

SL(6)781 – The Representation of the People (Absent Voting and Miscellaneous Amendments) (Wales) Regulations 2026

Background and Purpose

These Regulations make provision to allow voters to apply online, via the Online Absent Voting Application (“OAVA”) system that operates for UK Parliamentary elections in Wales, for postal and proxy votes for Senedd elections and local government elections in Wales from 3 November 2026, and will enable a combined online application system for voters in Wales for all elections. This includes the introduction of a requirement to provide a national insurance number (or alternative supporting documentation) to apply for an absent vote, the verification of information provided in such applications (whether submitted online or not) and a three-year reapplication window for postal votes.

These Regulations set out the arrangements and detail relating to the delivery of extending the OAVA system to Welsh elections. This includes the system’s operation, processes undertaken by Registration Officers for voter identification and the transitional arrangements for its implementation.

These Regulations also make a number of miscellaneous minor and technical amendments to the Senedd Cymru (Representation of the People) Order 2025 (“2025 Order”).

Procedure

Senedd approval procedure.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following ten points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(iv) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 2, in the Welsh text, the definition of “etholiad i’r Senedd” (“Senedd election”) is not listed in the correct place according to alphabetical order. It should appear before the definition of “etholiad llywodraeth leol” (“local government election”) because prepositions are counted when ordering the list of definitions.



2. Standing Order 21.2(iv) – that its drafting appears to be defective or it fails to fulfil statutory requirements

There are several instances of sub-paragraphs or paragraphs being misdescribed in the Regulations.

- a) In regulation 5(8), in the new paragraph (8A), a reference is incorrectly described as “sub-paragraph (8)” but it should be described as “paragraph (8)”. It also means that it is inconsistent with the other references to “paragraph (1A)” and “paragraph (1)” in that new paragraph (8A).
- b) In regulation 7(3)(b), in the new sub-paragraph (8C), the reference is incorrectly described as “sub-paragraphs (a) to (d) of sub-paragraph (8B)” but it should be described as “paragraphs (a) to (d) of sub-paragraph (8B)”.
- c) In regulation 7(3)(b), in the new sub-paragraph (8D), there are references that are incorrectly described as “paragraph (8C)” and “paragraph (8A)(b)(ii)” but they should be described as “sub-paragraph (8C)” and “sub-paragraph (8A)(b)(ii)” respectively. It also means that they are inconsistent with other references to the same or similar provisions in the new sub-paragraphs (8B) to (8D).
- d) In regulation 20, in the new paragraph 11A(8)(b), the reference is incorrectly described as “in sub-paragraph 8(a)”. However, because it is referring to another provision within the same sub-paragraph as itself, it should be described as “in paragraph (a)”.
- e) In regulation 20, in the new paragraph 11B(3)(a), the reference is incorrectly described as “in relation to paragraph (vii)” but it should be described as “in relation to sub-paragraph (vii)”.

3. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 7(3)(b), in the new sub-paragraph (8B)(b) and (c), the Welsh Government is asked to clarify whether the terms “a declaration of local connection” and “merchant seaman” should be repeated in English after the words that correspond to “within the meaning of” in the Welsh text because those terms have only been defined in English in the Representation of the People Act 1983. The same point applies to the terms “child benefit” and “entitled to housing benefit” in the Welsh text of the new paragraph 11B(4)(e) inserted by regulation 20.

4. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts

In regulation 10, there is a difference between the English and Welsh text. In the English text, in the words in parentheses after the reference to Schedule 1 to the 2025 Order, it notes



“(absent voting and Senedd elections)”. But the meaning given by the Welsh text is “(absent voting at Senedd elections)” which is the heading of Schedule 1 to the 2025 Order.

5. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 7(3)(b), in the new sub-paragraph (8D)(a), reference is made on two occasions to the “record” kept under article 8(1)(a). Article 8(1)(a) requires the registration officer to keep the postal voters list. The Welsh Government is asked to explain why it decided to use the word “record” rather than “list” in the new sub-paragraph (8D)(a), as it appears that the latter would be a more accurate representation of the requirement.

6. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 15, in the new definition of “UK digital service” that is inserted in article 2(1) of the 2025 Order, it refers to “section 13B(8) of the Government of Wales Act 2006”. However, the Government of Wales Act 2006 has already been defined as “the 2006 Act” in article 2(1) of the 2025 Order. Therefore, the defined term should be used in the reference to that Act in the new definition of “UK digital service”.

7. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

In regulation 20, in the new paragraph 11C(8), a specific meaning is given to the word “copy” for the purpose of paragraph 11C. However, “copy” is also used in the new paragraph 11B under regulation 20. Confirmation is therefore requested as to whether the meaning of “copy” applies to both paragraphs 11B and 11C.

8. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Regulation 29 defines the term “elector” for the purpose of these Regulations. The definition includes wording such as “register”, “anonymous entry”, and “the record of anonymous entries”. Such wording is defined in the 2025 Order, but is not defined in these Regulations. The Welsh Government is asked to confirm whether the wording used in the definition of “elector” is intended to bear the same meaning as in the 2025 Order.

9. Standing Order 21.2(iv) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 32(8)(b), the reference “paragraph 16 of the 2025 Order” is incomplete because it fails to identify the Schedule in which that paragraph is found in the 2025 Order. It appears to be referring to “paragraph 16 of Schedule 1 to the 2025 Order”.

10. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts



In regulation 33(2), there is a difference between the English and Welsh text. In the English text, it notes "and the signature refresh date for P's reserved proxy vote entitlement are aligned" but the meaning given by the Welsh text is "and P's reserved proxy vote entitlement are aligned".

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

11. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

The Regulations amend the donation reporting requirements in the 2025 Order, so that donations below £500 to individual candidates will now be disregarded for official reporting purposes, while donations from permissible donors only need to be reported if they exceed £500. The Welsh Government is asked to provide further information on the reason for this increase.

Welsh Government response

A Welsh Government response is required.

Government Response:

Technical Scrutiny Points 1 to 6 and 8 to 10:

The Welsh Government thanks the Committee for the points it has raised. In response to the issues raised in technical points 1 to 6 and 8 to 10, the Welsh Government is satisfied that none of those issues affect the operation, legal effect or overall meaning of the Regulations. However, the Welsh Government will keep these issues under review and it will consider whether making amendments in respect of any of those points might be advantageous, in the interests of improving the clarity of any of the provisions mentioned, when opportunities to make such amendments arise. In particular, in relation to **Technical Scrutiny point 2 (a) to (e)** the Welsh Government will consider making these amendments as part of the ongoing maintenance of the 2025 Order.

Technical Scrutiny Point 7:

In regulation 20, in the new paragraph 11C(8) of Schedule 1 to the 2025 Order, a specific meaning is given to the word "copy" for the purpose of paragraph 11C. Paragraph 11C(8) sets out that "In this paragraph "copy" includes an electronic copy". We note the Committee's comment that the term "copy" is also used in the new paragraph 11B and the Committee's query as to whether the meaning of "copy" applies to both paragraphs 11B and 11C. The definition in the new paragraph 11C(8) does not apply to paragraph 11B. The references to "copy" in paragraph 11B relate to instances where the registration officer may require the applicant to provide the registration officer with a copy of certain documents and there is a



separate provision in paragraph 11B(11) which sets out that “A document or attestation provided under this paragraph may be transmitted by an applicant by electronic means”.

Merit Scrutiny Point 11:

Under the current, unamended version of the 2025 Order, paragraph 4 of Schedule 6 provides that donations of under £500 received from permissible donors are to be disregarded from an individual candidate’s election expenses. This reflects the position in the Political Parties, Elections and Referendums Act 2000 for donations made to registered political parties by permissible donors. However, paragraph 6 of Schedule 6 requires an individual candidate to report all donations (which must be donations from permissible donors if they are to be accepted (paragraph 6(1))) over the value of £50, even though those that are under the value of £500 will be disregarded from their election expenses. The amendment therefore raises the threshold at which donations must be reported as it is not considered necessary for individual candidates to report donations that do not count towards their election expenses limitation. This is an administrative amendment only.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 16 March 2026 and reports to the Senedd in line with the reporting points above.

