



Welsh Elections (Coronavirus) Act 2021

2021 asc 2

Main provisions

11 Power to postpone local authority by-elections

- (1) The Welsh Ministers may, by regulations made by statutory instrument, provide—
 - (a) that the poll for a local authority by-election is to be held on a date, or within a period, specified in the regulations;
 - (b) that the poll for a local authority by-election that would otherwise be required to be held on a date that falls within a period specified in the regulations is instead to be held on a later date, or within another period, specified in the regulations.
- (2) In this section, a “local authority by-election” is an election where—
 - (a) the date of the poll for the election falls within the period beginning with 6 May 2021 and ending with 5 November 2021, and
 - (b) it is an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.
- (3) Regulations under subsection (1) must not specify—
 - (a) a date after 5 November 2021, or
 - (b) a period ending after 5 November 2021.
- (4) The power to make regulations under subsection (1) may be exercised more than once in respect of any local authority by-election.
- (5) Regulations under subsection (1) may make provision by reference to local authority by-elections of a description specified in the regulations (for example, by reference to the nature, date or location of the elections).
- (6) The power to make regulations under subsection (1) includes the power to amend, modify, repeal or revoke any enactment.
- (7) Subsection (8) applies to a statutory instrument containing regulations under subsection (1) that amend, modify or repeal provision contained in primary legislation.

Changes to legislation: There are currently no known outstanding effects for the Welsh Elections (Coronavirus) Act 2021, Section 11. (See end of Document for details)

- (8) A statutory instrument to which this subsection applies must be laid before Senedd Cymru and ceases to have effect on the expiry of 28 days beginning with the day it is made unless, before the expiry of that period, it is approved by resolution of Senedd Cymru.
- (9) But if—
- (a) Senedd Cymru votes on a motion for a resolution to approve a statutory instrument laid under subsection (8) before the expiry of the period of 28 days mentioned in that subsection, and
 - (b) the motion is not passed,
- the instrument ceases to have effect at the end of the day on which the vote takes place.
- (10) In calculating any period of 28 days for the purposes of subsection (8), no account is to be taken of any period during which Senedd Cymru is—
- (a) dissolved, or
 - (b) in recess for more than 4 days.
- (11) Subsections (8) and (9) do not—
- (a) affect anything done in reliance on the regulations before they ceased to have effect, or
 - (b) prevent the making of new regulations.
- (12) A statutory instrument containing regulations under subsection (1) to which subsection (8) does not apply is subject to annulment in pursuance of a resolution of Senedd Cymru.

Commencement Information

II S. 11 in force at 17.3.2021, see s. 18

Changes to legislation:

There are currently no known outstanding effects for the Welsh Elections (Coronavirus) Act 2021, Section 11.