

Explanatory Memorandum to The Senedd and Elections (Wales) Act 2020 and the Senedd Cymru (Members and Elections) Act 2024 (Consequential Amendments) Regulations 2026

This Explanatory Memorandum has been prepared by the Senedd Reform Division and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Cabinet Secretary's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Senedd and Elections (Wales) Act 2020 and the Senedd Cymru (Members and Elections) Act 2024 (Consequential Amendments) Regulations 2026.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

11 FEBRUARY 2026

PART 1

Description

1. The Senedd and Elections (Wales) Act 2020 and the Senedd Cymru (Members and Elections) Act 2024 (Consequential Amendments) Regulations 2026 (“the Regulations”) make necessary amendments to secondary legislation as a consequence of the commencement of the Senedd Cymru (Members and Elections) Act 2024 (“the 2024 Act”), which makes provision for a new system of elections for the Senedd. In some places the provisions being amended in consequence of the 2024 Act still contain references to “the National Assembly for Wales” and “the Assembly”. The institution was renamed Senedd Cymru by section 2 of the Senedd and Elections (Wales) Act 2020 (“the 2020 Act”). The Regulations therefore also make amendments that are incidental, supplemental or in consequence of changes made by the 2020 Act, where the provisions being amended in consequence of the 2024 Act contain those previous references, to ensure clarity and accessibility of the amended provisions.

Matters of special interest to the Legislation, Justice and Constitution Committee

2. None

Legislative background

3. Section 39 of the 2020 Act provides the Welsh Ministers with a power to make regulations, containing supplemental, incidental, or consequential provisions and transitional or saving provisions if they consider it appropriate for the purposes of, in consequence of, or for giving full effect to any provision of the 2020 Act.
4. Section 20 of the 2024 Act provides the Welsh Ministers with a power to make regulations, containing supplementary, incidental, or consequential provisions and transitional or saving provisions if they consider it appropriate for the purposes of, in consequence of, or for giving full effect to any provision of the 2024 Act.
5. As these Regulations amend secondary legislation, in accordance with section 40(4) of the 2020 Act and section 22(5) of the 2024 Act, the instrument is subject to the Senedd annulment procedure.

Purpose and intended effect of the legislation

6. These Regulations make minor amendments to secondary legislation consequential on the renaming of the National Assembly for Wales to Senedd Cymru by section 2 of the 2020 Act. Whilst section 150A of the Government of Wales Act 2006 operates in such a way as to legally change references to the new name of the institution, leaving references to “the Assembly” or “the National Assembly for Wales” in the provisions being

amended in these Regulations may create confusion for the reader. These amendments are therefore considered appropriate for the purposes of clarity and accessibility of the legislation.

7. These Regulations make minor amendments to secondary legislation, consequential on changes made to the Senedd electoral system by the 2024 Act. The amendments made by these Regulations are considered appropriate for the purposes of clarity and accessibility of the legislation.
8. The risk of not making these Regulations is that the provisions will contain obsolete references, making the legislation confusing and difficult for the reader to understand.
9. Regulation 2 makes consequential amendments to the Representation of the People (England and Wales) Regulations 2001, removing references to electoral regions and amending references from “the National Assembly for Wales” to “Senedd Cymru”.
10. Regulation 3 makes consequential amendments to the Police and Crime Commissioner Elections Order 2012, removing references to “electoral regions”.
11. Regulation 4 makes consequential amendments to the Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012, removing references to “electoral regions” and amending references from “the National Assembly for Wales” to “Senedd Cymru”.

Consultation

12. No formal consultation has been undertaken on the Regulations, as these make only minor consequential and technical amendments to legislation.

Regulatory Impact Assessment (RIA)

13. A Regulatory Impact Assessment has not been prepared in respect of these Regulations as they make minor consequential and technical amendments to existing legislation. These Regulations do not alter policy (or its impact or application) nor do they impose or reduce costs for business, charities, voluntary bodies or the public sector. This is in line with the policy set out in the Welsh Ministers’ Code of Practice for carrying out Regulatory Impact Assessments for subordinate legislation.