



# Senedd and Elections (Wales) Act 2020

2020 anaw 1

An Act of the National Assembly for Wales to rename the National Assembly for Wales, to extend the right to vote in Senedd elections, to amend the law relating to disqualification from membership of the Senedd, to make provision regarding oversight of the work of the Electoral Commission, to make miscellaneous changes to the law relating to the government of Wales and for related purposes. [15 January 2020]

**Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:**

## PART 1

### OVERVIEW

#### 1 Overview of this Act

- (1) Part 2 of this Act changes the name of the National Assembly for Wales to “Senedd Cymru” or “the Welsh Parliament” and makes connected changes.
- (2) Part 3 of this Act extends the right to vote for elections to the Senedd to persons aged 16 and 17 and qualifying foreign citizens and makes related changes to electoral registration. It also makes provision about the financial and oversight arrangements for the work of the Electoral Commission in relation to devolved Welsh elections and devolved referendums.
- (3) Part 4 of this Act amends the law relating to persons disqualified from membership of the Senedd.
- (4) Part 5 of this Act contains miscellaneous provisions regarding the Senedd and Senedd elections that—
  - (a) extend the time within which the first meeting of the Senedd after a general election must be held;
  - (b) clarify the powers of the Senedd Commission to charge for the provision of goods and services;

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- (c) require the Welsh Ministers to report on the operation of the provisions of this Act that extend the right to vote and change qualification for membership of the Senedd.
- (5) Part 6 of this Act contains general provisions about the interpretation of this Act, the coming into force of the provisions of the Act, and the short title.

## PART 2

### RENAMING OF THE NATIONAL ASSEMBLY FOR WALES ETC.

#### **2 National Assembly for Wales renamed Senedd Cymru or Welsh Parliament**

In section 1(1) of the Government of Wales Act 2006 (c. 32) (“the 2006 Act”) for “the National Assembly for Wales” to the end substitute “Senedd Cymru or the Welsh Parliament (referred to in this Act as “the Senedd”)”.

#### **3 Acts of the National Assembly for Wales renamed Acts of Senedd Cymru**

In section 107(1) of the 2006 Act, for “the National Assembly for Wales” to the end substitute “Senedd Cymru or Deddfau Senedd Cymru (referred to in this Act as “Acts of the Senedd”)”.

#### **4 Members to be known as Members of the Senedd**

In section 1 of the 2006 Act, after subsection (2) insert—

“(2A) Members of the Senedd are to be known by that name or as Aelodau o'r Senedd.”

#### **5 Clerk of the Assembly renamed Clerk of the Senedd**

In section 26(2) of the 2006 Act, for “Assembly” substitute “Senedd, Clerc y Senedd”.

#### **6 National Assembly for Wales Commission renamed Senedd Commission**

In section 27(1) of the 2006 Act, for “National Assembly for Wales Commission or Comisiwn Cynulliad Cenedlaethol Cymru” substitute “Senedd Commission or Comisiwn y Senedd”.

#### **7 National Assembly for Wales Commissioner for Standards renamed Senedd Commissioner for Standards**

In section 1(1) of the National Assembly for Wales Commissioner for Standards Measure 2009 (nawm 4), for “National Assembly for Wales” substitute “Senedd”.

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## **8 National Assembly for Wales Remuneration Board renamed the Independent Remuneration Board of the Senedd**

In section 1(1) of the National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), for “National Assembly for Wales Remuneration Board” substitute “board to be known as the Independent Remuneration Board of the Senedd”.

## **9 Minor and consequential amendments**

Schedule 1 contains minor and consequential amendments relating to this Part.

# **PART 3**

## **ELECTIONS**

### *Extension of right to vote*

## **10 Extension of right to vote in Senedd elections to 16 and 17 year old persons**

- (1) Section 12 (entitlement to vote) of the 2006 Act is amended as follows.
- (2) In subsection (1)(a), after “constituency” insert “or fall within the extended franchise for Senedd elections as described in this section”.
- (3) After subsection (1), insert—

“(1A) A person falls within the extended franchise for Senedd elections if the person—

  - (a) has attained the age of 16, but not the age of 18, and
  - (b) would, but for any disability removed by this section, be entitled to vote as an elector at a local government election in an electoral area wholly or partly included within the Senedd constituency.”
- (4) The amendments made by this section have effect for the purposes of an election for membership of the Senedd at which the poll is held on or after 5 April 2021.

## **11 Extension of right to vote in Senedd elections to qualifying foreign citizens**

- (1) After section 12(1A) of the 2006 Act, insert—

“(1B) A person falls within the extended franchise for Senedd elections if the person—

  - (a) is a qualifying foreign citizen (within the meaning given by section 203(1) of the Representation of the People Act 1983 (c. 2)), and
  - (b) would, but for any disability removed by this section, be entitled to vote as an elector at a local government election in an electoral area wholly or partly included within the Senedd constituency.”
- (2) The amendments made by this section have effect for the purposes of an election for membership of the Senedd at which a poll is held on or after 5 April 2021.

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### *Electoral registration*

## **12 Entitlement to be registered as a local government elector**

(1) In section 4 of the Representation of the People Act 1983 (c. 2) (“the 1983 Act”) (entitlement to be registered as a local government elector)—

- (a) in subsection (3)(d), after “age” insert “ or, if resident in an area in Wales, is 16 years of age or over ”;
- (b) after subsection (3) insert—

“(3A) A person is also entitled to be registered in the register of local government electors for any electoral area in Wales if on the relevant date the person—

- (a) is resident in that area,
- (b) is not subject to any legal incapacity to vote (age apart) in an election of members (or of a member) of Senedd Cymru,
- (c) is a qualifying foreign citizen, and
- (d) is 16 years of age or over.”;

(c) after subsection (5A) insert—

“(5B) In relation to a register of local government electors for any electoral area in Wales, the reference to “voting age” in subsection (5) is to be interpreted as “16 years of age””.

(2) In section 203(1) of the 1983 Act (local government provisions as to England and Wales) after the definition of “London member” insert—

““qualifying foreign citizen” means a person who—

- (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and
- (b) either—
  - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
  - (ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave.”

## **13 Annual canvass**

(1) In section 9A of the 1983 Act (registration officers: duty to take necessary steps), after subsection (2) insert—

“(2A) In relation to the registration of local government electors in Wales, subsections (1) and (2)(b) do not require a registration officer to make house to house inquiries in relation to any person under the age of 16.”

(2) In regulation 32ZA of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) (“the 2001 Regulations”) (annual canvass form)—

(a) after paragraph (3) insert—

“(3A) In relation to the registration of local government electors in Wales, the canvass form in paragraph (2) must also—

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- (a) require the full name and nationality of each person aged 14 or 15 who is eligible to register and is residing at the address to which the form is given, and
- (b) in relation to any such person named in the form, require the person's date of birth to be included.”;
- (b) after paragraph (5) insert—
  - “(5A) In relation to the registration of local government electors in Wales, the registration officer must not, under paragraph (5), print on the form the date of birth of any person aged under 16.”

## 14 Invitations to register

- (1) In section 9E of the 1983 Act (maintenance of registers: invitations to register in Great Britain), after subsection (7) insert—

“(7A) In relation to the registration of local government electors in Wales, subsection (7) does not apply to a person who was under the age of 16 at the time the requirement was imposed.”

- (2) In regulation 32ZC of the 2001 Regulations (invitations to apply for registration), after paragraph (2) insert—

“(2A) In relation to the registration of local government electors in Wales, where the person to be invited is under the age of 16, the invitation in paragraph (1) must also include an explanation of how the person's information will be held and used.”

- (3) In regulation 32ZD of the 2001 Regulations (steps to be taken by a registration officer to encourage a person to make an application for registration in response to an invitation to do so), after paragraph (3) insert—

“(3A) In relation to the registration of local government electors in Wales, paragraph (3) does not require a registration officer to make, or have made, any visits in the case where the invitations were given to a person under the age of 16.”

- (4) In regulation 32ZE of the 2001 Regulations (requiring a person to make an application for registration), after paragraph (3) insert—

“(3A) In relation to the registration of local government electors in Wales, the following provisions of this regulation do not apply in the case of a person who is under the age of 16—

- (a) paragraphs (2)(b)(iii) and (3)(b) and (c);
- (b) paragraph (3)(f), so far as requiring a notice to state that the person may make representations about why a civil penalty should not be imposed.”

## 15 Invitations to register: further provision about persons under the age of 16

- (1) The Welsh Ministers may, by regulations, make provision about invitations to be given under section 9E(1) of the 1983 Act (invitations to apply for registration) in relation to the registration of local government electors in Wales.
- (2) Regulations under subsection (1) may (among other things) include provision—

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- (a) about the form and content of invitations;
  - (b) about how and when invitations must be given;
  - (c) requiring invitations to be accompanied by, or combined with, application forms or other documents (including partially completed application forms).
- (3) Regulations under subsection (1) may confer functions on the Electoral Commission (for example, the Commission may be required to design an invitation).
- (4) Regulations under subsection (1) may amend, repeal (or revoke) or modify any enactment.
- (5) Before making regulations under subsection (1), the Welsh Ministers must consult such persons as they consider appropriate.

## 16 Applications for registration

- (1) The 2001 Regulations are amended as follows.
- (2) In regulation 24 (evidence as to age and nationality), after “Union” insert “ or (for the purposes only of the registration of local government electors in Wales) a qualifying foreign citizen ”.
- (3) In regulation 26 (applications for registration)—
- (a) after paragraph (1) insert—
 

“(1A) In relation to the registration of local government electors in Wales, where the applicant is not able to provide the applicant's date of birth, the statement referred to in paragraph (1)(e) must indicate whether the applicant is—

    - (a) under the age of 16,
    - (b) aged 16 or 17, or
    - (c) aged 18 or over.”;
  - (b) in paragraph (3), after “(1)” insert “, (1A) ”;
  - (c) in paragraph (3)(ba), after “Union” insert “ or (for the purposes only of the registration of local government electors in Wales) a qualifying foreign citizen ”;
  - (d) after paragraph (3) insert—
 

“(3A) In relation to the registration of local government electors in Wales, the paper application form under paragraph (3) must also include an explanation of how information about applicants under the age of 16 will be held and used.”;
  - (e) after paragraph (9) insert—
 

“(9A) In relation to the registration of local government electors in Wales, paragraphs (1)(f) and (8)(a) do not apply in the case where the applicant is under the age of 16.”
- (4) In regulation 26B (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary), after paragraph (6) insert—

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“(6A) In relation to the registration of local government electors in Wales, paragraphs (2) to (6) do not apply in the case where the applicant is under the age of 16 if—

- (a) there is information available to the registration officer from any educational record relating to the applicant, and
- (b) that information is sufficient to satisfy the registration officer as to the applicant's identity and entitlement to be registered.”

(5) In regulation 28 (inspection of applications and objections), after paragraph (2) insert—

“(3) In relation to the registration of local government electors in Wales, this regulation does not apply to an application made by a person under the age of 16.”

(6) In regulation 29ZA (verification of information provided in an application), after paragraph (6) insert—

“(6A) In relation to the registration of local government electors in Wales, this regulation does not apply to an application made by a person under the age of 16.”

## **17 Review of entitlement to registration**

(1) The 2001 Regulations are amended as follows.

(2) In regulation 31D (procedure for reviewing entitlement to registration), after paragraph (3) insert—

“(3A) In relation to the registration of local government electors in Wales, paragraph (2)(b) does not apply where the subject of the review is under the age of 16.”

(3) In regulation 31E (list of reviews), after paragraph (4) insert—

“(5) In relation to the registration of local government electors in Wales, this regulation does not apply to any review where the subject of the review is under the age of 16.”

## **18 Anonymous registration**

In regulation 31J of the 2001 Regulations (anonymous registration: evidence by attestation), after paragraph (5) insert—

“(6) In relation to the registration of local government electors in Wales, where the applicant is under the age of 16 on the date on which the application is made—

- (a) “qualifying officer” also includes a person authorised in writing for the purposes of this regulation by an officer referred to in paragraph (4)(h), and
- (b) where the attestation is signed by a person so authorised, the attestation must be accompanied by a copy of the person's authorisation.”

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## 19 Declarations of local connection

(1) Section 7B of the 1983 Act (notional residence: declarations of local connection) is amended as follows.

(2) After subsection (2) insert—

“(2A) In relation to the registration of local government electors in Wales, this section also applies to a person who, on the date on which the person makes a declaration under subsection (1)—

- (a) is under 18 years of age,
- (b) does not fall within any of the paragraphs (a) to (c) of subsection (2), and
- (c) meets any of the requirements specified in subsection (2B).

(2B) The requirements are that—

- (a) the person is, or has been, a child who is looked after by a local authority, or
- (b) the person is being kept in any secure accommodation specified in regulations made by the Welsh Ministers in circumstances specified in the regulations.

(2C) The power to make regulations under subsection (2B)(b) is exercisable by statutory instrument and is subject to annulment in pursuance of a resolution of the Senedd.

(2D) In subsection (2B)—

- (a) the reference to a child who is looked after by a local authority has the same meaning as in the Social Services and Well-being (Wales) Act 2014 (anaw 1) (see section 74);
- (b) “secure accommodation” means accommodation for the purpose of restricting the liberty of persons under the age of 18.”

(3) In subsection (3)(e), after “Union” insert “ or (if the declaration is made for the purposes only of the registration of local government electors in Wales) a qualifying foreign citizen ”.

(4) In subsection (4), after paragraph (b) insert—

- “(c) in the case of a person falling within subsection (2A), any of the following—
  - (i) an address in Wales at which the person has previously been resident, or
  - (ii) an address used by a council of a county or county borough in Wales in which the person has previously been resident.”

(5) After subsection (7) insert—

“(7A) Despite anything in subsection (7), in relation to Wales, a relevant declaration made by a person has effect only for the person's registration as a local government elector.

(7B) In subsection (7A) a “relevant declaration” means—

- (a) a declaration of local connection made by virtue of subsection (2A);
- (b) a declaration of local connection made by a qualifying foreign citizen;



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- (c) any other declaration of local connection made by a person who, on the date on which the declaration is made, is—
  - (i) under the age of 17, and
  - (ii) not entitled to be registered in the register of parliamentary electors.

(7C) A relevant declaration referred to in subsection (7A) must be marked to show that it is available only for the purposes of registration as a local government elector, but otherwise is to be the same as other declarations of local connection.”

## 20 Service declarations

(1) The 1983 Act is amended as follows.

(2) In section 14 (service qualification), after subsection (1) insert—

“(1A) In relation to the registration of local government electors in Wales, a person also has a service qualification for the purposes of this Act if—

- (a) the person is under the age of 18,
- (b) a parent or guardian of the person has a service qualification under any of paragraphs (a) to (e) of subsection (1), and
- (c) the person is residing at a particular place in order to be with that parent or guardian.”

(3) In section 15 (service declaration)—

(a) after subsection (3) insert—

“(3A) In relation to the registration of local government electors in Wales, a service declaration made by a person by virtue of a service qualification under section 14(1A) ceases to have effect when the person attains the age of 18.

(3B) Without prejudice to subsection (2), a person registered in a register of local government electors in Wales in pursuance of a service declaration referred to in subsection (3A) ceases to be entitled to remain so registered when the person attains the age of 18.

(3C) Where a person's entitlement to remain registered ceases under subsection (3B), the registration officer must remove the person's entry from the register.”;

(b) after subsection (5) insert—

“(5A) Despite anything in subsection (5), in relation to Wales, a relevant service declaration made by a person has effect only for the purposes of the person's registration as a local government elector.

(5B) In subsection (5A), “relevant service declaration” means—

- (a) a service declaration made by virtue of a service qualification under section 14(1A);
- (b) a service declaration made by a qualifying foreign citizen;
- (c) any other service declaration made by a person who, on the date on which the declaration is made, is—
  - (i) under the age of 17, and

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(ii) not entitled to be registered in the register of parliamentary electors.

(5C) A relevant service declaration referred to in subsection (5A) must be marked to show that it is available only for the purposes of registration as a local government elector, but otherwise is to be the same as other service declarations.”

(4) In section 16 (contents of service declaration)—

- (a) the existing text becomes subsection (1);
- (b) in that subsection, in paragraph (e), after “Union” insert “ or (if the declaration is made for the purposes only of the registration of local government electors in Wales) a qualifying foreign citizen ”;
- (c) after that subsection insert—

“(2) In relation to the registration of local government electors in Wales, a service declaration made by a person claiming to have a service qualification under section 14(1A) does not require to be attested.”

(5) In section 17 (effect of service declaration)—

- (a) in subsection (1)(c), after “Union” insert “ or (if the declaration is made for the purposes only of the registration of local government electors in Wales) a qualifying foreign citizen ”;
- (b) after subsection (2) insert—

“(3) In relation to the registration of local government electors in Wales, subsection (2) is subject to section 15(3A).”

## 21 Contents of service declarations

(1) The 2001 Regulations are amended as follows.

(2) In regulation 15 (contents of service declaration)—

- (a) after paragraph (1) insert—

“(1A) In relation to the registration of local government electors in Wales, paragraph (1)(c) does not apply in a case where the declarant claims a service qualification under section 14(1A) of the 1983 Act (see instead regulation 15A).”;

- (b) after paragraph (3) insert—

“(3A) In relation to the registration of local government electors in Wales, the reference to “Government department” in paragraph (3) includes any organisation in which a Crown servant works.”

(3) After regulation 15 insert—

### “15A Contents of service declaration: declarant with a service qualification under section 14(1A) of the 1983 Act

- (1) In relation to the registration of local government electors in Wales, a service declaration by a person claiming a service qualification under section 14(1A) of the 1983 Act must include, in addition to the matters specified in

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regulation 15(1)(a) and (b), such of the particulars specified in paragraph (2), (3) or (4) as are relevant to the declarant.

- (2) Where the declarant claims a service qualification on the grounds that a parent or guardian of the declarant is a member of the forces (within the meaning of section 59(1) of the 1983 Act) or the spouse or civil partner of such a member, the declaration must state—
  - (a) the service (whether naval, military or air forces) in which the member serves,
  - (b) the rank or rating of the member,
  - (c) the service number of the member, and
  - (d) where the member serves in the military forces, the regiment or corps in which the member serves.
- (3) Where the declarant claims a service qualification on the grounds that a parent or guardian of the declarant is a Crown servant to whom regulation 14 applies or the spouse or civil partner of such a servant, the declaration must state—
  - (a) the name of the organisation in which the servant works,
  - (b) a description of the post of the servant, and
  - (c) any staff number, payroll number or other similar identifying number of the servant.
- (4) Where the declarant claims a service qualification on the grounds that a parent or guardian of the declarant is a British Council employee or the spouse or civil partner of such an employee, the declaration must state—
  - (a) a description of the post of the employee, and
  - (b) any staff number, payroll number or other similar identifying number of the employee.”

## 22 Service declarations: further provision

- (1) The 2001 Regulations are amended as follows.
- (2) In regulation 25 (reminders to electors registered pursuant to a declaration), after paragraph (4) insert—
  - “(5) In relation to the registration of local government electors in Wales, paragraphs (6) and (7) apply in the case of a person registered in pursuance of a service declaration made by virtue of a service qualification under section 14(1A) of the 1983 Act.
  - (6) The registration officer must send to the person a reminder that the person's declaration will cease to have effect, and that the person's entitlement to remain registered will cease, when the person attains the age of 18.
  - (7) The reminder must be sent as soon as practicable within the period of 3 months ending on the day on which the person attains the age of 18.”
- (3) In regulation 26B (power to request additional evidence where certain information is unavailable or where the registration officer considers it necessary)—
  - (a) in paragraph (7)—
    - (i) for “(6)” substitute “(6A) ”;
    - (ii) after sub-paragraph (c) insert—

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- “(ca) in relation to the registration of local government electors in Wales, a service declaration on the grounds that the applicant has a service qualification under section 14(1A) of the 1983 Act;”;
- (b) after paragraph (9) insert—
  - “(9A) In the case of an application in pursuance of a service declaration within paragraph (7)(ca), the registration officer may require that the applicant give the officer one of the following documents or a copy of one of them certified by a relevant official—
    - (a) the applicant's passport, or
    - (b) the applicant's identity card issued in the European Economic Area.
  - (9B) In paragraph (9A), “relevant official” means—
    - (a) a Crown Servant (within the meaning of regulation 14),
    - (b) a British Council employee, or
    - (c) an officer of the forces (within the meaning of section 59(1) of the 1983 Act),
 who is not the applicant's parent, guardian, spouse or civil partner.”

## 23 Register of electors

In section 9 of the 1983 Act (registers of electors), after subsection (5) insert—

- “(5A) In relation to the registration of local government electors in Wales—
  - (a) the entry in the combined registers of any person aged 16 or 17 who is registered only as a local government elector must give the date on which the person will attain the age of 18;
  - (b) the entry in the combined registers of any person who is registered only as a local government elector by virtue of section 4(3A) of this Act must give an indication of that fact.”

## 24 Protection of information about persons aged under 16

- (1) A registration officer must not publish, supply or otherwise disclose a young person's information, except in accordance with—
  - (a) section 25, or
  - (b) regulations under section 26.
- (2) In this section and sections 25 and 26—
  - “a young person's information” (“*gwybodaeth person ifanc*”) means any entry in—
    - (a) the register of local government electors, or
    - (b) an absent voters record or list,
 relating to a person who, at the time of the publication, supply or other disclosure, is under the age of 16, and “young person” is to be interpreted accordingly;
    - “absent voters record or list” (“*cofnod neu restr o bleidleiswyr absennol*”) means any of the following—

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- (a) a record kept under article 8(3), 9(6) or 12(6) of the 2007 Order;
- (b) a list kept under article 10 or 12(8) of the 2007 Order;
- “register of local government electors” (“*cofrestr o etholwyr llywodraeth leol*”) includes any notice of an alteration in the register under section 13A(2), 13AB(2) or 13B(3), (3B) or (3D) of the 1983 Act;
- “registration officer” (“*swyddog cofrestru*”) includes—
  - (a) a deputy of a registration officer;
  - (b) a person appointed to assist a registration officer in the carrying out of the registration officer's functions;
  - (c) a person, in the course of the person's employment, assisting a registration officer in the carrying out of those functions.

## 25 Exceptions from prohibition on disclosure

- (1) This section applies for the purpose of section 24(1).
- (2) A young person's information may be disclosed to any person so far as necessary for the purpose of the carrying out by that person of functions in connection with—
  - (a) the registration of electors, or
  - (b) the conduct of an election.
- (3) A young person's information may be disclosed in accordance with regulation 32ZA(5) and (5A) of the 2001 Regulations (pre-population of the canvass form).
- (4) A young person's information (other than any information by which the person's date of birth may be ascertained) may be disclosed in a version or copy of the register of local government electors or an absent voters record or list supplied in accordance with a relevant supply enactment, but only so far as it is necessary to do so for the purposes of or in connection with an election at which the young person will be entitled to vote.
- (5) In subsection (4), “relevant supply enactment” means—
  - (a) regulation 100 of the 2001 Regulations (supply to the Electoral Commission);
  - (b) regulation 104 of the 2001 Regulations (supply to holders of relevant elective offices and candidates), so far as applying to a Member of the Senedd;
  - (c) regulation 108 of the 2001 Regulations (supply to candidates), so far as applying to candidates at Senedd elections;
  - (d) regulation 102 of the 2001 Regulations (general provision), so far as relating to regulations 104 and 108;
  - (e) any enactment making provision equivalent to that in regulation 61 of the 2001 Regulations (absent voters records and lists) in relation to Senedd elections;
  - (f) any enactment making provision equivalent to that in regulation 98(4) of the 2001 Regulations in relation to Senedd elections.
- (6) A young person's information may be disclosed to any person so far as necessary for the purposes of a criminal investigation or criminal proceedings relating to an offence (or alleged offence) under any enactment relating to—
  - (a) the registration of electors, or
  - (b) the conduct of elections.
- (7) A young person's information may be disclosed to the young person to whom it relates.

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- (8) A registration officer must supply a young person's information to the young person to whom it relates if the young person requests the information for the purpose of verifying that the young person is a permissible donor within the meaning of section 54(2)(a) of the Political Parties, Elections and Referendums Act 2000 (c. 41).
- (9) A young person's information may be disclosed to a person appointed as proxy to vote for the young person to whom the information relates.
- (10) A person to whom a young person's information is disclosed under subsection (2) or (6) must not disclose the information to another person, except as mentioned in that subsection.
- (11) A person who contravenes subsection (10) commits an offence and is liable on summary conviction to a fine.

## 26 Further provision for exceptions

- (1) The Welsh Ministers may by regulations make provision for or about the disclosure of a young person's information in connection with elections to the Senedd.
- (2) Regulations under subsection (1) may (among other things) include provision—
  - (a) authorising or requiring registration officers to supply or otherwise disclose any young person's information to persons specified in the regulations;
  - (b) specifying, in relation to any description of persons specified in the regulations in pursuance of paragraph (a), the purposes for which any young person's information supplied or otherwise disclosed may be used;
  - (c) imposing prohibitions or restrictions relating to the extent (if any) to which persons to whom any young person's information is supplied or otherwise disclosed (whether in accordance with the regulations or otherwise) may—
    - (i) supply or otherwise disclose the information to other persons;
    - (ii) make use of the information otherwise than for any purposes specified in the regulations or for which the information has been supplied or otherwise disclosed in accordance with the regulations;
  - (d) imposing prohibitions or restrictions corresponding to those which may be imposed by virtue of paragraph (c) in relation to—
    - (i) persons to whom any young person's information has been supplied or otherwise disclosed in accordance with regulations made in pursuance of paragraph (c) or this paragraph, or
    - (ii) persons who otherwise have access to any young person's information;
  - (e) imposing, in relation to persons involved in the preparation of the full register of local government electors, prohibitions with respect to supplying copies of the full register and disclosing any young person's information contained in it.
- (3) Regulations under subsection (1) may—
  - (a) amend, repeal or modify provision in section 25;
  - (b) make provision by reference to other enactments relating to the supply or disclosure of the register of local government electors, or copies of it or entries in it;
  - (c) provide for the creation of criminal offences punishable on summary conviction by a fine.

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- (4) Before making regulations under subsection (1), the Welsh Ministers must consult such persons as the Welsh Ministers consider appropriate.

## **27 Amendments to the National Assembly for Wales (Representation of the People) Order 2007**

- (1) The 2007 Order is amended as follows.

- (2) In article 2(1)—

- (a) after the definition of “qualifying Commonwealth citizen” insert—

““qualifying foreign citizen” means a person who—

- (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and  
(b) either—

(i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or

(ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave;”;

- (b) in the definition of “qualifying Commonwealth citizen” for “indefinite leave to remain within the meaning of that Act” to the end substitute “ any description of such leave ”;

- (c) at the end of the definition of “valid postal voting statement”, omit “and”;

- (d) after the definition of “voter”, insert—

““voting age” means 16 years of age or over.”

- (3) In article 11 (proxies at Assembly elections)—

- (a) in paragraph (3)(b), after “Union” insert “ nor a qualifying foreign citizen ”;  
(b) in paragraph (4), for “eighteen” substitute “ 16 ”.

- (4) In article 26(3)(b) (effect of registers), after sub-paragraph (i) insert—

“(ia) a qualifying foreign citizen;”.

- (5) The following amendments have effect for the purposes of an election for membership of the Senedd at which the poll is held on or after 5 April 2021—

- (a) the amendment made by subsection (2)(d) so far as it defines “voting age” in article 26(3)(a) of the 2007 Order;  
(b) the amendments made by subsections (3) and (4).

### *Oversight of administration of elections*

## **28 Financial and oversight arrangements of the Electoral Commission**

- (1) Schedule 1 to the Political Parties, Elections and Referendums Act 2000 (c. 41) is amended as follows.

- (2) After paragraph 16 insert—

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## 16A “Financing of Commission: devolved Welsh elections and referendums

- (1) The expenditure of the Commission that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums is (so far as it cannot be met out of income received by the Commission) to be payable out of the Welsh Consolidated Fund.
- (2) For each financial year, the Commission must prepare an estimate of the Commission's income and expenditure that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums.
- (3) At least six months before the start of the financial year to which an estimate relates, the Commission must submit the estimate to the Llywydd's Committee.
- (4) During the financial year to which an estimate relates, the Commission may prepare a revised estimate and submit it to the Llywydd's Committee; and references in the rest of this paragraph to an estimate include a revised estimate.
- (5) The committees of Senedd Cymru must include one to be known as the Llywydd's Committee or Pwyllgor y Llywydd.
- (6) The committee must be chaired by the Presiding Officer or the Deputy Presiding Officer.
- (7) The Llywydd's Committee must—
  - (a) examine each estimate submitted to it,
  - (b) decide whether it is satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and
  - (c) if it is not so satisfied, make such modifications to the estimate as it considers appropriate for the purpose of achieving such consistency.
- (8) Before deciding whether it is so satisfied or making any such modifications, the Llywydd's Committee must—
  - (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2), to any later report made under paragraph 16C(4), and to any recommendations contained in the reports;
  - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (9) The Llywydd's Committee must, after concluding its examination and making its modifications (if any) to the estimate, lay the estimate before Senedd Cymru.
- (10) If the Llywydd's Committee, in the discharge of its functions under this paragraph—
  - (a) does not follow any recommendation contained in a report of the Comptroller and Auditor General,



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- (b) does not follow any advice given to it by the Welsh Ministers, or
  - (c) makes any modification to the estimate,
- it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.

#### 16B Five-year plan: devolved Welsh elections and referendums

- (1) This paragraph applies where paragraph 16A(3) requires the Commission to submit an estimate to the Llywydd's Committee and—
  - (a) the estimate is the first estimate to be submitted under paragraph 16A(3),
  - (b) the estimate relates to the first financial year to begin after the day on which Senedd Cymru meets following an ordinary general election of Members of the Senedd, or
  - (c) the estimate relates to any other financial year and the Llywydd's Committee requires the Commission to submit a plan under this paragraph.
- (2) When the Commission submit the estimate, the Commission must at the same time submit to the Llywydd's Committee a plan setting out—
  - (a) the Commission's aims and objectives for the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums during the period of five years beginning with the financial year to which the estimate relates, and
  - (b) the Commission's estimated requirements for resources for the exercise of those functions during that five-year period.
- (3) The Llywydd's Committee must—
  - (a) examine each plan submitted to it,
  - (b) decide whether it is satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and
  - (c) if it is not so satisfied, make such modifications to the plan as it considers appropriate for the purpose of achieving such consistency.
- (4) Before deciding whether it is so satisfied or making any such modifications, the Llywydd's Committee must—
  - (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2) and to any recommendations contained in the report;
  - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (5) The Llywydd's Committee must, after concluding its examination and making its modifications (if any) to the plan, lay the plan before Senedd Cymru.
- (6) If the Llywydd's Committee, in the discharge of its functions under this paragraph—
  - (a) does not follow any recommendation contained in the report of the Comptroller and Auditor General,
  - (b) does not follow any advice given to it by the Welsh Ministers, or

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- (c) makes any modification to the plan,  
it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.

#### 16C Examination of Commission: devolved Welsh elections and referendums

- (1) Sub-paragraph (2) applies where the Commission submit to the Llywydd's Committee both an estimate under paragraph 16A(3) and a plan under paragraph 16B(2).
  - (2) For the purpose of assisting the Llywydd's Committee to discharge its functions under paragraphs 16A and 16B, the Comptroller and Auditor General must, before the Llywydd's Committee considers the estimate and plan—
    - (a) carry out an examination into the economy, efficiency or effectiveness (or, if the Comptroller and Auditor General so determines, any combination of them) with which the Commission have used their resources in discharging their functions in relation to devolved Welsh elections and devolved Welsh referendums (or, if the Comptroller and Auditor General so determines, any of those functions),
    - (b) report to the Llywydd's Committee the results of the examination, and
    - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.
  - (3) Sub-paragraph (4) applies where the Commission—
    - (a) submit an estimate to the Llywydd's Committee under paragraph 16A(3) but are not required to submit a plan under paragraph 16B(2), or
    - (b) submit a revised estimate to the Llywydd's Committee under paragraph 16A(4).
  - (4) For the purpose of assisting the Llywydd's Committee to discharge its functions under paragraph 16A, the Comptroller and Auditor General may, before the Llywydd's Committee considers the estimate—
    - (a) carry out a further examination into the matters mentioned in sub-paragraph (2)(a),
    - (b) report to the Llywydd's Committee the results of the examination, and
    - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.
  - (5) Section 8 of the National Audit Act 1983 (right to obtain documents and information) applies in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.
  - (6) See also section 19 of the Public Audit (Wales) Act 2013 (which enables the Wales Audit Office to make arrangements for any function of a public authority or office holder to be exercised by the Auditor General for Wales).”
- (3) In paragraph 18 (audit)—
- (a) in sub-paragraph (1)(b), at the end insert “ and the Llywydd's Committee ”;
  - (b) in sub-paragraph (2)(b), after “Parliament” insert “ and Senedd Cymru ”;
  - (c) after sub-paragraph (2) insert—

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“(3) The Llywydd's Committee may submit to the Auditor General for Wales any accounts that have been certified and laid before Senedd Cymru under sub-paragraph (2).

(4) The Auditor General for Wales must—

- (a) carry out a further examination of any accounts submitted under sub-paragraph (3), so far as they relate to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums, and
- (b) prepare and lay before Senedd Cymru a report on the accounts so far as they relate to the exercise of those functions.”

(4) In paragraph 19(4) (responsibilities of accounting officer), after “the Speaker's Committee” insert “, the Llywydd's Committee”.

(5) After paragraph 20 insert—

#### 20A “**Reports by Commission: devolved Welsh elections and referendums**

(1) The Commission must, as soon as practicable after the end of each financial year—

- (a) prepare a report about the performance of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums during that financial year, and
- (b) lay the report before Senedd Cymru.

(2) On laying the report, the Commission must publish it in such manner as the Commission may determine.

#### 20B **Reports by the Llywydd's Committee**

(1) The Llywydd's Committee must, at least once in each year—

- (a) prepare a report on the exercise by the Llywydd's Committee of its functions under this Schedule, and
- (b) lay the report before Senedd Cymru.

(2) For the purposes of the law of defamation, the publication of any matter by the Llywydd's Committee in such a report is absolutely privileged.”

(6) In paragraph 25—

- (a) the existing provision becomes sub-paragraph (1);
- (b) after that sub-paragraph insert—

“(2) In this Schedule—

“devolved Welsh election” means—

- (a) a general election of members of Senedd Cymru;
- (b) an election held under section 10 of the Government of Wales Act 2006 (elections for Senedd constituency vacancies);
- (c) a local government election in Wales;

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“devolved Welsh referendum” means a referendum held under Part 2 of the Local Government Act 2000 or Part 4 of the Local Government (Wales) Measure 2011 (referendums relating to local authority executive arrangements);

“the Llywydd's Committee” means the Committee established in accordance with paragraph 16A(5).”

(7) Schedule 2 contains further amendments relating to the Electoral Commission.

#### Commencement Information

**II** S. 28 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(a\)](#)

## PART 4

### DISQUALIFICATION

#### 29 Disqualification from being a Member of the Senedd

(1) Section 16 of the 2006 Act (disqualification from being Assembly member) is amended as follows.

(2) Before subsection (1) insert—

“(A1) A person is disqualified from being a Member of the Senedd, and from being a candidate to be a Member of the Senedd, if that person—

- (a) falls within any of the categories of person specified in Part 1 of Schedule 1A, or
- (b) holds any of the offices specified in the Table in Part 2 of Schedule 1A.”

(3) In subsection (1)—

(a) for the words before paragraph (za) substitute—

“(1) A person is disqualified from being a Member of the Senedd (but not from being a candidate to be a Member of the Senedd) if that person—”;

(b) after paragraph (za), insert—

- “(zb) is a member of the House of Lords (but see section 17C),
- (zc) is a member of the council of a county or county borough in Wales (but see sections 17D, 17E and 17F),
- (zd) is a member of the Scottish Parliament,
- (ze) is a member of the Northern Ireland Assembly,
- (zf) is a member of the European Parliament, or”;

(c) omit paragraph (a);

(d) omit paragraphs (c) to (e).

(4) After subsection (1) insert—

“(1A) A person returned at an election as a Member of the Senedd is not disqualified under subsection (1)(zd), (ze), (zf) or (b) at any time before the person purports

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to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).”

- (5) Omit subsections (2) to (4).
- (6) In subsection (5), for “in that paragraph and this subsection” substitute “ for the purposes of this section ”.
- (7) Before Schedule 2 to the 2006 Act, insert the Schedule 1A set out in Schedule 3 to this Act.

### **30 Exceptions and relief from disqualification**

- (1) Section 17 of the 2006 Act (exceptions and relief from disqualification) is amended as follows.
- (2) Omit subsections (1) and (2).
- (3) In subsection (3), omit “or (4)”.
- (4) In the section heading, for “Exceptions and relief” substitute “ Relief”.

### **31 Exception from disqualification by virtue of being a Member of Parliament: changes to dates of general elections of Members of the Senedd**

- (1) Section 17B of the 2006 Act (exception from disqualification by virtue of being a Member of Parliament: general election of Assembly members within 372 days) is amended as follows.
- (2) After subsection (3) insert—
  - “(3A) Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general election being held on the day specified in section 3(1)—
    - (a) if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);
    - (b) if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.
  - (3B) Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—
    - (a) if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
    - (b) if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).”
- (3) In subsection (4)—
  - (a) in paragraph (a)—
    - (i) for “an Order in Council under section 5(4) has been made” substitute “ a proclamation under section 5(4) has been issued ”;
    - (ii) for “Order”, in the second place where it appears, substitute “ proclamation ”;

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- (b) in paragraph (b), for “Order in Council under section 5(4) has been made” substitute “proclamation under section 5(4) has been issued”.
- (4) In subsection (5)(a), for “an order under section 4 (power to vary date of ordinary general election) being made” substitute “a day being proposed under section 4(1) (power to vary date of ordinary general election)”.

### **32 Exception from disqualification by virtue of being a member of the House of Lords**

After section 17B of the 2006 Act insert—

#### **“17C Exception from disqualification by virtue of being a member of the House of Lords**

- (1) A person returned at an election as a Member of the Senedd is not disqualified under section 16(1)(zb) (disqualification by virtue of being a member of the House of Lords) at any time in the period of eight days beginning with the day the person is so returned.
- (2) A Member of the Senedd who becomes a member of the House of Lords is not disqualified under section 16(1)(zb) at any time before the end of the period of eight days beginning with the day the person makes and subscribes the oath required by the Parliamentary Oaths Act 1866 (c. 19) (or the corresponding affirmation).
- (3) A person is not disqualified from being a Member of the Senedd under section 16(1)(zb) at any time when the person—
  - (a) has leave of absence from the House of Lords, or
  - (b) has made an application for leave of absence which has not been withdrawn or refused.
- (4) A person who is on leave of absence from the House of Lords immediately before Parliament is dissolved is not disqualified from being a Member of the Senedd under section 16(1)(zb) at any time in the period—
  - (a) beginning with the dissolution of the old Parliament, and
  - (b) ending at the end of the period of eight days beginning with the day of the first meeting of the new Parliament.”

### **33 Exceptions from disqualification by virtue of being a member of a county or county borough council**

After section 17C of the 2006 Act (as inserted by section 32) insert—

#### **“17D Exception from disqualification by virtue of being a councillor: recently elected members**

- (1) A person returned at an election as a Member of the Senedd is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time before the person purports to take the oath of allegiance (or make the corresponding affirmation) in compliance with section 23(1) or 55(2).

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- (2) A Member of the Senedd who is returned at an election as a member of the council of a county or county borough in Wales is not disqualified under section 16(1)(zc) at any time before the person makes a declaration of acceptance of office under section 83 of the Local Government Act 1972 (c. 70).

**17E Exception from disqualification by virtue of being a councillor: ordinary election of councillors within 372 days**

- (1) This section applies if—
- (a) a member of the council of a county or county borough in Wales is returned as a Member of the Senedd, and
  - (b) the expected day of the next ordinary election of members of the council is within the period of 372 days beginning with the day the person is so returned (“the return day”).
- (2) The member is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—
- (a) beginning with the return day, and
  - (b) ending with the fourth day after the day of the next ordinary election of members of the council.
- (3) For the purposes of subsection (1)(b) the expected day of the next ordinary election of members of the council is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).
- (4) For the purpose of determining the expected day, no account is to be taken of the possibility of—
- (a) an order under section 37ZA(1) of the Representation of the People Act 1983 (c. 2) (power to vary ordinary day of local elections), or
  - (b) an order under section 87 of the Local Government Act 2000 (c. 22) (power to change year in which local election is held),
- being made after the relevant time.
- (5) References in this section and section 17F to the “day” of an election are to the day on which the poll at the election is held.

**17F Exception from disqualification by virtue of being a councillor: general election of Members of the Senedd within 372 days**

- (1) This section applies if—
- (a) a Member of the Senedd is returned as a member of the council of a county or county borough in Wales, and
  - (b) the expected day of the next general election of Members of the Senedd is within the period of 372 days beginning with the day the person is so returned (“the return day”).
- (2) The member is not disqualified under section 16(1)(zc) (disqualification by virtue of being a member of the council of a county or county borough in Wales) at any time in the period—
- (a) beginning with the return day, and

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- (b) ending immediately before the day of the next general election of Members of the Senedd.
- (3) For the purposes of subsection (1)(b) the expected day of the next general election of Members of the Senedd is to be determined by reference to the circumstances as at the beginning of the return day (“the relevant time”).
- (4) Where, at the relevant time, section 3(1A) prevents the poll at the next ordinary general election being held on the day specified in section 3(1)—
  - (a) if an order under section 3(1B) has been made, the expected day is the day on which the poll is required to be held in accordance with section 3(1B);
  - (b) if no order under section 3(1B) has been made, the expected day is the day on which the poll would be held in accordance with section 3(1) if section 3(1A) were disregarded.
- (5) Where, at the relevant time, the Presiding Officer has proposed a day for the holding of the poll at the next ordinary general election under section 4(1)—
  - (a) if a proclamation under section 4(2) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
  - (b) if no proclamation under section 4(2) has been issued, the expected day is the day proposed under section 4(1).
- (6) Where, at the relevant time, section 5(2) or (3) (extraordinary general elections) applies—
  - (a) if a proclamation under section 5(4) has been issued, the expected day is the day on which the poll is required to be held in accordance with that proclamation;
  - (b) if no proclamation under section 5(4) has been issued but a day has been proposed under section 5(1), that is the expected day;
  - (c) otherwise, the expected day is to be treated as being within the period mentioned in subsection (1)(b).
- (7) For the purpose of determining the expected day, no account is to be taken of the possibility of—
  - (a) a day being proposed under section 4(1) (power to vary date of ordinary general election) after the relevant time, or
  - (b) section 5(2) or (3) (extraordinary general elections) first applying after that time.”

### 34 Effect of disqualification

- (1) Section 18 of the 2006 Act (effect of disqualification) is amended as follows.
- (2) At the beginning, insert—
  - “(A1) If a person who is disqualified from being a candidate to be a Member of the Senedd (see section 16(A1)) is nominated as a candidate at a general election of Members of the Senedd or an election to fill a vacancy under section 10, the person's nomination is void.”
- (3) Omit subsection (2).



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- (4) In subsection (3), omit “or” and paragraph (b).
- (5) In subsection (8), omit “or” and paragraph (b).
- (6) In section 19(1) of the 2006 Act (judicial proceedings as to disqualification), omit paragraph (b) and the “or” before it.

### 35 Consequential amendments

- (1) In section 427(6B) of the Insolvency Act 1986, for “section 16(2) of the Government of Wales Act 2006 by virtue of this section” substitute “ section 16(A1)(a) of the Government of Wales Act 2006 and paragraph 4 of Schedule 1A to that Act ”.
- (2) In Schedule 10 to the 2006 Act, omit paragraph 18 and the italic heading before it.
- (3) In section 1(8) of the National Assembly for Wales Commissioner for Standards Measure 2009 (nawm 4), omit paragraph (a).
- (4) In Schedule 1 to the Public Services Ombudsman (Wales) Act 2019 (anaw 3)—
  - (a) in paragraph 6(1)(d), for “paragraph 7 of this Schedule or section 16(1)(d) of the Government of Wales Act 2006 (c. 32)” substitute “ holding office as the Ombudsman or an acting Ombudsman ”;
  - (b) in paragraph 7, omit sub-paragraph (2).

## PART 5

### MISCELLANEOUS

VALID FROM 05/04/2021

### 36 Timing of first meeting of the Senedd after a general election

- (1) In section 3 of the 2006 Act (ordinary general elections), in subsection (2)(b), for “seven” substitute “ fourteen ”.
- (2) In section 4 of the 2006 Act (power to vary date of ordinary general election), in subsection (2)(c), for “seven” substitute “ fourteen ”.
- (3) In section 5 of the 2006 Act (extraordinary general elections), in subsection (4)(c), for “seven” substitute “ fourteen ”.

#### Commencement Information

- I2** S. 36 in force on the day of the first Senedd election at which the poll is held on or after 5.4.2021 see s. 42(5)

### 37 Powers of the Senedd Commission: provision of goods and services

In Schedule 2 to the 2006 Act (Assembly Commission), in paragraph 4, for sub-paragraph (4) substitute—

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“(4) The Senedd Commission may—

- (a) provide goods or services to the public, or
- (b) make arrangements for the provision of goods or services to the public.

(4A) The Senedd Commission may charge for goods or services provided under sub-paragraph (4).”

### **38 Report on extension of right to vote and change to qualification for membership of the Senedd**

- (1) The Welsh Ministers must, before the end of the period of 6 months beginning with the first day after the end of the reporting period, prepare and publish a report on the operation of the provisions of this Act that—
  - (a) extend the right to vote in Senedd elections to persons who are aged 16 or 17,
  - (b) extend the right to vote in Senedd elections to persons who are qualifying foreign citizens,
  - (c) allow qualifying foreign citizens to be Members of the Senedd, and
  - (d) disqualify members of county and county borough councils in Wales from being Members of the Senedd.
- (2) The report published under subsection (1) must be laid before the Senedd.
- (3) In subsection (1), “reporting period” means the period of 5 years beginning with the day of the first Senedd election at which the poll is held on or after 5 April 2021.

## **PART 6**

### **GENERAL**

### **39 Power to make consequential and transitional provision etc.**

- (1) If the Welsh Ministers consider it appropriate for the purposes of, in consequence of, or for giving full effect to any provision of this Act, they may by regulations make—
  - (a) supplemental, incidental or consequential provision;
  - (b) transitional, transitory or saving provision.
- (2) Regulations under subsection (1) may amend, modify, repeal or revoke any enactment (including an enactment contained in this Act).

### **40 Regulations under this Act**

- (1) A power to make regulations under this Act—
  - (a) is exercisable by statutory instrument;
  - (b) includes the power to make different provision for different purposes;
  - (c) includes the power to make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (2) A statutory instrument to which this subsection applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Senedd.

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- (3) Subsection (2) applies to a statutory instrument containing—
- (a) regulations under section 15(1) (invitations to register: further provision about persons under the age of 16) or section 39 (power to make consequential and transitional provision etc.) that amend, repeal or modify provision in—
    - (i) an Act of the United Kingdom Parliament,
    - (ii) a Measure passed under Part 3 of the 2006 Act, or
    - (iii) an Act passed under Part 4 of the 2006 Act;
  - (b) regulations under section 26(1).
- (4) A statutory instrument containing regulations under this Act to which subsection (2) does not apply is subject to annulment in pursuance of a resolution of the Senedd.

## 41 General interpretation

In this Act—

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

“2001 Regulations” (“*Rheoliadau 2001*”) means the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341);

“2006 Act” (“*Deddf 2006*”) means the Government of Wales Act 2006 (c. 32);

“2007 Order” (“*Gorchymyn 2007*”) means the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236);

“enactment” (“*deddfiad*”) means an enactment whenever enacted or made;

“registration officer” (“*swyddog cofrestru*”) means a registration officer appointed by a local authority under section 8(2A) of the 1983 Act;

“Senedd” means Senedd Cymru.

## 42 Coming into force

- (1) The following provisions come into force on the day on which this Act receives Royal Assent—
- (a) Part 1 (section 1);
  - (b) in Part 3—
    - (i) section 10, but that section has effect in accordance with section 10(4);
    - (ii) section 11, but that section has effect in accordance with section 11(2);
    - (iii) section 27, but subsections (2)(d), (3) and (4) of that section have effect in accordance with section 27(5);
  - (c) Part 4 (sections 29 to 35 and Schedule 3), but it only has effect for the purposes of a Senedd election at which the poll is held on or after 5 April 2021;
  - (d) in Part 5, sections 37 and 38;
  - (e) this Part (sections 39 to 43).
- (2) Part 2 (sections 2 to 9 and Schedule 1) comes into force on 6 May 2020.
- (3) In Part 3—
- (a) sections 12 to 26 come into force on 1 June 2020;

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- (b) section 28 and Schedule 2 come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.
- (4) An order under subsection (3)(b) may include transitional, transitory or saving provision.
- (5) In Part 5, section 36 comes into force on the day of the first Senedd election at which the poll is held on or after 5 April 2021.

#### **43 Short title**

The short title of this Act is the Senedd and Elections (Wales) Act 2020.

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## SCHEDULE 1

(introduced by section 9)

## MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 2

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

- 1 Part 6 of Schedule 1 to the Freedom of Information Act 2000 is amended as follows—
- (a) omit “The National Assembly for Wales Remuneration Board”;
  - (b) in the appropriate place insert “ The Independent Remuneration Board of the Senedd ”.

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

- 2 (1) The 2006 Act is amended as follows.
- (2) In the title of Part 1, for “National Assembly for Wales” substitute “ Senedd Cymru ”.
- (3) In section 1—
- (a) in subsection (1), for “an Assembly” substitute “ a parliament ”;
  - (b) in subsection (3), for “Members of the Assembly (referred to in this Act as “Assembly members”)” substitute “ Members of the Senedd ”.
- (4) In section 20(8), for “National Assembly for Wales Remuneration Board” substitute “ Independent Remuneration Board of the Senedd ”.
- (5) In section 23(5), for “Assembly member's” substitute “Member's”.
- (6) In section 126A—
- (a) in subsection (9), for “National Assembly for Wales” substitute “ Senedd ”;
  - (b) in subsection (10), for “National Assembly for Wales” substitute “ Senedd ”.
- (7) In section 150A—
- (a) in the heading, for “Change of name of the Assembly etc: translation of references” substitute “ Translation of references to Senedd Cymru etc. ”;
  - (b) omit subsection (1);
  - (c) in subsection (2)—
    - (i) for “, the National Assembly for Wales Commission or an Act of the National Assembly for Wales (as the case may be), or the Welsh equivalent shown in subsection (1)” substitute “ (or Cynulliad Cenedlaethol Cymru), the National Assembly for Wales Commission (or Comisiwn Cynulliad Cenedlaethol Cymru) or Acts of the National Assembly for Wales (or Deddfau Cynulliad Cenedlaethol Cymru) (as the case may be) ”;
    - (ii) for “new name” substitute “ name given by Part 2 of the Senedd and Elections (Wales) Act 2020 ”;
  - (d) after subsection (2) insert—
 

“(3) Unless the context requires otherwise, a reference to Senedd Cymru or the Welsh Parliament, the Senedd Commission (or Comisiwn y Senedd) or Acts of Senedd Cymru (or Deddfau Senedd Cymru) (as the case may be), in—

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- (a) any enactment (including any enactment comprised in or made under this Act) or prerogative instrument, or
  - (b) any other instrument or document,
- is to be read as including a reference to the previous name.”

(8) In section 159—

- (a) omit the entry for “the Assembly” to the entry for “Assembly electoral region”;
- (b) omit the entry for “Assembly member” to the entry for “Assembly's legislative competence (in relation to Acts of the Assembly)”;
- (c) insert in the appropriate places—

“Member of the Senedd	section 1(2A)”
“the Senedd	section 1(1)”
“the Senedd Commission	section 27(1)”
“Senedd constituency	section 2(1)”
“Senedd constituency member	section 1(2)(a)”
“Senedd electoral region	section 2(2) and (3)”
“Senedd proceedings	section 1(5)”
“Senedd regional member	section 1(2)(b)”
“Senedd's legislative competence (in relation to Acts of the Senedd)	section 108A”.

(9) In Schedule 7B, in paragraph 7(2)—

- (a) in paragraph (a)—
  - (i) in sub-paragraph (i), for “ “the National Assembly for Wales”” substitute “ “Senedd Cymru” ”;
  - (ii) in sub-paragraph (xi), for “ “the National Assembly for Wales Commission”” substitute “ “the Senedd Commission” ”;
- (b) in paragraph (c)(i), for “ “Acts of the National Assembly for Wales”” substitute “ “Acts of Senedd Cymru” ”.

(10) In Schedule 9A—

- (a) omit the entry for “The National Assembly for Wales Commissioner for Standards or Comisiynydd Safonau ar gyfer Cynulliad Cenedlaethol Cymru.”;
- (b) omit the entry for “The National Assembly for Wales Remuneration Board or Bwrdd Taliadau Cynulliad Cenedlaethol Cymru.”;

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- (c) in the appropriate place insert “ The Independent Remuneration Board of the Senedd or Bwrdd Taliadau Annibynnol y Senedd. ”;
  - (d) in the appropriate place insert “ The Senedd Commissioner for Standards or Comisiynydd Safonau y Senedd. ”
- (11) Sub-paragraphs (15) to (19) apply to every provision containing the words to be substituted by those sub-paragraphs after the amendments in Part 2 and sub-paragraphs (3) to (10) have been made, subject to sub-paragraphs (12) and (13).
- (12) Sub-paragraphs (15) to (19) do not apply to—
- (a) citations of enactments;
  - (b) repealed provisions of the 2006 Act that are saved;
  - (c) section 150A;
  - (d) paragraph 3(8) of Schedule 2;
  - (e) Schedule 10;
  - (f) Schedule 11;
  - (g) Schedule 12.
- (13) Sub-paragraphs (18) and (19) do not apply to references to “Assembly Measure” or “Assembly Measures”.
- (14) In this paragraph, “provision” includes a title, cross-heading or heading.
- (15) For “an Assembly member”, in each place where it appears, substitute “ a Member of the Senedd ”.
- (16) For “Assembly member”, in each place where it appears after the amendments in sub- paragraph (15) have been made, substitute “ Member of the Senedd ”.
- (17) For “Assembly members”, in each place where it appears, substitute “ Members of the Senedd ”.
- (18) For “an Assembly”, in each place where it appears after the amendments in sub-paragraphs (15), (16) and (17) have been made, substitute “ a Senedd ”.
- (19) For “Assembly” and “Assembly's”, in each place where they appear after the amendments in sub-paragraphs (15), (16), (17) and (18) have been made, substitute “ Senedd ” and “Senedd's”, as appropriate.

*National Assembly for Wales Commissioner for Standards Measure 2009 (nawm 4)*

- 3 (1) The National Assembly for Wales Commissioner for Standards Measure 2009 is amended as follows.
- (2) In the cross-heading before section 1, for “National Assembly for Wales” substitute “ Senedd ”.
- (3) In section 1—
- (a) in subsections (3)(e) and (f) omit “Assembly”;
  - (b) in subsection (8)(c), omit “Assembly” in the second place where it appears.
- (4) In section 20—
- (a) in subsection (1)—

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- (i) omit the definition of “Assembly Member” and after the definition of “the Committee on Standards of Conduct” (but before the “and” after it) insert—
    - ““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,”;
    - (ii) in the definition of “the Commission”, for “National Assembly for Wales” substitute “Senedd”;
    - (iii) in the definition of “Counsel General” omit “Assembly”;
  - (b) in subsection (2)(a), for “the National Assembly for Wales” substitute “Senedd Cymru.”
- (5) In the Schedule—
- (a) in the heading, for “NATIONAL ASSEMBLY FOR WALES” substitute “SENEDD”;
  - (b) in paragraph 3, for “National Assembly for Wales” substitute “Senedd”.
- (6) Sub-paragraphs (8) to (12) apply to every provision containing the words to be substituted by those sub-paragraphs after the amendments in Part 2 and sub-paragraphs (2) to (5) have been made, subject to sub-paragraph (7).
- (7) Sub-paragraphs (8) to (12) do not apply to—
- (a) citations of enactments;
  - (b) section 21(1).
- (8) For “an Assembly Member”, in each place where it appears, substitute “a Member of the Senedd”.
- (9) For “Assembly Member”, in each place where it appears after the amendment in subparagraph (8) has been made, substitute “Member of the Senedd”.
- (10) For “Assembly Members”, in each place where it appears, substitute “Members of the Senedd”.
- (11) For “an Assembly”, in each place where it appears after the amendments in subparagraphs (8) to (10) have been made, substitute “a Senedd”.
- (12) For “Assembly”, in each place where it appears after the amendments in subparagraphs (8) to (11) have been made, substitute “Senedd”.

*National Assembly for Wales (Remuneration) Measure 2010 (nawm 4)*

- 4 (1) The National Assembly for Wales (Remuneration) Measure 2010 is amended as follows.
- (2) In the heading of section 1, for “National Assembly for Wales Remuneration Board” substitute “Independent Remuneration Board of the Senedd”.
  - (3) In section 2(2)(b) and in paragraph 4 of Schedule 2, for “Assembly's”, substitute “Senedd's”.



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**Changes to legislation:** There are currently no known outstanding effects for the Senedd and Elections (Wales) Act 2020. (See end of Document for details)

- (4) In section 2(4)(b) and section 14(1), for “groups of Assembly members” substitute “groups of Members”.
- (5) Omit section 17.
- (6) In Schedule 1, in paragraph 1—
  - (a) in sub-paragraph (d), for “regional Assembly member” substitute “regional Member of the Senedd”;
  - (b) in sub-paragraph (g) omit “Assembly”;
  - (c) in sub-paragraph (h), for “group of Assembly members” substitute “group of Members”;
  - (d) in sub-paragraph (j), for “National Assembly for Wales” substitute “Senedd”;
  - (e) in sub-paragraph (n) omit “Assembly”.
- (7) Sub-paragraphs (9) to (12) apply to every provision containing the words to be substituted by those sub-paragraphs after the amendments in Part 2 and sub-paragraphs (3) to (6) have been made, subject to sub-paragraph (8).
- (8) Sub-paragraphs (9) to (12) do not apply to—
  - (a) citations of enactments;
  - (b) sections 15, 19 and 20;
  - (c) paragraph 1(e) of Schedule 1;
  - (d) Schedule 3.
- (9) For “an Assembly member”, in each place where it appears, substitute “a Member of the Senedd”.
- (10) For “Assembly members”, in each place where it appears, substitute “Members of the Senedd”.
- (11) For “an Assembly”, in each place where it appears after the amendments in sub-paragraphs (9) and (10) have been made, substitute “a Senedd”.
- (12) For “Assembly”, in each place where it appears after the amendments in sub-paragraphs (9), (10) and (11) have been made, substitute “Senedd”.

*Legislation (Wales) Act 2019 (anaw 4)*

- 5 (1) The Legislation (Wales) Act 2019 is amended as follows.
- (2) In section 2—
  - (a) in subsection (2), for “the National Assembly for Wales” substitute “Senedd Cymru”;
  - (b) in subsections (5), (6) and (7), for “the National Assembly” substitute “Senedd Cymru”.
- (3) In the provisions mentioned in sub-paragraph (4)—
  - (a) omit “Assembly”;
  - (b) omit “Welsh subordinate”.
- (4) The provisions are—
  - (a) section 13(3);

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- (b) section 16(2)(a), (3)(a) and (5);
- (c) section 25(1)(b);
- (d) section 26(1)(b).

(5) In section 40—

- (a) in the section heading and subsection (1), for “Assembly”, in each place where it appears, substitute “Senedd”;
- (b) in subsection (2)—
  - (i) in the words before paragraph (a), for “Assembly” substitute “Senedd”;
  - (ii) in paragraph (a), for “the National Assembly for Wales” substitute “Senedd Cymru”;
  - (iii) in paragraph (b), for “the National Assembly for Wales” and “the National Assembly” substitute “Senedd Cymru”;
  - (iv) in paragraphs (c), (d) and (e), for “the National Assembly for Wales” substitute “Senedd Cymru”;
- (c) in subsection (3)(b), for “Assembly” substitute “Senedd”.

(6) In section 43(2) and (3), for “the National Assembly for Wales” substitute “Senedd Cymru”.

(7) In the Table in Schedule 1—

- (a) omit the entries for—

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“Assembly Act (*Deddf Cynulliad*)”;

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“National Assembly for Wales (*Cynulliad Cenedlaethol Cymru*)”;

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“National Assembly for Wales Commission (*Comisiwn Cynulliad Cenedlaethol Cymru*)”.

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- (b) insert the following entries in the appropriate places in alphabetical order—

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“Act of the Parliament of the United Kingdom (*Deddf gan Senedd y Deyrnas Unedig*)

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“Act of the Parliament of the United Kingdom” includes an Act of the Parliament of Great Britain or of the Parliament of England”;

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“Act of Senedd Cymru (*Deddf gan Senedd Cymru*)

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“Act of Senedd Cymru” means an Act enacted under Part 4 of the Government of Wales Act 2006 (c. 32) (whether as an Act of Senedd Cymru or an Act of the National Assembly for Wales)”;

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“Member of the Senedd (*Aelod o'r Senedd*)

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“Member of the Senedd” is to be interpreted in accordance with section 1(2A) of the Government of Wales Act 2006 (c. 32)”;

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“Senedd Commission ( <i>Comisiwn y Senedd</i> )	“Senedd Commission” means the Commission established by section 27 of the Government of Wales Act 2006 (c. 32) (and originally known as the National Assembly for Wales Commission)”;
“Senedd Cymru ( <i>Senedd Cymru</i> )	“Senedd Cymru” means the parliament for Wales established by section 1 of the Government of Wales Act 2006 (c. 32) (and originally known as the National Assembly for Wales)”.

- (8) For “Assembly Act”, in each place where it appears after the amendments in subparagraphs (3) and (7) have been made, substitute “ Act of Senedd Cymru ”.
- (9) For “Assembly Acts”, in each place where it appears, substitute “ Acts of Senedd Cymru ”.

## 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—
- “14(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—
- guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
  - 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.

**Status:** Point in time view as at 01/10/2020. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:** There are currently no known outstanding effects for the Senedd and Elections (Wales) Act 2020. (See end of Document for details)

- (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.”.

#### Commencement Information

**I3** Sch. 2 para. 1 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

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

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

#### Commencement Information

**I4** Sch. 2 para. 2 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

- 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”.

#### Commencement Information

**I5** Sch. 2 para. 3 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

4 After section 6 insert—

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#### “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.”

#### Commencement Information

**I6** Sch. 2 para. 4 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

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

#### Commencement Information

**I7** Sch. 2 para. 5 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

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

#### Commencement Information

**I8** Sch. 2 para. 6 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

- 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, ”.

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

#### Commencement Information

**I9** Sch. 2 para. 7 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

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).

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- (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.”

#### Commencement Information

**II0** Sch. 2 para. 8 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

- 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) ”.

#### Commencement Information

**III** Sch. 2 para. 9 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

- 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

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- (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)."

#### Commencement Information

**I12** Sch. 2 para. 10 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

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

#### Commencement Information

**I13** Sch. 2 para. 11 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

- 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) ”.



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#### Commencement Information

**I14** Sch. 2 para. 12 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

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

#### Commencement Information

**I15** Sch. 2 para. 13 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

- 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.”

#### Commencement Information

**I16** Sch. 2 para. 14 in force at 1.10.2020 by [S.I. 2020/1052](#), [art. 2\(b\)](#)

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## SCHEDULE 3

(introduced by section 29)

### NEW SCHEDULE 1A TO THE GOVERNMENT OF WALES ACT 2006

This Schedule sets out the new Schedule 1A to the 2006 Act, to be inserted before Schedule 2 to that Act.

#### “SCHEDULE 1A

SECTION 16

### DISQUALIFICATION FROM BEING A MEMBER OF THE SENEDD OR A CANDIDATE IN AN ELECTION TO BE A MEMBER OF THE SENEDD

#### PART 1

#### CATEGORIES OF PERSONS DISQUALIFIED

##### *Persons under 18 years of age*

- 1 A person who has not attained the age of 18 before the day on which the person is nominated as a candidate for election as a Member of the Senedd.

##### *Citizenship*

- 2 (1) A person who is not—
  - (a) a British citizen,
  - (b) a qualifying Commonwealth citizen,
  - (c) a qualifying foreign citizen,
  - (d) a citizen of the Republic of Ireland, or
  - (e) a citizen of the European Union who is resident in the United Kingdom.
- (2) For the purposes of sub-paragraph (1), a person is a qualifying Commonwealth citizen if that person is a Commonwealth citizen who either—
  - (a) is not a person who requires leave under the Immigration Act 1971 (c. 77) to enter or remain in the United Kingdom, or
  - (b) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (3) For the purposes of sub-paragraph (1), a qualifying foreign citizen is a person resident in the United Kingdom who—
  - (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a citizen of the European Union, and
  - (b) either—
    - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
    - (ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (4) But a person is not a qualifying Commonwealth citizen by virtue of sub-paragraph (2) (a) or a qualifying foreign citizen by virtue of sub-paragraph (3)(b)(i) if that person does

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not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).

### *Bankruptcy*

- 3 A person in respect of whom one or more of the following orders has effect—
- (a) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 (c. 45) or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19));
  - (b) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, Part 13 of the Bankruptcy (Scotland) Act 2016 (asp 21) or Schedule 2A to the Insolvency (Northern Ireland) Order 1989.
- 4 A person who is disqualified from being a member of the House of Commons under section 427 of the Insolvency Act 1986 because of an award of sequestration made by a court in Scotland.

### *Persons guilty of corrupt or illegal practices at elections*

- 5 A person who is incapable of being elected to the House of Commons having been reported personally guilty or convicted of a corrupt or illegal practice under the Representation of the People Act 1983 (c. 2).

### *Persons imprisoned or detained following conviction etc.*

- 6 (1) A person found guilty of one or more offences (whether before or after the passing of this Act and whether in the United Kingdom or elsewhere), and sentenced or ordered to be imprisoned or detained indefinitely or for more than one year.
- (2) A person is disqualified under this paragraph only while the person is—
- (a) detained anywhere in the United Kingdom, the Channel Islands, the Isle of Man, or elsewhere in the European Union, in pursuance of the sentence or order, or
  - (b) unlawfully at large at a time when the person would otherwise be so detained.

### *Sex offenders*

- 7 A person subject to the notification requirements of, or an order under, Part 2 of the Sexual Offences Act 2003 (c. 42).

## **PART 2**

### **OFFICES THAT DISQUALIFY THE HOLDER**

#### **TABLE**

<i>Offices and bodies in respect of which there are disqualifying offices</i>	<i>The disqualifying offices</i>
Armed forces	Members of the Royal Navy, the Royal Marines, the regular army (as defined

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	by section 374 of the Armed Forces Act 2006 (c. 52)) or the Royal Air Force, not including—
	(a) an officer on the retired or emergency list of any of the regular armed forces of the Crown,
	(b) a person who holds an emergency commission in any of those forces,
	(c) a person who belongs to any reserve of officers of any of those forces,
	(d) a naval, army, marine or air force pensioner, or former soldier who is liable to be recalled for service, or
	(e) a person who is an Admiral of the Fleet, a Field Marshal or a Marshal of the Royal Air Force and does not for the time being hold an appointment in the naval, military or air force service of the Crown
Auditor General for Wales or Archwilydd Cyffredinol Cymru	The Auditor General
Children's Commissioner for Wales or Comisiynydd Plant Cymru	The Commissioner and deputy Commissioner
Civil service	Members of the civil service of the State, including the civil service of Northern Ireland, the Northern Ireland Court Service, Her Majesty's Diplomatic Service and Her Majesty's Overseas Civil Service
Civil Service Commission	The First Civil Service Commissioner and Civil Service Commissioners
Commission for Equality and Human Rights	The Commissioners
Commissioner for Older People in Wales or Comisiynydd Pobl Hŷn Cymru	The Commissioner and deputy Commissioner
Commissioner for Public Appointments	The Commissioner
Comptroller and Auditor General or Rheolwr ac Archwilydd Cyffredinol	The Comptroller and Auditor General
Electoral Commission or Comisiwn Etholiadol	The Electoral Commissioners and members of the staff of the Commission
Electoral Registration Officers	Electoral registration officer for any area in Wales
Future Generations Commissioner for Wales or Comisiynydd Cenedlaethau'r Dyfodol Cymru	The Commissioner
Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru	The Chief Inspector

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Independent Remuneration Board of the Senedd or Bwrdd Taliadau Annibynnol y Senedd	The members of the Board
Independent Remuneration Panel for Wales or Panel Annibynnol Cymru ar Gynabyddiaeth Ariannol	The members of the Panel
Judicial offices	<p>The following judicial offices—</p> <ul style="list-style-type: none"> <li>(a) Judge of the Supreme Court;</li> <li>(b) Judge of the High Court or Court of Appeal in England and Wales;</li> <li>(c) Judge of the Court of Session or Temporary Judge in Scotland;</li> <li>(d) Judge of the High Court or Court of Appeal in Northern Ireland;</li> <li>(e) Judge of the Court Martial Appeal Court;</li> <li>(f) Chairman of the Scottish Land Court;</li> <li>(g) Circuit Judge in England and Wales;</li> <li>(h) Sheriff principal, sheriff, summary sheriff, temporary sheriff principal, part-time sheriff or part-time summary sheriff in Scotland;</li> <li>(i) County Court Judge or deputy County Court Judge in Northern Ireland;</li> <li>(j) District Judge (Magistrates' Courts) (but not Deputy District Judge (Magistrates' Courts)) in England and Wales;</li> <li>(k) District judge (magistrates' courts) or deputy district judge (magistrates' courts) in Northern Ireland;</li> <li>(l) President of Welsh Tribunals or Llywydd Tribiwnlysoedd Cymru;</li> <li>(m) Judge of the Upper Tribunal;</li> <li>(n) legal member of the Upper Tribunal for Scotland;</li> <li>(o) Chief or other Child Support Commissioner for Northern Ireland or deputy Child Support Commissioner for Northern Ireland;</li> <li>(p) Chief or other Social Security Commissioner for Northern Ireland or deputy Social Security Commissioner for Northern Ireland</li> </ul>
Legislatures	Members of the legislature of any country or territory outside the United Kingdom
Lieutenancies	Lord-lieutenant or lieutenant of any area in Wales
Local Democracy and Boundary Commission for Wales or Comisiwn Ffiniau a Democratiaeth Leol Cymru	The members and chief executive of the Commission

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Parliamentary Commissioner for Administration	The Commissioner
Police forces	Members of any police force maintained by— (a) a local policing body (within the meaning given by section 101 of the Police Act 1996 (c. 16)), (b) the Scottish Police Authority, or (c) the Northern Ireland Policing Board, and “member” in relation to a police force means a person holding office as a constable of that force
Public Services Ombudsman for Wales or Ombwdsmon Gwasanaethau Cyhoeddus Cymru	The Ombudsman
Returning officers for Senedd elections	The returning officer for any Senedd constituency or Senedd electoral region
Senedd Commission	Members of the staff of the Senedd
Senedd Commissioner for Standards or Comisiynydd Safonau y Senedd	The Commissioner
Sheriffs	The high sheriff of any area in Wales
Welsh Language Commissioner or Comisiynydd y Gymraeg	The Commissioner, the Deputy Commissioner and the members of the Advisory Panel to the Welsh Language Commissioner”

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