

Explanatory Memorandum to The Representation of the People (Removal of the Edited Register) (Wales) Regulations 2026

This Explanatory Memorandum has been prepared by the Elections 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 Representation of the People (Removal of the Edited Register) (Wales) Regulations 2026. I am satisfied that the benefits justify the likely costs.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government
10 February 2026

PART 1

1. Description

1.1 These Regulations disapply the requirements in the Representation of the People (England and Wales) Regulations 2001 (“the 2001 Regulations”) 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.

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

2.1 None.

3. Legislative background

3.1 The Regulations are made under powers previously conferred on the Secretary of State by sections 53(1) and (4) and 201(1) of the Representation of the People Act 1983. These regulation making powers are now transferred to Welsh Ministers insofar as they are exercisable within devolved competence and allow regulations to be made in respect of the registration of electors.

3.2 In accordance with section 72(5)(d) of the Elections and Elected Bodies (Wales) Act (“the 2024 Act”), the provisions of Chapter 2 of Part 1 of that Act which relates to electoral registration without applications may not be commenced until the requirements to prepare and supply an edited register of local government electors for an area in Wales are no longer in force.

3.3 Section 4(9)(c) and (d) of the 2024 Act remove the power currently available to the Welsh Ministers to make regulations that create the edited register. Once in force and the requirements to publish and make available the edited register have been removed, Welsh Ministers will not be able to remake the edited register again in the future. This was agreed as a concession in stage 2 of the 2024 Act’s passage as an additional future safeguard.

3.4 These Regulations are being made under the Senedd approval procedure.

4. Purpose and intended effect of the legislation

4.1 The 2024 Act made provision for piloting of electoral registration without application, also known as automatic registration, to inform consideration of any future roll out. These pilots took place across four Welsh local authorities in 2025, and the Electoral Commission evaluated the pilot models.

4.2 The Electoral Commission's summary report can be found [here](#). In summary, it recommended that Welsh Government:

- consider final data from the annual canvass to assess data matching accuracy.
- Consider the resources required by EROs to deliver AVR
- Make an assessment of costs and benefits of implementing AVR
- Consider the optimal timing and frequency for AVR
- Consider a reduction in the notification period and the sending of a notification by hard copy and include an Invitation to Register
- Ensure there is appropriate guidance on data
- Ensure the functionality of Electoral management Systems
- Consider how AVR implementation can align/integrate with any future UK wide system.

4.3 Section 72(5)(d) of the 2024 Act states that prior to electoral registration without application being rolled out across Wales, the provisions of Chapter 2 of Part 1 of that Act which relates to electoral registration without applications may not be commenced until the requirements to prepare and supply an edited register of local government electors for an area in Wales are no longer in force.

4.4 Regulations 3 and 5 of these Regulations achieve this by removing the requirements for Electoral Registration Officers to publish an edited version of the local government register for an area in Wales and make it available for public inspection and sale, contained in regulations 93 and 110 of the 2001 Regulations. Regulation 4 of these Regulations makes consequent provision disappling requirements in relation to notifying a registration officer of change to edited register preference, which will no longer be required with respect to registers of local government electors for areas in Wales after the coming into force of these Regulations.

4.5 In addition, regulation 6 of these Regulations makes express provision requiring the removal from publication of the version of the edited register that is currently in force at the time that these Regulations come into force. Under the current provisions, each revised version of the edited register is kept published until the coming into force of the next revised version of it. As this will no longer take place the new provision makes clear what should happen to those registers already published.

4.6 The removal of the open register of local government electors for areas in Wales will be of primary benefit to young people and those considered vulnerable. The current edited register is sold to a number of organisations

that are willing to pay for access to electors' data. If a young or vulnerable person's data is sold via the open register it is possible they may be targeted by organisations that could do them harm.

4.7 Removing the edited register in relation to Welsh elections will mean that those people automatically registered, or those young people and qualifying foreign citizens not currently eligible to vote in reserved elections will not have their details sold on to third parties. Electoral data will continue to be supplied via the closed register to those organisations that are allowed access by law.

4.8 An edited register would still be in place in Wales for the parliamentary register, but this would only apply for those people 18 years of age and over, and those that had made an application to register to vote via Individual Electoral Registration.

4.9 Further Regulations will be brought forward at a later date to set out the detailed operational requirements for local authorities in relation to automatic voter registration.

5. Consultation

Formal consultation

5.1 While these regulations have not been formally consulted upon, the policy proposals and provisions around the registration of electors without application were subject to formal consultation on two occasions.

5.2 The first of these consultations was undertaken in 2017 through the *Electoral reform in local government in Wales* consultation in which the principle of registration without application was introduced and subject to public views. Further consultation was undertaken through the Consultation on the electoral administration and reform White Paper in which questions were put forward around the implementation of this policy and provided an opportunity for the public to raise any specific concerns.

5.3 As this policy was provided for in the Elections and Elected Bodies (Wales) Act 2024, the provisions were subject to Senedd primary legislative scrutiny which included Committee and full Senedd scrutiny.

PART 2 – REGULATORY IMPACT ASSESSMENT

6. Options

- a) Business as usual – do not abolish the edited register
- b) Make the legislation – abolish the edited register

A non-legislative option is not possible in this case, as all arrangements for the registration of electors are set out in primary and secondary legislation.

Option a

6.1. The removal of the edited register is a requirement of the 2024 Act if registration without application is to be implemented across Wales following the pilot activity.

6.2. If these Regulations to abolish the edited register are not made, a roll out of registration without application will not be able to take place. Under this option, the current practice of Individual Electoral Registration whereby each elector is required to take part in the annual canvass in order to be registered to vote would continue.

Option b

6.3. Making this legislation would remove the edited register for local government elections in Wales, and its sale to third parties, providing for further secondary legislation to be made which would make provision for electoral registration without application across Wales.

6.4. The open register would still be in place in Wales for the parliamentary register, but this would only apply for those people 18 years of age and over, and those that had made an application to register to vote via Individual Electoral Registration (IER).

7. Costs and benefits

Option a: business as usual

Costs

7.1. Option a would introduce no additional costs.

Benefits

7.2. By continuing business as usual, there will be no divergence in administration practices between the local government register and the

parliamentary register in Wales, which would be simpler for local authorities to manage.

Option b: make the legislation

Costs

7.3. There will be no additional costs to the Welsh Government of removing the open register in relation to Wales. Limited administrative staff costs were incurred in relation to preparing and making the regulations, however, those are now 'sunk costs' and are therefore disregarded from this assessment.

7.4. Local authorities will lose a modest amount of income from the removal of the open register in relation to Welsh elections. While this cost has not been calculated and is therefore unknown, anecdotal evidence suggests it will be in the hundreds of pounds per local authority on an annual basis. However, the open register will still be in place for the parliamentary register and income will continue to be generated from this.

Benefits

7.5. The removal of the open register in Wales will be of primary benefit to young people and those considered vulnerable. The current open register is sold to a number of organisations that are willing to pay for access to electors' data. If a young or vulnerable person's data is sold via the open register it is possible they may be targeted by organisations that could do them harm. Removing the open register in relation to Welsh elections will mean that those people automatically registered, or those young people and qualifying foreign citizens not eligible to vote in reserved elections will not have their details sold on to third parties. Electoral data will continue to be supplied via the closed register to those organisations that are allowed access by law.

Summary

7.6. Option b is the preferred option as it is a legislative requirement to enable the roll out of electoral registration without application across Wales.

8. Competition assessment

8.1 The competition filter test has been completed. These Regulations are not expected to impact on competition in Wales or the competitiveness of Welsh businesses.

9. Post implementation review

8.1.A review of the removal of the edited register will form part of the review of a full roll out of registration without application which it is intended to legislate for in due course. This review would be likely to take place three years after

that secondary legislation comes into force, allowing for it to bed in alongside the annual canvass and IER processes.