

LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Elections

Section 18 – Registration of local government electors without application

113. **Section 18** of the Act enables registration officers to add electors to the register of local government electors without an application being made by that person, subject to certain conditions, where they are satisfied that they should be entered.
114. **Section 18(3)** of the Act inserts a new section 9ZA into the 1983 Act with the effect that the registration officer is able to add electors to the register of local government electors without the need for them to apply in certain circumstances. Section 9ZA sets out the conditions and circumstances under which a registration officer may add a person to the register.
115. **Section 18(2)** amends section 9 of the 1983 Act to provide that the name, address and electoral number of any person whom the registration officer has decided to register in accordance with section 9ZA must be contained in the register of local government electors.
116. **Section 18(4)** amends section 9E of the 1983 Act so that the duty in section 9E does not apply where a registration officer intends to register a person under section 9ZA. The duty under section 9E is a duty on a registration officer to invite a person who may be entitled to do so to apply to be registered to vote.
117. **Section 18(5)** of the Act amends section 10ZE of the 1983 Act. Section 10ZE sets out the circumstances under which a person must be removed from the register of local government electors. Section 10ZE(1) provides that where a person is entered in a register in respect of an address in Great Britain, the person is entitled to remain registered until the registration officer concerned determines that—
- the person was not entitled to be registered in respect of the address,
 - the person has ceased to be resident at the address or has otherwise ceased to satisfy the conditions for registration set out in section 4, or
 - the person was registered as the result of an application under section 10ZC made by some other person or the person's entry has been altered as the result of an application under section 10ZD made by some other person.
118. Where a person's entitlement to remain registered terminates by virtue of section 10ZE(1), section 10ZE(2) of the 1983 Act requires the registration officer to remove the person's entry from the register.

119. The amendment made by section 18(5)(a) of the Act adds a further duty to remove an entry in consequence of the new section 9ZA authorising entries without an application. It inserts a new subsection (2A) into section 10ZE requiring a registration officer to remove an entry made by virtue of the new section 9ZA if the officer determines that a person registered is not entitled to be registered for reasons other than those mentioned in section 10ZE(1).
120. [Section 18\(5\)\(c\)](#) inserts a new subsection (4A) into section 10ZE of the 1983 Act to provide the Welsh Ministers with the power to make regulations about the procedure for determining whether an entry must be removed from the register where it has been made without application under section 9ZA.
121. [Section 18\(5\)\(d\)](#) inserts a new subsection (5A) into section 10ZE of the 1983 Act to place a duty on a registration officer to consider whether to make a determination to remove a name from the register (where registered under section 9ZA) if they receive an objection to that person's registration, or they become aware of any reason that the person is not entitled to be registered.
122. [Section 13A](#) (alteration of registers) of the 1983 Act requires a registration officer to issue a notice in the circumstances set out in subsection (1) of that section.
123. [Section 18\(6\)](#) of the Act adds a new paragraph (zc) to section 13A(1) of the 1983 Act requiring a notice be issued by a registration officer if the officer registers a person under the new section 9ZA. Notices must be issued on the first day of the month after the registration officer decides to register a person or, if the first day of the month is less than 14 days after the day on which they decided to register the person, on the first day of the month immediately following.
124. [Section 13AB](#) (alteration of registers: interim publication dates) of the 1983 Act provides for there to be interim publication dates on which alterations to the register take effect where they would otherwise take effect on or after the interim publication dates. There are two interim publication dates:
- the first is the last day on which nomination papers may be delivered by the returning officer for the purposes of an election; and
 - the second is a day, to be determined by the registration officer, which must be after the first interim publication date and before the sixth or fifth day before the date of the poll (as the officer determines).
125. Section 13AB of the 1983 Act applies where, at any time before an interim publication date section 13A of the 1983 Act applies to a registration officer in connection with a determination, requirement or decision relating to an entry in the register that has yet to take effect. Where it applies, section 13AB requires the registration officer to issue a notice specifying the appropriate alteration in the register and the alteration takes effect from the beginning of the interim publication date.
126. [Section 18\(7\)](#) of the Act adds a reference to paragraph (zc) of section 13A(1) in section 13AB(1). This means that where a registration officer has made a decision within the new section 13A(1)(zc) before the interim publication date that is not due to take effect until a day on or after the interim publication date, the registration officer must issue a notice specifying the appropriate alteration in the register and the alteration takes effect from the beginning of the interim publication date.
127. [Section 13B\(1\)](#) (alteration of registers: pending elections) of the 1983 Act provides that alterations to a register due to take effect after the fifth day before the date of the poll for an election do not have effect for the purposes of the election.
128. Subsection (3) of section 13B requires a registration officer to issue a notice specifying alterations in the register to which the subsection applies on the sixth or fifth day before

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

the date of the poll (as the registration officer determines) (“the appropriate publication date”) and the alteration takes effect from the beginning of that day.

129. Subsection (3) applies where, at any time before the appropriate publication date, section 13A applies to a registration officer in connection with a determination, requirement or decision relating to an entry in the register that has yet to take effect (whether under section 13A(2), 13AB(3) or 13BC(3) or (6)).
130. Section 18(8) of the Act adds a reference to the new sub-paragraph (zc) of section 13A(1) of the 1983 Act into section 13B(2)(a) of the 1983 Act, which has the effect of including a situation where a registration officer has decided to register a person under the new section 9ZA (without that person making an application) to the list of circumstances in which a notice must be issued under section 13B(3).
131. Section 56(1) of the 1983 Act sets out the decisions and determinations under the Act relating to registration of electors that may be appealed to the county court.
132. Section 18(9) of the Act adds new paragraph (azaa) into section 56(1) of the 1983 Act to provide that an appeal lies to the county court from any decision of a registration officer for a local government area in Wales to register a person under the new section 9ZA.