

**Changes to legislation:** Political Parties, Elections and Referendums Act 2000, Cross Heading: Examination of Commission by Comptroller and Auditor General is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 1

#### THE ELECTORAL COMMISSION

#### *[<sup>F1</sup>Examination] of Commission by Comptroller and Auditor General*

##### Textual Amendments

- F1** Word in Sch. 1 para. 16 cross-heading substituted (1.1.2016) by [Deregulation Act 2015 \(c. 20\), ss. 94\(6\), 115\(7\); S.I. 2015/1732, art. 3\(b\)](#)

- 16 (1) For the purpose of assisting the Speaker's Committee to discharge their functions under paragraphs 14 and 15 [<sup>F2</sup>in respect of any year when both an estimate under paragraph 14 and a five-year plan under paragraph 15 are submitted to them,] the Comptroller and Auditor General shall [<sup>F3</sup>before the Committee consider the estimate and plan] —
- (a) carry out an examination into the economy, efficiency or effectiveness (or, if he so determines, any combination thereof) with which the Commission have used their resources in discharging their functions (or, if he so determines, any particular functions of theirs);
  - (b) report to the Speaker's Committee the results of the examination; and
  - (c) include in his report such recommendations as he considers appropriate in the light of the examination.
- (2) Section 8 of the <sup>M1</sup>National Audit Act 1983 (right to obtain documents and information) shall apply in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.

##### Textual Amendments

- F2** Words in Sch. 1 para. 16(1) inserted (1.1.2016) by [Deregulation Act 2015 \(c. 20\), ss. 94\(5\)\(a\), 115\(7\); S.I. 2015/1732, art. 3\(b\)](#)
- F3** Words in Sch. 1 para. 16(1) substituted (1.1.2016) by [Deregulation Act 2015 \(c. 20\), ss. 94\(5\)\(b\), 115\(7\); S.I. 2015/1732, art. 3\(b\)](#)

##### Marginal Citations

- M1** 1983 c. 44.

#### *Financing of Commission: devolved Welsh elections and referendums*

- [<sup>F4</sup>16A(1) The expenditure of the Commission that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh

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referendums is (so far as it cannot be met out of income received by the Commission) to be payable out of the Welsh Consolidated Fund.

- (2) For each financial year, the Commission must prepare an estimate of the Commission's income and expenditure that is attributable to the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums.
- (3) At least six months before the start of the financial year to which an estimate relates, the Commission must submit the estimate to the Llywydd's Committee.
- (4) During the financial year to which an estimate relates, the Commission may prepare a revised estimate and submit it to the Llywydd's Committee; and references in the rest of this paragraph to an estimate include a revised estimate.
- (5) The committees of Senedd Cymru must include one to be known as the Llywydd's Committee or Pwyllgor y Llywydd.
- (6) The committee must be chaired by the Presiding Officer or the Deputy Presiding Officer.
- (7) The Llywydd's Committee must—
  - (a) examine each estimate submitted to it,
  - (b) decide whether it is satisfied that the estimated level of income and expenditure is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and
  - (c) if it is not so satisfied, make such modifications to the estimate as it considers appropriate for the purpose of achieving such consistency.
- (8) Before deciding whether it is so satisfied or making any such modifications, the Llywydd's Committee must—
  - (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2), to any later report made under paragraph 16C(4), and to any recommendations contained in the reports;
  - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (9) The Llywydd's Committee must, after concluding its examination and making its modifications (if any) to the estimate, lay the estimate before Senedd Cymru.
- (10) If the Llywydd's Committee, in the discharge of its functions under this paragraph—
  - (a) does not follow any recommendation contained in a report of the Comptroller and Auditor General,
  - (b) does not follow any advice given to it by the Welsh Ministers, or
  - (c) makes any modification to the estimate,
 it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.

#### Textual Amendments

- F4** Sch. 1 paras. 16A-16C inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), [ss. 28\(2\), 42\(3\)\(b\)](#); S.I. 2020/1052, art. 2(a)

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*Five-year plan: devolved Welsh elections and referendums*

- 16B (1) This paragraph applies where paragraph 16A(3) requires the Commission to submit an estimate to the Llywydd's Committee and—
- (a) the estimate is the first estimate to be submitted under paragraph 16A(3),
  - (b) the estimate relates to the first financial year to begin after the day on which Senedd Cymru meets following an ordinary general election of Members of the Senedd, or
  - (c) the estimate relates to any other financial year and the Llywydd's Committee requires the Commission to submit a plan under this paragraph.
- (2) When the Commission submit the estimate, the Commission must at the same time submit to the Llywydd's Committee a plan setting out—
- (a) the Commission's aims and objectives for the exercise of the Commission's functions in relation to devolved Welsh elections and devolved Welsh referendums during the period of five years beginning with the financial year to which the estimate relates, and
  - (b) the Commission's estimated requirements for resources for the exercise of those functions during that five-year period.
- (3) The Llywydd's Committee must—
- (a) examine each plan submitted to it,
  - (b) decide whether it is satisfied that the plan is consistent with the economical, efficient and effective discharge by the Commission of their functions in relation to devolved Welsh elections and devolved Welsh referendums, and
  - (c) if it is not so satisfied, make such modifications to the plan as it considers appropriate for the purpose of achieving such consistency.
- (4) Before deciding whether it is so satisfied or making any such modifications, the Llywydd's Committee must—
- (a) have regard to the most recent report made to it by the Comptroller and Auditor General under paragraph 16C(2) and to any recommendations contained in the report;
  - (b) consult the Welsh Ministers and have regard to any advice the Welsh Ministers may give.
- (5) The Llywydd's Committee must, after concluding its examination and making its modifications (if any) to the plan, lay the plan before Senedd Cymru.
- (6) If the Llywydd's Committee, in the discharge of its functions under this paragraph—
- (a) does not follow any recommendation contained in the report of the Comptroller and Auditor General,
  - (b) does not follow any advice given to it by the Welsh Ministers, or
  - (c) makes any modification to the plan,
- it must include in the next report which it makes to Senedd Cymru under paragraph 20B a statement of its reasons for so doing.

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**Textual Amendments**

- F4** Sch. 1 paras. 16A-16C inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 28(2), 42(3)(b); S.I. 2020/1052, art. 2(a)

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*Examination of Commission: devolved Welsh elections and referendums*

- 16C (1) Sub-paragraph (2) applies where the Commission submit to the Llywydd's Committee both an estimate under paragraph 16A(3) and a plan under paragraph 16B(2).
- (2) For the purpose of assisting the Llywydd's Committee to discharge its functions under paragraphs 16A and 16B, the Comptroller and Auditor General must, before the Llywydd's Committee considers the estimate and plan—
- (a) carry out an examination into the economy, efficiency or effectiveness (or, if the Comptroller and Auditor General so determines, any combination of them) with which the Commission have used their resources in discharging their functions in relation to devolved Welsh elections and devolved Welsh referendums (or, if the Comptroller and Auditor General so determines, any of those functions),
  - (b) report to the Llywydd's Committee the results of the examination, and
  - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.
- (3) Sub-paragraph (4) applies where the Commission—
- (a) submit an estimate to the Llywydd's Committee under paragraph 16A(3) but are not required to submit a plan under paragraph 16B(2), or
  - (b) submit a revised estimate to the Llywydd's Committee under paragraph 16A(4).
- (4) For the purpose of assisting the Llywydd's Committee to discharge its functions under paragraph 16A, the Comptroller and Auditor General may, before the Llywydd's Committee considers the estimate—
- (a) carry out a further examination into the matters mentioned in sub-paragraph (2)(a),
  - (b) report to the Llywydd's Committee the results of the examination, and
  - (c) include in the report such recommendations as the Comptroller and Auditor General considers appropriate in the light of the examination.
- (5) Section 8 of the National Audit Act 1983 (right to obtain documents and information) applies in relation to any examination under this paragraph as it applies in relation to an examination under section 6 of that Act.
- (6) See also section 19 of the Public Audit (Wales) Act 2013 (which enables the Wales Audit Office to make arrangements for any function of a public authority or office holder to be exercised by the Auditor General for Wales).]

**Textual Amendments**

- F4** Sch. 1 paras. 16A-16C inserted (E.W.) (1.10.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), ss. 28(2), 42(3)(b); S.I. 2020/1052, art. 2(a)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(2A) inserted by 2022 c. 37 s. 18(1)
- s. 4A-4E and cross-heading inserted by 2022 c. 37 s. 16
- s. 8(3)(d) inserted by 2011 c. 13 Sch. 10 para. 12
- s. 13ZA and cross-heading inserted by 2022 c. 37 s. 17(1)
- s. 54(1)(aa) inserted by 2009 c. 12 s. 9(1)
- s. 54(1)(aa) substituted by 2009 c. 12 s. 10(1)
- s. 54(2ZA)-(2ZC) inserted by 2009 c. 12 s. 10(3)
- s. 56(1A) inserted by 2009 c. 12 s. 10(5)
- s. 56(2)(aa) inserted by 2009 c. 12 s. 9(3)(b)
- s. 56(3B) inserted by 2009 c. 12 s. 9(4)
- s. 71H(3ZA) inserted by 2009 c. 12 Sch. 6 para. 19
- s. 71L(9A) inserted by 2009 c. 12 s. 11(2)
- Sch. 1 para. 2(1) Sch. 1 para. 2 renumbered as Sch. 1 para. 2(1) by 2022 c. 37 s. 19(2)
- Sch. 1 para. 2(2) inserted by 2022 c. 37 s. 19(4)
- Sch. 1 para. 2(1) words inserted by 2022 c. 37 s. 19(3)(a)
- Sch. 1 para. 2(1) words omitted by 2022 c. 37 s. 19(3)(b)
- Sch. 2 para. 2(1A) inserted by 2022 c. 37 s. 18(2)
- Sch. 2 para. 4 and cross-heading inserted by 2022 c. 37 s. 17(2)
- Sch. 7 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 1(1)
- Sch. 7 para. 8(1A) inserted by 2009 c. 12 Sch. 4 para. 2
- Sch. 7 para. 10(5)(aa) inserted by 2009 c. 12 Sch. 3 para. 2(5)(b)
- Sch. 7 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 1(1)
- Sch. 7 para. 10(5)(aa) words inserted by 2009 c. 12 Sch. 4 para. 3(3)
- Sch. 7A para. 8(9A) inserted by 2009 c. 12 s. 11(5)
- Sch. 7A para. 9(10)(ba) inserted by 2009 c. 12 s. 11(6)(b)
- Sch. 11 para. 4(3) inserted by 2009 c. 12 Sch. 6 para. 29(2)
- Sch. 11 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 4(1)
- Sch. 11 para. 7(2)(aa) inserted by 2009 c. 12 Sch. 4 para. 5
- Sch. 11 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 4(1)
- Sch. 11 para. 4(3) words inserted by 2009 c. 12 Sch. 6 para. 29(3)
- Sch. 15 para. 4(3)(4) inserted by 2009 c. 12 Sch. 6 para. 30(2)(b)
- Sch. 15 para. 6(1)(aa) inserted by 2009 c. 12 Sch. 3 para. 7(1)
- Sch. 15 para. 7(2)(aa) inserted by 2009 c. 12 Sch. 4 para. 8
- Sch. 15 para. 6(1)(aa) substituted by 2009 c. 12 Sch. 4 para. 7(1)
- Sch. 15 para. 4(3) words inserted by 2009 c. 12 Sch. 6 para. 30(3)