

*Status: Point in time view as at 02/02/2022.*

*Changes to legislation: Political Parties, Elections and Referendums Act 2000, SCHEDULE 1 is up to date with all changes known to be in force on or before 04 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1 U.K.

Section 1.

#### THE ELECTORAL COMMISSION

##### *Status of Commission and their property*

- 1 (1) The Commission shall not be regarded—
  - (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (2) The property of the Commission shall not be regarded as property of, or property held on behalf of, the Crown.

##### *Powers*

- 2 The Commission may do anything (except borrow money) which is calculated to facilitate, or is incidental or conducive to, the carrying out of any of their functions.

##### *Term of office etc. of Electoral Commissioners*

- 3 (1) Subject to the provisions of this paragraph, an Electoral Commissioner shall hold office as such Commissioner—
  - (a) for the period for which he is appointed, and
  - (b) otherwise in accordance with the terms of his appointment.
- (2) The period for which an Electoral Commissioner is appointed shall be the period specified in relation to him in the address pursuant to which he is appointed.
- (3) <sup>F1</sup>Subject to sub-paragraph (3A), an Electoral Commissioner] shall cease to hold office on the occurrence of any of the following events—
  - (a) he consents to being nominated as a candidate at a relevant election (within the meaning of Part II) or to being included in a registered party's list of candidates at such an election;
  - (b) he takes up any office or employment in or with—
    - (i) a registered party or any accounting unit of such a party,
    - (ii) a recognised third party (within the meaning of Part VI), <sup>F2</sup>...
    - (iii) a permitted participant (within the meaning of Part VII) <sup>F3</sup>, or
    - (iv) an accredited campaigner within the meaning of Schedule 3 to the Recall of MPs Act 2015 (see Part 5 of that Schedule)]
  - (c) he is named as a donor in <sup>F4</sup>—
    - (i) the register of donations reported under Chapter 3 or 5 of Part 4,
    - (ii) any quarterly or weekly report delivered to the Commission under section 95A or 95B, or

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- (iii) any statement of donations included in a return delivered to the Commission under section 98 or 122 [<sup>F5</sup>or in a recall petition return delivered to a petition officer under paragraph 6 of Schedule 5 to the Recall of MPs Act 2015] ;]
- [<sup>F6</sup>(ca) he is named as a participant in the register of recordable transactions reported under Part 4A;]
- (d) he becomes a member of a registered party.
- [<sup>F7</sup>(3A) Paragraph (d) of sub-paragraph (3) does not apply to a nominated Commissioner (within the meaning of section 3A).]
- (4) An Electoral Commissioner may be removed from office by Her Majesty in pursuance of an Address from the House of Commons.
- (5) No motion shall be made for such an Address unless the Speaker’s Committee have presented a report to the House of Commons stating that the Committee are satisfied that one or more of the following grounds is made out in the case of the Electoral Commissioner in question—
- (a) he has failed to discharge the functions of his office for a continuous period of at least 3 months;
- (b) he has failed to comply with the terms of his appointment;
- (c) he has been convicted of a criminal offence;
- (d) he is an undischarged bankrupt or his estate has been sequestrated in Scotland and he has not been discharged;
- [<sup>F8</sup>(da) a moratorium period under a debt relief order applies in relation to him (under Part 7A of the Insolvency Act 1986);]
- (e) he has made an arrangement or composition contract with, or has granted a trust deed for, his creditors;
- (f) he is otherwise unfit to hold his office or unable to carry out its functions.
- (6) A motion for such an Address shall not be made on the ground mentioned in sub-paragraph (5)(a) if more than 3 months have elapsed since the end of the period in question.
- (7) An Electoral Commissioner may be relieved of his office by Her Majesty at his own request.
- (8) In this paragraph “registered party” includes, in relation to times before the appointed day for the purposes of Part II of this Act, a party registered under the <sup>M1</sup>Registration of Political Parties Act 1998.
- <sup>F9</sup>(9) .....

#### Textual Amendments

- F1** Words in Sch. 1 para. 3(3) substituted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), **Sch. 6 para. 27(2)(a)**
- F2** Word in Sch. 1 para. 3(3)(b)(ii) omitted (4.3.2016) by virtue of [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), **Sch. 6 para. 3(9)(a)**; S.I. 2016/290, reg. 2
- F3** Sch. 1 para. 3(3)(b)(iv) and word inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), **Sch. 6 para. 3(9)(a)**; S.I. 2016/290, reg. 2
- F4** Words in Sch. 1 para. 3(3)(c) substituted (30.1.2014) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), ss. 33(5), 45(3)(b) (with s. 46(1)(2))

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- F5** Words in Sch. 1 para. 3(3)(c)(iii) inserted (4.3.2016) by [Recall of MPs Act 2015 \(c. 25\)](#), s. 24(3), [Sch. 6 para. 3\(9\)\(b\)](#); S.I. 2016/290, reg. 2
- F6** Sch. 1 para. 3(3)(ca) inserted (11.9.2006) by [Electoral Administration Act 2006 \(c. 22\)](#), ss. 74(1), 77(2), {Sch. 1 para. 152}; S.I. 2006/1972, [art. 3](#), Sch. 1 paras. 24, 25(j) (subject to [art. 4](#), Sch. 2)
- F7** Sch. 1 para. 3(3A) inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), [Sch. 6 para. 27\(2\)\(b\)](#)
- F8** Sch. 1 para. 3(5)(da) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), [art. 1](#), [Sch. 2 para. 44\(a\)](#) (with [art. 5](#))
- F9** Sch. 1 para. 3(9) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, [Sch. 1 Pt. 1](#) (as amended by S.I. 2019/1389, regs. 1, 2(2))

#### Marginal Citations

- M1** 1998 c. 48.

#### *Term of office etc. of Commission chairman*

- 4 (1) Subject to the provisions of this paragraph, the chairman of the Commission shall hold office as such chairman—
- (a) for the period for which he is appointed, and
  - (b) otherwise in accordance with the terms of his appointment.
- (2) The period for which a person is appointed as chairman of the Commission shall be the period specified in relation to him in the address pursuant to which he is appointed.
- (3) The chairman of the Commission may be relieved of his office of chairman by Her Majesty at his own request.
- (4) If the chairman of the Commission ceases to be an Electoral Commissioner, he also ceases to be chairman.

#### *Electoral Commissioners: salary etc.*

- 5 (1) There shall be paid to an Electoral Commissioner such remuneration, and any such allowances or expenses, as may be specified in a resolution of the House of Commons.
- (2) If a resolution of the House of Commons so provides in the case of any person who is an Electoral Commissioner or former Electoral Commissioner—
- (a) such amounts shall be paid towards the provision of superannuation benefits for or in respect of him as may be specified in the resolution;
  - (b) (in the case of a former Electoral Commissioner) such pension shall be paid to or in respect of him as may be so specified.
- (3) A resolution for the purposes of this paragraph may—
- (a) specify the amounts to be paid;
  - (b) provide that the amounts to be paid shall be the same as, or calculated on the same basis as, those payable to or in respect of a person employed in a specified office under, or in a specified capacity in the service of, the Crown;
  - (c) specify the amounts to be paid and provide for them to be increased by reference to such variables as may be specified in the resolution;

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- (d) have the effect of making different provision for different Electoral Commissioners or former Electoral Commissioners.
- (4) A resolution for the purposes of this paragraph may take effect from the date on which it is passed or from any earlier or later date specified in the resolution.
- (5) Any amount payable under this paragraph (other than by way of expenses) shall be charged on and issued out of the Consolidated Fund.
- (6) Any amount payable under this paragraph by way of expenses shall be paid by the Commission.
- (7) In this paragraph “pension” includes allowance and gratuity.

*Deputy Electoral Commissioners: term of office etc.*

<sup>F10</sup>6

**Textual Amendments**

**F10** Sch. 1 para. 6 repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

*Assistant Electoral Commissioners*

- 7 (1) The Commission may appoint one or more Assistant Electoral Commissioners to inquire into, and report to the Commission <sup>F11</sup>... on, such matters as the Commission <sup>F11</sup>... think fit.
- (2) A person may not be appointed as an Assistant Electoral Commissioner if he is [<sup>F12</sup>prevented by section 3(4) (read without regard to section 3(4A)) from being appointed as an Electoral Commissioner].
- (3) An Assistant Electoral Commissioner shall—
- (a) be appointed either for a fixed term or for the purposes of a particular inquiry; and
  - (b) (subject to sub-paragraph (4)) hold and vacate office in accordance with the terms of his appointment.
- (4) An Assistant Electoral Commissioner shall cease to hold office on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3).
- (5) The Commission shall pay an Assistant Electoral Commissioner such remuneration, and any such allowances or expenses, as may be provided for by or under the terms of his appointment.

**Textual Amendments**

**F11** Words in Sch. 1 para. 7(1) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

**F12** Words in Sch. 1 para. 7(2) substituted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), [Sch. 6 para. 27\(3\)](#)

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### *Committees*

- 8 (1) The Commission may establish<sup>F13</sup> ... any committees which the Commission consider appropriate.
- (2) Any committee of the Commission established under sub-paragraph (1) may establish one or more sub-committees.
- (3) A person shall not be a member of a committee or sub-committee established under this paragraph unless he is an Electoral Commissioner.

#### **Textual Amendments**

**F13** Words in Sch. 1 para. 8(1) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

### *Delegation to committees*

- 9 (1) The Commission may delegate functions of the Commission (to such extent as the Commission may determine) to any committee of the Commission established under paragraph 8(1).
- <sup>F14</sup>(2) .....
- (3) A committee of the Commission established under paragraph 8(1) may delegate functions of the committee (to such extent as the committee may determine) to any sub-committee of the committee.

#### **Textual Amendments**

**F14** Sch. 1 para. 9(2) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

### *Procedure and proceedings*

- 10 (1) The Commission shall regulate their own procedure, and the procedure of their committees and sub-committees<sup>F15</sup> ..., including the quorum for meetings.
- (2) The validity of any proceedings of the Commission, or of any of their committees or sub-committees, shall not be affected by—
- (a) any vacancy among the members of the Commission, or of the committee or sub-committee, or
- (b) any defect in the appointments of any such member.

#### **Textual Amendments**

**F15** Words in Sch. 1 para. 10(1) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

### *Staff*

- 11 (1) The Commission—

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- (a) shall appoint a chief executive, and
  - (b) may appoint such other staff as the Commission consider necessary to assist them and their committees in the performance of their functions.
- (2) <sup>F16</sup> .....
- (3) Subject to [<sup>F17</sup>paragraph 11A(4)] , the staff of the Commission shall be appointed on such terms and conditions as the Commission may determine; and the Commission shall pay their staff such remuneration as may be provided for by or under their terms of appointment.
- (4) <sup>F16</sup> .....
- (5) In determining the terms and conditions of staff under sub-paragraph (3) above, the Commission shall have regard to the desirability of keeping the remuneration and other terms and conditions of employment of its staff broadly in line with those applying to persons employed in the civil service of the State.
- (6) Service as an officer or employee of the Commission shall be included in the kinds of employment to which a scheme under section 1 of the <sup>M2</sup>Superannuation Act 1972 can apply; and, accordingly, in Schedule 1 to that Act (which lists the kinds of employment to which a scheme can apply), the following entry shall be inserted at the end of the list of “ Royal Commissions and other Commissions ”
- “Electoral Commission”.
- (7) The Commission shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (6) in the sums payable out of money provided by Parliament under the <sup>M3</sup>Superannuation Act 1972.
- (8) No member of the staff of the Commission shall be regarded—
- (a) as the servant or agent of the Crown, or
  - (b) as enjoying any status, immunity or privilege of the Crown.
- (9) The Secretary of State may appoint a person to be the Commission’s chief executive until such time as the first person to be appointed by the Commission as their chief executive takes up office; and until such time as the Commission have appointed their own staff the Secretary of State may appoint persons to serve as members of the Commission’s staff.
- (10) Until such time as the Commission may determine, the Commission’s chief executive appointed under sub-paragraph (9) may incur expenditure and do other things in the name and on behalf of the Commission, whether or not the membership of the Commission has yet to be constituted in accordance with section 1.
- (11) The power conferred by sub-paragraph (10) shall be exercisable by that person subject to and in accordance with any directions given to him by the Secretary of State.

#### Textual Amendments

**F16** Sch. 1 para. 11(2)(4) repealed (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), [Sch. 6 para. 27\(4\)\(a\)](#), [Sch. 7](#)

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**F17** Words in Sch. 1 para. 11(3) substituted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 39, 43(1)(5)(b), [Sch. 6 para. 27\(4\)\(b\)](#)

#### Marginal Citations

**M2** 1972 c. 11.

**M3** 1972 c. 11.

### *[<sup>F18</sup>Political restrictions on staff*

#### Textual Amendments

**F18** Sch. 1 paras. 11A, 11B inserted (21.7.2009) by [Political Parties and Elections Act 2009 \(c. 12\)](#), ss. 7(2), 43(1)(5)(b) (with s. 7(3))

- 11A (1) A person may not be appointed as a member of the staff of the Commission if the person—
- (a) is an officer or employee of a registered party or of any accounting unit of such a party;
  - (b) holds a relevant elective office (within the meaning of Schedule 7);
  - (c) has at any time within the relevant period (see sub-paragraph (2))—
    - (i) been such an officer or employee as is mentioned in paragraph (a), or
    - (ii) held such an office as is mentioned in paragraph (b), or
    - (iii) been named as a donor in the register of donations reported under Chapter 3 or 5 of Part 4, or
    - (iv) been named as a participant in the register of recordable transactions reported under Part 4A.
- (2) The relevant period is—
- (a) in relation to appointment as chief executive of the Commission, the last five years;
  - (b) in relation to appointment to a post on the staff of the Commission that is designated by a notice in force under paragraph 11B, the period (immediately preceding the appointment) specified by the notice;
  - (c) in relation to appointment as any other member of the staff of the Commission, the last 12 months.
- (3) A member of a registered party may not be appointed as chief executive of the Commission.
- (4) The appointment of any member of the staff of the Commission shall terminate—
- (a) in the case of the chief executive, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (d) of paragraph 3(3);
  - (b) in any other case, on the occurrence of such an event as is mentioned in any of paragraphs (a) to (ca) of paragraph 3(3).
- 11B (1) The chief executive of the Commission may by giving notice to the Speaker's Committee—
- (a) designate a particular post on the staff of the Commission, and
  - (b) specify as the relevant period for that post, for the purposes of paragraph 11A(2)(b), a period of two years or more,

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if the chief executive reasonably believes that it is necessary to do so in order to maintain public confidence in the effectiveness of the Commission in carrying out any of its functions.

- (2) The period specified under sub-paragraph (1)(b) may not be more than five years.
- (3) In deciding what that period should be, the chief executive of the Commission shall take into account—
  - (a) the level of seniority of the post;
  - (b) how likely it is that any holder of the post will be required to deal with politically sensitive matters.
- (4) Each notice under sub-paragraph (1) must relate to only one post.
- (5) A notice under sub-paragraph (1)—
  - (a) has effect from the day on which it is received by the Speaker's Committee, and
  - (b) (subject to sub-paragraphs (6) and (7)) expires at the end of the period of three years beginning with that day.
- (6) Sub-paragraph (5)(b) does not prevent a further notice being given under sub-paragraph (1) in relation to the post in question, either—
  - (a) before the previous notice would have expired, or
  - (b) at any time after the expiry of the previous notice.

A further notice received by the Speaker's Committee before the previous notice would have expired supersedes the previous notice.
- (7) If the chief executive of the Commission gives notice (a “cancellation notice”) to the Speaker's Committee cancelling a notice under sub-paragraph (1), the notice under that sub-paragraph ceases to have effect—
  - (a) on the day on which the cancellation notice is received by the Speaker's Committee, or
  - (b) (if later) on such date as may be specified in the cancellation notice.
- (8) Before giving a notice under this paragraph the chief executive of the Commission shall consult the Speaker's Committee.
- (9) The Commission shall publish, in such manner as they consider appropriate, information setting out the effect of all notices under sub-paragraph (1) that are in force at any particular time.]

*Delegation to staff*

- 12 Each of the following—
- (a) the Commission,
  - (b) any committee of the Commission <sup>F19</sup> ...,
  - (c) any sub-committee of such a committee, and
  - (d) the Commission's chief executive,
- may delegate functions of theirs or his (to such extent as they or he may determine) to the Commission's staff (either generally or otherwise).



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### Textual Amendments

- F19** Words in Sch. 1 para. 12(b) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

### *Delegation and contracting-out of superannuation functions*

- 13 (1) Section 1(2) of the <sup>M4</sup>Superannuation Act 1972 (delegation of functions relating to civil service superannuation schemes by Minister for the Civil Service to another officer of the Crown etc.) shall have effect as if the reference to an officer of the Crown other than a Minister included the Commission's chief executive.
- (2) Any administration function conferred on the Commission's chief executive under section 1(2) of the <sup>M5</sup>Superannuation Act 1972 (as it has effect in accordance with sub-paragraph (1)) may be exercised by (or by employees of) such person as may be authorised in that behalf by the Commission's chief executive.
- (3) For the purposes of this paragraph an "administration function" is a function of administering schemes—
- (a) made under section 1 of the <sup>M6</sup>Superannuation Act 1972, and
  - (b) from time to time in force.
- (4) An authorisation given by virtue of sub-paragraph (2) may authorise the exercise of an administration function—
- (a) either wholly or to such extent as may be specified in the authorisation;
  - (b) either generally or in such cases as may be so specified; and
  - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.
- (5) An authorisation given by virtue of sub-paragraph (2)—
- (a) shall be treated for all purposes as if it were given by virtue of an order under section 69 of the <sup>M7</sup>Deregulation and Contracting Out Act 1994 (contracting out of functions of Ministers and office-holders);
  - (b) may be revoked at any time by the Commission (as well as by the chief executive).

### Marginal Citations

- M4** 1972 c. 11.  
**M5** 1972 c. 11.  
**M6** 1972 c. 11.  
**M7** 1994 c. 40.

### *Financing of Commission*

- 14 (1) The expenditure of the Commission, so far as it cannot be met out of income received by the Commission, shall be met, in accordance with this paragraph, out of money provided by Parliament (except so far as it is—
- (a) reimbursed by the Secretary of State under section 18(9) or the Scottish Ministers in pursuance of section <sup>F20</sup>[<sup>F21</sup>13A], 19(11) or] 145(6); <sup>F22</sup> . . .

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- [<sup>F23</sup>(aa) met out of the Welsh Consolidated Fund under paragraph 16A;]
  - [<sup>F24</sup>(aa) met by the Scottish Parliamentary Corporate Body under paragraph 14A,]
  - [<sup>F25</sup>(b) met by the Welsh Ministers in pursuance of section 5(3) <sup>F26</sup>...; or
  - (c) met by the [<sup>F27</sup>Senedd] Commission under Schedule 2 paragraph 6 to the Government of Wales Act 2006.]
- (2) For each financial year (other than the Commission's first financial year) the Commission shall prepare, and submit to the Speaker's Committee, an estimate of the Commission's income and expenditure.
- (3) The Speaker's Committee shall—
- (a) examine each such estimate submitted to them; and
  - (b) decide whether they are satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions; and
  - (c) if they are not so satisfied, shall make such modifications to the estimate as they consider appropriate for the purpose of achieving such consistency.
- (4) Before deciding whether they are so satisfied or making any such modifications, the Speaker's Committee shall—
- (a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 16 and to any recommendations contained in that report; and
  - (b) consult the Treasury and have regard to any advice which the Treasury may give.
- (5) The Speaker's Committee shall, after concluding their examination and making their modifications (if any) to the estimate, lay the estimate before the House of Commons.
- (6) If the Speaker's Committee, in the discharge of their functions under this paragraph—
- (a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,
  - (b) do not follow any advice given to them by the Treasury, or
  - (c) make any modification to the estimate,
- they shall include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 a statement of their reasons for so doing.
- [<sup>F28</sup>(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).]
- (7) The Secretary of State may by order provide for the transfer to the Commission of such property, rights and liabilities—
- (a) to which he is entitled or subject, and
  - (b) which are specified in the order,
- as he considers appropriate in connection with the establishment of the Commission.
- (8) Such an order may in particular provide for the order to have effect despite any provision (of whatever nature) which would prevent or restrict the transfer of any such property, rights or liabilities otherwise than by the order.

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### Textual Amendments

- F20** Words in Sch. 1 para. 14(1)(a) repealed (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020](#) (asp 12), [ss. 15\(2\)\(a\)](#), 35; S.S.I. 2020/278, reg. 2, sch.
- F21** Word in Sch. 1 para. 14(1)(a) substituted (S.) (29.6.2011) by [Local Electoral Administration \(Scotland\) Act 2011](#) (asp 10), [ss. 16\(4\)](#), 21(1); S.S.I. 2011/277, art. 2(b)
- F22** Word in Sch. 1 para. 14(1)(a) omitted by virtue of [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007](#) (S.I. 2007/1388), art. 3, [Sch. 1 para. 98\(2\)](#), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see [ss. 46](#), 161(5) of the [Government of Wales Act 2006](#) (c. 32) and art. 1(2) of the amending S.I.
- F23** Sch. 1 para. 14(1)(aa) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020](#) (anaw 1), s. 42(3)(b), [Sch. 2 para. 14\(2\)\(a\)\(i\)](#); S.I. 2020/1052, art. 2(b)
- F24** Sch. 1 para. 14(1)(aa) inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020](#) (asp 12), [ss. 15\(2\)\(b\)](#), 35; S.S.I. 2020/278, reg. 2, sch.
- F25** Sch. 1 para. 14(1)(b)(c) substituted for Sch. 1 para. 14(1)(b) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007](#) (S.I. 2007/1388), art. 3, [Sch. 1 para. 98\(3\)](#) (with [Sch. 1 para. 98\(4\)](#)), the amending provision coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) -- see [ss. 46](#), 161(5) of the [Government of Wales Act 2006](#) (c. 32) and art. 1(2) of the amending S.I.
- F26** Words in Sch. 1 para. 14(1)(b) omitted (E.W.) (1.10.2020) by virtue of [Senedd and Elections \(Wales\) Act 2020](#) (anaw 1), s. 42(3)(b), [Sch. 2 para. 14\(2\)\(a\)\(ii\)](#); S.I. 2020/1052, art. 2(b)
- F27** Word in Sch. 1 para. 14(1)(c) substituted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020](#) (anaw 1), s. 42(3)(b), [Sch. 2 para. 14\(2\)\(a\)\(iii\)](#); S.I. 2020/1052, art. 2(b)
- F28** Sch. 1 para. 14(6A) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020](#) (anaw 1), s. 42(3)(b), [Sch. 2 para. 14\(2\)\(b\)](#); S.I. 2020/1052, art. 2(b)

### Modifications etc. (not altering text)

- C1** Sch. 1 para. 14(1) modified (S.) (18.12.2013) by [Scottish Independence Referendum Act 2013](#) (asp 14), [ss. 28\(2\)](#), 36
- C2** Sch. 1 para. 14(1) modified (S.) (30.1.2020) by [Referendums \(Scotland\) Act 2020](#) (asp 2), [ss. 30\(4\)](#), 41
- C3** Sch. 1 para. 14(2) excluded (S.) (18.12.2013) by [Scottish Independence Referendum Act 2013](#) (asp 14), [ss. 29\(5\)](#), 36
- C4** Sch. 1 para. 14(2) excluded (S.) (30.1.2020) by [Referendums \(Scotland\) Act 2020](#) (asp 2), [ss. 31\(5\)](#), 41

### *Financing of Commission: devolved Scottish elections*

[<sup>F29</sup>14A(1)] The Scottish Parliamentary Corporate Body (in this paragraph, the "SPCB") must reimburse the Commission for any expenditure properly incurred by the Commission (in so far as it cannot be met out of income received by the Commission) which is attributable to the exercise of the Commission's devolved Scottish functions.

- (2) Sub-paragraph (1) does not require the SPCB to reimburse any expenditure which exceeds or is otherwise not covered by an estimate or, as the case may be, a revised estimate approved under this paragraph.
- (3) However, the SPCB may reimburse that expenditure.
- (4) Before the start of each financial year, the Commission must prepare an estimate of the Commission's income and expenditure for the year in relation to the Commission's devolved Scottish functions and, by such date as the SPCB determines, send the estimate to the SPCB for approval.

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- (5) The Commission may, in the course of a financial year, prepare a revised estimate for the remainder of the year and send it to the SPCB for approval.
- (6) In preparing an estimate or a revised estimate, the Commission must ensure that the estimated level of income and expenditure is consistent with the economical, efficient and effective exercise by the Commission of their devolved Scottish functions.
- (7) An estimate or a revised estimate must contain a statement that the Commission have complied with the duty under sub-paragraph (6).
- (8) In this paragraph, “devolved Scottish functions”, in relation to the Commission, means the functions of the Commission under Part 1 in relation to—
  - (a) Scottish Parliamentary general elections,
  - (b) elections held under section 9 of the Scotland Act 1998 (constituency vacancies), and
  - (c) local government elections in Scotland,
 in so far as those functions do not relate to reserved matters (within the meaning of the Scotland Act 1998).]

#### Textual Amendments

**F29** Sch. 1 para. 14A inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), ss. [15\(3\)](#), [35](#); [S.S.I. 2020/278](#), reg. [2](#), sch.

#### *Five-year plan*

- 15 (1) When the Commission submit to the Speaker’s Committee such an estimate as is mentioned in paragraph 14 [<sup>F30</sup>in respect of the first financial year to begin after the day on which Parliament meets for the first time following a parliamentary general election,] the Commission shall also submit to the Committee a plan prepared by the Commission setting out the Commission’s—
  - (a) aims and objectives for the period of five years beginning with the financial year to which the estimate relates, and
  - (b) estimated requirements for resources during that five-year period.
- [<sup>F31</sup>(1A) The Speaker’s Committee may require the Commission to submit a plan under sub-paragraph (1) when the Commission submit such an estimate as is mentioned in paragraph 14 in respect of a financial year other than one mentioned in that sub-paragraph.]
- (2) The Speaker’s Committee shall—
  - (a) examine each plan submitted to them;
  - (b) decide whether they are satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their functions; and
  - (c) if they are not so satisfied, shall make such modifications to the plan as they consider appropriate for the purpose of achieving such consistency.
- (3) Before deciding whether they are so satisfied or making any such modifications, the Speaker’s Committee shall—

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- (a) have regard to the most recent report made to them by the Comptroller and Auditor General under paragraph 16 and to any recommendations contained in that report; and
  - (b) consult the Treasury and have regard to any advice which the Treasury may give.
- (4) The Speaker's Committee shall, after concluding their examination and making their modifications (if any) to the plan, lay the plan before the House of Commons.
- (5) If the Speaker's Committee, in the discharge of their functions under this paragraph—
- (a) do not follow any recommendation contained in the report of the Comptroller and Auditor General,
  - (b) do not follow any advice given to them by the Treasury, or
  - (c) make any modification to the plan,
- they shall include in the next report which they make to the House of Commons under paragraph 1 of Schedule 2 a statement of their reasons for so doing.
- [<sup>F32</sup>(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).]

#### Textual Amendments

- F30** Words in Sch. 1 para. 15(1) inserted (1.1.2016) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 94(3)**, 115(7); S.I. 2015/1732, art. 3(b)
- F31** Sch. 1 para. 15(1A) inserted (1.1.2016) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 94(4)**, 115(7); S.I. 2015/1732, art. 3(b)
- F32** Sch. 1 para. 15(6) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(3)(b), **Sch. 2 para. 14(3)**; S.I. 2020/1052, art. 2(b)

#### *Five-year plan: devolved Scottish elections*

- [<sup>F33</sup>15A(1) At the same time as the Commission submit to the Speaker's Committee a plan under paragraph 15(1), the Commission must also submit the plan to the Scottish Parliamentary Corporate Body (in this paragraph, the "SPCB").
- (2) The SPCB—
- (a) must examine each plan submitted to it in so far as the plan relates to the Commission's devolved Scottish functions,
  - (b) must decide whether it is satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their devolved Scottish functions, and
  - (c) if it is not so satisfied, may recommend such modifications to the plan as it considers appropriate for the purpose of achieving such consistency.
- (3) The SPCB must, after concluding its examination and making its recommendations (if any) under sub-paragraph (2) in relation to a plan—
- (a) report to the Speaker's Committee on its findings and its recommendations (if any), and
  - (b) as soon as reasonably practicable after the plan is laid by the Speaker's Committee under paragraph 15(4)—

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- (i) lay the plan before the Scottish Parliament, and
- (ii) if the SPCB made any recommendations for modifications to the plan under sub-paragraph (2), lay before the Scottish Parliament a document describing its reasons for making the recommendations.]

#### Textual Amendments

**F33** Sch. 1 para. 15A inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 17(2)**, **35**; [S.S.I. 2020/278](#), **reg. 2**, **sch.**

*[<sup>F34</sup>Examination] of Commission by Comptroller and Auditor General*

#### Textual Amendments

**F34** Word in Sch. 1 para. 16 cross-heading substituted (1.1.2016) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 94(6)**, **115(7)**; [S.I. 2015/1732](#), **art. 3(b)**

- 16 (1) For the purpose of assisting the Speaker’s Committee to discharge their functions under paragraphs 14 and 15 [<sup>F35</sup>in respect of any year when both an estimate under paragraph 14 and a five-year plan under paragraph 15 are submitted to them,] the Comptroller and Auditor General shall [<sup>F36</sup>before the Committee consider the estimate and plan] —
- (a) carry out an examination into the economy, efficiency or effectiveness (or, if he so determines, any combination thereof) with which the Commission have used their resources in discharging their functions (or, if he so determines, any particular functions of theirs);
  - (b) report to the Speaker’s Committee the results of the examination; and
  - (c) include in his report such recommendations as he considers appropriate in the light of the examination.
- (2) Section 8 of the <sup>M8</sup>National Audit Act 1983 (right to obtain documents and information) shall apply in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.

#### Textual Amendments

**F35** Words in Sch. 1 para. 16(1) inserted (1.1.2016) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 94(5)(a)**, **115(7)**; [S.I. 2015/1732](#), **art. 3(b)**

**F36** Words in Sch. 1 para. 16(1) substituted (1.1.2016) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 94(5)(b)**, **115(7)**; [S.I. 2015/1732](#), **art. 3(b)**

#### Marginal Citations

**M8** 1983 c. 44.

*Financing of Commission: devolved Welsh elections and referendums*

- [<sup>F37</sup>16A(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

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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,
  - (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.

#### Textual Amendments

**F37** Sch. 1 paras. 16A-16C inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 28\(2\), 42\(3\)\(b\)](#); S.I. 2020/1052, art. 2(a)

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*Five-year plan: devolved Welsh elections and referendums*

- 16B (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
  - (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.

**Textual Amendments**

**F37** Sch. 1 paras. 16A-16C inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 28(2), 42(3)(b); S.I. 2020/1052, art. 2(a)



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*Examination of Commission: devolved Welsh elections and referendums*

- 16C (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).]

**Textual Amendments**

**F37** Sch. 1 paras. 16A-16C inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 28(2), 42(3)(b); S.I. 2020/1052, art. 2(a)

*Accounts*

- 17 (1) The Commission shall keep proper accounting records.
- (2) The Commission shall, for each financial year, prepare accounts in accordance with directions given to the Commission by the Treasury.

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- (3) The directions which the Treasury may give under sub-paragraph (2) include, in particular, directions as to—
- (a) the information to be contained in the accounts and the manner in which it is to be presented,
  - (b) the methods and principles in accordance with which the accounts are to be prepared, and
  - (c) the additional information (if any) that is to accompany the accounts.

#### *Audit*

- 18 (1) The accounts prepared by the Commission for any financial year shall be submitted by the Commission to—
- (a) the Comptroller and Auditor General, and
  - (b) the Speaker's Committee [<sup>F38</sup>and the Llywydd's Committee],
- as soon after the end of the financial year as may be practicable.
- (2) The Comptroller and Auditor General shall—
- (a) examine and certify any accounts submitted to him under this paragraph, and
  - (b) lay before each House of Parliament [<sup>F39</sup> and Senedd Cymru] a copy of the accounts as certified by him together with his report on them.
- [<sup>F40</sup>(3) As soon as is reasonably practicable after the Comptroller and Auditor General has certified the Commission's accounts and laid a copy of the accounts as so certified before each House of Parliament under sub-paragraph (2), the Commission must—
- (a) submit a copy of the accounts as so certified to the Scottish Parliamentary Corporate Body, and
  - (b) lay a copy of the accounts as so certified before the Scottish Parliament.]
- [<sup>F41</sup>(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.]

#### **Textual Amendments**

- F38** Words in Sch. 1 para. 18(1)(b) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 28(3)(a)**, 42(3)(b); S.I. 2020/1052, art. 2(a)
- F39** Words in Sch. 1 para. 18(2)(b) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 28(3)(b)**, 42(3)(b); S.I. 2020/1052, art. 2(a)
- F40** Sch. 1 para. 18(3) inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 18(2)**, 35; S.S.I. 2020/278, reg. 2, sch.
- F41** Sch. 1 para. 18(3)(4) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 28(3)(c)**, 42(3)(b); S.I. 2020/1052, art. 2(a)

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### *Accounting officer*

- 19 (1) The Speaker's Committee shall designate a member of the Commission's staff to be the Commission's accounting officer.
- (2) The Commission's accounting officer shall have, in relation to the Commission's accounts and finances, the responsibilities that are from time to time specified by the Speaker's Committee.
- (3) In this paragraph references to responsibilities include in particular—
- (a) responsibilities in relation to the signing of accounts;
  - (b) responsibilities for the propriety and regularity of the Commission's finances; and
  - (c) responsibilities for the economy, efficiency and effectiveness with which the Commission's resources are used.
- (4) The responsibilities which may be specified under this paragraph include responsibilities owed to the Commission, the Speaker's Committee<sup>F42</sup>, the Scottish Parliament, the Scottish Parliamentary Corporate Body <sup>¶</sup><sup>F43</sup>, the Llywydd's Committee] or the House of Commons or its Committee of Public Accounts.
- (5) In this paragraph any reference to the Public Accounts Committee of the House of Commons shall, if—
- (a) the name of the Committee is changed, or
  - (b) the functions of the Committee at the passing of this Act (or functions substantially corresponding thereto) become functions of a different committee of the House of Commons,
- be taken to be references to the Committee by its new name or (as the case may be) to the committee by whom the functions are for the time being exercisable.
- (6) The Secretary of State may designate any member of the Commission's staff or other person to be the Commission's accounting officer until such time as the first designation made under sub-paragraph (1) takes effect.

#### **Textual Amendments**

**F42** Words in Sch. 1 para. 19(4) inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), ss. **18(3)**, 35; S.S.I. 2020/278, reg. 2, sch.

**F43** Words in Sch. 1 para. 19(4) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. **28(4)**, 42(3)(b); S.I. 2020/1052, art. 2(a)

### *Reports*

- 20 (1) The Commission shall, as soon after the end of each financial year as may be practicable, prepare and lay before each House of Parliament a report about the performance of the Commission's functions during that financial year.
- <sup>F44</sup>(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.]
- (2) The Commission shall, on so laying such a report, publish the report in such manner as they determine.

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- (3) The functions referred to in sub-paragraph (1) do not include the Commission's [<sup>F45</sup>devolved Scottish functions].

#### Textual Amendments

- F44** Sch. 1 para. 20(1A) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(3)(b), [Sch. 2 para. 14\(4\)](#); S.I. 2020/1052, art. 2(b)
- F45** Words in Sch. 1 para. 20(3) substituted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 19\(2\)](#), 35; S.S.I. 2020/278, reg. 2, sch.

#### Modifications etc. (not altering text)

- C5** Sch. 1 para. 20(1) restricted (S.) (18.12.2013) by [Scottish Independence Referendum Act 2013 \(asp 14\)](#), [ss. 27\(5\)](#), 36
- C6** Sch. 1 para. 20(1) restricted (S.) (30.1.2020) by [Referendums \(Scotland\) Act 2020 \(asp 2\)](#), [ss. 29\(6\)](#), 41

[<sup>F46</sup>20A(1) The Commission must, as soon after the end of each financial year as may be practicable, prepare and lay before the Scottish Parliament a report about the performance of the [<sup>F47</sup>Commission's devolved Scottish functions] during that financial year.

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

<sup>F48</sup>(3) .....

#### Textual Amendments

- F46** Sch. 1 para. 20A inserted (S.) (29.6.2011) by [Local Electoral Administration \(Scotland\) Act 2011 \(asp 10\)](#), [ss. 17\(3\)](#), 21(1); S.S.I. 2011/277, art. 2(b)
- F47** Words in Sch. 1 para. 20A(1) substituted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 19\(3\)\(a\)](#), 35; S.S.I. 2020/278, reg. 2, sch.
- F48** Sch. 1 para. 20A(3) repealed (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 19\(3\)\(b\)](#), 35; S.S.I. 2020/278, reg. 2, sch.

#### *Reports by Commission: devolved Welsh elections and referendums*

[<sup>F49</sup>20A(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.

#### Textual Amendments

- F49** Sch. 1 paras. 20A, 20B inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 28\(5\)](#), 42(3)(b); S.I. 2020/1052, art. 2(a)

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

- 20B (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.]

#### **Textual Amendments**

- F49** Sch. 1 paras. 20A, 20B inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 28\(5\), 42\(3\)\(b\)](#); S.I. 2020/1052, art. 2(a)

### *Notification of Commission regulations*

- 21 (1) If the Commission make any regulations, they must give a copy to the Secretary of State without delay.
- (2) If the Commission alter or revoke any regulations, they must give notice to the Secretary of State without delay.
- (3) Notice of an alteration must include details of the alteration.
- [<sup>F50</sup>21A(1) If the Commission make any regulations which relate to any elections mentioned in sub-paragraph (4), they must give a copy to the Scottish Ministers without delay.
- (2) If the Commission alter or revoke any regulations mentioned in sub-paragraph (1), they must give notice to the Scottish Ministers without delay.
- (3) Notice of an alteration must include details of the alteration.
- (4) The elections are—
- (a) Scottish Parliamentary general elections,
  - (b) elections held under section 9 of the Scotland Act 1998 (constituency vacancies),
  - (c) local government elections in Scotland.]

#### **Textual Amendments**

- F50** Sch. 1 para. 21A inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), [ss. 23, 35](#); S.S.I. 2020/278, reg. 2, sch.

### *Regulation-making instruments*

- 22 (1) Any power conferred on the Commission to make regulations is exercisable in writing.
- (2) An instrument by which regulations are made by the Commission (“a regulation-making instrument”) must specify the provision under which the regulations are made.

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- (3) To the extent to which a regulation-making instrument does not comply with sub-paragraph (2), it is void.
- (4) Immediately after a regulation-making instrument is made, it must be printed and made available to the public.
- (5) The Commission may charge a reasonable fee for providing a person with a copy of a regulation-making instrument.
- (6) A person is not to be taken to have contravened any regulation made by the Commission if he shows that at the time of the alleged contravention the regulation-making instrument concerned had not been made available in accordance with this paragraph.
- (7) Any power of the Commission to make regulations includes power to make different provision for different cases.

#### *Verification of regulations*

- 23 (1) The production of a printed copy of a regulation-making instrument purporting to be made by the Commission—
- (a) on which is endorsed a certificate signed by a member of the Commission's staff authorised by the Commission for that purpose, and
  - (b) which contains the required statements,
- is evidence (or in Scotland sufficient evidence) of the facts stated in the certificate.
- (2) The required statements are—
- (a) that the instrument was made by the Commission;
  - (b) that the copy is a true copy of the instrument; and
  - (c) that on a specified date the instrument was made available to the public in accordance with paragraph 22(4).
- (3) A certificate purporting to be signed as mentioned in sub-paragraph (1) is to be taken to have been properly signed unless the contrary is shown.
- (4) A person who wishes in any legal proceedings to rely on a regulation-making instrument may require the Commission to endorse a copy of the instrument with a certificate of the kind mentioned in sub-paragraph (1).

#### *Documentary evidence*

- 24 A document purporting to be—
- (a) duly executed under the seal of the Commission, or
  - (b) signed on behalf of the Commission <sup>F51</sup> ...,
- shall be received in evidence and shall, unless the contrary is proved, be taken to be so executed or signed.

#### **Textual Amendments**

**F51** Words in Sch. 1 para. 24(b) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), ss. 146(3), 148(3), [Sch. 7 Pt. 3](#); S.I. 2009/3318, art. 4(hh)

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### *Interpretation*

25<sup>[F52]</sup>(1) In this Schedule “delegate” includes further delegate.

<sup>[F53]</sup>(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;

“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).]

<sup>[F54]</sup>(2) In this schedule, “devolved Scottish functions”, in relation to the Commission, has the meaning given in paragraph 14A(8).]

#### **Textual Amendments**

- F52** Sch. 1 para. 25 renumbered as Sch. 1 para. 25(1) (1.10.2020): (E.W.) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 28(6)(a)**, 42(3)(b); S.I. 2020/1052, art. 2(a); [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 15(4)(a)**, 35; S.S.I. 2020/278, reg. 2, sch.
- F53** Sch. 1 para. 25(2) inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), **ss. 28(6)(b)**, 42(3)(b); S.I. 2020/1052, art. 2(a)
- F54** Sch. 1 para. 25(2) inserted (S.) (1.10.2020) by [Scottish Elections \(Reform\) Act 2020 \(asp 12\)](#), **ss. 15(4)(b)**, 35; S.S.I. 2020/278, reg. 2, sch.

**Status:**

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**Changes to legislation:**

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