

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Elections

Section 13 - Rules about the conduct of local elections in Wales

97. Section 36 of the 1983 Act provides the existing power under which the rules are made for elections of councillors for local government areas in England and Wales. Section 13(1) amends section 36(1) of the 1983 Act so that the power to make rules under that section is limited to rules about elections of councillors for local government areas in England only.
98. [Section 13\(3\)](#) inserts a new section 36A into the 1983 Act, by which the Welsh Ministers may make rules for the conduct of local government elections in Wales (subsection (1)). Rules made under the new section 36A(1), whether for principal councils or for community councils, must:
 - require polls to be conducted if elections are contested;
 - establish the requirements for becoming a candidate for election; and
 - require votes at polls to be given by ballot.
99. Rules made under the new section 36A(1) for the election of councillors to a principal council must provide for polls to be conducted under the two voting systems authorised by the Act (a simple majority system and a single transferable vote system).
100. Rules made under the new section 36A(1) for the election of community councillors in Wales must provide for polls to be conducted under a simple majority system.
101. Rules made under the new section 36A may make any other provision for the conduct of local government elections (subsection (4)) and may, for the purposes of, in consequence of, or for giving full effect to rules make supplementary, incidental, consequential, transitional, transitory or saving provision (subsection (5)). Rules made under subsection (5) may amend, modify, repeal or revoke any enactment (including an enactment contained in the Act).
102. [Section 13\(4\)](#) provides that existing rules, made under section 36 of the 1983 Act, which are in force immediately before the coming into force of the power to make new rules, will continue to have effect after that date as if they were made under the new section 36A.
103. Until provisions made in the Act which enable a principal council to change its voting system come into force (sections 5 to 9), section 36A provides that rules must only outline how polls are to be conducted under the simple majority system.

*These notes refer to the Local Government and Elections (Wales)
Act 2021 (c.1) which received Royal Assent on 20 January 2021*

104. This section also requires the Welsh Ministers to consult with whomever they consider appropriate before any rules are made under the new section 36A of the 1983 Act. Any rules must be laid and approved by Senedd Cymru.