



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **Consent to the UK Government exercising a delegated legislative power in a devolved area in relation to Wales**

**DATE**            **01 November 2021**

**BY**                **Mick Antoniw, Counsel General and Minister for the Constitution**

I am writing to inform the Senedd of a recent consent to the UK Government exercising a delegated legislative power in a devolved area in relation to Wales. Agreement was sought to the making of an Order under section 104 of the Scotland Act 1998 in consequence of the Social Security (Scotland) Act 2018.

Section 104 of the Scotland Act 1998 enables the Secretary of State to make provision which is considered necessary or expedient in consequence of any provision made by or under an Act of the Scottish Parliament.

Article 7 of the proposed Order amends regulation 53 of the Representation of the People (England and Wales) Regulations 2001 to enable individuals to apply to vote by proxy in UK parliamentary elections and local government elections in England and Wales without the need for attestation of their application if they are in receipt of the mobility component of disability assistance for children and young people at the higher rate. The amendments to Regulation 53, insofar as they relate to proxy vote applications for local government elections in Wales are making provision in an area which is within the Senedd's legislative competence.

Eligible individuals moving from Scotland to England or Wales would continue to receive disability assistance in accordance with the Scottish regime for a period of up to 13 weeks from the date of the move. The effect of the Order is that an individual who has recently moved to Wales and is temporarily still in receipt of the mobility component of disability assistance for children and young people at the higher rate payable in Scotland would still be entitled to apply to vote by proxy without attestation of their application in a Welsh local government election, subject to satisfying all relevant registration conditions.

The amendment would provide continuity for individuals and allow them to participate in the democratic process on the same basis that they would have been entitled to, had their new claim for benefits payable in Wales been processed at the relevant time. As this would be for a narrow time period and would be likely to have a limited impact I therefore agreed to the Order being taken forward by the UK Government.

The Order was laid in Parliament on 28 October 2021.