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Llywodraeth Cymru
Welsh Government

David Rees MS
Chair
Reform Bill Committee

10 July 2024

Dear David,

Senedd Cymru (Electoral Candidate Lists) Bill

Thank you for the Reform Bill Committee's Report in relation to the Senedd Cymru (Electoral Candidate Lists) Bill published on 7 June 2024. I wrote to you on 14 June to explain that I was intending to defer the Stage 1 debate to 16 July in order to give due consideration to your report and that of the Legislation, Justice and Constitution Committee and to respond as fully and appropriately as possible ahead of the Stage 1 debate.

Please see my response to the set of recommendations within the report in Annex 1.

You indicated that it would be helpful to receive my written response two days in advance of the Stage 1 debate to enable Members to reflect upon it before the debate, and I am pleased to be able to provide this response to the Committee well in advance of the debate next week. I trust that this will be helpful to both Committee members and Members of the Senedd participating in the general principles debate.

I would like to express my thanks to the Committee for scrutinising the Bill and its supporting documentation. I look forward to continuing to work with Members as the Bill progresses through the Senedd process.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee, the Chair of the Finance Committee and all Members of the Senedd for information.

Yours sincerely,

Jane Hutt AS/MS
Y Trefnydd a'r Prif Chwip
Trefnydd and Chief Whip

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

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

Annex 1

Recommendation	Response
<p>Recommendation 1</p> <p>By majority, we recommend that the Senedd should agree the general principles of the Senedd Cymru (Electoral Candidate Lists) Bill, but, throughout their ongoing scrutiny of the Bill, Members of the Senedd should have regard to the issues highlighted in our report. [page 39]</p>	<p>Noted</p> <p>This recommendation is for the Senedd. As such, no specific response is provided, though the Welsh Government welcomes the recommendation.</p>
<p>Recommendation 2</p> <p>The Member in charge should clarify which situations involving the removal of a candidate from a list will be detailed in the Conduct Order in accordance with new section 7D(1)(a) (to be inserted into the Government of Wales Act 2006), and provide detail of the Welsh Government's policy intentions in relation to each circumstance. [page 62]</p>	<p>Accept in part</p> <p>Work by the Welsh Government to identify the full range of situations and circumstances, and the most appropriate potential policy solution in each case is ongoing.</p> <p>In taking this work forward, consideration is being given to situations where a candidate may withdraw after a candidate list has been submitted to the Constituency Returning Officer, with a view to ensuring that a party does have an opportunity to address any last-minute and unexpected changes that impact on their compliance with the quota rules.</p> <p>Consideration will also be given to situations involving the death of a candidate during the nominations process and up until the Statement of Persons Nominated is published. The impact of disqualification of a candidate during this period will also be considered. The power in section 7D(1)(a) to treat a non-compliant list as compliant, may be used where it is appropriate, although other solutions may be more appropriate in some situations.</p> <p>The policy will be addressed during the development of, and consultation on, the subordinate legislation. I continue to be mindful of the need for the provisions to be compatible with Convention rights, in particular the rights of parties and candidates to stand, giving consideration to the points raised during Stage 1 scrutiny of the Bill with regard to the potential impact of withdrawals on political parties.</p>

	<p>I would be content to provide further details to committees as part of our consultation on the subordinate legislation.</p>
<p>Recommendation 3</p> <p>The Member in charge should bring forward amendments at Stage 2 to change the “may” in new section 7D(1) (to be inserted into the Government of Wales Act 2006) to a “must” as it relates to provision to be made in the Conduct Order in relation to the effect of the removal of a candidate from a list of candidates on compliance with sections 7A and 7B. [page 62]</p>	<p>Reject</p> <p>As noted in the response to recommendation 2, policy work in this area is ongoing and continues to be informed by our collaboration with stakeholders and the evidence provided to the committees during Stage 1 scrutiny. There are a range of situations where a candidate may be removed from a list and they may potentially require bespoke solutions, for which the power in section 7D(1)(a) to treat a non-compliant list as compliant may or may not be required.</p> <p>I do not believe it is necessary or appropriate to place a duty on Ministers to make the provision described in section 7D(1) in the Conduct Order.</p> <p>I have noted the evidence provided by stakeholders with regards to the withdrawal of candidates and will consider this alongside the impact upon the right to stand for election for parties and candidates.</p> <p>The policy detail and its impacts will be addressed in the public consultation on the draft subordinate legislation.</p>
<p>Recommendation 4</p> <p>The Member in charge should confirm that provision made in the Conduct Order in relation to the effect of the removal of a candidate from a list of candidates on compliance with sections 7A and 7B will require that where a candidate withdraws after a list had been submitted, the remaining list must be reassessed against the quota rules. If that assessment finds that the list is no longer compliant, the party should be given an opportunity to reorder their candidates to achieve compliance. If the party’s view is that they wish to stand an additional candidate to replace the withdrawn candidate, that additional candidate must have made the same statement as the withdrawn candidate on whether they are a woman or not a woman. [page 63]</p>	<p>Accept in part</p> <p>Party lists will need to comply with the quota rules. If a party list candidate withdraws their nomination, resulting in the list no longer complying with the rules, then the list will be rejected by the Constituency Returning Officer. The party will however have an opportunity to submit a further list which complies with the rules, up until close of nominations.</p> <p>It is not the policy intention to require parties to replace a withdrawn candidate with a new candidate who has made the same gender statements as the withdrawn candidate. While it is anticipated that, in practice, this may be what a party would want to/need to do in the circumstances, there may also be scenarios where a party</p>

	<p>may want to change their list in other ways to make it compliant. I do not consider it appropriate for the legislation to prevent a party from taking whatever action it considers appropriate in the circumstances to achieve compliance. The Constituency Returning Officer's role when assessing the alternative list, will be to check that the list is compliant with the rules in the Bill about the placement and proportion of women.</p> <p>As stated in my response to recommendations 2 and 3, we will continue to work with stakeholders in developing the detail of the subordinate legislation, which will be subject to consultation.</p>
<p>Recommendation 5</p> <p>The Member in charge should bring forward amendments at Stage 2 to include provision that requires vacancies arising between elections to be filled by the next eligible and willing person on the list who made the same statement as the outgoing Member on whether they are a woman or not a woman. If no such candidates remain on the list, the vacancy may be filled by the next eligible and willing person on the list who did not make the same statement. [page 63]</p>	<p>Reject</p> <p>The Bill introduces a candidate quota, with the rules applying only in respect of the placement and proportion of women on party lists. The Bill does not include provisions which extend beyond the point at which party lists candidates stand nominated.</p> <p>I believe any intimidation or pressure placed on a candidate in any circumstances, including those set out in the committee's report, is unacceptable and would likely reflect negatively on the political party if their members behaved in this way. If this did occur, we would encourage the Member to raise the matter with their party through established complaints and grievance procedures, and for the party to act on any concerns raised.</p> <p>Candidates should be able to participate in public and political life free from harassment and intimidation. We are taking steps to address this as outlined in my response to recommendation 23.</p> <p>This recommendation would not necessarily further the Bill's purpose of a more effective Senedd achieved as a result of greater gender balance amongst its Members. Although I believe the provisions in the Bill offer a good chance of returning a gender-balanced Senedd, this cannot be guaranteed. If it were the case that there was an imbalance with women still in the</p>

	<p>minority, this recommendation could result in that gender imbalance being perpetuated: an outgoing man would be replaced by a man.</p> <p>Given this risk and the fact that vacancies are a rare occurrence, I consider it disproportionate to incorporate a gender-related element into the vacancies system.</p> <p>Should the concerns of the committee relating to this recommendation materialise as a result of implementing the provisions in the Bill, then I would be content to consider the matter, and the most appropriate solution, in further detail.</p>
<p>Recommendation 6</p> <p>When giving effect to our recommendations 4 and 5 in the Conduct Order, the Member in charge should undertake a data protection impact assessment to ensure that any appropriate steps are taken in respect of the retention of candidates' statements on whether they are a woman or not a woman for an appropriate period (which, for casual vacancies, would be the duration of the relevant Senedd term). [page 64]</p>	<p>Noted</p> <p>As I have not accepted recommendation 5 and only accept recommendation 4 in part, this recommendation is no longer relevant.</p> <p>The Bill does not currently give rise to a need to retain candidates' data as to whether or not they are a woman beyond the period within which an election petition may be brought or, if brought, when it is resolved. Where there are data protection impacts arising from the Bill, these have been assessed and reflected in the Data Protection Impact Assessment published alongside the legislation.</p> <p>We will undertake an assessment of the impacts (including data impacts) of the provisions of the subordinate legislation as part of its development and publish those as part of any supporting documentation. This will include consideration of the appropriateness of providing for further safeguards regarding candidate statements.</p>
<p>Recommendation 7</p> <p>The Member in charge should bring forward amendments at Stage 2 to include a requirement on the face of the Bill that the Welsh Ministers must make provision in the Conduct Order for the designation of a deputy National Nominations Compliance Officer. [page 74]</p>	<p>Accept in principle</p> <p>I accept the principle that there should be scope for a Deputy National Nominations Compliance Officer to whom functions of the National Nominations Compliance Officer may be delegated. Further consideration will be given to what, if any, amendments are needed to the Bill so that this can be provided for in the Conduct Order.</p>

<p>Recommendation 8</p> <p>The Member in charge should provide assurances that the performance standards and offence of breach of official duty that apply to Constituency Returning Officers will be extended to the National Nominations Compliance Officer (and deputy National Nominations Compliance Officer). In her response to our report, she should outline whether any primary or secondary legislative changes will be required to achieve this. [page 74]</p>	<p>Accept</p> <p>I accept the recommendation and can confirm that we are discussing with the Electoral Commission extending its functions so that the performance standards regime applies to the National Nominations Compliance Officer in a similar way to how it applies to Constituency Returning Officers. This will require primary legislative changes and consideration will be given to appropriate amendments to the Bill to achieve this.</p> <p>As the Justice Impact Assessment for the Bill indicates, it remains my intention that the breach of official duty offence will apply to the National Nominations Compliance Officer (and any deputy), as it does currently to Returning Officers. The subordinate legislation will provide for this.</p>
<p>Recommendation 9</p> <p>The Member in charge should commit to making provision in the Conduct Order to extend the corrupt practice offence for providing false statements in nomination and other papers to include false statements made under section 7D(2) (to be inserted into the Government of Wales Act 2006). In her response to our report, she should outline whether any primary or secondary legislative changes will be required to achieve this. [page 93]</p>	<p>Reject</p> <p>As I stated during Stage 1 scrutiny of the Bill, I do not consider that the corrupt practice offence regarding false statements should apply in respect of a candidate's statement as to whether or not they are a woman.</p> <p>Candidates and their parties run the risk of reputational damage and legal challenge in the event of a false gender statement being made. I would expect parties to continue to take due care when undertaking checks during their candidate selection processes.</p>
<p>Recommendation 10</p> <p>The Member in charge should bring forward amendments at Stage 2 to require that if the Senedd decides to establish a committee pursuant to a motion under section 2(1) of the Senedd Cymru (Electoral Candidate Lists) Act 2024, the Welsh Ministers must collect and publish sufficient data about the diversity of candidates and elected Members to inform the committee's review. If the Bill is amended in accordance with our recommendation 11 to place responsibility for reviewing the effect and operation of the Act and related provision on the Welsh Ministers, the requirement to</p>	<p>Reject</p> <p>The Elections and Elected Bodies (Wales) Bill places a duty on the Welsh Ministers to issue guidance for the purpose of encouraging political parties to collect, collate and publish diversity information on candidates for Senedd elections. That Bill provides that this guidance must be published before 1 May 2025.</p> <p>If political parties respond positively to the guidance, information on the diversity of Senedd candidates and Members will be available in time to inform the review (envisaged by section 2 of this Bill) of the operation and effect of this Bill.</p>

<p>collect and publish data should be incorporated within that statutory review provision. [page 99]</p>	<p>The Senedd Commission also publishes information on some diversity aspects (including gender) relating to elected Members shortly after a Senedd election, which may be used to inform the committee's review.</p> <p>In response to recommendation 24, the Welsh Government will continue to make representations to the UK Government at the appropriate time regarding commencement of section 106 of the Equality Act 2010.</p> <p>I do not intend to amend the Bill in accordance with recommendation 11.</p>
<p>Recommendation 11</p> <p>The Member in charge should bring forward amendments at Stage 2 to:</p> <ul style="list-style-type: none"> ▪ Remove section 2 (review of operation and effect of the Act) from the Bill on the basis that the provision is constitutionally problematic and legally unnecessary. ▪ Require the Welsh Ministers to review and report on the operation and effect of sections 7A to 7D of the Government of Wales Act 2006 and any related provision made under section 13 of that Act or under the Senedd Cymru (Electoral Candidate Lists) Act 2024. The outcomes of this review will inform decisions to be taken by future Seneddau and their committees whether, and if so, when and how, they consider it appropriate to conduct post-legislative scrutiny. [page 100] 	<p>Reject</p> <p>Section 2 of the Bill imposes a duty on the Llywydd to table a motion within a specific timescale on the issue of a review of the operation and effect of the legislation. Placing a duty on the Llywydd of a future Senedd is not unprecedented.</p> <p>The future Senedd, which would be asked to consider the motion brought by the Llywydd, could choose to amend or reject the motion. Therefore, it remains for the Senedd to determine how it responds to the motion. For this reason, I do not consider that the provisions in section 2 constrain the freedom of the action of a future Senedd. A similar provision is found in section 19 of the Senedd Cymru (Members and Elections) Act.</p> <p>As the Bill emanated from the recommendations of the Special Purpose Committee, it is appropriate in my view that the Senedd is responsible for post-legislative review of the operation and effect of the legislation. Section 2 provides a mechanism for the Senedd to give consideration to this in a timely way.</p> <p>The committee may also wish to note my response to recommendation 20 of the Legislation, Justice and Constitution Committee report.</p>

<p>Recommendation 12</p> <p>If the Member in charge does not accept our recommendation 11, she should bring forward amendments at Stage 2 to remove section 2(2)(b) (which requires the motion tabled by the Presiding Officer to propose that the committee established to review the operation and effect of sections 7A to 7D of the Government of Wales Act 2006 and any related provision made under section 13 of that Act or under the Senedd Cymru (Electoral Candidate Lists) Act 2024 must complete a report on the review no later than twelve months after the first meeting of the first Senedd to be elected after section 1 of the Senedd Cymru (Electoral Candidate Lists) Bill comes into force). [page 100]</p>	<p>Reject</p> <p>I am rejecting this recommendation on the basis that it is necessary for the review to be undertaken swiftly to provide sufficient time following publication of the report for the future Senedd, if it so wishes, to pursue any legislative changes arising from the review and for these changes to be implemented ahead of the following scheduled ordinary general election.</p>
<p>Recommendation 13</p> <p>If the Member in charge does not accept our recommendations 11 or 12, she should bring forward amendments at Stage 2 to section 2(2)(b) to replace the current requirement that the motion tabled by the Presiding Officer must specify that the committee's work is to be completed within twelve months of the first meeting of the first Senedd to be elected after section 1 of the Senedd Cymru (Electoral Candidate Lists) Bill comes into force with provision that the motion may include a proposed deadline by which the committee's report is to be completed. [page 101]</p>	<p>Reject</p> <p>As I have set out in my response to recommendation 12, I consider it important that the review be undertaken swiftly to provide sufficient time following publication of the report for the future Senedd, if it so wishes, to pursue any legislative changes arising from the review and for these changes to be implemented ahead of the following scheduled ordinary general election.</p> <p>I do not consider it necessary to accept this recommendation because should the future Senedd wish to provide for a different deadline for the review committee to report, this can be actioned by way of an amendment to the motion tabled by the Llywydd under section 2.</p>
<p>Recommendation 14</p> <p>As part of the development of and consultation on the Conduct Order, the Welsh Government should undertake, and publish, an equality impact assessment on the proposed election timetable. This should include assessment of any impacts on people from different socio-economic backgrounds. [page 114]</p>	<p>Accept</p> <p>In introducing the Bill, I published a full suite of impact assessments, including an Equality Impact Assessment and Integrated Impact Assessment. These impact assessments will be kept under review as the Bill progresses through the legislative process.</p> <p>Any further impacts arising out of provisions in the subordinate legislation, including those on people from different socio-economic backgrounds, will be considered</p>

	and published as part of the supporting documentation for that legislation and made available for scrutiny.
<p>Recommendation 15</p> <p>The Member in charge should detail all costs associated with implementing the Senedd Cymru (Electoral Candidate Lists) Bill discretely from the Senedd Cymru (Members and Elections) Bill in a revised Regulatory Impact Assessment. [page 114]</p>	<p>Accept in principle</p> <p>In response to the letter from the Finance Committee, I have committed to ensuring that the Regulatory Impact Assessment is revised at the appropriate time in accordance with established procedures and ensure the revised Regulatory Impact Assessment reflects any additional costs which may arise from amendments to this Bill.</p> <p>Further consideration will be given to the feasibility of isolating costs associated solely with the implementation of the Senedd Cymru (Electoral Candidate Lists) Bill from the wider implementation of Senedd reform.</p>
<p>Recommendation 16</p> <p>The Member in charge should clarify whether the additional £6,000 cost identified since publication of the Regulatory Impact Assessment will be borne by the Welsh Government or the Electoral Commission, and reflect the additional cost in a revised Regulatory Impact Assessment. [page 115]</p>	<p>Accept</p> <p>I can confirm the £6,000 costs (£2,000 per year for the initial three years, starting in 2024/25) incurred by the Electoral Commission reflect costs to the Welsh Consolidated Fund (WCF) as the Electoral Commission's budget is agreed by the Llywydd's committee.</p> <p>In response to the letter from the Finance Committee, I have committed to ensuring that the Regulatory Impact Assessment is revised at the appropriate time in accordance with established procedures and ensure the revised Regulatory Impact Assessment reflects any additional costs which may arise from amendments to this Bill.</p>
<p>Recommendation 17</p> <p>The Member in charge should work with the Llywydd, the Electoral Commission, electoral administrators, political parties and such other stakeholders as she considers appropriate to develop and publish a clear pathway for identifying, managing and mitigating any risks to the conduct and/or outcomes of the 2026 Senedd election that may result from the lack of consensus about whether the Senedd has legislative</p>	<p>Noted</p> <p>As Member in Charge, I recognise the concerns which have been raised during Stage 1 scrutiny relating to the potential for disruption to the 2026 election as a result of the risk of legal challenges to both the primary and secondary legislation. While steps have already been taken to manage potential risks to the 2026 election identified by earlier reports by bringing forward these measures in a separate Senedd Reform</p>

<p>competence to pass the Senedd Cymru (Electoral Candidate Lists) Bill. The pathway must be published prior to the Senedd being asked to pass the Bill at Stage 4 of the legislative process. [page 141]</p>	<p>Bill, I accept that further steps should now be taken to mitigate risks to the 2026 election in light of the committees' concerns set out in their Stage 1 reports.</p> <p>In order to protect the integrity of the 2026 Senedd election, including the implementation of the Senedd Cymru (Members and Elections) Act, the Senedd Cymru (Electoral Candidate Lists) Bill will be implemented in time for the scheduled 2030 Senedd election. This will ensure that the legislation is implemented in an orderly way and gives time for any potential legal challenges to the legislation to be resolved well in advance of the election.</p> <p>I will be bringing forward an amendment to the Bill to take commencement out of the hands of the Welsh Ministers and ensure that the Bill's provisions (subject to Royal Assent) are commenced automatically and take effect for the scheduled 2030 Senedd election.</p> <p>Please see also my response to recommendations 2, 3 and 15 of the Legislation, Justice and Constitution committee report.</p>
<p>Recommendation 18</p> <p>The Member in charge should, after the current UK general election period, discuss with the UK Government the mechanisms through which the question of whether the Senedd Cymru (Electoral Candidate Lists) Bill would be within the Senedd's legislative competence may be put beyond doubt, including any potential use of an Order in Council under section 109 of the Government of Wales Act 2006 or an Act of the UK Parliament with the objective of avoiding prolonged legal debate and ensuring that any uncertainty is resolved in advance of the 2026 Senedd election. The Member in charge must lay a statement before the Senedd providing an update on these discussions prior to the Senedd being asked to pass the Bill at Stage 4 of the legislative process. [page 142]</p>	<p>Noted</p> <p>I will consider this recommendation further.</p> <p>On 22 April, the First Minister wrote to the then Secretary of State for Wales indicating that he would be content "for officials to meet to discuss the Bill at an appropriate time in the future, after the Committees have completed their Stage 1 scrutiny of the Bill".</p> <p>As Member in Charge of the Bill, I am of the view, as stated in the Explanatory Memorandum and during scrutiny that the Senedd Cymru (Electoral Candidate Lists) Bill is within the Senedd's legislative competence.</p> <p>The committee will also wish to note my response to recommendations 4 and 5 of the Legislation, Justice and Constitution Committee report.</p>

<p>Recommendation 19</p> <p>If the Senedd Cymru (Electoral Candidate Lists) Bill is passed by the Senedd at Stage 4 of the legislative process, then, in order to put the question of whether the Bill would be within the Senedd's legislative competence beyond doubt, the Counsel General must exercise his power under section 112 of the Government of Wales Act 2006 to refer the Bill to the Supreme Court and request that the matter is considered, if possible, within an expedited timescale that would not, if the Bill is found to be within competence, prevent candidate quotas from being implemented for the 2026 Senedd election. [page 143]</p>	<p>Reject</p> <p>This recommendation concerns a function of the Counsel General which is exercised independently of government and is only exercisable after the Bill has passed.</p>
<p>Recommendation 20</p> <p>The Senedd Commission should commission a gender sensitive audit of the Senedd's culture, ways of working and facilities. The outcomes of the audit should be available in sufficient time to inform decisions on the Cardiff Bay 2032 project, and decisions to be taken by the Seventh Senedd about its ways of working. [page 161]</p>	<p>Noted</p> <p>This recommendation is for the Senedd Commission. As such, no specific response is provided here.</p>
<p>Recommendation 21</p> <p>The Senedd Commission should ensure that its Tŷ Hywel 2026, Siambr 2026 and Cardiff Bay 2032 projects are informed by engagement and consultation with diversity organisations to ensure that decisions are informed by best practice and are futureproofed in respect of the potential needs of currently underrepresented groups, in addition to the needs identified by current Members, support staff, Welsh Government staff, Commission staff and associated trade unions. Similar engagement and consultation should inform work to ensure that committees, their meetings and informal activities are fully accessible to Members, Commission staff and contributors to their work. [page 162]</p>	<p>Noted</p> <p>This recommendation is for the Senedd Commission. As such, no specific response is provided here.</p>
<p>Recommendation 22</p> <p>The Welsh Government should commission research on the best ways to provide financial support for women candidates</p>	<p>Accept in principle</p> <p>Research previously commissioned by the Welsh Government and others has shown there are a range of issues and barriers</p>

<p>from underrepresented groups. This should include consideration of how funding can be targeted and allocated, and the form that financial support should take. The research should be completed in time to ensure that new financial assistance schemes can be in place in sufficient time to enable potential candidates to make informed decisions about whether to put themselves forward for selection or election at the 2026 Senedd election. [page 162]</p>	<p>facing those who seek to represent others. While some of these issues and barriers are gender-based, others are not.</p> <p>These factors are complex, often intersectional and cover a range of areas, including financial, social and cultural.</p> <p>The Elections and Elected Bodies (Wales) Bill makes provision for financial and non-financial support to be put in place to promote diversity in the protected characteristics and socio-economic circumstances of candidates.</p> <p>The Welsh Government is currently building on the arrangements to support disabled people, including women, to stand for elected office informed by the evaluation of the Access to Elected Office Fund which was in place for the last elections.</p> <p>We are also finalising the scope of research to identify barriers that exist due to socio-economic circumstances to inform future support.</p>
<p>Recommendation 23</p> <p>The Welsh Government should work with the Electoral Commission and other partners to ensure that sufficient guidance and support is in place for candidates and elected Members on handling abuse and harassment, including how to report it and what support is available for those affected by it. [page 163]</p>	<p>Accept</p> <p>This is an important issue. We will continue to work with stakeholders to support candidates that may face abuse, including in terms of how they can raise their concerns and access services. The Cabinet Secretary for Housing, Local Government and Planning will continue the work of the former Minister for Local Government on this agenda and keep the Local Government and Housing Committee informed of progress.</p>
<p>Recommendation 24</p> <p>The Welsh Government should make further representations to the UK Government seeking information about how the UK Government has kept section 106 of the Equality Act 2010 under review since 2020, and what further consideration it has given to the commencement of the provision. The Welsh Government should also reiterate its call for section 106 to be commenced in relation to Senedd elections (and/or for the power to do so to be</p>	<p>Accept</p> <p>Having previously engaged with the UK Government on this issue, the Welsh Government remains of the view that the section 106 provision should be commenced and accepts the recommendation to make further representations to the UK Government on this matter.</p>

transferred to the Welsh Ministers). [page 163]

Recommendation 25

The Welsh Government should explain why section 30 of the Elections and Elected Bodies (Wales) Bill (as inserted by amendment at Stage 2) requires the guidance to be published by the Welsh Ministers in relation to the collection and publication of candidate diversity data by political parties to cover only Senedd elections, and not all devolved Welsh elections. [page 164]

Accept

The Elections and Elected Bodies (Wales) Bill places a duty on the Welsh Ministers to issue guidance to encourage political parties to collect, collate and publish diversity information on Senedd candidates only.

There are arrangements already in place for the collection and publication of diversity data at local government level. Under the Local Government (Wales) Measure 2011, local authorities are required to conduct a standardised survey of County and Town and Community Councillors and candidates. The Welsh Ministers take a lead role in providing guidance to local authorities in respect of the local government survey and in prescribing the survey questions.

There is a distinction between local government and Senedd candidates, in that a significantly larger proportion of local government candidates are independent and would therefore not be captured by the provision in the Elections and Elected Bodies (Wales) Bill. This would result in an incomplete and potentially misleading dataset in respect of local government.

In developing guidance for political parties, the Welsh Ministers will look to align the survey questions, where applicable and appropriate, with those included in the survey for local government candidates, so that the information which is published for all devolved elections is comparable.

It is anticipated that political parties will draw on both the diversity information that they themselves collect and publish (for the Senedd) and the diversity information published by the Welsh Ministers (on behalf of local authorities in respect of local government) to inform their Diversity and Inclusion Strategies.