



Local Government and Elections (Wales) Act 2021

2021 asc 1

PART 1 **E+W**

ELECTIONS

Overview of Part

1 Overview **E+W**

This Part—

- (a) provides for the extension of the right to vote in local government elections to new categories of person (sections 2 to 4);
- (b) provides for two systems for the election of councillors for principal councils (the simple majority system and the single transferable vote system) and makes provision about which system applies to any particular council (including a power for any councils to decide which applies) and the powers to make rules for such elections (sections 5 to 13);
- (c) provides for change to the electoral cycle for local government elections from four years to five years (sections 14 to 16) and extension of the power to change the ordinary day of local elections in Wales (section 17);
- (d) provides for registration of local government electors without application (section 18);
- (e) makes provision about qualification for election and holding office as a member of a local authority (section 19);
- (f) makes provision about disqualification for election or from holding office as a member of a local authority (sections 20 and 21);
- (g) makes provision about the display of documents at local elections (section 22);
- (h) makes provision about meeting returning officers' expenditure (paragraph 2(5) of Schedule 2).

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1. (See end of Document for details)

Right to vote in local government elections

2 Extension of right to vote in local government elections **E+W**

- (1) In section 2 of the 1983 Act (local government electors)—
- (a) in subsection (1)—
 - (i) in paragraph (c), for “or a relevant citizen of the Union” substitute “, a relevant citizen of the Union or (in Wales) a qualifying foreign citizen”;
 - (ii) in paragraph (d), after “over” insert “ except in Wales (see subsection (1A))”;
 - (b) after subsection (1) insert—

“(1A) In Wales, voting age is 16 years or over.”
- (2) In section 12 of the Government of Wales Act 2006 (c. 32) (entitlement to vote)—
- (a) in subsection (1)(a), omit “or fall within the extended franchise for Senedd elections as described in this section”;
 - (b) omit subsection (1A);
 - (c) omit subsection (1B).
- (3) In section 4 of the 1983 Act (entitlement to be registered as a local government elector)—
- (a) in subsection (3)—
 - (i) in paragraph (c), for “or a relevant citizen of the Union” substitute “, a relevant citizen of the Union or (in relation to a local government election in Wales) a qualifying foreign citizen”;
 - (ii) in paragraph (d), omit “ or, if resident in an area in Wales, is 16 years of age or over”;
 - (b) omit subsection (3A);
 - (c) omit subsection (5B).

Commencement Information

I1 S. 2(1)(3) in force at 20.3.2021, see s. 175(3)(b) (subject to s.3)

I2 S. 2(2) in force at 5.5.2022, see s. 175(5)

I3 S. 2(2) in force at 5.5.2022, see s. 175(5)

3 Transitional provision **E+W**

- (1) Despite the coming into force of the amendments made by the provisions mentioned in subsection (2) by virtue of section 175(3), they only have effect in relation to a local government election or a local referendum for the purposes of—
- (a) a local government election at which the poll is held on or after 5 May 2022;
 - (b) a local referendum held on or after 5 May 2022.
- (2) The provisions are—
- (a) section 2(1) and (3);
 - (b) section 22;
 - (c) paragraphs 2(12), 8(3)(b), 15 and 19 of Schedule 2.

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Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1. (See end of Document for details)

- (3) In subsection (1), “local referendum” means a referendum held under—
- (a) section 27 of the 2000 Act or by virtue of regulations or an order made under Part 2 of that Act;
 - (b) section 40 of the 2011 Measure.

4 Duty to promote awareness and provide assistance **E+W**

- (1) A principal council must—
- (a) promote awareness among relevant young people of the arrangements for registration as local government electors that apply to them;
 - (b) take the steps the council considers necessary to help relevant young people register as local government electors.
- (2) In this section “relevant young people” means—
- (a) persons resident in the principal council's area who have attained the age of 14, but are under the age of 18;
 - (b) persons of the same age who—
 - (i) are not resident in the area of the principal council, and
 - (ii) are looked after by the council;
 - (c) persons of the same age who—
 - (i) are not resident in the area of the principal council, and
 - (ii) are persons to whom the council has a duty to safeguard and promote their well-being under section 109 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).
- (3) In this section, a person is looked after if the person is a looked after child for the purposes of the Social Services and Well-being (Wales) Act 2014.

Voting systems for elections to principal councils

5 Two voting systems **E+W**

- (1) There are two systems for electing councillors of a principal council in polls at contested elections—
- (a) a simple majority system, and
 - (b) a single transferable vote system.
- (2) See local elections rules for provision about how each system works.
- (3) See sections 7 to 9 for provision about which system applies to a council and how the system that applies to a council is changed.
- (4) In this Part, “local elections rules” means—
- (a) rules made under section 36A of the 1983 Act (inserted by section 13(3));
 - (b) rules made under section 36 of the 1983 Act that have effect by virtue of section 13(4).

Commencement Information

I4 S. 5 in force at 6.5.2022, see s. 175(6)(a)

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1. (See end of Document for details)

6 Key definitions **E+W**

- (1) A “simple majority system” means an electoral system where—
- (a) each voter may cast as many votes as there are offices to be filled;
 - (b) in the case of an election for a single office, the candidate who receives the highest number of votes is elected;
 - (c) in the case of an election to fill more than one office, the candidates equal to the number of offices to be filled who receive the highest number of votes are elected.
- (2) A “single transferable vote system” means an electoral system where—
- (a) in the case of an election to fill more than one office—
 - (i) voters express a first preference for one candidate and may express second and further preferences for other candidates;
 - (ii) a quota for election is calculated from the number of votes and offices to be filled;
 - (iii) the first preferences are counted and any candidate whose first preference votes equal or exceed the quota is elected;
 - (iv) if insufficient candidates are elected under sub-paragraph (iii), the proportion of an elected candidate's votes above the quota is redistributed according to voters' further preferences;
 - (v) candidates who then reach the quota are elected and the candidate with the fewest votes is excluded;
 - (vi) the excluded candidate's votes are redistributed according to voters' further preferences;
 - (vii) if insufficient candidates are elected under sub-paragraphs (iv) to (vi), the steps described in those sub-paragraphs are repeated until all offices are filled;
 - (b) in the case of an election for a single office—
 - (i) voters express a first preference for one candidate and may express second and further preferences for other candidates;
 - (ii) an absolute majority of votes for election is calculated from the number of votes;
 - (iii) the first preferences are counted and, if a candidate's first preference votes equal or exceed the absolute majority of votes, that candidate is elected;
 - (iv) if no candidate is elected under sub-paragraph (iii), the candidate with the fewest votes is excluded, the excluded candidate's votes are redistributed according to voters' further preferences and a candidate who then reaches the absolute majority is elected;
 - (v) if no candidate is elected under sub-paragraph (iv), the steps described in sub-paragraph (iv) are repeated until a candidate is elected.
- (3) The systems described in subsections (1) and (2) may include other provision for situations where—
- (a) following the steps described does not lead to a candidate being elected, or
 - (b) it would not be appropriate to follow the steps described.
- (4) This section applies for the purposes of this Part.

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1. (See end of Document for details)

Commencement Information

I5 S. 6 in force at 6.5.2022, see s. 175(6)(a)

7 The voting system that applies **E+W**

- (1) This section provides for the voting system that applies to electing councillors of a principal council in a poll at a contested election.
- (2) The simple majority system provided for by local elections rules applies, unless and until the council changes the voting system for the first time.
- (3) But in the case of a principal council constituted by regulations under Part 7 (mergers and restructuring), the voting system provided for in the regulations applies, unless and until the council changes the voting system for the first time after the first ordinary election of councillors to the council.
- (4) After a principal council has changed the voting system for the first time (including the first time after a principal council is established), the system to which the council has most recently decided to change applies (subject to subsection (6)).
- (5) If a principal council changes its voting system, the change takes effect at the first ordinary election of councillors that takes place after the council passes the resolution required by section 9 and continues in effect unless and until the system is changed again.
- (6) But in a poll for an election to fill a casual vacancy in the office of councillor that takes place before the first ordinary election of councillors after the principal council passes the resolution required by section 9, the voting system that applied at the last ordinary election applies.

Commencement Information

I6 S. 7 in force at 6.5.2022, see s. 175(6)(a)

8 Power to change the voting system **E+W**

- (1) A principal council may change the voting system that applies to the election of councillors of the council, subject to the requirements of this section and section 9.
- (2) If the voting system that applies to a council for the time being is the simple majority system provided for by local elections rules, the council may change it to the single transferable vote system provided for by those rules.
- (3) If the voting system that applies to a council for the time being is the single transferable vote system provided for by local elections rules, the council may change it to the simple majority system provided for by those rules.
- (4) The power to change the voting system under this section—
 - (a) is not to be the responsibility of an executive of the council under executive arrangements (within the meaning of section 10 of the 2000 Act);
 - (b) is not a function to which section 101 of the 1972 Act (arrangements for discharge of functions by local authorities) applies.

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- (5) Before a principal council exercises its power to change its voting system it must consult—
- (a) the persons entitled to vote as electors at a local government election in its area;
 - (b) each community council in its area;
 - (c) such other persons as it considers appropriate.

Commencement Information

I7 S. 8 in force at 6.5.2022, see s. 175(6)(a)

9 Resolutions to exercise the power to change the voting system **E+W**

- (1) A principal council's power under section 8(1) must be exercised by resolution of the council in accordance with this section.
- (2) A resolution to exercise the power is not passed unless the number of councillors voting in favour of it at a meeting of the council is at least two-thirds of the total number of councillor seats on the council.
- (3) A resolution to exercise the power is of no effect unless—
 - (a) the resolution is considered at a meeting specially convened for the purpose,
 - (b) written notice of the meeting is given to all councillors, and
 - (c) the meeting takes place after the end of a period of 21 days beginning with the day on which notice is given.
- (4) A resolution to exercise the power has no effect unless it is passed before 15 November of the year that is three years before the year in which the next ordinary election of the council is due to be held.
- (5) After a principal council has exercised the power, a further resolution to exercise the power has no effect unless two ordinary elections of the council have been held under the voting system to which it was changed.
- (6) A resolution to exercise the power passed during the period between two consecutive ordinary elections of the council has no effect if the council has previously voted on a resolution to exercise the power during that period at a meeting held in accordance with subsection (3).

Commencement Information

I8 S. 9 in force at 6.5.2022, see s. 175(6)(a)

10 Duty to notify when resolution passed **E+W**

- (1) If a principal council exercises its power to change the voting system under section 8, the council must notify the Welsh Ministers and the Local Democracy and Boundary Commission of the change.
- (2) The notification must—

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- (a) be made within a period of 14 days beginning on the day on which the resolution under section 9 was passed,
- (b) confirm that the council has passed a resolution in accordance with section 9,
- (c) specify the voting system that is to apply, and
- (d) specify the date on which the resolution was passed.

Commencement Information

I9 S. 10 in force at 6.5.2022, see s. 175(6)(a)

11 Initial review by the Local Democracy and Boundary Commission **E+W**

- (1) After receiving a notification from a principal council under section 10, the Welsh Ministers may direct the Local Democracy and Boundary Commission for Wales (“the Commission”) to conduct an initial review of the area of the council.
- (2) Before giving a direction under subsection (1) the Welsh Ministers must consult—
 - (a) the Commission, and
 - (b) such persons representing principal councils as the Welsh Ministers consider appropriate.
- (3) A direction under subsection (1) to conduct an initial review may specify that one or more matters of a kind described in paragraph (a) or (b) are not to be considered in the initial review; and those matters are—
 - (a) matters set out in paragraph (b) of the definition of “electoral arrangements” in paragraph 3(1) of Schedule 1 (community councils' electoral arrangements);
 - (b) matters set out in the definition of “relevant consequential changes” in paragraph 3(1) of Schedule 1.
- (4) A direction under subsection (1) must specify the voting system in relation to which the electoral arrangements are to be reviewed.
- (5) Schedule 1 makes provision in relation to initial reviews conducted by virtue of this section.

Commencement Information

I10 S. 11 in force at 6.5.2022, see s. 175(6)(a)

12 Restriction on number of councillors if single transferable vote system applies **E+W**

Where the single transferable vote system applies to the election of councillors for a principal council, the number of councillors for each electoral ward is to be no less than three, but no more than six.

Commencement Information

I11 S. 12 in force at 6.5.2022, see s. 175(6)(a)

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1. (See end of Document for details)

13 Rules about the conduct of local elections in Wales **E+W**

- (1) The 1983 Act is amended as follows.
- (2) In section 36(1) (local elections in England and Wales), omit “and Wales”.
- (3) After section 36 insert—

“36A Rules for local elections in Wales

- (1) Elections of councillors for local government areas in Wales must be conducted in accordance with rules made by the Welsh Ministers.
- (2) In relation to the election of councillors to a county council or a county borough council, rules under subsection (1) must—
 - (a) require polls to be conducted if elections are contested,
 - (b) establish the requirements for becoming a candidate for election,
 - (c) require votes at polls to be given by ballot, and
 - (d) provide for polls to be conducted under the voting systems authorised by sections 5 to 9 of the Local Government and Elections (Wales) Act 2021, which are a simple majority system and a single transferable vote system.
- (3) In relation to the election of community councillors for a community council, rules under subsection (1) must—
 - (a) require polls to be conducted if elections are contested,
 - (b) establish the requirements for becoming a candidate for election,
 - (c) require votes at polls to be given by ballot, and
 - (d) provide for polls to be conducted under a simple majority system.
- (4) Rules under subsection (1) may make any other provision for the conduct of elections of councillors for local government areas in Wales.
- (5) Rules made by the Welsh Ministers may, for the purposes of, in consequence of, or for giving full effect to rules made under subsection (1), make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (6) Rules under subsection (5) may amend, modify, repeal or revoke any enactment (including an enactment contained in this Act).
- (7) Before making rules under this section, the Welsh Ministers must consult such persons as they consider appropriate.
- (8) The requirement to consult imposed by subsection (7) may be satisfied by consultation undertaken before the coming into force of this section.
- (9) The power to make rules under this section—
 - (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes.
- (10) A statutory instrument containing rules under this section must not be made unless a draft of the instrument has been laid before and approved by resolution of Senedd Cymru.”

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1. (See end of Document for details)

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(5) Until sections 5 to 9 of this Act come into force, section 36A(2)(d) of the 1983 Act has effect as if it made the following provision—

“(d) provide for polls to be conducted under a simple majority system.”

Textual Amendments

F1 S. 13(4) omitted (10.3.2022) by virtue of [The Local Elections \(Miscellaneous and Consequential Amendments\) \(Wales\) Regulations 2022 \(S.I. 2022/263\)](#), reg. 1(2), [Sch. 4 para. 1\(a\)](#) (with reg. 12(g))

Electoral cycles

14 Change of electoral cycle for principal councils from four years to five years **E**

+W

(1) Section 26 of the 1972 Act (election of councillors) is amended as follows.

(2) In subsection (1), for “fourth” substitute “ fifth ”.

(3) In subsection (2), for “four” substitute “ five ”.

15 Change of electoral cycle for community councils from four years to five years **E+W**

(1) Section 35 of the 1972 Act (election years) is amended as follows.

(2) In subsection (2), for “fourth” substitute “ fifth ”.

(3) In subsection (2A), for “four” substitute “ five ”.

16 Change of electoral cycle for elected mayors from four years to five years **E**

+W

In section 39 of the 2000 Act (elected mayors etc.), in subsection (7) for “four” substitute “ five ”.

17 Extension of power to change ordinary day of local elections in Wales **E+W**

(1) Section 37ZA of the 1983 Act (ordinary day of local elections in Wales) is amended as follows.

(2) In subsection (1)—

(a) after “applies” insert “ or an order under subsection (1A) provides otherwise ”;

(b) in paragraph (b) omit the words from “made not later” to the end.

(3) After subsection (1) insert—

“(1A) The Welsh Ministers may by order fix a different day to the one specified in or fixed under subsection (1) as the ordinary day of election of—

(a) councillors for one or more counties or county boroughs in Wales, or

(b) community councillors for one or more communities in Wales.

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- (1B) An order under subsection (1) or (1A) may fix a day for one or more years.”
- (4) In subsection (2), after “subsection (1)” insert “ or fixed under subsection (1A) ”.
- (5) In subsection (3), after “subsection (1)” insert “ or fixed under subsection (1A) ”.
- (6) In subsection (5), for “subsection (3)” substitute “ this section ”.
- (7) After subsection (5) insert—
- “(6) Before making an order under this section, the Welsh Ministers must consult—
- (a) each council affected by the order,
 - (b) any bodies appearing to the Welsh Ministers to represent the interests of the councils affected by the order, and
 - (c) such other persons as the Welsh Ministers consider appropriate.”

PROSPECTIVE

Registration of local government electors

18 Registration of local government electors without application E+W

- (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—
- (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,

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Changes to legislation: *There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1. (See end of Document for details)*

- (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—

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- (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;”.

Qualification for membership of a local authority

19 Qualification for election and holding office as a member of a local authority in Wales E+W

- (1) Section 79 of the 1972 Act is amended as follows.
- (2) In subsection (1), after “Union” insert “ or, in the case of a local authority in Wales, a qualifying foreign citizen ”.
- (3) After subsection (2C) insert—
- “(2D) For the purposes of this section, a person is a qualifying foreign citizen if the person—
- (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union, and
 - (b) either—
 - (i) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
 - (ii) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (2E) But a person is not a qualifying foreign citizen by virtue of subsection (2D)
- (b)(i) if the person does not require leave to enter or remain in the United

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Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases).”

Commencement Information

I12 S. 19 in force at 17.11.2021 by S.I. 2021/1249, art. 2(a) (with art. 4)

Disqualification of members of local authorities

20 Disqualification for election and being a member of a local authority **E+W**

After section 80 of the 1972 Act insert—

“80A Disqualification for election or being a member of a local authority in Wales

- (1) A person is disqualified for being elected or being a member of a local authority in Wales if—
- (a) the person is the subject of—
 - (i) a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A to the Insolvency Act 1986, Schedule 2A to the Insolvency (Northern Ireland) Order 1989, or Part 13 of the Bankruptcy (Scotland) Act 2016;
 - (ii) a debt relief restrictions order or interim debt relief restrictions order under Schedule 4ZB to the Insolvency Act 1986 or Schedule 2ZB to the Insolvency (Northern Ireland) Order 1989;
 - (b) the person is disqualified for being elected or for being a member of the authority under Part 3 of the Representation of the People Act 1983 (corrupt or illegal practices);
 - (c) the person is subject to the notification requirements of, or an order under, Part 2 of the Sexual Offences Act 2003;
 - (d) the person has a relevant criminal conviction.
- (2) A person has a relevant criminal conviction if, during the period of five years ending with the day of the local authority election, or since the person's election, the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man of an offence for which the person has been sentenced to a term of imprisonment (whether suspended or not) of 3 months or more without the option of a fine.
- (3) A person is not disqualified under subsection (1)(c) at any time before the end of the ordinary period allowed for making—
- (a) an appeal or application in respect of the conviction or finding to which the notification requirements relate;
 - (b) an appeal in respect of the order.
- (4) A person is not disqualified under subsection (1)(d) at any time before the end of the ordinary period allowed for making an appeal or application in respect of the conviction.

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- (5) A person who makes an appeal or application of the kind mentioned in subsection (3) or (4) is not disqualified under subsection (1)(c) or (d) at any time before the end of the day on which the appeal or application is finally disposed of, or is abandoned, or fails by reason of non-prosecution.
- (6) A person who would be disqualified but for subsection (3), (4) or (5) must not act in the office of member of a local authority in Wales.

80B Disqualification for being a member of a local authority in Wales and holding local office or employment

- (1) A person who holds a relevant paid office or employment (see section 80C) is disqualified for being a member of a local authority in Wales, (but not for being elected as such a member).
- (2) A person is not disqualified under subsection (1) at any time before the person makes a declaration of acceptance of office in accordance with section 83.
- (3) Subsections (4), (5) and (6) apply where a person is elected as a member of a local authority in Wales and resigns from the relevant paid office or employment for the purpose of taking office as a member.
- (4) The resignation terminates the holding of the paid office or employment with immediate effect.
- (5) Any notice requirement in the terms and conditions under which the paid office or employment is held has no effect.
- (6) Section 86(2) of the Employment Rights Act 1996 (requirement on employee to give minimum of one week's notice) does not apply.
- (7) This section does not apply to a person who is disqualified for being elected or being a member of a local authority under section 1 of the Local Government and Housing Act 1989 (disqualification by virtue of holding politically restricted post).

80C Paid office or employment to which disqualification applies

- (1) For the purposes of section 80B “a relevant paid office or employment” is a paid office or employment appointment or election to which is or may be made or confirmed by—
 - (a) the local authority to which the person was elected a member;
 - (b) a committee or sub-committee of the local authority;
 - (c) a joint committee or National Park authority on which the local authority is represented; or
 - (d) a holder of a paid office or employment of the kind described in paragraphs (a), (b) or (c).
- (2) But a relevant paid office or employment in subsection (1) does not include the office of—
 - (a) chairman, vice-chairman, presiding member or deputy presiding member, or

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1. (See end of Document for details)

- (b) in the case of a local authority operating executive arrangements which involve a leader and cabinet executive, the office of executive leader, member of the executive or assistant to the executive.
- (3) Subsection (1) has effect in relation to a teacher in a school maintained by a local authority whether or not the appointment to the post was made in accordance with that subsection.
- (4) Where the holder of a relevant paid office in a local authority in Wales (“local authority A”) is employed under the direction of—
 - (a) a committee or sub-committee of local authority A any member of which is appointed on the nomination of another local authority in Wales (“local authority B”), or
 - (b) a joint board, a National Park authority, or joint committee on which local authority A is represented and any member of which is appointed on the nomination of local authority B,section 80B applies in respect of the person's membership of local authority B.
- (5) For the purposes of this section, a local authority is represented on a National Park authority if it is entitled to appoint a member of the local authority as a member of the National Park authority.”

Commencement Information

I13 S. 20 in force at 17.11.2021 by S.I. 2021/1249, art. 2(a) (with art. 4)

21 Disqualification of member of a local authority in Wales for appointment to paid office **E+W**

After section 116 of the 1972 Act insert—

“116A Members of local authorities in Wales not to be appointed as officers

A member of a local authority in Wales is disqualified for being appointed or elected by that authority to any paid office other than the office of chairman, vice-chairman, or in the case of a local authority operating executive arrangements which involve a leader and cabinet executive, the office of executive leader, member of the executive or assistant to the executive.”

Commencement Information

I14 S. 21 in force at 17.11.2021 by S.I. 2021/1249, art. 2(a) (with art. 4)

Documents at local government elections

22 Translations etc. of documents at local government elections in Wales **E+W**

- (1) The 1983 Act is amended as follows.
- (2) In section 199B (translation etc. of certain documents), after subsection (10) insert—

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1. (See end of Document for details)

“(11) This section does not apply to a local government election in Wales.”

(3) After section 199B, insert—

“199C Local government elections in Wales: translations etc. of certain documents

- (1) Subsections (2) and (3) apply to any document which under or by virtue of this Act is required or authorised to be given to voters or displayed in any place for the purposes of a local government election in Wales.
- (2) The person (“P”) who is required or authorised to give or display the document must, as P thinks appropriate, give or display or otherwise make available in such form as P thinks appropriate—
 - (a) the document in Braille;
 - (b) the document in languages other than English and Welsh;
 - (c) graphical representations of the information contained in the document;
 - (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.
- (3) P must, as P thinks appropriate, make available the information contained in the document in such audible form as P thinks appropriate.
- (4) Subsections (2) and (3) do not apply to—
 - (a) the nomination paper; or
 - (b) the ballot paper.”

General

23 Minor and consequential amendments E+W

Schedule 2 makes minor and consequential amendments.

Commencement Information

I15 S. 23 in force at 20.3.2021 for specified purposes, see s. 175(3)(f)(7) (subject to s. 3)

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Local Government and Elections (Wales) Act 2021, PART 1.