 60-day period with regard to the draft regulations.
- (15) If after the expiry of the 60-day period the Welsh Ministers wish to proceed with the draft regulations without material changes where material changes are recommended by a committee of Senedd Cymru charged with reporting on the draft regulations –

- (a) the Welsh Ministers must lay before Senedd Cymru a statement explaining their reasons for not accepting the committee's recommendations (whether wholly or partly), and
  - (b) if the draft regulations are subsequently approved by a resolution of Senedd Cymru, the Welsh Ministers may make regulations in the terms of the draft regulations.
- (16) If after the expiry of the 60-day period the Welsh Ministers wish to proceed with the draft regulations without material changes where no material changes are recommended by a committee of Senedd Cymru charged with reporting on the draft regulations and the draft regulations are approved by a resolution of Senedd Cymru, the Welsh Ministers may make regulations in the terms of the draft regulations.
- (17) If after the expiry of the 60-day period the Welsh Ministers wish to proceed with the draft regulations but with material changes, the Welsh Ministers must lay before Senedd Cymru –
  - (a) revised draft regulations, and
  - (b) a statement giving a summary of the changes proposed and, if subsection (18) applies, explaining the Welsh Ministers' reasons for not accepting (whether wholly or partly) recommendations of a committee of Senedd Cymru charged with reporting on the draft regulations.
- (18) This subsection applies if –
  - (a) the material changes in the revised draft regulations are materially different from changes recommended by the committee, or
  - (b) the revised draft regulations do not contain material changes recommended by the committee.
- (19) If the revised draft regulations are approved by a resolution of Senedd Cymru, the Welsh Ministers may make regulations in the terms of the revised draft regulations.
- (20) For the purposes of this section regulations are made in the terms of draft regulations or revised draft regulations if they contain no material changes to their provisions.
- (21) In this section references to the "30-day", "40-day" and "60-day" periods in relation to any draft regulations are to the periods of 30, 40 and 60 days beginning with the day on which the draft regulations were laid before Senedd Cymru.
- (22) For the purposes of subsections (10) and (21) no account is to be taken of any time during which Senedd Cymru is dissolved or is in recess for more than 4 days.
- (23) Section 6(1) of the Statutory Instruments Act 1946 (c. 36) as applied by section 11A of that Act (alternative procedure for certain instruments laid in draft before Senedd Cymru) does not apply in relation to any statutory instrument to which this section applies.

*General***20 Publication**

- (1) Where this Chapter imposes a duty to publish anything, it must be published –
  - (a) electronically, and
  - (b) in such other manner as the person subject to the duty considers appropriate.
- (2) The duty to publish electronically is –
  - (a) a duty to provide access free of charge, and
  - (b) a duty to publish on the person's own website, if the person has one.
- (3) Copies of anything published under subsection (1) may be supplied free of charge or on payment of such fee, not exceeding the cost of supplying the copy, as the person subject to the duty to publish may determine.

**21 Regulations: ancillary provision**

Pilot regulations and electoral reform regulations may –

- (a) make consequential, supplementary, incidental, transitional or saving provision;
- (b) modify any enactment (whenever passed or made);
- (c) make different provision for different purposes or different areas.

**22 Interpretation of this Chapter**

In this Chapter –

“electoral registration officer” (*“swyddog cofrestru etholiadol”*) means an officer appointed under section 8(2A) of the 1983 Act;

“modify” (*“addasu”*) includes repeal, revoke and amend;

“pilot regulations” (*“rheoliadau peilot”*) means regulations made under section 5;

“electoral reform regulations” (*“rheoliadau diwygio etholiadol”*) means regulations made under section 18;

“returning officer” (*“swyddog canlyniadau”*) means a returning officer (however described) –

- (a) appointed under section 35(1A) of the 1983 Act,
- (b) designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32), or
- (c) appointed under regulations made by virtue of section 44 or 45 of the Local Government Act 2000 (c. 22);

“relevant electoral matter” (*“mater etholiadol perthnasol”*) has the meaning given by section 5.

**23 Consequential amendments**

Part 2 of Schedule 1 makes consequential amendments relating to this Chapter.

**CHAPTER 4****ACCESSIBILITY AND DIVERSITY: WELSH ELECTIONS***Reports on assistance for disabled voters***24 Reports by the Electoral Commission**

- (1) The Political Parties, Elections and Referendums Act 2000 (c. 41) (“the 2000 Act”) is amended as follows.
- (2) After section 5, insert –

**“5A Further provision about reports on Welsh elections**

- (1) After an ordinary election of councillors for counties and county boroughs in Wales or communities in Wales, the Electoral Commission must prepare and publish (in such manner as the Commission may determine) a report on the administration of the election.
  - (2) Subsection (3) applies to –
    - (a) a report under section 5 relating to a Senedd Cymru general election;
    - (b) a report under subsection (1).
  - (3) The report must include a description of the steps taken by returning officers to assist persons with disabilities that would otherwise adversely affect their right to vote at the election.
  - (4) In subsection (3) –

“disability”, in relation to doing a thing, includes a short term inability to do it;

“returning officer” –

    - (a) in the case of a Senedd Cymru general election, means a returning officer (however described) designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32);
    - (b) in the case of an ordinary election of councillors for local government areas, means an officer who is appointed under section 35(1A) of the Representation of the People Act 1983 (c. 2).”
- (3) Until the coming into force of sections 8 (Senedd general elections) and 9 (vacant seats) of the Senedd Cymru (Members and Elections) Act 2024 (asc 4), section 5A(3) of the 2000 Act also applies to a report under section 5 of that Act relating to an election held under section 10 of the Government of Wales Act 2006 (c. 32) (election for Senedd Cymru in the case of a constituency vacancy).

*Candidate survey: local government elections***25 Survey of councillors and unsuccessful candidates in local elections**

- (1) The Local Government (Wales) Measure 2011 (nawm 4) is amended as follows.
- (2) In section 1 (duty to conduct a survey) –
  - (a) in subsection (1), for “regulations” substitute “a direction”;
  - (b) for subsection (3) substitute –
    - “(3) The Welsh Ministers may give a direction to local authorities that –
      - (a) specifies the questions that must be asked in a survey;
      - (b) specifies requirements about –
        - (i) the form of the survey;
        - (ii) how the survey is to be conducted;
        - (iii) the collation of information from the survey.”;
    - (c) in subsection (3A), for “answer the prescribed questions” substitute “respond to the survey”;
    - (d) after subsection (3A), insert –
      - “(3B) A local authority may include questions in a survey, or arrange for the inclusion of questions in a survey, in addition to the questions required by a direction of the Welsh Ministers under this section.”;
    - (e) in subsection (4), for “prescribed” substitute “specified in a direction”.
  - (3) In section 2 (completion of a survey and publication of information), in subsection (2), for “any prescribed form or manner” substitute “in such form or manner as the Welsh Ministers may direct”.
  - (4) After section 3 (guidance about surveys), insert –

**“3A Publication of directions about surveys**

The Welsh Ministers must publish any direction given under section 1(3) or 2(2).”

*Welsh elections information platform***26 Welsh elections information platform**

- (1) The Welsh Ministers must by regulations provide for the establishment and operation of a Welsh elections information platform.
- (2) A Welsh elections information platform is an electronic facility (such as a website, part of a website or a software application) to provide electors with up-to-date information, or access to up-to-date information from other electronic sources, about specified elections.
- (3) For the purpose of subsection (2), regulations under subsection (1) –
  - (a) must specify –

- (i) elections to Senedd Cymru;
  - (ii) ordinary elections to principal councils in Wales;
- (b) may specify other local government elections in Wales.
- (4) Regulations under subsection (1) may (among other things) make provision—
  - (a) conferring functions on persons or categories of person specified in the regulations;
  - (b) about the publication of information on the platform, including—
    - (i) the publication of candidate statements and other information about candidates and registered political parties;
    - (ii) information about accessibility arrangements that are in place at polling stations;
  - (c) conferring exemption from civil and criminal liability in connection with the publication of candidate statements and other information about candidates and registered political parties;
  - (d) making the information on the platform available other than by electronic means.
- (5) Regulations under subsection (1) must require—
  - (a) a report to be published about the exercise of functions conferred by the regulations—
    - (i) in the case of functions exercised in respect of Senedd Cymru elections, before the end of a period of 12 months beginning with the day of the poll for that election;
    - (ii) in the case of functions exercised in respect of ordinary elections of principal councils, before the end of a period of 12 months beginning with the day of the poll for those elections;
  - (b) the reports to be laid before Senedd Cymru.
- (6) The power to make regulations under this section is exercisable by statutory instrument.
- (7) A statutory instrument containing provision in regulations of the kind described in subsection (4)(c) may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (8) A statutory instrument containing any other provision in regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru.
- (9) In this section—
  - “local government elections” (“*etholiadau llywodraeth leol*”) means elections of—
    - (a) councillors for an electoral ward of a county or county borough,
    - (b) councillors for a community ward or, in the case of a community where there are no wards, for the community, or
    - (c) an elected mayor or elected executive member under regulations made by virtue of section 44 of the Local Government Act 2000 (c. 22);

“specified” (“*penodedig*” ac “*a bennir*”) means specified in regulations under subsection (1).

*Diversity in persons seeking elected office*

**27 Services to promote diversity in persons seeking elected office**

- (1) The Welsh Ministers must make arrangements for the provision of services to promote diversity in the protected characteristics and socio-economic circumstances of persons seeking to be elected as members of Senedd Cymru and the councils of counties, county boroughs and communities in Wales.
- (2) The Welsh Ministers must, in discharging their duty under subsection (1), have regard to—
  - (a) whether there are groups of persons with the same protected characteristics that are under-represented in the membership of Senedd Cymru or the councils of counties, county boroughs and communities in Wales;
  - (b) the desirability of reducing the inequalities of outcome that result from socio-economic disadvantage;
  - (c) the desirability of services being available to persons regardless of their membership (or otherwise) of a registered political party.
- (3) The question of whether a group is under-represented in the membership of a body must be considered, for the purposes of subsection (2)(a), by reference to the population served by the body.
- (4) Subsection (1) does not require the provision of services in respect of every under-represented group that may be identified for the purposes of subsection (2)(a).
- (5) The services that may be provided under subsection (1) are the provision of—
  - (a) information;
  - (b) advice;
  - (c) training;
  - (d) coaching and mentoring;
  - (e) work experience;
  - (f) equipment;
  - (g) assistance with tasks.
- (6) The arrangements under subsection (1) must ensure that the Welsh Ministers do not make decisions in particular cases as to whether an individual is to receive a service under the arrangements.
- (7) The arrangements under subsection (1) may include (among other things)—
  - (a) the provision of financial assistance to individuals who may benefit from services for the purpose of the individuals buying the services themselves;
  - (b) the provision of financial assistance to persons who provide services;
  - (c) financial assistance schemes for which provision is made by regulations under section 28.

- (8) The Welsh Ministers may by regulations –
  - (a) add further services to subsection (5);
  - (b) amend services added under paragraph (a);
  - (c) remove services added under paragraph (a).
- (9) The power to make regulations in subsection (8) is exercisable by statutory instrument.
- (10) A statutory instrument containing regulations under subsection (8) may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (11) In this section “protected characteristics” has the meaning given by section 4 of the Equality Act 2010 (c. 15).
- (12) Nothing in this section limits any other power of the Welsh Ministers.

## **28 Financial assistance schemes to promote diversity in persons seeking elected office**

- (1) The Welsh Ministers may by regulations provide for schemes of financial assistance (of any specified kind) to help candidates in a Welsh election having specified characteristics or specified circumstances overcome barriers to their participation in the election connected to those characteristics or circumstances.
- (2) The Welsh Ministers must by regulations provide for a scheme of financial assistance (of any specified kind) to help disabled candidates in a Welsh election overcome barriers to their participation in the election connected to their disability.
- (3) The regulations under subsection (2) may provide that only specified kinds of disabled candidate may be given financial assistance under the scheme.
- (4) Before making regulations under subsection (1) or (2) the Welsh Ministers must consult such persons as they consider appropriate.
- (5) The Welsh Ministers may make payments to a person operating a scheme established by regulations under this section, subject to terms and conditions determined by the Welsh Ministers, for the purpose of funding –
  - (a) financial assistance made under the scheme, and
  - (b) the costs of operating the scheme.
- (6) Regulations under this section must appoint or provide for the appointment of a person to operate the scheme for which they provide.
- (7) The scheme must not be operated by excluded persons (see section 29).
- (8) Regulations under this section may –
  - (a) confer functions (including functions involving the exercise of a discretion) on a person;
  - (b) provide for the delegation of a person’s functions under the scheme –
    - (i) to the person’s staff;
    - (ii) where the person is a body, to members or a committee of the body;

- (c) require a person on whom functions are conferred to keep, and make available for inspection, accounts and other records;
  - (d) require the person operating the scheme to publish specified information about financial assistance given in accordance with the scheme.
- (9) Regulations under this section may not impose a duty to publish information where its publication would (taking the duty into account) contravene the data protection legislation (within the meaning of the Data Protection Act 2018 (c. 12)).
- (10) Regulations under this section may include provision under which –
- (a) financial assistance is given subject to conditions specified by, or in accordance with, the scheme;
  - (b) financial assistance is required to be repaid in circumstances specified by, or in accordance with, the scheme.
- (11) The power to make regulations under this section is exercisable by statutory instrument.
- (12) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (13) In this section –
- “disabled” (“*anabl*”), in relation to a person, means having a physical, mental, intellectual or sensory impairment (including a temporary impairment) that, in interaction with any barrier, may hinder the person’s full and effective participation in society on an equal basis with others;
  - “specified” (“*penodedig*” ac “*a bennir*”) means specified in regulations made under this section.
- (14) Nothing in this section limits any other power of the Welsh Ministers.

## 29 Excluded persons

The excluded persons for the purposes of section 28 are –

- (a) a member of the Welsh Government;
- (b) a United Kingdom government department;
- (c) a person employed in the civil service of the state;
- (d) a member of the House of Commons;
- (e) a member of the House of Lords;
- (f) a Member of the Senedd;
- (g) the Senedd Commission;
- (h) a member of the staff of the Senedd (within the meaning of the Government of Wales Act 2006 (c. 32));
- (i) the council of a county, county borough or community in Wales;
- (j) a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);

- (k) a National Park authority for a National Park in Wales;
- (l) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies;
- (m) a police and crime commissioner;
- (n) a company in respect of which a person mentioned in paragraphs (a) to (m) (or two or more of those persons together) –
  - (i) wholly owns the company,
  - (ii) owns a simple majority of shares in the company, or
  - (iii) owns more shares in the company than any other shareholder;
- (o) a member of a body mentioned in paragraphs (i) to (l);
- (p) a member of the staff of a person mentioned in paragraphs (i) to (m);
- (q) a registered political party.

### **30 Guidance for political parties to promote diversity in persons seeking elected office**

- (1) The Welsh Ministers must issue guidance for registered political parties about –
  - (a) collecting, collating and publishing diversity information about candidates representing registered political parties at elections for the return of members of Senedd Cymru;
  - (b) developing, publishing, implementing and reviewing strategies for –
    - (i) promoting diversity in the specified characteristics and specified circumstances of candidates representing registered political parties at Welsh elections, and
    - (ii) helping candidates representing registered political parties at Welsh elections overcome barriers to their participation in the elections connected to having those characteristics or circumstances.
- (2) The Welsh Ministers –
  - (a) must publish guidance under this section;
  - (b) must publish the first guidance under this section before 1 May 2025;
  - (c) must review published guidance from time to time, having regard to the cycle of ordinary general elections for membership of Senedd Cymru and, in relation to guidance under subsection (1)(b), the cycle of ordinary elections for membership of the councils of counties, county boroughs and communities in Wales and elected mayors;
  - (d) may revise published guidance at any time.
- (3) In this section –

“diversity information” (“*gwybodaeth am amrywiaeth*”) means specified information relating to a person’s personal characteristics or personal circumstances;

“elected mayor” (“*maer etholedig*”) means an elected mayor of a council of a county or county borough in Wales;

“specified” (“*penodedig*”) means specified in guidance under this section;

“Welsh election” (“*etholiad Cymreig*”) means an election for the return of –

- (a) a member of Senedd Cymru;
- (b) a member of the council of a county or county borough in Wales;
- (c) a member of the council of a community in Wales;
- (d) an elected mayor.

#### *General*

### **31 Interpretation of this Chapter**

In this Chapter –

“financial assistance” (“*cymorth ariannol*”) means grants, loans or guarantees;

“registered political party” (“*plaid wleidyddol gofrestrdig*”) means a party registered under Part 2 of the 2000 Act.

## **CHAPTER 5**

### **CAMPAIGN FINANCE**

#### *Expenditure in respect of local government elections*

### **32 Notional expenditure: candidates in local government elections**

In section 90C(1A) of the 1983 Act (making use of property etc. on behalf of a candidate), omit “or Wales”.

#### *Expenditure in respect of Senedd Cymru elections*

### **33 Notional and third party expenditure: Senedd Cymru elections**

- (1) The 2000 Act is amended as follows.
- (2) In section 73(1A) (notional campaign expenditure: use of property etc. on behalf of registered party) –
  - (a) after “paragraph 3,” insert “6,”;
  - (b) after “parliamentary general elections” insert “, ordinary or extraordinary general elections to Senedd Cymru,”.
- (3) In section 86(1A) (notional controlled expenditure: use of property etc. on behalf of third party) –
  - (a) after “paragraph 3,” insert “6,”;

- (b) after “parliamentary general elections” insert “, ordinary or extraordinary general elections to Senedd Cymru,”.
- (4) In section 94(8A) (limits on controlled expenditure: use of property etc. on behalf of third party) –
  - (a) after “paragraph 3,” insert “6,”;
  - (b) after “parliamentary general elections” insert “, ordinary or extraordinary general elections to Senedd Cymru,”.
- (5) In Schedule 8A (controlled expenditure: qualifying expenses), in paragraph 3(11) –
  - (a) after “paragraph 3,” insert “6,”;
  - (b) after “parliamentary general elections” insert “, ordinary or extraordinary general elections to Senedd Cymru,”.

### 34 Codes of practice on expenses

- (1) In paragraph 14A of Schedule 4A to the 1983 Act (election expenses: Electoral Commission guidance) –
  - (a) in sub-paragraph (1), after paragraph (b) insert –
    - “(c) guidance relating to the application of Part 2 of this Act in relation to expenses incurred for the purposes of a candidate’s election (whether or not election expenses).”;
  - (b) in sub-paragraph (7)(b), after “order” insert “made by statutory instrument”.
- (2) In section 156 of the 2000 Act (orders and regulations) –
  - (a) in subsection (1) after “State” insert “or the Welsh Ministers”;
  - (b) in subsection (2) –
    - (i) the words from “a statutory instrument” to the end become paragraph (a);
    - (ii) after “Parliament” insert –
      - “(b) a statutory instrument containing any order or regulations made under this Act by the Welsh Ministers shall be subject to annulment in pursuance of a resolution of Senedd Cymru.”;
  - (c) in subsection (3), in paragraph (aa), omit “, other than an order of the Welsh Ministers”;
  - (d) in subsection (4), after “Parliament” insert “(in the case of an order made by the Secretary of State) or (in the case of an order made by the Welsh Ministers) a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, Senedd Cymru”;
  - (e) in subsection (4A) after “Parliament” insert “(in the case of an order made by the Secretary of State) or (in the case of an order made by the Welsh Ministers) a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, Senedd Cymru”;
  - (f) in subsection (5) –
    - (i) in the opening words, after “State” insert “, the Welsh Ministers,”;

(ii) in paragraph (a), after “State” insert “, the Welsh Ministers,”.

**35 Authorised persons not required to pay through election agent**

In section 73(5) of the 1983 Act (payment of expenses through election agent), in paragraph (ca), omit “, otherwise than in relation to an election in Wales under the local government Act,”.

**36 Restriction on which third parties may incur controlled expenditure**

- (1) The 2000 Act is amended as follows.
- (2) After section 89A insert –

**“89B Restriction on which third parties may incur controlled expenditure: Senedd Cymru elections**

- (1) No amount of controlled expenditure may be incurred by or on behalf of a third party during a Welsh devolved regulated period unless the third party falls within any paragraph of section 88(2) (third parties eligible to give notification).
- (2) Subsection (1) does not apply to any expenses incurred by or on behalf of a third party during a Welsh devolved regulated period which do not in total exceed £700.
- (3) Subsections (4) and (5) apply where expenses are incurred by or on behalf of a third party in contravention of subsection (1).
- (4) If the third party is not an individual –
  - (a) any person who authorised the expenses to be incurred by or on behalf of the third party is guilty of an offence if the person knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1), and
  - (b) the third party is also guilty of an offence.
- (5) If the third party is an individual, the individual is guilty of an offence if they knew or ought reasonably to have known that the expenses would be incurred in contravention of subsection (1).
- (6) A “Welsh devolved regulated period” means a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (periods involving general elections to Senedd Cymru).”

(3) In Schedule 20 (penalties), at the appropriate place in the table insert –

“Section 89B(4) and (5) (incurring controlled expenditure in contravention of section 89AA(1))	On summary conviction in England and Wales: fine On indictment: fine”.
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**37 Third parties capable of giving notification**

- (1) The 2000 Act is amended as follows.
- (2) In section 88 (third parties recognised for the purposes of Part 6), after subsection (10) insert –

- “(11) The Welsh Ministers may by order amend subsection (2), as it applies for the purposes of a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (periods involving general elections to Senedd Cymru), by –
- (a) adding a description of third party to the list in that subsection,
  - (b) removing a description of third party from that list, or
  - (c) varying the description of a third party in that list.
- (12) An order under subsection (11)(b) or (c) may be made only where the order gives effect to a recommendation of the Commission.”
- (3) In section 156 (orders and regulations), in subsection (4), after paragraph (de) insert –
- “(df) section 88(11).”

### 38 Code of practice on controls relating to third parties

- (1) The 2000 Act is amended as follows.
- (2) In section 100A (code of practice on controlled expenditure) –
- (a) after subsection (1) insert –
 

“(1A) The Commission must prepare a code of practice about the operation of this Part in relation to a Welsh devolved regulated period.”;
  - (b) in subsection (2), for “The code” substitute “A code”;
  - (c) in subsection (3), for “the code” substitute “a code”;
  - (d) in subsection (4), for “the code” substitute “a code”;
  - (e) after subsection (5) insert –
 

“(5A) It is a defence for a third party charged with an offence under any provision of this Part, where the offence relates to expenditure incurred or treated as incurred by a third party during a Welsh devolved regulated period to show –

    - (a) that the code, in the form for the time being issued under section 100C, was complied with by the third party in determining whether the expenditure is controlled expenditure for the purposes of this Part, and
    - (b) that the offence would not have been committed on the basis of the controlled expenditure as determined in accordance with the code.”;
  - (f) after subsection (6) insert –
 

“(6A) In this section “Welsh devolved regulated period” means a period in relation to which any limit is imposed by paragraph 6 of Schedule 10 (regulated period for general elections to Senedd Cymru).”;
  - (g) in subsection (7), after “revised code” insert “under subsection (1)”;
  - (h) after subsection (7) insert –

“(8) Section 100C sets out consultation and procedural requirements relating to the code or any revised code under subsection (1A).”

- (3) In section 100B (code of practice: consultation and procedural requirements), in subsection (1), after “100A” insert “(1)”.
- (4) After section 100B insert –

**“100C Code of Practice: consultation and procedural requirements on controlled expenditure in Senedd Cymru elections**

- (1) The Commission must consult the following on a draft of a code under section 100A(1A) –
  - (a) Senedd Cymru (“the Senedd”);
  - (b) such other persons as the Commission consider appropriate.
- (2) After the Commission have carried out the consultation required by subsection (1), the Commission must –
  - (a) make whatever modifications to the draft code the Commission consider necessary in light of responses to the consultation, and
  - (b) submit the draft to the Welsh Ministers for approval by the Welsh Ministers.
- (3) The Welsh Ministers may approve a draft code either without modifications or with such modifications as the Welsh Ministers may determine.
- (4) Once the Welsh Ministers have approved a draft code, they must lay a copy of the draft before the Senedd, whether –
  - (a) in its original form, or
  - (b) in a form which incorporates any modifications determined under subsection (3).
- (5) If the draft code incorporates modifications, the Welsh Ministers must at the same time lay before the Senedd a statement of their reasons for making them.
- (6) If, within the 40-day period, the Senedd resolves not to approve the draft code, the Welsh Ministers must take no further steps in relation to it.
- (7) Subsection (6) does not prevent a new draft code from being laid before the Senedd.
- (8) If no resolution of the kind mentioned in subsection (6) is made within the 40-day period –
  - (a) the Welsh Ministers must issue the code in the form of the draft laid before the Senedd,
  - (b) the code comes into force on the date appointed by the Welsh Ministers by order, and

- (c) the Commission must arrange for the code to be published in such manner as the Commission consider appropriate.
- (9) References in this section (other than in subsection (1)) to a code or draft code include a revised code or draft revised code.
- (10) In this section “the 40-day period”, in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before the Senedd, no account being taken of any period during which the Senedd is dissolved or is in recess for more than four days.
- (5) In section 156 (orders and regulations), in subsection (3), after paragraph (za) insert –
  - “(zb) an order under section 100C(8);”.
- (6) In Schedule 8A (controlled expenditure: qualifying expenses), in paragraph 3(11) for “and 100B” substitute “, 100B and 100C”.

*General*

**39 Minor and consequential amendments**

Part 3 of Schedule 1 makes minor and consequential amendments relating to this Chapter.

**PART 2**

ELECTED BODIES AND THEIR MEMBERS

**CHAPTER 1**

ARRANGEMENTS FOR LOCAL GOVERNMENT

*Electoral arrangements reviews: principal councils*

**40 Considerations for a review of principal area electoral arrangements**

- (1) The 2013 Act is amended as follows.
- (2) In section 30 (considerations for a review of principal area electoral arrangements), for subsection (1) substitute –
  - “(1) When considering whether to make recommendations for changes to the electoral arrangements of a principal area, the Commission must have regard to the following factors –
    - (a) the desirability of having a ratio of local government electors to the number of members of the council to be elected that is the same, or nearly the same, in every electoral ward of the principal area;
    - (b) special geographical considerations, including in particular the size, shape and accessibility of an electoral ward;
    - (c) any local ties (including local ties connected to the use of the Welsh language) that would be broken by such changes.”

**41 Review period for principal area reviews**

- (1) The 2013 Act is amended as follows.
- (2) In section 29 (review of electoral arrangements for principal area) –
  - (a) in subsection (3) –
    - (i) for paragraph (a) substitute –

“(a) the period of 12 years beginning on 30 September 2023, and”;
    - (ii) in paragraph (b), for “10” substitute “12”;
  - (b) after subsection (3), insert –

“(3A) The Welsh Ministers may by regulations amend subsection (3).”
- (3) In section 71(2) (orders and regulations), after paragraph (ba) (inserted by paragraph 1(4)(b) of Part 1 of Schedule 1 to this Act) insert –

“(bb) regulations under section 29(3A),”.
- (4) In the Local Government and Elections (Wales) Act 2021 (asc 1), in section 138 (reviews of electoral arrangements), omit subsection (6).

*Reviews of seaward boundaries***42 Review of seaward boundaries**

- In section 28 of the 2013 Act (review of seaward boundaries), after subsection (2) insert –
- “(3) A review under this section may review the boundary of more than one local government area.”

*Consultation and consideration of representations***43 Electoral review recommendations and decisions: duty to have regard to representations**

- (1) The 2013 Act is amended as follows.
- (2) In section 37 (implementation by the Welsh Ministers), for subsection (3) substitute –
  - (3A) The Welsh Ministers must not exercise their functions under subsection (1) before the end of the period of 6 weeks beginning with the day on which the Welsh Ministers receive the recommendations.
  - (3B) In exercising their functions under subsection (1), the Welsh Ministers must have regard to any representations made by any person on the recommendations and received by the Welsh Ministers during the period of 6 weeks beginning with the day on which the Welsh Ministers receive the recommendations.”
- (3) In section 38 (implementation of community boundary change), for subsection (2) substitute –

“(2A) The Commission must not exercise its functions under subsection (1) before the end of the period of 6 weeks beginning with the day on which the Commission receives the recommendations.

- (2B) In exercising its functions under subsection (1), the Commission must have regard to any representations made by any person on the recommendations and received by the Commission during the period of 6 weeks beginning with the day on which the Commission receive the recommendations.”
- (4) In section 39 (implementation of community electoral arrangements change), for subsection (4) substitute—
- “(4A) The Council must not exercise its functions under subsection (3) before the end of the period of 6 weeks beginning with the day on which the Council receives the recommendations.
- (4B) In exercising its functions under subsection (1) or (3), the Council must have regard to any representations made by any person on the recommendations and received by the Council during the period of 6 weeks beginning with the date on which the Council publishes the report (for functions in subsection (1)) or receives the recommendations (for functions under subsection (3)).”

#### **44 Names of electoral wards**

- (1) The 2013 Act is amended as follows.
- (2) After section 36 (reporting on review) insert—

##### **“36A Names of electoral wards**

- (1) Subsection (2) applies to a review report under this Part so far as it relates to—
- (a) an electoral ward that has different names (in any respect) for the purposes of identifying the ward in communication through Welsh and English;
- (b) a proposal for an electoral ward to have different names in any respect for the purposes of identifying the ward in communication through Welsh and English.
- (2) The Commission or the principal council (as the case may be) must specify both names or proposed names for the electoral ward in each language version of a report under section 35(2), 36(3) or 36(4).
- (3) Before making a report under section 35(2), 36(3) or 36(4), the Commission or a principal council (as the case may be) must have regard, in particular, to any representations received from the Welsh Language Commissioner on the orthography of the name or proposed name of an electoral ward to which the report relates.
- (4) In this section “each language version” means the Welsh version and the English version.”

#### **45 Consultation on reviews**

- (1) The 2013 Act is amended as follows.

- (2) In section 34 (pre-review procedure), in subsection (1)(a), after “attention of” insert “members of the public affected by the review,”.
- (3) In section 35 (consultation and investigation) –
- (a) in subsection (1), after “must –” insert –
- “(za) consult members of the public in the area affected by the review,”;
- (b) in subsection (3) –
- (i) after paragraph (a) insert –
- “(aa) publicise the fact that representations relating to the review may be made to the reviewing body during the public consultation period,
- (ab) indicate in the publicity when the public consultation period begins and ends,”;
- (ii) in paragraph (b) for “period for representations” substitute “public consultation period”;
- (iii) in paragraph (d) omit “, and”;
- (iv) omit paragraph (e);
- (v) for subsection (4) substitute –
- “(4) In subsection (3), the “public consultation period” means a period of at least 6 weeks and no more than 12 weeks determined by the reviewing body, which may not begin before the end of a period of 7 days beginning with the day on which the report is published.”
- (4) In section 36 (reporting on review), in subsection (1), for “period for representations” substitute “public consultation period”.

#### **46 Meaning of “mandatory consultees” in Part 3 of the 2013 Act**

- (1) The 2013 Act is amended as follows.
- (2) In section 34(3) (pre-review procedure), after paragraph (c) insert –
- “(ca) the National Park authority for a National Park in an area affected by the review,
- (cb) the Port Health authority constituted under section 2 of the Public Health (Control of Disease) Act 1984 (c. 22) for a port health district in an area affected by the review,
- (cc) the Welsh Language Commissioner,”.

#### *Timing of reviews and implementation*

#### **47 Electoral review recommendations and decisions: period before a local election**

- (1) The 2013 Act is amended as follows.
- (2) In section 29(8) (review of electoral arrangements for principal area), for “9” substitute “12”.

- (3) In section 37 (implementation by the Welsh Ministers), after subsection (2) insert –

“(2A) The Welsh Ministers must not, in any period of 6 months preceding the day of an ordinary council election under section 26 of the 1972 Act (elections of councillors), exercise their functions under subsection (1).”

#### **48 Deadline for completion of reviews**

- (1) The 2013 Act is amended as follows.
- (2) After section 36A (proposals for names of electoral wards: review reports) (inserted by section 44) insert –

##### **“36B Deadline for completion of reviews**

- (1) Before conducting a review under this Part, the Commission or, as the case may be, a principal council must publish a statement specifying the day on which the review begins.
- (2) The Commission must, in relation to a review it conducts under section 23, 27 or 29, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 12 months beginning with the day specified under subsection (1).
- (3) The Commission must, in relation to a review it conducts under section 28, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 18 months beginning with the day specified under subsection (1).
- (4) The Commission must, in relation to a review it conducts under section 26 or 32, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 24 months beginning with the day specified under subsection (1).
- (5) A principal council must, in relation to a review it conducts under section 25 or 31, use its best endeavours to publish its further report on the review in accordance with section 36(5)(b) before the end of a period of 24 months beginning with the day specified under subsection (1).
- (6) If a reviewing body fails to comply with a duty imposed by this section in relation to a review, the body’s failure to comply does not affect the validity of the review for the purposes of this Act.”

#### **49 Deadline for completion of implementation**

- (1) The 2013 Act is amended as follows.
- (2) In section 37 (implementation by the Welsh Ministers) –
- (a) in subsection (1)(b), after “action” insert “on any recommendation”;
- (b) after subsection (4) insert –

- “(5) The Welsh Ministers must use their best endeavours to make a decision on each recommendation received by them, of the kind described in subsection (1), before the end of a period of 3 months beginning at the end of the period specified by subsection (3A).
- (6) The Welsh Ministers must publish a statement setting out their decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision for the purposes of subsection (5).
- (7) If the Welsh Ministers fail to comply with the duty in subsection (5), the failure to comply does not affect the validity of any order under subsection (1)(a) or any decision to take no action under subsection (1)(b).”
- (3) In section 38 (implementation of community boundary change), after subsection (4) insert –
- “(5) The Commission must use its best endeavours to make a decision on each recommendation received by it, of the kind described in subsection (1), before the end of a period of 3 months beginning at the end of the period specified by subsection (2A).
- (6) The Commission must publish a statement setting out its decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision.
- (7) If the Commission fails to comply with the duty in subsection (5), the failure to comply does not affect the validity of any order under subsection (1)(a) or (b) or any review under subsection (1)(c).”
- (4) In section 39 (implementation of community electoral arrangements change) –
- (a) after subsection (4B) (inserted by section 43(4)) insert –
- “(4C) The principal council must use its best endeavours to make a decision on each recommendation received by it, of the kind described in subsection (3), before the end of a period of 3 months beginning at the end of the period specified by subsection (4A).
- (4D) The principal council must publish a statement setting out its decision in respect of each recommendation; and the date on which the statement is published is to be treated as the date of the decision.
- (4E) If a principal council fails to comply with the duty in subsection (4C), the failure to comply does not affect the validity of any order under subsection (3)(a) or (b) or any decision or notification under subsection (3)(c).”
- (b) in subsection (6), in paragraph (b), for “6 months beginning with the date on which the council received the Commission’s recommendations” substitute “3 months beginning with the end of period specified by subsection (4C)”.

## 50 Directions to pause reviews

- (1) The 2013 Act is amended as follows.

- (2) In section 48 (directions and guidance relating to Part 3) –
- (a) in subsection (2), after paragraph (e) insert –
- “(f) to pause a review it conducts under this Part for a period specified in the direction or until a further direction is given.”;
- (b) in subsection (5), after paragraph (b) insert –
- “(c) to pause a review it conducts under this Part for a period specified in the direction or until a further direction is given.”;
- (c) after subsection (9), insert –
- “(10) The Welsh Ministers must not use the powers of direction under this Act to pause a review for more than 9 months, whether the pause is one period of 9 months or more than one period totalling 9 months.
- (11) Any period during which the Commission or a principal council is directed under this Act to pause a review is not to be taken into account for the purpose of calculating the length of the periods mentioned in subsections (2) to (5) of section 36B.”

*Community reviews and status as towns*

**51 Community reviews and implementation**

- (1) The 2013 Act is amended as follows.
- (2) In section 22 (duties of principal councils in relation to area), for subsections (5) and (6) substitute –
- “(5) Before 1 July in each year, a principal council must publish a report on the performance of its functions under this Part and section 76 of the 1972 Act (change of name of community) in the previous year, so far as the functions relate to –
- (a) community names,
- (b) community boundary changes,
- (c) community council changes, and
- (d) community electoral arrangements.
- (6) A principal council must send a copy of each report it publishes to the Commission and the Welsh Ministers.
- (7) In subsection (5), “year” means the period of 12 months beginning with 1 April.”
- (3) In section 31 (review of electoral arrangements for community by principal council) –
- (a) before subsection (1) insert –
- “(A1) A principal council must conduct a review of the electoral arrangements for each community in its area at least once in every review period.

- (A2) In subsection (A1), “review period” means –
- (a) the period of 12 years beginning with the day on which section 51 of the Elections and Elected Bodies (Wales) Act 2024 comes into force, and
  - (b) each subsequent period of 12 years.
- (A3) The Welsh Ministers may by regulations amend subsection (A2).”;
- (b) in subsection (1), after “may” insert “also”.
- (4) In section 33(3) (considerations for a review of community electoral arrangements) –
- (a) for paragraph (b) substitute –
    - “(b) special geographical considerations, including in particular the size, shape and accessibility of a community ward, and”;
  - (b) in paragraph (c), after “ties” insert “(including local ties connected to the use of the Welsh language)”.
- (5) In section 71(2) (orders and regulations), after section (bb) (inserted by section 41(3) of this Act) insert –
- “(bc) regulations under section 31(A3),”.

## 52 Notice of resolutions on status of communities as towns

- (1) The Local Government Act 1972 (c. 70) is amended as follows.
- (2) In section 245B (community having the status of a town), after subsection (7) insert –
  - “(7A) The community council must give notice electronically in writing of any resolution passed under subsection (1) or (6) to the following bodies –
    - (a) the Welsh Ministers,
    - (b) the principal council for the area in which the community is situated, and
    - (c) the Democracy and Boundary Commission Cymru.”

*Publication of information: arrangements for local government*

## 53 Publication of orders under Part 3 of the 2013 Act

- (1) The 2013 Act is amended as follows.
- (2) After section 49 (local inquiries), insert –

### “49ZA Publication of orders under Part 3

- (1) A principal council must publish and maintain on its website –
  - (a) a copy of each order it makes under this Part;
  - (b) a copy of each order relating to its area made by the Commission under this Part;

- (c) a copy of, or a link to, each statutory instrument containing an order relating to its area made by the Welsh Ministers under this Part.
- (2) The Commission must publish and maintain on its website –
  - (a) a copy of each order made by a principal council under this Part;
  - (b) a copy of each order the Commission makes under this Part;
  - (c) a copy of, or a link to, each statutory instrument containing an order made by the Welsh Ministers under this Part;
  - (d) a copy of, or a link to, each statutory instrument containing an order made by the Secretary of State under this Part.
- (3) A principal council must send a copy of each order it makes under this Part to the Commission.
- (4) The Commission must send to a principal council a copy of each order it makes under this Part affecting the area of the principal council.
- (5) The Welsh Ministers must –
  - (a) notify a principal council of each order they make under this Part affecting the area of the principal council;
  - (b) notify the Commission of each order they make under this Part.
- (6) The duties in subsections (1) and (2) apply to orders made after the coming into force of this section.”

#### **54 Publication of up-to-date lists of communities and community councils**

- (1) The 2013 Act is amended as follows.
- (2) After section 49ZA (inserted by section 53), insert –

##### **“49ZB Publication of up-to-date lists of communities and community councils**

- (1) A principal council must publish and maintain on its website an up-to-date list of all communities and community councils in its area with their current names.
- (2) The Commission must publish and maintain on its website an up-to-date list of all communities and community councils in Wales with their current names.
- (3) If a community or community council has different names for the purpose of communication through the medium of the Welsh language and the English language, both names must be included in a list required to be published under this section.”

*General***55 Transitional provision**

- (1) A review being conducted under Part 3 of the 2013 Act at the time of the coming into force of this Chapter is to be completed as if the amendments made by this Chapter had not been made.
- (2) The provisions of Part 3 of the 2013 Act (and any orders or regulations made under that Part) continue in effect for the purpose of such reviews as the provisions of that Part (and any orders or regulations made under that Part) had effect immediately before the coming into force of this Chapter.

**CHAPTER 2****REMUNERATION OF ELECTED MEMBERS***Abolition of the Independent Remuneration Panel for Wales***56 Abolition of Independent Remuneration Panel for Wales**

In the Local Government (Wales) Measure 2011 (nawm 4) (Independent Remuneration Panel for Wales: functions relating to remuneration of members), omit sections 141 to 159 and Schedule 2.

*Functions of the Democracy and Boundary Commission Cymru***57 Democracy and Boundary Commission Cymru functions relating to remuneration**

- (1) The 2013 Act is amended as follows.
- (2) After section 69 insert –

**“PART 5A****FUNCTIONS RELATING TO PAYMENTS AND PENSIONS***Remuneration of authority members***69A Function relating to payments to members**

- (1) For the financial year beginning 1 April 2025 and for each following financial year, the Commission must decide the relevant matters for which a relevant authority –
  - (a) is required to make payments to members of the authority;
  - (b) is authorised to make payments to members of the authority.
- (2) In this Part relevant matters are –
  - (a) matters relating to the official business of members of relevant authorities;
  - (b) periods of family absence under Part 2 of the 2011 Measure.

- (3) When making a decision under subsection (1) the Commission must set for each relevant matter one of the following –
  - (a) the amount that a relevant authority must pay to a member of the authority;
  - (b) the maximum amount that a relevant authority may pay to a member of the authority.
- (4) The Commission may decide that payments in respect of a relevant matter or matters may not be paid to more than a fixed proportion or specified number of the members of a relevant authority.
- (5) The proportion fixed by the Commission under subsection (4) may not exceed 50% unless the Welsh Ministers give their consent.
- (6) The number specified by the Commission under subsection (4), expressed as a proportion of the total number of members of a relevant authority, may not exceed 50% unless the Welsh Ministers give their consent.
- (7) The Commission may set –
  - (a) the maximum percentage or other rate by which a relevant authority may adjust for a financial year the amounts that had effect in respect of relevant matters for the financial year preceding that year;
  - (b) an index by reference to which a relevant authority may adjust for a financial year the amounts that had effect in respect of such of the relevant matters for the previous year as the Commission decides.
- (8) The powers under subsection (7) may be exercised to –
  - (a) set a rate and an index in relation to the same matter;
  - (b) set different rates or indices in relation to different matters.
- (9) When setting an amount under subsection (3), making a determination under subsection (4) or setting a rate or index under subsection (7), the Commission must take into account what it considers will be the likely financial impact of doing so on relevant authorities.
- (10) The Commission may make different decisions under subsection (1), set different amounts under subsection (3), make different determinations under subsection (4), or set different rates or indices under subsection (7), in relation to relevant authorities of different descriptions or different relevant authorities of the same description.
- (11) For the purposes of subsection (2) a matter relates to the official business of a member of a relevant authority if it is a matter which a member undertakes –
  - (a) as a member of a relevant authority, or

- (b) as a member of a body to which the member is appointed by, or following nomination by, the relevant authority or a group of bodies including the relevant authority.
- (12) In this section and in section 69E “financial year” means a period of 12 months ending with 31 March.

**69B Functions relating to members’ pensions**

- (1) This section applies in relation to members of relevant authorities who—
- (a) are not co-opted members, and
  - (b) are for the time being eligible for membership of a pension scheme in accordance with regulations under section 7 of the Superannuation Act 1972 (c. 11) (local government pension schemes).
- (2) The Commission must decide the descriptions of members in respect of whom a relevant authority is required to pay a pension (a “relevant pension”).
- (3) The Commission must decide the relevant matters in respect of which a relevant authority is required to pay a relevant pension.
- (4) The Commission may make different decisions in relation to relevant authorities of different descriptions or different relevant authorities of the same description.

**69C Relevant authorities, members etc.**

- (1) This section applies for the purposes of this Part.
- (2) An authority is a relevant authority if it is—
- (a) a local authority;
  - (b) a National Park authority for a National Park in Wales;
  - (c) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies;
  - (d) a corporate joint committee;
  - (e) a body specified as a relevant authority in regulations made by the Welsh Ministers.
- (3) A reference to a description of a relevant authority is to be read with subsection (2).
- (4) “Member”, in relation to a relevant authority, includes—

- (a) an elected mayor of the authority (within the meaning of section 39(1) of the Local Government Act 2000),
  - (b) an elected executive member of the authority (within the meaning of section 39(4) of that Act),
  - (c) a co-opted member of the authority, and
  - (d) a person who is a member of a sub-committee of a corporate joint committee and is entitled to vote on any question to be decided by that sub-committee.
- (5) “Co-opted member”, in relation to a relevant authority other than a corporate joint committee, means a person who is not a member of the authority (except by virtue of subsection (4)) but—
- (a) is a member of a committee or sub-committee of the authority or is a member of, and represents the authority on, a joint committee or joint sub-committee of the authority, and
  - (b) is entitled to vote on questions for decision at meetings of that committee or sub-committee.
- (6) A body may only be specified as a relevant authority in regulations under subsection (2)(e) if—
- (a) the Welsh Ministers exercise functions in respect of it,
  - (b) it exercises a function conferred by a Measure or Act of Senedd Cymru, or a function that could be conferred by an Act of Senedd Cymru (including a function that could be conferred only with the consent of a Minister of the Crown), and
  - (c) its membership includes at least one member of an authority described in subsection (2)(a) to (d).
- (7) Sections 69A(4), 69B, 69E(4)(d) and 69O do not apply in relation to a relevant authority described in subsection (2)(d) or (e).
- (8) In this section “corporate joint committee” means a committee established by regulations under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1).

#### **69D Functions relating to resettlement payments**

- (1) A resettlement payment is a payment to a person who—
- (a) ceases to be a member of a local authority at the end of their term of office,
  - (b) when in office was a member of a local authority of a description specified in regulations made by the Welsh Ministers,

- (c) stands for re-election for membership of the same authority in the ordinary election of the local authority for the term following the term of office, and
  - (d) is not returned as a member at that election.
- (2) The Commission must decide –
  - (a) the circumstances in which a local authority is required to make a resettlement payment;
  - (b) the circumstances in which a local authority is authorised to make a resettlement payment;
  - (c) the matters in respect of which a resettlement payment is payable.
- (3) When making a decision under subsection (2) the Commission must set –
  - (a) the qualifying conditions for payment;
  - (b) the amount a local authority is required to pay;
  - (c) the maximum amount a local authority may pay to a member;
  - (d) a mechanism by which the amount of payments set under paragraph (b) or (c) may be increased or decreased;
  - (e) requirements on how payments are to be made (and their frequency).
- (4) The Commission must make arrangements to review any decision it makes under subsection (2) and, if it thinks appropriate, may revise its decision.
- (5) When making a decision under this section the Commission must take into account the likely financial impact of its decision on local authorities.
- (6) When making a decision under subsection (2) the Commission may make different provision in relation to local authority members of different descriptions or different members of the same description.
- (7) The Commission must make a decision under subsection (2) before each ordinary election of the local authority, beginning with the election that is to be held in May 2027 and must review the decision before each subsequent ordinary election.
- (8) Subsection (7) applies only if the Welsh Ministers make regulations under subsection (1)(b).

**69E Annual remuneration reports in relation to members of relevant authorities**

- (1) The Commission must prepare and publish a report (an “annual remuneration report”) about the exercise of its functions under this Part in respect of each financial year.

- (2) An annual remuneration report must set out the requirements imposed on relevant authorities by the Commission under sections 69A, 69B and 69D.
- (3) An annual remuneration report must be published no later than –
  - (a) 28 February in the financial year before the financial year to which the report relates, or
  - (b) such later date as the Commission and the Welsh Ministers may agree.
- (4) An annual remuneration report must set out –
  - (a) the relevant matters,
  - (b) the amounts set under section 69A(3),
  - (c) the proportion or number determined under section 69A(4),
  - (d) the members or descriptions of members of relevant authorities to or in respect of whom relevant authorities will be required to pay a relevant pension,
  - (e) the relevant matters in respect of which a relevant pension is payable,
  - (f) any percentage, rate or index set under section 69A(7) and the relevant matter to which it relates, and
  - (g) any decision about resettlement payments under section 69D.

**69F Supplementary remuneration reports**

- (1) After publishing an annual remuneration report but before publishing the next report, the Commission may prepare and publish one or more supplementary remuneration reports to the annual remuneration report (“a supplementary remuneration report”).
- (2) The supplementary remuneration report may –
  - (a) vary the provision made in the annual remuneration report under section 69E(4);
  - (b) make any provision that the annual remuneration report could have made under section 69E(4).

**69G Further provision about annual remuneration reports and supplementary remuneration reports**

- (1) Before publishing an annual remuneration report or a supplementary remuneration report under section 69E or 69F, the Commission must –
  - (a) send a draft of the report it proposes to make to –
    - (i) the Welsh Ministers,

- (ii) the relevant authorities that are required or authorised by the Commission to make payment to their members in respect of relevant matters, and
    - (iii) such other persons as the Commission considers appropriate,
  - (b) publish the draft report as soon as practicable after sending it.
- (2) When preparing an annual remuneration report or a supplementary remuneration report under section 69E or 69F, the Commission must take into account –
- (a) the last annual remuneration report and any supplementary remuneration reports relating to the last annual remuneration report;
  - (b) representations received about the reports referred to in paragraph (a) and the draft reports referred to in subsection (1).
- (3) The provisions of an annual or supplementary remuneration report under section 69E or 69F have effect on the date specified for that purpose in the report.
- (4) But where a supplementary remuneration report contains provision made under section 69F(2) varying a provision made under section 69E(4)(a), (b) or (c), the supplementary remuneration report may specify that the provision is to be treated as having effect up to 3 months earlier than the date of publication of the supplementary remuneration report.

#### **69H Directions to reconsider draft reports**

- (1) The Welsh Ministers may direct the Commission to reconsider a provision of a draft annual or draft supplementary remuneration report.
- (2) A direction under this section must specify –
- (a) the provision,
  - (b) the reason for giving the direction, and
  - (c) the date by which the Welsh Ministers require the Commission to respond.
- (3) The Commission –
- (a) must respond to the direction no later than the date specified in the direction;
  - (b) must not publish the report before responding to the direction.
- (4) If the Commission decides not to vary the draft report in response to the direction, it must specify in its response the reason for its decision.

**69I Commission's publication and notification duties in relation to reports**

- (1) The Commission must not publish an annual remuneration report under section 69E before the end of the period of 12 weeks beginning with the day on which it sends a draft of the report under section 69G(1)(a)(i).
- (2) The Commission must not publish a supplementary remuneration report—
  - (a) before the end of the period of 8 weeks beginning with the day on which it sends a draft of the report in accordance with section 69G(1)(a)(i), or
  - (b) later than the end of the period of 12 weeks beginning with the day on which it sends a draft of the report in accordance with section 69G(1)(a)(i).
- (3) Subsections (1) and (2) are subject to section 69H(3)(b) (publishing of report permitted only if Commission has responded to direction).
- (4) The Commission must publish each annual remuneration report, supplementary remuneration report, and draft report prepared under this Part on its website, and in any other way the Commission considers appropriate.
- (5) Copies of anything published under subsection (4) may be supplied free of charge or on payment of such fee, not exceeding the cost of supplying the copy, as the Commission may determine.
- (6) As soon as reasonably practicable after publishing an annual remuneration report or supplementary remuneration report, the Commission must notify the persons it considers likely to be affected by it of how they can access the report or obtain a copy of it.

**69J Administrative requirements for relevant authorities in reports**

- (1) An annual remuneration report may include the Commission's requirements for—
  - (a) avoiding duplication of—
    - (i) payments in respect of relevant matters, and
    - (ii) requests for payment in respect of the same relevant matters under section 69A(2)(a);
  - (b) keeping records of—
    - (i) requests for payments in respect of relevant matters;
    - (ii) payments made in respect of relevant matters;

- (iii) payments made in respect of relevant pensions;
  - (iv) resettlement payments made under section 69D.
- (2) An annual remuneration report must set out the Commission's requirements in relation to how a relevant authority determines which relevant authority is required to make a payment in a case where a member of a relevant authority does something –
  - (a) for which a payment in respect of a relevant matter must be made, and
  - (b) which relates to another relevant authority (as well as the authority to which the member belongs).

**69K Publishing requirements for relevant authorities in reports**

- (1) An annual remuneration report may set out the Commission's requirements for relevant authorities to publish information about –
  - (a) payments made in respect of relevant matters;
  - (b) payments made in respect of relevant pensions;
  - (c) resettlement payments made under section 69D;
  - (d) other payments made to members of relevant authorities from other public bodies.
- (2) For the purposes of sub-paragraph (1)(d), a "public body" is –
  - (a) a local health board;
  - (b) a police and crime panel;
  - (c) a relevant authority;
  - (d) a body designated as a public body in regulations made by the Welsh Ministers.
- (3) The Commission may require different publishing arrangements to be made by authorities of different descriptions or different authorities of the same description.

**69L Monitoring compliance with Commission's requirements**

- (1) A relevant authority must comply with any requirement set out in an annual remuneration report or supplementary remuneration report.
- (2) The Commission may monitor the making of payments by relevant authorities in respect of relevant matters; and may require a relevant authority to provide it with information about –
  - (a) the matters which are relevant matters in relation to the authority;

- (b) requests to the authority for payments in respect of relevant matters;
  - (c) payments made by the authority in respect of relevant matters.
- (3) The Commission may monitor the making of payments by relevant authorities in respect of relevant pensions and may require a relevant authority to provide it with information about –
- (a) the members of the authority to or in respect of whom the authority is required to pay relevant pensions;
  - (b) payments made by the authority in respect of relevant pensions.
- (4) The Commission may monitor the making of resettlement payments by local authorities and may require a local authority to provide it with information about –
- (a) the former members of the local authority to or in respect of whom the authority is required to pay a resettlement payment;
  - (b) resettlement payments made by the local authority.

**69M Directions to enforce compliance with Commission’s requirements**

- (1) If the Welsh Ministers are satisfied that a relevant authority has failed to comply with a requirement in an annual or supplementary remuneration report made under this Part, they may direct the authority to comply with the requirement.
- (2) A direction under this section must specify –
- (a) the requirement;
  - (b) the reason for giving the direction;
  - (c) the steps that the Welsh Ministers require the authority to take;
  - (d) the date by which the Welsh Ministers require the authority to take the steps.

**69N Members wishing to forgo payments**

- (1) This section applies if a person elects, by notice in writing given to the proper officer of the authority, to forgo (either completely or to the extent specified in the notice) entitlement to payments in respect of the relevant matters, or resettlement payment, specified in the notice.
- (2) The requirement imposed on the authority by section 69A and 69D to make payments specified in the notice does not apply in the case of that member (or does not apply to the extent specified in the notice).

- (3) In this section “proper officer” has the meaning given in section 270(3) of the 1972 Act.

#### **69O Withholding payments**

- (1) A relevant authority must not make payments in respect of relevant matters or a relevant pension to a person who is—
- (a) suspended or partially suspended from being a member of the authority by virtue of Part 3 of the Local Government Act 2000 (c. 22) (conduct of local government members etc.);
  - (b) prevented from acting in the office of a member of a local authority in Wales under section 80A(6) of the 1972 Act (disqualification).
- (2) A local authority must not make a resettlement payment to a person who is prevented from acting in the office of a member of a local authority in Wales under section 80A(6) of the 1972 Act.
- (3) The Welsh Ministers may, in cases they consider appropriate, direct a relevant authority not to—
- (a) make payments (including in respect of pensions) in respect of the relevant matters specified in the direction;
  - (b) make a resettlement payment.
- (4) Before giving a direction under subsection (3), the Welsh Ministers must consult the Commission.
- (5) A relevant authority may require a person to repay payments made in respect of relevant matters or a relevant pension to a person in respect of a period during which the person was not entitled to receive the payment for any reason, including (but not limited to) the following reasons—
- (a) the payments were made in breach of subsection (1);
  - (b) the payments were made in breach of a direction under subsection (3)(a);
  - (c) the person had ceased to be a member of the authority.
- (6) A local authority may require a person to repay a resettlement payment made under section 69D where the person was not entitled to receive the payment for any reason, including (but not limited to) the following reasons—
- (a) the payment was made in breach of subsection (2);
  - (b) the payment was made in breach of a direction under subsection (3)(b).

#### **69P Guidance**

- (1) The Commission may issue guidance to relevant authorities about how to comply with requirements imposed under this Part.

- (2) The Welsh Ministers may issue guidance to the Commission about the Commission's functions under this Part.
- (3) The powers of the Commission and the Welsh Ministers to issue guidance under subsections (1) and (2) includes the power to vary or revoke guidance given.
- (4) A relevant authority, or the Commission as the case may be, must have regard to guidance given under this section.

**69Q Directions under this Part**

- (1) A direction given under section 69M and 69O is enforceable by mandatory order on the application of the Welsh Ministers.
- (2) The power to give directions under this Part does not limit the general power of direction under section 14.

**69R Power to modify provision**

The Welsh Ministers may by regulations make modifications of this Part so as to add, vary or omit provision conferring or imposing a function on the Commission."

**58 Transfer of property, rights and liabilities**

All property, rights and liabilities vested in the Independent Remuneration Panel for Wales immediately before its abolition by section 56 are transferred to the Democracy and Boundary Commission Cymru.

**59 Minor and consequential amendments**

Part 4 of Schedule 1 makes minor and consequential amendments relating to this Chapter.

**60 Savings**

The effect of the provisions repealed by section 56 is saved for the purposes of the financial year beginning 1 April 2025, except that every reference to the Independent Remuneration Panel for Wales (however expressed) is to be interpreted as a reference to the Democracy and Boundary Commission Cymru.

**CHAPTER 3**

**DISQUALIFICATION, UNDUE INFLUENCE AND POLITICAL RESTRICTION OF OFFICES**

*Disqualification*

**61 Disqualification from being a Member of the Senedd and a community councillor**

- (1) The Government of Wales Act 2006 (c. 32) is amended as follows.
- (2) In section 16 (disqualification from being a Member of the Senedd) in subsection (1) –
  - (a) in paragraph (za), omit "and 17B";

(b) for paragraph (zc), substitute –

“(zc) is a member of the council of a county, a county borough or a community in Wales (but see section 17D);”.

(3) Omit section 17B.

(4) In section 17D (exception from disqualification by virtue of being a councillor) –

(a) in subsection (1), after “borough” insert “or community council”;

(b) in subsection (2), after “borough” insert “or community council”.

(5) Omit section 17E.

(6) Omit section 17F.

(7) The amendments made by this section have effect for the purposes of an election for membership of the Senedd at which a poll is held on or after 6 April 2026.

## 62 Disqualification for corrupt or illegal practice: local government elections

In section 80A(1) of the Local Government Act 1972 (c. 70) (disqualification for election or being a member of a local authority in Wales), after paragraph (b) insert –

“(ba) the person is incapable of being elected to or holding elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) 1962 (c. 14) (corrupt or illegal practices);”.

## 63 Disqualification for corrupt or illegal practice: Senedd Cymru elections

In Schedule 1A to the Government of Wales Act 2006 (c. 32) (disqualification from being a Member of the Senedd or a candidate in an election to be a Member of the Senedd), after paragraph 5 insert –

“5A A person who is incapable of being elected to or holding elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) 1962 (c. 14) having been reported guilty or convicted of a corrupt or illegal practice.”

### *Undue influence*

## 64 Undue influence

(1) The 1983 Act is amended as follows.

(2) In section 114A (undue influence offence inserted by section 8 of the Elections Act 2022), omit “or Wales”.

(3) In section 115 (undue influence offence: local government elections in Scotland and Wales) –

(a) in subsection (1), omit “or Wales”;

(b) in subsection (2), omit “or Wales”;

(c) in the heading, omit “and Wales”.

*Political restriction of offices***65 Political restriction of officers and staff**

- (1) The Local Government and Housing Act 1989 (c. 42) is amended as follows.
- (2) In section 1 (disqualification and political restriction of certain officers and staff) –
  - (a) in subsection (1A) –
    - (i) after “member of any local authority in Wales” insert “(including an elected mayor)”;
    - (ii) in paragraph (b), after “under a” insert “community council or”;
  - (b) in subsection (1B), after “any corporate joint committee” insert “, community council”;
  - (c) after subsection (1B) insert –

“(1C) A person shall be disqualified from becoming or remaining a member of a community council if that person holds a politically restricted post under any community council, corporate joint committee or local authority in Great Britain.”;
  - (d) after subsection (12) insert –

“(13) Subsections (5) and (6) of this section apply to a community council as they apply to a local authority in Wales.”.
- (3) In section 2 (politically restricted posts) –
  - (a) after subsection (1B) insert –

“(1C) For the purposes of this Part the following persons are to be regarded as holding politically restricted posts under a community council –

    - (a) a paid officer having responsibility, for the purposes of section 151 of the Local Government Act 1972, for the administration of the financial affairs of the community council;
    - (b) a person holding a paid post that is for the time being specified by the community council in the list maintained in accordance with subsection (2) and any directions under section 3.”;
  - (b) after subsection (10C) insert –

“(10D) This section, other than subsection (1), applies in relation to a community council as it applies in relation to a local authority in Wales.

(10E) In the application of subsection (4) to a community council, the reference to the coming into force of this section has effect as if it were a reference to 6 May 2027.”.
- (4) In section 3(9) (grant and supervision of exemptions from political restriction), after “corporate joint committee” insert “and a community council”.
- (5) In section 10(2) (limit on paid leave for local authority duties), in the definition of “local authority”, after “corporate joint committee” insert “and a community council”.

- (6) In section 12(2) (conflict of interest in staff negotiations), in the definition of “local authority”, after “corporate joint committee” insert “and a community council”.

#### CHAPTER 4

#### DEMOCRACY AND BOUNDARY COMMISSION CYMRU

**66 Democracy and Boundary Commission Cymru: persons who may not be members etc.**

- (1) The 2013 Act is amended as follows.
- (2) In section 4(3) (persons who may not be commissioners) –
- (a) in paragraph (c), after “member” insert “or member of staff”;
  - (b) omit paragraph (d);
  - (c) in paragraph (e), after “member” insert “or member of staff”;
  - (d) after paragraph (e) insert –
    - “(ea) a member or member of staff of a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);
    - (eb) a member or member of staff of a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies;”.
- (3) In section 8(4) (persons who may not be chief executive) –
- (a) in paragraph (c), after “member” insert “or member of staff”;
  - (b) omit paragraph (d);
  - (c) in paragraph (e), after “member” insert “or member of staff”;
  - (d) after paragraph (e) insert –
    - “(ea) a member or member of staff of a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);
    - (eb) a member or member of staff of a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies;”.
- (4) In section 11(2) (persons who may not be assistant commissioners) –
- (a) in paragraph (c), after “member” insert “or member of staff”;
  - (b) omit paragraph (d);
  - (c) in paragraph (e), after “member” insert “or member of staff”;

(d) after paragraph (e) insert—

“(ea) a member or member of staff of a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);

(eb) a member or member of staff of a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21), or a scheme to which section 4 of that Act applies;”.

## 67 Democracy and Boundary Commission Cymru: governance and audit committee

(1) The 2013 Act is amended as follows.

(2) In the cross-heading before section 15 (funding), after “matters” insert “and governance”.

(3) In section 17 (audit committee)—

(a) for the section heading, substitute “Governance and audit committee”;

(b) in subsection (1)—

(i) for “(an “audit committee”)” substitute “(a “governance and audit committee”)”;

(ii) after paragraph (b) insert—

“(ba) review, assess and manage the Commission’s internal and external audit arrangements,

(bb) review and assess the Commission’s handling of complaints,

(bc) review—

(i) statements of accounts and reports prepared by the Commission under sections 19(1) and 20,

(ii) reports prepared by the Auditor General for Wales under section 19(4),”;

(iii) in paragraph (d), after “(b)” insert “, (ba), (bb), (bc)”;

(c) in subsection (2), for “audit” substitute “governance and audit”;

(d) in subsection (3), for “audit” substitute “governance and audit”;

(e) after subsection (2) insert—

“(2A) The Commission may confer on the governance and audit committee the functions the Commission considers suitable to be exercised by the committee.”

(4) In section 18 (audit committee: membership)—

(a) for the section heading, substitute “Governance and audit committee: membership and quorum”;

(b) for subsections (1) and (2) of the 2013 Act substitute—

“(1) The governance and audit committee is to consist of—

- (a) at least two members of the Commission;
  - (b) at least two lay members;
  - (c) no more than five members.
- (2) A lay member of the governance and audit committee must be appointed—
- (a) to chair the committee (the “chair”);
  - (b) as deputy to the chair.
- (2A) A person may not be a member of the governance and audit committee if the person is a member of the Commission and is either the Commission’s chairing member or is acting as deputy to the Commission’s chairing member.
- (2B) The quorum for meetings of the governance and audit committee is three members, which must consist of at least one lay member.”

**68 Democracy and Boundary Commission Cymru: power to charge**

- (1) The 2013 Act is amended as follows.
- (2) After section 11 (assistant commissioners) and the cross-heading that follows that section, insert—

**“11A Power to charge**

- (1) The Commission may charge a person for the provision of goods or services mentioned in subsection (2) to recover the cost of the provision if the person has agreed to the goods or services being provided.
- (2) The goods or services are—
  - (a) goods or training the Commission provides or secures in exercise of its functions under section 20A (electoral administration functions);
  - (b) training the Commission provides or secures for a principal council in connection with the council’s functions under Part 3.”

**PART 3**

**GENERAL PROVISION**

**69 Regulations: restrictions**

- (1) Regulations under this Act—
  - (a) may not include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru;

- (b) may not include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to that Act if the provision were included in an Act of Senedd Cymru.
- (2) In this section “appropriate Minister” has the meaning given by paragraph 8(5) of Schedule 7B to the Government of Wales Act 2006.

## 70 General interpretation

In this Act—

“1983 Act” (“*Deddf 1983*”) means the Representation of the People Act 1983 (c. 2);

“2000 Act” (“*Deddf 2000*”) means the Political Parties, Elections and Referendums Act 2000 (c. 41);

“2013 Act” (“*Deddf 2013*”) means the Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4);

“principal council” (“*prif gyngor*”) means the council of a county or county borough in Wales.

## 71 Power to make consequential and transitional provision etc.

- (1) If the Welsh Ministers consider it appropriate for the purposes of, in consequence of, or for giving full effect to any provision of this Act, they may by regulations make—
  - (a) supplementary, incidental or consequential provision;
  - (b) transitional or saving provision.
- (2) Regulations under subsection (1) may amend, modify, repeal or revoke any enactment (including an enactment contained in this Act).
- (3) The power to make regulations under this section is exercisable by statutory instrument.
- (4) If regulations under subsection (1) amend, repeal or otherwise modify a provision of an Act of Parliament or an Act or Measure of Senedd Cymru, the instrument containing the regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of Senedd Cymru.
- (5) A statutory instrument containing regulations under subsection (1) to which subsection (4) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru.

## 72 Coming into force

- (1) The following provisions of this Act come into force on the day after the day on which this Act receives Royal Assent—
  - (a) Chapter 3 of Part 1 and Part 2 of Schedule 1 (Welsh elections piloting and reform);
  - (b) section 61 (disqualification from being a Member of the Senedd and a community councillor), but that section has effect in accordance with section 61(7);
  - (c) section 66 (Democracy and Boundary Commission Cymru: persons who may not be members etc.);

- (d) this Part.
- (2) The following provisions of this Act come into force at the end of the period of two months beginning with the day on which this Act receives Royal Assent –
  - (a) Chapter 1 of Part 2 (arrangements for local government);
  - (b) section 25 (survey of councillors and unsuccessful candidates in local elections);
  - (c) section 30 (guidance for political parties to promote diversity in persons seeking elected office);
  - (d) sections 62 and 63 (disqualification for corrupt or illegal practice).
- (3) Section 65 comes into force on 6 May 2027.
- (4) The other provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument, subject to subsection (5).
- (5) The provisions of Chapter 2 of Part 1 (electoral registration without applications), except paragraphs (c) and (d) of section 4(9), may not come into force unless –
  - (a) Welsh election pilot provision of the kind described in section 5(4) has been made in regulations under section 5(1),
  - (b) a report on the operation of the regulations has been sent to the Welsh Ministers under section 17(5)(a),
  - (c) the Welsh Ministers have laid the report before Senedd Cymru, and
  - (d) the regulations in force under section 53 of the 1983 Act that apply to registers of local government electors for areas in Wales do not require registration officers to prepare edited registers of local government electors or supply such registers or part of them to any person on payment of a fee, so far as requirements of that kind in regulations under section 53 are prohibited by virtue of paragraphs 10(3) and 10B(4) of Schedule 2 to that Act (as inserted by section 4(9)(c) and (d) of this Act).
- (6) An order under subsection (4) may –
  - (a) appoint different days for different purposes;
  - (b) make transitory, transitional or saving provision in connection with the coming into force of a provision brought into force by the order.

**73 Short title**

The short title of this Act is the Elections and Elected Bodies (Wales) Act 2024.

SCHEDULE 1

*(introduced by sections 2, 22, 39 and 59)*

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS RELATING TO CO-ORDINATION OF ELECTORAL ARRANGEMENTS

*Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4)*

- 1 (1) The 2013 Act is amended as follows –
  - (2) In section 1 (overview), after subsection (2), insert –

“(2A) Part 2A confers electoral administration functions on the Commission and requires the functions to be exercised by a board established by the Commission called the Electoral Management Board.”
  - (3) In section 14 (directions) –
    - (a) for subsection (1) substitute –

“(1A) The Welsh Ministers may give a direction to the Commission in relation to the exercise of the Commission’s functions under any enactment, except in relation to the exercise of functions under –
      - (a) Part 2A (co-ordination of electoral administration);
      - (b) Part 3A (functions relating to Senedd constituency boundary reviews).

(1B) The Commission must comply with a direction given to it by the Welsh Ministers under this Act.

(1C) The Welsh Ministers must publish each direction they give to the Commission or a principal council under this Act.”;
    - (b) omit subsection (3).
  - (4) In section 71 (orders and regulations), in subsection (2) –
    - (a) in paragraph (b), after “preserved county”, omit “or”;
    - (b) after paragraph (b), insert –

“(ba) regulations under section 20E(3)(c),”.
  - (5) In section 72 (interpretation), for the definition of “enactment” substitute –

““enactment” means any of the following or a provision of any of the following –
    - (a) an Act or Measure of Senedd Cymru;
    - (b) an Act of the Parliament of the United Kingdom;
    - (c) any subordinate legislation.”

- (6) In Schedule 3 (index of defined expressions), in Table 2, at the appropriate places, insert the following entries –

“1983 Act ( <i>Deddf 1983</i> )	section 20I”
“Devolved referendums ( <i>Refferenda datganoledig</i> )	section 20I”
“Electoral registration officer ( <i>Swyddog cofrestru etholiadol</i> )	section 20I”
“Local government elections ( <i>Etholiadau llywodraeth leol</i> )	section 20I”
“Reserved election ( <i>Etholiad a gedwir yn ôl</i> )	section 20I”
“Returning officer ( <i>Swyddog canlyniadau</i> )	section 20I”
“Welsh elections and referendums ( <i>Etholiadau a refferenda Cymreig</i> )	section 20A(4)”

*Senedd Cymru (Members and Elections) Act 2024 (asc 4)*

- 2 In paragraph 2 of Schedule 2 to the Senedd Cymru (Members and Elections) Act 2024 (new Part 3A of the 2013 Act), omit sub-paragraph (4).

PART 2

AMENDMENTS RELATING TO WELSH ELECTIONS PILOTING AND REFORM

*Representation of the People Act 2000 (c. 2)*

- 3 (1) The Representation of the People Act 2000 is amended as follows.
- (2) In section 10(11) (pilot schemes for local elections in England and Wales) –
- (a) in paragraph (a) for “as respects” substitute “the following authorities in”;
  - (b) omit paragraph (b).
- (3) In section 11 (revision of procedures in light of pilot schemes) –
- (a) in subsection (1), in paragraph (a), omit “and Wales”;
  - (b) in subsection (2), in paragraph (b), omit “and Wales”;
  - (c) omit subsection (6A).

*Electoral Administration Act 2006 (c. 22)*

- 4 (1) The Electoral Administration Act 2006 is amended as follows.
- (2) In section 32(9) (photographs on ballot papers: piloting), omit paragraph (b).
  - (3) In section 34(1)(b) (revision of electoral provisions in the light of pilot schemes), omit “and Wales”.

*Electoral Registration and Administration Act 2013 (c. 6)*

- 5 (1) The Electoral Registration and Administration Act 2013 is amended as follows.
- (2) In section 7 (power to amend or abolish the annual canvass), after subsection (2) insert –

- “(2A) But the power in subsection (2) does not include the power to modify any provision or abolish the duty in section 9D so far as the provision or duty applies in relation to a register of local government electors maintained by a registration officer in Wales.”
- (3) In section 10 (piloting registration provisions), after subsection (1) insert –
- “(1A) But an order under subsection (1) may not make provision for the purpose of testing how the changes made by any registration provision work in relation to a register of local government electors maintained by a registration officer in Wales.”
- (4) In section 12 (interpretation of Part 1), in the definition of “register”, after “Great Britain” insert “other than a register of local government electors maintained by a registration officer in Wales”.

## PART 3

## AMENDMENTS RELATING TO CAMPAIGN FINANCE

*Political Parties, Elections and Referendums Act 2000 (c. 41)*

- 6 (1) The 2000 Act is amended as follows.
- (2) In section 5 (reports on elections, referendums etc.) –
- (a) in subsection (2)(d), for “National Assembly for Wales” substitute “Senedd Cymru”;
- (b) in subsection (2A)(c) for “the National Assembly for Wales” substitute “Senedd Cymru”.
- (3) In section 7(2)(f) (Commission to be consulted on changes to electoral law), for “the National Assembly for Wales” substitute “Senedd Cymru”.
- (4) In section 8(3)(b) (powers with respect to elections exercisable only on Commission recommendation), for “the National Assembly for Wales” substitute “Senedd Cymru”.
- (5) In section 10(6) (giving of advice and assistance) –
- (a) in paragraph (c), for “the National Assembly for Wales” substitute “Senedd Cymru”;
- (b) in paragraph (ca), for “National Assembly for Wales” substitute “Senedd”.
- (6) In section 22(5)(d) (parties to be registered in order to field candidates at elections), for “the National Assembly for Wales” substitute “Senedd Cymru”.
- (7) In section 67(2)(b)(iii) (weekly donation reports in connection with elections other than general elections), for “the National Assembly for Wales” substitute “Senedd Cymru”.
- (8) In section 160(4)(c) (general interpretation) for “National Assembly for Wales” substitute “Senedd”.
- (9) In Schedule 7 (control of donations to individuals and members associations), in paragraph 1(8)(d) for “National Assembly for Wales” substitute “Senedd”.
- (10) In Schedule 9 (limits on campaign expenditure) –

- (a) in paragraph 1(1), in paragraphs (c) and (ca), for “the National Assembly for Wales” substitute “Senedd Cymru”;
  - (b) in the italic heading before paragraph 6, for “the National Assembly for Wales” substitute “Senedd Cymru”;
  - (c) in paragraph 6(1), for “the National Assembly for Wales” substitute “Senedd Cymru”;
  - (d) in paragraph 6(5), for “Secretary of State” substitute “Presiding Officer”.
- (11) In Schedule 10 (limits on controlled expenditure)–
- (a) in paragraph 1(1), in paragraphs (c) and (ca), for “the National Assembly for Wales” substitute “Senedd Cymru”;
  - (b) in the italic heading before paragraph 6, for “the National Assembly for Wales” substitute “Senedd Cymru”;
  - (c) in paragraph 6(1), for “the National Assembly for Wales” substitute “Senedd Cymru”;
  - (d) in paragraph 6(5), for “Secretary of State” substitute “Presiding Officer”.

## PART 4

## AMENDMENTS RELATING TO REMUNERATION OF PUBLIC AUTHORITY MEMBERS

*Local Government Act 1972 (c. 70)*

- 7 (1) The Local Government Act 1972 is amended as follows.
- (2) In section 112(2A) (appointment of staff), omit “and in relation to a local authority in Wales, section 143A of the Local Government (Wales) Measure 2011 (functions of the Independent Remuneration Panel in relation to remuneration of chief executives)”.
  - (3) In section 246(16) (allowances to charter trustees), for “Part 8 of the Local Government (Democracy) Wales Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.
  - (4) In section 249(4)(b) (allowance not payable to honorary aldermen) for “Part 8 of the Local Government (Wales) Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

*Local Government and Housing Act 1989 (c. 42)*

- 8 In section 18(3A)(b) of the Local Government and Housing Act 1989 (power to make regulations on gratuities and payments relating to relevant matters), for “Part 8 of the Local Government (Wales) Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

*School Standards and Framework Act 1998 (c. 31)*

- 9 (1) The School Standards and Framework Act 1998 is amended as follows.

- (2) In section 94(5C) (power to apply payments and pensions provisions to admission appeal panel members), for “Part 8 of the Local Government (Wales) Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.
- (3) In section 95(3B) (power to apply payments and pensions provisions to appeal panel members), for “Part 8 of the Local Government (Wales) Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

*Freedom of Information Act 2000 (c. 36)*

- 10 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), omit “The Independent Remuneration Panel for Wales.”.

*Education Act 2002 (c. 32)*

- 11 In section 52(6) of the Education Act 2002 (power to apply payments and pensions provisions to panels dealing with pupil exclusion), for “Part 8 of the Local Government (Wales) Measure 2011” substitute “Part 5A of the Democracy and Boundary Commission Cymru etc. Act 2013”.

*Government of Wales Act 2006 (c. 32)*

- 12 In Schedule 1A to the Government of Wales Act 2006 (disqualification), in the table, omit “Independent Remuneration Panel for Wales or Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol” from the first column and “The members of the Panel” from the corresponding entry in the second column.

*Democracy and Boundary Commission Cymru etc. Act 2013 (anaw 4)*

- 13 (1) The Democracy and Boundary Commission Cymru etc. Act 2013 is amended as follows.
- (2) In section 1 (overview) –
    - (a) in subsection (5), omit paragraph (h);
    - (b) after subsection (5), insert –
 

“(5A) Part 5A makes provision relating to the functions of the Commission in deciding on the payments and pensions payable to members and former members of certain authorities (including local authorities).”
  - (3) Omit sections 62 to 67 (Independent Remuneration Panel for Wales) and the cross-heading before section 62.
  - (4) In Part 6 (miscellaneous and general provision), before section 70 insert –

**“70ZA Directions**

A direction given by the Welsh Ministers under this Act must be given in writing.”

- (5) In section 71(2) (orders and regulations), after paragraph (c) insert –
 

“(d) regulations under section 69C(2)(e), 69D(1)(b) or 69K(2)(d),”.

- (6) In Schedule 3 (index of defined expressions), in Table 2, in the appropriate place insert the following entries –

“Annual remuneration report ( <i>Adroddiad blynyddol ar dâl</i> )	Section 69E”
“Relevant authority ( <i>Awdurdod perthnasol</i> )	Section 69C”
“Relevant pension ( <i>Pensiwn perthnasol</i> )	Section 69B”
“Resettlement payment ( <i>Taliad ailsefydlu</i> )	Section 69D”
“Supplementary remuneration report ( <i>Adroddiad atodol ar dâl</i> )	Section 69F”

*Local Government (Wales) Act 2015 (anaw 6)*

14 In the Local Government (Wales) Act 2015 –

- (a) in section 1(2) (overview), omit paragraphs (b) and (c);
- (b) omit sections 40 (changes to duty to have regard to Panel recommendations about salaries) and 41 (Panel membership).

*Local Government and Elections (Wales) Act 2021 (asc 1)*

15 (1) The Local Government and Elections (Wales) Act 2021 is amended as follows.

- (2) In section 53 (overview), omit paragraph (b).
- (3) Omit sections 55 (replacement of references to “salary” in section 143A of the 2011 Measure) and 56 (reconsideration of remuneration following direction by the Welsh Ministers).
- (4) In section 132(2)(h) (restructuring regulations which provide for part of a principal area to become part of another existing principal area), for “Independent Remuneration Panel for Wales” substitute “Democracy and Boundary Commission Cymru”.
- (5) In section 142 (directions to Independent Remuneration Panel for Wales) –
  - (a) in the heading, for “Independent Remuneration Panel for Wales” substitute “Democracy and Boundary Commission Cymru”;
  - (b) in subsection (1), for “Independent Remuneration Panel for Wales (“the Panel”)” substitute “Democracy and Boundary Commission Cymru”;
  - (c) in subsection (2) –
    - (i) for “Panel’s” substitute “Commission’s”;
    - (ii) for “Part 8 of the 2011 Measure” substitute “Part 5A of the 2013 Act”;
    - (iii) in paragraph (a), for “section 142” substitute “section 69A”;
    - (iv) in paragraph (b), for “section 143” substitute “section 69B”;
  - (d) in subsection (3) –
    - (i) for “Part 8” in both places where it occurs” substitute “Part 5A”;
    - (ii) for “of the 2011 Measure” substitute “of the 2013 Act”;
  - (e) in subsection (4) –

- (i) for “Part 8 of the 2011 Measure” in both places where it occurs, substitute “Part 5A of the 2013 Act”;
  - (ii) in paragraph (c), for “section 142”, substitute “section 69A”;
  - (iii) omit paragraphs (d) and (e).
- (6) In section 143 (reports of Panel relating to shadow councils and new principal councils) –
  - (a) in the heading, for “Panel” substitute “Commission”;
  - (b) in subsection (1), for “Part 8 of the 2011 Measure” substitute “Part 5A of the 2013 Act”;
  - (c) in subsection (2) –
    - (i) for “Part 8 of the 2011 Measure” substitute “Part 5A of the 2013 Act”;
    - (ii) in paragraph (b), for “sections 147(2) and 148(1) and (1A)(a) of the 2011 Measure” substitute “sections 69E(3) and 69I(1) and (2)(a) of the 2013 Act”;
  - (d) in subsection (3), for “Section 148(1A)(b) of the 2011 Measure” substitute “Section 69I(2)(b) of the 2013 Act”;
  - (e) in subsection (4), for “Panel” substitute “Commission”;
  - (f) in subsection (5) –
    - (i) for “Panel”, in both places where it occurs, substitute “Commission”;
    - (ii) for “section 147 of the 2011 Measure” substitute “section 69E of the 2013 Act”;
    - (iii) for “section 147(8)(a) of the 2011 Measure” substitute “section 69G(1)(a) of the 2013 Act”;
  - (g) in subsection (6) –
    - (i) in paragraph (a), for “section 150(1) or (3) of the 2011 Measure” substitute “section 69J(1) of the 2013 Act”;
    - (ii) in paragraph (b), for “section 151(1) of that Measure” substitute “section 69K(1) of the 2013 Act”;
  - (h) in subsection (7), for “section 150(2) of the 2011 Measure” substitute “section 69J(2) of the 2013 Act”;
  - (i) in subsection (8), for “sections 153, 154 and 157 of the 2011 Measure” substitute “sections 69L, 69N and 69P of the 2013 Act”;
  - (j) in subsection (9), for “section 146(3) of the 2011 Measure” substitute “section 69E(4) of the 2013 Act”;
  - (k) in subsections (10) and (11), for “Panel” substitute “Commission”.
- (7) In section 144 (guidance to Panel), and in the heading, for “Panel” substitute “Commission”.
- (8) In section 145 (pay policy statements), omit subsection (6).
- (9) In Schedule 5 (consequential amendments relating to chief executives), omit paragraph 15.
- (10) In Schedule 12 (restraints on transactions and recruiting etc. by merging and restructuring councils), in paragraph 1, omit sub-paragraph (7).