

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO 2)

REPRESENTATION OF THE PEOPLE BILL

1. This legislative consent memorandum (“LCM”) 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 if a UK Parliamentary Bill makes provision in relation to Wales which has regard to devolved matters. Further LCMs are also required where the UK government tables amendments to a Bill which make relevant provision for the first time.
2. The Representation of the People Bill (“the Bill”) was introduced in the UK Parliament, the House of Commons, on 12 February 2026. The Bill was carried over into this parliamentary session and resumed its passage on 14 May 2026. I laid an LCM on 16 June 2026, which can be found here: <https://laiddocuments.senedd.wales/lcm-ld18060-en.pdf>.
3. The previous LCM set out the provisions of the Bill that engage the consent process, but did not include a recommendation on whether the Senedd should consent to those provisions. Discussions with the UK Government are ongoing in relation to some specific provisions that are not currently consistent with our principles on UK Legislation in devolved areas, and this SLCM therefore also does not include a recommendation on consent at this stage. A further SLCM will be laid that includes a recommendation on consent for the Bill as a whole, including Government amendments tabled on 7 July 2026 and any subsequent Government amendments.
4. The Bill as amended at Commons Committee Stage, and which resumed its passage, on 14 May 2026 can be found at: <https://publications.parliament.uk/pa/bills/cbill/59-02/0004/260004.pdf>
5. The UK Government tabled 81 amendments on 7 July for consideration at Commons Report Stage, which was due to commence on 14 July, but has since been deferred until 2 September. The majority of the amendments do not have regard to devolved matters as detailed in paragraph 28 below.
6. On 17 July I wrote to the Llywydd outlining the reasons why it was not possible to lay this Supplementary LCM within the normal two-week SO29 deadline.

Policy Objective(s)

7. The UK Government's stated policy objectives of the Bill were set out in the LCM laid on 16 June.

Summary of the Bill

8. The Bill is sponsored by the Ministry of Housing, Communities & Local Government. The previous LCM includes a summary of the provisions in the Bill and can be found via the link in paragraph 2.
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. The same approach has applied to UK Government amendments made to the Bill during its passage through the House of Commons.
10. While my officials have continued to engage constructively with their UK Government counterparts, the Welsh Government did not have the opportunity to consider the full detail of the substantial number of amendments tabled on 7 July prior to tabling ahead of the House of Commons Report Stage. The volume and complexity of the amendments, together with the short time available for consideration of the majority of the amendments before Report Stage, meant it was not possible to complete the necessary analysis within the usual two-week SO 29 deadline. Further discussions are anticipated ahead of future amending stages, and further Supplementary LCMs will be considered in the event of further amendments being tabled.

Update on position since the publication of the first Legislative Consent Memorandum

11. The Legislative Consent Memorandum laid on 16 June sets out provisions for which consent is required, including amendments agreed at Commons Committee stage.
12. The UK Government tabled several amendments to the Bill on 7 July. The majority of these align with the UK Government's response to the Rycroft Review into foreign interference in politics, with a few additional technical amendments.
13. The majority of these amendments relate to reserved matters, but those amendments requiring the consent of the Senedd are detailed below.

Amendments tabled by the UK Government to the Bill for consideration at Commons Report Stage for which consent is required

14. **Amendment NC73 - Meaning of Donation.** This amends the meaning of donation for the purposes of existing provisions about the control of donations to candidates, registered parties and other persons to include property transferred to pay certain expenses of those persons. The amendment makes changes to a number of pieces of legislation, and the Senedd's consent is required in relation to the amendments made to:
- Paragraph 2(1)(c) of Schedule 11 to the Political Parties, Elections and Referendums Act 2000 (PPERA) insofar as it relates to donations made to recognised third parties in connection with Senedd elections and local government elections in Wales;
 - Schedule 2A to the Representation of the People Act 1983 (RPA 1983) insofar as it relates to donations made to candidates and their election agents at local government elections in Wales; and
 - Paragraph 2(1)(c) of Schedule 6 to the Senedd Cymru (Representation of the People) Order 2025, which makes provision about the control of donations to individual candidates standing at Senedd elections.
15. **Amendments NC75 and Gov100 - Power to extend certain restrictions to other types of donations and loans etc.** NC75 confers a new power on the Secretary of State to, by regulations, impose equivalent or similar prohibitions and restrictions to those set out in the provisions relating to cryptoassets (amendment NC72), donations and loans from overseas donors (amendment NC74) and donations by companies and Limited Liability Partnerships (LLPs) (clause 60 of the Bill). Gov100 provides for NC75 to come into force on Royal Assent.
16. The power conferred by NC75 would enable the Secretary of State to make regulations that would extend equivalent restrictions to (among other things):
- donations made to recognised third parties in connection with Senedd elections and local government elections in Wales;
 - donations made to candidates (and their agents) at local government elections in Wales; and
 - donations made to individual candidates at Senedd elections.
17. Where any regulations made extend the controls in relation to cryptoassets and donations from overseas voters, those provisions could be given retrospective effect from 25 March 2026. Any regulations made by the Secretary of State must be made within 18 months beginning with the day on which the Bill is passed.
18. Regulations made by the Secretary of State would be subject to the affirmative procedure and would need to be approved by both Houses of Parliament. Before laying any regulations before Parliament, the Secretary of State is required to consult:

- the Electoral Commission;
 - the Scottish Ministers in relation to any aspects of the regulations which relate to Scottish devolved matters; and
 - the Welsh Ministers in relation to any aspects of the regulations which relate to Welsh devolved matters (these are matters provision about which would be within the legislative competence of Senedd Cymru if it were contained in an Act of the Senedd, excluding any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006 (GOWA)).
19. Regulations made by the Secretary of State can confer powers on the Secretary of State to make further regulations or orders by statutory instrument, which can include power to amend, repeal or revoke an enactment. If any sub-delegated powers are included in regulations, and the regulations or orders made in reliance upon them are to apply in relation to Scottish devolved matters or Welsh devolved matters, before making the regulations or orders, the Secretary of State must consult the Scottish Ministers or (as appropriate) the Welsh Ministers.
20. The consent of the Senedd is required to this amendment insofar as it enables the Secretary of State to make regulations that would extend the controls in relation to cryptoassets, donations from overseas electors, and donations from companies and LLPs to:
- donations made to recognised third parties in connection with Senedd elections and local government elections in Wales;
 - donations made to candidates (and their agents) at local government elections in Wales; and
 - donations made to individual candidates at Senedd elections.
21. **Amendment Gov129 - Extension of Electoral Commission's enforcement functions.** Gov125, Gov126, Gov127, Gov129 and Gov131 amend Schedule 11 of the Bill to extend the Electoral Commission's investigatory powers to require any person to provide documents, information or explanations relating to the income and expenditure of persons mentioned in paragraph 1(1) of Schedule 19B to PPERA (i.e. regulated recipients). The amendments also provide for court enforcement, to enable the EC to apply to the court and obtain an order requiring the person to provide documents/information/explanation requested by the EC. Failure of a person to provide such documents/information/explanation ordered by the court could result in that person either being held in contempt of court or being convicted of an offence under paragraph 13(1) of Schedule 19B to PPERA.
22. To the extent that the amendments apply and have regard to devolved matters, such as donations to candidates and third parties in connection with devolved elections, consent of the Senedd is required to this amendment.

23. **Amendments NC78 and Gov99 - Sharing of information between Electoral Commission and others.** NC78 replaces Clause 71 of the Bill to provide for a reciprocal information gateway between the Electoral Commission (EC) and certain public authorities, expand the category of public authorities to which the gateway applies, and impose restrictions on the onward disclosure of information provided by a revenue authority. NC78 inserts new sections 148B-H into PPERA.
24. A 'relevant public authority' is defined and includes Devolved Welsh Authorities (DWAs) such as, the Senedd Commissioner for Standards, the Welsh Revenue Authority (WRA), and the Independent Remuneration Board of the Senedd, and also includes officers involved in devolved Welsh elections (including electoral registration officers, returning officers and those carrying out some or all functions of such officers). It also includes a 'government department' which is not further defined. The clause provides the Secretary of State with the power to make regulations to vary the definition of a 'relevant public authority' which is subject to consultation with and/or recommendation of the EC. Gov99 consequentially removes the current clause 71 from the Bill.
25. The clause confers a power on the EC to disclose information to others (new section 148C of PPERA) and related provisions. The purpose of the new section is to assist others in the exercise of their functions, and to the extent that those officers/bodies are exercising functions in devolved areas, it relates to devolved matters. The following 'relevant public authorities' exercise functions in devolved matters: the Senedd bodies, the WRA, electoral registration officers in Wales and returning officers for devolved elections and government departments.
26. Section 148B places a power on 'relevant public authorities' to disclose information to the EC for the purpose of assisting it with its functions. The bodies who fall within the definition of a 'relevant public authority' include DWAs (listed in paragraph 24 above). Any information disclosed to the EC by a revenue authority cannot be further disclosed without the consent of the authority. Any onward disclosure made without that consent will result in an offence. The clause confers powers on DWAs and is within the legislative competence of the Senedd. As such it will require the consent of the Senedd.

UK Government view on the need for consent

27. The LCM laid on 16 June details the provisions of the Bill, prior to the Government amendments tabled on 7 July, where the UK Government agree that consent is required. It also details the provisions where our views differ from that of the UK Government.
28. In terms of the amendments tabled on 7 July, the UK Government and Welsh Government **agree** that the following amendments **do not require** legislative consent:

- NC72 and NS1 – Donations in cryptoassets
- NS2 - Regulated transactions involving cryptoassets
- NC74, NS3, NS4 - Cap on donations etc by overseas contributors
- NC76, Gov106, Gov112, Gov115, Gov122 - Entering into regulated transactions under Part 4A of PPERA 2000
- NC77, Gov69, Gov96, Gov113 - Procedure for regulations under PPERA 2000
- Gov63 - Amendment of UK Parliamentary election rules
- Gov70, Gov75, Gov76, Gov77, Gov78, Gov79, Gov80, Gov81, Gov82, Gov83, Gov84, Gov85, Gov90, Gov92, Gov93, Gov94 - Donations by companies and LLPs etc: remaining available profits test
- Gov71, Gov72 - Donations by companies and LLPs etc: significant control test for companies
- Gov73, Gov74 - Donations by companies and LLPs etc: significant control test for companies
- Gov86, Gov87, Gov88, Gov89, Gov91 - Donations by companies and LLPs: remaining available profits test
- Gov95 - Donations by companies and LLPs: accounts filing obligation
- Gov96 - Further information relating to donors that are companies or LLPs: quarterly reports
- Gov98 and NS5 - Loans etc to registered parties by companies and LLPs
- Gov123, Gov124 - Unincorporated associations making political contributions

29. The UK Government and Welsh Government **agree** that the following amendments **require** legislative consent:

- NC73 – Meaning of Donation
- NC75 and Gov100 - Power to extend certain restrictions to other types of donations and loans, etc.
- NC78 and Gov99 - Sharing of information between Electoral Commission and others
- Gov125, Gov126, Gov127, Gov128, Gov129, Gov130, Gov131 - Extension of the Electoral Commission's enforcement functions

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

30. The provisions requiring the Senedd's consent align with existing Welsh Government policy objectives. They would support consistency across the electoral framework, and would provide greater clarity for voters, candidates, campaigners and administrators, and I am supportive of those objectives.

31. However, further engagement is needed with UK Government on the regulation making powers in NC75 and NC78 before I can bring a recommendation on consent to the Bill.

Financial implications

32. As noted in the LCM laid on 16 June, the financial implications of the Bill will primarily be a matter for the UK Government in relation to changes to UK Parliament elections, especially in relation to voter registration and reducing the voting age to 16 for reserved elections. It is expected that the UK Government will meet any such costs as part of the 'new burdens' regime.
33. No new financial issues arise from these amendments. As set out in the previous LCM, Electoral Commission funding in relation to devolved Welsh elections and devolved Welsh referendums is payable out of the Welsh Consolidated Fund. The Bill's Impact Assessment identifies the changes for the Electoral Commission and enforcement will have an estimated cost of £13.3m over ten years. 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.
34. There are expected to be costs related to the costs of secondary legislation to reflect changes for Senedd elections and for example, where Welsh Ministers have been given new regulation making powers within the Bill. Financial implications of such legislation will be set out in an accompanying Explanatory Memoranda. Financial implications will continue to be reviewed as the Bill progresses through Parliament scrutiny.

Conclusion

35. I am supportive of the Bill's objectives to strengthen, modernise and improve democracy. However, further engagement is required with UK Government on NC75 and NC78 before I can bring forward a recommendation on consent to this Bill.

Siân Gwenllïan AS/MS

Cabinet Minister for Local Government, Housing and Planning

4 August 2026