

SENEDD CYMRU (MEMBERS AND ELECTIONS) ACT 2024

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Senedd Cymru (Members and Elections) Act 2024, which was passed by Senedd Cymru on 08 May 2024 and received Royal Assent on 24 June 2024. They have been prepared by the Economy, Treasury and Constitution Group of the Welsh Government to assist the reader of the Act. The Explanatory Notes should be read in conjunction with the Act but are not part of it.
2. The Act makes provision for increasing the number of Members of the Senedd, by amending the number of constituencies and the number of seats for each constituency and abolishing the five electoral regions. It also makes associated changes resulting from this change in size. These include increasing the limit on the number of Welsh Ministers and providing for an additional Deputy Presiding Officer who may be elected from the Senedd.
3. The Act also provides for changing the Senedd's mixed member electoral system so that all Members are elected through a closed list proportional system, with votes translated into seats using the D'Hondt formula. In association, it provides for an expansion of the role of the Local Democracy and Boundary Commission for Wales, and renames it as the Democracy and Boundary Commission Cymru ("the Commission"). The Act gives the Commission the function of undertaking ongoing reviews of Senedd constituency boundaries and makes related changes to how the Commission is constituted. It also sets out the rules and processes the Commission must follow in undertaking its boundary reviews, including in respect of the streamlined review to pair the 32 new UK Parliamentary constituencies in advance of the scheduled 2026 Senedd election (to form 16 new Senedd constituencies), a full review in advance of the scheduled 2030 election, and ongoing periodic reviews.
4. The Act will also return the normal length of time between Senedd ordinary general elections to 4 years; require Members of the Senedd, and candidates to be Members, to be registered in the register of local government electors at an address within Wales; provide for a requirement that the Presiding Officer asks the Senedd (by way of a motion tabled) to consider a review of the operation of the new legislative provisions following the 2026 election and provide for a requirement that the Presiding Officer asks the Senedd (by way of a motion tabled) to undertake work to explore practical and legislative considerations relating to implementing job sharing of certain offices related to the Senedd and the Welsh Government.

PART 1 - THE SENEDD AND WELSH MINISTERS

5. This Part makes provision to change the number of Members of the Senedd, by way of amending the number of constituencies and the number of seats for each constituency and (in conjunction with the changes to the electoral system being made by Part 2) abolishing the five electoral regions. It makes associated changes, such as providing for the specification of Senedd constituencies by reference to regulations made to implement the boundary reviews provided for in Part 4, and it provides power to the Senedd to elect a second Deputy Presiding Officer, in addition to the Deputy Presiding Officer that must be appointed at the first meeting of the Senedd under Section 25(1)(b) of the Government of Wales Act 2006. It likewise provides for an increase in the maximum number of Welsh Ministers that can hold office at the same time. The Act changes the frequency of ordinary general elections to the Senedd, and disqualifies from standing for election to the Senedd, or from remaining as a Member of the Senedd, a person who is not registered in the register of local government electors at an address within a Senedd constituency. It provides for a requirement that the Presiding Officer asks the Senedd, by way of a motion tabled, to establish a committee to explore practical and legislative considerations relating to job sharing of certain offices.

Section 1 - Number of Members of the Senedd and Senedd constituencies

6. Section 1 amends the Government of Wales Act 2006 (“the 2006 Act”) to provide for the Senedd to have 16 constituencies, with six seats for each constituency. This means that the Senedd will consist of 96 Members (16 multiplied by six) except in circumstances where one or more seats in the Senedd are vacant.

Section 2 - Senedd constituencies

7. Section 2 amends the 2006 Act to provide for the Senedd’s constituencies under the new electoral system. For the first election held after 6 April 2026, the constituencies will be specified in regulations made under paragraph 9 of Schedule 1 to the Act. Subsequently, they will be specified in regulations under section 49J of the Democracy and Boundary Commission Cymru etc. Act 2013 (the short title of that Act is currently the Local Government (Democracy) (Wales) Act 2013, but in light of the changes being made to that Act by this Act, discussed below, section 17 of the Act makes provision to change its name). This means that the Members of the Senedd will be exclusively elected from the 16 Senedd constituencies (there will be no regional Members).

Section 3 - Frequency of ordinary general elections

8. Section 3 amends section 3 of the 2006 Act to change the frequency of ordinary general elections so as to take place every four years, rather than every five years.

Section 4 - Additional Deputy Presiding Officer

9. Section 4 amends section 25 of the 2006 Act to provide for the Senedd to be able to elect a second Deputy Presiding Officer, in addition to the Deputy Presiding Officer that must be elected at the first meeting of the Senedd under section 25(1)(b) of the 2006 Act. The Standing Orders of the Senedd may provide for the additional Deputy Presiding Officer to hold office for a shorter period of time than the default position provided for in the 2006 Act (namely, staying in office until the dissolution of the Senedd during which the Deputy Presiding Officer was elected).

10. Section 4 also provides for certain restrictions on the Senedd's choice of a second Deputy Presiding Officer. They cannot be from the same political group as either the Presiding Officer or other Deputy Presiding Officer, and they cannot be a Member of a non-executive group if both the Presiding Officer and Deputy Presiding Officer are Members of non-executive groups (a non-executive group means a political group within the Senedd which does not have any Members in the acting Government of the time (i.e. the executive)). However, it also provides that these restrictions can be overridden by a two-thirds majority vote in the Senedd.
11. Unless otherwise stated above, the effect of section 4 is that the legislative duties, powers, and other requirements that apply to the Deputy Presiding Officer that must be appointed at the first meeting of the Senedd under Section 25(1)(b) of the 2006 Act also apply to any additional Deputy Presiding Officer. This section also makes related amendments to the 2006 Act and other legislation.

Section 5 - Increase in maximum number of Welsh Ministers

12. Section 5 provides, by amending section 51 of the 2006 Act, for an increase to the maximum number of Welsh Ministers that can hold office at the same time, from 12 to 17. This limit includes Deputy Ministers (see the definition of "Welsh Ministerial office" in section 51 of the 2006 Act) but does not include the First Minister and Counsel General. Section 5 also provides for a regulation making power for the limit to be increased in the future, to a maximum of 19. The power can only be used to increase the number- it cannot be used to decrease the number (in practice, a First Minister has always been able to appoint fewer Welsh Ministers than the maximum, as section 51 imposes a limit on the number of Welsh Ministers, rather than setting a required number of Welsh Ministers; the amendments made by this Act do not affect this). A statutory instrument containing regulations increasing the limit may not be made unless a resolution of the Senedd approving the draft instrument has been voted for by at least 64 Members (i.e. two-thirds of total number of seats in the Senedd, regardless of whether any seats are empty at the time of the vote).

Section 6 - Disqualification from being a Member of the Senedd or a candidate

13. Section 6, by amending Schedule 1A to the 2006 Act, disqualifies from standing for election to the Senedd, or from being a Member of the Senedd, a person who is not registered in the register of local government electors at an address within a Senedd constituency.

Section 7- Review of possible job-sharing of offices relating to the Senedd

14. Section 7 makes provision requiring the Presiding Officer to table a motion proposing that the Senedd establishes a committee to review the extent to which persons should be able to jointly hold a relevant office (i.e. to 'job-share') or to temporarily hold a relevant office while the person holding that office is unavailable. "Relevant office" means the roles listed in section 7(3). The motion must be tabled as soon as practicable following the first meeting of the first Senedd elected after 7 November 2025 (i.e. this includes a Senedd elected by an extraordinary general election that resulted in the scheduled ordinary general election in May 2026 not taking place – see section 5(5) of the 2006 Act), but in any case, within six months of that meeting.

15. If it were agreed by the Senedd that such a review is to be undertaken, that review could include consideration of both the practical and legislative implications. The motion tabled by the Presiding Officer must also propose that the committee prepares a report on its review, with recommendations. If a committee established under this motion lays a report on its review before the Senedd, the Welsh Ministers must lay a statement before the Senedd setting out their response to the report and any steps they propose to take, which may include legislative steps.

PART 2 – VOTING SYSTEM AT SENEDD GENERAL ELECTIONS AND ALLOCATION OF SEATS

16. This Part provides for changing the Senedd’s electoral system so that all Members are elected through a closed list proportional system, with votes translated into seats using the D’Hondt formula. This Part also makes provision concerning vacancies in Senedd seats that arise between general elections.

Section 8 - General elections

17. Section 8 substitutes sections 6 to 9 of the 2006 Act to give effect to the new electoral system. The references below are to the sections of the 2006 Act as substituted.
18. Section 6 of the 2006 Act, as substituted, provides that persons voting in Senedd general elections may cast one vote only - either for a registered political party that has submitted a list of candidates for that constituency, or for a candidate standing independently of a party in that constituency (called an “individual candidate” in the 2006 Act). In consequence of the change from the mixed member proportional system originally provided for under the 2006 Act to the closed list proportional system provided for in these provisions, all Members will be elected in the same way and voters will have only one vote (rather than two). This section also requires that an order made under section 13 of the 2006 Act about the conduct of elections of Members of the Senedd must require that the names of all validly nominated candidates for the constituency are included on the ballot paper.
19. Section 7 of the 2006 Act, as substituted, makes provision about lists of candidates standing at a Senedd general election, submitted by registered political parties. A list must contain between 1 and 8 candidates. The list must not include a person who is included on any other list (whether in the same constituency or another), or who is standing as an individual candidate (again, whether in the same constituency or another). Similarly, a person may not be an individual candidate if they also appear on any party list, or as an individual candidate in any other constituency. The result is that a person may only stand once as a candidate at a general election. The section also defines “constituency returning officer.”
20. Substituted sections 8 and 9 set out the method for allocating seats, which involves applying the d’Hondt method.

21. Substituted section 8 of the 2006 Act provides for the calculation of the “seat allocation figure”. Seats are to be allocated in turn to the party or individual candidate with the highest seat allocation figure (substituted section 9(1) and (2)).
22. For an individual candidate, the seat allocation figure is the total number of votes received by that candidate. For a party standing in a constituency, it is the total number of votes received by the party in that constituency, divided by the “seat allocation divisor”. Initially the seat allocation divisor is one, meaning that the first seat allocation figure for a party is the total number of votes it has received in the constituency.
23. Therefore the first of the 6 seats for the constituency is allocated to the party or individual candidate that received the most votes.
24. Substituted section 9 of the 2006 Act provides for the recalculation of a party’s seat allocation figure with an increased divisor when allocating the second to sixth seats if the party was allocated the previous seat. So, to allocate the second seat, if the first seat was allocated to a party, that party’s seat allocation figure must be recalculated by adding one to its previous seat allocation divisor (i.e. the divisor becomes 2). The second seat is then allocated to the party or individual candidate with the highest seat allocation figure. For example, if Party A had won 50,000 votes in a constituency, and this was enough for the first seat to be allocated to Party A, then when allocating the second seat, the 50,000 would be divided by $1+1=2$, giving a seat allocation figure for Party A of 25,000.
25. This process is then carried out again for the remaining seats, with a recalculation taking place each time a party was allocated the previous seat. So, taking the example above, if 25,000 was the highest seat allocation figure when allocating the third seat, it would be allocated to Party A and its seat allocation figure, when allocating the fourth seat, would be 50,000 divided by 3 (previous seat allocation divisor of $2 + 1$), giving a seat allocation figure of 16,666.666 (recurring). Party A will be allocated the fourth seat if the other parties and any individual candidates all have lower seat allocation figures (the figures are not rounded off) or if they are to be disregarded in that round (see next paragraph).
26. Any individual candidate to whom a seat has been allocated is disregarded in any subsequent rounds. Similarly, if a party is allocated seats for all the candidates on its list, that party is disregarded in any subsequent rounds.
27. A party must fill the seats that it is allocated with the candidates that appear on its list in the order in which they appear on that list.

28. In the event of a tie in any round in the seat allocation figure for two or more parties or individual candidates, a seat is to be allocated to each of those parties or candidates provided there are enough remaining seats. If there are insufficient seats remaining, then the tie is to be broken as follows:
- the seat allocation figure for the tied parties or individual candidates is recalculated by adding one to the total number of votes that they received. For an individual candidate, this simply involves adding one to the number of votes the candidate received. For a party, this involves adding one to the total number of votes the party received in the constituency and then dividing that number by the party's seat allocation divisor. For example, if a party had received 50,000 votes in the constituency and had so far been allocated two seats, 50,001 would be divided by the party's seat allocation divisor of 3, to get 16,667;
 - if the revised seat allocation figure breaks the tie, then the remaining seat is (or seats are) allocated in the usual way, namely to the party or individual candidate with the highest seat allocation figure.
29. If a tie remains, then the constituency returning officer must resolve it by lots.

Section 9 - Vacant seats

30. Section 9 amends the 2006 Act so as to set out the position regarding vacancies arising between elections (that may arise, for example, as a result of a Member of the Senedd's resignation) under the closed list proportional system. It repeals section 10 of the 2006 Act (which provided for the holding of by-elections in respect of vacancies in constituency seats) and substitutes section 11 (which originally provided for the filling of vacant seats of regional Senedd Members).
31. Substituted section 11 of the 2006 Act provides that if a seat held by a Member who was returned from a party list becomes vacant, the vacancy is to be filled by the highest-placed person on that list who meets the following conditions and who has not already been returned (and for these purposes a void return, which would be the case if the person was disqualified from being a Member of the Senedd at the time of return, counts as a return). The conditions are that the person is willing to serve, and in the case of person who is not a member of the party, the party has not given notice to the constituency returning officer that it does not wish that person to fill the vacancy. It is for the constituency returning officer to notify the Presiding Officer of the name of the person (if any) who is to fill the vacancy.
32. If there are no candidates remaining on the party's list who are eligible at that time to fill the vacancy, or if the Member of the Senedd whose seat has become vacant was returned as an individual candidate, the seat will remain vacant until the next general election.

Section 10 - Related amendments

33. Section 10 makes amendments to the 2006 Act and other legislation, arising from the new arrangements under the Act for returning and maintaining the Senedd.

PART 3 – DEMOCRACY AND BOUNDARY COMMISSION CYMRU

34. This Part makes provision for the conferral of Senedd constituency boundary review functions on the Local Democracy and Boundary Commission for Wales, and for its related change of name. This Part provides for those changes by amending the Local Government (Democracy) (Wales) Act 2013 and making a similar change to the short title of that Act.

Section 11 - Renaming the Local Government (Democracy) (Wales) Act 2013

35. Section 11 makes provision to change the short title of the Local Government (Democracy) (Wales) Act 2013 to the Democracy and Boundary Commission Cymru etc. Act 2013 to reflect the amendments being made to it by this Act. This section also introduces Part 1 of Schedule 1 to the Act which makes amendments to various enactments in consequence of this section.

Section 12 - Renaming the Local Democracy and Boundary Commission for Wales

36. Section 12 changes the name of the Local Democracy and Boundary Commission for Wales to the Democracy and Boundary Commission Cymru to reflect the additional responsibilities given to it by this Part of the Act. This section also introduces Part 2 of Schedule 1 to the Act which makes amendments to various enactments in consequence of this section.

SCHEDULE 1: MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 3

37. Schedule 1 is introduced by sections 11 and 12.

38. This Schedule makes minor and consequential amendments relating to both the change of short title of the 2013 Act and the change of name of the Local Democracy and Boundary Commission for Wales to Democracy and Boundary Commission Cymru.

Section 13 - Number of members of the Commission

39. Section 13 increases the maximum number of members of the Commission from five to nine (including the chair and deputy chair). This is in recognition of the expected increase in the workload of the Commission) in consequence of its expanded functions.

Section 14 - Persons who may not be members or chief executive of the Commission

40. Section 14 expands the lists of persons who may not be members of the Commission or chief executive of the Commission, with a view to ensuring impartiality when exercising its Senedd constituency boundary review functions.

Section 15 - Quorum for meetings of the Commission

41. Section 15 makes provision for a regulation-making power enabling the Welsh Ministers to change the quorum for meetings of the Commission from the current statutory requirement of three. This power permits an increase or decrease in the quorum number, provided that any decrease does not change the quorum to a number lower than three. Regulations made under this power are subject to the affirmative procedure.

Section 16 - Assistant commissioners

42. Section 16 provides that the Commission may appoint one or more assistant commissioners to whom it may delegate functions in accordance with section 13 of the 2013 Act. This section also makes changes to the list of persons who may not be assistant commissioners, to align with the amendments made by section 14 to those who may not be members of the Commission under the Act. This section also provides that assistant commissioners are disqualified from being a Member of the Senedd or a candidate to be a Member of the Senedd (which was, and remains, the case for members of the Commission and the chief executive of the Commission).

PART 4 - SENEDD CONSTITUENCY BOUNDARY REVIEWS

Section 17 - Senedd constituencies for a general election held after 6 April 2026 and before regulations under section 49J of the 2013 Act take effect

43. Section 17 introduces Schedule 2 which makes provision about the Senedd constituencies for which Members of the Senedd will be elected at a general election held after 6 April 2026 and before the first set of regulations made under section 49J of the 2013 Act take effect (see subsection (8) of that section; that section is inserted into the 2013 Act by Schedule 3 to this Act).

SCHEDULE 2: SENEDD CONSTITUENCIES FOR FIRST GENERAL ELECTION AFTER 6 APRIL 2026

44. Schedule 2 is introduced by section 17.
45. This Schedule makes provision for the Commission (as renamed by this Act) to carry out a review to establish new Senedd constituencies for which Members of the Senedd will be elected at the general election to be held after 6 April 2026 and before the first set of regulations made under section 49J of the 2013 Act takes effect, due to changes to the Senedd's electoral system. It sets out the rules and processes the Commission must follow to determine those constituencies.

Elections in relation to which this Schedule applies

46. Paragraph 1 states that this Schedule makes provision about the constituencies for which Members of the Senedd will be elected at a general election held after 6 April 2026. This means the Schedule will apply in relation to a Senedd general election taking place up to one calendar month earlier than the scheduled ordinary general election date of 7 May 2026. This paragraph also states that the Senedd constituencies provided for under this Schedule will remain in place until regulations under section 49J of the 2013 Act (which is a section in Part 3A of that Act, as inserted by Schedule 3 to this Act) take effect, or the constituencies are otherwise changed under any enactment.

Senedd constituencies and the 2026 boundary review

47. Paragraph 2 provides that each Senedd constituency established under this Schedule is to consist of two contiguous UK parliamentary constituencies in Wales. It requires the Commission to conduct a review in accordance with the Schedule and lists the determinations the Commission must make in this boundary review. These are: which contiguous UK parliamentary constituencies in Wales are to be combined to create the 16 Senedd constituencies; the names of those constituencies (see further paragraph 5 of Schedule 2); and whether each constituency is a county or borough constituency.

Notice of commencement of 2026 boundary review

48. Paragraph 3 provides that the Commission must publish a notice once the review has commenced (in accordance with paragraph 14, which requires that anything published under the Schedule must be published on the Commission's website, and in such other manner as the Commission considers appropriate) and that such notice must specify the date that the review commenced. This paragraph also defines "review date" for the purpose of Schedule 2 by reference to the date specified in the notice of commencement.

Matters the Commission may take into account in the 2026 boundary review

49. Paragraph 4 lists factors the Commission may take into account in making determinations about the combinations of UK parliamentary constituencies as part of this boundary review. These are: existing local government boundaries; special geographical considerations; and any local ties (including local ties connected to the use of the Welsh language) that would be broken by the proposed pairings.

Determining the names of the Senedd constituencies

50. Paragraph 5 sets out how the names of Senedd constituencies are to be determined, and the actions the Commission must take when determining those names, including consultation with the Welsh Language Commissioner on the orthography of any names proposed. Constituencies must have a single name for use in Welsh and English, unless the Commission consider this to be unacceptable. If so, constituencies may have different names for use in communication through Welsh and English. If there are different names, there is a requirement to include both names in the Welsh and English versions of the Commission's reports.

Initial report on the 2026 boundary review and first period for representations

51. Paragraph 6(1) requires the Commission to make an initial report after it has published the notice of commencement and consulted the Welsh Language Commissioner on the orthography of the proposed names, and details what that report must contain. Paragraph 6(2) requires the Commission to (amongst other things) publish the initial report and invite representations on it. This paragraph also provides that the first period for representations is a period of four-weeks beginning on the date the initial report is published. The Commission must consult with the Welsh Language Commissioner during this period (and this consultation is not restricted to the orthography of the proposed names).

Second report on the 2026 boundary review and second period for representations

52. Paragraph 7 sets out actions the Commission must take following the first period for representations. These are: a requirement to publish the representations received, to consider its proposals having regard to those representations and to consult and have regard to any representations made by the Welsh Language Commissioner on the orthography of the proposed names if any changes to the constituency names are proposed. Having taken the necessary steps outlined in paragraph 7(1), paragraph 7(2) requires the Commission to make a second report and details what the report should contain. Paragraph 7(3) requires the Commission to (amongst other things) publish the second report and invite representations on it. Paragraph 7(5) provides that the second period for representations is a period of four weeks and begins on the date that the second report is published. The Commission must consult with the Welsh Language Commissioner during this period (and this consultation is not restricted to the orthography of the proposed names). Paragraph 7(6) sets out the actions the Commission must take following the second period for representations, which mirror the actions to be taken following the first period for representations.

Final report on the 2026 boundary review

53. Paragraph 8 provides that the Commission must, before 1 April 2025, make and publish a final report on the 2026 boundary review, and send this report to the Welsh Ministers. The report must confirm which of the UK parliamentary constituencies have been combined to create the 16 Senedd constituencies, the name of each constituency (and whether each constituency is a county or borough constituency. The report must specify the detail of any changes to the proposals set out in the second report and explain why such changes have been made. This paragraph provides that a failure to submit a final report to the Welsh Ministers by 1 April 2025 does not render the report invalid. This paragraph also requires the Welsh Ministers to lay the final report before the Senedd as soon as reasonably practicable following receipt of the report.

Implementation of final report by the Welsh Ministers

54. Paragraph 9 sets out details of how the final report is to be implemented. The Welsh Ministers must make regulations implementing the determinations in the Commission's final report as soon as reasonably practicable and in any event within 14 weeks of laying of the final report before the Senedd, unless there are exceptional circumstances. Where regulations are not made in that time period, the Welsh Ministers must, within 14 weeks of laying the final report, lay a statement setting out the exceptional circumstances. The Welsh Ministers must continue to lay such statements every 4 weeks until the regulations are made. Regulations under this paragraph are not subject to any procedure in the Senedd, but the statutory instrument containing the regulations must be laid before the Senedd. This paragraph also contains a transitional provision to ensure that regulations made under it do not have effect until the dissolution of the Senedd in anticipation of the first general election held after 6 April 2026. This ensures that the new constituencies can be created in law, but this does not affect the return of members or the constitution of the Senedd before an election at which the new system provided for by this Act will take effect.

Modification of final report by the Commission

55. Paragraph 10 sets out the steps the Commission and the Welsh Ministers may or must take if, after the report has been laid before the Senedd but before regulations have been made under paragraph 9, the Commission considers the report needs to be modified to correct an error or errors in respect of matters set out in paragraph 8(2); this involves the publishing of a statement by the Commission specifying the modifications and the reasons why they are sought, which the Welsh Ministers must lay before the Senedd. Paragraph 10(5) requires the Welsh Ministers to give effect to the final report and the modifications set out in a statement under paragraph 10(2) when making regulations under paragraph 9.

Delegation by the Commission of functions under this Schedule

56. Paragraph 11 provides that the Senedd boundary review functions in this Schedule can be delegated by the Commission in accordance with section 13(1) of the 2013 Act.

Welsh Ministers may not give directions to Commission relating to functions under this Schedule

57. Paragraph 12 provides that the Welsh Ministers are not permitted to give the Commission a direction under section 14 of the 2013 Act related to the exercise of its Senedd boundary review functions (as provided for by this Schedule).

Interpretation

58. Paragraph 13 defines terms used in this Schedule.
59. As noted above, paragraph 14 provides that the Commission must publish a notice, report or other document on the Commission's website, and in any other way it considers appropriate.

Section 18 - Senedd constituencies for general elections held after regulations under section 49J of 20 the 2013 Act take effect

60. Section 18 introduces Schedule 3, which inserts a new Part 3A into the 2013 Act that makes provision about the Senedd constituencies for which Members of the Senedd will be elected at general elections held after the first set of regulations under section 49J of the 2013 Act takes effect.

SCHEDULE 3: NEW PART 3A OF THE 2013 ACT

61. Schedule 3 is introduced by section 18.
62. This Schedule makes provision for the Commission to carry out regular reviews of Senedd constituency boundaries for which Members of the Senedd will be elected at general elections to be held after the first set of regulations made under section 49J of the 2013 Act take effect. It sets out the rules and processes the Commission must follow in reviewing boundaries and determining what changes to make.

Part 3A of the 2013 Act

63. Paragraph 1 of Schedule 3 inserts a new Part 3A into the 2013 Act, as detailed in the paragraphs below.

64. **Section 49A** requires the Commission to conduct a boundary review once in each review period, with subsection (5) defining the length of a review period as being the period beginning with 1 April 2025 and ending with 30 November 2028, the period of eight years beginning with 1 December 2028 and each subsequent period of eight years. Section 49A sets out the matters the Commission must determine if it considers that the boundaries of a Senedd constituency should change. This section also provides that, even if the boundaries of a Senedd constituency are not to change, the Commission may still decide to change its name, or its status as a county or borough constituency.
65. **Section 49B** provides that the Commission must publish a notice once the review has commenced (in accordance with section 49L(2), which requires that anything published under Part 3A must be published on the Commission's website and in such other manner as the Commission considers appropriate), and such notice must specify the date on which the review commenced. This section also defines "review date" for the purpose of Part 3A of the 2013 Act by reference to the date specified in the notice of commencement.
66. **Section 49C** sets out the rules the Commission must follow when conducting its reviews:
- Subsection (1) requires that each Senedd constituency must be within an electoral quota variance of no less than 90% and no more than 110% of the electoral quota. The electoral quota is defined in subsection (3)(b) of this section.
 - Subsection (2)(a) provides for a list of factors that the Commission may have regard to when determining whether there should be changes to Senedd constituency boundaries and what those changes should be. Subsection (2)(b) states that the Commission must, in any event, seek to minimise the number of changes to Senedd constituencies and have regard to the inconveniences caused by the making of any changes. Subsection (2)(b) is intended to oblige the Commission to have regard to the fact that making changes to constituencies has administrative and practical consequences, and to aim to bring about the smallest amount of change to Senedd constituencies. This duty applies in all circumstances, including in the context of the Commission's powers to have regard to any of the matters listed in subsection (2)(a). The Commission may take into account, for example, the boundaries of existing electoral wards; but in taking those wards into account (and, for example, concluding that the boundaries of a Senedd constituency should not cut across the boundaries of a ward) the Commission should still seek to bring about the smallest amount of change to the Senedd constituencies. This provision is not intended to oblige the Commission to restrict itself only to those changes that are essential for the electorate of a constituency to fall within the electoral quota range in subsection (1).
 - Subsection (3) defines the electorate and the electoral quota for the purposes of subsection (1).
 - Subsection (4) specifies which version of the register of local government electors is to be used to determine the electoral quota for each review.

- Subsection (5), read with subsection (2)(a)(i), requires the Commission to consider prospective boundaries on the review date.
 - Subsection (6) defines “prospective” for the purposes of subsection (5).
67. **Section 49D** sets out how the names of Senedd constituencies are to be determined, and the actions the Commission must take when determining those names, including consultation with the Welsh Language Commissioner on the orthography of any names proposed. Constituencies must have a single name for communication in Welsh and English, unless the Commission consider this to be unacceptable. If so, constituencies may have different names for use in Welsh and English. If there are different names, there is a requirement to include both names in the Welsh and English versions of the Commission’s reports.
68. **Section 49E(1)** requires the Commission to make an initial report after it has published the notice of commencement and consulted the Welsh Language Commissioner on the orthography of the proposed constituency names (if it is proposing changes to any of the names) and details what that report must contain. Section 49E(2) requires the Commission to (amongst other things) publish the initial report and invite representations on it. This section also provides that the first period for representations is a period of eight weeks, beginning with the date on which the initial report is published. The Commission must consult with the Welsh Language Commissioner during this period (and this consultation is not limited to the orthography of proposed constituency names).
69. **Section 49F** sets out the actions the Commission must take following the first period for representations, including the requirement in subsection (1) to publish any representations received during that period. Once the representations (following the first period) are published, the second period for representations commences and lasts for six weeks, starting with the date the document setting out the representations received, as mentioned in subsection (1), is published. The Commission must notify any person it considers appropriate of how to access the document and invite further representations on the representations made in the document. The Commission is also required to publish information about public hearings, including where and when they will be held (section 49G makes further provision about public hearings). Subsection (4) defines “remote facilities” in the context of public hearings.
70. **Section 49G** sets out details of how many public hearings are to be held during the second period for representations and describes how those hearings are to be conducted.

71. **Section 49H** sets out the actions the Commission must take at the end of the second period for representations. The Commission must first consider its proposals having regard to representations made during the first and second period for representations. In the event the Commission proposes changes to the names of the constituencies that were not proposed in the initial report the Commission must consult, and have regard to any representations made by, the Welsh Language Commissioner on the orthography of those names. The Commission must then make and publish a second report, which must set out: the detail of any changes the Commission has made to the proposals set out in the initial report and an explanation of why those changes have been made, or a statement that they do not consider any change appropriate. The Commission must also publish a document containing any representations received during the second period for representations and the records of the public hearings. Section 49H also provides for a third and final period for representations lasting four weeks (beginning with the date the second report is published). The Commission must consult the Welsh Language Commissioner during this period (and this consultation is not limited to the orthography of proposed constituency names). Section 49H outlines the actions to be taken by the Commission following the end of the final period for representations. These involve publishing any representations received during the final period and considering its proposals having regard to those representations. This includes a further requirement to consult the Welsh Language Commissioner on the orthography of the names where the Commission proposes changes relating to the names of Senedd constituencies that were not contained in the second report.
72. **Section 49I** requires the Commission to make and publish a final report before 1 December 2028, and before 1 December every eight years thereafter, and to send that report to the Welsh Ministers. This section sets out what a final report must contain, including either the details of any changes that are required to be made to Senedd constituencies or a statement that no alteration is required, as well as setting out the detail of any changes to the proposals set out in the second report together with the reason for those changes. Subsections (3) and (4) list what the report must specifically set out where changes are required. This includes in particular a requirement to set out the boundaries and names of all the constituencies even if the changes are only to some constituencies. This section provides that a failure to submit a final report to the Welsh Ministers before the deadline does not render the report invalid. This section also provides that the Welsh Ministers must lay the final report before the Senedd as soon as reasonably practicable after it is received.

73. **Section 49J** details how a final report must be implemented by the Welsh Ministers. Where changes are required to be made to Senedd constituencies, the Welsh Ministers must make regulations giving effect to the determinations made in a final report of the Commission as soon as reasonably practicable after laying the report before the Senedd and, unless there are exceptional circumstances, before the end of the period of 4 months. This section also sets out the actions to be taken by Welsh Ministers if regulations are not made within the specified period, which are identical to those required under paragraph 9 of Schedule 2 to the Act. Regulations under this section are to be made by statutory instrument, and while they are not subject to any procedure within the Senedd, the statutory instrument containing the regulations must be laid before the Senedd as soon as reasonably practicable after the regulations are made. Subsection (8) provides that the coming into force of the regulations does not affect the return of a Member of the Senedd or the constitution of the Senedd until the dissolution of the Senedd in connection with the next ordinary general election, or an extraordinary general election held on the day the next ordinary general election would have been held, or an extraordinary general election held during the preceding one month period.
74. **Section 49K** describes how a final report may be modified in the event of any errors identified by the Commission, after it has been laid before the Senedd but prior to regulations being made under section 49J. This section provides details of the actions the Commission and the Welsh Ministers may or must take in that event, including the publishing and laying of a statement specifying the modifications and the reasons for those modifications. Subsection (5) requires the regulations made by the Welsh Ministers under section 49J to reflect the final report and any modifications specified in the statement made under this section.
75. **Section 49L** defines terms used in Part 3A of the 2013 Act. This section also sets out how the Commission is to publish any notices, reports and other documents required under this Part.

Related amendments

76. Paragraph 2 of Schedule 3 sets out related amendments to the 2013 Act and the Local Government and Elections (Wales) Act 2021 (“the 2021 Act”). Paragraph 2(2) amends the overview in section 1 of the 2013 Act to include a reference to new Part 3A of the Act. Paragraph 2(3) amends section 13 to allow for the delegation of Senedd constituency boundary review functions to specific members of the Commission and assistant commissioners. Paragraph 2(4) amends section 14 of the 2013 Act so that the Welsh Ministers may not give directions to the Commission relating to the exercise of its functions relating to Senedd constituency boundary reviews. The remainder of the provisions in this paragraph make minor and technical amendments.

Transitional provision

77. Paragraph 3(1) requires the Welsh Ministers, when making the first set of regulations under section 49J, to set out the boundaries and names of all 16 Senedd constituencies, and whether they are a county or a borough constituency. This applies whether or not the final report on the first boundary review conducted under Part 3A of the 2013 Act determines that changes are required to be made to the Senedd constituencies. Paragraph 3(2) makes a transitional modification to the effect that the definition of the term “Senedd constituency” in section 49L(1) is to be read as referring to regulations made under paragraph 9 of Schedule 2 to the Act (following the review conducted under that Schedule) until the first set of regulations under section 49J take effect.

PART 5 – REVIEW OF OPERATION OF ACT ETC. AND GENERAL PROVISIONS

Review of operation of Act etc.

78. This Part provides for a requirement that the Presiding Officer asks the Senedd, by way of a motion tabled, to consider a review of the operation and effect of the provisions of the 2006 Act, as amended by the Act, following the 2026 election. This Part also includes: a power to make consequential and transitional provisions, a power to set Senedd campaign expenditure limits, provisions about the Senedd procedure to apply to regulations made under section 20 or 21 of the Act, an interpretation section, transitional provisions in respect of Parts 1 and 2, and provisions about commencement and the short title of the Act.

Section 19 - Review of operation of Act etc. after 2026 general election

79. Section 19 places a duty on the Presiding Officer to table a motion proposing that the Senedd establish a committee to review the operation and effect of Part 1 (“the Senedd and Welsh Ministers”) and Part 2 (“Voting System at Senedd General Elections and Allocation of Seats”) of this Act, as well as to review the extent to which the elements of a healthy democracy are present in Wales.
80. If the Senedd agrees a motion to establish a committee to conduct such a review, it is possible that the review may consider such issues as:
- (i). the impacts of the new voting system on proportionality;
 - (ii). the introduction of multi-member constituencies;
 - (iii). the experience of using closed lists.
81. Ultimately it will be for the Senedd, in the terms of the motion it agrees (if it passes any such motion), and for the committee itself, to determine what it should consider in its review, and how that review should be conducted. In considering the impact of the new voting system, there are a range of matters and principles the committee could take into account, including the principles set down by the Expert Panel on Electoral Reform (such as proportionality, simplicity, and the extent to which the new system has delivered a Senedd that is reflective of the people of Wales).

82. It is possible that a committee established by the Senedd under section 19 may also wish to carry out an assessment of any other Senedd reform issues that it considers relevant, such as:
- (i). the awareness and understanding of devolved Welsh government and elections;
 - (ii). an assessment of turnout levels and an exploration of proposals for how this may be increased;
 - (iii). support for members and parties to undertake their Senedd roles;
 - (iv). the infrastructure in place to support a strong Welsh democracy,

but this will be a matter for the committee itself, subject to the terms of the motion that established it (and any other relevant motion).

83. The motion must be tabled as soon as practicable after the first meeting of the Senedd returned at a general election held after 6 April 2026, but in any event within 6 months of that meeting, and the motion must propose that the committee must complete its report within 12 months of said meeting.
84. If, in line with this section, the Senedd agrees a motion to establish such a committee, and undertake such a review, and if that committee then lays a report before the Senedd, then the Welsh Ministers are required to lay a statement before the Senedd which sets out their response to that report.

General

Section 20 - Power to make consequential, transitional etc. provision

85. Section 20 provides a power to make provision for certain purposes connected with implementing the Act. This includes a power to amend other primary and secondary legislation. Where the power is used to amend, repeal or modify primary legislation, the resulting Statutory Instrument is subject to the affirmative procedure in the Senedd (see section 22); otherwise, it is subject to the negative procedure.

Section 21 - Power to set Senedd election campaign expenditure limits in connection with section 1 and Part 2

86. In connection with the changes made by section 1 (number of Members of the Senedd and Senedd constituencies) and Part 2 (voting system at Senedd general elections and Allocation of Seats), section 21 provides the Welsh Ministers with a power to make regulations to amend paragraph 6 of Schedule 9 to the Political Parties, Elections, and Referendums Act 2000 (limits on campaign expenditure) to set the limits for campaign expenditure incurred by or on behalf of a registered party that is contesting seats in a general election to the Senedd.
87. Such limits may be set by reference to either the number of constituencies the party is contesting at a general election, or the number of candidates on a party's candidate list(s), or both. This power includes a power to amend other primary and secondary legislation.
88. Regulations made under section 21 may only be made with the consent of the Electoral Commission and are subject to the affirmative procedure in the Senedd.

Section 22 - Regulations under this Act

89. Section 22 makes general provision about regulations made under the Act (except those made under paragraph 9 of Schedule 2; the provision relating to the making of those amendments can be found in Schedule 2 itself), including the Senedd procedures applicable to those regulations.

Section 23 - Interpretation

90. Section 23 defines certain expressions used in the Act, and indicates where in the Act the definitions of certain other expressions can be found.

Section 24 - Transitional provision relating to Parts 1 and 2

91. Section 24 makes transitional provision relating to Parts 1 and 2.
92. There is a convention that changes to electoral law should come into force at least 6 months before the date of the notice of the election at which they first apply. This is to give electoral administrators certainty as to the law governing a forthcoming election and sufficient time to prepare for it, including time to understand and give effect to changes in the law. For this reason, whilst section 25 provides for the changes made by this Act to the size of the Senedd, constituencies, the voting system and disqualification of candidates and Members, together with the related amendments to other enactments (see section 10), to come into force two months after Royal Assent, the effect of section 24 is to delay those changes from taking effect until the first general election held on or after 7 April 2026 (for these purposes, it is the date of the poll for the general election that is relevant). That date is the earliest date the Presiding Officer could, under section 4 of the 2006 Act, propose for the poll for the next scheduled ordinary general election (which, under section 3 of the 2006 Act, is scheduled for 7 May 2026). The result of section 24 is that any general election which may be held before that date, would be held under the pre-existing law i.e. the mixed member electoral system provided for in the 2006 Act. Similarly, the Act's other changes mentioned in section 24(1) and (2) (including, for example, the changes to how vacancies arising between general elections are dealt with) will not take effect in respect of any Senedd returned as a result of a poll which is held before 7 April 2026.
93. Section 3 of the Act reduces the time between ordinary general elections to four years and section 25 provides for that change to come into force on the day after the day of the poll for the first general election held after 7 November 2025. Section 24(3) and (4) confirm that, in the case that an extraordinary general election is held after that date but before the ordinary general election scheduled for May 2026 (which would result in that ordinary general election not taking place: see section 5(5) of the 2006 Act), the next ordinary general election would be due to take place in 2030.

Section 25 - Coming into force

94. Section 25 makes provision for the coming into force of the Act as follows:
- (i). Part 3, section 17, Part 5 (other than section 20), and Schedule 2 come into force on the day after the Act receives Royal Assent.
 - (ii). Sections 1, 2, 6, 7, 18, 19, 21, Part 2, and Schedule 3 come into force two months after the day on which the Act receives Royal Assent.

*These notes refer to the Senedd Cymru (Members and Elections) Act 2024 (asc 4)
which received Royal Assent on 24 June 2024*

- (iii). Section 3 comes into force the day after the day of a poll for the first general election held after 7 November 2025.
- (iv). Sections 4 and 5 come into force the day after the day of a poll for the first general election held after 6 April 2026.

Section 26 - Short title

- 95. This section provides that the Act's short title is the Senedd Cymru (Members and Elections) Act 2024.

SCHEDULE 1: MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 3

- 96. Schedule 1 is introduced by sections 11 and 12. Paragraphs 37-38 of these Explanatory Notes provide notes on Schedule 1.

SCHEDULE 2: SENEDD CONSTITUENCIES FOR FIRST GENERAL ELECTION AFTER 6 APRIL 2026

- 97. Schedule 2 is introduced by section 17. Paragraphs 44-59 of these Explanatory Notes provide notes on Schedule 2.

SCHEDULE 3: NEW PART 3A OF THE 2013 ACT

- 98. Schedule 3 is introduced by section 18. Paragraphs 61-77 of these Explanatory Notes provide notes on Schedule 3.

RECORD OF PROCEEDINGS IN SENEDD CYMRU

- 99. The following table sets out the dates for each stage of the Act's passage through the Senedd. The Record of Proceedings and further information on the passage of this Act can be found on the Senedd website at: <https://business.senedd.wales/mgIssueHistoryHome.aspx?IIId=41915>

Stage	Date
Introduced	18 September 2023
Stage 1 - Debate	30 January 2024
Stage 2 Scrutiny Committee - consideration of amendments	5 March 2024 and 6 March 2024
Stage 3 Plenary - consideration of amendments	30 April 2024
Stage 4 Approved by the Senedd	8 May 2024
Royal Assent	24 June 2024