SCHEDULE 2

(introduced by section 28)

ELECTORAL COMMISSION: FURTHER AMENDMENTS

Representation of the People Act 1983 (c. 2)

1 (1) Schedule 4A to the 1983 Act is amended as follows.

(2) In paragraph 14(1), after "code of practice" insert "for elections other than local government elections in Wales".

(3) After paragraph 14 insert—

"14A (1) The Electoral Commission ("the Commission") may prepare, and from time to time revise, a code of practice for local government elections in Wales giving—

(a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;

(b) guidance (supplementing the definition in section 90ZA(3)) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate's election.

(2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Welsh Ministers for approval.

(3) The Welsh Ministers may approve a draft code with or without modifications.

(4) Once the Welsh Ministers have approved a draft code they must lay a copy of the draft, in the form in which they have approved it, before Senedd Cymru.

(5) If the draft incorporates modifications, the Welsh Ministers must at the same time lay before Senedd Cymru a statement of their reasons for making them.

(6) If, within the 40-day period, Senedd Cymru resolves not to approve the draft, the Welsh Ministers must take no further steps in relation to it.

(7) If no such resolution is made within the 40-day period—

(a) the Welsh Ministers must issue the code in the form of the draft laid before Senedd Cymru,

(b) the code comes into force on the date appointed by the Welsh Ministers by order, and

(c) the Commission must arrange for the code to be published in such manner as the Commission think appropriate.

(8) Sub-paragraph (6) does not prevent a new draft code from being laid before Senedd Cymru.

(9) In this paragraph, "the 40-day period", in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before Senedd Cymru, no account being taken of any period during which Senedd Cymru is dissolved or is in recess for more than four days.

(10) In this paragraph references to a draft code include a revised draft code.".

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

2 The Political Parties, Elections and Referendums Act 2000 is amended as follows.

3 (1) Section 6 is amended as follows.

(2) In subsection (3)(b), after "Scottish Parliament" insert ", Senedd Cymru".

(3) In subsection (6)—

(a) in paragraph (a)—

(i) in sub-paragraph (i), at the end insert "other than those mentioned in paragraph (d) of that subsection";

(ii) in sub-paragraph (ii), omit "or Wales";

(b) in paragraph (b), omit "and those under Part II of the Local Government Act 2000".

4 After section 6 insert—

"**6ZA Reviews of devolved electoral matters in Wales**

(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.

(2) The matters are such matters as the Commission may from time to time determine relating to—

(a) general elections of Members of the Senedd;

(b) elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);

(c) local government elections in Wales;

(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);

(e) the law relating to the elections and referendums mentioned in paragraphs (a) to (d).

(3) Subsection (4) applies if the Welsh Ministers request the Commission to review and report on any matter or matters for which provision is or could be made in an Act of Senedd Cymru (whether or not falling within subsection (2)).

(4) The Commission must, within such time as the Welsh Ministers may specify—

(a) review the matters specified in the request, and

(b) submit a report on those matters to the Welsh Ministers.

(5) The Commission must publish each report made under this section in such manner as the Commission may determine."

5 In section 6C(3), after "6F" insert "or 6G".

6 In section 6D(4), after "6F" insert "or 6G".

7 (1) Section 6F is amended as follows.

(2) In subsection (1), after "section 6A" insert ", other than those specified in subsection (2) of section 6G,".

(3) In subsection (10), after "this section" insert "and section 6G".

8 After section 6F insert—

"**6G Code of practice on attendance of observers at devolved elections in Wales**

(1) The Commission must prepare a code of practice on the attendance at elections specified in subsection (2) of—

(a) representatives of the Commission,

(b) accredited observers, and

(c) nominated members of accredited organisations.

(2) The code must make provision about attendance at—

(a) general elections of Members of the Senedd;

(b) elections under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);

(c) local government elections in Wales.

(3) The code must in particular—

(a) specify the manner in which applications under sections 6C(1) and 6D(1) are to be made to the Commission;

(b) specify the criteria to be taken into account by the Commission in determining such applications;

(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;

(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;

(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 as it relates to a person having such permission;

(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.

(4) The code may make different provision for different purposes.

(5) Before preparing the code, the Commission must consult the Welsh Ministers.

(6) The Commission must lay the code before Senedd Cymru.

(7) The Commission must publish the code (in such manner as the Commission may determine).

(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)—

(a) the Commission;

(b) representatives of the Commission;

(c) relevant officers (within the meaning of section 6E).

(9) The Commission may at any time revise the code.

(10) Subsections (4) to (7) apply in relation to a revision of the code as they apply in relation to the code."

9 (1) Section 9A is amended as follows.

(2) In subsection (1)(a), after "relevant officers" insert "mentioned in subsection (2)".

(3) After subsection (5) insert—

"(5A) In relation to electoral registration officers for areas in Wales, the reference to their functions in subsection (2)(a) is a reference to their functions in relation to registers of parliamentary electors."

(4) In subsection (6)—

(a) in paragraph (a), at the end insert "other than one mentioned in paragraph (d) of that subsection";

(b) omit paragraph (d);

(c) in paragraph (e), omit "or Wales".

(5) In subsection (7), omit paragraph (b).

(6) In subsection (8)—

(a) in the words before paragraph (a), after "sections" insert "9AA,";

(b) in paragraph (b), after "subsection (6)" insert "or section 9AA(6)";

(c) in paragraph (c), after "subsection (7)" insert "or section 9AA(7)".

10 After section 9A insert—

"**9AA Performance standards for devolved elections and referendums in Wales**

(1) The Commission may from time to time—

(a) determine standards of performance for relevant officers mentioned in subsection (2), and

(b) publish, in such form and in such manner as they consider appropriate, the standards so determined.

(2) The standards of performance are such standards as the Commission think ought to be achieved by—

(a) electoral registration officers for areas in Wales in the performance of their functions in relation to registers of local government electors;

(b) returning officers in the administration of the elections specified in subsection (6);

(c) counting officers in the administration of the referendums specified in subsection (7).

(3) Before determining standards under subsection (1), the Commission must consult—

(a) the Welsh Ministers, and

(b) any other person they think appropriate.

(4) The Commission may determine different standards for different descriptions of relevant officers.

(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.

(6) The elections specified in this subsection are—

(a) a general election of Members of the Senedd;

(b) an election under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);

(c) a local government election in Wales.

(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).”

11 In section 9B, in subsections (1) and (4), after “9A(1)” insert “or 9AA(1)”.

12 In section 9C(2)—

(a) in paragraph (b), after “9A(6)” insert “or 9AA(6)”;

(b) in paragraph (c), after “9A(7)” insert “or 9AA(7)”.

13 In section 13(12), after “met under” insert “paragraph 16A of Schedule 1 to this Act or”.

14 (1) Schedule 1 is amended as follows.

(2) In paragraph 14—

(a) in sub-paragraph (1)—

(i) after paragraph (a) insert—

“(aa) met out of the Welsh Consolidated Fund under paragraph 16A;”;

(ii) in paragraph (b), omit “or 20(12)”;

(iii) in paragraph (c), for “National Assembly for Wales” substitute “Senedd”;

(b) after sub-paragraph (6) insert—

“(6A) An estimate prepared under this paragraph must not include income or expenditure that is attributable to the exercise of the Commission’s functions in relation to devolved Welsh elections and devolved Welsh referendums (as to which, see paragraph 16A).”

(3) In paragraph 15, after sub-paragraph (5) insert—

"(6) A plan prepared under this paragraph must not include aims, objectives or estimated requirements for the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums (as to which, see paragraph 16B)."

(4) In paragraph 20, after sub-paragraph (1) insert—

"(1A) The reference in sub-paragraph (1) to the Commission's functions does not include the Commission's functions in relation to devolved Welsh elections or devolved Welsh referendums."