

Report on the Legislative Consent Memorandum for the Absent Voting (Elections in Scotland and Wales) Bill

July 2025

1. Background

1. The Absent Voting (Elections in Scotland and Wales) Bill (“the Bill”) is a Private Members’ Bill sponsored by Tracy Gilbert, MP for Edinburgh North and Leith. The Bill was introduced in the House of Commons on 16 October 2024. The Bill is currently at Report stage, which commenced on 4 July 2025.

2. The long title of the Bill provides that it is:

“A Bill to make provision about absent voting in connection with local government elections in Scotland and Wales, elections to the Scottish Parliament and elections to Senedd Cymru; and for connected purposes.”

3. Standing Order 29.1 provides that the Welsh Ministers must lay a Legislative Consent Memorandum (“LCM”) where a UK Bill makes provision “in relation to Wales that has regard to devolved matters”.²

4. The Cabinet Secretary for Housing and Local Government, Jayne Bryant MS, laid a LCM in respect of the Bill on 25 June 2025.³

¹ UK Parliament, Absent Voting (Elections in Scotland and Wales) Bill

² Welsh Parliament, Standing Orders of the Welsh Parliament, January 2025

³ Welsh Government, Legislative Consent Memorandum on the Absent Voting (Elections in Scotland and Wales) Bill



5. On 1 July 2025, the Business Committee referred the LCM to the Local Government and Housing Committee (“the Committee”) and the Legislation, Justice and Constitution Committee for consideration with a reporting deadline of 15 September 2025.⁴

2. The LCM

6. According to paragraph 3 of the LCM, the UK Government’s stated policy objectives of the Bill are:

“to make new provision for and amend existing electoral law to make it easier and more convenient for voters in Scotland and Wales to apply for postal and proxy voting arrangements.”⁵

7. Paragraph 9 of the LCM states that the Welsh Government agrees with the UK Government’s assessment that the Senedd’s consent is required for clauses 1, 3 and 4 of the Bill.⁶

Provisions for which consent is sought

8. Below is a summary of the clauses for which the consent of the Senedd is being sought:

Clause 1: Local government elections (Scotland and Wales)

9. Clause 1 amends the Representation of the People Act 1983 by:

- providing the Welsh Ministers with a concurrent power (subject to the consent of a Minister of the Crown) to make regulations that enable applications for postal and proxy votes for local government elections to be made online using the UK Digital Service; and
- providing the Welsh Ministers with a regulation making power to include an identity verification requirement on absent voting applications, thereby providing a means for registration officers to verify identify in connection with such applications.

⁴ Welsh Parliament, [Timetable for consideration: Legislative Consent Memorandum on the Absent Voting \(Elections in Scotland and Wales\) Bill](#), July 2025

⁵ Welsh Government, [Legislative Consent Memorandum on the Absent Voting \(Elections in Scotland and Wales\) Bill](#), paragraph 3

⁶ Welsh Government, [Legislative Consent Memorandum on the Absent Voting \(Elections in Scotland and Wales\) Bill](#), paragraph 9

10. This clause also amends the Representation of the People Act 2000 by amending the postal voting renewal cycles for local government elections in Wales, with the effect being that renewals for these elections are brought into line with reserved elections.

Clause 3: Elections to Senedd Cymru

11. Clause 3 inserts a new section into the Government of Wales Act 2006 that gives the Welsh Ministers a concurrent power (subject to the consent of a Minister of the Crown) to make regulations that enable applications for postal and proxy votes for Senedd elections to be made online using the UK Digital Service.

Clause 4: Commencement and transitional provision

12. Clause 4 contains the commencement provisions. The majority of clauses come into force on the same day that the Bill is passed, but clauses 1(4) to 1(6) come into force on a date to be determined by the Secretary of State. Those provisions make changes to the postal vote renewal cycle in Wales.

13. Clause 4 also provides the Secretary of State with powers to make transitional and/or saving provision in connection with the commencement of the Bill. These transitional powers are exercisable in relation to reserved and devolved areas, and cover certain provisions in the Bill which are either:

- within the legislative competence of the Senedd; or
- making provision in relation to Wales that has regard to devolved matters (i.e. devolved elections).

Delegated powers

14. The Bill confers certain powers on the Welsh Ministers which:

- Give the Welsh Ministers concurrent powers (subject to obtaining Minister of the Crown consent) to bring forward regulations which enable applications for postal and proxy votes in devolved elections to be made online using the UK Digital Service;
- Give the Welsh Ministers the power to make regulations to include an identity verification requirement on absent voting applications.

Reasons for making these provisions for Wales

15. Paragraphs 20 and 21 of the LCM set out the reasons for making provision for Wales in this Bill:

“...All of the amendments are required in order to provide a full set of regulations and to achieve full alignment with the UK Government, which is a requirement for using the UKDS for devolved absent voting applications and all of the provisions need to be in place so that the Welsh Ministers can make the relevant regulations to provide for OAVA for Welsh elections can be in place by no later than December 2025.

The interconnected nature of the relevant Welsh, Scottish and reserved administrative systems – specifically, the shared technical systems that operate both devolved and reserved elections - require these changes be taken forward at the same time in the same legislative instrument.”⁷

Financial implications

16. Paragraphs 22 and 23 of the LCM set out the financial implications associated with the Bill:

“Extending the OAVA system to devolved elections in Wales and Scotland will involve changes to the electoral management systems utilised by Local Authorities. It will also be necessary to make changes to internal systems operated by the UK Government.

The costs for these changes are estimated to be upwards for £2.4M. The amount payable by the Welsh Government will be subject to negotiation with suppliers and the division of cost with the Scottish Government.”⁸

⁷ Welsh Government, Legislative Consent Memorandum on the Absent Voting (Elections in Scotland and Wales) Bill, paragraphs 20-21

⁸ Welsh Government, Legislative Consent Memorandum on the Absent Voting (Elections in Scotland and Wales) Bill, paragraphs 22-23

Welsh Government's view

17. In paragraph 24 of the LCM, the Cabinet Secretary recommends that the Senedd give its consent:

*"In my view it is appropriate to deal with these provisions in this UK Bill as the UKDS is essential to the operation of the OAVA system as envisaged. A single UK-wide application system is beneficial for both voters and electoral administration. This Bill allows for coordination and alignment between Welsh, Scottish and UK Governments."*⁹

3. Our view

18. We considered the LCM at our meeting on 9 July 2025.

19. We noted that by extending the existing Online Absent Voting Application (OAVA) system to Welsh elections people will have a more convenient way of applying for a postal or proxy vote. However, we would be grateful for confirmation from the Welsh Government that those applying for postal and proxy votes in Wales will still be able to do so through the medium of Welsh should they wish, and that the implementation of the new system will not have an impact on any of the rights enshrined in existing legislation relating to the Welsh language.

Recommendation 1. The Welsh Government should confirm whether the current ability to apply for postal and proxy votes in Welsh will be replicated in the Online Absent Voting Application system.

20. We noted that the main reason given in the LCM for making these changes using a UK Bill is that a single UK-wide application system is beneficial for both votes and electoral administration. However, as we have raised in other LCM reports, we do have concerns about legislating for Wales through UK legislation. We appreciate that the operation of the UK Digital Service is reserved, therefore it would not be possible to extend the access of the current OAVA system without UK legislation. We note that the Cabinet Secretary states in the LCM that:

⁹ Welsh Government, Legislative Consent Memorandum on the Absent Voting (Elections in Scotland and Wales) Bill, paragraph 24

“A parallel system to the UKDS could be established for devolved registration purposes only, but this would be prohibitively expensive and create complexity for Electoral Registration Officers and confusion for voters.”¹⁰

21. In relation to changes made by the Bill which would fall within the legislative competence of the Senedd, we note that the LCM states:

“Although these changes would be within the legislative competence of the Senedd they would require an appropriate primary legislative vehicle to take them forward, which would not be possible within the timeframe required to introduce the system ahead of the 2026 Senedd elections.”¹¹

22. We believe that provisions on devolved matters should be made through Senedd legislation where possible. We feel that the LCM approach to legislating disadvantages Senedd Members as we are not afforded the same opportunities for scrutiny as we are for Bills introduced by the Welsh Government. Despite this, we support the principles of the Bill and recognise the benefits of having a single UK-wide application system for postal and proxy votes for both Electoral Registration Offices and voters.

23. We therefore recommend the Senedd should grant its consent in relation to the relevant provisions of the Absent Voting (Elections in Scotland and Wales) Bill.

Recommendation 2. The Senedd should grant its consent for the UK Government to legislate on the devolved matters of the Absent Voting (Elections in Scotland and Wales) Bill.

¹⁰ Welsh Government, Legislative Consent Memorandum on the Absent Voting (Elections in Scotland and Wales) Bill, paragraph 19

¹¹ Welsh Government, Legislative Consent Memorandum on the Absent Voting (Elections in Scotland and Wales) Bill, paragraph 20