

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution



Llywodraeth Cymru
Welsh Government

David Rees MS
Chair, Reform Bill Committee

6 February 2024

Dear David,

I wrote to you on 26 January, setting out my response to the Reform Bill Committee's Stage 1 report on the Senedd Cymru (Members and Elections) Bill. In response to recommendation 25, I agreed to write to you setting out views on each of the recommendations for technical changes to Schedule 1 and 2 made by the Local Democracy and Boundary Commission for Wales in its written evidence to the Committee.

I have detailed my response to the technical changes proposed in an annex to this letter.

Yours sincerely,

A handwritten signature in blue ink that reads "Mick Antoniw". The signature is written in a cursive style and is underlined with a single horizontal line.

Mick Antoniw AS/MS
Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad
Counsel General and Minister for the Constitution

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Annex: Response to the technical changes proposed by the Local Democracy and Boundary Commission for Wales in the written evidence submitted to the Reform Bill Committee

LDBCW Observations on Bill	Welsh Government Response
<p>1. Schedule 1 – publication of representations following the second period for representations.</p> <p>(Amendments sought to paragraph 7(5)(a) of Schedule 1 to make it clear that the publication of representations relate to the second period of representations)</p>	<p>Accept - I intend to bring forward the proposed amendment.</p>
<p>2. Schedule 1 – linkage with final report stage</p> <p>(Amendments sought to paragraphs 7(5) and 8 of Schedule 1 to create a more obvious link between the end of the second period for representations and the preparation and publication of the final report)</p>	<p>Reject - Following detailed consideration, I am minded not to bring forward the amendments proposed. The sequencing of the various processes that need to take place ahead of the final report being published is clear. The Bill states that the final report must specify details of any change to the proposals set out in the second report and the reasons why. In addition, as a public body, the Democracy and Boundary Commission Cymru (DBCC) will be bound by public law principles. In order to comply with the Gunning principles for consultation, the DBCC will need to run the second period in which representations can be made, and take those representations into account when forming its determinations included in the final report.</p>
<p>3. Schedule 2 – principle of minimum change to Senedd constituencies</p> <p>(Amendments sought so that the obligation to seek to minimise the amount of change to Senedd constituencies be removed from the Bill or that section 49C(2)(b) is amended so that the desirability of minimising change is a relevant factor for the Commission)</p>	<p>Noted – I am continuing to give consideration to the LDBCW's views and comments on these provisions, as well as the specific drafting amendments proposed.</p>
<p>4. Schedule 2 – time management in public hearings</p> <p>(Amendments sought to section 49G to make it clear when reading subsection (8) that the Chair of the hearings has the power (in subsection (9)) to restrict the representations to be made during the proceedings if time is short)</p>	<p>Accept (in principle) - I intend to bring forward amendments seeking to address the issue identified by LDBCW, and will consider the most appropriate way of amending the legislation.</p>

<p>5. Schedule 2 – contents of the second report</p> <p>(Amendments sought to section 49H so that records of public hearings and the representations received during the second period for representations are published separately to the second report. Amendment is also sought to make it clearer that the publication of representations relates to the second period of representations)</p>	<p>Accept (in principle) - I note the LDBCW's concern about the potential size of the second report, therefore I intend to bring forward amendments seeking to address the issues identified, and will consider the most appropriate way of amending the legislation. I will also consider how any amendments can clarify that the requirement to publish at this stage of the process relates to the second period of representation.</p>
<p>6. Schedule 2 – publication of representations following the final period for representations</p> <p>(Amendments sought to section 49H to make it clear that the publication of representations relate to the final period of representations)</p>	<p>Accept - I intend to bring forward this proposed amendment.</p>
<p>7. Schedule 2 – linkage with the final report stage</p> <p>(Amendments sought to sections 49H and 49I to create a more obvious link between the end of the final period for representations and the preparation and publication of the final report)</p>	<p>Reject – in line with my response to the proposed amendment number 2 for provisions in Schedule 1, I am also not minded to bring forward the corresponding proposed amendments to Schedule 2, for the same reasons set out above.</p>
<p>8. Schedule 2 – contents of the final report</p> <p>(Amendments sought to section 49I (given how it interacts with section 49J) so that the final report must set out all 16 constituencies into which Wales should be divided rather than only setting out the changes proposed).</p>	<p>Accept (in principle) - I intend to bring forward amendments seeking to address the issue identified by LDBCW, and will consider the most appropriate way of amending the legislation.</p>