
Senedd Cymru (Member Accountability and Elections) Bill

Bill Summary

November 2025



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1. Introduction

The **Senedd Cymru (Member Accountability and Elections) Bill** (“the Bill”) was introduced on 3 November 2025.

The Counsel General and Minister for Delivery, Julie James MS, is the Member in charge of the Bill.

The Bill’s **Explanatory Memorandum** states that its overall purpose is to:

enhance the accountability of Members of the Senedd by strengthening the systems that currently exist that regulate and sanction their behaviour and conduct

The Bill is currently making its way through the **Senedd’s legislative process**.

The **Member Accountability Bill Committee** has been established to scrutinise the Bill.

How to use this Bill Summary

This document isn’t an exhaustive summary of every aspect of the Bill. It’s designed to be used electronically and signposts to further detail.

The section number text (e.g., Section 1) links to the relevant section of the Bill. The text that follows contains a link to the Bill’s Explanatory Notes where further detail can be found.

2. The Bill at a glance

The Bill has 25 sections, arranged into four parts, and has two Schedules.

Part 1 - Recall of Members of the Senedd

Part 2 - Standards of conduct of Members of the Senedd

Part 3 - Conduct of Senedd Cymru elections

Part 4 - General

Schedule 1 - Disqualification of persons from being lay members of the Standards of Conduct Committee and its sub-committees

Schedule 2 - Minor and consequential provision

The Bill includes powers for subordinate legislation to be made about the conduct of recall polls, about false or misleading statements made by candidates before or during Senedd elections and to make consequential or transitional provision.

The Explanatory Memorandum includes tables setting out the subordinate legislation powers in the Bill and the scrutiny procedures they will be subject to by the Senedd. The **Statement of Policy Intent** provides further details on the subordinate legislation that can be made under the Bill.

3. Summary of provisions

Part 1: Recall of Members of the Senedd

Introduction

Section 1 provides an **overview of Part 1** of the Bill, including the definition that a recall poll is “a poll held on whether a Member of the Senedd should be removed or retained as a member of Senedd Cymru”. It also references section 11 of the *Government of Wales Act 2006* (“GoWA”), which makes provision about the consequences if a vacancy arises in the membership of the Senedd.

Initiating a recall poll

Section 2 sets out the **circumstances in which a Member of the Senedd would be subject to a recall poll**. There are two ‘trigger events’ included in the Bill that would result in a Member being subject to a recall poll:

- **Trigger Event A:** That a Member of the Senedd, after becoming a Member, has been convicted in the UK of an offence for which the member is sentenced or ordered to be imprisoned or detained.
- **Trigger Event B:** That Senedd Cymru resolves to submit the Member to a recall poll following a report from the Standards of Conduct Committee recommending submission of the Member to a recall poll.

Section 3 clarifies the **meaning of key terms** used in section 2 in relation to Trigger Event A. It provides that Trigger Event A applies to an offence committed before the member becomes a member and before section 2 comes into force, but that the member must be convicted on or after section 2 comes into force. It also clarifies that reference to a Member of the Senedd being sentenced or ordered:

- Includes when the sentence or order is suspended;
- Does not include the Member being remanded in custody; and
- Does not include the Member being authorised to be detained under mental health legislation¹ if there is no sentence or order for imprisonment or detention other than under that legislation.

Section 4 places a **duty on the Courts of England and Wales** to notify the Presiding Officer when a relevant sentence or order is imposed on a Member of the Senedd. The court that imposes the sentence or order must notify the Presiding

¹ The Bill defines ‘mental health legislation’ as the Mental Health Act 1983, Part 6 or section 200(2)(b) of the Criminal Procedure (Scotland) Act 1995 or the Mental Health (Northern Ireland) Order 1986.

Officer. Section 4(4) provides that if the conviction, sentence or order is overturned on appeal, the court to which the appeal was brought or remitted by another court must notify the Presiding Officer that it has been overturned. Section 4(5) clarifies that an appeal includes an appeal to a court in England and Wales (including the Supreme Court) and an application but does not include a reference under Part 2 of the *Criminal Appeals Act 1995* to the Criminal Cases Review Commission.

Section 5 provides that the **Standards of Conduct Committee may issue guidance** about the matters to be taken into account when considering whether to recommend submitting a Member to a recall poll under Trigger Event B. Under section 5(3), the Committee is required to have regard to the recall guidance before recommending a Member be submitted to a recall poll. Section 5(2) restricts the Standards of Conduct Committee from recommending that a Member be submitted to a recall poll unless recall guidance has been issued.

Section 5(4) requires that before issuing guidance, the Committee must carry out a public consultation on a draft version, which must be brought to the attention of each Member of the Senedd and the Senedd Commissioner for Standards as required by **section 5(6)**.

Following this public consultation, **section 5(7)** requires the Committee (if it wishes to proceed) to lay a copy of the draft (with or without modification) before the Senedd. It can then only be issued if the draft has been approved by a resolution of the Senedd where the number of votes cast in favour of the resolution is at least two-thirds of the total number of votes cast, as required in **section 5(7)**.

Section 5(8) states that this guidance can be replaced once it is issued and **section 5(9)** provides for guidance to continue to have effect (including on the dissolution of the Senedd) until it is replaced in accordance with this section of the Bill.

Date of recall poll and notice

Section 6 sets out the **duties on the Presiding Officer** to set the date for a recall poll and to notify the constituency returning officer (CRO) for the Senedd constituency of the Member subject to a recall poll. It provides that the Presiding Officer must set the date for a recall poll within three months of the day that the Presiding Officer gives notice to the CRO and sets out the information that must be included in that notice. The circumstances where this duty does not apply to the Presiding Officer are also set out in this section.

Section 7 places a **duty on the CRO** for the relevant Senedd constituency to give public notice of the recall poll “as soon as reasonably practicable” after receiving notice from the Presiding Officer. The CRO must send this notice to persons registered in the registers of local government electors within the relevant Senedd constituency. Regulations made under section 11 will provide further detail about this notice and must include information about the Trigger Event that has occurred in relation to the Member.

Early termination of recall poll

Section 8 provides for **situations in which a recall poll can be terminated early**. These are:

- **Early termination event A:** that the Presiding Officer has proposed a day for the holding of a poll at an extraordinary general election within six months
- **Early termination event B:** the Member of the Senedd has vacated their seat
- **Early termination event C:** where Trigger Event A has occurred, the conviction, sentence or order is overturned on appeal

Section 8(5) requires that if one of these events occurs, the **Presiding Officer must notify the relevant CRO** as soon as reasonably practicable after becoming aware of the event occurring and must specify which of the early termination events has occurred.

Upon receipt of this notice, under **section 8(6)** the CRO must then take such steps they consider necessary to terminate the process for the recall poll and give public notice of the termination of that process. Further details about the requirements for the CRO will be provided for in regulations under section 11.

Franchise

Section 9 sets out who will be entitled to vote in a recall poll. The Bill provides for this to mirror the requirements for voting in Senedd general elections, as long as the person is registered in a register of local government electors at an address within the relevant constituency.

Conduct of recall poll

Section 10 provides for **a recall poll to be conducted by ballot** and states the question and answers that must appear on the ballot paper for a recall poll.

Section 11 enables **the Welsh Ministers to make regulations** to provide further detail about recall polls. Under section 11(1), the Welsh Ministers may by regulations make:

- Provision about the conduct of a recall poll, including:
 - About the registration of electors;
 - About the limitation of recall poll campaign expenses and donations; and
 - For the combination of polls.
- Provision about the questioning of a recall poll and the consequences of irregularities; and
- Further provision about the giving, sending, delivery or receipt of notices or other documents under the Bill.

Regulations made under section 11 are subject to the Senedd approval procedure.

Outcome of recall poll

Section 12 outlines the **steps that must be taken after the end of voting** in a recall poll. **Section 12(2)** states that as soon as reasonably practicable after the end of voting in a recall poll, the CRO must (in accordance with regulations made under section 11):

- Determine the result of the recall poll
- Announce the result of the recall poll
- Depending on the result of the recall poll, declare that the Member is either:
 - Removed as a Member of Senedd Cymru; or
 - Retained as a Member of Senedd Cymru; and
- Notify the Presiding Officer in writing of the result of the recall poll and the declaration.

Section 12(3) sets out that the **Member will be removed from office** if a majority of those voting in the recall poll vote in favour of removing them from office. The Member will retain their seat if a majority of those voting in the recall poll vote in favour of retaining them or an equal number of votes were cast in favour of each answer.

Section 12(4) requires the **Presiding Officer to lay before the Senedd** any notice received from the CRO about the result of a recall poll and the declaration of the result.

Section 13 sets out the **consequences of a declaration** that the Member of the Senedd is to be removed from office. In these circumstances, the Member's seat would become vacant on the making of the declaration by the CRO subject to any provision made in regulations under section 11 about questioning the outcome of a recall poll. The vacancy would then be filled in the usual way in accordance with section 11 of GoWA (as amended by the *Senedd Cymru (Members and Elections) Act 2024*).

Section 13(4) provides that the **validity of Senedd proceedings** that take place before the Presiding Officer is notified of the result of the recall poll are not affected by the Member's seat becoming vacant.

Section 14 provides that the **validity of a recall poll** held as a result of the occurrence of Trigger Event B is not affected by any defect in Senedd proceedings leading to that Trigger Event. This includes the proceedings on any committee or sub-committee connected with the report from the Standards of Conduct Committee. The validity of the poll is also not affected by any defect in Senedd proceedings connected with the issuing of recall guidance.

Functions of officers

Section 15 sets out the **functions of the CRO in relation to a recall poll**. It states that it is the CRO's general duty to do anything necessary for effectually conducting the recall poll in accordance with this Bill and regulations made under it and provides that a CRO may appoint one or more deputies to perform any or all of these functions. **Section 15(3)** places a duty on each county or county borough council whose area falls wholly or partly within the Senedd constituency of a recall poll to place the services of its officers at the disposal of the CRO to assist in the performance of the CRO's functions.

General

Section 16 defines **terms used in Part 1**.

Section 17 introduces Part 1 of Schedule 1, which **makes consequential provision relating to Part 1**. This includes amendments to the to ensure an Electoral Registration Officer's existing duties in relation to the publication of the electoral registers apply, where appropriate, to recall polls and amendments to the Political Parties, Elections and Referendums Act 2000 to ensure the oversight functions of the Electoral Commission apply to recall polls, where appropriate.

Part 2: Standards of conduct of Members of the Senedd

Standards of conduct

Section 18 amends section 28 of GoWA to **allow the Senedd to appoint individuals** who are not Members of the Senedd to sit on the Standards of Conduct Committee and any sub-committee of that Committee. Those individuals will be known as 'lay members'. This section also removes the requirement that it is for the Committee only to appoint a sub-committee of a Senedd committee to allow for Standing Orders to provide for a sub-committee to be appointed by the Committee or "by some other means".

Section 18 also inserts new sections 30A and 30B and a new Schedule 1B into GoWA.

New section 30A requires that the **Senedd must have a Standards of Conduct Committee** that has functions relating to the standards of conduct of Members of the Senedd as specified in Standing Orders. It also provides for additional functions of the Committee to be specified in Standing Orders.

New section 30A(3) provides that the **number of members of the Committee is to be specified in Standing Orders**, and that this may include lay members. Further provision about **what Standing Orders may include** about the Standards of Conduct Committee is set out in subsections (5) and (6).

New section 30A(8) specifies the **office holders who are not permitted to be members** of the Standards of Conduct Committee or a sub-committee of the Committee.

New section 30B makes provision about **lay members of the Standards of Conduct Committee**, including how they are to be recruited and appointed, and the circumstances in which they can cease to hold office. Subsection (1) places a restriction on Standing Orders from providing for there to be more lay members of the Committee than members who are Members of the Senedd. Subsections (2), (3) and (4) provide for **lay members to be appointed by resolution of the Senedd** by a motion tabled with the consent of the Presiding Officer. It also states that the person put forward for nomination in the motion must have been selected on the basis of fair and open competition.

New section 30B(5) provides that the **maximum fixed term of an appointment** of a lay member cannot exceed six years but can end after the date of the next

Senedd election, meaning that an appointment can continue into a further Senedd term.

New section 30B(6) sets out **criteria that would disqualify someone from being appointed as a lay member** of the Committee. This introduces new Schedule 1B to GoWA (as set out in Schedule 1 to the Bill), which sets out the categories of person (Part 1 of the Schedule) and offices (Part 2 of the Schedule) that would disqualify an individual from appointment.

New section 30B(7) restricts a lay member from **serving more than two terms** of office (whether or not these are consecutive).

New section 30B(8) provides for the **circumstances when a person automatically ceases to hold office** as a lay member. These are:

- If they are a candidate at a Senedd general election (after the period for giving notice of withdrawal of candidature has ended); or
- If they fall into any of the categories set out for disqualification in subsection (6).

New section 30B(9) provides for **a lay member to resign** by giving notice to the Committee and for them to be removed by the Senedd, subject to a resolution that is supported by at least two-thirds of the total number of votes cast. This motion can only be tabled with the consent of the Presiding Officer and in accordance with any provision made in Standing Orders.

New section 30B(11) requires Standing Orders to make provision for the **investigation and adjudication of complaints about misconduct** of lay members.

New section 30B(12) enables **the Senedd Commission to pay lay members** “such remuneration and allowances as the Commission may determine”.

Senedd Commissioner for Standards

Section 19 inserts new section 10A into the *National Assembly for Wales Commissioner for Standards Measure 2009* (“the 2009 Measure”).

New section 10A(1) provides the Senedd Commissioner for Standards with the power **to investigate the conduct of a Member of the Senedd on their own initiative** if the Commissioner:

- Has reasonable grounds for suspecting that the conduct of the Member has, at a relevant time, failed to comply with a requirement of a relevant provision (as

defined in section 6 of the 2009 Measure); and

- Is satisfied that any other conditions, which may be set out in Standing Orders or rules made by the Senedd, are met.

If the Commissioner undertakes an own initiative investigation, **new section 10A(2)** requires them to **report to the Senedd on the outcome** of the investigation.

New section 10A(3) requires the Commissioner to **conduct an own initiative investigation** and a report under subsection (2) in accordance with:

- The provisions of Standing Orders; and
- Any rules relating to investigations conducted under this section which have been adopted by the Senedd under Standing Orders.

However, **new section 10A(4)** provides for the Commissioner to **decide when and how to carry out an own initiative investigation**, subject to the requirements in subsections (1) and (3).

New section 10A(5) allows the Commissioner to **discontinue an own initiative investigation** without reporting on it to the Senedd if rules have been made in accordance with subsection (3)(b) setting out the circumstances in which that may happen. **New section 10A(6)** requires the Commissioner to **notify the Member of the Senedd under investigation** giving reasons for discontinuing the investigation.

New section 10A(7) prohibits any report made by the Commissioner following an own initiative investigation from **including any recommendation** as to what sanction, if any, should be imposed on the Member under investigation.

New section 10A(8) requires the Commissioner to **write to the Clerk of the Senedd** if during an own initiative investigation they become aware of any circumstances which give rise to issues of principle or general practice which are relevant to the Clerk's functions as principal accounting officer under section 138 of GoWA.

New section 10A(9) requires that **Standing Orders set out the detail** of how own initiative investigations are to operate.

Section 20 amends the 2009 Measure by **adding two categories of persons not eligible to be appointed** as the Commissioner:

- A person who is employed by a Member of the Senedd on work related to the Member's political functions (or has been so in the two years prior to the

appointment is to take effect); and

- A person who is employed by a registered political party (or has been so in the two years prior to the appointment is to take effect).

General

Section 21 introduces Part 2 of Schedule 2, which makes **minor and consequential provision relating to Part 2 of the Bill**. It amends the 2009 Measure with the effect that the functions of the Commissioner expressly include receipt of a self-referral by a Member about their own conduct and that such a referral must be investigated.

Part 3: Conduct of Senedd Cymru Elections

Section 22 amends section 13 of GoWA. The amendment at section 22(3) inserts **new subsections (2A) and (2B) into section 13**.

New subsection (2A) places a **duty on the Welsh Ministers requiring them to make provision** about the conduct of Senedd elections, which prohibits the making or publishing of false or both false and misleading statements of fact before or during an election for the purpose of affecting the vote. **New subsection (2B)** states that **this may include** provision:

- About what is or is not a “statement of fact”;
- Prohibiting false statements only, or both false and misleading statements;
- Specifying the period in which any prohibition has effect;
- Prohibiting false or misleading statements of fact relating to matters specified in the order or matters generally;
- Prohibiting false or misleading statements of fact made or published by persons or categories of person specified in the order or any person;
- Prohibiting the making or publishing of false or misleading statements knowingly or recklessly; and
- Specifying exemptions or exceptions to any prohibition.

Section 22(4) of the Bill inserts new subsection (4A) into section 13 of GoWA to **clarify that an order** under this section may confer a power or duty on any person (including a power or duty to make subordinate legislation) and create criminal offences.

Part 4: General

Section 23 provides a power to the Welsh Ministers **to make consequential and technical provision** connected with the Bill. It includes the power to amend other primary and secondary legislation.

Section 24 sets out **when and how the provisions of the Bill come into force**.

Section 25 provides that the **short title of the Bill**, if passed, is the *Senedd Cymru (Member Accountability and Elections) Act 2026* or *Deddf Senedd Cymru (Atebolrwydd Aelodau ac Etholiadau) 2026*.

Schedule 1: Disqualification of persons from being lay members of the Standards of Conduct Committee and its sub-committees

Schedule 1 inserts new Schedule 1B to GoWA. New Schedule 1B sets out the **categories of person and offices that disqualify an individual** from being a lay member of the Standards of Conduct Committee.

Schedule 2: Minor and consequential provision

Schedule 2 makes minor and consequential provision resulting from Parts 1 and 2 of the Bill.

In relation to Part 1, this includes amendments to the Representation of the People Act 1983 to **ensure an Electoral Registration Officer's existing duties** in relation to the publication of the electoral registers apply, where appropriate, to recall polls and amendments to the Political Parties, Elections and Referendums Act 2000 to ensure the oversight functions of the Electoral Commission apply to recall polls, where appropriate.

In relation to Part 2, it **amends the 2009 Measure** with the effect that the functions of the Commissioner expressly include receipt of a self-referral by a Member about their own conduct and that such a referral must be investigated.