



# Local Government and Elections (Wales) Act 2021

2021 asc 1

## PART 1

### ELECTIONS

#### *Voting systems for elections to principal councils*

#### **13 Rules about the conduct of local elections in Wales**

- (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—

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*Status: This is the original version (as it was originally enacted).*

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- (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.”
- (4) Rules made under section 36 of the 1983 Act that are in force immediately before the coming into force of subsection (3) of this section continue in effect, so far as they apply to elections of councillors for local government areas in Wales, as if the rules were made under section 36A(1) of that Act (inserted by subsection (3)); and references in any enactment to rules made under section 36A of the 1983 Act are to be read accordingly.
- (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.”