



Wales Act 2017

2017 CHAPTER 4

PART 1

CONSTITUTIONAL ARRANGEMENTS

Elections

6 Timing of elections

- (1) Section 3 of the Government of Wales Act 2006 (ordinary general elections) is amended as set out in subsections (2) to (5).
- (2) In subsection (1), for the words after ““was held,”” substitute “unless—
 - (a) subsection (1A) prevents the poll being held on that day, or
 - (b) the day of the poll is determined by a proclamation under section 4.”
- (3) After subsection (1) insert—

“(1A) The poll is not to be held on the same date as the date of the poll at—
 - (a) a parliamentary general election (other than an early parliamentary general election), or
 - (b) a European Parliamentary general election.

(1B) Where subsection (1A) prevents the poll being held on the day specified in subsection (1), the poll is to be held on such day, subject to subsection (1A), as the Welsh Ministers may by order specify unless the day of the poll is determined by a proclamation under section 4(2) as modified by section 4(2A).”
- (4) In subsection (2), after ““May”” insert “ or on the day specified by an order under subsection (1B) ”.
- (5) After subsection (4) insert—

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- “(5) No order is to be made under subsection (1B) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”
- (6) Section 4 of that Act (power to vary date of ordinary general election) is amended in as set out in subsections (7) to (11).
- (7) For subsections (1) and (2) substitute—
- “(1) Subject to section 3(1A), the Presiding Officer may propose, for the holding of the poll at an ordinary general election, a day which is not more than one month earlier, nor more than one month later, than the first Thursday in May.
- (2) If the Presiding Officer proposes a day under subsection (1), Her Majesty may by proclamation under the Welsh Seal—
- (a) dissolve the Assembly,
- (b) require the poll at the election to be held on the day proposed, and
- (c) require the Assembly to meet within the period of seven days beginning immediately after the day of the poll.
- (2A) Where a day is specified by an order under section 3(1B), subsection (1) applies as if the reference to the first Thursday in May were a reference to that day.”
- (8) In subsection (3), for ““(2)(b)”” substitute “ (2)(c) ”.
- (9) In subsection (4)—
- (a) for ““An order under this section may”” substitute “ The Welsh Ministers may by order ”;
- (b) for ““Secretary of State considers”” substitute “ Welsh Ministers consider ”;
- (c) after ““poll”” insert “ under this section ”.
- (10) Omit subsection (5).
- (11) In subsection (6), for ““either House of Parliament”” substitute “ the Assembly ”.
- (12) Section 5 of that Act (extraordinary general elections) is amended as set out in subsections (13) and (14).
- (13) In subsection (1), for ““Secretary of State”” substitute “ Presiding Officer ”.
- (14) In subsection (4)—
- (a) for ““Secretary of State”” substitute “ Presiding Officer ”;
- (b) for ““Order in Council”” substitute “ proclamation under the Welsh Seal ”.
- (15) The Representation of the People Act 1983 is amended as set out in subsections (16) to (20).
- (16) In section 37 (ordinary day of local elections in England and Wales)—
- (a) in subsection (1), and in the heading, omit ““and Wales””;
- (b) in subsection (2A), for the words after ““under”” substitute “ section 37A. ”
- (17) After that section insert—

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“37ZA Ordinary day of local elections in Wales

- (1) In every year the ordinary day of election of councillors is the same for all local government areas in Wales and, subject to section 37B, and unless subsection (2) applies, is—
 - (a) the first Thursday in May;
 - (b) such other day as may be fixed by the Welsh Ministers by order made not later than 1st February in the year preceding the year (or, in the case of an order affecting more than one year, the first year) in which the order is to take effect.
- (2) The ordinary day of election of councillors is not the day specified in or fixed under subsection (1) if that day is the day of the poll at an ordinary general election of members of the National Assembly for Wales.
- (3) Where under subsection (2) the ordinary day of election of councillors is not the day specified in or fixed under subsection (1), it is such other day as the Welsh Ministers may by order specify.
- (4) The power to make an order under subsection (1)(b) or (3) is exercisable by statutory instrument.
- (5) A statutory instrument containing an order under subsection (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.”
- (18) Section 37B (power to change date of local elections to date of European Parliamentary general election: Wales) is amended as follows.
- (19) After subsection (1) insert—

“(1A) The Welsh Ministers may not make an order under this section if the date of the poll at the European Parliamentary general election is the same date as the poll at an ordinary general election of members of the National Assembly for Wales.”
- (20) In subsection (4)(b), for ““37(1)(b)”” substitute “ 37ZA(1)(b) ”.

Commencement Information

II S. 6 in force at 1.4.2018 by [S.I. 2017/1179](#), [reg. 3\(b\)](#)

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Changes and effects yet to be applied to :

- specified provision(s) transitional and savings provisions for commencing S.I. 2017/1179 by [S.I. 2018/278](#) reg. 2Sch.