



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 1

### ELECTIONS

#### *Registration of local government electors*

#### **18 Registration of local government electors without application**

- (1) The 1983 Act is amended as follows.
- (2) In section 9 (registers of electors), after subsection (2) insert—

“(2A) In relation to each register of local government electors for an area in Wales, the names of persons the registration officer has decided to register in accordance with section 9ZA must also be contained in the register, along with the information mentioned in paragraphs (b) and (c) of subsection (2) relating to those persons.”

- (3) After section 9 insert—

#### **“9ZA Registration of local government electors in Wales without application**

- (1) This section applies to the registration of local government electors in Wales.
- (2) If the registration officer is satisfied that a person not in the register of local government electors is entitled to be registered, the officer may decide to register the person without an application, subject to the provisions of this section.
- (3) Before deciding to register a person, the registration officer must notify the person in writing of—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the officer’s intention to register the person without an application after the end of the notice period required by subsection (5),
  - (b) the person’s right to request exclusion from the edited register,
  - (c) the person’s right to apply for anonymous registration,
  - (d) the type of elections in which the person will be entitled to vote following registration under this section, and
  - (e) the type of elections in which the person will not be entitled to vote following registration under this section, unless an application for registration is made.
- (4) The notice under subsection (3) must be in a form specified in regulations made by the Welsh Ministers; and the regulations may make further provision about giving notice for the purposes of this section.
- (5) The registration officer must not register the person under this section—
- (a) before the end of a period of 28 days beginning with the day on which the notice is issued;
  - (b) at any time when there is an undetermined application by the person for an anonymous entry in the local government register under section 9B.
- (6) The registration officer must keep a separate list of the persons registered under this section.
- (7) The power to make regulations under this section is exercisable by statutory instrument.
- (8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of Senedd Cymru, unless it also contains provisions subject to an affirmative procedure in Senedd Cymru.”
- (4) In section 9E (maintenance of registers: invitations to register in Great Britain), after subsection (1) insert—
- “(1A) The duty in subsection (1) does not apply if the registration officer intends to register the person without an application under section 9ZA and gives notice to the person in accordance with that section.”
- (5) In section 10ZE (removal of electors in Great Britain from register)—
- (a) after subsection (2) insert—
- “(2A) Where a person is entered in a register of local government electors in Wales by virtue of section 9ZA, the registration officer must also remove the person’s entry from the register if the officer determines that the person is not entitled to be registered in the register of local government electors for reasons other than those mentioned in subsection (1).”;
- (b) in subsection (3), after “(1)” insert “or (2A)”;
  - (c) after subsection (4) insert—
- “(4A) The Welsh Ministers may by regulations make provision about the procedure for making determinations under subsection (2A), which may include provision requiring an officer to take prescribed steps before making a determination.”

(d) after subsection (5) insert—

“(5A) In relation to a person registered under section 9ZA, a registration officer for a local government area in Wales must consider whether to make a determination under subsection (2A) if the officer—

- (a) receives an objection to the person’s registration in the register, or
- (b) otherwise becomes aware of information that causes the officer to suspect that the person is not entitled to be registered in the register of local government electors.

(5B) The Welsh Ministers’ power to make regulations under subsection (4A) is exercisable by statutory instrument.

(5C) A statutory instrument containing regulations under subsection (4A) is subject to annulment in pursuance of a resolution of Senedd Cymru, unless it also contains provisions subject to an affirmative procedure in Senedd Cymru.”

(6) In section 13A(1) (alteration of registers), after paragraph (zb) insert—

“(zc) in the case of a registration officer for a local government area in Wales, decides to register a person under section 9ZA;”.

(7) In section 13AB(1) (alteration of registers: interim publication dates), in paragraph (a) after “(zb),” insert “(zc),”.

(8) In section 13B(2) (alteration of registers: pending elections), in paragraph (a) after “(zb),” insert “(zc),”.

(9) In section 56(1) (registration appeals: England and Wales), after paragraph (aa) insert—

“(azaa) from any decision of a registration officer for a local government area in Wales to register a person under section 9ZA;”.