

Explanatory Memorandum to the Senedd Cymru (Returning Officers' Charges) Order 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 Senedd Cymru (Returning Officers' Charges) Order 2026. I am satisfied that the benefits justify the likely costs.

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

10 March 2026

PART 1

1. Description

- 1.1. The Senedd Cymru (Returning Officers' Charges) Order 2026 ('the Charges Order') will set the maximum amounts Returning Officers (ROs) are able to claim from the Welsh Government for the conduct of the 2026 Senedd election.
- 1.2. The Charges Order will be accompanied by the Senedd Cymru (Returning Officers' Accounts) Order 2026 ('the Accounts Order'). The Accounts Order stipulates how and when ROs should submit their election accounts in order to receive the funding provided for in the Charges Order.
- 1.3. The Charges Order is also accompanied by the Returning Officers' Indemnity and Employer's Liability Insurance Certificate. The indemnity document will provide ROs with additional insurance cover to offer protection should they be liable for losses or face any claims in connection with a Senedd Cymru election, which arise in relation to the RO's discharge of responsibilities (including in respect of personal injury or death or as result of an election petition).

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

- 2.1. None.

3. Legislative background

- 3.1. The Charges Order is made under article 23(4)(a) to (c), (6) and (11) of the Senedd Cymru (Representation of the People) Order 2025 ('the Conduct Order').
- 3.2. Article 23(1) and (2) of the Conduct Order sets out that ROs are entitled to recover their charges in respect of expenses incurred and, on behalf of electoral administrators, charges in respect of services rendered. In both cases the charges must be incurred/rendered for, or in connection with, a Senedd election, where such charges were necessarily incurred for the efficient and effective conduct of the election.
- 3.3. Under article 23(4)(a)-(c) of the Conduct Order the Welsh Ministers must, by order: (a) specify the maximum amount that is recoverable for the charges in respect of services/expenses; (b) provide a method of calculating the maximum amount that those charges may not exceed; and (c) specify, or provide a method for calculating, the maximum amounts recoverable for services or expenses of particular types. This order making power is exercisable by statutory instrument and is not subject to any Senedd procedure.

3.4. Although the Charges Order does not follow a Senedd procedure, it is still required to be laid before Senedd Cymru under section 37F of the Legislation (Wales) Act 2019.

4. Purpose and intended effect of the legislation

4.1. The intended effect of the Charges Order is to provide for payments for services and expenses of ROs and electoral administrators in connection with the conduct of the Senedd elections and will apply to the Senedd election which is due to be held on 7 May 2026.

4.2. The Charges Order specifies the maximum amounts recoverable by returning officers for services rendered and expenses incurred for, or in connection with, a contested Senedd election and the overall maximum amount recoverable by returning officers for services rendered and expenses incurred for, or in connection with, an uncontested Senedd election.

Calculation of Maximum Recoverable Amounts (MRAs)

4.3. For election expenses, the total costs claimed from the last election were taken and an average cost for a voter and for a postal vote calculated. This was uplifted using the GDP deflator series (**23%**) for the general costs and by a specific amount based on first class postage for the postal fees (**157%**). These per voter costs were then applied to the new number for the electorate per area and postal voters registered. A further uplift of **60%** was applied to take account of the fact that the 2026 Senedd election will be stand-alone, whereas the 2021 Senedd election was combined with Police & Crime Commissioner elections.

4.4. The amounts for services rendered are based on the total amount claimed for the 40 constituencies in 2021, uplifted using the GDP deflator series (23%) and divided by the 16 new constituencies.

5. Consultation

5.1. ROs were consulted on the policy and the tables setting out the recoverable amounts for each constituency contained in the Charges Order.

5.2. 7 responses were received from ROs and their administrators. Data was missing in relation to one constituency, for which the amounts have been revised. Aside from that, the majority of the responses were satisfied that the amounts were sufficient.

5.3. A new Guidance Note and claim form, to accompany the Charges Order, have been produced following the consultation to provide further clarity for ROs.

6. Regulatory Impact Assessment (RIA)

Introduction

- 6.1. The next Senedd election is scheduled to take place on 7 May 2026.
- 6.2. The Welsh Ministers are responsible for reimbursing ROs for services and expenses incurred in the conduct of the Senedd election. The overall recoverable amounts at any election are specified by statutory instrument.
- 6.3. The Charges Order will set the maximum amounts ROs are able to claim for the conduct of the 2026 Senedd election.

Options

- 6.4. **Option 1** – Do nothing.
- 6.5. **Option 2** – Make the Senedd Cymru (Returning Officers' Charges) Order 2026.

Cost and benefit analysis

Option 1 – Business as usual

- 6.6. Were Option 1 to be followed, ROs would still be entitled to recover their charges in respect of expenses and services under article 23(1) and (2) of the Conduct Order. However, there would be no legislation setting out the maximum amounts recoverable.
- 6.7. Furthermore, article 23(4) of the Conduct Order sets out that the Welsh Ministers **must** make an order dealing with the matters in article 23(4), so there is a requirement for this Order (and the Accounts Order) to be made. Therefore, this is not a viable option.

Option 2 – Make the Senedd Cymru (Returning Officers' Charges) Order 2026

Description

- 6.8. The Charges Order will set the maximum recoverable amounts ROs are able to claim for the conduct of the 2026 Senedd election.

Cost

- 6.9. Costs will be dependent the costs of delivering the election. If all ROs claimed the maximum amounts set out in the Charges Order, the cost would be £10.273m, payable from the Welsh Consolidated Fund. The Accounts Order allows for Welsh Ministers to consider requests from ROs for funding above the maximum amounts, when necessary.

Therefore, there is potential for these costs to be higher, although it is felt to be unlikely.

Benefits

6.10. Making the Charges Order would ensure a legal basis for funding the Senedd election in May 2026. The maximum recoverable amounts made available to ROs would be based on the most recent available data and take into account inflation. This means that ROs and local authorities would be adequately reimbursed to cover the costs of running the 2026 Senedd election.

Preferred Option

6.11. Option 2 is the preferred option, as there is a need to fund the election appropriately.

Other Impacts

6.12. A full Integrated Impact Assessment was carried out on the impact of the Charges Order and associated Accounts Order.

6.13. Section 1 and Section 8 of the Welsh Government's Integrated Impact Assessment for the Charges Order are available on the Welsh Government website.

Competition Assessment

6.14. The provisions within the Charges Order will not affect business, or charities and/or the voluntary sector in ways that raise issues related to competition. The competition filter has not been applied. The provisions in the Charges Order are not expected to have any impact on competition or place any restrictions on new or existing suppliers. The majority of the costs associated with the legislation are expected to fall on public bodies, who already meet these costs. The legislation is not expected to have any negative impact on small and medium sized enterprises in Wales.