



# Local Government (Democracy) (Wales) Act 2013

2013 anaw 4

## PART 3

### ARRANGEMENTS FOR LOCAL GOVERNMENT

#### CHAPTER 3

##### ELECTORAL ARRANGEMENTS REVIEWS

###### *Principal areas*

#### **29 Review of electoral arrangements for principal area**

- (1) The Commission must conduct a review of the electoral arrangements for each principal area at least once in every review period.
- (2) The Commission must, in respect of each review period—
  - (a) prepare and publish a programme which sets out its proposed timetable for conducting all the reviews required under subsection (1) during the period, and
  - (b) send a copy of the programme to the Welsh Ministers.
- (3) For the purposes of subsections (1) and (2) “review period” means—
  - (a) the period of 10 years beginning with the day on which this section comes into force, and
  - (b) each subsequent period of 10 years.
- (4) The Commission must comply with its duties in subsection (2)—
  - (a) in respect of the the first review period, as soon as possible after it begins, and
  - (b) in respect of each subsequent review period, before the period begins.

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- (5) The Commission may also, of its own initiative or at the request of a principal council, conduct a review of the electoral arrangements for a principal area.
- (6) But the Commission must not conduct a review under subsection (5) at the request of a principal council if it considers that doing so would impede the proper exercise of its functions.
- (7) The changes that the Commission may recommend in relation to a review under this section are—
- (a) such changes to the electoral arrangements for the principal area under review as appears to it appropriate, and
  - (b) in consequence of such change—
    - (i) such community boundary changes as it considers appropriate in relation to any community in the principal area,
    - (ii) such community council changes and changes to the electoral arrangements for such a community as it considers appropriate,
    - (iii) such preserved county changes as it considers appropriate.
- (8) The Commission must not, in any period of 9 months preceding the day of an ordinary council election under section 26 of the 1972 Act (elections of councillors), make or publish any recommendations relating to the electoral arrangements of a principal area.
- (9) In this Part, a reference to the electoral arrangements of a principal area is a reference to —
- (a) the number of members of the council for the principal area,
  - (b) the number, type and boundaries of the electoral wards into which the principal area is for the time being divided for the purpose of the election of members,
  - (c) the number of members to be elected for any electoral ward in the principal area, and
  - (d) the name of any electoral ward.
- (10) For the purposes of subsection (9)(b), a reference to the type of an electoral ward is a reference to whether the ward is a single or multiple member ward.
- (11) In this Part—
- “electoral ward” means any area for which members are elected to a local authority,
- “multiple member ward” means an electoral ward in respect of which a specified number (greater than one) of members are to be elected for that ward, and
- “single member ward” means an electoral ward in respect of which only one member is to be elected.

### **30 Considerations for a review of principal area electoral arrangements**

- (1) The Commission, in considering whether to make recommendations for changes to the electoral arrangements for a principal area, must—
- (a) seek to ensure that the ratio of local government electors to the number of members of the council to be elected is, as nearly as may be, the same in every electoral ward of the principal area,
  - (b) have regard to—

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- (i) the desirability of fixing boundaries for electoral wards which are and will remain easily identifiable,
  - (ii) the desirability of not breaking local ties when fixing boundaries for electoral wards.
- (2) For the purposes of subsection (1)(a), account is to be taken of—
  - (a) any discrepancy between the number of local government electors and the number of persons that are eligible to be local government electors (as indicated by relevant official statistics), and
  - (b) any change to the number or distribution of local government electors in the principal area which is likely to take place in the period of five years immediately following the making of any recommendation.
- (3) In this section, “relevant official statistics” means such official statistics within the meaning of section 6 of the [Statistics and Registration Service Act 2007 \(c. 18\)](#) as the Commission considers appropriate.
- (4) In this Part, “local government elector” means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts.

### *Communities*

## **31 Review of electoral arrangements for community by principal council**

- (1) A principal council may conduct a review of the electoral arrangements for a community in its area—
  - (a) of its own initiative, or
  - (b) at the request of—
    - (i) the community council for the community, or
    - (ii) not less than 30 local government electors registered in the community.
- (2) But a principal council must not conduct a review under subsection (1) at the request of the community council or local government electors if it considers that doing so would impede the proper exercise of its functions.
- (3) The changes that a principal council may propose and make in relation to a review under this section are—
  - (a) such changes to the electoral arrangements for the community as the principal council considers appropriate, and
  - (b) in consequence of any change to the electoral arrangements for the community, such changes to the electoral arrangements of the principal area as it considers appropriate.
- (4) For the purposes of subsection (3)(b), section 30 applies to a principal council as it applies to the Commission.
- (5) A principal council may enter into an agreement with the Commission for the Commission (under section 32) to exercise the council’s function of conducting reviews under this section.

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- (6) The agreement may be on such terms and conditions as the principal council and the Commission consider appropriate.
- (7) In this Part, a reference to the electoral arrangements of a community is a reference to—
  - (a) the number of members of the council for the community;
  - (b) its division into wards (if appropriate) for the purposes of the election of councillors;
  - (c) the number and boundaries of any wards;
  - (d) the number of members to be elected for any ward;
  - (e) the name of any ward.

### **32 Review of electoral arrangements for community by the Commission**

- (1) The Commission may, in any of the circumstances described in subsection (2), conduct a review of the electoral arrangements for a community.
- (2) The circumstances are—
  - (a) where the Commission has agreed to exercise a principal council’s function of conducting reviews under section 31(5);
  - (b) where the Commission has been requested to conduct a review of a community by —
    - (i) the community council, or
    - (ii) not less than 30 local government electors from the community;
  - (c) where a principal council has not complied with a direction by the Welsh Ministers to conduct a review of the electoral arrangements for one or more of its communities.
- (3) But the Commission must not conduct a review under subsection (1) following a request by a community council or local government electors if it considers that doing so would impede the proper exercise of its functions.
- (4) The changes that the Commission may recommend in relation to any review under this section are—
  - (a) such changes to the electoral arrangements for the community that the Commission considers appropriate, and
  - (b) in consequence of any change to the electoral arrangements for the community, such changes to the electoral arrangements of the principal area, as it considers appropriate.
- (5) Where the Commission conducts a review in the circumstances described in subsection (2)(c), it may recover the cost of doing so from the principal council.
- (6) In the event of a disagreement between the Commission and the principal council as to the amount payable to the Commission under subsection (5), the Welsh Ministers may determine that amount.
- (7) Any sum payable to the Commission under this section is recoverable as a debt due to the Commission.

### **33 Considerations for a review of community electoral arrangements**

- (1) This section applies where a principal council is considering making or, as the case may be, the Commission is considering recommending, changes to the electoral arrangements for a community.
- (2) In considering whether a community should be divided into community wards, regard is to be had to—
  - (a) whether the number or distribution of the local government electors for the community is such as to make a single election of community councillors impractical or inconvenient, and
  - (b) whether it is desirable that any area of the community should be separately represented on the community council.
- (3) Where it is decided to divide a community into community wards, in considering the size and boundaries of the wards and in fixing the number of community councillors to be elected for each ward, regard is to be had to—
  - (a) any change in the number or distribution of local government electors of the community which is likely to take place within the period of five years immediately following any recommendation,
  - (b) the desirability of fixing boundaries which are and will remain easily identifiable, and
  - (c) any local ties which will be broken by the fixing of any particular boundaries.
- (4) Where it is decided not to divide a community into community wards, in fixing the number of councillors to be elected for each community, regard is to be had to—
  - (a) the number and distribution of local government electors in the community, and
  - (b) any change in such number or distribution which is likely to take place within the period of five years immediately following the fixing of the number of community councillors.
- (5) For the purposes of this section, account is to be taken of any discrepancy between the number of local government electors and number of persons that are eligible to be local government electors (as indicated by relevant official statistics).
- (6) In this section, “relevant official statistics” means such official statistics (within the meaning of section 6 of the [Statistics and Registration Service Act 2007 \(c. 18\)](#)) as the Commission, or as the case may be, principal council considers appropriate.