



Llywodraeth Cymru
Welsh Government

Senedd Cymru (Member Accountability and Elections) Act

Explanatory Memorandum
incorporating the
Regulatory Impact Assessment and
Explanatory Notes

March 2026

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PART 1 – EXPLANATORY MEMORANDUM

1. Description

1. The purpose of the Senedd Cymru (Member Accountability and Elections) Bill (“the Bill”) is to enhance the accountability of Members of the Senedd by strengthening the systems that currently exist that regulate and sanction their behaviour and conduct.
2. The Bill will enhance the accountability of Members of the Senedd to the electorate, through providing a mechanism to recall an elected Member, removing them from office during their term on the basis of the expressed will of voters in the relevant constituency.
3. The Bill also includes measures designed to strengthen the Senedd’s standards process as considered by the Standards of Conduct Committee; including a requirement that each Senedd must establish a mandatory Standards of Conduct Committee, introducing an element of independence and expertise for that committee through a requirement to appoint at least one lay member, and providing more flexibility to the Commissioner for Standards to proactively consider concerns regarding the conduct of Members of the Senedd. The Bill also amends the Welsh Ministers’ power in the Government of Wales Act 2006 to make provision about the conduct of Senedd elections. In response to the Standards of Conduct Committee’s report into deliberate deception, it introduces in particular, a duty upon Welsh Ministers to make provision prohibiting the making or publishing of false statements of fact. A duty, rather than a discretionary power, is considered appropriate in this circumstance due to the Bill’s passage at the end of the Senedd term with the aim of ensuring that such provisions are included in a future Conduct Order.
4. This Explanatory Memorandum has been prepared and laid in accordance with Standing Order 26.6.
5. It sets out the background to the provisions and scope of the Bill, and includes an assessment of the Bill’s financial implications, and a range of impact assessments.

2. Legislative Competence

6. Senedd Cymru ("the Senedd") has the legislative competence to make the provisions in the Senedd Cymru (Member Accountability and Elections) Bill ("the Bill") pursuant to Part 4 of the Government of Wales Act 2006 ("GoWA 2006") as amended by the Wales Act 2017.

3. Purpose and intended effect of the legislation

7. This chapter encompasses:

- The background and context for the Senedd Cymru (Member Accountability and Elections) Bill (sub-chapter 3.1); and
- The intended effect of the legislation (sub-chapter 3.2)

3.1 Background and context to the Bill

Senedd Cymru (Members and Elections) Bill Scrutiny

8. During Stage 1 scrutiny of the Senedd Cymru (Members and Elections) Bill, the evidence that the Reform Bill Committee took included consideration of a system of recall for Members of the Senedd. While a recall mechanism was not provided for within that Bill, questions about it arose in association with scrutiny of the new electoral system for Senedd elections. Common themes that arose from the evidence included general support for the concept of enhancing the accountability of Members, but recognition of the difficulties associated with implementing a system of recall that is compatible with a proportional electoral list system.
9. In its [Stage 1 report](#), the Committee recommended that:

Recommendation 50. The Standards of Conduct Committee should work with the Standards Commissioner, registered political parties, and such other stakeholders as it considers appropriate, to develop options for strengthening individual Members' accountability. This should include consideration of issues including recall of Members, disqualification arrangements and the sanctions available to the Standards of Conduct Committee when a complaint about a Member is upheld. Public consultation on potential options should be completed before the end of the Sixth Senedd in 2026

10. The Standards of Conduct Committee [wrote to the Reform Bill Committee](#) on 22 January 2024 accepting the recommendation.
11. Non-government amendments were tabled at [both Stage 2 \(5th and 6th March 2024\)](#) and [Stage 3 \(30th April 2024\)](#) that sought to insert a system of recall broadly similar to that in place in the UK Parliament. This would have included “triggers” similar to those provided for in the Recall of MPs

Act 2015, and a “petition” process which - if more than 10% of the electoral signed the petition – would lead to that member losing their seat.

12. In opposing the amendments, Mick Antoniw MS, the then Counsel General (as the Member in charge of the Senedd Cymru (Members and Elections) Bill) set out during Stage 2 proceedings:

“...this is not a straightforward matter and requires careful consideration... I understand that the Standards of Conduct Committee have agreed in principle to take the work forward and I support this approach and look forward to working alongside the Standards of Conduct Committee, as appropriate, on this piece of work”.

13. The non-government amendments were not agreed at Stage 2 and were withdrawn during Stage 3 proceedings.

The Standards of Conduct Committee – Inquiry into Individual Member Accountability

14. The Standards of Conduct Committee (“the Committee”) agreed to undertake an inquiry into Individual Member accountability and the potential for it to be strengthened. The Committee agreed to consider developing options in the following areas:

- Recall of Members (recommending that some form of public poll in the relevant areas which gives an option to remove a Member from the Senedd) including consideration of:
- The grounds which would trigger a recall process;
- What the recall process would look like; and
- The consequences for the Senedd electoral system
- Reasons for which Members may be disqualified during a Senedd term in relation to individual Member accountability;
- Increasing the available sanctions for the Committee to apply.

15. In response to the then Counsel General’s invitation for the Committee to consider how to regulate Members and candidates who seek to deceive, the Committee agreed to broaden the scope of its initial inquiry to include:

- gathering evidence on the merits of introducing further mechanisms for the disqualification of Members and candidates found to have deliberately deceived the electorate including through an independent judicial process.

16. The then Counsel General appeared before the Standards of Conduct Committee on 17 June 2024. Following that appearance, on 20 June 2024, he wrote to the Standards of Conduct Committee setting out the key principles that should underpin a system of recall, specifically that it should:

- *“Genuinely enhance the accountability of individual members of the Senedd whilst remaining fair to those involved.*
- *Be compatible and consistent with the new electoral system.*
- *Be linked to the Senedd’s Standards regime.*
- *Not have a chilling effect on Standards Committee processes.*
- *Be compatible with the disqualification regime; and*
- *Be clear and understandable to the electorate, including by being as consistent and familiar to voters as possible within the wider electoral landscape in Wales”*

17. On 2 December 2024, Huw Irranca-Davies MS, the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs (“Deputy First Minister”) gave evidence at the Committee. During that session, the Deputy First Minister reiterated the Welsh Government’s commitment to the concept of recall, and the importance of considering the recommendations of the Standards of Conduct Committee. Following the Committee session, the Deputy First Minister wrote again to the Standards of Conduct Committee, setting out that:

“we are preserving a slot for this legislation in the 5th year of our legislative programme. The challenging timescales should not be understated however, and it is essential that all parts of the process are able to proceed at pace. A balance needs to be struck between maximising the time available to properly develop legislation in what is an area with limited precedent and ensuring that the Senedd has the necessary time to scrutinise and improve that legislation.”

18. The Standards of Conduct Committee published its [recall report](#) on 23 January 2025. The Welsh Government issued a [response](#) to the report on 10 March 2025. A plenary debate on the Committee’s report was held on 12 March 2025, in which the Senedd formally noted the recommendations of the Committee.

UK Parliament context

19. The [Recall of MPs Act 2015](#) sets out a process by which an MP is to lose his or her seat in the House of Commons as a result of a successful recall petition, leading the MP to lose their seat which then triggers a by-election. The fact that the MP loses his or her seat does not prevent the MP standing as a candidate in this by-election. The Act establishes three alternative conditions for the opening of a recall petition:

- The first condition is that an MP is convicted in the United Kingdom of an offence and receives a custodial sentence that is not overturned on an appeal brought within the usual time limit for appeals.
- The second condition is that, following on from a report from its Committee on Standards, the House of Commons orders the

suspension of an MP from the service of the House for a period of at least 10 sitting days, or, if the period is not expressed as a specified number of sitting days, for a period of at least 14 days.

- The third condition is that an MP is convicted under section 10 of the Parliamentary Standards Act 2009 (offence of providing false or misleading information for allowances claims), regardless of the sentence imposed.

20. Where one of the recall conditions has been met, the Speaker of the House of Commons will notify the petition officer for the MP's constituency of this fact, and the petition officer will then open a recall petition. Eligible parliamentary electors in that constituency will have an opportunity to sign the petition over a six-week period. A recall petition will not be opened where: a UK Parliamentary general election is to be held within the next six months; a recall petition is already underway in respect of the MP; or the MP's seat has already been vacated.

21. A recall petition will be successful where it is signed by at least 10% of registered parliamentary electors in that constituency (excluding any elector whose application for registration was made after the day on which the Speaker's notice was given and electors who are aged under 18 at the end of the signing period). A successful petition will result in the MP's seat becoming vacant and a by-election being held.

22. The House of Commons Committee on Standards published a report – [“The House of Commons standards landscape: how MPs' standards and conduct are regulated”](#) in May 2024. The work was curtailed as a result of the dissolution of Parliament in advance of the UK General Election.

23. The Committee's terms of reference included “Does the Recall of Members Act 2015, and other legislation relating to the disqualification of Members, operate satisfactorily? How could it be improved?”

24. Recommendations of the Committee included:

- a. “The Committee supports the recommendation from the IEP (Independent Expert Panel) that the Recall of MPs Act 2015 be amended to bring a suspension imposed by the House following on from a report from the IEP within the ambit of the second recall condition.”
- b. “We recommend that the Government accept the principle of post-legislative scrutiny of the Recall of MPs Act 2015 and bring forward timetabled proposals for the conduct of that scrutiny”.

25. At the time of writing, these recommendations had yet to be taken forward.

Scottish Parliament context

26. There is currently no recall mechanism for Members of the Scottish Parliament. However, a Private Members Bill - [Scottish Parliament \(Recall and Removal of Members\) Bill](#) – was introduced to the Scottish Parliament on **17th December** 2024 by Graham Simpson MSP sought to provide for one.
27. The Bill on introduction proposed a two-step process following a trigger being met, similar to the UK Parliamentary model. First, a petition would be opened, and a Member is recalled if:
- a. In a constituency, more than 10% of electors signed the petition.
 - b. In a region, 10% of electors in the region signed the petition, *and* the 10% threshold was also met in at least three of the individual constituencies that make up the region.
28. The second step would then be either:
- a. In a constituency, the holding of a by-election (as is currently the case in the UK Parliamentary system).
 - b. In a region, the holding of a poll on whether the “recalled” MSP should re-take their seat or be replaced by the next prospective member on a party’s list (similar to what is envisaged for the Senedd system).
29. The Bill was amended at Stage 2, following concerns with the “petition followed by poll” model set out in respect of regional MSPs. The amendments replaced the proposed model for Regional MSPs with a system similar to that recommended by the Standards of Conduct Committee for Senedd elections – i.e. a single day “yes/no” poll on whether a regional MSP should be recalled.
30. The motion for the Scottish Parliament to pass the Bill following amendments at Stage 3 was not agreed, and therefore the Bill fell on 24 February 2026.

Rationale for Introduction of a System of Recall in the Senedd

31. The Committee considered whether there was need to introduce a system of recall for the Senedd. The Committee identified that the measures in place currently included:
- Once elected, a Member is accountable to their constituents and ultimately, a Member who stands for re-election is held to account by the public at each election.
 - Members can be disqualified and removed during a Senedd term for specified reasons, including if convicted of a criminal offence and sentenced to a custodial sentence of over 12 months.

Members are also expected to meet the standards of behaviour and rules set out in the Senedd's Code of Conduct and may face sanctions for breaches of these rules.

32. The Committee concluded that there is no provision for the Senedd itself to recommend the removal of a Member during the Senedd term.
33. The Committee considered the Recall process in place in the UK Parliament and the recall process being proposed to be introduced in the Scottish Parliament. Paragraphs 26 - 29 provide a summary of these processes.
34. The evidence received by the Committee was strongly in favour of introducing a system of recall in the Senedd. This included responses to its [public consultation](#) which it undertook as part of its inquiry. Evidence in favour of introducing a Recall process was received from a number of parties, including the Commissioner for Standards, the Institute of Welsh Affairs and the Electoral Reform Society.
35. The Committee concluded that the introduction of a system of recall would *“serve as an important part of the Standards regime, and to ensure clarity and understanding around the measures which may be used to hold Members to account.”* The Committee made the following recommendation:

Recommendation 1. *“The Committee recommends the Welsh Government bring forward legislation to introduce a system of recall by 2026 in time for the Seventh Senedd.”*

36. In response to the Committee's recommendations the Welsh Government made the following commitment:

“I will bring forward a Bill during the current Senedd which establishes a system of recall. To develop, draft, scrutinise, and pass primary legislation before dissolution in little over a year represents a significant challenge, but one which, if the Senedd is so minded, the Government will look to undertake.

It is, however, important to note that whereas this time frame should allow for primary legislation to be put in place, albeit at pace, it would not allow for the subsequent development and passage of either secondary legislation or any Committee guidelines that would be needed before the system was fully implemented. While passing primary legislation during this Senedd will be an important achievement, full implementation will need to be taken forward at pace during the Seventh Senedd.”

Recall Options Considered by the Committee

37. The Committee was cognisant that any Recall process they recommended would need to reflect the reformed electoral system which will take effect from the 2026 Senedd election. From this point all Members will be elected

via a closed list proportional representation system and will be a representative of one of the sixteen multi member constituencies. The reformed electoral system does not provide for by-elections with vacancies being filled by the next eligible candidate on a party list or, in the event that the list is exhausted or a vacancy related to an independent Member, left vacant.

38. The Committee consulted on two potential options for a recall process:

Option 1: A recall petition is run asking whether the Member should be recalled. In the event a Member is recalled, the next candidate from the party's list on which the removed Member was elected would fill the vacant seat. This approach means that signing the petition would remove the Member, rather than result in a by-election in that constituency. The proportionality of the last election result would be maintained, and vacancies could be filled quickly. Independent Members would not be replaced.

Option 2: A remove and replace ballot is run, which would give an option to either keep the incumbent Member or remove them and replace with the next candidate on the party's list. This would be subject to a campaign period and allow the Member subject to the 'recall' process an opportunity to defend their position with the electorate. The proportionality of the Senedd would be maintained. Independent Members would not be replaced.

39. The Committee considered a third option proposed by Graham Simpson MSP for Scotland. This two-stage process would involve firstly asking constituents to sign a petition to recall a Member, and then (subject to the threshold for recall being met) asking whether that Member should be stay in post or be replaced.

40. Evidence provided by the Association of Electoral Administrators, ERS Cymru and Transparency International UK included concerns that none of these options included a by-election and that replacing a Member with the next candidate from the same party and could lead to a '*perception that a party is being "rewarded" for a previous Member's bad behaviour.*'¹

41. The Committee concluded that that a one stage process should be introduced in Wales and that the existing process in the UK Parliament would not be appropriate for the Welsh context. The Committee made the following recommendations:

Recommendation 2. *The Committee recommends that the system of recall introduced for the Senedd has one stage which puts to electorate a question based around the principle of retain the Member or remove and replace them with the next candidate on their party list at the last Senedd election.*

¹ [Individual Member Accountability Recall – paragraph 77](#)

Recommendation 3. *The Committee recommends the Welsh Government works with the Electoral Commission to develop a voting paper which presents the information in a clear and easy to understand manner.*

Recommendation 4. *The Committee recommends, given the process set out by the Committee, that it is referred to as a ‘remove and replace ballot’ rather than recall.”*

42. The Welsh Government accepted Recommendation 2 and 3. Recommendation 4 was accepted in principle, noting that “*remove and replace ballot*” may not provide sufficient clarity, since the process will not itself involve replacement – which will be through the normal processes – and which would not happen in every circumstance, for example if the party list was exhausted, or an individual candidate was recalled”.² A commitment was made to consider this matter further as part of the development of the Bill.

Triggers for a recall system

43. The Committee considered the potential triggers for a recall system and how much of the detail should be included in legislation, seeking to balance the need to provide clarity and consistency, and enabling the Senedd to respond to a range of circumstances and situations as they arise.

44. The Committee made the following recommendations in relation to triggers for recall:

Recommendation 5. *“The Committee recommends that legislation is drafted to give the Senedd the ability to recall a Member as a standalone sanction.”*

Recommendation 6. *“The Committee recommends that the legislation should require, in Standing Orders, the responsible committee to produce guidelines on the application of recall, including matters which may result in automatic recall (if not included on the face of the bill). This guidance should be subject to a vote by the Senedd.”*

45. The Welsh Government accepted in principle recommendations 5 and 6 noting that:

“a standalone recall sanction is a significant departure from the system in place for the UK Parliament and from the proposed system being considered in respect of the Scottish Parliament. Careful thought will need to be given to ensure that the potential implications of such a system are properly considered.

² Individual Member Accountability – Recall Response to the Standards of Conduct Committee’s report -page 3

That is why I have accepted the recommendation for a standalone sanction coupled with guidelines (in recommendation 6) in principle and have instructed my officials to continue to explore how that can be brought about.”³

Sanctioning guidelines

46. As part of the inquiry on Individual Member Accountability, the Committee published a second report titled “Deliberate Deception”.⁴ Within this report the Committee considered the merits of producing sanctioning guidelines within the context of Recommendation 5 of its report on Recall – that the Senedd have the ability to recall a Member as a standalone sanction. The Committee concluded that agreeing and publishing sanctioning guidelines would bring consistency and transparency to the application of sanctions for misconduct, which will enable Members to understand how the Senedd views the relative seriousness of various categories of misconduct for sanctioning purposes. The Committee made the following recommendation in its Deliberate Deception report:

Recommendation 10 *“The Committee recommends that, should legislation be brought forward to introduce a remove and replace procedure, that:*

- *Sanctioning guidelines are agreed and published by the Senedd; and*
- *Any guidelines that contain deliberate deception as a trigger, should specify that it is only to be recommended when the breach is severe in nature.”*

47. The Welsh Government accepted this recommendation noting that it is important for guidelines to be agreed and therefore owned by the Senedd itself.

Mechanics of the recall process

48. The Committee considered how the recall process should operate to make it as simple as possible to understand by building on established election practice in Wales. The Committee made the following recommendations in relation to the operation of the recall process:

Recommendation 7. *“The Committee recommends the recall process is held on one day in a process akin to a by-election, with sufficient coverage of polling stations and no threshold with regards to turnout. Postal and proxy voting should be available as part of this process.”*

³ Individual Member Accountability – Recall Response to the Standards of Conduct Committee’s report -page 3

⁴ Standards of Conduct Committee, [Individual Member Accountability – Deliberate Deception, February 2025](#), page 8

Recommendation 8. *“The Committee recommends that the Welsh Government should consult with electoral administrators and other interested stakeholders on the practical implications of holding a recall vote on a single day across multiple polling places in a consistency”.*

Recommendation 9. *“The Committee recommends that the Welsh Government works with electoral community to make sure that the information sent out relating to recall clearly informs voters of the reason for the recall and the options available to them.”*

49. Recommendations 7,8 and 9 were accepted by the Welsh Government.

Appointment of lay members to the Standards of Conduct Committee

50. One of the measures that the Committee recommended in its Deliberate Deception report was the appointment of lay members to the Committee to provide a source of independent, external perspective and expertise to the standards process, specifically at the decision-making stage.

51. On this issue the Committee received limited evidence, but of what they received, it suggested that admitting lay members to the Committee, specifically when adjudicating (deciding) on whether a Member has breached the Code of Conduct or a declaration obligation, and what (if any) sanction should be recommended, would strengthen the process. Organisations with an interest in democracy, anti-corruption and transparency in political decision-making suggested to the Committee that having lay members at the decision-making stage of the standards process would counteract concerns that the process is ‘politicised’ and could be potentially seen to be ‘partisan’.⁵⁶

52. The Committee agreed with the evidence received and set out their rationale for their recommendation:

*“This would introduce greater independence, and independent expertise, at the decision-making stage of the standards process, as well as the broader policy work of the Standards of Conduct Committee”.*⁷

53. The committee noted that they wished for a ‘similar model to be adopted such as that used in Westminster for the Standards Committee of the House of Commons.

54. The Committee made the following recommendation in its report titled Deliberate Deception:

⁵ Standards of Conduct Committee, [Individual Member Accountability – Deliberate Deception, February 2025](#), pgs, 107-108

⁶ Transparency International UK, [response](#) to Standards of Conduct Committee consultation on Individual Member Accountability.

⁷ Standards of Conduct Committee report, pgh 194.

Recommendation 2. *“The Committee recommends that section 28 of the Government of Wales Act 2006 is amended to allow the Senedd to appoint lay members to the Standards of Conduct Committee.”*

55. The Welsh Government accepted the recommendation and made a commitment to include legislative provision to give effect to this recommendation within the Bill to establish a system of recall.

UK Parliament context

56. Lay members were first appointed to the (now) Committee on Standards in 2012. This was as a result of a 2009 report on MPs’ expenses and allowances.⁸ Initially, three lay members were appointed to the Committee on Standards (along with 11 elected Members). This was amended in 2016, to an equal number of lay members and elected Members (14 Members in total). In 2019, lay members on the committee were also granted full voting rights. These changes were proposed by the Committee on Standards and led to changes to Standing Orders being subsequently agreed by the House. A timeline and further information on the rationale for these changes can be found in a research briefing published by the House of Commons Library⁹.

Senedd’s Commissioner on Standards – Own initiative investigations

57. The Committee also considered the ability of the Senedd’s Commissioner for Standards (“the Commissioner”) to initiate an investigation into concerns about a Member’s conduct or a breach of a declaration obligation (own initiative investigations), as another way the standards process within the Senedd could be strengthened.

58. The Commissioner is responsible for investigating complaints¹⁰ into whether the conduct of a Member of the Senedd would constitute a breach of the Code of Conduct, or that they have failed to meet a declaration obligation. The Commissioner is independent, and this status is protected by the National Assembly for Wales Commissioner for Standards Measure 2009¹¹ (“the Measure”), which established the office.

59. On the conclusion of an investigation, the Commissioner produces a report for the Committee which includes a summary of the Commissioner’s investigation including, their findings and whether in their view the concerns raised amount to a breach of the Code of Conduct, or failure to make a declaration or not.

⁸ Committee on Standards in Public Life, MPs’ expenses and allowances: Supporting Parliament, safeguarding the taxpayer (PDF), November 2009, Cm 7724, paras 13.66-13.67 and Recommendation 51, p107

⁹ Research Briefing Number 9047 2022 [CBP-9047.pdf](#)- (p 5-6)

¹⁰ [Procedure for dealing with complaints against Members of the Senedd](#)

¹¹ [National Assembly for Wales Commissioner for Standards Measure 2009](#)

60. Under the current arrangements the Commissioner can **only** investigate a concern following receipt of a complaint and the Committee concluded that the Commissioner should have greater flexibility and not be limited by the current constraints placed on them.
61. The Committee received evidence as part of its inquiry on Individual Member Accountability from Transparency International, who referenced changes in 2022 to the arrangements for the Parliamentary Standards Commissioner (“PSC”) for the UK Parliament, which allows them to commence investigations on their own initiative. Transparency International noted that this change has been an improvement.¹²

UK Parliament context

62. The UK Parliament’s equivalent to the Senedd’s Commissioner is the PSC, who has the ability to investigate a Member of Parliament on their own initiative. The arrangements are set out in Standing Orders¹³ and provide the PSC with wide ranging discretion to investigate matters that could appear to be a breach of the Code of Conduct.

The Northern Ireland Assembly context

63. For standards in the Northern Ireland Assembly, the Commissioner for Standards (“CFS”) role is equivalent to the Senedd’s Commissioner. The powers of the CFS are set out in The Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011.
64. The CFS has similar powers to the PSC in Westminster, in that they can commence an investigation on their own initiative.

The Scottish Parliament context

65. The Scottish Parliament’s equivalent Senedd’s Commissioner, is the Ethical Standards Commissioner. They currently do not have the power to commence an investigation on their own initiative.
66. Based on the evidence received the Committee made the following recommendation in its report titled Deliberate Deception:

Recommendation 6. *“The Committee recommends that the National Assembly for Wales Commissioner for Standards Measure 2009 is amended to allow the Commissioner for Standards to initiate investigations,*

¹² Juliet Swann, Transparency International, 25, The Senedd, [Standards of Conduct Committee, oral evidence session](#), pgh 16, November 2024,

¹³ Standing Order No 150, [Standing Orders of the House of Commons](#), 2021

to bring the functions of the Commissioner for Standards in line with other UK Parliaments.”

67. The Welsh Government accepted the recommendation and said it would take forward provisions to give effect to it as part of a Bill to establish a system of Recall.

Appeals mechanism for the Senedd’s standards process

68. As another measure to strengthen the standards process, the Committee considered the matter of an appeals mechanism for the standards process. The Committee set out the evidence received and its recommendation regarding an appeals mechanism in their report on deliberate deception, however, it should be noted that this matter also relates to the system of recall.

69. The Committee received evidence from both the Institute for Constitutional and Democratic Research and Professor Emyr Lewis (Emeritus Professor of law – Aberystwyth University) in relation to an appeals mechanism, although this was in the context of the Committee’s consideration of deliberate deception.

70. The Committee also received evidence from the Public Service Ombudsman for Wales (“PSOW”) with regards to their role in investigating concerns about elected members in local government. The PSOW set out that, for the appeals process for local government members, the grounds for appeal are based on the decision by either the local authority Standards Committee or the Adjudication Panel for Wales’s decisions, including the severity of the sanction they’ve imposed.¹⁴

71. Based on the prospect of the introduction of a system of recall and the potential consequence being a Member losing their seat, the Committee concluded that there should be an appeal mechanism for the Senedd’s standards process. The Committee considered whether a future Senedd may wish to establish a mechanism by way of an independent judicial panel and cited the Adjudication Panel for Wales as an example of a body that performs such a function.

72. The Committee made the following recommendation:

Recommendation 11 *“The Committee recommends that the Welsh Government introduces a legislative mechanism to enable any future appeals procedure, to be brought into force by the Senedd.”*

73. The Welsh Government in response accepted the recommendation in principle, noting that the Senedd had previously adopted an appeals mechanism that was subsequently removed in 2022. The response

¹⁴ Standards of Conduct Committee report, pgh 98.

expressed that it is for the Senedd to decide what mechanism it wishes to use, but that the Welsh Government would explore what legislative provisions may be required to enable the Senedd to put in place an appeals mechanism.

Senedd's previous appeals mechanism

74. The Senedd's standards process did previously include an appeals mechanism¹⁵. Under this, appeals were considered by an independent legally qualified person, but only on the grounds that the Committee's conclusion was based on significant factual inaccuracies which, had they been known, might have led to the Committee finding differently or, that there had been procedural irregularities that prejudiced the Member's right to a fair hearing.

75. In 2022, the Committee, in conducting a review of the procedure for dealing with complaints about Members, agreed by a majority to remove the mechanism. The rationale for removing the appeals mechanism was provided in Committee's report:

*"Each complaint is dealt with by the Commissioner and considered by the Committee, with the final report being debated in plenary. As the Member who has been complained about has the right to attend the relevant Committee meeting in person, we considered that there are enough stages for input and challenge. We also strengthened the oral hearing stage of the Procedure so that it is clearer that this is the opportunity of the Member to raise issues of factual dispute or procedural concern in relation to the Commissioner's investigation and report. The Committee is also able to refer matters raised at this point back to the Commissioner for further consideration."*¹⁶

UK Parliament context

76. For the UK Parliament, the standards system for MPs includes an appeals mechanism. Since 2022 appeals are heard by the Independent Expert Panel ("IEP"), which was originally established in 2020 to consider complaints about MPs relating to bullying, harassment and sexual misconduct. The IEP does not hear appeals in relation to these matters, but instead **only** those relating to Code of Conduct cases, initially heard by the Committee on Standards.

77. The IEP's role for appeals is that:

¹⁵ [NATIONAL ASSEMBLY FOR WALES PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST ASSEMBLY MEMBERS](#)

¹⁶ [Senedd Standards of Conduct Committee, Review of the Procedure for Dealing with Complaints against Members of the Senedd, July 2022, p.2](#)

“The Panel does not re-investigate the allegations during an appeal, nor does it take fresh decisions on the basis of the investigation. The role of the Panel in an appeal is to review the decisions taken by the Committee”¹⁷.

Deliberate Deception

78. The Committee considered the creation of a new offence for candidates for elections to the Senedd and Members of the Senedd.

79. There was a consensus in the evidence the Committee received that if any new mechanisms to tackle deception are to be introduced then ‘deliberate deception’ would need to be clearly defined in the drafting of any legislation. The Committee made the following recommendations in relation to defining deliberate deception in legislation:

Recommendation 1. *“The Committee recommends that the Welsh Government, on the basis of the evidence gathered by the Committee on related definitions within existing legislation, should clearly define deliberate deception in legislation relating to Senedd elections; and that it is replicated in any associated Standing Orders and guidance.”*

80. The Welsh Government accepted in principle this recommendation and noted that it would need to consider in further detail.

Scope

81. The Committee heard a range of views on whether a single system should be introduced that would include both candidates and Members. The Committee concluded that to implement one system would be complex. They therefore recommended different approaches for the two roles, acknowledging that they are constitutionally different. The Committee made the following recommendation in relation to candidates:

Recommendation 3. *“The Committee recommends that the Welsh Government considers broadening section 75 of the draft Senedd Cymru (Representation of the People) Order (which replicates the provision contained in section 106 of the Representation of the People Act 1983 in relation to Senedd elections) to make it an offence for a candidate or any election agent to make or publish deliberately deceptive statements/information for the purposes of affecting how a vote is given at the election.”*

82. The Welsh Government accepted in principle this recommendation but set out in its response to the ¹⁸report, that did not consider that Article 75 of the draft Senedd Cymru (Representation of the People) Order (“the Conduct

¹⁷ Paragraph 14 of the Guidance for appellants in relation to the Code of Conduct

¹⁸ [Individual Member Accountability – Deliberate Deception Response to the Standards of Conduct Committee’s report](#)

Order”) could be broadened to deliver the new offence. The Counsel General made the following comments in response to the recommendation:

“What has been set out by the committee is not a modification of the existing offence of false statements as to candidates, but rather the introduction of a new offence that differs in a number of fundamental respects, including the scope of the offences, who may commit them and the harm they are seeking to address. I have instructed officials to develop a proposed offence, in line with what is envisaged by the Committee, which will require an assessment of the potential impacts on the Justice System and on our broader arrangements for electoral law for Welsh elections. I believe a proposed offence should be the subject of further consultation, which means it is not feasible to include it in the final Conduct Order for the 2026 Senedd election.”

83. The Committee made the following recommendation:

Recommendation 4. *“The Committee recommends that the Government of Wales Act 2006 is amended to stipulate that any Conduct Order made under section 13 may include a provision for deliberate deception, ensuring that the issue of deliberate deception is considered in the conduct orders made for future elections.”*

84. The Welsh Government noted this recommendation and stated that it would consider if any amendment was required to section 13 of the Government of Wales Act 2006 whilst taking forward work in response to recommendation 3.

85. The Committee recommended that the standards process (subject to it being strengthened by their recommendations 2 and 6 and the introduction of a system of recall) was the appropriate mechanism for addressing deliberate deception by Members of the Senedd, given that ultimate sanction of recall may lead to a Member being removed from their seat.

3.2 The intended effect of the legislation

86. The Senedd Cymru (Member Accountability and Elections) Bill will introduce a system of recall that allows the electorate to directly hold Members to account. The Bill will also strengthen elements of the current standards regime for Members of the Senedd.

Intended effect: what the Bill does

87. The Bill provides for the following:

- The establishment of a recall poll, to enhance accountability of Members of the Senedd.
- The creation of two trigger events which will initiate a recall process:
 - A Member being convicted of an offence in the United Kingdom and receiving a custodial sentence or ordered to be imprisoned or detained (and it is a sentence that does not result in automatic disqualification); or
 - The Senedd agreeing to submit a Member to a recall poll following a report from the Committee containing a recommendation to submit the member to a recall poll.
- A requirement that the Committee develop guidelines to determine when the recall sanction should be recommended by the Committee, including a requirement for public consultation.
- A duty on the Presiding Officer of Senedd Cymru to fix the date of a recall poll after becoming aware a trigger Event has occurred.
- Adds to and amends the existing functions of the Commissioner for Standards (the Commissioner);
 - to enable them to carry out an investigation of a breach of obligation by a Member, or concerns about a Member's conduct, of their own initiative.
 - requiring the Commissioner to investigate a self-referral by a Member of the Senedd to the Commissioner.
 - to enable them to take evidence by live video and audio link.
 - to enable them to require evidence in writing.
 - to enable them to issue notices in relation to evidence and requests for documents electronically and to collect information electronically.
 - provides for enforcement by way of a criminal offence in respect of the new powers of the Commissioner regarding evidence.
 - to provide for the Commissioner to be able to administer an oath to a translator or interpreter and, require such a person to take the oath.

- to enable the Commissioner to disclose and publish limited information about an investigation before the publication of their investigation report.
- Additional ineligibility criteria with regards to who can be appointed to be the Commissioner.
- A requirement that each Senedd must establish a mandatory Standards of Conduct Committee and a time frame in which they must be appointed.
- A requirement for the Senedd to appoint at least one lay member to the Standards of Conduct Committee.
- Disqualification criteria as to who cannot be appointed as a lay Member to the Standards of Conduct Committee.

Provision enabling the Senedd to introduce an appeals mechanism as part of the standards process.

- A duty on the Presiding Officer of Senedd Cymru to bring forward a motion to either establish a Senedd Committee, or to remit to an existing Committee, consideration of whether a Members' code of conduct should apply to the conduct of a Member during the period in which they were a candidate for a Senedd election. If a committee carries out the inquiry and lays a report before the Senedd, the Welsh Ministers must provide a response to that report.
- Amendments to the Welsh Ministers' power in the Government of Wales Act 2006 to make provision about the conduct of Senedd elections. In response to the Standards of Conduct Committee's report into Deliberate Deception, it introduces in particular a duty upon Welsh Ministers to make provision prohibiting the making or publishing of false statements of fact.

Establishment of a recall process

88. The Bill delivers the primary legislation required to establish a recall process. It is envisaged that a Recall Poll will be similar to a Senedd general election within a single constituency in that:

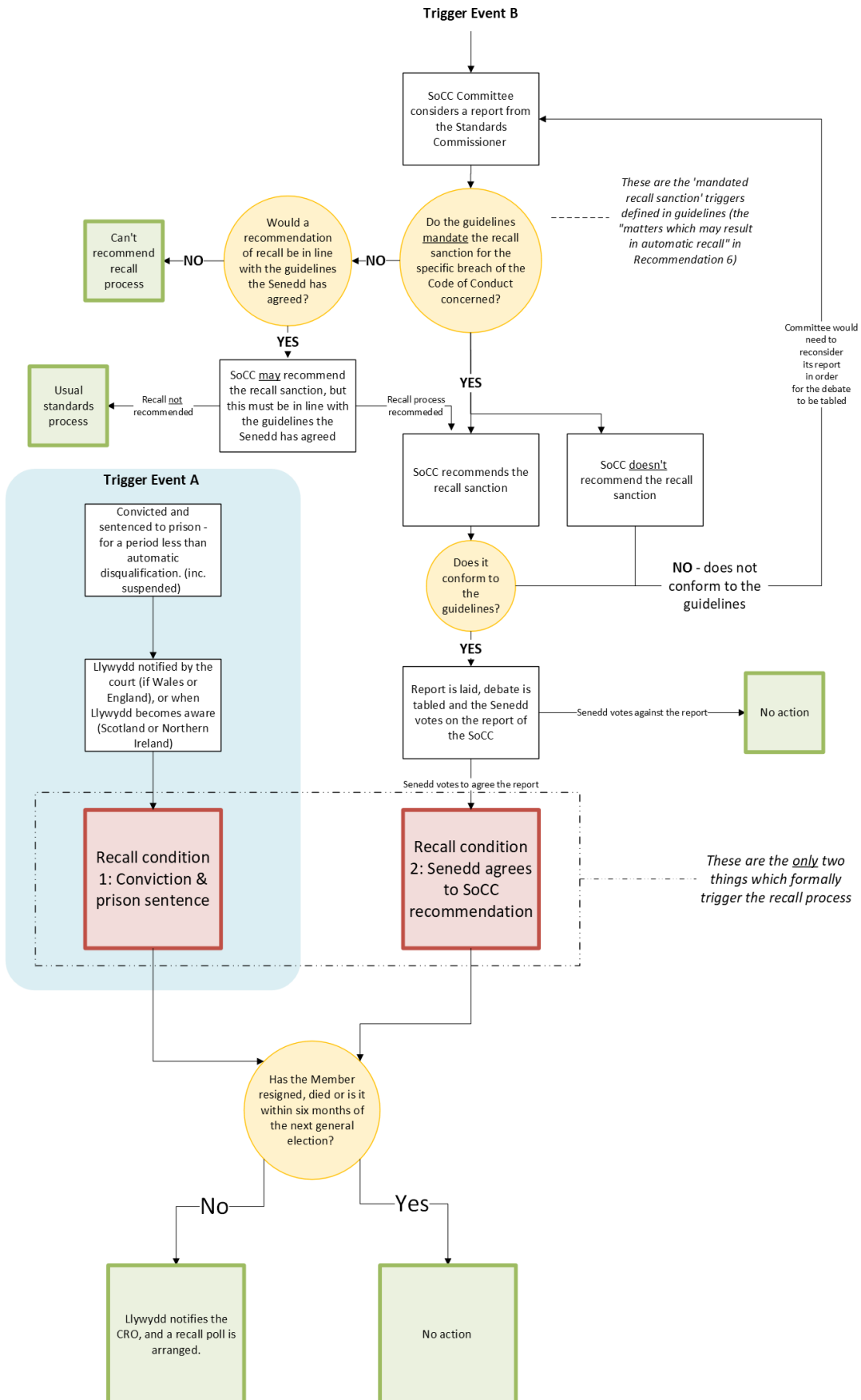
- That it is a one-day poll
- The timings of the 'campaign' period and poll, including electoral register cut-offs.
- Polling stations, including their number and opening times.
- Options for absent voting (proxy and postal).

89. However, there will be certain differences to a Senedd election, including:

- The ballot will provide one question and two options: to retain the Member or remove them.
- There will be no 'candidates', as this is about recalling a sitting Member or not (subsequent regulations will establish the financial regulatory framework).

Overview of the proposed recall process

90. The **flow chart** below provides an overview of how it is envisaged the Recall Poll would be conducted.



Initiation of a Recall Poll

91. The first part of any recall system is the actions and events which make a Member of the Senedd eligible to be recalled, which trigger the recall process, and the initial notification of that process. The substantive elements of this part of the process are therefore the trigger events for the recall process (i.e. the wrongdoing of the Member that causes the process to begin) and the Presiding Officer's notice. The Bill provides for two 'trigger events':

- The Member being convicted of an offence in the United Kingdom and receiving a custodial sentence or ordered to be imprisoned or detained (and it is a sentence that does not result in automatic disqualification); or
- The Senedd agreeing to submit a Member to a recall poll following a report from the Committee containing a recommendation to submit the Member to a recall poll.

92. The Bill requires that if a Member of the Senedd, after becoming a Member, is convicted of an offence in England and Wales and sentenced or ordered to be imprisoned or detained, that the court that imposes the sentence or order in relation to the conviction must notify the Presiding Officer of the conviction and of the sentence or order. If the conviction, sentence or order is overturned on appeal (or the sentence is reduced to one that does not meet the threshold), the court to which the appeal was brought or remitted by another court must notify the Presiding Officer of that fact.

93. The Bill requires the Committee to prepare draft 'recall guidance' about the matters to be taken into account by the Committee when considering whether to recommend submitting a Member to a recall poll. The Committee must carry out a public consultation on that draft guidance and following consultation the guidance must be approved by resolution of the Senedd. The Committee must consider whether to include within the guidance examples of conduct or types of conduct that may result in the Committee recommending submission of a Member of the Senedd to a recall poll.

94. The Committee may not recommend submission of a Member to a recall poll unless the Senedd has issued recall guidance. Prior to the Committee recommending submission of a Member to a recall poll, the Committee must have regard to the recall guidance.

95. The Bill places a duty on the Presiding officer to fix a date for a recall poll and notify the relevant constituency returning officer, the notice must include details of the trigger event. The Bill places a duty on a constituency returning officer to give public notice of the recall poll.

Use of the term ‘Recall Poll’

96. Consideration was given to the recommendation made by the Committee that the process should be referred to as a ‘remove and replace ballot’ rather than ‘recall’. The Welsh Government recognised, in its response to the recommendation, that the term “recall petition” would be both confusing and inaccurate. However, it suggested that “remove and replace ballot” may also be inaccurate since the process may not result in removal and, even if it does result in removal of a Member, the process will not itself involve replacement. Any vacancy would be filled through the normal processes, and would not happen in every circumstance, for example if the party list was exhausted, or an individual candidate was removed.
97. The reasons in favour of using “Recall poll” are that it is a well-established way of describing the removal of a sitting politician by way of an electoral event. Consideration was given to the use of the “ballot” element of the description however on balance the term “recall poll” was considered to more appropriate. In electoral law “ballot” usually refers to the mode of carrying out a poll, whereas the collective act of voting is usually described as a “poll”.

One Stage Process

98. The Committee recommended a one stage process, recognising that the electoral system in Wales will be significantly different, and requires a tailored approach. Under the new Senedd electoral system, any vacancy arising will either be filled by the next eligible person on the same party’s list or will remain vacant. There is no provision for by-elections.
99. Once the recall process is initiated by a ‘trigger event’, as referred to in paragraph 90, public opinion is tested a single time to determine whether the member is recalled. This question for voters will be a binary choice of whether to remove or retain the member. If the decision is that the Member is to be recalled, then the seat is vacated and the usual process for a vacant seat is activated.

Conduct of Poll

100. The Bill specifies that a recall poll must be conducted by ballot and that each ballot paper must be written in English and Welsh.
101. The Committee recommended that the “Welsh Government works with the Electoral Commission to develop a voting paper which presents the information in a clear and easy to understand manner.” The Welsh Government’s initial response to this recommendation suggested that the

content of a voting paper would likely be set out in secondary legislation. However, following further consideration, it was concluded that including, the question and answer that would appear on a ballot paper on the face of the Bill would provide a useful reference point to explain how the Recall Poll process would be conducted. It would also provide consistency and certainty to all involved in the process.

102. Discussions have taken place with the Electoral Commission on the format of the question and answer to seek to ensure that they are concise, written in plain English and Welsh, use short sentences, and avoids jargon or technical terms that would not be easily understood by most people.

Early termination of a recall poll

103. The Bill sets out a number of early termination events that would result in the recall poll being terminated before the result has been announced. These events include that the Presiding Officer has proposed a day for the holding of a poll at an extraordinary general election within the next 6 months, the Member of the Senedd's seat is vacated or the conviction, sentence or order against the Member of the Senedd, that triggered the recall poll, is overturned on appeal.

Outcome of a recall poll

104. The Bill places a duty on the constituency returning officer ("CRO") to determine the results of the recall poll, announce the results of the recall poll and depending on the result of the recall poll declare that the Member subject to the recall poll is either removed or kept as a Member. If the result of the recall poll is that the Member will be kept no further action is taken. If the outcome of the recall poll is that the Member is removed a vacancy would be created and filled through existing procedures.

Entitlement to Vote

105. The electorate for the recall poll would be the electorate as it would be were the poll for a Senedd general election to be held on that day. That is, those registered on the register of local government electors in that constituency with the same restrictions, cutoffs, etc. An equivalent approach is taken by the UK¹⁹ and proposed for Scotland²⁰.

Government of Wales Act 2006, section 12, Entitlement to vote

(1) The persons entitled to vote at an election of Members of the Senedd (or of a Member of the Senedd) in a Senedd constituency are those who on the day of the poll—

¹⁹ [Recall of MPs Act 2015](#), section 10.

²⁰ [Scottish Parliament \(Recall and Removal of Members\) Bill as introduced](#), section 10.

(a) would be entitled to vote as electors at a local government election in an electoral area wholly or partly included in the Senedd constituency..., and

(b) are registered in the register of local government electors at an address within the Senedd constituency.

...

106. It envisaged that changes to Senedd constituency boundaries would not take effect during a Senedd term. Therefore, recall polls should be held on the basis of the same constituency boundaries on which the preceding Senedd General Election was held. Changes to internal polling places and districts in that time will not affect the constituency level operation of a recall poll.

Constituency Returning Officers

107. The Bill places a general duty, in relation to a recall poll in a Senedd constituency, on the CRO to do anything necessary for effectually conducting the recall poll. The Bill also provides for a constituency returning officer to appoint one or more deputies.

108. As with other electoral events in Wales, a specific person should be responsible for the effective running of the poll. Although the Recall legislation in other parts of the UK defines a new post of petition officer, albeit one then filled by the returning officer, the benefits of doing so are not clear in the Welsh context as the recall poll in Wales will be similar to an election in a way that a recall petition is not. The policy intention is that a Recall Poll will be as similar as possible to a Senedd election, and so the CRO will already be as familiar as possible with the process and constituency.

109. It is envisaged that the CRO's role for recall polls will be similar to their role in Senedd elections. For example, these were set out in [Electoral Commission guidance](#) for CROs as comprising:

- publication of the notice of election for the constituency contest
- administration of the nomination process for the constituency contest
- encouraging participation
- publication of the statement of persons nominated and the notice of poll or the constituency contest
- provision and equipment of polling stations
- appointment of polling station staff
- conduct of the poll
- management of the postal vote process
- verification and counting of the votes for both the constituency contest and that part of the regional contest that falls within the constituency

- declaration of the constituency result.

Remit of the Electoral Management Board.

110. In response to recommendations made by the Member Accountability Bill Committee at Stage 1, the Bill was amended at Stage 2 to bring recall polls within the remit of the Electoral Management Board (EMB). The Bill includes provision which will bring recall polls within the EMB's electoral administration functions including the EMB being able to direct returning officers in respect of recall polls.

Regulations about Recall polls

111. The Bill confers a power on the Welsh Ministers to make regulations relating to the conduct of recall polls. Further detail on this power is provided at table 5.1.

Placing the Standards of Conduct Committee on a statutory footing

112. The Bill amends the Government of Wales Act 2006 to require each Senedd to establish as one of its committees, one to be known as the Standards of Conduct Committee (or such other name as the Senedd may determine). The Bill will also require Standing Orders to make provision for the functions of the committee relating to the standards of conduct of Members. Having the Committee's role and remit set out in statute will strengthen the commitment to the importance placed on standards and accountability as well as bringing about an effective arrangement for delivering on the recommendation to introduce lay members. It will allow for the setting of clear parameters of what the role and remit of a lay Member will be, when the Committee exercises its functions.

113. The conduct of elected representatives and the standards by which they are held are highly prominent issues. As a result of the Committee's inquiry on individual member accountability and the subsequent press coverage, standards for Members of the Senedd has become an even more prominent issue. Placing the Committee on a statutory footing and therefore making it a mandatory committee that the Senedd must establish is likely raise its profile both within the Senedd and with the Welsh public.

114. Establishing the Committee as a mandatory committee in statute also enables duties to be placed directly on the Committee where that is considered essential to deliver the effective implementation of the new system of recall for Members of the Senedd.

115. Established convention is that the Senedd's procedures and processes are a matter for it to decide upon itself. However, in order to give effect to the policy objectives of this legislation, it is considered important that the

primary legislation requires that Standing Orders make provision in relation to certain matters, in relation to the appointment of lay members to the Committee. Provision has been included to enable functions of the Committee in relation to the conduct of Members of the Senedd to be specified in the Standing Orders. The Bill also provides for the Committee to have the number of members specified by the Standing Orders, which must include at least one lay member.

116. In order to future proof the functions of the Committee, provision has been included to enable the establishment of a subcommittee, with the potential for this subcommittee to hear appeals from Members as part of the standards process, should the Senedd choose to adopt this as the mechanism for any appeal stage. It is envisaged that lay members will be wanted to perform a role if the Senedd or the Committee decide that such a subcommittee should be established.

Number of lay members and scope of role

117. In their report the Committee envisaged that lay members would bring an element of independence and expertise to the decision making function of the Committee. Therefore, the scope of the function of lay members will be limited to that of the functions of the Committee but excluding any legislative scrutiny function that the Committee may undertake. Provision has been included in the Bill requiring the Senedd to appoint at least one lay member to sit on the Committee and any potential subcommittee.

118. The ability for lay members to be appointed to any sub-committee is to provide for the future possibility that the Senedd chooses to use this mechanism as the appeals stage of the standards process.

119. It will be for the Senedd to decide how many lay members should be appointed to the Committee, similar to the Senedd's ability to decide how many elected Members should be on any other committee. However, the Bill requires that the Senedd must appoint at least one lay Member to the Committee by no later than November 2027 (to allow for recruitment processes to take place). The Bill specifies that the number of lay members to be appointed should not exceed the number of elected Members on the Committee. This approach balances the important role that lay members will play in providing independence and an external perspective to the range of Committee functions, with the appropriateness of ensuring a committee of the Senedd is not constituted in a way that could lead to Members of the Senedd being outnumbered by unelected members.

120. The Bill outlines the parameters of the lay member's role. Lay members must have full participation and voting rights in relation to matters relating to the conduct of members, may have such rights in relation to other functions of the Committee such as policy inquiries but must not have those rights in relation to scrutiny of legislation.

121. The above provisions are intended to bring an element of independence into the decision-making stage of the standards process and to enable the full use of the expertise of lay members when the Committee considers policy matters, including for example reviewing and suggesting amendments to the content of the Code of Conduct.
122. The Bill excludes lay members from participating in the scrutiny of any legislation remitted to the Committee by the Business Committee. The rationale behind this is that it would be inappropriate for lay members to be involved in the scrutiny of legislation given they are unelected, and it should only be a matter for elected Members, representing their constituents and in their role as legislators, to devise and scrutinise legislation as envisaged when the Senedd was given full primary law-making powers following the 2011 referendum.
123. The term of office of a lay member is to be decided by the Committee but must be for a fixed term not exceeding 6 years. This means that on dissolution of the Senedd, the appointment of lay members may continue into the next Senedd and until their term of office has ceased, as set out in the Senedd's Standing Orders. The rationale for the position is to avoid a situation whereby once the Committee is established in each new Senedd term, by way of a Chair being elected and having elected Members appointed to it, there is no delay in it beginning its work, on the grounds of it not being quorate. This could occur should the Committee need to wait for the appointment of lay members at the start of every Senedd term. It would also provide a degree of experience and continuity for the Committee between Seneddau and avoid unnecessary administrative burdens at the start of each term to appoint the lay members. Provision included in the Bill would in practice allow lay members to continue their term of office beyond the end of a Senedd term, but in effect not play any role in the Committee until such time that it commences its work again following an election.
124. The Bill includes provisions related to the appointment and removal of lay members and will enable Standing Orders to make provision about terms and conditions of appointment. The Bill also includes provision that sets out the criteria for who is to be disqualified from being appointed as a lay member including:
- Current or former Members of the Senedd.
 - Current or former Members of the House of Commons.
 - Current or former Members of the House of Lords
 - Current or former Members of the Scottish Parliament
 - Current or former Members of the Northern Ireland Assembly.
 - Current or former police and crime commissioners for a police area of England or Wales.
 - Current or former members of a County or County Borough Council in Wales.

- A person currently holding the office of Counsel General, or having previously held the office, where that person is not also a Member of the Senedd.
- Current members of a community council in Wales.
- A person who currently holds a disqualifying office in second column of the table in Part 2 of Schedule 1A, except the judicial offices.

Report on applying the Senedd’s code of conduct to election candidates

125. The Bill places a duty on the Presiding Officer of Senedd Cymru to table a motion to either establish a Senedd Committee, or remit to an existing committee, the conduct of an inquiry into the question of whether a Members’ code of conduct should apply during the period in which persons are declared to be Senedd election candidates and therefore any conduct during that period can be considered as part of the Senedd’s standards process, should a candidate then be elected as a Member of the Senedd.

126. The Presiding Officer of Senedd Cymru is required to table the motion as soon as practicable after the first meeting of the Senedd following the enactment of the Bill, but in any event no longer than 6 months from that date.

127. The Bill also makes provision that if the Senedd does undertake such a review, and subsequently a report is laid before the Senedd, the Welsh Ministers are required to lay a statement setting out their response to the report.

Own initiative investigations

128. The Committee in its report titled Deliberate Deception included the following recommendation in relation to enabling the Senedd’s Commissioner for Standards to initiate investigations.

Recommendation 6. “*The Committee recommends that the National Assembly for Wales Commissioner for Standards Measure 2009 is amended to allow the Commissioner for Standards to initiate investigations, to bring the functions of the Commissioner for Standards in line with other UK Parliaments.*”

129. The Welsh Government committed to implement this recommendation on the basis that the role of the Commissioner is ultimately a matter for the Senedd. The Bill amends the National Assembly for Wales Commissioner for Standards Measure 2009 to provide a power for the Commissioner to launch an own initiative investigation.

130. The Bill provides for the Commissioner to investigate the Conduct of Members of the Senedd, whether or not they have received a complaint.

131. The Commissioner can undertake an investigation if they have reasonable grounds for suspecting that the conduct of a Member of the Senedd has, at a relevant time, failed to comply with a requirement of a relevant provision, and is satisfied that any other conditions that must be met before commencing an investigation that may be prescribed in Standing Orders or rules specified in the Bill.

132. Once the Commissioner decides to investigate the conduct of a Member of the Senedd, they must conduct the investigation in accordance with provisions of the Standing Orders and any rules relating to investigations adopted by the Senedd and must report to Senedd on the outcome of investigation.

Amendments to be made to the National Assembly for Wales Commissioner for Standards Measure 2009

133. The Bill includes amendments to the National Assembly for Wales Commissioner for Standards Measure 2009 ('the Measure') in response to suggested amendments from the Standards of Conduct Committee in May 2025. The Bill amends the Measure to:

- clarify that a self-referral by a Member to the Commissioner will be treated the same as if a complaint has been received and therefore the functions of the Commissioner that apply to complaints will also apply to a self-referral.
- extend the ineligibility criteria with regards to who can be appointed to be the Commissioner to include:
 - Current or former Members of the Senedd.
 - Current or former Members of the House of Commons.
 - Current or former Members of the House of Lords
 - Current or former Members of the Scottish Parliament
 - Current or former Members of the Northern Ireland Assembly.
 - Current or former police and crime commissioners for a police area of England or Wales.
 - Current or former members of a County or County Borough Council in Wales.
 - Current members of a community council in Wales.
 - A person who has been a community councillor in Wales within the period of two years prior to appointment.
 - A person who is currently employed or who has previously been employed within two years prior to appointment, by a Member of the Senedd or a registered political party.
- enable the Commissioner to take evidence by way of live video and audio link.

- enable the Commissioner to require evidence in writing.
- enable the Commissioner to issue notices in relation to evidence and requests for documents electronically and, to be able to collect information electronically.
- extend the existing enforcement provisions, including the criminal offences in relation to compliance with notices issued, to capture notices issued in respect of the Commissioner's new powers.
- enable the Commissioner to administer an oath to a translator or interpreter and power to require such persons to take the oath.
- enable the Commissioner the ability to disclose and publish limited information about an investigation before the publication of their investigation report.

Deliberate Deception

134. The Bill amends the Welsh Ministers' power to make provision about the conduct of Senedd elections. In response to Recommendation 4 of the Committee's report into Deliberate Deception, it introduces in particular a duty upon Welsh Ministers to make provision prohibiting the making or publishing of false statements of fact. A duty, rather than a discretionary power, is considered appropriate in this circumstance due to the Bill's passage at the end of the Senedd term, with the aim of ensuring that such provisions are included in a future Conduct Order.

Welsh Language (Wales) Measure 2011

135. The Bill amends the Welsh Language (Wales) Measure 2011 to include the Senedd Commissioner for Standards in the list of public bodies in Schedule 6 to that Measure and makes the Commissioner subject to the Welsh Language Standards set out in the Welsh Language Standards (No. 2) Regulations 2016. This provides the basis to make the Commissioner for Standards subject to the Welsh Language standards, following engagement and the publication of a compliance notice.

4. Consultation

136. The reports of the Standards of Conduct Committee in relation to their inquiry on individual Member accountability were published in January and February 2025. The first recommendation in the Committee's report on Recall set an ambitious timetable to *"bring forward legislation to introduce a system of recall by 2026 in time for the Seventh Senedd"*²¹. In response the Welsh Government committed to bring forward a Bill during the Senedd term, but recognised that *"To develop, draft, scrutinise, and pass primary legislation before dissolution in little over a year represents a significant challenge, but one which, if the Senedd is so minded, the Government will look to undertake"*²².
137. In the timescale available, and in order to introduce a Bill in the final year of the Senedd term, around 9 months after the Committee reports were published, it was not possible for the Welsh Government to undertake its own open public consultation on the proposed policy choices to be given effect through the Senedd Cymru (Member Accountability and Elections) Bill or on a draft Bill.
138. The Standards of Conduct Committee's reports on recall and deliberate deception were informed through an [open public consultation](#) and 21 evidence sessions. The Committee received a total of 32 written responses to its public consultation which included responses from the Adjudication Panel for Wales, the Association of Electoral Administrators, the Electoral Reform Society, the Electoral Commission, Chief Constables, the Crown Prosecution Service, Quakers in Wales, the Institute of Constitutional and Democratic Research, Compassion in Politics and Transparency International UK.
139. The reports were also informed by the evidence received by the Reform Bill Committee during their stage 1 scrutiny of the Senedd Cymru (Members and Elections) Act. The engagement and evidence received by the Standards of Conduct Committee has been, to a significant extent, the basis of the work in order to meet the challenging timescales. However, a number of the recommendations of the Standards of Conduct Committee relate to further engagement to be undertaken by the Welsh Government in development of the legislation, including:

"Recommendation 3: Work[ing] with the Electoral Commission to develop a voting paper which presents the information in a clear and easy to understand manner."

"Recommendation 8: Welsh Government should consult with electoral administrators and other interested stakeholders on the practical

²¹ Standards of Conduct Committee Individual Member Accountability Recall January 2025

²² Individual Member Accountability – Recall Response to the Standards of Conduct Committee's report March 2025

implications of holding a recall vote on a single day across multiple polling places in a consistency.”

“Recommendation 9: *Welsh Government works with electoral community to make sure that the information sent out relating to recall clearly informs voters of the reason for the recall and the options available to them.”*

140. All of these recommendations were accepted. Therefore, in developing the legislation and supporting documents (in particular the Regulatory Impact Assessment), officials have undertaken:

- Targeted bilateral engagement with external stakeholders, including the Senedd Commission and the Electoral Commission, to ensure we are cognisant of their views on the key issues including the financial implications of the proposals; and
- Early and detailed engagement with the electoral administrator community, ensuring that administrative concerns can be fed into the legislation design process.

141. The targeted consultation undertaken with external stakeholders has enabled the inclusion of detailed cost estimates to accompany the Bill, including in relation to its implications for the Welsh Government, Senedd Commission, electoral administrators (via the Electoral Management Board), and the Electoral Commission.

142. As referred to above, discussion with the Electoral Commission informed the development the question and responses to be included on the ballot paper of a recall poll to seek to ensure that they are concise, written in plain English and Welsh, use short sentences, and avoids jargon or technical terms that would not be easily understood by most people.

143. Engagement has also taken place between the Counsel General (as Member in Charge) and Chair of the Standards of Conduct Committee, on the development of the Bill in response to the recommendations of the Committee. This includes engagement on minor amendments to the National Assembly for Wales Commissioner for Standards Measure 2009 that the Committee has suggested for inclusion in the Bill, as referenced above.

144. As set out above, significant provision will need to be made in secondary legislation in respect of the “rules” of a recall poll (potentially akin to the Conduct Order for Senedd general elections) and financial regulation etc. With the slightly longer time horizon for the production of the secondary legislation, specific engagement and consultation plans will be developed, delivering on the specific recommendations above.

5. Power to make subordinate legislation

145. The Bill contains provisions to make subordinate legislation and issue determinations. Table 5.1 (subordinate legislation) sets out in relation to these:

- (i).the person upon whom, or the body upon which, the power is conferred;
- (ii).the form in which the power is to be exercised;
- (iii).the appropriateness of the delegated power;
- (iv).the applied procedure; that is, whether it is “affirmative”, “negative”, or “no procedure”, together with reasons why it is considered appropriate.

146. The Welsh Government will consult on the content of the subordinate legislation where it is considered appropriate to do so. The precise nature of consultation will be decided when the proposals have been formalised.

Table 5.1: Summary of powers to make subordinate legislation in the provisions of the Senedd Cymru (Member Accountability and Elections) Bill

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
11	The Welsh Ministers	Regulations	This allows for the regulation of recall polls in a similar way to Senedd elections, and with the same degree of flexibility. The power itself is subject to consultation with the Electoral Commission, and any regulations which relate to expense limits [see s.11(5)] can only be made with the consent of the Electoral Commission.	Senedd approval procedure	The power allows for the regulation of most aspects of a recall poll, and as such are fundamental to the overall recall system. As such, it is appropriate that the approval procedure is applied to its exercise. This is also consistent with similar powers for other electoral events.
22	The Welsh Ministers	Order	This provision amends the existing power for the Welsh Ministers in section 13 of the GoWA to make provision about the conduct of Senedd elections. This introduces a duty upon the Welsh Ministers to make provision under section 13(1)(a) of the Government of Wales Act 2006 to prohibit the making of false or misleading	Senedd approval procedure	This duty forms part of the Welsh Ministers' power at section 13 of the Government of Wales Act; the procedure for which is prescribed at section 13(7) of that Act. The procedure includes a requirement to consult the Electoral Commission when making an Order under section 13

Section	Power conferred on	Form	Appropriateness of delegated power	Procedure	Reason for procedure
			statement; at new subsection 13(2A). In addition to the duty, new subsection (2B) is a list of the type of provisions that may be made under the duty in (2A).		as required by section 7 of the Political Parties, Elections and Referendums Act 2000.
23	The Welsh Ministers	Regulations	To ensure any amendments to legislation which are appropriate to give full effect to any provision of the Bill do not require further primary legislation and to allow any necessary savings and transitional provisions to be made.	Senedd annulment procedure, but the Senedd approval procedure if modifying primary legislation.	It is appropriate that there is an additional level of scrutiny if primary legislation is amended, repealed or modified.
24	The Welsh Ministers	Order	To enable the system of recall provided for in Part 1 to be brought into force at the appropriate time once the necessary subordinate legislation has been developed	No procedure	The power is to bring into force, at the appropriate time provisions the Senedd will have agreed if the Bill is passed. The Order will be laid before Senedd Cymru in accordance with section 37F of the Legislation (Wales) Act 2019.

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Regulatory Impact Assessment (RIA) summary

147. A Regulatory Impact Assessment has been completed for the Bill and it follows below.

148. There are no specific provisions in the Bill which charge expenditure on the Welsh Consolidated Fund.

149. The following table presents a summary of the costs and benefits for the Bill as a whole. The table has been designed to present the information required under Standing Order 26.6 (viii) and (ix).

150. However, in respect of provisions where a meaningful assessment of the likely costs over an appraisal period can be undertaken, such an assessment has been undertaken. This includes – for example – the costs associated with lay members being appointed to the Standards of Conduct Committee, and the costs associated with producing and reviewing sanctioning guidelines.

Senedd Cymru (Member Accountability and Elections) Bill		
Preferred option: This Bill implements the recommendations of the Senedd Standards of Conduct Committee's reports relating to Recall and Deliberate Deception , that were accepted by the Welsh Government.		
Stage: Amendments	Appraisal period: 2026-27-2035-36	Price base year: 2025-26
Total Cost Total: £472,600 – £1,355,600 Present value: £428,400 - £1,163,100	Total Benefits Total: £0 Present value: £0	Net Present Value (NPV): £-428,400 - £-1,163,100

Administrative cost

Costs:

The unit cost for Electoral Administrators for administering a Senedd recall poll in a single constituency is assessed as circa £642,100. No additional costs have been identified for the Electoral Commission.

There will be Welsh Government staff costs (opportunity costs) during 2026-27 in relation to the making of Regulations to set out the detailed rules for the conduct of a Recall Poll. This has been assessed as £190,800.

The cost to the Senedd Commission for developing guidelines are estimated to range from £71,800- £74,800 (of which £64,800 are a one-off opportunity cost, and £7,000-£10,000 are one-off costs for procurement of external legal advice and academic research).

Lay members recruitment

The cost to the Senedd Commission for recruiting and inducting lay members is estimated to range from £28,000- £43,000 per recruitment cycle (of which £13,000 is an opportunity cost, and £15,000-£30,000 are costs for advertising, use of an external recruitment company, and use of external facilitators.).

Lay member remuneration costs are estimated to range between £14,500 and £87,200 per annum, and ICT support costs are estimated to range between £1,800- £10,500 per annum.

Standards Commissioner

Having engaged with the Commissioner for Standards, and the Senedd Commission, potential opportunity costs of between £0 and £16,300 per Senedd term have been identified in respect of the power to investigate on their own initiative.

Transitional: £ 262,600 - £265,600	Recurrent: £210,000 - £ 1,090,000	Total: £472,600 – £1,355,600	PV: £428,400 - £1,163,100
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Cost-savings: No cost savings have been identified.

Transitional: 0	Recurrent: 0	Total: 0	PV: 0
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Net administrative cost: £472,600 – £1,355,600

Compliance costs

No compliance costs have been identified.

Transitional: £-0

Recurrent: £-0

Total: £-0

PV: £-0

Other costs

No other costs have been identified.

Transitional: £-0

Recurrent: £-0

Total: £-0

PV: £-0

Unquantified costs and disbenefits

There are a number of potential areas of variance in respect of the administration of a recall poll that have been identified following engagement with the Electoral Management Board. However, in all cases these are considered to be nominal and as such are not quantified within this RIA.

- The process would not require a nominations process, which would mean a saving of staff time but as this is typically not reclaimed, is of limited relevance.
- There may be a nominal saving if ballot papers are significantly smaller than those for a Senedd election, but this is unlikely to be a significant saving, especially given the other ballot paper requirements such as the inclusion of an official mark would still apply.
- Postal ballots could be issued sooner as there would be no nomination period, but this is unlikely to make a material difference to cost.
- It is possible that there could be a small saving at the count. Count processes would still need all ballot boxes to be returned, the contents to be verified (including postal ballots) and the doubtful papers to be adjudicated. Given the likely high-profile and potentially contentious nature of any recall poll, Constituency Returning Officers may prefer to rely on existing practices for elections in the constituency, based on what has worked well in the past, rather than experiment with smaller venues, particularly if the recall poll is contentious. However, the relative simplicity of counting the ballots may mean that fewer staff are required and with that, it is possible that smaller venues could also be used in some constituencies, potentially resulting in reduced costs.
- In terms of electoral registration, the potential nature of any recall poll may provoke considerable interest with an uptake in voter registration as a result. However, this is very difficult to predict or quantify. This would place an increased demand on electoral administrators' time but is unlikely to be significantly different to a Senedd election.

Benefits

While the changes are envisaged to result in a number of benefits, it has not been possible to monetise these benefits at this stage. The intention underpinning the reforms are to:

- Enhance the accountability of Members of the Senedd to the electorate, by strengthening the systems that regulate and sanction their conduct, and:
- As a result, increase public trust and confidence in Senedd Cymru.

Total: £-0

PV: £-0

Key evidence, assumptions and uncertainties

There has been positive and constructive engagement with key stakeholders, including the Senedd Commission, the Senedd Commissioner for Standards, the Electoral Commission, the Electoral Management Board.

Significant aspects of the legislation provide a framework within which the Senedd can choose to act, but does not compel such action. For example, the legislation provides that lay members *may* be appointed to the Standards of Conduct Committee, but it does not require them to be. The legislation also does not specify the number of lay members, nor the level of their remuneration. Therefore, the top end of the range of remuneration costs are based on a range of assumption, set out in detail below.

In addition, it is not possible – nor appropriate – to assess the likely frequency of behaviour of Members that may lead to a recall sanction. The costs of administering a recall poll are therefore presented here as a “unit cost” - i.e. the cost of administering a recall poll should it occur. That unit cost itself is based on a number of assumptions underpinning the likely cost of an election being held on the basis on the new electoral system, which will not be used until the 2026 Senedd general election.

The Welsh Government opportunity costs are associated with the staff time required to support Ministers in the development of the regulations made under powers delegated by this legislation. Given that the making of the regulations will be the first exercise of this new power, there are inherent uncertainties in undertaking an assessment of likely time required to develop comprehensive regulations.

7. Options

Options considered

151. The recommendations of the Standards of Conduct Committee in its reports on recall and deliberate deception were formally noted by the Senedd, and the Welsh Government has made a commitment to bring forward legislation to implement the recommendations. Legislation is required to implement the Committee's recommendations and therefore the only other option that has been considered is 'business as usual', that is to not implement the recommendations of the Committee. Costing other high-level options could potentially be considered disingenuous, as these were not actively under consideration.

152. A similar approach was taken in the Regulatory Impact Assessments that supported the Senedd Cymru (Members and Elections) Act²³ (para 457) and the Senedd Cymru (Electoral Candidate Lists) Bill²⁴ (para 146) which sought to implement the recommendations made by the Special Purpose Committee on Senedd Reform in its report Reforming our Senedd: A stronger voice for the People of Wales in 2022.

153. The two options presented in this RIA are therefore:

- a. Option 1: Business as usual
- b. Option 2: Implement the recommendations made by the Standards of Conduct Committee through the Senedd Cymru (Member Accountability and Elections) Bill

²³ [SENEDD CYMRU \(MEMBERS AND ELECTIONS\) BILL Explanatory Memorandum -2024](#)

²⁴ [Senedd Cymru \(Electoral Candidate Lists\) Bill Explanatory Memorandum -2024](#)

8. Costs and benefits

154. Where an appraisal period is considered to be appropriate for this Regulatory Impact Assessment, the period covers 2026–27 to 2035–36. This period covers two Senedd election cycles and is therefore considered sufficient for the estimated costs to reach a steady state.
155. However, a significant proportion of the cost implications of administering a recall poll as provided for are largely ‘demand’ led, dependent on both the behaviour of future Members of the Senedd, and decisions taken by the Senedd in respect of a recommendation of a recall sanction.
156. Therefore, the costs that would fall to electoral administrators in administering a recall poll are presented here simply as the “unit cost” of delivering a single poll. No assessment is made of the likely frequency of such polls occurring, and therefore an assessment over an appraisal period is not considered.
157. Unless otherwise stated, all costs have been rounded to the nearest £100. Some of the totals in tables may not sum due to this rounding. Costs have been discounted using HM Treasury’s central discount rate of 3.5%.

Option 1: Business as usual

158. This is the baseline option and as such there are no additional costs and benefits associated with this option. The additional costs and benefits of the proposed legislation have been assessed against this baseline.
159. It has not been possible to financially quantify the potential opportunity costs that could arise as a result of missing the opportunity to enhance the accountability of Members of the Senedd by strengthening the systems that currently exist that regulate and sanction their behaviour and conduct. It may reasonably be anticipated to maximise the value for money delivered through public expenditure, and thereby lead to financial savings.
160. Option 1 entails the existing ongoing costs in running elections, including the anticipated costs relating to the implementation of the Senedd Cymru (Members and Elections) Act, as set out in that Bill’s Explanatory Memorandum.

Option 2: Implement the Senedd Cymru (Member Accountability and Elections) Bill

161. The Bill will provide for:

- A system of recall applicable to Members of the Senedd.
- Enhancements to the Senedd's standards process, including enabling the use of the independence and expertise of lay members on the Standards of Conduct Committee, when performing its adjudication function of Member's conduct, and allowing the Commissioner for Standards additional flexibility in relation to their functions by being able to commence an investigation on their own initiative without the need for a complaint.
- Setting out Welsh Government's powers to address deliberate deception by political candidates by amending the Government of Wales Act 2006, ensuring that future conduct orders can include provisions on deliberate deception.

162. Detailed cost estimates to accompany the Bill have been developed, including in relation to its implications for the Welsh Government, Senedd Commission, electoral administrations (via the Electoral Management Board), and the Electoral Commission. Value for money will continue to be given full consideration as the Welsh Government makes progress with delivering the reform and turns to implementation.

163. The RIA attempts to provide the best estimate of likely costs as a result of the Bill and there are no known factors which could impact on the estimates (either in terms of costs or savings) when subsequent decisions have been taken.

Costs and savings for electoral administrators

164. No cost savings for electoral administrators were identified, relative to taking no action (Option 1: business as usual).

165. Local authority officials (electoral administrators) play a key role in the administration of Senedd elections. The Welsh Government funds local authorities for the administration of Senedd elections. For transparency, these are the costs and savings that would be seen in the administration of elections by local authorities, that ultimately fall to the Welsh Government.

166. The detailed rules in respect of a recall poll will be set out subsequently in regulations. However, the drafting of this Bill – reflecting the recommendations of the Standards of Conduct Committee – makes provision for a system that is as similar to a Senedd General Election as is possible. That includes:

- A single day “yes/no” vote on the continuing Membership of the Senedd of a Member subject to recall proceedings.

- The use of the same polling stations and polling districts as those used for a Senedd General election.
- Similar provisions in respect of postal votes.
- Similar provisions in respect of the production of polling cards and ballot papers.
- Similar provisions as to timing – both in terms of pre-poll timings, and the day of the poll itself.

167. The assessment undertaken below therefore makes use of the maximum recoverable amounts for Returning Officers in respect of the 2026 Senedd election as the most appropriate proxy for the likely costs of administering a recall poll.

168. The Senedd Cymru (Returning Officers' Charges) Order 2026 sets out the maximum amounts recoverable by Returning Officers in respect of the administration of the 2026 Senedd general election.

Table 8.1: Summary of Electoral Administrator costs in respect of Option 2

Senedd constituency	Total amount for expenses incurred	Total amount for services rendered by electoral administrators	Overall maximum recoverable amount
Afan Ogwr Rhondda	£638,116	£16,900	£655,016
Bangor Conwy Môn	£538,346	£16,900	£555,246
Blaenau Gwent Caerffili Rhymni	£597,908	£16,900	£614,808
Brycheiniog Tawe Nedd	£606,287	£16,900	£623,187
Caerdydd Ffynnon Taf	£600,488	£16,900	£617,388
Caerdydd Penarth	£605,179	£16,900	£622,079
Casnewydd Islwyn	£658,519	£16,900	£675,419
Ceredigion Penfro	£659,071	£16,900	£675,971
Clwyd	£646,622	£16,900	£663,522
Fflint Wrecsam	£630,004	£16,900	£646,904
Gwynedd Maldwyn	£628,161	£16,900	£645,061
Gŵyr Abertawe	£640,652	£16,900	£657,552
Pen-y-bont Bro Morgannwg	£651,891	£16,900	£668,791
Pontypridd Cynon Merthyr	£621,515	£16,900	£638,415
Sir Fynwy Torfaen	£620,165	£16,900	£637,065
Sir Gaerfyrddin	£659,653	£16,900	£676,553
Totals	£10,002,577	£270,400	£10,273,007

169. Therefore, the “unit cost” of administering a recall poll in a single constituency is assessed as an average of **£642,100**.

170. In practice, it is anticipated that the cost of administering a recall poll may be slightly lower than administering a Senedd General election. This is due to a range of factors, including:

- An assumption that counting will be a lot quicker for a recall poll
- An assumption that the ballot paper would be shorter so potential reduction in printing costs
- An assumption that there would be a reduction in staff costs due to there being no candidates for administrators to support.

171. However, it is not currently possible to quantify these potential savings, and therefore they are not considered in assessing the potential costs associated with the administration of a recall poll.

172. The maximum recoverable amounts in respect of the 2026 Senedd election are significantly higher than the maximum recoverable amounts in respect of the 2021 and 2016 Senedd general elections.

173. Both of those previous elections were combined with Police and Crime Commissioner elections, and costs associated with those were defrayed through the UK Government. The combined election makes joint use of – for example – polling stations and polling station staff, and therefore the overall costs of holding a combined election are less than those of holding two separate elections.

174. In addition, there are a number of significant inflationary pressures within the costs of running an election that are reflected within the costs. For example, the cost of first class franking (associated with the issue of poll cards and return of postal ballots) has increased by 157% between 2020 and 2025.

Costs and savings for the Welsh Government

175. No cost savings for the Welsh Government were identified, relative to taking no action (Option 1: business as usual).

176. There will be Welsh Government staff costs (opportunity costs) during 2026-27 in respect of developing and making the subordinate legislation in exercise of the powers and duties conferred on Welsh Ministers through this Bill.

Table 8.2: Summary of the Welsh Government’s costs in respect of option 2

Stakeholder	Staff Grade	Average annual gross cost	Average Monthly Gross Cost	Period (months)	FTE	Total cost
Welsh Government	SEO (Policy)	74,943	6,245	12	0.7	52,500
	G7 (Policy)	98,186	8,182	12	0.3	29,500
	DD (Policy)	132,937	11,078	12	0.1	13,300
	G7 (Legal)	98,186	8,182	12	0.7	68,700
	G7 (Legal - QA)	98,186	8,182	3	0.5	12,300
	G6 (Legal)	117,797	9,816	12	0.1	11,800
	Translation					
						190,800

Costs to the Electoral Commission

177. No cost savings for the Electoral Commission were identified, relative to taking no action (Option 1: business as usual).

178. The recall provisions within the Bill (Option 2) will extend the requirements currently placed upon the Electoral Commission to include Senedd recall polls. This includes:

- To report on the administration of any recall poll
- To keep under review and submit reports to the Welsh Ministers on devolved matters
- For representatives of the Commission to be able to attend a recall poll
- To prepare a code of practice for the attendance of observers at a recall poll
- To be consulted on any change to electoral law made by regulation (and to consent to the setting of spending limits)
- The giving of advice and assistance

179. The Welsh Government has engaged with the Electoral Commission as to the likely cost implications of extending the requirements above. The development of guidance, delivery of monitoring and reporting functions, and engagement on legislative development are all considered to be capable of being met within existing resource and finance envelopes.

Costs to Senedd Commission

180. No cost savings for the Senedd were identified, relative to taking no action (Option 1: business as usual).

181. In respect of implementing option 2, the following costs have been identified in respect of the Senedd Commission.

Development of Guidelines

182. The legislation requires the production of sanctioning guidance by the Standards of Conduct Committee, including consultation requirements prior to the ratification of guidance by the Senedd in Plenary.

183. The quantum of Senedd Commission staff time to support the Standards of Conduct Committee in developing guidelines to determine when the recall sanction is to be recommended is considered to be a substantive opportunity cost. Based on current arrangements for supporting the Standards of Conduct Committee in a moderate consultation, those opportunity costs are estimated to be in the region of £64,800.

184. External legal advice may also need to be sought on the guidelines developed, which is estimated at a quantum of £3,500-£6,000. Furthermore, development of the guidelines may necessitate an academic research review of comparable examples in domestic disciplinary codes. This is estimated at a quantum of £3,500-£4,000.

185. The total costs of this element of the legislation are estimated to range from £71,800- £74,800 (of which £64,800 are a one-off opportunity cost, and £7,000-£10,000 are one-off costs for procurement of external legal advice and academic research). This cost is expected to be incurred in 2026-27.

Recruitment of lay members

186. It can reasonably be anticipated that the process of advertising for, recruiting and appointing lay members would be comparable to other public appointments previously undertaken by the Senedd. Based on experience of conducting previous public appointments within the last two calendar years, it is estimated that the appointment of lay members, potentially including advertising and use of an external recruitment company, could vary from £5,000-£20,000, and would involve staff time opportunity costs of £8,200.

187. Following a recommendation of the Finance Committee in their Stage 1 report, in consultation with the Senedd Commission an assessment has been made of the estimated cost of providing lay members with an induction and ongoing support.

188. Internal opportunity costs represent staff time involved in the preparation and delivery on an induction process, and strategy development.

Grade	Time period	Mid-Point Annual Gross Cost (25-26)	Total
Grade 7	1.5 weeks	£94,560	£2,728
SEO	1.5 weeks	£72,852	£2,101
Total			£4,829

189. In addition, a need for a budget of £10,000 has been identified by the Senedd Commission for contracting an external facilitator to undertake a strategy development facilitation with lay members.
190. The known total costs of this element of the legislation are estimated to range from £28,000- £43,000 per 6-year period (which is the maximum term length of a lay Member).
191. Of this £13,000 represents the opportunity cost of Senedd staff time associated with recruitment and induction and £15,000-£30,000 are costs for advertising and use of an external recruitment company for recruitment and an external facilitator for Strategy development.
192. At this stage, the timing and frequency of recruitment exercises is not known and so, for the purposes of the RIA, the costs have been annualised across the appraisal period (starting in 2026-27).

Remuneration of lay members

193. The legislation as amended at Stage 2 requires Standing Orders to provide for at least one lay member to be appointed to the Standards of Conduct Committee. It is currently unknown as to whether Members of future Seneddau would choose to appoint the minimum number of lay members, or up to the maximum (which would be equal to the number of elected Members appointed to the Committee). On the basis that there are too many compounding uncertainties, the Senedd Commission identified the remuneration and ICT costs of lay members as an unknown cost.
194. However, for the purposes of this RIA, Welsh Government has sought to set out illustratively the largest potential range of costs. For this purpose, the annual cost, if incurred, has been assumed to start in 2026-27.
195. Given that the legislation only requires the Senedd to appoint a single lay member the range of costs begins at that which would represent the appointment of a single member. In assessing the top end of potential costs, a number of key assumptions have been made. It is important to note that there is low confidence in the accuracy of the assumptions made.
- That the Standards of Conduct Committee would choose to appoint the maximum number of lay members (i.e. the same number as the number of elected members of the Committee).
 - That the number of elected members on the Committee is 6, reflecting the increase in the size of the Senedd.

- That lay members are estimated as being remunerated at a maximum rate of £600 per day, based upon reflecting the remuneration scheme for equivalent lay members in the UK Parliament. The remuneration of a lay Member at the Senedd may in practice be lower, reflecting that they may have a different role, and will not need to consider London-weighting, but this is considered an appropriate maximum for the purpose of an illustrative range.
- That lay members would “sit” for three days a month whilst the Senedd is sitting, largely equivalent to lay members in the UK Parliament (equivalent to circa 25 days per year).

196. Based on these assumptions, the top end of the potential range of costs for the remuneration of lay members is considered to be £87,200 per annum. As stated above, there is a high degree of uncertainty around some of the assumptions used in this calculation. However, this is considered to be a reasonable estimate of the upper end of the cost range. The cost would be lower if fewer lay members were recruited or if a lower daily remuneration rate were agreed but would still fall within the £14,500-£87,200 per annum cost range presented here.

197. Costs in respect of the ICT support required for lay members has been assessed as £7,000 per Member over a four-year Senedd term. Using the same assumptions as above in respect of the minimum and maximum number of lay members (i.e. 1 and 6), this provides for a range of average annualised costs of £1,800 - £10,500.

Standards Commissioner

198. The legislation provides for the Commissioner for Standards to carry out an investigation of a breach of obligation by a Member or concerns about a Member’s conduct, of their own initiative.

199. Having engaged with the Commissioner for Standards, it is anticipated that - in practice - the power to initiate investigations would be used very rarely. The following estimates of opportunity costs are therefore based on one use of the power to initiate investigations once in a Senedd term (of four years).

200. The length of time that an investigate takes (and therefore the opportunity costs that potentially arise) vary hugely in their size and complexity. The Commissioner for Standards has advised that some can take less than an hour of Commissioner and/or staff time, while others could take as much as 20 days. An opportunity cost range has therefore been

developed from zero (reflecting an investigation that takes less than an hour) to a maximum end range based on 20 days.

<u>Role</u>	<u>Time period</u>	<u>Day Rate + 13.2% NI (based on average NI costs) Total</u>	<u>Total</u>
Standards Commissioner	20 days	£533.45	£10,700
<u>Grade</u>	<u>Time period</u>	<u>Mid-Point Annual Gross Cost (25-26)</u>	<u>Total</u>
SEO	20 Days	£72,852	£5,600
			£0-£16,300

Annualised over a four-year Senedd term, this gives rise to an opportunity cost of £0 - £4,100 per year.

Table 8.3: Summary of the Senedd Commission's costs in respect of option 2

	Financial Year	Cost
Opportunity Costs in supporting the development of guidance	2026-27	£64,800
Legal costs in developing guidance	2026-27	£3,500-£6,000
Academic costs in developing guidance	2026-27	£3,500-£4,000
Lay member recruitment and induction costs	Annualised Average per year	£4,600-£7,100
Lay member remuneration costs	Annual cost	£14,500 - £87,200
Lay member ICT support	Annualised Average per year	£1,800-£10,500
Standards Commissioner own initiative investigation costs	Annualised Average per year	£0 - £4,100

Costs to Political Parties

201. The introduction of a system of recall for Members of the Senedd may give rise to additional costs as well as savings for political parties who are engaged in the electoral process in Wales and whose Members may become subject to a recall process. However, these costs and savings

would not be possible to quantify as it may vary extensively between each political party. A party would only be impacted if a Member of the Senedd from their party list became the subject of a recall process. Even in that scenario, there may be a number of variables involved, including whether the Member continues to be a member of the political party. Therefore, the starting point for each party, and the extent to which they play a part in the process, could differ greatly.

202. There is discretion in the extent to which political parties may choose to participate in a recall poll. For example, whether the political party would support the Member in a recall poll, or alternatively may be seeking their removal in order for the next eligible person on their party list to be returned. This would have a significant bearing on any potential costs and savings. As these decisions are not as a direct result of the Bill and are yet to be taken by political parties, they are not possible to quantify and costs and savings are unknown at this stage.

Benefits

203. Changes arising as a result of the Bill are not envisaged to result in overall cost savings.

204. The changes are envisaged to result in non-monetary benefits, some examples of which are set out below.

205. The Bill seeks to achieve the benefit of enhancing the democratic accountability of Members of the Senedd to their electorate, by allowing them to have final say as to whether a Member should be removed from office by way of introduction of a recall poll.

206. A secondary benefit is also created by the system, in that it will improve trust in our democratic institutions and those whose role it is to represent the people of Wales, by allowing for the removal of Members of the Senedd whose behaviour is considered of the most serious nature in breach of the standards expected of Members set out in the Code of Conduct.

207. The introduction of recall as an ultimate sanction that can be imposed on a Member of the Senedd creates the benefit of the Senedd having sufficient powers to deal with cases of serious misconduct. Rather than the current situation where a Member can only be suspended for a maximum number of days and then can return.

208. The measures in Part 2 of the Bill will create the benefit of strengthening the Senedd's standards process more broadly, by allowing for the introduction of independent, external perspective and expertise with regards to the important decision-making stage of the process. This will be achieved through the appointment of lay members to the Standards of Conduct Committee, of which evidence from the UK Parliament shows that such appointments help to increase confidence in the standards process by acting as a counterweight to concerns that the process is 'politicised' and

seen as 'partisan', rather than as objective. Similarly, the measures in the Bill that will allow for the Commissioner for Standards to commence an investigation into a Member's conduct of their own initiative will also strengthen the standards process. As a result of the measures the Commissioner will have additional flexibility as to when they can investigate and therefore ensure they are fully able to uphold the standards expected of Members, set out in the Code of Conduct.

9. Impact Assessments

209. Alongside the assessment of costs, an Integrated Impact Assessment (IIA) has been carried out on all elements of the Bill. The purpose of this assessment has been to consider the impact of the Bill's provisions on particular groups of people and policy areas, and to consider any changes needed to the Bill in order to mitigate negative impacts or ensure more positive impacts.

210. The IIA is summarised below. It is available in full on request from SeneddReform@gov.wales.

211. More detailed, individual impact assessments have been prepared where the IIA has identified that the Bill could have specific impacts, or where there is a legislative requirement to do so. Individual impact assessments have been prepared in relation to:

- Equality ;
- Data protection;
- Welsh Language; and
- The Justice system.

212. No impacts have been identified which required introduction of this legislation to be reconsidered or delayed.

Summary of the Integrated Impact Assessment

Impact on the well-being of future generations

213. The IIA considers the implications of the legislation in relation to the five ways of working identified within the [Well-being of Future Generations \(Wales\) Act](#).

214. In this context, the legislation is considered to have the ongoing **long-term** benefit of enhancing the accountability of Members of the Senedd to their electorates, by providing a mechanism for them to recall an MS during their term of office, by way of a poll to be held in the relevant constituency.

215. The recall system aims to enhance the democratic process by allowing the removal of a Member of the Senedd if, they are convicted and sentenced to a period of imprisonment or, if their conduct is considered a severe breach of the standards expected. The system aims to **prevent** Wales's democratic institutions being brought into disrepute and seeks to restore trust by the public in their elected representatives, by upholding the standards set out in the Senedd's code of conduct.

216. In the development of the system of recall, consideration has been given to how it will **integrate** with the electoral arrangements to be introduced for Senedd elections in 2026 and specifically the closed list proportional representation electoral system. The recall system has been designed to complement the electoral system to ensure effective implementation.
217. Collaboration with partners and stakeholders has taken place during the development of the legislation, including with delivery partners in the public sector and third sector organisations with an interest in standards in public life. It is anticipated that this approach will be maintained during the implementation of the measures in the Bill.
218. As the recommendations which have formed the basis of the legislation originated from the Senedd, through considerations by the Reform Bill Committee and the Standards of Conduct Committee it is appropriate that the Senedd is **involved** in deciding on the final measures contained within it. The Senedd will have an opportunity to do this during the legislative scrutiny process.

Impact on social well-being

219. Consideration has been given in the IIA to how, and to what extent, the legislation may affect people and communities. This included impacts on particular individuals, groups of people or communities; people living in, working in, or linked to particular places; consumers of particular products or services; workers, in general and in specific sectors, and the goal of promoting decent and fair work (as per section 4 of the Well-being of Future Generations (Wales) Act 2015).

Impact on cultural well-being

220. The IIA considered the impacts of the legislation on cultural well-being. The Bill's provisions are not considered to have any direct impacts on cultural well-being.

Impact on the Welsh language

221. A full Welsh Language Impact Assessment (WLIA) has been conducted identified that the Bill was unlikely to significantly impact on the Welsh language. The WLIA has been updated to reflect amendments to the Bill at Stages 2 and 3, to amend the Welsh Language (Wales) Measure 2011 so as to include the Senedd Commissioner for Standards in the list of public bodies in Schedule 6 to that Measure and to make the Commissioner subject to the standards set out in the Welsh Language Standards (No. 2) Regulations 2016.
222. The Bill includes provisions to ensure that the electorate are able to engage in the Recall process through the medium of Welsh. The Bill

specifies that each ballot paper must be written in Welsh and English. Also, the questions and answers that would be used on a ballot paper are provided bilingually on the face of the Bill.

Impact on economic well-being

223. In broad terms, the Bill's provisions are not considered to have a significant impact on economic well-being. A full Economic Impact Assessment has not been conducted.

Impact on the public sector

224. The IIA has considered the Bill's potential implications for the public sector.

225. The financial implications of the changes are incorporated into the Regulatory Impact Assessment set out in Part 2 of this Explanatory Memorandum.

226. The IIA identified that the legislation will have an impact on the role of the Electoral Commission ('EC') in relation to devolved Welsh elections, in that it will extend the duties of the Electoral Commission for these elections, such as reporting on the administration of an election, to the circumstances of a recall poll.

227. The IIA has identified that the legislation will have an impact on the role of CROs and EAs in local authorities given they are responsible for the organisation and running of elections. They will take on the similar responsibilities for the running of a recall poll. The identified impact will be limited given CROs and EAs already have established procedures and systems in place for the running of elections and these can be simply adapted to account for a recall poll.

228. The IIA has identified that the measures in the Bill will have an impact on the role of the Senedd Commission in supporting the Llywydd and the Standards of Conduct Committee, as well as those officials who make up the office of the Senedd's Commissioner for Standards. However, the identified impact will be limited, given it only apply in the anticipated rare circumstance where the Llywydd is required to notify a CRO that one of the two recall triggers has occurred and Commission officials will support the Llywydd in carrying out this duty.

229. In respect of the ability for the Commissioner for Standards to conduct an own initiative investigation, Senedd Commission officials already support the Commissioner with fulfilling their functions of investigation, therefore, the Bill will not result in the officials needing to take on any additional responsibilities. Similarly, Commission officials already provide support to Members of the Standards of Conduct Committee, therefore if the Senedd chooses to appoint lay members to the Committee, officials will not be taking

on any additional responsibilities but rather will be providing similar support to lay members as they currently provide to elected Members.

230. In development of the legislation and in assessing the impacts identified in the IIA, the Welsh Government has engaged with the public sector organisations noted above, to understand the impacts the legislation will have on their respective roles and remits.

Impact on the third sector

231. The IIA has considered the Bill's potential implications for the third sector. The legislation was not considered to have a direct impact on the third sector.

Impact on environmental well-being and biodiversity

232. The IIA considered the impact of the legislation on environmental well-being.

233. The legislation was not considered to have a direct impact on environmental well-being. Accordingly, a full Biodiversity Impact Assessment has not been completed.

Impact on socio-economic disadvantage

234. The IIA considered the impact of the legislation on socio-economic disadvantage. The legislation was not considered to have a direct impact on socio-economic well-being. Therefore, a full Socio-economic Duty Assessment has not been carried out.

Impact on health

235. The Bill's provisions are not considered to have a direct impact on health.

Impact on children's rights

236. As the Bill's provisions are not considered to have a direct impact on children's rights, a full Children's Rights Impact Assessment has not been conducted.

Summary of the Equality Impact Assessment

237. A full Equality Impact Assessment (EIA) has been carried out to consider the potential impacts of the legislation on people with protected characteristics as described in the Equality Act 2010, as well as any socio-economic impacts. Overall, the measures in the Bill are not considered to have any differential impacts on people who share protected characteristics, or those from low-income households.

238. The potential impacts on people who share protected characteristics, as a result of a Member of the Senedd losing their seat following the result of a recall poll, have been considered. The removal of a Member may result in a reduction of representation within the Senedd of groups who share protected characteristics. Equally, if the recalled Member is replaced by a Member with similar or other protected characteristics, this could increase representation of those who share protected characteristics. The scope for this will depend upon the action political parties have taken in relation to candidate selection. This links to guidance issued by the Welsh Ministers under section 30 of the Elections and Elected Bodies (Wales) Act 2024. An equality and human rights impact assessment was carried out in relation to the guidance. There are no mitigating actions that can be taken to limit the potential impact, due to the circumstances leading to a Member being removed as a result of recall are likely to vary greatly and therefore cannot be predicted.

239. As part of the EIA, consideration has been given to whether the policy proposals to introduce a system of recall for Members of the Senedd and the measures to strengthen the Senedd's standards process are compatible with Convention Rights.

240. The EIA notes that the legislation could impact upon the right to stand for election (Article 3, Protocol 1), the right to privacy (Article 8), and the right to a fair trial (Article 6).

Impact on rural proofing

241. The Bill will not impact positively or negatively on rural individuals and communities and therefore the completion of a full Rural Proofing Impact Assessment has not been identified as a requirement.

242. The Bill confers a power on Welsh Ministers to make regulations relating to the detail of conducting a recall poll. The policy intention is that the conduct of a Recall Poll will be similar to the delivery of a Senedd general election in a constituency, with the similar arrangements for postal voting and the number and locations of polling offices.

Summary of the Data Protection Impact Assessment

243. A full Data Privacy Impact Assessment (DPIA) has been completed in respect of the Bill.

244. The DPIA has identified that the legislation will have a limited impact on individuals with regards to the collection and processing of both personal, a limited amount of special category and criminal conviction data.

245. For the personal and special category data this will only be in the following limited circumstances:

- For the purposes of the recruitment and on-going use of the expertise of lay members as part of the standards process, should the Senedd choose to appoint them to the Standards of Conduct Committee.
- To support the functions of the Commissioner for Standards as part of any own initiative investigation they undertake, which may involve the gathering of special category data which relates to the misconduct of a Member and those who have been subject to, or in witness of it.

246. As the ability for the Senedd to appoint lay members to the Standards of Conduct Committee is discretionary and given the potential circumstances in which the Commissioner for Standards may choose to conduct an investigation of their own initiative are varied, it is not possible to quantify the number of those that maybe impacted by the data collection and processing as a result of measures in the Bill relating to these areas.

247. With regards to the processing of criminal conviction data, this will only take place as a result of the duty placed on the Courts in England and Wales to notify the Presiding Officer – Senedd Cymru where a Member of the Senedd is convicted and is sentenced to imprisonment (including suspended sentences), this will only impact the 96 Members of the Senedd for the duration of each Senedd term. But the actual eventuality of the circumstances occurring is expected only in a small number of cases and only if a Member receives a custodial sentence of one year or less and the conviction and sentence does not lead to automatic disqualification from office. In any event, the data to be processed will already be in the public domain as a result of the criminal justice process that will have taken place. Also, of the data to be processed, this will only be the minimum necessary for the purpose of notifying the Presiding Officer that trigger event A has occurred and therefore a recall poll should take place.

248. The DPIA has not identified any significant risks that will result from the data collection and processing that will take place based on the Bill's measures. Where low level risks have been identified these can be sufficiently mitigated and managed through the use of robust systems and processes, including the use of privacy statements and retention periods by the data controllers and processors.

Summary of the Justice System Impact Identification assessment

249. A full Justice System Impact (JSI) assessment has been completed in respect of the Bill.

250. The Welsh Government's assessment of the impacts of this legislation on the justice system is that it has no or negligible potential impact.

251. This conclusion has been reached on the basis that the legislation does not create or expand any existing criminal offences, but alternatively the legislation includes measures which will allow the Welsh Ministers to bring forward regulations that will largely extend or apply the existing criminal (electoral) offences set out in The Senedd Cymru (Representation of the People) Order 2025 for the purpose of Senedd general elections, to a recall poll.
252. The legislation also delegates a power to Welsh Ministers to make provision by regulations for mechanisms for the questioning of a recall poll, similar to arrangements for the filing of an election petition for Senedd elections.
253. It is envisaged that in bringing forward the subsequent regulations noted above, the Welsh Government will undertake a further JSI to understand the implications of the detail of those regulations on the justice system which will implement the system of recall.
254. The JSI has identified an impact on the Courts in England and Wales as a result of the duty placed on them by the legislation, to notify the Presiding Officer – Senedd Cymru where a Member of the Senedd is convicted and is sentenced to imprisonment (including suspended sentences). It is envisaged that this impact will be very limited and negligible given the duty will only be required to be satisfied in the very limited circumstances that a Member of the Senedd is convicted and is sentenced to a period of imprisonment for or less than one year (including suspended sentences).

10. Affordability assessments

255. While an RIA assesses social value and therefore includes cultural, social and environmental impacts alongside economic costs and benefits, an affordability assessment is a purely financial assessment. As such, only cash costs and cash-releasing benefits are included. Any environmental, social, cultural and wider economic costs and benefits identified in an RIA would be removed from an affordability assessment.
256. The affordability assessment considers the same time period as the regulatory impact assessment, 2026-27 to 2035-36. Opportunity costs associated with existing staff time which were identified in the RIA have been excluded from this assessment because they do not represent an additional financial outlay.
257. The financial costs in this assessment have been adjusted to reflect anticipated inflation during the appraisal period. This adjustment has been made on the basis of the GDP deflator projections included in the Office for Budget Responsibility (OBR) Economic and Fiscal Outlook which was published in March 2026²⁵. The OBR's projections extended only to 2030-

²⁵ [Economic and fiscal outlook March 2026](#)

31. Since the forecasts flatten out at around 2.0% towards the end of the OBR's forecast period, this rate has been assumed to hold for the remainder of our appraisal period. Although inflation is now relatively stable, there remains a degree of uncertainty as to its future path. The Welsh Government will continue to monitor the impact of inflation on the financial costs of the Bill.

Financial costs to the Senedd Commission 2026-27 to 2035-36

	2026-27	2027-28	2028-29	2029-30	2030-31
Total cost					
Minimum	28,000	21,000	21,000	21,000	21,000
Maximum	111,100	101,100	101,100	101,100	101,100
Total adjusted for inflation					
Minimum	28,600	21,800	22,200	22,700	23,100
Maximum	113,300	105,000	107,000	109,000	111,200

	2031-32	2032-33	2033-34	2034-25	2035-36
Total cost					
Minimum	21,000	21,000	21,000	21,000	21,000
Maximum	101,100	101,100	101,100	101,100	101,100
Total adjusted for inflation					
Minimum	23,600	24,100	24,500	25,000	25,500
Maximum	113,400	115,700	118,000	120,400	122,800

11. Post implementation review

258. There is currently no intention to undertake a post-implementation review of this Bill. The Welsh Government has prepared this legislation in response to recommendations made by the Senedd's Standard of Conduct Committee as part of its inquiry into Individual Member accountability. On the Bill's measures to strengthen the Senedd's standards process, responsibility for monitoring of the impacts will be for the Senedd, the Senedd Commission and the Commissioner for Standards. The Senedd may wish to conduct a review after the recall system has been implemented and is first used.

259. The Welsh Government will continue to monitor the impacts arising from the legislation over the course of the Senedd's scrutiny and implementation of the Bill's measures. As part of this monitoring, the impact assessments completed by the Welsh Government will be reviewed as necessary and appropriate, including conducting a reassessment of the impacts of the legislation when the Welsh Government develops the subsequent regulations that will implement the system of recall.

Annex 1 – Explanatory Notes

SENEDD CYMRU (MEMBER ACCOUNTABILITY AND ELECTIONS) ACT 2026

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Senedd Cymru (Member Accountability and Elections) Act 2026 which was passed by Senedd Cymru on 17 March 2026 and received Royal Assent on 27 April 2026. They have been prepared by the First Ministers’ Group of the Welsh Government to assist the reader of the Act. The Explanatory Notes relate to the Act as it received Royal Assent.²⁶ They should be read in conjunction with the Act but are not part of it.
2. The Explanatory Notes should be read in conjunction with the Act. They are not meant to be a comprehensive description of the Act. Where a provision of the Act does not seem to require any explanation or comment, none is given.

GENERAL OVERVIEW OF THE ACT

3. The Act is divided into 4 Parts containing 27 sections and 1 Schedule.

Part 1 – Recall of Members of the Senedd

4. Part 1 introduces a system for the recall of Members of the Senedd by recall poll. A recall poll is a poll held in a member of the Senedd’s constituency on whether the Member should be removed or retained as a Member of the Senedd. The Part makes provision for –
 - a. the process for initiating a recall poll (sections 2 to 5);
 - b. fixing the date of the poll and public notice of the poll (sections 6 and 7);
 - c. the circumstances in which recall polls may be terminated before they take place (section 8);
 - d. the franchise for voting in recall polls (section 9);
 - e. the conduct of polls, including powers for the Welsh Ministers to make provision by regulations about the recall polls (sections 10 and 11);
 - f. the outcome of recall polls (sections 12 to 14);

²⁶ Changes that have been made to the Act since it received Royal Assent can be identified using the “Changes to Legislation” facility at www.legislation.gov.uk/changes.

- g. the functions of constituency returning officers (section 15);
 - h. defined terms used in the Part (section 16); and
 - i. amendments to other legislation in consequence of the Part (Part 1 of the Schedule).
- 5. The process of recall is initiated if one of two trigger events, A and B, relating to misconduct by a Member of the Senedd has occurred.
- 6. Trigger event A is that a Member of the Senedd, after becoming a member of the Senedd is convicted in the United Kingdom of an offence for which the member is sentenced or ordered to be imprisoned or detained (in effect for a period of less than a year, as a sentence of a year or more would lead to automatic disqualification from membership of the Senedd under provisions of the Government of Wales Act 2006).
- 7. Trigger event B is that the Senedd resolves to submit the Member of the Senedd to a recall poll following a report from the Standards of Conduct Committee recommending submission of the member to a recall poll.
- 8. After becoming aware that a trigger event has occurred, the Presiding Officer is under a duty to fix a date for a recall poll. The constituency returning officer for the Senedd constituency of the member who is subject to the recall poll must be given a notice of the trigger event by the Presiding Officer and the constituency returning officer will then be under a duty to notify the public of the recall poll. The constituency returning officer is responsible for administering the recall poll in accordance with the requirements of the Act and any regulations made by the Welsh Ministers under section 11.
- 9. Voters in the recall poll may decide to retain or remove the member. If then result of the poll is that the member should be removed, the member's seat becomes vacant. The consequences of a vacancy arising as a result of a recall poll under Part 1 of the Act are provided for by section 11 of the Government of Wales Act 2006.

Part 2 – Standards of Conduct of Members of the Senedd

- 10. Part 2 contains provision about the standards of conduct of Members of the Senedd –
 - a. requiring the committees of the Senedd to include a committee called the Standards of Conduct Committee with functions relating to the standards of conduct of Members of the Senedd (section 18);
 - b. requiring that committee to include at least one person who is not a Member of the Senedd (referred to as a 'lay member') (section 18);
 - c. requiring the Presiding Officer to ask the Senedd, by way of a tabled motion, to establish or name a Senedd committee to explore the question of whether and, if so, how a code of conduct for Members could be applied to candidates for election to the Senedd (section 19);
 - d. empowering the Senedd Commissioner for Standards to carry out investigations on the Commissioner's own initiative without first

- receiving a formal complaint from anyone alleging misconduct by a member (section 20);
- e. amending the conditions of eligibility for appointment to the office of Senedd Standards of Conduct Commissioner in the National Assembly for Wales Commissioner for Standards Measure 2009 (“the 2009 Measure”) (section 21); and
- f. amending and supplementing provision in the 2009 Measure about investigations by the Commissioner (section 22).

Part 3 – Conduct of Senedd Cymru Elections

11. Part 3 amends the power of the Welsh Ministers in section 13 of the Government of Wales Act 2006 (‘the 2006 Act’) to make provision by order about the conduct of Senedd Cymru elections. It requires the Welsh Ministers to make provision by order under section 13 of the 2006 Act prohibiting the making or publishing of false or misleading statements of fact before or during an election for the purpose affecting the return of any candidate. It also clarifies the scope of the Welsh Ministers power to define the limits of the required prohibition and removes any doubt as regards other things that may already be provided for in exercise of the power in section 13(1) of the 2006 Act.

Part 4 – General

12. Part 4 contains provisions that apply to the Act generally, including provision about the coming into force of the Act and the Short title.

COMMENTARY ON SECTIONS

PART 1 – RECALL OF MEMBERS OF THE SENEDD

Section 1 – Overview

13. Section 1 provides an overview of Part 1 which includes a definition of a “recall poll” for the purposes of this Act.

Section 2 – How a Member of the Senedd becomes subject to a recall poll

14. Section 2 provides for the ‘trigger events’ which lead to a member becoming subject to a recall poll. There are two trigger events: trigger event A and trigger event B.
15. Trigger event A is that a member, after becoming a member, has been convicted in the United Kingdom of an offence and sentenced or ordered to be imprisoned or detained. Trigger event A applies only to convictions received after a person becomes a member. For the purposes of this Act, a person becomes a member when they are declared returned at the beginning of the member’s current term of office; convictions in any previous terms served do not lead to trigger event A occurring (see section 3(4)).
16. The disqualification provisions in paragraph 6 of Schedule 1A to the 2006 Act will apply to a member who is sentenced or ordered to be imprisoned or detained indefinitely or for more than 1 year. Any member who is convicted and sentenced or ordered to a term of imprisonment below this threshold or

which does not otherwise trigger disqualification, will be subject to a recall poll in accordance with section 2(2).

17. Trigger event B is that the Senedd resolves to submit the member to a recall poll following a report from the Standards of Conduct Committee (“the Committee”) recommending that a member be submitted to a recall poll (subsection (4)).

Section 3 – Trigger event A: meaning of key terms

18. Section 3 clarifies the meaning of key terms used in section 2. Subsection (1) provides that trigger event A applies to an offence committed before the member becomes a member and before section 2 comes into force. However, for trigger event A to occur, the member must be convicted on or after the day on which section 2 comes into force. Subsection (2) provides that a sentence or order for the purpose of trigger event A includes a suspended sentence or order, does not include a member being remanded in custody and does not include a member being detained under mental health legislation. Subsection (3) defines ‘mental health legislation’ for the purposes of trigger event A.

Section 4 – Trigger event A: courts to notify the Presiding Officer

19. Section 4 applies in relation to trigger event A and places requirements on the court that imposes a sentence or order for imprisonment on a member within the meaning of section 2(2) (as clarified by section 3). Subsection (2) requires the court that imposes the sentence or order in relation to the member’s conviction to notify the Presiding Officer of that sentence or order. Subsection (4) requires the court that overturns a conviction, sentence or order on appeal to notify the Presiding Officer of that fact. Subsection (5) defines an “appeal” and subsection (6) defines determination of an appeal, for the purposes of this section. Subsection (7) defines “overturned on appeal” for the purposes of this section. Neither of the duties imposed on the Court by this section apply if, when the duty arises, the member’s seat has been vacated.

Section 5 – Trigger event B: recall guidance

20. Section 5 relates to trigger event B. Subsection (1) requires the Standards of Conduct Committee to prepare draft guidance (“recall guidance”) about the matters to be taken into consideration by that Committee when determining whether to submit a member to a recall poll. In preparing that guidance, the Committee must consider including examples or types of conduct that may lead to a recommendation of recall, in accordance with subsection (10). Subsection (3) provides that if no recall guidance has been issued, the Committee must prepare it and carry out a public consultation, with further requirements relating to consultation set out in subsection (9). Subsection (4) requires the Committee to lay the draft guidance before the Senedd. Subsection (8) provides that the Committee must issue guidance if it is approved by a resolution of the Senedd (but cannot do so before such approval is obtained).
21. In accordance with section 2(4), for the purpose of trigger event B, a member will only become subject to a recall poll if the Senedd resolves to submit the

member to a recall poll following a report from the Committee recommending it. Subsection (2) provides that the Committee must have regard to the recall guidance before recommending a member is made subject to a recall poll, and section 5(1) provides that the Committee cannot recommend that a member is made subject to a recall poll unless recall guidance has been issued under this section. This means that until recall guidance has been issued in accordance with section 5, trigger event B cannot occur (but see also section 14).

22. Subsection (5) enables the Committee to replace the recall guidance, whilst subsection (11) provides that the guidance has effect until it is replaced. Subsections (6) and (7) contain requirements in relation to any replacement guidance. The consultation requirements in subsection (9) also apply. Once issued, guidance can only be replaced and not revoked which ensures that trigger event B cannot be “switched off” without the Senedd making further primary legislation.
- Section 6 – Presiding Officer’s duty to fix date for recall poll and give notice of trigger event**
23. Section 6 sets out the requirements on the Presiding Officer once the Presiding Officer has become aware a trigger event has occurred. Subsection (1) requires the Presiding Officer to fix a date for a recall poll as soon as reasonably practicable after becoming aware that a trigger event has occurred in relation to a member and notify the constituency returning officer for the relevant constituency of that fact. The date the Presiding Officer fixes for the poll must be in accordance with subsection (4) and the notice to the constituency returning officer must be in accordance with subsection (5).
24. Subsection (2) sets out the circumstances in which the duty to fix a date for the recall poll does not apply: if it would require the Presiding Officer to fix a date within 6 months of the next scheduled ordinary general election of the Senedd; after such an election; if a member is already subject to a recall poll; or if a member’s seat has already been vacated. For the purpose of subsection 2(c) subsection (3) defines the term “subject to a recall poll”. This provision ensures a member cannot become subject to a recall poll when already subject to a recall poll.

Section 7 – Public notice of recall poll

25. Section 7 sets out the requirements placed on a constituency returning officer after receiving notice under section 6 that a date for a recall poll in relation to a member of that constituency has been fixed. Subsection (1) requires a constituency returning officer who has received a notice under section 6 to give public notice of a recall poll in accordance with regulations made under section 11. Subsection (2) requires the constituency returning officer to send a notice of the recall poll to such descriptions of persons specified in subsection (2)(a) and (b) which includes persons to be specified in regulations under section 11. Subsection (3) requires the regulations to include information about the trigger event that has occurred in relation to the member.

Section 8 – Early termination of a recall poll

26. Section 8 specifies the circumstances which will have the effect of bringing the recall poll process to an end early i.e. before a poll has taken place and notice of the outcome has been given and names them early termination events A, B and C. Subsection (1) provides that early termination events can only occur after the Presiding Officer's notice under section 6(1) is given and before the notice of the outcome of the recall poll is given under section 12(2)(d).
27. The early termination events are:
- Early termination event A – that the Presiding Officer has proposed a date for the holding of an extraordinary general election in accordance with section 5(1) of the 2006 Act.
 - Early termination event B – the seat of the member subject to recall is vacated so there is no member to recall, for example because the member resigns.
 - Early termination event C – where trigger event A has occurred, the sentence or conviction leading to trigger event A occurring is overturned on appeal (within the meaning of section 4(7)).
28. Where any of the early termination events occur, subsection (5) requires the Presiding Officer to notify the relevant constituency returning officer that this section applies and to specify which of the early termination events has occurred. Where such a notice is received the constituency returning officer must take no further action in relation to the recall process after receiving the Presiding Officer's notice under subsection (5) except the actions under subsection (7) and any action required or permitted under regulations made under section 11. Subsection (7) requires the constituency returning officer to take all necessary steps to terminate the recall poll process and give public notice of the termination of that process in accordance with any regulations made under section 11. Subsection (8) requires the Presiding Officer to lay the notice given under subsection (5) before the Senedd unless the Senedd has been dissolved in the case of early termination event A.

Section 9 – Entitlement to vote in a recall poll

29. Section 9 provides that persons entitled to vote in a recall poll are those who on the day of the poll would be entitled to vote as electors at a general election to the Senedd and are registered in the register of local government electors at an address within the Senedd constituency of the member who is subject to the recall poll.

Section 10 – Recall polls to be conducted by ballot

30. Section 10 requires a recall poll to be conducted by ballot and specifies the wording of the question and responses to be included on the ballot paper.

Section 11 – Regulations about recall polls

31. Section 11 is a power for the Welsh Ministers to make provision about the conduct of recall polls, the questioning of a recall poll and further provision

- about notices or other documents, by regulations. Subsection (2) sets out that the regulations may include provision:
- about the registration of electors,
 - about the limitation of recall poll campaign expenses and donations,
 - for the combination of polls.
32. Subsection (3) identifies the type of provision that may be made under subsection (1) including power for the Welsh Ministers to make provision relating to the application and modification of electoral law and to create criminal offences.
33. Subsection (4)(a) sets out that regulations under section 11 may not include provision that would require the consent of the Secretary of State (i.e. “the appropriate Minister”) under any of paragraphs 8(1)(a) or (c), 10 or 11 of Schedule 7B to the 2006 Act if the provision were included in an Act of Senedd Cymru, unless such provision in regulations under this section is in respect of a person specified in subsection (5).
34. Subsection (4)(b) also provides that regulations under section 11 may not include provisions that would require consultation with the appropriate Minister under paragraph 11(2) of Schedule 7B to the Government of Wales Act 2006 if the provision were included in an Act of Senedd Cymru, unless such provision in regulations under this section is in respect of to the list of persons specified in subsection (5).
35. The power to make regulations in section 11 is subject to consultation and consent requirements associated with the Electoral Commission. Subsection (6) requires the Welsh Ministers to consult with the Electoral Commission before making regulations under subsection (1). Subsection (7) provides that the Welsh Ministers must obtain the consent of the Electoral Commission when making provision in regulations about what is and what is not to be treated as recall poll campaign expenses or donations or when setting the limits applying to recall poll campaign expenses or donations unless subsection (8) applies.
36. Subsection (10) provides that the regulations in subsection (1) are subject to the Senedd approval procedure.

Section 12 – Outcome of a recall poll

37. Section 12 sets out the steps that must be taken after the end of voting in a recall poll but does not apply if any of the early termination events have occurred and notice to that effect has been given. Subsection (2) requires the constituency returning officer to take various steps in relation to the outcome of the poll, in accordance with regulations under section 11. The constituency returning officer must determine the result of the poll by reference to the counting of the votes. The result must then be publicly announced, followed by a declaration of the outcome in accordance with subsection (3)(a) and (b) i.e. that the member will either be removed or retained as a member. The constituency returning

officer must also notify the Presiding Officer in writing of the result of the recall poll and the declaration.

38. Subsection (3) provides that a member is removed if the majority of votes were cast in favour of the first answer on the ballot paper set out in section 10(4) and a member is retained if the majority of the votes were cast in favour of the second answer on the ballot paper set out in section 10(5) or an equal number of votes were cast in favour of each of the answers on the ballot paper. Subsection (4) requires the Presiding Officer to lay any notice received from the constituency returning officer containing details of the outcome of the recall poll before the Senedd.

Section 13 – Effect of declaration that a Member of the Senedd is removed

39. Section 13 provides that the member’s seat becomes vacant once the constituency returning officer makes a declaration under section 12(2)(c)(i) that the member subject to the recall poll is to be removed. Under subsection 13(4), the validity of Senedd proceedings is not affected by the vacancy before the Presiding Officer is notified of it under paragraph 12(2)(d). The vacancy will be filled in accordance with section 11 of the 2006 Act. Section 11 provides that under the closed list proportional system, if a seat held by a member who was returned from a party list becomes vacant, the vacancy is to be filled by the highest-placed person on the list who meets the relevant ‘conditions’ in section 11 and who has not already been returned. If there are no candidates remaining on the party’s list who are eligible at the time to fill the vacancy, or if the member whose seat has become vacant was returned as an individual candidate, the seat will remain vacant until the next general election.

Section 14 – Validity of recall poll not affected by invalidity in Senedd proceedings

40. Section 14 provides that the validity of a recall poll is not affected by any defect in Senedd proceedings leading to the occurrence of trigger event B, nor is the validity of the recall poll affected by any defect in proceedings connected with the issuing of recall guidance.

Section 15 – Functions of constituency returning officers

41. Section 15 sets out the functions of the constituency returning officer in relation to the recall poll. A “constituency returning officer” is the person designated as the returning officer for the constituency in accordance with an order under section 13 of the 2006 Act.

Section 16 – Interpretation of Part 1

42. Section 16 defines certain words and terms used in Part 1 of the Act.

Section 17 – Consequential provision relating to Part 1

43. Section 17 introduces Part 1 of the Schedule which makes consequential provision relating to Part 1 of the Bill. In particular, the consequential amendments to the Representation of the People Act 1983 ensure that the Registration Officer’s existing duties in relation to the publication of the

electoral registers apply, where appropriate, to recall polls. The consequential amendments to the Political Parties, Elections and Referendums Act 2000 ensure that where appropriate, the oversight functions of the Electoral Commission apply to recall polls.

PART 2 – STANDARDS OF CONDUCT OF MEMBERS OF THE SENEDD

Section 18 – Standards of Conduct Committee

44. Section 18 amends section 28 of the 2006 Act. The effect of those amendments is to enable the Senedd to appoint individuals who are not Members of the Senedd to sit on the Standards of Conduct Committee and any sub-committee of that Committee. Those individuals will be known as lay members. This section also removes the requirement that it is for the Committee only to appoint a sub-committee of a Senedd committee. The effect of this is that Standing Orders may provide for a sub-committee to be appointed by the Committee or by some other means. Section 18 also inserts new sections 30A and 30B into the 2006 Act.

Section 30A – Standards of Conduct Committee

45. New section 30A requires that the Senedd must have as one of its committees a committee which has functions relating to the standards of conduct of Members of the Senedd (“Members”). This section provides the Committee is to be known as the Standards of Conduct Committee but also provides the committee can be known by another name that the Senedd chooses. Subsection (2) specifies the Committee must have functions relating to the standards of conduct of members as specified in standing orders and also provides that the Committee may have other functions if the Standing Orders so provide.
46. Subsection (3) provides that the number of members of the Committee is to be set out in the Standing Orders, enabling the Senedd to decide upon the exact number of members of that Committee.
47. Subsection (4) provides that the Standing Orders must require there to be at least one lay member of the Committee (although section 18(4) of the Bill provides that this is not mandatory until 7 November 2027). This is also subject to the provision in new section 30B(1) which states that the number of lay members may not exceed the number of members of the Committee who are Members of the Senedd. A lay member is defined at subsection (5), for the purpose of this section, as a member who is not an elected Member of the Senedd.
48. Subsections (6) to (10) make further provision about the provision Standing Orders may and must include as regards the governance of the Committee and its lay members.
49. In particular, subsection (6) provides that the Senedd’s Standing Orders may make provision:

- a. excluding lay members from proceedings of the Committee, or of a sub-committee of that Committee (it is for the Senedd to decide the circumstances in which that should happen);
 - b. for the membership of any sub-committee(s) of the Committee (which may include members who are not members of the Committee);
 - c. for members of any sub-committee to be appointed other than by the Committee itself, which allows for a different process for appointment of members and for the Standing Orders to set out that process;
 - d. allowing any sub-committee which is set up for the purposes of carrying out reviews of, or appeals against, Committee or sub-committee proceedings relating to the conduct of Members of the Senedd to be made up entirely of one or more lay members (which enables the Senedd to establish an appeals mechanism for appeals against the decision of the Committee in relation to proceedings about the conduct of a Member of the Senedd).
50. Subsection (7) sets out provisions that Standing Orders must make in relation to the participation and voting rights of lay members in proceedings concerning the conduct of members (although this is subject to the provision in section 18(4) that such provision is not mandatory until 7 November 2027 or provision is made in Standing Orders about the inclusion of lay members on the Committee, whichever is the sooner). Lay members must be permitted to have the same participation and voting rights as Members of the Senedd where the proceedings of the committee relate to the conduct of a Member of the Senedd and Standing Orders must specify the number of lay members and other members required for those proceedings to be quorate. Subsection (8) provides that for other proceedings of that committee, it is at the discretion of the Senedd, to be set out in Standing Orders, as to whether lay members should have participation and voting rights and to specify the number of lay members and other members required for such proceedings to be quorate. Subsection (9) places a restriction on the Senedd's discretion by specifying that lay members are not to be permitted to participate or vote in proceedings that relate to the scrutiny of legislation.
51. If the Standing Orders provide that a sub-committee of the Committee is established which is made up entirely of lay members for the purposes of carrying out reviews of or appeals against proceedings relating to the conduct of Members of the Senedd as permitted by subsection (6)(c), subsection (10) disapplies subsection (7) because in that situation there would not be any Members of the Senedd on that sub-committee and therefore no requirement for parity of voting and participation rights.

Section 30B – Lay Members of the Standards of Conduct Committee etc.

52. New section 30B makes provision about the appointment of lay members including how they are to be recruited, appointed, and cease to hold office. This includes provision for automatic termination of appointment of a lay member in certain circumstances.

53. As set out in new section 30A(3) and (4) it is for the Senedd to determine in Standing Orders the number of members the Committee is to have, including the number of lay members, subject to a minimum of one. This discretion is restricted by section 30B(1) which provides that Standing Orders may not allow for there to be more lay members than elected Members of the Senedd appointed to that Committee.
54. Subsection (2) requires that lay members must be appointed by way of a resolution of the Senedd and subsection (3) requires that the motion for such a resolution can only be tabled with the agreement of the Presiding Officer, and once any procedural steps required by Standing Orders have been completed. Subsection (4) requires that any lay member who is put forward for appointment by a resolution at subsection (3) for appointment must have been selected on merit based on a process of fair and open competition. It will be for the Senedd to determine the detail of the recruitment process.
55. Subsection (5) provides that the term of office for a lay member is to be for a fixed period of no more than six years and that this period may end after the dissolution of the Senedd, meaning that a lay member appointment can continue despite the dissolution of the Senedd and the formation of a new Senedd. Other terms and conditions of appointment are for the Senedd to determine and may be set out in Standing Orders. Subsection (10) provides that an individual may hold office as a lay member for a maximum of two terms and those terms do not need to be consecutive.
56. Subsection (6) provides that if the Senedd makes provision in Standing Orders to establish a review or appeal sub-committee as described in section 30A(6)(c), then the “pool” of lay members appointed under section 30B(2) must include a person who is legally qualified. Subsection (7) explains that a person is legally qualified for the purposes of subsection (6) if they have a general qualification within the meaning of section 71(3)(c) of the Courts and Legal Services Act 1990 (c. 41).
57. Subsection (8) sets out that a person will be disqualified from being appointed to be a lay member if they hold any of the offices specified in subsection (9) or have ever held an office specified in paragraphs (a) to (h) of subsection (9).
58. Subsection (11) provides for the circumstances in which a person automatically ceases to hold office as a lay member including express provision that if a person is a candidate in a Senedd general election (after the period for giving notice of withdrawal of candidature has ended) they cannot continue as a lay member, nor if they become disqualified from appointment as a lay member in accordance with subsection (8). The reference to the period for notice of withdrawal of candidature is a reference to any such period as defined in an Order made under section 13 of the 2006 Act.
59. Subsection (12) sets out other ways in which a lay member may cease to hold office; by resigning or by being removed by resolution of the Senedd, agreed by a two thirds majority. Subsection (13) requires that any such resolution may

only be tabled with the consent of the Presiding Officer, and only after any procedural steps required by Standing Orders have been completed. Subsection (14) sets out that the Standing Orders must include a process by which any complaint made about the misconduct of a lay member is to be investigated and adjudicated upon (although section 18(4) of the Bill provides that provision of this type is not mandatory until 7 November 2027 or provision has been made in the Standing Orders about the appointment of lay members to the Committee, whichever is the sooner).

60. Subsection (15) provides that the Senedd Commission may determine the remuneration and any allowances to be paid to lay members and may make those payments to them.
61. Subsection (16) clarifies that, for the purposes of section 30B, a “lay member” includes a lay member of the Standards of Conduct Committee and a lay member of a sub-committee of the Standards of Conduct Committee who is not a member of the Standards of Conduct Committee itself.

Section 19 – Report on applying code of conduct to conduct while a candidate in an election

62. Section 19 makes provision requiring the Presiding Officer to table a motion proposing that the Senedd establishes or names a committee to carry out an inquiry into the question of whether and, if so, how a code of conduct for Members of the Senedd should apply to the conduct of a Member at a time when the Member was a candidate at a Senedd election. The motion must also propose that a report of the inquiry must be completed and laid before the Senedd. The motion must be tabled as soon as practicable following the first meeting of the Senedd following the enactment of this Act and in any case within six months of that meeting.
63. If a committee established or named under the motion lays a report on its review before the Senedd, the Welsh Ministers must lay a statement before the Senedd setting out their response to the report.

Section 20 – Power of the Senedd Commissioner for Standards to investigate on own initiative

64. Section 20 amends the National Assembly for Wales Commissioner for Standards Measure 2009 (‘the 2009 Measure’) by inserting a new section 10A.

10A – Power of the Commissioner to investigate on own initiative

65. New section 10A provides the Commissioner for Standards (‘the Commissioner’) with the power to investigate the conduct of a Member of the Senedd on their own initiative where the Commissioner is satisfied that the threshold provided for in subsection (1) has been met. The threshold which must be met includes at subsection (1)(b) a requirement that the Commissioner must be satisfied that any other conditions (other than that specified in subsection (1)(a)) – which may be set out in Standing Orders or rules made by the Senedd – are met before such an investigation is commenced. This enables

the Senedd to establish those rules and the provision includes some illustrative examples of the types of rules that the Senedd may make.

66. Subsection (2) requires the Commissioner to report to the Senedd on the outcome of an own initiative investigation and subsection (3) requires the investigations and the report to be carried out in line with any provisions made by Standing Orders and the rules relating to the Commissioner's investigations. Subsection (4) provides discretion for the Commissioner to decide when and how to carry out an own initiative investigation and to report its outcome, subject to the requirements in subsections (1) and (3). Subsection (5) provides that the Commissioner may discontinue an own initiative investigation without reporting on it to the Senedd if rules have been made in accordance with subsection (3)(b) setting out the circumstances in which that may happen. Subsection (6) provides that if the Commissioner discontinues an own initiative investigation in accordance with subsection (5), the Commissioner must notify the Member of the Senedd who has been under investigation in writing, giving reasons for discontinuing the investigation. Subsection (7) provides that any report made by the Commissioner to the Senedd on the outcome of an own initiative investigation may not include a recommendation on what sanction, if any, should be imposed on a Member of the Senedd: sanctions are the remit of the Senedd and its Standards of Conduct Committee, based on the report of the Commissioner.
67. Subsection (8) provides that, if in the course of an own initiative investigation, the Commissioner becomes aware of any circumstances which give rise to issues of principle or general practice which are relevant to the Clerk's functions under section 138 of the 2006 Act (that the Clerk is to be the principal accounting officer for the Commission), the Commissioner is required to communicate those circumstances to the Clerk in writing.
68. Subsection (9) requires that Standing Orders must set out the detail of how own initiative investigations will operate. Subsection (10) confirms that, for the purposes of the Commissioner considering whether any conduct took place at a "relevant time" in accordance with new section 10A(1)(a), this means a time when the relevant requirement (for example, to make a declaration, or to behave in accordance with the applicable Code of Conduct on the Standards of Conduct of Members of the Senedd) was in force. This subsection confirms that it does not matter whether the conduct took place before the provisions in 10A came into force or afterwards.

Section 21 - Senedd Commissioner for Standards: eligibility

69. Section 21 amends the 2009 Measure by adding categories of persons not eligible to be appointed as Commissioner. Taking account of provisions which already exist in the 2009 Measure and the amendments this Act makes to those provisions, a person appointed to certain political offices listed in section 1(3)(a)-(bd) are not eligible to be appointed as Commissioner while holding one of those offices or at any time afterwards. Two further categories of persons who are ineligible whilst holding an office/appointment and for a two year

period afterwards are added, namely: a person who is employed by a member of the Senedd on work related to the member's political functions (or has been so employed at any time during the period of two years prior to the date when the appointment is to take effect) and a person who is employed by a registered political party (or has been so employed at any time during the period of two years prior to the date when the appointment is to take effect) (listed in section 1(3)(c)-(j), with those listed in section 1(3)(g)-(j) being inserted by this Act). This section also provides that a person appointed to certain political offices or a person engaged in certain activities (listed in section 1(8)(aa)-(e) of the 2009 Measure) ceases to be appointed as Commissioner upon appointment or engagement.

Section 22 – Senedd Commissioner for Standards - investigations

70. Section 22 amends the 2009 Measure by inserting a new section 10B.

10B – Publication of information about investigations

71. New section 10B provides the Commissioner with power to publish specified information about investigations under section 10 and 10A of the 2009 Measure. The information the Commissioner may publish is set out at subsection (1). Subsection (3) specifies the information that must not be published: the identity of the person who made the complaint or information that would allow the person to be identified; any evidence obtained by the Commissioner in the course of the investigation; any opinion, inference or indication of whether the complaint is well-founded.

72. Subsection (4) provides that the Commissioner must have regard to the interests of fairness, the need to avoid prejudice to any criminal investigation or proceedings and the need to avoid harm to any person, before publishing information under section 10B.

73. Subsection (5) provides the Senedd with a power to set out in Standing Orders and rules relating to the consideration of complaints against Members of the Senedd, categories of investigation in respect of which information permitted to be published under section 10B must not be published.

74. Subsection (6) clarifies that the power conferred on the Commissioner by section 10B does not limit any of the Commissioner's other powers to disclose or publish information.

Other miscellaneous amendments to the Measure

75. Sections 22(3)-(7) of the Act make other miscellaneous amendments to the 2009 Measure.

76. Section 11 is amended to make provision to enable the Commissioner to take evidence from a witness via live video or audio link and to require evidence to be given in writing verified by a statement of truth. Section 22(7) inserts a definition of those terms into section 20 (interpretation) of the 2009 Measure.

77. Section 12 is amended to provide the Commissioner with power to issue witness notices by electronic means and to receive information and documentation by electronic means for the purposes of conducting an investigation. It also creates a power to issue a notice in relation to the new power in section 11 to require evidence in writing. Section 22(6) amends section 15 of the 2009 Measure to provide corresponding enforcement provisions.
78. Section 13 is amended to allow the Commissioner to administer an oath to a translator or interpreter and to require a translator or interpreter to take the oath when the Commissioner uses their services when taking evidence from a witness.

Section 23 – Minor and consequential provision relating to Part 2

79. Section 23 introduces Part 2 of the Schedule which makes minor and consequential provision relating to Part 2. In particular, Part 2 amends the 2009 Measure with the effect that the functions of the Commissioner expressly include receipt of a self-referral by a member about their own conduct and that such a referral must be investigated (paragraph 5(3) of the Schedule).

PART 3 – CONDUCT OF SENEDD CYMRU ELECTIONS

Section 24 – Power of the Welsh Ministers to make provision about Senedd elections etc.

80. Section 24 amends section 13 of the 2006 Act. The amendment at subsection (3) inserts new subsections (2A) and (2B) into section 13. Subsection (2A) places a duty on the Welsh Ministers requiring them to make provision, of the kind that may be made under subsection (1)(a) of section 13 of the 2006 Act, about the conduct of Senedd elections, which prohibits the making or publishing of false or misleading statements of fact before or during an election for the purpose of affecting the return of any candidate. New subsection (2B) is a list of the type of provision that may be made when discharging the duty under subsection (2A). Sub-section 24(4) adds a “For the avoidance of doubt” clarificatory provision relating to the creation of criminal offences, and sub-delegation in orders made under section 13 (with a connected omission at sub-paragraph 22(2) of the Act). The effect of these amendments is to clarify what the scope of the power in section 13 of the 2006 Act is and always has been.

PART 4 – GENERAL

Section 25 – Power to make consequential and transitional provision etc.

81. Section 25 provides a power for the Welsh Ministers to make incidental, supplementary, consequential, transitional and saving provision by regulations for in connection with the provisions of the Act. This includes the power to amend other primary and secondary legislation. Where the power is used to amend, repeal or modify primary legislation, the resulting Statutory Instrument is subject to the Senedd approval procedure.

Section 26 – Coming into force

82. Section 26 sets out when and how the provisions of the Act come into force.

83. The provisions of Part 2 (including Part 2 of the Schedule) and Part 4 come into force the day after the day the Act receives Royal Assent (see subsection (1)).
84. The provisions of Part 3 come into force 2 months after the Act receives Royal Assent (see subsection (2)).
85. The provisions of Part 1 and Part 1 of the Schedule are to be brought into force on days appointed by order of the Welsh Ministers (see subsection (3)). The orders bringing provisions into force may appoint different days for different purposes and make transitional or saving provision (see subsection (4)). Such orders must be made by Welsh statutory instrument. In accordance with section 37F of the Legislation (Wales) Act 2019 (anaw 4) the order must be laid before Senedd Cymru as soon as practicable after it is made.

Section 27 – Short Title

86. Section 27 sets out the short title of the Act, by which it may be known and referred. Either the Welsh or the English language title of the Act may be used, including as a citation in other enactments.

RECORD OF PROCEEDINGS IN SENEDD CYMRU

87. The following table sets out the dates for each stage of the Act’s passage through the Senedd. The Record of Proceedings and further information on the passage of this Act can be found on the Senedd website at:
<https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=46598>

Stage	Date
Introduced	3 November 2025
Stage 1 - Debate	13 January 2026
Stage 2 - Scrutiny Committee - consideration of amendments	12 February 2026
Stage 3 - Plenary - consideration of amendments	17 March 2026
Stage 4 - Approved by the Senedd	17 March 2026
Royal Assent	27 April 2026

Annex 2 - Index of Standing Order requirements

Table A2.1

Standing order		Section	pages/ paragraphs
26.6(i)	Statement the provisions of the Bill would be within the legislative competence of the Senedd	Member's declaration	Page 3
26.6(ii)	Set out the policy objectives of the Bill	Chapter 3 - Purpose and intended effect of the legislation	Pages 4–33
26.6(iii)	Set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted	Part 2 – Regulatory Impact Assessment	Page 44
26.6(iv)	Set out the consultation, if any, which was undertaken on: <ul style="list-style-type: none"> (a) the policy objectives of the Bill and the ways of meeting them; (b) the detail of the Bill, and (c) a draft Bill, either in full or in part (and if in part, which parts) 	Chapter 4 – Consultation	Pages 34–35
26.6(v)	Set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended	Chapter 4 – Consultation	Pages 34–35

Standing order		Section	pages/ paragraphs
26.6(vi)	If the bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision	Chapter 4 – Consultation	Pages 34–35
26.6(vii)	Summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill	Annex 1 – Explanatory Notes	Pages 66–83
26.6(viii)	Set out the best estimates of: <ul style="list-style-type: none"> (a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise; (b) the administrative savings arising from the Bill; (c) net administrative costs of the Bill's provisions; (d) the timescales over which such costs and savings would be expected to arise; and (e) on whom the costs would fall 	Part 2 – Regulatory Impact Assessment	Pages 39–65
26.6(ix)	Any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially	Part 2 – Regulatory Impact Assessment	Page 42

Standing order		Section	pages/ paragraphs
26.6(x)	<p>Where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <p>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</p> <p>(b) why it is considered appropriate to delegate the power; and</p> <p>(c) the Senedd procedure (if any) to which the subordinate legislation made or to be made in the exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);</p>	Chapter 5 - Power to make subordinate legislation	Pages 36–38
26.6(xi)	Where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate	The requirement of Standing Order 26.6(xi) does not apply to this Bill	
26.6(xii)	Set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act.	Part 2 – Regulatory Impact Assessment	Page 62-63

Standing order		Section	pages/ paragraphs
26.6B	Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework.	The requirement in Standing Order 26.6B for a Table of Derivations is not applicable to this Bill as the Bill is a standalone piece of legislation and does not derive from existing primary legislation for the purposes of amendment or consolidation.	
26.6C	Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.	Annex 3 – Schedule of Amendments	Page 85– 121

Please note: this document has been prepared solely to assist people in understanding the Senedd Cymru (Member Accountability and Elections) Act. It should not be relied on for any other purpose.

Annex 3 - Schedule of amendments

Amendments to be made by the Senedd Cymru (Member Accountability and Elections) Bill

This document is intended to show how the provisions of the following legislation, as they applied in relation to Wales on 26 March 2026, would look once amended by the Senedd Cymru (Member Accountability and Elections) Act 2026.

Primary Legislation

- Government of Wales Act 2006
- National Assembly for Wales Commissioner for Standards Measure 2009
- Representation of the People Act 1983
- Political Parties, Elections and Referendums Act 2000
- Democracy and Boundary Commission Cymru etc. Act 2013
- Welsh Language (Wales) Measure 2011

Material to be deleted by the Senedd Cymru (Member Accountability and Elections) Bill is shown in strikethrough, e.g. ~~emitted material looks like this~~.

Material to be added by the Senedd Cymru (Member Accountability and Elections) Bill is underlined, e.g. added material looks like this.

For the purposes of this draft, amendments are highlighted in red.

References to the relevant amending provisions of the Bill are provided in the right-hand column on each page.

Where relevant, related provisions from the Act, although not being amended, are included to aid understanding of the proposed amendments.

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Government of Wales Act 2006

Section	Amended by
<p>13 Power of the Welsh Ministers to make provision about Senedd elections etc.</p> <p>(1) The Welsh Ministers may by order make provision that would be within the legislative competence of the Senedd, if included in an Act of the Senedd, as to—</p> <ul style="list-style-type: none"> (a) the conduct of elections of Members of the Senedd, (b) the questioning of an election of Members of the Senedd and the consequences of irregularities, and (c) the return of a Member of the Senedd otherwise than at an election. <p>(2) The provision that may be made under subsection (1)(a) includes, in particular, provision—</p> <ul style="list-style-type: none"> (a) about the registration of electors, (b) for disregarding alterations in a register of electors, (c) about the limitation of the election expenses of candidates, (and the creation of criminal offences in connection with the limitation of such expenses) (d) for the combination of polls, (e) ... and (f) for modifying section 9(7) to ensure the allocation of the correct number of seats for the constituency. <p><u>(2A) The Welsh Ministers must make provision of the kind that may be made under subsection (1)(a) prohibiting the making or publishing of false or misleading statements of fact before or during an election for the purpose of affecting the return of any candidate.</u></p> <p><u>(2B) The provision required by subsection (2A) may include, in particular, provision—</u></p> <ul style="list-style-type: none"> (a) <u>about what is or is not a “statement of fact”;</u> (b) <u>prohibiting false statements only or both false and misleading statements;</u> (c) <u>specifying the period in which any prohibition has effect;</u> (d) <u>prohibiting false or misleading statements of fact relating to matters specified in the order or matters generally;</u> (e) <u>prohibiting false or misleading statements of fact made or published by persons or categories of person specified in the order or any person;</u> (f) <u>prohibiting the making or publishing of false or misleading statements knowingly or recklessly;</u> (g) <u>specifying exemptions or exceptions to any prohibition.”</u> <p>(3) The provision that may be made under subsection (1)(c) includes, in particular, provision modifying section 11(4) to (6).</p> <p>(4) An order under this section may—</p>	<p>Part 3 Section 22</p>

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<p>(a) apply or incorporate, with or without modifications or exceptions, any provision of or made under the election enactments, and</p> <p>(b) so far as may be necessary in consequence of any provision made by an order under this section, make modifications of any provision made by or under any enactment relating to the registration of parliamentary electors or local government electors.</p> <p><u>(4A) For the avoidance of doubt, an order under this section may—</u></p> <p>(a) <u>confer a power or duty on any person (including a power or duty to make subordinate legislation);</u></p> <p>(b) <u>create criminal offences.</u></p> <p>(5) In subsection (4)(a) "the election enactments" means—</p> <p>(a) the Representation of the People Acts,</p> <p>(b) the Political Parties, Elections and Referendums Act 2000,</p> <p>(c) ...and</p> <p>(d) any other enactments relating to parliamentary elections or local government elections.</p> <p>(6) No return of a Member of the Senedd at an election may be questioned except by an election petition under the provisions of Part 3 of the Representation of the People Act 1983 as applied or incorporated in an order under this section.</p> <p>(7) No order is to be made under this section unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Senedd.</p>	
<p>28 Committees and sub-committees</p> <p>(1) The standing orders may provide—</p> <p>(a) For the appointment of committees of the Senedd, and</p> <p>(b) For such committees to have power to appoint sub-committees,</p> <p>(2) The members of a committee of the Senedd, or of a sub-committee of such a committee, may not include anyone who is not a Member of the Senedd, <u>except the members of the Standards of Conduct Committee or a sub-committee of the Standards of Conduct Committee.</u></p> <p>(3) The standing orders must make provision about the membership, chairing and procedure of committees of the Senedd and sub-committees of such committees.</p> <p>(4) The standing orders may include provision for excluding from the proceedings of a committee of the Senedd, or a sub-committee of such a committee, a Member of the Senedd who is not a member of the committee or sub-committee.</p> <p>(5) The validity of any proceedings of a committee of the Senedd, or of a subcommittee of such a committee, is not affected by—</p> <p>(a) any vacancy in its membership,</p> <p>(b) any defect in the appointment of its members or of the person who chairs it, or</p> <p>(c) any failure to comply with provisions of the standing orders relating to procedure.</p>	<p>Part 2 Section 18(2)</p>

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<p><u>30A Standards of Conduct Committee</u></p> <p>(1) <u>The committees of the Senedd must include one to be known as the Standards of Conduct Committee or Pwyllgor Safonau Ymddygiad or by such other name as the Senedd may determine; and, if the Senedd makes such a determination, references to the committee in—</u></p> <p style="padding-left: 40px;"><u>(a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or</u></p> <p style="padding-left: 40px;"><u>(b) any other instrument or document, have effect accordingly.</u></p> <p>(2) <u>The Standards of Conduct Committee is to have functions relating to the standards of conduct of Members of the Senedd specified by the standing orders; and the standing orders may specify that it has other functions.</u></p> <p>(3) <u>The Standards of Conduct Committee is to have the number of members specified by the standing orders.</u></p> <p>(4) <u>The standing orders must provide for the membership of the Standards of Conduct Committee to include one or more lay members.</u></p> <p>(5) <u>In this section and in section 30B, “lay member” means a member who is not a Member of the Senedd.</u></p> <p>(6) <u>The standing orders may include provision—</u></p> <p style="padding-left: 40px;"><u>(a) for excluding from the proceedings of the Standards of Conduct Committee, or a sub-committee of the Committee, a member of the committee or sub-committee who is a lay member;</u></p> <p style="padding-left: 40px;"><u>(b) for the membership of sub-committees of the Standards of Conduct Committee, which may include provision for members of sub-committees who are not appointed by, nor members of, the Committee;</u></p> <p style="padding-left: 40px;"><u>(c) for sub-committees of the Standards of Conduct Committee that are composed entirely of one or more lay members for the purpose of carrying out appeals or reviews of Committee or sub-committee proceedings concerning the conduct of Members of the Senedd.</u></p> <p>(7) <u>The standing orders must provide for—</u></p> <p style="padding-left: 40px;"><u>(a) lay members of the Committee to have the same participation and voting rights as other members of the Committee, and</u></p> <p style="padding-left: 40px;"><u>(b) the number of lay members and other members required for proceedings to be quorate,</u></p> <p style="padding-left: 40px;"><u>in Committee or sub-committee proceedings concerning the conduct of a Member of the Senedd.</u></p> <p>(8) <u>The standing orders may provide for—</u></p> <p style="padding-left: 40px;"><u>(a) lay members of the Committee to have the same participation and voting rights as other members of the Committee, and</u></p> <p style="padding-left: 40px;"><u>(b) the number of lay members and other members required for proceedings to be quorate,</u></p> <p style="padding-left: 40px;"><u>in Committee or sub-committee proceedings concerning other matters, subject to subsection (9).</u></p>	<p>Part 2 Section 18(3)</p>
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(9) The standing orders may not allow lay members of the Committee to participate or vote as a member in Committee or sub-committee proceedings concerning the scrutiny of legislation.

(10) Subsection (7) does not apply to sub-committees of the kind described in subsection (6)(c).

30B Lay members of the Standards of Conduct Committee etc.

(1) Standing orders may not provide for there to be more lay members of the Standards of Conduct Committee (“the Committee”) than members who are Members of the Senedd.

(2) Lay members must be appointed by resolution of Senedd Cymru.

(3) A motion for a resolution under subsection (2) may only be tabled with the consent of the Presiding Officer and in accordance with any provision made by standing orders.

(4) The person who is the subject of the motion must have been selected on merit on the basis of fair and open competition in accordance with arrangements made by standing orders.

(5) An appointment of a lay member is to be—

(a) for a fixed term not exceeding 6 years, which may end after the expected date of the next ordinary general election of the Senedd;

(b) on such other terms and conditions as may be made under arrangements made by standing orders.

(6) If provision is made in standing orders for a sub-committee of the kind described in section 30A(6)(c), at least one person appointed as a lay member is to be legally qualified; but this does not require each subcommittee of that kind to include a legally qualified person.

(7) A person is legally qualified for the purposes of subsection (6) if the person has a general qualification within the meaning of section 71(3)(c) of the Courts and Legal Services Act 1990 (c. 41).

(8) A person is disqualified from appointment as a lay member if that person—

(a) holds an office specified in subsection (9),

(b) has held an office at any time that is specified in paragraph (a) to (h) of subsection (9).

(9) The offices are—

(a) a Member of the Senedd;

(b) a member of the House of Commons;

(c) member of the House of Lords;

(d) member of the Scottish Parliament;

(e) member of the Northern Ireland Assembly;

(f) Counsel General, where the person holding the office is not also a Member of the Senedd;

(g) police and crime commissioner for a police area in Wales or England;

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<p><u>(h) member of the council of a county or county borough in Wales;</u></p> <p><u>(i) member of the council of a community in Wales;</u></p> <p><u>(j) the disqualifying offices in the second column of the table in Part 2 of Schedule 1A, except the judicial offices.</u></p> <p><u>(10) A person may not be appointed to serve more than 2 terms of office as a lay member (whether or not the terms of office are consecutive).</u></p> <p><u>(11) A person who is a lay member ceases to be lay member if the person—</u></p> <p style="padding-left: 40px;"><u>(a) is a candidate in a Senedd general election when the period for notice of withdrawal of candidature ends and has not given such notice before the end of the period, or</u></p> <p style="padding-left: 40px;"><u>(b) becomes disqualified from appointment as a lay member under subsection (8).</u></p> <p><u>(12) A lay member—</u></p> <p style="padding-left: 40px;"><u>(a) may resign by giving notice to the Committee;</u></p> <p style="padding-left: 40px;"><u>(b) may be removed by resolution of the Senedd, if the number of votes cast in favour of the resolution is not less than two thirds of the total number of votes cast.</u></p> <p><u>(13) A motion for a resolution under subsection (12)(b) may only be tabled with the consent of the Presiding Officer and in accordance with any provisions made by standing orders.</u></p> <p><u>(14) Standing orders must make provision for the investigation and adjudication of complaints about misconduct by lay members.</u></p> <p><u>(15) The Senedd Commission may pay to lay members such remuneration and allowances as the Commission may determine.</u></p> <p><u>(16) In this section "lay member" includes—</u></p> <p style="padding-left: 40px;"><u>(a) a lay member of the Committee, and</u></p> <p style="padding-left: 40px;"><u>(b) a lay member of a sub-committee of the Committee who is not a member of the Committee.</u></p>	
<p>41 Proceedings by or against Senedd etc</p> <p>(1) Proceedings by or against the Senedd <u>or a committee or sub-committee of the Senedd</u> are to be instituted by or against the Senedd Commission on behalf of the Senedd <u>or the committee or sub-committee of the Senedd (as the case may be).</u></p> <p>(2) Proceedings by or against—</p> <p style="padding-left: 40px;">(a) the Presiding Officer or Deputy Presiding Officer, or</p> <p style="padding-left: 40px;">(b) a member of the staff of the Senedd are (unless instituted against or by the Senedd Commission) to be instituted by or against the Senedd Commission on behalf of the Presiding Officer, Deputy Presiding Officer or a member of staff.</p>	<p>Schedule 1, Part 1 Paragraph 3</p>

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<p>(3) In any proceedings against the Senedd <u>or a committee or sub-committee of the Senedd</u> the court must not grant a mandatory, prohibiting or quashing order or an injunction, make an order for specific performance or stay the proceedings but may instead make a declaration.</p> <p>(4) In any proceedings against—</p> <ul style="list-style-type: none">(a) any Member of the Senedd,(b) the Presiding Officer or Deputy Presiding Officer,(c) any member of the staff of the Senedd, or(d) the Senedd Commission, <p>the court must not grant a mandatory, prohibiting or quashing order or an injunction, make an order for specific performance or stay the proceedings if the effect of doing so would be to give any relief against the Senedd which could not have been given in proceedings against the Senedd</p> <p>(5) References in this section to an order include an order which is not final.</p>	
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The National Assembly for Wales Commissioner for Standards Measure 2009

	Amended by
<p>1 The Commissioner</p> <p>(1) There is to be a Senedd Commissioner for Standards (in this Measure referred to as “the Commissioner”).</p> <p>(2) The Commissioner is to be appointed by the Senedd.</p> <p>(3) A person is not eligible to be appointed as the Commissioner if that person—</p> <p>(a) is a Member of the Senedd,</p> <p>(b) has been a Member of the Senedd at any time during the period of 2 years prior to the date when the appointment is to take effect,</p> <p><u>(ba) is a member, or has been a member at any time, of –</u></p> <p><u>(i) the House of Commons,</u></p> <p><u>(ii) the House of Lords,</u></p> <p><u>(iii) the Scottish Parliament,</u></p> <p><u>(iv) the Northern Ireland Assembly,</u></p> <p><u>(bb) holds or has held at any time the office of police and crime commissioner for a police area in Wales or England,</u></p> <p><u>(bc) is a member, or has been a member at any time, of the council of a county or county borough in Wales,</u></p> <p><u>(bd) is a member, or has been a member at any time during the period of 2 years prior to the date when the appointment is to take effect, of the council of a community in Wales,</u></p> <p>(c) is a member of staff of the Senedd,</p> <p>(d) has been a member of staff of the Senedd at any time during the period of 2 years prior to the date when the appointment is to take effect,</p> <p>(e) is a member of the staff of the Welsh Government, or</p> <p>(f) has been a member of the staff of the Welsh Government at any time during the period of 2 years prior to the date when the appointment is to take effect.</p> <p><u>(g) is engaged by a Member of the Senedd under a contract of service or a contract for services in connection with the carrying out of the member’s functions,</u></p> <p><u>(h) has been engaged by a Member of the Senedd, under a contract of service or a contract for services in connection with the carrying out of the member’s functions at any time during the period of 2 years prior to the date when the appointment is to take effect.,</u></p> <p><u>(i) is engaged by a registered political party under a contract of service or a contract for services, or</u></p> <p><u>(j) has been engaged by a registered political party under a contract of service or a contract for services at any time during the period of 2 years prior to the date when the appointment is to take effect.</u></p>	<p>Part 2, Section 20</p>

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<p>(4) The Commissioner is to be appointed for a term of 6 years.</p> <p>(5) A person who has held office as the Commissioner may not be appointed for a further term (whether consecutive or not).</p> <p>(6) A person who has been appointed as the Commissioner may at any time—</p> <p>(a) resign by notice given to the [Senedd], or</p> <p>(b) be removed from office by the [Senedd].</p> <p>(7) A person may not be removed from office as the Commissioner under subsection (6)(b) unless—</p> <p>(a) the [Senedd] so resolves, and</p> <p>(b) if the resolution is passed on a vote, the number of votes cast in favour of the resolution is not less than two thirds of the total number of votes cast.</p> <p>(8) The appointment of a person as Commissioner ceases if that person—</p> <p>(a) [...]</p> <p><u>(aa) becomes a member of—</u></p> <p><u>(i) the House of Commons,</u></p> <p><u>(ii) the House of Lords,</u></p> <p><u>(iii) the Scottish Parliament,</u></p> <p><u>(iv) the Northern Irish Assembly, or</u></p> <p><u>(v) the council of a county, county borough or community in Wales,</u></p> <p><u>(ab) becomes a police and crime commissioner for a police area in Wales or England,</u></p> <p>(b) is appointed as, or designated to exercise the functions of, the Counsel General under section 49 of the Act, or</p> <p>(c) is appointed to be a member of the staff of the [Senedd] or of the Welsh Government</p> <p>(d) <u>is engaged by a Member of the Senedd under a contract of service or a contract for services in connection with the carrying out of the member's functions, or</u></p> <p>(e) <u>is engaged by a registered political party under a contract of service or a contract for services.</u></p> <p><u>(9) In this section, "registered political party" means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).</u></p>	
<p>4 Appointment of an Acting Commissioner</p> <p>(1) When the office of the Commissioner is vacant or the Commissioner is, for any reason, unable to act, the [Senedd] may appoint a person to discharge the functions of that office either generally or in relation to such case or class of cases, and until such time, as may be specified by the terms and conditions of such appointment; and a person so appointed is referred to in this section as the "acting Commissioner".</p> <p>(2) The Commissioner and the acting Commissioner may each discharge the functions of the office of the Commissioner at the same time but in relation to different cases.</p> <p>(3) A person who is not eligible to be appointed as the Commissioner is not eligible to be appointed as the acting Commissioner.</p> <p>(4) A person appointed as the acting Commissioner—</p> <p>(a) may at any time resign by notice given to the [Senedd],</p> <p>(b) may at any time be removed from office by the [Senedd],</p> <p>(c) ceases to hold office in the circumstances specified in section 1(8)(a), (b) and (c) <u>section 1(8),</u></p> <p>(d) in other respects, holds office on such terms and conditions as the [Senedd] may determine, and</p> <p>(e) while holding that appointment is to be treated for all purposes (except those of section 1) as the Commissioner.</p>	<p>Schedule 1 Part 2 Paragraph 5(2)</p>
<p>6 Functions of the Commissioner</p> <p>(1) The functions of the Commissioner are—</p>	<p>Schedule 1 Part 2</p>

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<p>(a) to receive any complaint that the conduct of a Member of the Senedd has, at a relevant time, failed to comply with a requirement of a relevant provision,</p> <p>(b) to investigate any such complaint in accordance with the provisions of this Measure,</p> <p><u>(ba) to receive any referral by a Member of the Senedd as to whether, at a relevant time, the member's own conduct failed to comply with a requirement of a relevant provision,</u></p> <p><u>(bb) to investigate any such referral in accordance with the provisions of this Measure,</u></p> <p>(c) to report to the Senedd the outcome of any such investigation <u>investigation under paragraph (b) or (bb),</u></p> <p>(d) to advise Members of the Senedd and members of the public about the procedures for making and investigating complaints to which paragraph (a) applies and referrals under this Measure and about procedures for investigating conduct under section 10A, and</p> <p>(e) the further functions conferred by section 7 <u>sections 7 and 10A.</u></p> <p>(2) A “<i>relevant time</i>” means a time when the requirement in question was in force but it is irrelevant whether the conduct in question is alleged to have taken place before or after this section comes into force.</p> <p>(3) A “<i>relevant provision</i>” means—</p> <p>(a) any provision of the Standing Orders relating to—</p> <p>(i) the registration or declaration of financial or other interests,</p> <p>(ii) the notification by Members of the Senedd of their membership of societies,</p> <p>(iii) the registration or notification of any other information relating to Members of the Senedd or to persons connected to Members of the Senedd.</p> <p>(b) any resolution of the Senedd relating to the financial or other interests of Members of the Senedd,</p> <p>(c) any Code of Conduct approved by the Senedd relating to standards of conduct of Members of the Senedd, and</p> <p>(d) any resolution of the Senedd relating to standards of conduct of Members of the Senedd.</p> <p>(4) It is irrelevant whether a relevant provision came into force before or after this section comes into force.</p>	<p>Paragraph 5(3)</p>
<p>7 Further functions of the Commissioner</p> <p>The Commissioner may (and if requested by the Senedd to do so must) give advice to the Senedd—</p> <p>(a) on any matter of general principle relating to relevant provisions or to standards of conduct of Members of the Senedd generally,</p> <p>(b) on procedures for investigating complaints that Members of the Senedd have failed to comply with the requirements of relevant provisions,</p>	<p>Schedule 1 Part 2 Paragraph 5(4)</p>

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<p>(c) on any other matter relating to promoting, encouraging and safeguarding high standards of conduct in the public office of Member of the Senedd.</p>	
<p>9 Duty of the Clerk to refer a matter to the Commissioner</p> <p>If the Clerk has reasonable grounds for suspecting—</p> <p>(a) that the conduct of [a Member of the Senedd] has, at a relevant time, failed to comply with a requirement of a relevant provision, and</p> <p>(b) that the conduct in question is relevant to the Clerk’s functions under section 138 of the Act (Clerk to be the principal accounting officer for the Commission), the Clerk must communicate those grounds in writing to the Commissioner and the Commissioner must treat the communication as a complaint to which section 6(1)(a) applies.</p>	<p>Schedule 1 Part 2 Paragraph 5(5)</p>
<p>10 Investigation of Complaints by the Commissioner by the Commissioner of complaints and self-referrals by Members of the Senedd</p> <p>(1) The Commissioner must investigate complaints <u>and self-referrals by Members of the Senedd</u> and must, subject to subsection (3), report to the Senedd on the outcome of investigations, in accordance with—</p> <p>(a) the provisions of the Standing Orders, and</p> <p>(b) any rules relating to the consideration of complaints against, <u>or self-referrals by</u>, Members of the Senedd which have been adopted by the Senedd under the Standing Orders.</p> <p>(1A) <u>The rules mentioned in subsection (1)(b) may prescribe conditions which the Commissioner must be satisfied are met before the Commissioner conducts an investigation under this section (for example, provision about form and contents of a complaint or self-referral by a Member of the Senedd, setting time-limits for commencing an investigation or rules about evidence requirements).</u></p> <p>(2) Subject to subsection (1), it is for the Commissioner to decide when and how to carry out an investigation and to report on its outcome.</p> <p>(3) The Commissioner may, in such circumstances as may be prescribed by rules referred to in subsection (1)(b), dismiss a complaint <u>or self-referral by a Member of the Senedd</u> summarily without reporting on it to the Senedd but must instead notify in writing the Member of the Senedd in question and, <u>in the case of a complaint</u>, the person who made the complaint, giving reasons for the dismissal.</p> <p>(4) A report by the Commissioner to the Senedd on the outcome of an investigation may not include any recommendation as to what sanction, if any, should be imposed on the Member of the Senedd in question.</p> <p>(5) If, in the course of carrying out an investigation <u>under this section</u>, the Commissioner becomes aware of any circumstances which—</p> <p>(a) give rise to issues of principle or of general practice relevant to the Clerk’s functions under section 138 of the Act (Clerk to be the principal accounting officer for the Commission), or</p> <p>(b) could, upon further consideration by the Clerk, give rise to a duty on the Clerk under section 9,</p> <p>the Commissioner must communicate those circumstances in writing to the Clerk.</p> <p>(6) <u>Standing Orders must make provision for investigations under this section.</u></p>	<p>Schedule 1 Part 2 Paragraph 5(6)</p>
<p>10A Power of the Commissioner to investigate on own initiative</p>	<p>Part 2</p>

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<p><u>(1) The Commissioner may investigate the conduct of a Member of the Senedd if the Commissioner—</u></p> <p><u>(a) has reasonable grounds for suspecting that the conduct of the member has, at a relevant time, failed to comply with a requirement of a relevant provision, and</u></p> <p><u>(b) is satisfied that any other conditions that must be met before commencing an investigation that may be prescribed in Standing Orders or rules mentioned in subsection (3)(b) are met (for example rules setting time-limits for commencing an investigation or rules about evidence requirements).</u></p> <p><u>(2) If the Commissioner investigates the conduct of a Member of the Senedd under this section, the Commissioner must, subject to subsection (5), report to the Senedd on the outcome of the investigation.</u></p> <p><u>(3) The Commissioner must conduct any investigation under subsection (1) and report under subsection (2) in accordance with—</u></p> <p><u>(a) the provisions of the Standing Orders, and</u></p> <p><u>(b) any rules relating to investigations conducted under this section which have been adopted by the Senedd under Standing Orders.</u></p> <p><u>(4) Subject to subsection (3) it is for the Commissioner to decide when and how to carry out an investigation and to report on its outcome.</u></p> <p><u>(5) The Commissioner may, in such circumstances as may be prescribed by rules referred to in subsection (3)(b), discontinue an investigation being carried out under this section without reporting on it to the Senedd.</u></p> <p><u>(6) If the Commissioner discontinues an investigation under subsection (5) the Commissioner must notify the Member of the Senedd in question in writing, giving reasons for discontinuing the investigation.</u></p> <p><u>(7) A report by the Commissioner to the Senedd on the outcome of an investigation under this section may not include any recommendation as to what sanction, if any, should be imposed on the Member of the Senedd in question.</u></p> <p><u>(8) If, in the course of carrying out an investigation under this section, the Commissioner becomes aware of any circumstances which give rise to issues of principle or of general practice relevant to the Clerk's functions under section 138 of the Act (Clerk to be the principal accounting officer for the Commission), the Commissioner must communicate those circumstances in writing to the Clerk.</u></p> <p><u>(9) Standing Orders must make provision for investigations under this section.</u></p> <p><u>(10) In this section, a "relevant time" means a time when the requirement in question was in force but it is irrelevant whether the conduct in question is alleged to have taken place before or after this section comes into force.</u></p>	<p>Section 20</p>
<p><u>10B Publication of information about investigations</u></p> <p><u>(1) The Commissioner may publish information –</u></p> <p><u>(a) confirming that an investigation to which this section applies is being conducted;</u></p> <p><u>(b) identifying the Member of the Senedd who is the subject of the investigation;</u></p> <p><u>(c) describing in general terms the matter under investigation;</u></p>	<p>Part 2, Section 22</p>

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<p><u>(d) confirming that an investigation has been concluded, suspended or re-opened.</u></p> <p><u>(2) This section applies to –</u></p> <p><u>(a) an investigation under section 10 on which the Commissioner will report to the Senedd on the outcome of the investigation,</u> <u>and</u> <u>(b) an investigation under section 10A.</u></p> <p><u>(3) Information published under this section must not include—</u></p> <p><u>(a) the identity of the person who made the complaint or information that would allow the person to be identified,</u></p> <p><u>(b) any evidence obtained by the Commissioner in the course of the investigation, or</u></p> <p><u>(c) any opinion, inference or indication as to whether the complaint is well-founded.</u></p> <p><u>(4) Before publishing information under this section, the Commissioner must have regard to –</u></p> <p><u>(a) the interests of fairness,</u></p> <p><u>(b) the need to avoid prejudice to any criminal investigation or proceedings, and</u></p> <p><u>(c) the need to avoid harm to any person.</u></p> <p><u>(5) The Standing Orders or rules relating to the consideration of complaints against Members of the Senedd which have been adopted by the Senedd under the Standing Orders may specify categories of investigation in respect of which information must not be published under this section.</u></p> <p><u>(6) Nothing in this section limits any other power of the Commissioner to publish or otherwise disclose information.</u></p>	
<p>11 Power to call for witnesses and documents Evidence</p> <p>(1) The Commissioner may, in accordance with section 12, require any person—</p> <p>(a) to attend before the Commissioner for the purpose of giving evidence, or</p> <p>(b) to produce to the Commissioner documents in the possession or under the control of that person, <u>or</u></p> <p><u>(c) to give evidence to the Commissioner in writing, verified by a statement of truth,</u></p> <p>concerning any matter relevant to an investigation which the Commissioner is carrying out under this Measure.</p> <p><u>(1A) The power under subsection (1)(a) includes the power to require a person to attend before the Commissioner—</u></p> <p><u>(a) in person,</u></p> <p><u>(b) through a live video link, or</u></p> <p><u>(c) through a live audio link.</u></p> <p>(2) For the purposes of this section,</p> <p>(a) a person will be taken to comply with a requirement to produce a document if that person produces a copy of the document or an extract of the relevant part of the document,</p>	<p>Part 2, Section 22</p>

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<p>(b) “document” means anything in which information is recorded in any form, and</p> <p>(c) references to producing a document are to producing the information recorded in it in a visible and legible form.</p> <p>(3) The Commissioner may pay such reasonable allowances and expenses to persons giving evidence before the Commissioner, or producing documents to the Commissioner, as the Commissioner may determine.</p> <p>12 Witnesses and documents Evidence: notice</p> <p><u>(A1) A requirement under section 11(1)(a) may only be imposed on a person by the Commissioner giving the person notice in writing specifying-</u></p> <ul style="list-style-type: none"><u>(a) the time and date on which the person is to attend before the Commissioner,</u><u>(b) if the Commissioner requires attendance in person, the place at which attendance is required,</u><u>(c) if the Commissioner requires attendance through a live video link or a live audio link, details of how the person may take part in the live video link or live audio link, and</u><u>(d) the particular subjects on which the person is required to give evidence.</u> <p>(1) A requirement under section 11 <u>11(1)(b)</u> may only be imposed on a person by the Commissioner giving the person in question notice in writing specifying—</p> <ul style="list-style-type: none">(a) the time and place at which the person is to attend and the particular subjects concerning which the person is required to give evidence,(b) the documents, or types of documents, which the person is to produce, the date by which and the person to whom they are to be produced and the particular subjects concerning which they are required. <p><u>(1A) A requirement under section 11(1)(c) may only be imposed on a person by the Commissioner giving the person notice in writing specifying-</u></p> <ul style="list-style-type: none"><u>(a) the date on which the evidence must be given,</u><u>(b) the address to which the evidence may be sent (whether by hand, by post or electronically),</u><u>(c) the particular subjects on which the person is required to give evidence or the specific questions the person must answer in the evidence, and</u><u>(d) the requirement to verify the evidence by a statement of truth.</u> <p>(2) Notice under subsection (1) is to be given—</p> <ul style="list-style-type: none">(a) in the case of an individual, by sending it in accordance with subsection (3) addressed to the person at the person’s usual or last known address or, where the person has given an address for service of the notice, at that address, or(b) in any other case, by so sending it addressed to the person at the person’s registered or principal office but may only be given if the address in question is in Wales or in England. <p>(3) A notice is sent in accordance with this subsection if it is sent—</p> <ul style="list-style-type: none">(a) by a registered post service (within the meaning of the Postal Services Act 2000 (c. 26)), or(b) by postal service which provides for its delivery by post to be recorded. <p><u>(2) Notice under this section may be given by—</u></p> <ul style="list-style-type: none"><u>(a) handing it to the person,</u><u>(b) leaving it at the person’s proper address,</u><u>(c) sending it by post to the person at that address, or</u><u>(d) sending it by email to the person’s email address.</u> <p><u>(3) Notice is given in accordance with subsection (2)(a)—</u></p> <ul style="list-style-type: none"><u>(a) if the person is a body corporate, by handing it to an officer of the body,</u><u>(b) if the person is a partnership, by handing it to a partner, or</u><u>(c) if the person is an unincorporated association other than a partnership, by handing it to a member of the governing body of the association.</u>	
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<p><u>(4) For the purposes of subsection (2)(b) and (c), the proper address of a person is—</u></p> <p><u>—</u></p> <p><u>(a) in the case of a body corporate, the address of the body's registered or principal office in the United Kingdom;</u></p> <p><u>(b) in the case of a partnership, the address of the principal office of the partnership in the United Kingdom;</u></p> <p><u>(c) in any other case, the last known address of the person (whether of the person's residence or of a place where the person carried on business or is employed) or, if the person has provided an address at which notice may be given under this section, that address.</u></p> <p><u>(5) For the purpose of section (2)(d)—</u></p> <p><u>(a) a person's email address is—</u></p> <p><u> i) any email address published for the time being by that person as an address for contacting that person, or</u></p> <p><u> (ii) if there is no such published address, any email address at which the person has agreed to receive notice under this section.</u></p> <p><u>(b) a notice sent by email is treated as given 48 hours after it was sent, unless the contrary is proved.</u></p> <p><u>(6) In this section—</u></p> <p><u>"agreed" ("wedi cytuno") means agreed in writing;</u></p> <p><u>"officer" ("swyddog"), in relation to a body corporate, means a director, manager, secretary or other similar officer of the body."</u></p>	
<p>13 Oaths and affirmations</p> <p>The Commissioner may—</p> <p>(a) administer an oath or affirmation to</p> <p><u>(i) any person giving evidence to the Commissioner, and</u></p> <p><u>(ii) any person acting as a translator or interpreter in connection with evidence given to the Commissioner, and</u></p> <p>(b) require that person to take an oath or make an affirmation.</p>	<p>Part 2, Section 22</p>
<p>15 Offences</p> <p>(1) A person to whom a notice has been given under section 12(1) commits an offence if that person—</p> <p>(a) refuses or fails without reasonable excuse to attend before the Commissioner as required by the notice <u>or,</u></p> <p>(b) refuses or fails without reasonable excuse, when attending before the Commissioner as required by the notice, to answer any question concerning the subjects specified in the notice,</p> <p>(c) refuses or fails without reasonable excuse to produce any document required to be produced by the notice, or</p> <p>(d) intentionally alters, suppresses, conceals or destroys any such document.</p> <p><u>(1A) A person to whom a notice has been issued under section 12(1) commits an offence if that person—</u></p> <p><u>(a) refuses or fails without reasonable excuse to produce any document required to be produced by the notice, or</u></p> <p><u>(b) intentionally alters, suppresses, conceals or destroys any such document.</u></p> <p><u>(1B) A person to whom a notice has been given under section 12(1A) commits an offence if that person refuses or fails without reasonable excuse—</u></p> <p><u> a) to give evidence concerning the subjects specified in the notice,</u></p> <p><u> (b) to answer any question in the notice, or</u></p> <p><u> (c) to verify the evidence with a statement of truth.</u></p> <p>(2) Subsection (1) is <u>Subsections (1), (1A) and (1B) are</u> subject to section 14.</p> <p>(3) Any person who, without reasonable excuse, refuses to take an oath or make an affirmation when required to do so under section 13 commits an offence.</p> <p>(4) If a person charged with an offence under subsection (1)(a), (b) or (c) or under subsection (3) adduces evidence of a reasonable excuse for the refusal or failure, it is for the prosecution to prove that the person did not have such an excuse.</p>	<p>Part 2, Section 22</p>

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<p>(5) A person guilty of an offence under this section is liable on summary conviction—</p> <p>(a) to a fine not exceeding level 5 on the standard scale,</p> <p>(b) to imprisonment for a period not exceeding three months, or</p> <p>(c) both.</p> <p>(6) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—</p> <p>(a) a director, manager, secretary or other similar officer of the body corporate, or</p> <p>(b) any person who was purporting to act in any such capacity,</p> <p>that person, as well as the body corporate, is guilty of that offence and liable to be proceeded against accordingly.</p> <p>(7) In subsection (6) “<i>director</i>”, in the case of a body corporate whose affairs are managed by its members, means a member of the body corporate.</p>	
<p>16 Restriction on disclosure of information</p> <p>(1) Except as permitted by subsection (2), the Commissioner or the staff of, or any other person appointed by, the Commissioner must not—</p> <p><u>(a) disclose any information contained in the complaint or any information which is furnished to or obtained by them in the course of, or for the purposes of, an investigation into that complaint.</u></p> <p><u>(b) disclose any information which is furnished to or obtained by them in the course of, or for the purposes of, an investigation under section 10A.</u></p> <p>(2) Such information may be disclosed for the purpose of—</p> <p>(a) enabling or assisting the Commissioner to discharge any functions imposed or conferred on the Commissioner by virtue of any provision in this Measure,</p> <p>(b) enabling the Commissioner to comply with any duty imposed on the Commissioner by or under any other enactment, or</p> <p>(c) the investigation or prosecution of any offence or suspected offence.</p>	<p>Schedule 1 Part 2 Paragraph 5(7)</p>
<p>19 Annual report</p> <p>(1) The Commissioner must, as soon as possible after the end of each financial year, lay before the Senedd an annual report on the performance of the functions of the Commissioner throughout that year.</p> <p>(2) Subject to subsection (3) the report must contain a concise statement of information relating to the financial affairs and transactions of the Commissioner in the performance of those functions during that year.</p> <p>(3) The Commissioner must comply with any requirement imposed by the Senedd as to the form of the annual report and as to any specific information or class of information which it must contain.</p> <p>(4) The Commissioner must, subject to subsection (5), comply with any requirement imposed by the Committee on Standards of Conduct <u>Standards of Conduct Committee</u>—</p> <p>(a) to attend before that committee,</p> <p>(b) to provide the committee with such information as it may reasonably require in relation to any matter contained in a report which has been laid before the Senedd under subsection (1) or which was required to be contained in such a report.</p> <p>(5) The Commissioner need not comply with a requirement under subsection (4)—</p>	<p>Schedule 1 Part 2 Paragraph 5(8)</p>

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<p>(a) if it is not reasonably practicable to do so, and (b) except in the case of a requirement under subsection (4)(b) which is made orally to the Commissioner at a meeting of the committee, unless the requirement is in writing.</p>	
<p>20 Interpretation (1) In this Measure— “the Act” (“y Ddeddf”) means the Government of Wales Act 2006 (c. 32); “the Clerk” (“y Clerc”) means the Clerk of the Senedd, “the Commission” (“y Comisiwn”) means the Senedd Commission, “Counsel General” (“Cwnsler Cyffredinol”) means the Counsel General to the Welsh Government, “live audio link” (“cyswllt sain byw”), in relation to the giving of evidence to the Commissioner, means a live telephone link or other arrangement which enables the person giving evidence, the Commissioner and any other person participating in the proceedings to hear one another; “live video link” (“cyswllt fideo byw”), in relation to the giving of evidence to the Commissioner, means a live television link or other arrangement which enables the person giving evidence, the Commissioner and any other person participating in the proceedings to see and hear one another; “the Committee on Standards of Conduct” (“y Pwyllgor Safonau Ymddygiad”) means any committee or subcommittee of the Senedd to which there have been delegated, by or under the Standing Orders, functions relating to complaints that Members of the Senedd have failed to comply with the requirements of a relevant provision,” “Member of the Senedd” (“Aelod o’r Senedd”) includes— (a) for the purposes of section 1(3)(a) and (b) only, the Counsel General even where that officer is not a Member of the Senedd, and (b) except for the purposes of section 1(3)(a) and (b), a former Member of the Senedd, and “relevant provision” (“darpariaeth berthnasol”) has the meaning given by section 6(3); “relevant time” (“adeg berthnasol”) has the meaning given by section 6(2), except in section 10A; “the Standards of Conduct Committee” (“y Pwyllgor Safonau Ymddygiad”) means the committee of the Senedd that must be established by virtue of section 30A of the Act; “Standing Orders” (“Rheolau Sefydlog”) means the Standing Orders of the Senedd.</p> <p>(2) Any reference in this Measure to “the Senedd” is a reference to— (a) Senedd Cymru, or (b) other than in sections 1, 4, 6(3)(b), (c) and (d) and the Schedule, the Committee on Standards of Conduct Standards of Conduct Committee.</p>	<p>Schedule 1 Part 2 Paragraph 5(9) and Part 2, Section 22</p>

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Representation of the People Act 1983

Section	Amended by
<p>13 Publication of Registers</p> <p>(1) Each registration officer must for each year publish a revised version of his registers—</p> <p style="padding-left: 40px;">(a) if there is a canvass in his area in that year, during the period starting with the end of the canvass in that year and ending with 1st December in that year or such later date as may be prescribed, or</p> <p style="padding-left: 40px;">(b) if (in Northern Ireland) there is no canvass in that year, on 1st December in that year or by such later date as may be prescribed.</p> <p>(1A) Subsection (1)(a) above has effect, in the case of a registration officer acting for an area in which (or in part of which) an election <u>or recall poll</u> to which section 13B below applies is held during the period—</p> <p style="padding-left: 40px;">(a) starting with 1st July in the year in question, and</p> <p style="padding-left: 40px;">(b) ending with 1st December in that year, as if for “1st December in that year” there were substituted “1st February in the following year”.</p> <p>(2) The revised versions of the registers shall incorporate—</p> <p style="padding-left: 40px;">(a) all the alterations which are required to be made in them as mentioned in section 10(6) above; and</p> <p style="padding-left: 40px;">(b) any alterations which are required to be made by virtue of section 13A(3) or (3A) below.</p> <p>(3) A registration officer may in addition, if he thinks fit, publish a revised version of either of his registers at any time between—</p> <p style="padding-left: 40px;">(a) the time when the register was last published in accordance with subsection (1) above, and</p> <p style="padding-left: 40px;">(b) the time when it is due to be next so published;</p> <p>and a registration officer proposing to publish a revised version of a register in accordance with this subsection must publish notice of his intention to do so by such time and in such manner as may be prescribed.</p> <p>(4) When revising a register for publication under this section the registration officer shall make such changes affecting the electoral numbers of persons registered in the register as he considers necessary in order to comply with section 9(4) above.</p> <p>(5) Where a revised version of a register is published at any time under this section, the register has effect in the form in which it is so published as from that time until the time when—</p> <p style="padding-left: 40px;">(a) a revised version is next so published, or</p> <p style="padding-left: 40px;">(b) if earlier, any alteration to the register takes effect under section 13A to 13BC below.</p> <p>(6) Any reference in this section or section 13A below to the publication of a revised version of the register is to its publication in accordance with regulations made in pursuance of paragraphs 10A and 10B(1)(a) of Schedule 2 to this Act.</p>	<p>Schedule 1 Part 1 Paragraph 1(2)</p>
<p>13AB Alteration of registers: interim publication dates</p> <p>(1) Subsections (2) and (3) apply in relation to an interim publication date where—</p>	<p>Schedule 1 Part 1</p>

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<p>(a) at any time before the interim publication date, section 13A applies to a registration officer (by virtue of section 13A(1)) in connection with a determination, requirement or decision within section 13A(1)(za), (zb), (b), (c) or (d),</p> <p>(b) in consequence of the determination, requirement or decision an entry relating to a person falls to be made in (or removed from) the register in respect of an address in the relevant election <u>or recall poll</u> area, and</p> <p>(c) no alteration made in consequence of the determination, requirement or decision has already taken effect, or is due to take effect, under a relevant provision on or before the interim publication date.</p> <p>(2) On the interim publication date the registration officer must issue, in the prescribed manner, a notice specifying the appropriate alteration in the register.</p> <p>(3) The alteration takes effect from the beginning of the interim publication date.</p> <p>(4) There are two interim publication dates (in relation to a registration officer and an election <u>or recall poll</u> to which this section applies).</p> <p>(5) The first interim publication date is— <u>(a) in respect of an election</u>, the last day on which nomination papers may be delivered to the returning officer for the purposes of the election; <u>(b) in respect of a recall poll, the 19th day before the date of the recall poll.</u></p> <p>(6) The second interim publication date is to be determined by the registration officer, but must be a day after the first interim publication date and before the appropriate publication date.</p> <p>(7) In subsection (1)(c) “relevant provision” means— (a) in relation to the first interim publication date, section 13A(2) or 13BC(3) or (6); (b) in relation to the second interim publication date— (i) section 13A(2); (ii) section 13BC(3) or (6); (iii) subsection (3) of this section as it applies in relation to the first interim publication date.</p> <p>(7A) In determining for the purposes of subsection (1)(c) whether an alteration made in consequence of the determination, requirement or decision is due to take effect under section 13BC(3) on or before the interim publication date, the reference to section 13AB in section 13BC(2) is to be disregarded.</p> <p>(8) This section applies to— (a) parliamentary elections in England, Wales or Scotland; (c) elections to the Scottish Parliament; (d) elections to the National Assembly for Wales; <u>(da) recall polls under Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026;</u> (e) local government elections in England, Wales or Scotland;</p>	<p>Paragraph 1(3)</p>
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<p>(f) elections of police and crime commissioners in England and Wales.</p> <p>(9) Subsections (5) and (6) of section 13B apply for the purposes of this section as they apply for the purposes of that section.</p> <p>(10) Subsection (2) does not require a registration officer to issue a notice under that subsection in a case where section 13BC(3) or (6) requires the officer to issue a notice under that provision at an earlier time.</p>	
<p>13B Alteration of registers: pending elections <u>etc.</u></p> <p>(1) If, by virtue of section 13A(2) above or section 13BC(3) or (6) below, an alteration in a published version of a register is to take effect after the fifth day before the date of the poll for an election <u>or recall poll</u> to which this section applies, the alteration does not have effect for the purposes of the election <u>or recall poll</u>.</p> <p>(2) Subsection (3) below applies where—</p> <p>(a) at any time before the appropriate publication date in the case of an election <u>or recall poll</u> to which this section applies, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a determination, requirement or decision falling within any of paragraphs (za), (zb), (b), (c) and (d) of that subsection;</p> <p>(b) in consequence of the determination, requirement or decision an entry relating to a person falls to be made in (or removed from) the register in respect of an address in the relevant election <u>or recall poll</u> area; and</p> <p>(c) no alteration made in consequence of the determination, requirement or decision—</p> <p>(i) has already taken effect, or</p> <p>(ii) is due to take effect, under subsection (2) of that section, or under section 13AB(3) or section 13BC(3) or (6), on or before the fifth day before the date of the poll.</p> <p>(3) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—</p> <p>(a) the notice shall be so issued by him on the appropriate publication date; and</p> <p>(b) the alteration shall take effect as from the beginning of that day.</p> <p>(3ZA) In determining for the purposes of subsection (2)(c) whether an alteration made in consequence of the determination, requirement or decision is due to take effect under section 13BC(3) on or before the fifth day before the date of the poll, the reference to section 13B in section 13BC(2) is to be disregarded.</p> <p>(3ZB) Subsection (3) does not require a registration officer to issue a notice under that subsection in a case where section 13BC(3) or (6) requires the officer to issue a notice under that provision at an earlier time.</p> <p>(3A) Subsection (3B) below applies where—</p> <p>(a) at any time on or after the appropriate publication date in the case of an election <u>or recall poll</u> to which this section applies but before the prescribed time on the day of the poll, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a notification mentioned in paragraph (c) of that subsection; and</p> <p>(b) in consequence of the notification—</p>	<p>Schedule 1 Part 1 Paragraph 1(4)</p>

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<p>(i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election or recall poll area, or</p> <p>(ii) his entry in the register requires to be altered.</p> <p>(3B) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—</p> <p>(a) the notice shall be so issued by him when he receives the notification; and</p> <p>(b) the alteration shall take effect as from the beginning of the day on which the notice is issued.</p> <p>(3C) Subsection (3D) below applies where—</p> <p>(a) at any time on or after the appropriate publication date in the case of an election or recall poll to which this section applies but before the prescribed time on the day of the poll, section 13A above applies to a registration officer, by virtue of subsection (1) of that section, in connection with a determination falling within paragraph (d) of that subsection;</p> <p>(b) the determination was made following a representation made by or on behalf of a person to the registration officer; and</p> <p>(c) in consequence of the determination—</p> <p>(i) an entry relating to that person falls to be made in the register in respect of an address in the relevant election or recall poll area, or</p> <p>(ii) his entry in the register requires to be altered.</p> <p>(3D) In such a case the registration officer shall issue, in the prescribed manner, a notice specifying the appropriate alteration in the register; and—</p> <p>(a) the notice shall be so issued by him when he makes the determination; and</p> <p>(b) the alteration shall take effect as from the beginning of the day on which the notice is issued.</p> <p>(3E) In subsection (3C)(b) above, “representation” means a representation made in accordance with prescribed requirements to the effect that the register contains a clerical error.</p> <p>(4) This section applies to the following elections—</p> <p>(a) parliamentary elections in England, Wales or Scotland,</p> <p>(c) elections to the Scottish Parliament,</p> <p>(d) elections to the National Assembly for Wales,</p> <p>(f) local government elections in England, Wales or Scotland, and</p> <p>(g) elections of police and crime commissioners in England and Wales.</p> <p>(4A) This section applies to recall polls under Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026.</p> <p>(5) In this section—</p> <p>“the appropriate publication date”, in relation to a registration officer and an election or recall poll to which this section applies, means either the sixth or the fifth day before the date of the poll, as the registration officer may determine;</p>	
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<p>“the final nomination day”, in relation to such an election, means the last day on which nomination papers may be delivered to the returning officer for the purposes of the election;</p> <p>“the relevant election <u>or recall poll</u> area”, in relation to a registration officer and such an election <u>or recall poll</u>, means—</p> <p>(a) the area for which the registration officer acts, or</p> <p>(b) if the election <u>or recall poll</u> is held in only part of that area, the part of that area in question.</p> <p>(6) Section 119 below shall apply for the purposes of this section as if—</p> <p>(a) it were contained in Part II of this Act; and</p> <p>(b) each of the days referred to in this section were the day on which anything is required or permitted to be done by or in pursuance of that Part of this Act;</p> <p><u>(c) the reference in subsection (3) to—</u></p> <p><u>(i) “any election” included “any recall poll”, and</u></p> <p><u>(ii) “electoral area” included “recall poll area”.</u></p>	
<p><u>13BCA Alteration of registers: recall polls</u></p> <p>(1) <u>Sections 13AB and 13B cease to apply in respect of a recall poll if and when public notice of the early termination of the poll is given in accordance with section 8(7)(b) of the Senedd Cymru (Member Accountability and Elections) Act 2026.</u></p> <p>(2) <u>But if, at the time when that public notice is given—</u></p> <p>(a) <u>the registration officer is under a duty under section 13AB or section 13B to issue a notice, but</u></p> <p>(b) <u>has not yet issued the notice,</u></p> <p><u>the registration officer remains under that duty to issue the notice at the time at which it would have been required to be issued if subsection (1) had not applied.</u></p>	<p>Schedule 1 Part 1 Paragraph 1(5)</p>

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Political Parties, Elections and Referendums Act 2000

Section	Amended by
<p>5A Further provision about reports on Welsh elections <u>and recall polls</u></p> <p>(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.</p> <p><u>(1A) After a recall poll has been held, the Electoral Commission must prepare and publish a report (in such manner as the Commission may determine) on the administration of the recall poll after the Presiding Officer gave notice under section 6 of the Senedd Cymru (Member Accountability and Elections) Act 2026 in relation to the poll.</u></p> <p>(2) Subsection (3) applies to—</p> <p style="padding-left: 20px;">(a) a report under section 5 relating to a Senedd Cymru general election;</p> <p style="padding-left: 20px;">(b) a report under subsection (1) <u>or (1A)</u>.</p> <p>(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.</p> <p>(4) In subsection (3)—</p> <p style="padding-left: 20px;"><i>"disability"</i>, in relation to doing a thing, includes a short term inability to do it;</p> <p style="padding-left: 20px;"><i>"returning officer"</i> —</p> <p style="padding-left: 40px;">(a) in the case of a Senedd Cymru general election <u>or recall poll</u>, 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);</p> <p style="padding-left: 40px;">(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).</p>	<p>Schedule 1 Part 1 Paragraph 2(2)</p>
<p>6ZA Reviews of devolved electoral matters in Wales</p> <p>(1) The Commission must keep the matters mentioned in subsection (2) under review, and must from time to time submit reports on those matters to the Welsh Ministers.</p> <p>(2) The matters are such matters as the Commission may from time to time determine relating to—</p> <p style="padding-left: 20px;">(a) general elections of Members of the Senedd; [...]</p> <p style="padding-left: 20px;">(c) local government elections in Wales;</p> <p style="padding-left: 20px;">(d) referendums under Part 2 of the Local Government Act 2000 and Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales);</p> <p style="padding-left: 20px;"><u>(da) recall polls:</u></p>	<p>Schedule 1 Part 1 Paragraph 2(3)</p>

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<p>(e) the law relating to the elections and referendums, referendums and recall polls mentioned in paragraphs (a) to (d) (da).</p>	
<p>6A Attendance of representatives of Commission at elections etc.</p> <p>(1) A representative of the Commission may attend—</p> <p>(a) proceedings relating to an election specified in subsection (5) which are the responsibility of the returning officer for the election;</p> <p>(b) proceedings relating to a referendum to which Part 7 applies which are the responsibility of the relevant counting officer;</p> <p>(c) proceedings relating to a recall petition which are the responsibility of the petition officer in relation to the petition.</p> <p><u>(d) proceedings relating to a recall poll which are the responsibility of the returning officer for the poll.</u></p> <p>(2) The right conferred on a representative of the Commission by this section is subject to any enactment which regulates attendance at the proceedings in question.</p> <p>(3) In this section, “<i>representative of the Commission</i>” means any of the following—</p> <p>(a) a member of the Commission;</p> <p>(b) a member of staff of the Commission;</p> <p>(c) a person appointed by the Commission for the purposes of this section.</p> <p>(4) A reference to the relevant counting officer must be construed—</p> <p>(a) if the area to which the proceedings relates is in Great Britain, in accordance with section 128(3);</p> <p>(b) if the area to which the proceedings relates is Northern Ireland, as a reference to the Chief Electoral Officer for Northern Ireland.</p> <p>(5) The elections specified in this subsection are—</p> <p>(a) an election mentioned in section 5(2);</p> <p>(b) a parliamentary by-election;</p> <p>(c) an election under section 9 of the Scotland Act 1998 (constituency vacancies); [...]</p> <p>(da) an election under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner);</p> <p>(e) a local government election in England or Wales;</p> <p>(ea) a local government election in Scotland;</p> <p>(f) a local election in Northern Ireland</p>	<p>Schedule 1 Part 1 Paragraph 2(4)</p>
<p>6C Accredited observers: individuals</p> <p>(1) A person who is aged 16 or over may apply to the Commission to be an accredited observer at any of the following proceedings relating to an</p>	<p>Schedule 1 Part 1 Paragraph 2(5)</p>

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<p>election specified in subsection (5) of section 6A, a recall poll or a referendum to which Part 7 applies—</p> <ul style="list-style-type: none"> (a) proceedings at the issue or receipt of postal ballot papers; (b) proceedings at the poll; (c) proceedings at the counting of votes. <p>(2) If the Commission grant the application, the accredited observer may attend the proceedings in question.</p> <p>(3) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 6F or 6G or, in relation to a Scottish Parliamentary general election, an election under section 9 of the Scotland Act 1998 (constituency vacancies) or a local government election in Scotland, section 6G.</p> <p>(4) The Commission may at any time revoke the grant of an application under subsection (1).</p> <p>(5) If the Commission—</p> <ul style="list-style-type: none"> (a) refuse an application under subsection (1), or (b) revoke the grant of any such application, <p>they must give their decision in writing and must at the same time give reasons in writing for the refusal or revocation.</p> <p>(6) The right conferred on an accredited observer by this section is subject to any enactment which regulates attendance at the proceedings in question.</p>	
<p>6D Accredited observers: organisations</p> <p>(1) An organisation may apply to the Commission to be accredited for the purpose of nominating observers at any of the following proceedings relating to an election specified in subsection (5) of section 6A, a recall poll or a referendum to which Part 7 applies—</p> <ul style="list-style-type: none"> (a) proceedings at the issue or receipt of postal ballot papers; (b) proceedings at the poll; (c) proceedings at the counting of votes. <p>(2) If the Commission grant the application the organisation may nominate members who may attend the proceedings in question.</p> <p>(3) The Commission, in granting an application under this section, may specify a limit on the number of observers nominated by the organisation who may attend, at the same time, specified proceedings by virtue of this section.</p> <p>(4) An application under subsection (1) must be made in the manner specified in the code of practice issued under section 6F or 6G or, in relation to a Scottish Parliamentary general election, an election under section 9 of the Scotland Act 1998 (constituency vacancies) or a local government election in Scotland, section 6G.</p> <p>(5) The Commission may at any time revoke the grant of an application under subsection (1).</p>	<p>Schedule 1 Part 1 Paragraph 2(6)</p>

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<p>(6) If the Commission—</p> <p style="padding-left: 40px;">(a) refuse an application under subsection (1), or</p> <p style="padding-left: 40px;">(b) revoke the grant of any such application,</p> <p>they must give their decision in writing and must at the same time give reasons in writing for the refusal or revocation.</p> <p>(7) The right conferred by this section is subject to any enactment which regulates attendance at the proceedings in question.</p>	
<p>6E Attendance and conduct observers</p> <p>(1) A relevant officer may limit the number of persons who may be present at any proceedings at the same time in pursuance of section 6C or 6D.</p> <p>(2) If a person who is entitled to attend any proceedings by virtue of section 6C or 6D misconducts himself while attending the proceedings, the relevant officer may cancel the person's entitlement.</p> <p>(3) Subsection (2) does not affect any power a relevant officer has by virtue of any enactment or rule of law to remove a person from any place.</p> <p>(4) A relevant officer is—</p> <p style="padding-left: 40px;">(a) in the case of proceedings at a polling station, the presiding officer;</p> <p style="padding-left: 40px;">(b) in the case of any other proceedings at an election, the returning officer;</p> <p style="padding-left: 40px;"><u>(ba) in the case of any other proceedings at a recall poll, the returning officer;</u></p> <p style="padding-left: 40px;">(c) in the case of any other proceedings at a referendum, the relevant counting officer (within the meaning of section 6A);</p> <p style="padding-left: 40px;">(d) such other person as a person mentioned in paragraph (a), (b), <u>(ba)</u> or (c) authorises for the purposes of the proceedings mentioned in that paragraph.</p>	<p>Schedule 1 Part 1 Paragraph 2(7)</p>
<p>6G Code of practice on attendance of observers at devolved elections and other polls in Wales</p> <p>(1) The Commission must prepare a code of practice on the attendance at elections <u>and other polls</u> specified in subsection (2) of—</p> <p style="padding-left: 40px;">(a) representatives of the Commission,</p> <p style="padding-left: 40px;">(b) accredited observers, and</p> <p style="padding-left: 40px;">(c) nominated members of accredited organisations.</p> <p>(2) The code must make provision about attendance at—</p> <p style="padding-left: 40px;">(a) general elections of Members of the Senedd; [...]</p> <p style="padding-left: 40px;">(c) local government elections in Wales;</p> <p style="padding-left: 40px;"><u>(d) recall polls.</u></p> <p>(3) The code must in particular—</p>	<p>Schedule 1 Part 1 Paragraph 2(8)</p>

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<p>(a) specify the manner in which applications under sections 6C(1) and 6D(1) are to be made to the Commission;</p> <p>(b) specify the criteria to be taken into account by the Commission in determining such applications;</p> <p>(c) give guidance to relevant officers (within the meaning of section 6E) as to the exercise of the power conferred by subsection (1) of that section;</p> <p>(d) give guidance to such officers as to the exercise of the power mentioned in subsection (2) of that section as it relates to a person having the permission mentioned in subsection (1) of that section;</p> <p>(e) give guidance to such officers as to the exercise of any power under any enactment to control the number of persons present at any proceedings relating to an election <u>or recall poll</u> as it relates to a person having such permission;</p> <p>(f) give guidance to representatives of the Commission, accredited observers and nominated members of accredited organisations on the exercise of the rights conferred by sections 6A, 6B, 6C and 6D.</p> <p>(4) The code may make different provision for different purposes.</p> <p>(5) Before preparing the code, the Commission must consult the Welsh Ministers.</p> <p>(6) The Commission must lay the code before Senedd Cymru.</p> <p>(7) The Commission must publish the code (in such manner as the Commission may determine).</p> <p>(8) The following persons must have regard to the code in exercising any function conferred by section 6A, 6B, 6C, 6D or 6E in relation to an election specified in subsection (2)—</p> <p>(a) the Commission;</p> <p>(b) representatives of the Commission;</p> <p>(c) relevant officers (within the meaning of section 6E).</p> <p>(9) The Commission may at any time revise the code.</p> <p>(10) Subsections (4) to (7) apply in relation to a revision of the code as they apply in relation to the code.</p>	
<p>9AA Performance standards for devolved elections and <u>referendums other polls</u> in Wales</p> <p>(1) The Commission may from time to time—</p> <p>(a) determine standards of performance for relevant officers mentioned in subsection (2), and</p> <p>(b) publish, in such form and in such manner as they consider appropriate, the standards so determined.</p> <p>(2) The standards of performance are such standards as the Commission think ought to be achieved by—</p>	<p>Schedule 1, Part 1 Paragraph 2(9)</p>

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<p>(a) electoral registration officers for areas in Wales in the performance of their functions in relation to registers of local government electors;</p> <p>(b) returning officers in the administration of the elections specified in subsection (6);</p> <p><u>(ba) returning officers in the administration of recall polls;</u></p> <p>(c) counting officers in the administration of the referendums specified in subsection (7).</p> <p>(3) Before determining standards under subsection (1), the Commission must consult—</p> <p>(a) the Welsh Ministers, and</p> <p>(b) any other person they think appropriate.</p> <p>(4) The Commission may determine different standards for different descriptions of relevant officers.</p> <p>(5) When the Commission publish standards under subsection (1) they must send a copy to the Welsh Ministers who must lay a copy before Senedd Cymru.</p> <p>(6) The elections specified in this subsection are—</p> <p>(a) a general election of Members of the Senedd; [...]</p> <p>(c) a local government election in Wales.</p> <p>(7) The referendums specified in this subsection are referendums under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to executive arrangements of local authorities in Wales).</p>	
<p>9B returns and reports on performance standards</p> <p>(1) The Commission may from time to time issue directions to relevant officers to provide the Commission with such reports regarding their level of performance against the standards determined under section 9A(1) or 9AA(1) as may be specified in the direction.</p> <p>(2) A direction under subsection (1)—</p> <p>(a) must specify the relevant officer or officers to whom it is issued (and may specify a description or descriptions of relevant officers),</p> <p>(b) may require the report or reports to relate to such elections or referendums (or both); <u>referendums or recall polls (or any combination of them)</u> as may be specified in the direction, and</p> <p>(c) may require the report or reports to be provided in a form specified in the direction.</p> <p>(3) A report provided to the Commission in pursuance of subsection (1) may be published by the relevant officer to whom it relates.</p> <p>(4) The Commission shall from time to time prepare and publish (in such manner as the Commission may determine) assessments of the level</p>	<p>Schedule 1 Part 1 Paragraph 2(10)</p>

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<p>of performance by relevant officers against the standards determined under section 9A(1) or 9AA(1).</p> <p>(5) An assessment under subsection (4)—</p> <ul style="list-style-type: none"> (a) must specify the relevant officer or officers to whom it relates; (b) must specify the period to which it relates; (c) may specify the elections or referendums (or both), <u>referendums or recall polls (or any combination of them)</u> to which it relates. <p>(6) The Commission must not prepare an assessment under subsection (4) unless they have received reports in pursuance of subsection (1) from the relevant officer or officers for the matters to which the assessment relates.</p> <p>(7) Before publishing an assessment under subsection (4), the Commission shall—</p> <ul style="list-style-type: none"> (a) provide to each relevant officer a copy of those parts of the assessment which relate to him; (b) have regard to any comments made by him regarding the factual accuracy of the assessment. 	
<p>10 Giving of advice and assistance.</p> <p>(1) The Commission may, at the request of any relevant body, provide the body with advice and assistance as respects any matter in which the Commission have skill and experience.</p> <p>(2) The assistance which may be so provided includes (in particular) the secondment of members of the Commission's staff.</p> <p>(3) The Commission may also—</p> <ul style="list-style-type: none"> (a) provide advice and assistance to— <ul style="list-style-type: none"> (i) registration officers, (ii) returning officers at relevant elections, <u>(ia) returning officers at recall polls,</u> (iii) registered parties, (iv) recognised third parties within the meaning of Part VI, (v) permitted participants within the meaning of Part VII; (vi) petition officers in relation to recall petitions, and (vii) accredited campaigners within the meaning of Schedule 3 to the Recall of MPs Act 2015 (see Part 5 of that Schedule); (b) provide advice and assistance to other persons which is incidental to, or otherwise connected with, the discharge by the Commission of their functions. <p>(4) The Commission—</p>	<p>Schedule 1 Part 1 Paragraph 2(11)</p>

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<p>(a) may make charges for advice or assistance provided by them under subsection (1); but</p> <p>(b) may not make charges for advice and assistance provided under subsection (3).</p> <p>(5) Nothing in this section authorises the Commission to provide any form of financial assistance.</p> <p>(6) In this section “<i>relevant body</i>” means—</p> <p>(a) the Scottish Parliament;</p> <p>(b) the Scottish Executive;</p> <p>(c) Senedd Cymru;</p> <p>(caa) the Welsh Ministers;</p> <p>(ca) the Senedd Commission;</p> <p>(d) the Northern Ireland Assembly;</p> <p>(e) the Executive Committee of the Northern Ireland Assembly;</p> <p>(f) any of the following local authorities—</p> <p>(i) in England, the council of a county, district or London borough,</p> <p>(ii) in Wales, the council of a county or county borough, and</p> <p>(iii) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;</p> <p>(g) a national or regional parliament or government in a country other than the United Kingdom;</p> <p>(h) a body in any such other country having functions corresponding to any of the functions of the Commission;</p> <p>(i) an organisation of which two or more countries (or their governments) are members or a subordinate body of such an organisation.</p> <p>(7) In this section “<i>relevant election</i>” means any election falling within section 22(5).</p>	
<p>21 Interpretation of Part 1</p> <p>(1) In this Part “<i>financial year</i>”, in relation to the Commission, means a period of 12 months ending with 31st March; but the first financial year of the Commission is the period beginning with the date of the establishment of the Commission and ending with the next 31st March.</p> <p>(2) In this Part, “<i>petition officer</i>” and “<i>recall petition</i>” have the same meaning as in the Recall of MPs Act 2015 (see section 22 of that Act).</p> <p><u>(3) In this Part—</u> <u>“recall poll” means a recall poll under Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026;</u></p>	<p>Schedule 1 Part 1 Paragraph 2(12)</p>

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<p><u>“returning officer”, in relation to a recall poll, has the same meaning as “constituency returning officer” in Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026.</u></p>	
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Democracy and Boundary Commission Cymru etc. Act 2013

Section	Amended by
<p>20A Electoral administration functions</p> <p>(1) The Commission has the general function of co-ordinating the administration of Welsh elections and referendums.</p> <p>(2) The general function in subsection (1) includes—</p> <p>(a) assisting returning officers, local authorities and other persons in carrying out their functions in relation to Welsh elections and referendums;</p> <p>(b) promoting best practice in the administration of Welsh elections and referendums by providing information, advice or training (or otherwise).</p> <p>(3) The Commission may provide information, advice or other assistance to the Welsh Ministers about the administration of Welsh elections and referendums.</p> <p>(4) In this Part "Welsh elections and referendums" means—</p> <p>(a) Senedd Cymru elections;</p> <p>(aa) recall polls;</p> <p>(b) local government elections in Wales;</p> <p>(c) devolved referendums.</p>	<p>Schedule 1 Part 1 Paragraph 4(2)</p>
<p>20B Directions to returning officers</p> <p>(1) The Commission may give directions in writing to returning officers about the exercise of the officers' functions in relation to—</p> <p>(a) Senedd Cymru elections generally,</p> <p>(b) a particular Senedd Cymru election,</p> <p>(ba) recall polls generally,</p> <p>(bb) a particular recall poll,</p> <p>(c) local government elections in Wales generally,</p> <p>(d) a particular local government election in Wales,</p> <p>(e) devolved referendums generally, or</p> <p>(f) a particular devolved referendum.</p> <p>(2) A direction under subsection (1) may require a returning officer to provide the Commission with information.</p> <p>(3) A direction under subsection (1) may require a returning officer—</p> <p>(a) to exercise any discretion the officer has in performing the officer's functions, or</p> <p>(b) to exercise the discretion in a particular way.</p> <p>(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—</p> <p>(a) to exercise any discretion the officer would otherwise have in performing the officer's functions (or exercise it in a particular way), or</p>	<p>Schedule 1 Part 1 Paragraph 4(3)</p>

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<p>(b) to provide information to the Commission.</p> <p>(5) A returning officer is not required to comply with a direction under subsection (1)—</p> <p>(a) if compliance with the direction would be inconsistent with a duty of the officer under any enactment,</p> <p>(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</p> <p>(c) in so far as exercise of the officer's functions subject to the direction relates to the combination of—</p> <p>(i) a poll at a reserved election with the poll at a Welsh election or referendum;</p> <p>(ii) a poll at a Senedd Cymru election with the poll at an ordinary local government election in Wales.</p> <p>(6) The Commission must publish each direction it gives under subsection (1).</p>	
<p>20C Directions to electoral registration officers</p> <p>(1) The Commission may give directions in writing to electoral registration officers about the exercise of the officers' functions in relation to—</p> <p>(a) a particular Senedd Cymru election,</p> <p><u>(ba) a particular recall poll,</u></p> <p>(b) a particular local government election in Wales, or</p> <p>(c) a particular devolved referendum.</p> <p>(2) A direction under subsection (1) may require an electoral registration officer—</p> <p>(a) to exercise any discretion the officer has in performing the officer's functions, or</p> <p>(b) to exercise the discretion in a particular way.</p> <p>(3) A direction under subsection (1) may require an electoral registration officer to provide the Commission with information.</p> <p>(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—</p> <p>(a) to exercise any discretion the officer would otherwise have in performing the officer's functions (or exercise it in a particular way), or</p> <p>(b) to provide information to the Commission.</p> <p>(5) An electoral registration officer is not required to comply with a direction under subsection (1)—</p> <p>(a) if it is inconsistent with—</p> <p>(i) a duty of the officer under any enactment, or</p> <p>(ii) a direction given under section 52 of the 1983 Act;</p> <p>(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.</p>	<p>Schedule 1 Part 1 Paragraph 4(4)</p>

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<p>(6) The Commission must publish each direction it gives under subsection (1).</p>	
<p>20I Interpretation of this Part In this Part—</p> <p><i>"the 1983 Act"</i> ("<i>Deddf 1983</i>") means the Representation of the People Act 1983 (c. 2);</p> <p><i>"devolved referendums"</i> ("<i>refferenda datganoledig</i>") means referendums held under—</p> <p>(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;</p> <p>(b) section 40 of the 2011 Measure;</p> <p>(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);</p> <p><i>"electoral registration officer"</i> ("<i>swyddog cofrestru etholiadol</i>") means an officer appointed under section 8(2A) of the 1983 Act or any person who may exercise the functions of the officer;</p> <p><i>"local government elections"</i> ("<i>etholiadau llywodraeth leo</i>") means the election of—</p> <p>(a) councillors for an electoral ward of a county or county borough,</p> <p>(b) councillors for a community ward or, in the case of a community where there are no wards, for the community, or</p> <p>(c) an elected mayor or elected executive member under regulations made by virtue of section 44 of the Local Government Act 2000 (c. 22);</p> <p><i>"recall poll"</i> ("<i>pôl adalw</i>") means a recall poll under Part 1 of the Senedd Cymru (Member Accountability and Elections) Act 2026;</p> <p><i>"reserved election"</i> ("<i>etholiad a gedwir yn ôl</i>") means—</p> <p>(a) an election for membership of the House of Commons;</p> <p>(b) an election for the office of police and crime commissioner;</p> <p><i>"returning officer"</i> ("<i>swyddog canlyniadau</i>") means—</p> <p>(a) a returning officer (however described)—</p> <p>(i) appointed under section 35(1A) of the 1983 Act,</p> <p>(ii) designated in accordance with an order made under section 13 of the Government of Wales Act 2006 (c. 32) ("<i>the 2006 Act</i>"), or</p> <p>(iii) appointed under regulations made by virtue of section 44 or 45 of the Local Government Act 2000 (c. 22);</p> <p>(b) any person who may exercise the functions of a returning officer falling within paragraph (a).</p>	<p>Schedule 1 Part 1 Paragraph 4(5)</p>
<p>49J(8) Implementation of final report by the Welsh Ministers (1) Where a final report sets out changes that are required to be made to the Senedd constituencies, the Welsh Ministers must make regulations giving effect to the determinations in the Commission's final report—</p> <p>(a) as soon as reasonably practicable after laying the report before Senedd Cymru, and</p>	<p>Schedule 1 Part 1 Paragraph 4(6)</p>

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<p>(b) in any event, unless there are exceptional circumstances, before the end of the period of four months beginning with the date the report is laid before the Senedd.</p> <p>(2) Where regulations are not made before the end of the period mentioned in subsection (1)(b), the Welsh Ministers must lay a statement before Senedd Cymru setting out the exceptional circumstances.</p> <p>(3) A statement under subsection (2) must be laid before the end of the period of four months beginning with the date the final report is laid before Senedd Cymru.</p> <p>(4) Further statements setting out the exceptional circumstances must be laid before Senedd Cymru before the end of each subsequent period of four weeks beginning with the day on which the previous statement was laid, until the regulations are made.</p> <p>(5) Regulations under this section may make provision for any matters which the Welsh Ministers consider are incidental to, or consequential on, the determinations in the final report.</p> <p>(6) Regulations under this section must be made by statutory instrument.</p> <p>(7) A statutory instrument containing regulations under this section must be laid before Senedd Cymru as soon as reasonably practicable after the regulations are made.</p> <p>(8) The coming into force of the regulations does not affect the return of a Member of the Senedd to Senedd Cymru, the holding or conduct of a recall poll under the Senedd Cymru (Member Accountability and Elections) Act 2026, or the constitution of Senedd Cymru, until the dissolution of the Senedd in connection with—</p> <p>(a) the next ordinary general election, or</p> <p>(b) an extraordinary general election, the poll for which is held—</p> <p>(i) during the period of one month ending with the day before the day on which the poll for the next ordinary general election would have been held under section 3(1) of the Government of Wales Act 2006 (c. 32), disregarding paragraphs (a) and (b) of that subsection, or</p> <p>(ii) on the day on which the poll for the next ordinary general election would have been held under section 3(1) of the Government of Wales Act 2006, disregarding paragraphs (a) and (b) of that subsection.</p>	
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Welsh Language (Wales) Measure 2011

Section		Amended by
SCHEDULE 6 (introduced by section 33)		Schedule 1 Part 2 Paragraph 6
PUBLIC BODIES ETC: STANDARDS		
<i>Column 1</i>	<i>Column 2</i>	
Person/Category	Potentially applicable standards	
...		
GENERAL		
...		
The Security Industry Authority ("Awdurdod y Diwydiant Diogelwch")	Service delivery standards Policy making standards Operational standards Record Keeping standards	
The Senedd Commissioner for Standards ("Comisiynydd Safonau y Senedd")	Service delivery standards Policy making standards Operational standards Record keeping standards	

Welsh Language Standards (No. 2) Regulations 2016

Section	Amended by
SCHEDULE 6	
...	
Sianel 4 Cymru	
The Senedd Commissioner for Standards ("Comisiynydd Safonau y Senedd")	