

LOCAL GOVERNMENT (WALES) ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 8 – Elections and councillors

16. **Section 8** enables merger regulations to include provision to cancel ordinary elections to principal local authorities merging voluntarily and (as a result) to extend the term of office for the councillors of these authorities; provision to disapply, for a period specified in the merger regulations, the requirements in section 89 of the Local Government Act 1972 which call for a by-election to be held to fill casual vacancies (for example, a vacancy arising due to the death or resignation of a councillor) in the council for a principal local authority merging voluntarily; and provision to set the date for the first ordinary elections to the new principal local authorities and the term of office for the councillors elected through that election. The provision to disapply the requirement to fill a casual vacancy is necessary to prevent a situation whereby a by-election may need to be held just days before the abolition of the existing principal local authorities, which would be a waste of money and resources.
17. **Section 8(d)** enables merger regulations to include provision to postpone ordinary elections to community councils in the new principal local authority and to extend the terms of office of existing community councillors. The usual practice is for ordinary elections for community councils to be combined with and held at the same time as ordinary elections for principal local authorities for efficiency purposes. Section 8(d) therefore enables ordinary elections to community councils in merging authorities to be moved to coincide with the new date for ordinary elections to the new principal authority, which should save money and resources.