

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Elections

Section 2 - Extension of right to vote in local government elections

31. Section 2 of the Representation of the People Act 1983 (“the 1983 Act”) sets out who is entitled to vote as an elector at local government (principal councils and community councils) elections in any electoral area.
32. This section amends Section 2 of the 1983 Act to extend the franchise for local government elections in Wales to include persons who are aged 16 years or over and persons who are qualifying foreign citizens. A qualifying foreign citizen is a person who:
 - (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the European Union, and
 - (b) either:
 - does not require leave under the Immigration Act 1971 to enter or remain in the UK, or
 - does require leave to enter or remain but for the time being has such leave (or is treated as having such leave by virtue of an enactment).
33. Before amendment, the position is that a person is entitled to vote as an elector at a local government election in any electoral area in Wales, if, on the day the poll takes place, that person is:
 - on the register of local government electors for that area;
 - is not subject to any legal incapacity to vote (apart from their age);
 - is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the European Union; and
 - is aged 18 years or over.
34. After amendment, the position in Wales is that a person is entitled to vote at a local government election if on the date of the poll that person is:
 - on the register of local government electors for that area;
 - not subject to any legal incapacity to vote (apart from age);
 - is a qualifying foreign citizen, Commonwealth citizen, citizen of the Republic of Ireland or relevant citizen of the European Union; and

- is over 16 years of age.
35. Section 4 of the 1983 Act sets out who is entitled to be on the register of local government electors for any electoral area. Before amendment, the position is that a person is entitled to be registered on the register of local government electors for the purposes of local government elections if, on the relevant date, that person is resident in that area; is not subject to any legal incapacity to vote (apart from age); is a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and is of voting age. The relevant date is the date on which an application for registration is made, or is treated as having been made or the date on which a service declaration or declaration of local connection is made.
36. [Section 2](#) of the Act amends section 4 of the 1983 Act to specify that a person who is 16 years or over and who is a qualifying foreign citizen, Commonwealth citizen, citizen of the Republic of Ireland or relevant citizen of the European Union is qualified to be registered on the register of local government electors for any electoral area in Wales.