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Changes to legislation: There are currently no known outstanding effects for the Senedd Cymru (Members and Elections) Act 2024, SCHEDULE 3. (See end of Document for details)

SCHEDULE 3

(Introduced by section 18)

NEW PART 3A OF THE 2013 ACT

PROSPECTIVE

Part 3A of the 2013 Act

1 In the 2013 Act, after Part 3 insert—

“PART 3A

SENEDD CONSTITUENCY BOUNDARY REVIEWS

49A Senedd constituency boundary reviews

- (1) The Commission must conduct a Senedd constituency boundary review once in every review period.
- (2) A Senedd constituency boundary review is a review of the Senedd constituencies for the purpose of determining whether those boundaries should change in order to give effect to the rules set out in section 49C.
- (3) If in the course of a review the Commission determines that the boundaries of a Senedd constituency should change, the Commission must also determine—
 - (a) what the names of the affected constituencies should be;
 - (b) whether each affected constituency should be a county constituency or a borough constituency.
- (4) But if in the course of a review the Commission determines that, while the boundaries of a Senedd constituency should not change, the name of the constituency or its designation as a county constituency or a borough constituency should change, it may determine—
 - (a) what the name of the constituency should be;
 - (b) whether it should be a county constituency or a borough constituency.
- (5) For the purpose of subsection (1), “review period” means—
 - (a) the period beginning with 1 April 2025 and ending with 30 November 2028,
 - (b) the period of 8 years beginning with 1 December 2028, and
 - (c) each subsequent period of 8 years.

49B Notice of commencement of Senedd constituency boundary review

- (1) As soon as reasonably practicable after commencing a Senedd constituency boundary review, the Commission must publish a notice—
 - (a) stating that the Commission has commenced a review, and
 - (b) specifying the date on which the review commenced.

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- (2) In this Part, “review date” means the date specified in the notice under subsection (1)(b).

49C Constituency rules

- (1) The electorate for each Senedd constituency must be—
- (a) no less than 90% of the electoral quota, and
 - (b) no more than 110% of the electoral quota.
- (2) When considering during a Senedd constituency boundary review whether there should be changes to the Senedd constituencies, and what those changes should be—
- (a) the Commission may have regard to—
 - (i) local government boundaries that exist or are prospective on the review date;
 - (ii) special geographical considerations, including in particular the size, shape and accessibility of a proposed or existing Senedd constituency;
 - (iii) any local ties (including local ties connected to the use of the Welsh language) that would be broken by such changes; but
 - (b) in any event the Commission must—
 - (i) seek to minimise the amount of change to the Senedd constituencies that exist on the review date, and
 - (ii) have regard to the inconveniences caused by making changes to the Senedd constituencies.
- (3) For the purposes of subsection (1)—
- (a) the electorate is the total number of local government electors, and
 - (b) the electoral quota is the electorate of Wales divided by 16 (which is the number of Senedd constituencies), and
- for the purposes of paragraph (a), a local government elector is a person registered in the relevant version of the register of local government electors at an address within a Senedd constituency.
- (4) The relevant version of the register of local government electors is the version that is, on the review date, the most recent version published under section 13(1)(a) of the [Representation of the People Act 1983 \(c. 2\)](#).
- (5) In the case of a local government boundary that is prospective on the review date, it is that boundary (rather than any existing boundary that it replaces) that must be taken into account under subsection (2)(a)(i).
- (6) A local government boundary is “prospective” on the review date if, on that date—
- (a) it is specified in a provision of—
 - (i) primary legislation, or
 - (ii) an instrument made under primary legislation, and
 - (b) the provision specifying the boundary is not yet in force for all purposes.

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- (7) In subsection (6), “primary legislation” means—
- (a) an Act enacted under Part 4 of the Government of Wales Act 2006 (c. 32);
 - (b) a Measure enacted under Part 3 of that Act;
 - (c) an Act of the Parliament of the United Kingdom.

49D Determining the names of the Senedd constituencies

- (1) Each Senedd constituency must have a single name for the purposes of identifying the constituency in communication through Welsh and English, unless the Commission considers this would be unacceptable (in which case the constituency may have different names for the purposes of identifying it in communication through Welsh and English).
- (2) Before making its initial report (see section 49E) the Commission must, if it intends to make a proposal relating to the name of a Senedd constituency—
 - (a) consult the Welsh Language Commissioner on the orthography of the proposed name, and
 - (b) consider its proposal having regard to any representations from the Commissioner on the orthography of the proposed name.
- (3) A requirement under this Part to set out the name or proposed name of a Senedd constituency in a report is, where the Commission considers the constituency should have different names for the purposes of identifying it in communication through Welsh and English, a requirement to set out both names—
 - (a) in the Welsh language version of the report, and
 - (b) in the English language version of the report.

49E Initial report on boundary review and first period for representations

- (1) After taking the steps in sections 49B(1) and 49D(2), the Commission must make an initial report setting out—
 - (a) the Commission’s proposals for change to—
 - (i) the boundaries of the Senedd constituencies;
 - (ii) the names of the Senedd constituencies, or
 - (b) if it does not consider any change appropriate, a statement to that effect.
- (2) The Commission must—
 - (a) publish the initial report,
 - (b) inform any person it considers appropriate of how to access the report,
 - (c) invite representations on the report, and
 - (d) notify any person it considers appropriate of the first period for representations.
- (3) During the first period for representations the Commission must consult the Welsh Language Commissioner.

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- (4) The first period for representations is a period of eight weeks, beginning with the date on which the initial report is published.

49F Publication of, and consultation on, representations

- (1) At the end of the first period for representations the Commission must publish a document setting out any representations received during that period (including any representations on the initial report made by the Welsh Language Commissioner when consulted under section 49E(3)).
- (2) The Commission must also—
- (a) inform any person it considers appropriate of how to access the document published under subsection (1),
 - (b) invite representations in respect of the representations set out in the document published under subsection (1),
 - (c) notify any person it considers appropriate of the second period for representations, and
 - (d) publish information about the times and places at which public hearings under section 49G will be held and, where hearings are to be held partly in person and partly through the use of remote facilities, specify instructions on how to make representations using remote facilities.
- (3) The second period for representations is a period of six weeks, beginning with the date on which the document is published under subsection (1).
- (4) In subsection (2)(d), “remote facilities” means any equipment or other facility that enables people who are not in the place where the hearing is being held to make representations at the hearing.

49G Public hearings

- (1) During the second period for representations, the Commission must hold at least two but no more than five public hearings to enable representations to be made about its proposals.
- (2) The public hearings must between them cover the whole of Wales.
- (3) A public hearing must be completed within two days.
- (4) If a hearing is to be held partly through the use of remote facilities (within the meaning given in section 49F(4)), the remote facilities must enable the people making representations at the hearing but who are not in the place where the hearing is being held to speak to and be heard by (whether or not it enables those people to see and be seen by)—
- (a) each other, and
 - (b) people at the place where the hearing is being held.
- (5) The Commission must appoint a person to chair each hearing (“the chair”).
- (6) The chair must determine the procedure that is to govern that hearing.
- (7) The chair must make arrangements for a public hearing to begin with an explanation of—

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- (a) the proposals with which the hearing is concerned;
 - (b) how representations about the proposals may be made.
- (8) The chair must allow representations to be made—
- (a) by each political party that is registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41) and either—
 - (i) has at least one Member of the Senedd, or
 - (ii) received at least 10% of the votes cast in the most recent general election;
 - (b) by any other person considered by the chair to have an interest in any of the proposals with which the hearing is concerned (subject to subsection (9)(c)).
- (9) The chair may—
- (a) determine the order in which representations are made;
 - (b) restrict the amount of time allowed for representations and need not allow the same amount to each person;
 - (c) if necessary because of shortage of time, determine which of the persons mentioned in subsection (8)(b) are not allowed to make representations.
- (10) The chair may put questions, or allow questions to be put, to a person making representations at the hearing.
- (11) If questions are allowed to be put, the chair may regulate the manner of questioning or restrict the number of questions a person may ask.

49H Second report on boundary review and final period for representations

- (1) At the end of the second period for representations the Commission must—
- (a) consider its proposals having regard to the representations made during the first and second periods for representations, and
 - (b) if, having considered its proposals, it intends to make a proposal that was not set out in the initial report relating to the name of a Senedd constituency—
 - (i) consult the Welsh Language Commissioner on the orthography of the proposed name, and
 - (ii) have regard to any representations made by the Commissioner on the orthography of the proposed name.
- (2) After taking the steps in subsection (1), the Commission must make a second report—
- (a) setting out—
 - (i) the Commission's proposals for change to the boundaries and names of the Senedd constituencies, or
 - (ii) if the Commission does not consider any change appropriate, a statement to that effect;
 - (b) specifying details 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.
- (3) The Commission must—

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- (a) publish the second report,
 - (b) publish a document—
 - (i) containing records of the public hearings held under section 49G, and
 - (ii) setting out any representations (of the kind described in section 49F(2)(b)) received during the second period for representations,
 - (c) inform any person it considers appropriate of how to access the report and the document published under paragraph (b),
 - (d) invite representations—
 - (i) on the report,
 - (ii) in respect of any representations made during the public hearings, and
 - (iii) in respect of any representations (of the kind described in section 49F(2)(b)) received during the second period for representations, and
 - (e) notify any person it considers appropriate of the final period for representations.
- (4) During the final period for representations the Commission must consult the Welsh Language Commissioner.
- (5) The final period for representations is a period of four weeks, beginning with the date on which the second report is published.
- (6) At the end of the final period for representations the Commission must—
- (a) publish a document setting out any representations received during that period (including any representations made by the Welsh Language Commissioner, when consulted under subsection (4), on the second report and on the representations mentioned in subsection (3)(d)(ii) and (iii)),
 - (b) consider its proposals having regard to those representations, and
 - (c) if, having considered its proposals, it intends to make a proposal that was not set out in the second report relating to the name of a Senedd constituency—
 - (i) consult the Welsh Language Commissioner on the orthography of the proposed name, and
 - (ii) have regard to any representations made by the Commissioner on the orthography of the proposed name.

49I Final report on boundary review

- (1) Before 1 December 2028, and before 1 December every eighth year after that, the Commission must—
- (a) make and publish a final report, and
 - (b) send it to the Welsh Ministers.
- (2) The final report must—
- (a) either—
 - (i) set out the details of any changes that are required to be made to the Senedd constituencies, or

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- (ii) state that no alteration is required to be made to the Senedd constituencies, and
 - (b) specify details of any changes the Commission has made to the proposals set out in the second report, and explain why those changes have been made.
- (3) If changes are required to be made to the boundaries of Senedd constituencies, the final report must set out—
- (a) the boundaries of all the constituencies for which Members of the Senedd are to be returned,
 - (b) the names of all those constituencies, and
 - (c) whether each constituency is a county constituency or borough constituency.
- (4) If the boundaries of a Senedd constituency are not to be changed but a change is required to either or both—
- (a) the name of the constituency;
 - (b) its designation as a county constituency or borough constituency,
- the final report must set out the change.
- (5) A failure by the Commission to comply with a deadline in subsection (1) does not invalidate a final report.
- (6) As soon as reasonably practicable after receiving a final report, the Welsh Ministers must lay it before Senedd Cymru.

49J Implementation of final report by the Welsh Ministers

- (1) Where a final report sets out changes that are required to be made to the Senedd constituencies, the Welsh Ministers must make regulations giving effect to the determinations in the Commission's final report—
- (a) as soon as reasonably practicable after laying the report before Senedd Cymru, and
 - (b) in any event, unless there are exceptional circumstances, before the end of the period of four months beginning with the date the report is laid before the Senedd.
- (2) Where regulations are not made before the end of the period mentioned in subsection (1)(b), the Welsh Ministers must lay a statement before Senedd Cymru setting out the exceptional circumstances.
- (3) A statement under subsection (2) must be laid before the end of the period of four months beginning with the date the final report is laid before Senedd Cymru.
- (4) Further statements setting out the exceptional circumstances must be laid before Senedd Cymru before the end of each subsequent period of four weeks beginning with the day on which the previous statement was laid, until the regulations are made.
- (5) Regulations under this section may make provision for any matters which the Welsh Ministers consider are incidental to, or consequential on, the determinations in the final report.

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- (6) Regulations under this section must be made by statutory instrument.
- (7) A statutory instrument containing regulations under this section must be laid before Senedd Cymru as soon as reasonably practicable after the regulations are made.
- (8) The coming into force of the regulations does not affect the return of a Member of the Senedd to Senedd Cymru, or the constitution of Senedd Cymru, until the dissolution of the Senedd in connection with—
 - (a) the next ordinary general election, or
 - (b) an extraordinary general election, the poll for which is held—
 - (i) during the period of one month ending with the day before the day on which the poll for the next ordinary general election would have been held under section 3(1) of the Government of Wales Act 2006 (c. 32), disregarding paragraphs (a) and (b) of that subsection, or
 - (ii) on the day on which the poll for the next ordinary general election would have been held under section 3(1) of the Government of Wales Act 2006, disregarding paragraphs (a) and (b) of that subsection.

49K Modification of final report by the Commission

- (1) This section applies where—
 - (a) the Welsh Ministers have laid a final report before Senedd Cymru under section 49I(6),
 - (b) the report sets out changes that are required to be made to the Senedd constituencies,
 - (c) the Commission considers that the report needs to be modified to correct an error or errors in respect of any of the matters mentioned in section 49I(3) or (4), and
 - (d) regulations have not yet been made under section 49J.
- (2) The Commission may send a statement to the Welsh Ministers specifying—
 - (a) the modifications of the report, and
 - (b) the reasons for those modifications.
- (3) The Commission must publish a statement sent to the Welsh Ministers under subsection (2).
- (4) As soon as reasonably practicable after receiving a statement, the Welsh Ministers must lay it before Senedd Cymru.
- (5) Where a statement has been sent to the Welsh Ministers, the regulations made under section 49J must give effect to the final report with the modifications specified in the statement.

49L Interpretation of Part

- (1) In this Part—

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“general election” (“*etholiad cyffredinol*”) means an ordinary general election or an extraordinary general election held under Part 1 of the Government of Wales Act 2006 (c. 32);

“local government boundaries” (“*ffiniau llywodraeth leol*”) are the boundaries of counties, county boroughs, electoral wards, communities and community wards in Wales;

“remote facilities” (“*cyfleusterau o bell*”) has the meaning given by section 49F(4);

“review date” (“*dyddiad yr adolygiad*”) has the meaning given by section 49B(2);

“Senedd constituency” (“*etholaeth Senedd*”) means a constituency provided for in regulations made under section 49J.

- (2) Where this Part imposes a duty on the Commission to publish a notice, report or other document, the notice, report or other document must be published—
- (a) on the Commission’s website, and
 - (b) in such other manner as the Commission considers appropriate.”

Commencement Information

II Sch. 3 para. 1 in force at 24.8.2024, see [s. 25\(2\)\(c\)](#)

Related amendments

- 2 (1) The 2013 Act is amended in accordance with sub-paragraphs (2) to (6).
- (2) In section 1 (overview), after subsection (3) insert—
- “(3A) Part 3A makes provision about Senedd constituency boundary reviews conducted by the Commission.”
- (3) In section 13(1) (delegation), for the words from “Chapters 2” to the end substitute “—
- (a) Chapters 2 to 4, 6 or 7 of Part 3 (functions relating to the conduct of reviews of local government or local inquiries);
 - (b) Part 3A (functions relating to Senedd constituency boundary reviews);
 - (c) Schedule 1 to the Local Government and Elections (Wales) Act 2021 (functions relating to initial reviews),
- as it may determine to the extent so delegated.”
- (4) In section 14 (directions), after subsection (2) insert—
- “(3) This section does not permit the Welsh Ministers to give the Commission a direction relating to the exercise of its functions under Part 3A (functions relating to Senedd constituency boundary reviews).”
- (5) In section 71(4) (orders and regulations), after “section 45 or 75” insert “, or regulations made under section 49J”.

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- (6) In Schedule 3 (index of defined expressions), in table 2—
(a) at the appropriate places insert—

“General election (*Etholiad cyffredinol*) Section 49L(1)”;

“Local government boundaries (*Ffiniau llywodraeth leol*) Section 49L(1)”;

“Remote facilities (*Cyfleusterau o bell*) Section 49F(4)”;

“Review date (*Dyddiad yr adolygiad*) Section 49B(2)”;

“Senedd constituency (*Etholaeth Senedd*) Section 49L(1)”;

- (b) in the entry for “Local government elector (*Etholwr llywodraeth leol*)”, in the second column, after “Section 30” insert “for the purposes of Part 3 and section 49C(3) for the purposes of Part 3A”.

- (7) In Schedule 1 to the Local Government and Elections (Wales) Act 2021, omit paragraph 13 (delegation of functions under that Schedule).

Commencement Information

I2 Sch. 3 para. 2 in force at 25.6.2024, see [s. 25\(2\)\(c\)](#)

Transitional provision

- 3 (1) The Welsh Ministers must, whether or not the final report on the first boundary review conducted under Part 3A of the 2013 Act sets out changes that are required to be made to the constituencies for which Members of the Senedd are to be returned, make regulations under section 49J that set out, in accordance with the determinations in that report—
- the boundaries of all those constituencies,
 - the names of all those constituencies, and
 - whether each constituency is a county constituency or borough constituency, and
- section 49J(1) of the 2013 Act is to be read accordingly.
- (2) Until the regulations mentioned in sub-paragraph (1) take effect, the reference in the definition of “Senedd constituency” in section 49L(1) of the 2013 Act to “section 49J” is to be read as a reference to “paragraph 9 of Schedule 2 to the [Senedd Cymru \(Members and Elections\) Act 2024 \(asc 4\)](#)”.

Commencement Information

I3 Sch. 3 para. 3 in force at 25.6.2024, see [s. 25\(2\)\(c\)](#)

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