

# SENEDD AND ELECTIONS (WALES) ACT 2020

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## EXPLANATORY NOTES

### INTRODUCTION

#### Part 3

#### Elections

#### Oversight of administration of elections

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

78. This section inserts new paragraphs 16A to 16C, 20A and 20B into Schedule 1 to the Political Parties, Elections and Referendums Act 2000 and makes further amendments to that Schedule as a consequence of the addition of the new paragraphs.
79. New paragraph 16A provides for the funding of the work of the Electoral Commission, so far as it relates to elections to the Senedd and to local government in Wales, and to devolved Welsh referendums, to be payable out of the Welsh Consolidated Fund. It also requires the committees of the Senedd to include a committee chaired by the Presiding Officer or Deputy Presiding Officer and known as the Llywydd's Committee or Pwyllgor y Llywydd. That Committee, will receive annual estimates of income and expenditure from the Electoral Commission attributable to the Commission's work on elections to the Senedd and to local government in Wales and to devolved Welsh referendums. The Llywydd's Committee will lay the estimate before the Senedd. Before doing so, the Llywydd's Committee must be satisfied that the estimate is consistent with the economical, efficient and effective discharge by the Electoral Commission of its functions as regards its work on elections to the Senedd and to local government in Wales and to devolved Welsh referendums.
80. If it is not so satisfied, the Llywydd's Committee must amend the estimate as it considers appropriate before laying it before the Senedd.
81. New paragraph 16B requires the Electoral Commission to set out a five-year plan for its activities as regards elections to the Senedd and to local government in Wales and for devolved Welsh referendums. A plan must be provided when:
- the very first estimate (under new paragraph 16A) is submitted;
  - an estimate is submitted which 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, and
  - an estimate is submitted and the Llywydd's Committee requires the Commission to submit a plan along with it.
82. That plan must be laid before the Senedd by the Llywydd's Committee. Before doing so, the Llywydd's Committee must be satisfied that the plan is consistent with the economical, efficient and effective discharge by the Electoral Commission of its functions regarding its work on elections to the Senedd and to local government in

*These notes refer to the Senedd and Elections (Wales) Act  
2020 (c.1) which received Royal Assent on 15 January 2020*

Wales and for devolved Welsh referendums. If it is not so satisfied, the Llywydd's Committee must make any modifications to the plan that it considers appropriate before laying it before the Senedd.

83. New paragraph 16C relates to the functions of the Comptroller and Auditor General ("CAG") as regards the estimate required by paragraph 16A and the plan required by paragraph 16B. Before the Llywydd's Committee considers both the estimate and plan, the CAG must carry out an examination of the economy, efficiency and effectiveness (or any combination of them) with which the Electoral Commission has used its funds in carrying out its functions in paragraph 16A and 16B, and report on that examination to the Llywydd's Committee.
84. This section also amends paragraph 18 of Schedule 1 to the Political Parties, Elections and Referendums Act 2000 to require the Auditor General for Wales ("AGW") to carry out a further examination of the Electoral Commission's accounts relating to the Commission's activities set out in paragraphs 16A and 16B if requested to do so by the Llywydd's Committee.
85. New paragraph 20A to Schedule 1 to the Political Parties, Elections and Referendums Act 2000 imposes reporting requirements on both the Electoral Commission and the Llywydd's Committee regarding their respective activities set out in paragraphs 16A and 16B. Those reports are to be laid before the Senedd.