



Senedd and Elections (Wales) Act 2020

2020 anaw 1

PART 3

ELECTIONS

Oversight of administration of elections

VALID FROM 01/10/2020

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—

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.

Status: Point in time view as at 15/01/2020. This version of this provision is not valid for this point in time.

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- (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.

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

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- (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.

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

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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—
 - “(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

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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;

“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.

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