

## **Explanatory Memorandum to the Senedd Cymru (Returning Officers' Accounts) Regulations 2021**

This Explanatory Memorandum has been prepared by the Local Government Department. This instrument is not subject to any procedure and therefore is not required to be laid before the Senedd. It is simply required to be made (signed), brought into force and published.

### **Minister/Deputy Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Senedd Cymru (Returning Officers' Accounts) Regulations 2021

Julie James MS, Minister for Housing and Local Government  
19 March 2021

## **PART 1**

### **1. Description**

- 1.1. The Senedd Cymru (Returning Officers' Accounts) Regulations 2021 will set out how constituency and regional returning officers should prepare and submit their accounts to the Welsh Government in respect of the 2021 Senedd Cymru election. The Accounts Regulations also set the timeframe for submission of the accounts.

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

- 2.1. These regulations accompany the Senedd Cymru (Returning Officers' Charges) Order 2021.

### **3. Legislative background**

- 3.1. Article 23(10) of the National Assembly for Wales (Representation of the People) Order 2007 (as amended by the Senedd Cymru (Representation of the People) (Amendment) Order 2020) provides the Welsh Ministers with the power to make provision by regulations as to the time when, and the manner and form in which, accounts are to be rendered to the Welsh Ministers. This power is not to be exercised by way of statutory instrument and are not subject to any Senedd procedure.

### **4. Purpose and intended effect of the legislation**

- 4.1. Funding for the Senedd elections is made available under the Senedd Cymru (Returning Officers' Charges) Order 2021 ("the Order"). The Order sets out the maximum amounts payable by the Welsh Government to Returning Officers (ROs) in respect of the delivery of the Senedd election in 2021 and any Senedd by-election arising prior to 2026.
- 4.2. The amounts payable for the 2021 Senedd elections are calculated based on a formula agreed by the Welsh Government.
- 4.3. Each RO is required to complete a set of accounts for each constituency and region for which they are responsible. The accounts and supporting documentation must be returned to the Welsh Government for scrutiny within six months of the date of the election, starting on the date of the election to which the accounts refer.

- 4.4. ROs can request further funding by submitting a full explanation and cost breakdown to the Welsh Government for consideration. Each request for additional funding will be considered on a case by case basis according to the information provided.
- 4.5. Where additional funding is provide by the Welsh Government the RO will need to supply a fully audited set of election accounts and supporting documentation within 4 months of the date of the election.

## **5. Consultation**

- 5.1. ROs and the Electoral Commission were consulted on the draft legislation for a period of two weeks. They were provided with a letter summarising the policy and tables setting out the recoverable amounts for each constituency.
- 5.2. Five responses were received with responses in support of the amounts being provided for. One RO queried the provision of additional exceptional expenditure relating to the use of alternative venues. An administrator also raised queries on how the formula used was calculated.
- 5.3. The Guidance Note to accompany the Regulations was amended following the consultation to provide further clarity and advice on the queries raised by consultees.

## **6. Regulatory Impact Assessment (RIA)**

- 6.1. In accordance with the RIA Code, an RIA has not been conducted for these Regulations as they are not made by way of a Statutory Instrument.
- 6.2. The Regulations make technical amendments which have no major policy impact.