



Senedd and Elections (Wales) Act 2020

2020 anaw 1

An Act of the National Assembly for Wales to rename the National Assembly for Wales, to extend the right to vote in Senedd elections, to amend the law relating to disqualification from membership of the Senedd, to make provision regarding oversight of the work of the Electoral Commission, to make miscellaneous changes to the law relating to the government of Wales and for related purposes. [15 January 2020]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

PART 1

OVERVIEW

1 Overview of this Act

- (1) Part 2 of this Act changes the name of the National Assembly for Wales to “Senedd Cymru” or “the Welsh Parliament” and makes connected changes.
- (2) Part 3 of this Act extends the right to vote for elections to the Senedd to persons aged 16 and 17 and qualifying foreign citizens and makes related changes to electoral registration. It also makes provision about the financial and oversight arrangements for the work of the Electoral Commission in relation to devolved Welsh elections and devolved referendums.
- (3) Part 4 of this Act amends the law relating to persons disqualified from membership of the Senedd.
- (4) Part 5 of this Act contains miscellaneous provisions regarding the Senedd and Senedd elections that—
 - (a) extend the time within which the first meeting of the Senedd after a general election must be held;
 - (b) clarify the powers of the Senedd Commission to charge for the provision of goods and services;

Changes to legislation: There are currently no known outstanding effects for the Senedd and Elections (Wales) Act 2020. (See end of Document for details)

- (c) require the Welsh Ministers to report on the operation of the provisions of this Act that extend the right to vote and change qualification for membership of the Senedd.
- (5) Part 6 of this Act contains general provisions about the interpretation of this Act, the coming into force of the provisions of the Act, and the short title.

PART 2

RENAMING OF THE NATIONAL ASSEMBLY FOR WALES ETC.

2 National Assembly for Wales renamed Senedd Cymru or Welsh Parliament

In section 1(1) of the Government of Wales Act 2006 (c. 32) (“the 2006 Act”) for “the National Assembly for Wales” to the end substitute “Senedd Cymru or the Welsh Parliament (referred to in this Act as “the Senedd”)”.

3 Acts of the National Assembly for Wales renamed Acts of Senedd Cymru

In section 107(1) of the 2006 Act, for “the National Assembly for Wales” to the end substitute “Senedd Cymru or Deddfau Senedd Cymru (referred to in this Act as “Acts of the Senedd”)”.

4 Members to be known as Members of the Senedd

In section 1 of the 2006 Act, after subsection (2) insert—

“(2A) Members of the Senedd are to be known by that name or as Aelodau o'r Senedd.”

5 Clerk of the Assembly renamed Clerk of the Senedd

In section 26(2) of the 2006 Act, for “Assembly” substitute “Senedd, Clerc y Senedd”.

6 National Assembly for Wales Commission renamed Senedd Commission

In section 27(1) of the 2006 Act, for “National Assembly for Wales Commission or Comisiwn Cynulliad Cenedlaethol Cymru” substitute “Senedd Commission or Comisiwn y Senedd”.

7 National Assembly for Wales Commissioner for Standards renamed Senedd Commissioner for Standards

In section 1(1) of the National Assembly for Wales Commissioner for Standards Measure 2009 (nawm 4), for “National Assembly for Wales” substitute “Senedd”.

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8 National Assembly for Wales Remuneration Board renamed the Independent Remuneration Board of the Senedd

In section 1(1) of the National Assembly for Wales (Remuneration) Measure 2010 (nawm 4), for “National Assembly for Wales Remuneration Board” substitute “board to be known as the Independent Remuneration Board of the Senedd”.

9 Minor and consequential amendments

Schedule 1 contains minor and consequential amendments relating to this Part.

PART 3

ELECTIONS

Extension of right to vote

10 Extension of right to vote in Senedd elections to 16 and 17 year old persons

- (1) Section 12 (entitlement to vote) of the 2006 Act is amended as follows.
- (2) In subsection (1)(a), after “constituency” insert “ or fall within the extended franchise for Senedd elections as described in this section ”.
- (3) After subsection (1), insert—

“(1A) A person falls within the extended franchise for Senedd elections if the person—

 - (a) has attained the age of 16, but not the age of 18, and
 - (b) would, but for any disability removed by this section, be entitled to vote as an elector at a local government election in an electoral area wholly or partly included within the Senedd constituency.”
- (4) The amendments made by this section have effect for the purposes of an election for membership of the Senedd at which the poll is held on or after 5 April 2021.

11 Extension of right to vote in Senedd elections to qualifying foreign citizens

- (1) After section 12(1A) of the 2006 Act, insert—

“(1B) A person falls within the extended franchise for Senedd elections if the person—

 - (a) is a qualifying foreign citizen (within the meaning given by section 203(1) of the Representation of the People Act 1983 (c. 2)), and
 - (b) would, but for any disability removed by this section, be entitled to vote as an elector at a local government election in an electoral area wholly or partly included within the Senedd constituency.”
- (2) The amendments made by this section have effect for the purposes of an election for membership of the Senedd at which a poll is held on or after 5 April 2021.

Changes to legislation: There are currently no known outstanding effects for the Senedd and Elections (Wales) Act 2020. (See end of Document for details)

Electoral registration

12 Entitlement to be registered as a local government elector

(1) In section 4 of the Representation of the People Act 1983 (c. 2) (“the 1983 Act”) (entitlement to be registered as a local government elector)—

(a) in subsection (3)(d), after “age” insert “ or, if resident in an area in Wales, is 16 years of age or over ”;

(b) after subsection (3) insert—

“(3A) A person is also entitled to be registered in the register of local government electors for any electoral area in Wales if on the relevant date the person—

(a) is resident in that area,

(b) is not subject to any legal incapacity to vote (age apart) in an election of members (or of a member) of Senedd Cymru,

(c) is a qualifying foreign citizen, and

(d) is 16 years of age or over.”;

(c) after subsection (5A) insert—

“(5B) In relation to a register of local government electors for any electoral area in Wales, the reference to “voting age” in subsection (5) is to be interpreted as “16 years of age”.”.

(2) In section 203(1) of the 1983 Act (local government provisions as to England and Wales) after the definition of “London member” insert—

““qualifying foreign citizen” means a person who—

(a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and

(b) either—

(i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or

(ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) any description of such leave.”

13 Annual canvass

(1) In section 9A of the 1983 Act (registration officers: duty to take necessary steps), after subsection (2) insert—

“(2A) In relation to the registration of local government electors in Wales, subsections (1) and (2)(b) do not require a registration officer to make house to house inquiries in relation to any person under the age of 16.”

(2) In regulation 32ZA of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) (“the 2001 Regulations”) (annual canvass form)—

(a) after paragraph (3) insert—

“(3A) In relation to the registration of local government electors in Wales, the canvass form in paragraph (2) must also—

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- (a) require the full name and nationality of each person aged 14 or 15 who is eligible to register and is residing at the address to which the form is given, and
 - (b) in relation to any such person named in the form, require the person's date of birth to be included.”;
- (b) after paragraph (5) insert—
- “(5A) In relation to the registration of local government electors in Wales, the registration officer must not, under paragraph (5), print on the form the date of birth of any person aged under 16.”

14 Invitations to register

- (1) In section 9E of the 1983 Act (maintenance of registers: invitations to register in Great Britain), after subsection (7) insert—

“(7A) In relation to the registration of local government electors in Wales, subsection (7) does not apply to a person who was under the age of 16 at the time the requirement was imposed.”

- (2) In regulation 32ZC of the 2001 Regulations (invitations to apply for registration), after paragraph (2) insert—

“(2A) In relation to the registration of local government electors in Wales, where the person to be invited is under the age of 16, the invitation in paragraph (1) must also include an explanation of how the person's information will be held and used.”

- (3) In regulation 32ZD of the 2001 Regulations (steps to be taken by a registration officer to encourage a person to make an application for registration in response to an invitation to do so), after paragraph (3) insert—

“(3A) In relation to the registration of local government electors in Wales, paragraph (3) does not require a registration officer to make, or have made, any visits in the case where the invitations were given to a person under the age of 16.”

- (4) In regulation 32ZE of the 2001 Regulations (requiring a person to make an application for registration), after paragraph (3) insert—

“(3A) In relation to the registration of local government electors in Wales, the following provisions of this regulation do not apply in the case of a person who is under the age of 16—

- (a) paragraphs (2)(b)(iii) and (3)(b) and (c);
- (b) paragraph (3)(f), so far as requiring a notice to state that the person may make representations about why a civil penalty should not be imposed.”

15 Invitations to register: further provision about persons under the age of 16

- (1) The Welsh Ministers may, by regulations, make provision about invitations to be given under section 9E(1) of the 1983 Act (invitations to apply for registration) in relation to the registration of local government electors in Wales.

- (2) Regulations under subsection (1) may (among other things) include provision—