

## LEGISLATIVE CONSENT MEMORANDUM

### REPRESENTATION OF THE PEOPLE BILL

1. This legislative consent memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a legislative consent memorandum must be laid, and a legislative consent motion may be tabled, before Senedd Cymru<sup>1</sup> if a UK Parliamentary Bill makes provision in relation to Wales that has regard to devolved matters.
2. The *Representation of the People* Bill (“the Bill”) was introduced in the House of Commons on 12 February 2026. The Bill can be found at: [Representation of the People Bill - Parliamentary Bills - UK Parliament](#)
3. This Legislative Consent Memorandum sets out the views of the current Welsh Government. As the scrutiny of the Bill in the UK Parliament extends beyond the next Senedd election taking place on 7 May 2026, there will be a need for a new LCM to reflect the Bill as it progresses and the views of the Welsh Government formed after the election.

#### Policy Objective(s)

4. The UK Government’s stated long term policy objectives are to strengthen, modernise and improve democracy. In “Restoring trust in our democracy: Our strategy for modern and secure elections”, published in July 2025, UK Government set out four key tasks:
  - “futureproofing our democracy”;
  - “securing our elections”;
  - “upholding our values”; and
  - “protecting our elections against interference”.
5. Through this Bill, the UK Government is aiming to restore trust in the political system, strengthen democracy and encourage participation in elections by simplifying, protecting and promoting democracy. This will be achieved through changes to the electoral franchise, registration processes, political finance framework, campaigning rules and voting processes. The policy summaries are available [here](#).

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<sup>1</sup> Please note in accordance with Welsh Government policy we refer to the legislature in Wales as “Senedd Cymru” on first use and “the Senedd” thereafter unless the context stipulates otherwise.

## Summary of the Bill

6. The Bill is sponsored by the Ministry of Housing, Communities & Local Government.
7. The Bill makes provision:
  - to reduce the voting age for reserved elections to 16 years;
  - to introduce improvements to voter registration, including piloting powers for registration without application;
  - for administrative changes in the operation of elections, referendums and recall petitions to reduce risks in delivery;
  - to introduce measures designed to strengthen the absent and postal voting system;
  - to strengthen the political finance rules regarding political donors and donations;
  - around information to be included in electronic campaigning material;
  - to extend the Electoral Commission's role and powers – relating to disclosure of information, civil sanctions, providing leave to pay and receiving returns;
  - to reclassify a range of administrative offences under the Political Parties, Elections and Referendums Act 2000;
  - around the disqualification of offenders for holding elective offices, and their sentencing, where offences are aggravated by hostility towards persons involved in elections, referendums or recall petitions or holders of such offices; and
  - around election agents' addresses.
8. The UK Government announced its plans to introduce a broad-ranging Elections Bill on 17 July 2025 with the publication of [Restoring trust in our democracy: Our strategy for modern and secure elections.](#)
9. In line with the UK Government's aim to work collaboratively with the devolved governments on these areas, the UK Government has engaged with the Welsh Government regularly during the development of the Bill. Welsh Government officials have been engaged in policy discussions on specific areas and have had the opportunity to comment on and feed into the development of the legislation, as far as possible within the available timeframe, to ensure devolved impacts are fully considered. While this has helped to facilitate legislative measures that respect the devolution settlement while allowing for alignment where practical and desirable, the size and complexity of the Bill, and its continuing evolution up until introduction, posed a challenge in carrying out an analysis within the normal two-week Standing Order 29 deadline.

10. The Bill introduces legislative provision to lower the age at which people can vote in all UK elections to 16. This is in line with the extended franchise already in place for devolved elections in Wales, as introduced by the Senedd and Elections (Wales) Act 2020 and the Local Government and Elections (Wales) Act 2021. The Bill also takes steps towards creating an automated registration system, approaches to which have already been piloted in Wales and steps are being considered for full roll out.

### **Provisions in the Bill for which consent is required**

11. The following memorandum considers matters that could be taken forward directly in Senedd legislation, and which are clearly devolved matters requiring the legislative consent of the Senedd.
12. While some of the Bill's provisions appear to relate solely to the reserved matters of UK Parliamentary elections and local government elections in England by amending reserved legislation – and therefore outside the Senedd's legislative competence – the Bill also makes provision in places that would have an effect on the administration of Senedd elections and/or local government elections in Wales. These would amount to provisions that require the consent of the Senedd. These are addressed, as applicable, below.

#### Part 1 Young voters

13. **Clause 15 Duty to raise awareness and provide assistance: Great Britain.** This introduces new provision requiring local authorities to raise awareness and provide assistance to relevant young persons about the arrangements for their registration for parliamentary elections, and to take the steps the authorities consider necessary to help those relevant people to register.
14. Although these provisions do not extend to devolved elections in Wales, as they confer new duties upon local authorities in Wales, therefore having an impact on the administrative actions of those devolved Welsh authorities, we consider that they would be subject to the legislative consent of the Senedd.

#### Part 2: Registration of voters

15. **Clause 30 - Local connection and service declarations ceasing to have effect.** This clause amends section 7C of the Representation of the People Act 1983 (RPA 1983). The effect of this is that where the registration officer determines that a person is no longer able to make a declaration, or no longer falls into any of the applicable categories of notional residence, and the application relies upon a declaration of local

connection, the registration will be terminated.

16. This determination will be made in accordance with regulations made by the appropriate authority, which for the purposes of making regulations in relation to local government registers in Wales, falls on the Welsh Ministers. Any such regulations made will be subject to the Senedd's approval procedure. Where these clauses make provision with respect to the maintenance of local government registers in Wales, they fall within the legislative competence of the Senedd. This level of Senedd scrutiny will help ensure the regulations protect devolved interests.
17. **Clause 31 Seniority of electoral registration officers.** Clause 31 amends section 8 of the RPA 1983 to require that Electoral Registration Officers (EROs) appointed by councils in England and Wales are "senior officers" of the respective councils, ensuring officers who are appointed to these roles have the seniority required to undertake them.
18. This modifies the local authority's power to appoint an ERO. Therefore, we consider that this change impacts upon devolved matters by adjusting the functions of local authorities which are devolved Welsh authorities, thereby engaging SO29.
19. **Clause 32 Anonymous registration.** This provides for amendments to section 9(4) and section 9C of the RPA 1983. The clause removes the requirement in section 9(4) of the RPA 1983 for the Returning Officer to allocate electoral numbers in such a way as to ensure, so far as is reasonably practicable, that in each separate part of a register the numbers run consecutively. This only applies when the Returning Officer is allocating a number for a person with an anonymous entry. It also amends section 9C of the 1983 Act to extend the period of time for which an anonymous entry lasts, from one year to three years.
20. The policy intent of this clause is to simplify the process and to reduce confusion for anonymous electors by allowing for them to keep the same electoral number for the duration of their registration. This clause applies in relation to local government registers in Wales and insofar as it applies to those registers it is within the legislative competence of the Senedd therefore engaging the legislative consent process.
21. **Clause 33 Pre-election applications for registration.** The clause amends section 13B of the RPA 1983 by adding a new subsection, 13B(3ZC). This new subsection means registration officers are excused from issuing a notice of alteration to the register of electors, where an application has been made after 5pm on the 12<sup>th</sup> day before the day of the poll. Therefore, while applications to register can be made after this time, a person making an application after this deadline will not be able to vote in that election.

22. The clause also inserts a new section 13BAA into the RPA 1983 which gives the relevant authority power to make regulations to change the pre-election registration application deadline. Welsh Ministers would make these regulations in relation to Senedd elections and local government elections in Wales. Insofar as this clause applies in relation to devolved Welsh elections it is within the legislative competence of the Senedd and is subject to the Senedd approval procedure.
23. **Clause 36 Regulations as to registration etc: information to assist registration officers.** This clause makes amendments to Schedule 2 to the RPA 1983, which sets out the matters that can be included in regulations which deal with registration. The clause expands the regulation-making powers relating to electoral registration by clarifying that EROs can access and copy records, not just inspect them. It also broadens the types of information that can be disclosed to assist EROs in carrying out their functions. The clause also simplifies canvass-related provisions so that the same steps can be taken regardless of election type, with Welsh Ministers able to apply these amended powers to local government registration in Wales.
24. The amendments being made by this clause will alter the matters that could be included in registration regulations made by the Welsh Ministers in connection with devolved elections, thereby modifying the executive function of the Welsh Ministers, and therefore require legislative consent.
25. **Clause 37 Edited register: electors to opt in.** The Representation of the People (Removal of the Edited Register) (Wales) Regulations 2026 were approved in the Senedd on 10 February but are not yet in force. When they come into force on 1 October, these Regulations will disapply the requirements in the Representation of the People (England and Wales) Regulations 2001 placed upon Electoral Registration Officers to prepare edited registers of local government electors for an area in Wales or supply such registers or part of them to any person on payment of a fee. Up until these Regulations come into force, clause 37 of the Bill requires consent in so far as it would impact upon local government registers in Wales.

### Part 3 Conduct of elections etc

26. **Clause 38 Provision of assistance by local authority officers to returning officers.** This places a duty on local authorities to place their staff at the disposal of the Returning Officer for any UK parliamentary constituency which falls wholly or partly in their area. While this amendment relates to reserved elections, the consent of the Senedd is

required as the provision places a duty upon local authorities in Wales (devolved Welsh authorities) in relation to parliamentary elections, and the duty could have a material impact upon the administrative actions of local authorities in Wales.

27. **Clause 48 Absent voting and Schedule 3.** Clause 48 introduces Schedule 3 which makes provision around postal and proxy voting.
28. **Schedule 3** makes extensive amendments to the postal and proxy voting framework in the Representation of the People Act 2000 (RPA 2000), with related changes to the RPA 1983 and RPA 1985. Most provisions alter how absent voting works for Parliamentary and local government elections, including local government elections in Wales. The changes that apply to devolved elections require legislative consent. This affects the majority of provisions, other than those that relate only to Scotland or Northern Ireland.
29. **Paragraphs 1–10, 12, parts of 18–22, and parts of 23** amend absent voting arrangements in ways that directly apply to local government elections in Wales, which fall fully within the Senedd’s legislative competence.
30. **Paragraph 1** introduces the amendments made by Schedule 3.
31. **Paragraph 2** updates definitions and interpretations, including recognising electors who will be registered once the objection to registration period closes.
32. **Paragraph 3** restates the regulation-making powers within Schedule 4 to the RPA 2000, allocating Welsh Ministers the responsibility for making regulations affecting Welsh local elections, and confirming such regulations are to be made under the Senedd approval procedure.
33. **Paragraph 4** Overhauls the long-term postal and proxy voting rules, introducing new “maximum permitted periods” and requiring EROs to update records when electors switch voting methods.
34. **Paragraph 5** makes provisions for alternative postal vote arrangements for particular elections. **Paragraph 10** provides for a proxy with a proxy postal voting arrangement to be able to apply for alternative arrangements to voting by post as proxy in particular elections. These include requests for ballot papers to be sent to alternative addresses, the ability to vote in person at a specific election and the continuation of postal voting where an entitlement expires close to polling day.

35. **Paragraphs 6-9** update the mechanics of maintaining absent voter lists, including exclusions, record-keeping duties, and consequences of granting new applications.
36. **Paragraph 12** Inserts a new power for regulations to specify circumstances in which EROs must refuse or disregard applications.
37. **Paragraphs 18-22** make amendments to the RPA 1983, relating to criminal offences. These include amendments to the provisions relating to the offence of providing false information in connection with absent voting applications, and the extension of the definition of the offence to include any circumstance where persons make a false statement in relation to an application made under Schedule 4 of the RPA 2000 , including false statements in relation to an application for a person to be removed from a postal or proxy list, or in an application to switch from a postal vote to vote in person at a particular election. This represents a substantial change to the current regime.
38. **Paragraph 23** includes provision to amend Schedule 2 to the RPA 1983 which sets out what can be included in registration regulations, including registration regulations that apply in respect of Welsh local government elections.
39. These absent voting provisions apply to local government elections in Wales, which the Senedd could legislate for itself and therefore require Senedd consent.
40. **Clause 52 Effect of the death of the Sovereign on certain elections and referendums and Schedule 4.** Clause 52 gives effect to Schedule 4.
41. Schedule 4 makes provision about the effect of the death of the Sovereign on certain elections and referendums. The powers set out in this schedule to move the date of the poll of UK Parliamentary general elections applies to other polls being combined with the UK Parliamentary general election. This would include where combined with a local government by-election.
42. Paragraph 5 effects devolved elections in Wales in so far as it would apply to an extraordinary Senedd election or a local government by-election where those polls are combined with a police and crime commissioner election. For these polls, the paragraph confers a new power for a Minister of the Crown by regulations to appoint an alternative polling day that is 7 days earlier or later than the delayed date of poll. Regulations can only be made on recommendation of the Electoral Commission and, in these particular circumstances, in consultation with Welsh Ministers.

43. It is therefore considered that these are provisions in relation to Wales which have regard to devolved matters and could alter the conduct of an otherwise devolved election. It is also noted that the Senedd could legislate to move these elections. As is consistent with the approach taken on other clauses the requirement of Minister of the Crown to consult with the Welsh Ministers constitutes the conferral of a function on the Welsh Ministers and therefore legislative consent is required, albeit applies to a very limited extent.

#### Part 4 – Campaigns and political expenditure

44. **Clause 55 and Schedule 6 Leave to pay late and disputed expenses claims.** Invoices for campaign spending must be received within 30 days of the election and payments must be made within 60 days. For invoices received or paid after these time limits, the relevant person responsible must obtain “leave to pay” by applying to the relevant court to obtain a court judgement. These provisions introduce amendments to make changes to the leave to pay regime, by requiring relevant persons to apply to the Electoral Commission for leave to pay, instead of the relevant court.
45. **Paragraph 2 of Schedule 6** makes amendments for leave to pay procedures for late and disputed claims by candidates and election agents at relevant elections under the RPA 1983 such that candidates and election agents must apply to the Electoral Commission for leave to pay. Where leave to pay is granted, candidates or agents must submit a return of amounts paid and a copy of the Electoral Commission's confirmation notice to the relevant officer.
46. **Paragraph 3** makes amendments to PPERA for leave to pay procedures for late and disputed claims relating to campaign spending by registered political parties during relevant campaign periods, including the relevant campaign period for standalone Senedd elections, such that the relevant persons must apply to the Electoral Commission for leave to pay. Where leave to pay is granted, the party's treasurer must submit a return to the Electoral Commission of payments made, with a copy of the Electoral Commission's notice confirming approval of leave.
47. **Paragraph 4** makes amendments to PPERA for leave to pay procedures for late and disputed claims relating to controlled expenditure incurred by recognised third parties during regulated periods, including the regulated period in relation to Senedd elections, such that the relevant persons must apply to the Electoral Commission for leave to pay. Where leave to pay is granted, the responsible person must submit to the Electoral Commission a return of payments, with a copy of the Electoral Commission's notice confirming approval.

48. **Paragraph 5** makes amendments to PPERA for leave to pay procedures for late and disputed claims relating to referendum campaign expenses of permitted participants during a referendum period, including the referendum period for Local Government elections taking place across Wales, such that the relevant persons must apply to the Electoral Commission for leave to pay. Where leave to pay is granted by the Electoral Commission, the responsible person must submit to the Electoral Commission a return of payments, with a copy of the Electoral Commission's notice confirming approval.
49. These make provision regarding devolved elections and referendums in Wales and are within the legislative competence of the Senedd, and therefore, require the consent of the Senedd.
50. **Clause 56 and Schedule 7 Delivery and inspection of returns directly to the electoral commission. Paragraph 2 of Schedule 7** sets out amendments to the process for delivering certain returns and declarations under RPA 1983 to provide for such returns to also be delivered directly to the Electoral Commission (EC).
51. **Paragraph 2(2)** amends section 81(10A) of the RPA 1983 to alter the Electoral Commission regulation making power to prescribe a form of election expenses return. The power currently provides that the form that is prescribed "may" be used. With this amendment the Electoral Commission may choose to prescribe a form that may be used, or a form that must be used.
52. **Paragraph 2(3)** substitutes a new section 87A for the existing section 87A and 87B, which creates a requirement that returns or documents required to be delivered to the returns officer, under sections 75, 75A, 81, or 82, must also be returned to the Electoral Commission.
53. These amendments will apply to Local Government elections in Wales and therefore are within the legislative competence of the Senedd and will require the Senedd's consent.
54. **Paragraph 2(5)** inserts new subsections (4), (5) and (6) into section 89, which set out how the Electoral Commission should deal with any returns or accompanying documents supplied. This includes the application of the same requirements and duties that currently apply to the appropriate officer under section 89 of the RPA 1983 with respect to the inspection of returns and declarations, as well as the application of further stipulations which currently apply to the Electoral Commission in respect of the inspection of registers. This amends provision in the RPA 1983 which relates to third party and/or candidate election expenses in relation to Local Government elections in Wales and will also therefore requires consent.

55. **Clause 58(10) and Schedule 8 Risk Assessments for donations to registered parties etc.** Clause 58(10) introduces **Schedule 8** which amends the Political Parties, Elections and Referendums Act 2000 (PPERA) to introduce a duty to risk assess donations in excess of £11,180, and to report on such donations. Donations that are not risk assessed cannot be accepted, and the extant forfeiture and offences provisions within PERA apply to non-compliant donations. The Electoral Commission are required to provide guidance on the risk assessments that are to be undertaken. These provisions aim to enhance transparency and accountability where donations are rejected due to compliance concerns.
56. The donations covered by these amendments are;
- donations to individuals and members associations (paragraphs 1 to 6),
  - loans to, and other restricted transactions with, registered parties (paragraphs 7 to 17),
  - loans to, and other restricted transactions with, individuals and members associations (paragraphs 18 to 27),
  - donations to recognised third parties (paragraphs 28 to 36),
  - donations to permitted participants in referendums (paragraphs 37 to 42),
  - donations to candidates at elections (paragraphs 43 to 49),
  - donations to accredited campaigners in recall petitions (paragraphs 50 to 60), and
  - donations to candidates in local elections in Northern Ireland (paragraphs 61 to 65).
57. Insofar as these provisions apply in relation to donations made to third parties at Senedd and local government elections in Wales (**paragraphs 28 to 36**), donations made to permitted participants in relevant devolved referendums (**paragraphs 37 to 42**) and donations made to candidates at local government elections in Wales (**paragraphs 43 to 49**), they are within the legislative competence of the Senedd and therefore require the consent of the Senedd.
58. **Clause 59 Permissible donors not to include individuals under 16.** The clause amends the definition of “permissible donor” in section 54(2) of PERA. The effect of this clause would be to prevent attainers included in an electoral register from making donations to registered political parties. The definition of “permissible donor” applies to other donations regimes within PERA including donations made to recognised third parties in connection with election campaigns for Senedd elections and local government elections in Wales, donations made to permitted participants in devolved referendums and donations made to candidates

at local government elections in Wales. The amendment will therefore also have the effect of preventing attainers from making donations under any of those donation regimes. Insofar as this amendment will apply to those devolved donation regimes, it is within the legislative competence of the Senedd and therefore requires the Senedd's consent.

59. **Clause 60 Donations by companies and LLPs etc.** This clause amends the definition of permissible donor in section 54(2) of PPERA, with new definitions for companies and limited liability partnerships (LLP) being inserted in place of the current definitions. In both cases, the new definitions introduce a qualifying condition that the company or LLP must also in future meet the "significant control test" which is set out in the new section 54E to be inserted into PPERA. As well as meeting this additional requirement, section 54 is further amended with new subsections (3ZA) and (3ZB) being inserted.
60. In accordance with the new subsection (3ZA), to be considered a permissible donor, companies and LLPs must have sufficient remaining available revenue (calculated in accordance with new section 54H (also to be inserted into PPERA by this clause)) to cover the amount of the donation, at the time the donation is received. This new subsection also requires the company or LLP to have satisfied the relevant account filing obligation in new section 54I to be considered a permissible donor.
61. Because this amendment is effected by altering the definition of permissible donor within section 54(2) of PPERA, it will also apply to donations made to recognised third parties in connection with election campaigns for Senedd elections and local government elections in Wales, donations made to permitted participants in devolved referendums and donations made to candidates at local government elections in Wales. The amendment will therefore also have the effect in terms of regulating which companies and LLPs can make donations under those regimes. As such, insofar as this amendment has application in relation to those devolved donation regimes, it is within the legislative competence of the Senedd and therefore requires the Senedd's consent.
62. **Clause 61 Forfeiture of certain donations to registered parties etc** This clause amends sections 58 and 59 of PPERA and Schedule 4 to the Recall of MPs Act 2015 to clarify the rules on forfeiting donations from individuals not registered in an electoral register at the time of donation.
63. Whilst the amendment applies to the provision made in respect of donations made to registered political parties, those provisions also apply in relation to donations made to recognised third parties in connection with election campaigns for Senedd elections and local government elections in Wales, donations made to permitted participants in devolved referendums and donations made to candidates at local government

elections in Wales. As such, insofar as this clause has application in relation to those devolved donation regimes it is within the legislative competence of the Senedd and will require the consent of the Senedd.

64. **Clause 63 Electronic material promoted by third parties.** This clause amends section 44 of the Elections Act 2022 which concerns the conditions where a digital imprint is required for electronic material which has not been paid to be published as an advertisement by either the promoter or the person on behalf of whom the material is published. This amendment adds to the list of entities who must include a digital imprint on such material to include any person who is a third party campaigner but is not recognised (section 88(5) PPERA), with the exception of individuals. The purpose of this amendment is to enhance transparency and accountability by ensuring that voters can identify who is responsible for digital electoral content.
65. **Clause 64 Electoral Commission guidance relating to electronic material: minor revision.** This clause amends section 54 of the Elections Act 2022 to alter the procedure the Electoral Commission must follow when updating its digital-imprint guidance when the substance of that guidance is unchanged. Where such a minor change is being made, the Electoral Commission will no longer need approval from the Secretary of State and the amended guidance will not need to be laid before Parliament. Instead, the Commission may simply publish the revised guidance itself, bringing it into force on a date it chooses. The purpose of this amendment is to streamline updates to non-substantive digital-imprint guidance while maintaining transparency in electoral digital campaigning.
66. It is our view that these clauses taken together in respect of devolved elections are within the legislative competence of the Senedd as they are intended to regulate transparency of electoral material published online and ensure that readers and recipients of that electoral material understand who has published material. This is consistent with our assessment of competence in relation to Part 6 of the Elections Act 2022 when the clauses being amended were introduced.

#### Part 5 Electoral Commission and Enforcement Reforms

67. **Clause 65 Decriminalisation of certain requirements.** This clause introduces Schedule 10 which decriminalises offences relating to administrative requirements under PPERA and makes consequential amendments, making the requirements and restrictions to which those offences relate, enforceable only by the Electoral Commission through its investigatory and civil sanctioning powers.
68. **Schedule 10** is concerned with the decriminalisation of certain administrative offences. **Paragraphs 5 & 6** make amendments to PPERA

to decriminalise certain offences in relation to registered parties, namely failure of the delivery or compliance with the requirements of campaign expenditure returns and failure for such a return to be accompanied by a declaration when contravened by the treasurer. Equivalent provision could be included in an Act of the Senedd in relation to returns by registered parties at standalone Senedd elections. As such, insofar as the amendment will apply to standalone Senedd elections, it is within the legislative competence of the Senedd and will require consent.

69. **Paragraph 10** makes amendments to PPERA to omit certain criminal offences in relation to recognised third parties. The amendment that omits a criminal offence of failure to submit returns to the Commission under section 98(4)(a),(b) and (c) is within the legislative competence of the Senedd and therefore requires consent.
70. In a manner similar to paragraphs 5 and 6, paragraphs 11 and 12 (omission of the offence regarding the declaration by a responsible person as to a return) will initiate the legislative consent process because the amendment will apply to standalone Senedd elections, it falls within the Senedd's legislative competence, meaning equivalent provisions could be incorporated into an Act passed by the Senedd.
71. Paragraphs 13 and 14 make amendments to Part 7 of PPERA to omit certain offences in relation to referendum participants. Equivalent provisions may be incorporated into an Act of the Senedd concerning referendums governed by section 101 of PPERA and/or include Wales specific references. Accordingly, where the amendment relates to referendums on devolved matters, it falls within the legislative competence of the Senedd and/or would have a material impact on the delivery or operation of devolved policy and legislation.
72. An LCM will also be required for the relevant consequential amendments in paragraph 16(6) that remove the criminal penalties for the relevant administrative offences, that are being abolished, from a list that relate and apply to devolved elections.
73. **Clause 66 and Schedule 11 Extension of Electoral Commission's enforcement functions.** The Electoral Commission (EC) can currently enforce civil sanctions for failure to comply with certain electoral finance rules within PPERA. The effect of clause 66 is that identified offences, that are currently 'criminal offences' due to candidates and local third parties' failure to comply with the election finance rules under the RPA 1983 or some digital imprint offences under the Elections Act 2022, will now become 'prescribed offences'. This means that the identified offences can be referred to the police for criminal investigation or be dealt with and enforced via civil sanctions by the Electoral Commission. The clause

makes necessary amendments to PPERA and other electoral legislation to enable this and also extends the Electoral Commission's remit and civil sanctioning powers. The amendments in this clause apply to offences that can be committed during local government elections in Wales and, to that extent, this clause is within the legislative competence of the Senedd.

74. The clause introduces **Schedule 11**, which gives more detail about the Commission's new enforcement powers. These changes only apply to offences committed after the clause becomes law.
75. **Paragraphs 2-4 of Schedule 11** amend the enforcement functions and duties of the Commission in section 145 PPERA to reflect the changes made to Schedule 19C to PPERA by Clause 66 and Schedule 11 to the Bill. The clause is within legislative competence of the Senedd so far as it applies to local government elections in Wales through the reference and application of offences within the RPA 1983.
76. **Paragraph 5** amends section 148 PPERA by clarifying and defining intent requirements, permitting other enactments to qualify as offences, defining relevant enactments and enforcement functions, and specifying applicable persons to extend the enforcement and investigatory powers of the Electoral Commission to include those offences in the RPA 1983. The clause will have effect on local government elections in Wales and apply to candidates, election agents and third parties during those elections.
77. **Paragraph 6** inserts a new section 148A into PPERA, setting out definitions of candidate, election and election agent for the purposes of section 145 to 148 and Schedules 19B and 19C to PPERA.
78. **Paragraph 7** amends section 156(4A) of PPERA to maintain the position that regulations that include provision under paragraphs 1, 5 and 10 of Schedule 19C, are subject to the affirmative procedure.
79. **Paragraph 8** amends Schedule 19B of PPERA to expand the Commission's investigatory powers over certain individuals and to allow for offences prescribed for the purposes of paragraphs 1, 5, 10 or 15 of Schedule 19C to be investigated by the Electoral Commission.
80. The above clauses (in so far as they apply to stand alone devolved elections) would be within the legislative competence of the Senedd.
81. **Paragraph 9** amends Schedule 19C of PPERA – Civil sanctions of the Electoral Commission. The amendments expand the Electoral Commission's civil sanctions powers so that they apply not only to offences under PPERA but also to offences arising under the RPA 1983. This includes widening the Commission's ability to impose fixed monetary penalties, discretionary requirements, stop notices and accept undertakings in respect of prescribed offences committed by election agents, with liability attaching to relevant electoral candidates.

82. Further procedural modifications ensure that the civil sanctions framework can operate effectively across this broader range of legislation. These include extending the time limits within which criminal proceedings may be instituted, updating and inserting necessary definitions, and enabling associated guidance and supplementary orders to capture the additional categories of prescribed offences.
83. An LCM is required for paragraphs 9(2)(b)-(c), 9(3), 9(4)(b)-(c), and 9(5)-(11). Amendments in the clause apply to local government elections in Wales and Senedd elections and are within the legislative competence of the Senedd.
84. **Paragraph 13(2)** amends section 86(7) of the RPA 1983, regarding liabilities avoided where court allows excuse for non-compliance of requirements, to also refer to the relevant offences in PPERA.
85. **Paragraph 13(3)** removes a duty placed on the Director of Public Prosecutions to make inquiries and institute prosecutions where they have been given information pertaining to a possible electoral offence being committed under the RPA 1983. This clarifies that information pertaining to possible offences should instead be given to the police or the Electoral Commission with a view to investigating suspected offences. The clause is within the legislative competence of the Senedd in so far as the clause relates to local government elections in Wales.
86. **Paragraph 14** omits section 50 relating to enforcement by the Commission and section 53(2) relating to the supply of information to the Commission as the effect of those provisions will instead be applied by amendments elsewhere in the Schedule.
87. These amendments will have effect and apply to candidates, election agents and local third party campaigners in local government elections in Wales and therefore fall within the legislative competence of the Senedd.
88. **Clause 67 Abolition of maximum penalties in respect of offences triable summarily.** This clause amends Schedule 19C to PPERA by removing the limit to financial penalties payable where a fixed or variable monetary penalty is imposed in respect of certain offences, i.e. where offences are triable summarily by a court and punishable on summary conviction by a fine, the amount of the penalty imposed by the Electoral Commission may not exceed that which can be imposed by the court. Secondary legislation will be used to increase the maximum fine which the Electoral Commission may impose. This clause has no retrospective effect.
89. In so far as clause 67 attaches to offences that apply to stand alone Senedd elections, referendums or local government election in Wales (following other amendments to this Schedule elsewhere in the Bill), it would be within the legislative competence of the Senedd to be able to make equivalent provisions to remove any caps on fixed term monetary

penalties in relation to such prescribed offences. The clause will therefore require the consent of the Senedd.

90. **Clause 68 Civil sanctions orders: combining reserved and devolved provision.** This grants the Secretary of State (SoS) a delegated power to make a supplementary order concerning devolved elections. The supplementary order could address enforcement of offences for local government elections in Wales and relevant offences in Parts 5 & 6 of PPERA for standalone Senedd elections. The SoS can only use this power with the Welsh Ministers' consent in so far as it concerns elections in Wales. This provision aims to allow a unified set of changes to the Civil Sanctions Order, ensuring consistency and clarity for campaigners, supervised parties, organisations, and the Electoral Commission where the policy intention aligns. It should be noted that, as Welsh Ministers already possess this power, they can continue to exercise this power should they wish to make changes in relation to devolved elections. The Senedd could achieve the same through its own legislation, making this provision within its legislative competence. The clause imposes a function on the Welsh Ministers as the SoS can only exercise this power with the consent of the Welsh Ministers. This clause has a material impact upon the delivery or operation of devolved policy, legislation and administrative action of the Senedd and Welsh Ministers. This clause will therefore require the consent of the Senedd.
91. **Clause 69 Disclosure of information by Electoral Commission.** The clause provides the Electoral Commission with the power to disclose information it has obtained whilst carrying out of its functions to other regulators and enforcement authorities for the purpose of assisting them with the performance of their functions. The Secretary of State can add or remove regulators or modify their names, as set out in the new Schedule 19D, through secondary legislation under the affirmative procedure.
92. Legislative consent is required for the provision in so far as it applies to the listed Devolved Welsh Authorities, namely the Senedd Commissioner for Standards, the Independent Remuneration Board of the Senedd and the Welsh Revenue Authority. The clause has regard to devolved matters by assisting those bodies in carrying out their functions. Since these are DWAs with devolved functions, it is within devolved competence and will require the Senedd's consent.

#### Harassment and Intimidation

93. **Clause 70 Hostility towards officers and their staff.** This clause extends criminal sanctions with the effect to disqualify affected individuals from elected office. They can only be given effect by changes to provisions that govern the disqualification regimes to the Senedd and local authorities in Wales. Therefore, this relates to the devolved matter of

disqualification and therefore requires legislative consent.

94. **Clause 73 Effect of Scottish disqualification orders.** This clause effectively recognises the Scottish disqualification order alongside the existing disqualification order provisions in the Elections Act 2022. The purpose is to ensure that those subject to a Scottish disqualification order are disqualified from elected offices throughout the UK. Legislative consent is required as the disqualification regime over which the Senedd has competence is amended to give effect to them, applying the disqualification to offices elected at devolved elections.
95. **Clause 74 Effect of disqualification orders: minor and consequential provision.** This clause makes amendments to apply the effect of the Scottish disqualification across the UK. This includes amendments to the local Government Act 1972 and GoWA to apply the disqualification to membership of the Senedd and local authorities in Wales. This therefore has regard to devolved matters of disqualification, and requires the consent of the Senedd.

#### **UK Government view on the need for consent**

96. MHCLG has provided a Devolution Analysis which states that consent is required for Clauses 15, 30, 32, 33, 36, 38, 48 (and schedule 3), 55 (and Schedule 6), 56 (and Schedule 7), 58 (and Schedule 8), 59, 61, 65 (and Schedule 10), 66 (and schedule 11), 67, 68, 73,
97. We agree with this assessment but, for the reasons outlined above, assess that consent is also required for clauses 31, 52 (Schedule 4) 60, 63, 64, 69, 70 and 74.

#### **Reasons for making these provisions for Wales in the Representation of the People Bill**

98. The Welsh Government considers there is merit for implementing many of the provisions for devolved elections through the Bill as they align with Welsh Government policies. Doing so will strengthen those policies and maximise clarity for voters, candidates and administrators. More specific reasoning is set out on specific areas of the Bill below.
99. The relevant clauses requiring consent relating to the extending the franchise to 16 and 17 year olds seek to improve democratic participation by providing for duties to raise awareness and aid registration.
100. We are supportive of the clauses setting out improvements to voter registration. It is appropriate to legislate for procedural requirements in respect of technical changes to apply consistently and concurrently across elections for simplicity for both registration officers and electors.

The automated registration piloting powers follow on from pilots undertaken here in Wales. Welsh Government will continue to work with the UK Government to ensure alignment and reduce burden on administrators and confusion to voters as far as possible in terms of automatically adding people to the various registers.

101. It is also vital that the procedures around anonymous voters are as aligned as possible to increase the confidence and trust in electoral systems for vulnerable voters. It is therefore appropriate to legislate for this through UK legislation.
102. We would not disagree with the intentions behind the clause relating to the provision of assistance by local authority officers to returning officers and note its application to reserved elections. We would therefore recommend consent in so far as this clause has material impact on Local Authorities.
103. The Bill introduces a number of changes around the absent voting system. These include moving the deadline for applying for a postal vote forward to 14 working days before the poll. It also allows for a postal vote application to be accepted while a voter is still in the objections period after registering to vote. We agree that these changes will reduce the risk of voters not receiving their postal votes in time to return them and will relieve the pressure on electoral teams.
104. It also allows voters to cancel their postal vote a vote in person when the Electoral Registration Officer (ERO) is satisfied that their postal vote has not and will not arrive in time. This will allow EROs the flexibility to ensure that voters do not lose their right to vote unnecessarily.
105. It includes changes to how the reapplication window for postal votes is calculated, allowing voters who reapply just before the 31 January reapplication window to hold their postal vote arrangement for just over three years.
106. The Bill also clarifies a number of issues, such as setting a distinct postal vote determination deadline, clarifying the removal of a voters postal vote arrangement if they are removed from the register and that an application for a new postal vote arrangement automatically removes an existing arrangement.
107. We consider these changes to be beneficial for both voters and the efficient delivery of elections and therefore recommend that consent is given for these provisions.
108. Although unlikely to be combined in practice, the clauses concerning the effect of the death of the Sovereign on certain elections and

referendums, provide powers to move devolved Welsh elections when combined with relevant UK elections. Powers to move other standalone elections are either already set out in legislation or will be considered further in the Seventh Senedd. The UK Bill provides a suitable legislative vehicle to allow the specified combination of polls to be moved, if necessary. Therefore, in the absence of a suitable legislative vehicle in the meantime these clauses are supported by the Welsh Government

109. We welcome the clauses related to political finance insofar as they apply in relation to local government elections in Wales and Senedd elections and the greater transparency they will bring to uphold the integrity of our elections. Additionally, drafting such provisions within Welsh legislation would necessitate significant resources to analyse and effectively incorporate them into Welsh law, given the complex framework of legislation in this area and relationship with reserved only functions.
110. The Bill includes clauses that extend the UK-wide Digital Imprints regime so that it will require third party campaigners that are not recognised third parties or individuals, to include a digital imprint on their electronic material as per the existing digital imprint regime. This closes a loophole that allowed third party campaigners to publish electoral information campaigns as long as it did not meet the threshold.
111. They also make the Electoral Commission the primary enforcer for all imprint rules, physical and digital media. We welcome this extension of the Electoral Commission's role and believe it will allow for better consideration of imprint infractions while still allowing for the most serious cases to be referred to the police for criminal investigation.
112. We agree in principle to the clauses concerning digital imprints applying in relation to local government elections in Wales and Senedd elections and therefore would recommend the consent of the Senedd.
113. For the clauses relating to the Electoral Commission and Enforcement Reforms that impact upon devolved areas, we recognise there is an advantage in consistency and therefore recommending consent. Consenting to these clauses and aligning approaches, both now and through future changes to secondary legislation, will create a unified electoral framework and prevent inconsistencies in handling offences in UK and devolved elections. We agree that a single set of changes to the Civil Sanctions Order will allow candidates, parties, campaigners and administrators to operate under the same enforcement regime, reducing confusion and administrative burden. It would avoid for example the complexities of administering different caps and offence classifications for different elections.

114. It will also lower the risk of inconsistencies between various legislative instruments if made separately. This will help support simultaneous implementation, enabling the Electoral Commission to maintain uniform enforcement powers across all election types, particularly where offences span reserved and devolved contexts. This will ensure efficiency and operational consistency as well as clarity, for all stakeholders involved.
115. However, consent to the provisions in the Bill will result in amendments applying the clauses to local government elections in Wales and consideration will need to be given in the Seventh Senedd to legislating, through secondary legislation, to mirror the provisions and changes made to also apply to Senedd elections.
116. We would fully support and particularly welcome the measures in the Bill to address the harassment and intimidation of election staff and candidates. We hope this goes some way further to ensuring those who work tirelessly to deliver and stand in elections are better protected. The Senedd has legislated to address this issue through the Election and Elected Bodies Wales Act and related secondary legislation, however we note that this is an area of increased risk which needs to be reviewed regularly.
117. We consider that given the timings in which this Bill is being introduced, it would be in the best interest of Wales and those interacting with the electoral system to consent to the identified clauses, in so far as they impact upon devolved matters, being included in this UK Bill. We have already set out that We agree with the principle behind these provisions and given that the Senedd has recently passed the Elections and Elected Bodies (Wales) Act 2024, Senedd legislation would not otherwise be able to be delivered within a suitable time frame to ensure uniformity across elections.
118. Secondly, the interconnected nature of the relevant systems and related legislative frameworks, for example, in relation to the political finance clauses, mean that it is appropriate for provision to be taken forward in the UK Bill. Similarly, where the UK legislation touches on both devolved and reserved matters, this UK Bill ensures that shared policy objectives are achieved effectively.

### **Financial implications**

119. The changes in the Bill as outlined in this memorandum will have an impact on devolved elections, however given the nature of the amendments and the convergence with UK elections, this should not present too much of an additional burden. The UKG [Impact Assessment](#) sets out the projected financial impact of the measures to be introduced

by the Bill.

120. As set out in section 28 of the Senedd and Elections (Wales) Act 2020, Electoral Commission funding in relation to devolved Welsh elections and devolved Welsh referendums is payable out of the Welsh Consolidated Fund. The Bill places further enforcement powers on the Electoral Commission in respect of devolved elections which has not as yet, formed part of our budgetary requirements. These changes could result in additional costs to the Electoral Commission which, in devolved areas, would need to be met out of the Welsh Consolidated Fund, subject to agreement by the Senedd. As part of the impact assessment for the Bill, the Electoral Commission estimates overall regulatory reform costs of between £6.7 million and £20.0 million, with a central estimate of £13.3 million (2025/26 prices, 10-year PV). For illustrative purposes, this would equate to central estimate costs of around 80k per year proportionately to Wales. These figures are based on the Electoral Commission's 5-year corporate plan.
121. These figures cover all enforcement measures together, as costs cannot be separated by individual measure. The estimate is provisional and may change as detailed planning proceeds alongside policy implementation.

## **Conclusion**

122. As outlined above, in our view it is appropriate to deal with the provisions detailed in this memorandum, in so far as they impact on devolved areas, in this UK Bill. This will ensure the changes, which are largely procedural in nature, are consistent across different elections in the UK. Convergence at this time would help to avoid situations where administrators would be required to implement different procedures for different elections, thereby reducing financial and resource burdens in the future on Wales and on those delivering elections. It would also reduce voter and candidate confusion due to divergence in procedures. We would therefore support this Bill and would recommend that the Senedd consents to the clauses detailed in this memorandum.
123. However, given the anticipated UK Parliamentary timetable of the Bill the legislative consent debate on this Bill will take place in the next Senedd. Furthermore, this recommendation is based on the Bill as introduced on 12 February, any amendments to alter these provisions would need to be considered in detail.

**Jayne Bryant MS**  
**Cabinet Secretary for Housing and Local Government**  
**13 March 2026**