

# LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1: Elections

##### *Section 2 - Extension of right to vote in local government elections*

31. Section 2 of the Representation of the People Act 1983 (“the 1983 Act”) sets out who is entitled to vote as an elector at local government (principal councils and community councils) elections in any electoral area.
32. This section amends Section 2 of the 1983 Act to extend the franchise for local government elections in Wales to include persons who are aged 16 years or over and persons who are qualifying foreign citizens. A qualifying foreign citizen is a person who:
  - (a) is not a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the European Union, and
  - (b) either:
    - does not require leave under the Immigration Act 1971 to enter or remain in the UK, or
    - does require leave to enter or remain but for the time being has such leave (or is treated as having such leave by virtue of an enactment).
33. Before amendment, the position is that a person is entitled to vote as an elector at a local government election in any electoral area in Wales, if, on the day the poll takes place, that person is:
  - on the register of local government electors for that area;
  - is not subject to any legal incapacity to vote (apart from their age);
  - is a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the European Union; and
  - is aged 18 years or over.
34. After amendment, the position in Wales is that a person is entitled to vote at a local government election if on the date of the poll that person is:
  - on the register of local government electors for that area;
  - not subject to any legal incapacity to vote (apart from age);
  - is a qualifying foreign citizen, Commonwealth citizen, citizen of the Republic of Ireland or relevant citizen of the European Union; and

- is over 16 years of age.
35. Section 4 of the 1983 Act sets out who is entitled to be on the register of local government electors for any electoral area. Before amendment, the position is that a person is entitled to be registered on the register of local government electors for the purposes of local government elections if, on the relevant date, that person is resident in that area; is not subject to any legal incapacity to vote (apart from age); is a qualifying Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union; and is of voting age. The relevant date is the date on which an application for registration is made, or is treated as having been made or the date on which a service declaration or declaration of local connection is made.
36. [Section 2](#) of the Act amends section 4 of the 1983 Act to specify that a person who is 16 years or over and who is a qualifying foreign citizen, Commonwealth citizen, citizen of the Republic of Ireland or relevant citizen of the European Union is qualified to be registered on the register of local government electors for any electoral area in Wales.

### ***Section 3 – Transitional Provision***

37. The extension of the franchise will apply to local government elections and local referendums that take place on or after 5 May 2022. The provisions of the Act relating to the extension of the franchise in local government elections in Wales need to be in force before that date for the purposes of the preparatory work needed for such elections and referendums, such as arrangements for proxy or postal voting.
38. [Section 171\(3\)](#) of the Act provides for the coming into force of the following provisions of the Act two months after the day of Royal Assent:
- sections 2(1) and (3) (extension of right to vote in local government elections),
  - section 29 (translations etc. of documents at local government elections in Wales), and
  - paragraphs 2(11), 8(3)(b) and 20 of Schedule 2 to the Act (effect of registers and proxy voting).
39. This section makes transitional provision so that the provisions mentioned in subsection (2) only have effect in relation to local government elections and local referendums taking place on or after 5 May 2022, despite the coming into force of the provisions 2 months after Royal Assent. This means that they will be in effect for the purposes of making arrangements for things like proxy and postal votes for local authority elections and local referendums on or after 5 May 2022, but will not have effect for the purposes of local authority by-elections or local referendums that take place before 5 May.
40. The relevant local referendums are set out in subsection (3) and relate to mayoral referendums.

### ***Section 4 - Duty to promote awareness and provide assistance***

41. This section of the Act places a duty on a principal council to promote awareness of how to register to vote at local government elections amongst “relevant young people” and to take whatever action the council thinks is necessary to help them to register.
42. The term “relevant young people” is defined as those who are 14 years of age or older, but under 18 years of age and living in the principal council’s area. Young people of the same age who are not living in the principal council’s area but who are looked after by the council (within the meaning of the Social Services and Well-being (Wales) Act 2014) and young people in that age bracket who are not resident in the area of the principal council and are care leavers for whom the principal council has responsibilities

under section 109 of the Social Services and Well-being (Wales) Act 2014 are also included in this definition.

### ***Section 5 - Two voting systems***

43. This section of the Act establishes that, in Wales, a simple majority system (commonly known as “first past the post”) or a single transferable vote system can be used in polls at contested elections for electing the councillors of a principal council.
44. Under section 36A of the 1983 Act (as inserted by section 13 of this Act), the Welsh Ministers have powers to make rules about how each system will work. The system that applies to a particular election is determined by section 7 and provision for principal councils to change from one system to another is made in sections 10 to 12.

### ***Section 7 - The voting system that applies***

45. The simple majority system provided for under the rules made under the 1983 Act will apply unless a principal council chooses to change the voting system.
46. Where a new principal council area is formed as a result of merger or restructuring regulations the voting system will be specified in the regulations and this will apply until such time as the council may make a resolution to change it after the new principal area is constituted.
47. If a principal council changes its voting system, the system to which the council has most recently made a resolution to change applies. The change takes effect at the first ordinary election of councillors that takes place after the resolution to change is passed. It continues in effect until there is a resolution to change it again.
48. If, after the council has passed a resolution to change the system, a poll for an election to fill a casual vacancy in the office of councillor takes place before the first ordinary election of councillors under the new system, the voting system that applied at the last ordinary election must be used for that by-election.

### ***Section 8 - Power to change the voting system***

49. [Section 8\(1\)](#) of the Act gives principal councils the power to change the voting system that applies to the election of councillors in its area. The remaining provisions of sections 8 and 9 of the Act then set out how it should set about making that change.
50. If the voting system that applies to a council is the simple majority system, the council may change it to the single transferable vote system, if the voting system that applies to a council is the single transferable vote, the council is able change it to the simple majority system.
51. The power to change the voting system is the responsibility of the full council; subsection (4) makes clear that the power:
  - is not to be the responsibility of an executive of the council;
  - cannot be delegated to any committee or sub-committee of the council.
52. Subsection (5) places a duty on principal councils to consult those who are entitled to vote as electors at a local government election in its area, each community council in its area and such other persons as the council considers appropriate (which might include bodies such as the Electoral Commission) before it changes the voting system that currently applies.

***Section 9 - Resolutions to exercise the power to change the voting system***

53. **Section 9** provides that a principal council's power to change the voting system must be exercised by resolution of the council and in accordance with the remaining provisions of this section.
54. A resolution to change the voting system for the election of councillors of a principal council is not passed unless the number of councillors voting in favour of it is at least two-thirds of the total number of councillor seats on the council, i.e. there is no reduction in the number of affirmative votes required if there are vacant seats on the council at the time of the vote.
55. If the principal council has a directly elected mayor, the mayor will not be entitled to vote on a resolution to change the voting system, by virtue of subsection (2) which restricts voting to elected councillors of the principal council.
56. A resolution to change the voting system for the election of councillors of a principal council must be considered at a meeting convened for that purpose. The meeting must be held after the end of a period of 21 days, beginning with the day on which all councillors are given written notice that the meeting will take place.
57. A valid resolution to exercise the power to change the voting system for the election of councillors of a principal council may only be passed before 15 November of the year that is three years before the next ordinary election of that council.
58. After a principal council has exercised the power to change the voting system for the election of councillors of a principal council, a further resolution to exercise the same power has no effect unless two ordinary elections of the council have been held under the voting system to which it was changed.
59. Where a council has previously voted on a resolution to change the voting system for the election of councillors of a principal council, during the period between two consecutive ordinary elections of the council, any further resolution to change the voting system passed during the same period will have no effect.

***Section 10 - Duty to notify when resolution passed***

60. **Section 10** places a duty on principal councils which have validly voted to change the voting system, that applies to the election of councillors, to notify the Welsh Ministers and the Boundary Commission of the change within a period of 14 days beginning on the day on which the resolution was passed. This section also specifies the information the notification must contain.

***Section 11 and Schedule 1 – Initial review by the Local Democracy and Boundary Commission***

61. **Section 11** provides that the Welsh Ministers, on being notified that a principal council has made a resolution to change the voting system, may direct the Boundary Commission to conduct an initial review of the principal area of the council. Section 11 (and section 137) also introduces Schedule 1 to the Act, which makes provision for the conduct of an initial review by the Boundary Commission. An "initial review" is a review conducted for the purpose of recommending electoral arrangements for the area under review.
62. **Schedule 1** provides for the conduct of initial reviews of electoral arrangements by the Boundary Commission in the circumstances where the Boundary Commission has been directed by the Welsh Ministers to undertake such reviews under:
  - section 11 of this Act, where the Welsh Ministers have received notice that a principal council has resolved to change its voting system; or

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

- section 137 of this Act, where either the Welsh Ministers have received a voluntary merger application or the Welsh Ministers have given notice under section 128(6) that they propose to make regulations to restructure the principal councils specified in the notice.

### ***Paragraph 1 – Initial reviews***

63. **Paragraph 1** defines the term “initial review” for the purposes of this Act and also enables the Boundary Commission, in undertaking an initial review, to make recommendations for relevant consequential changes (defined in paragraph 3).

### ***Paragraph 2 - Area under review***

64. **Paragraph 2** defines what is meant by “area under review” in relation to an initial review of electoral arrangements as may be undertaken by virtue of a direction under section 11 of this Act or section 137 of this Act.
65. Where a principal council has resolved to change its voting system, the area under review is the area of the council in question.
66. Where the Welsh Ministers have received a voluntary merger application, the area under review is the new principal area which would be created by the merger in question.
67. Where the Welsh Ministers have given notice under section 128(6) that they propose to make regulations to restructure the principal councils specified in the notice and the restructuring involves the transfer of part of the abolished principal area to another principal area, the area under review is the area specified in the direction (which may be the area being transferred only, but may also cover some or part of the receiving principal area).
68. Where the Welsh Ministers have given notice under section 128(6) that they propose to make regulations to restructure the principal councils specified in the notice and the `is the new principal area to be constituted by the restructuring regulations.

### ***Paragraph 3 - Other key terms used in this Schedule***

69. **Paragraph 3** defines certain terms relating to the conduct of an initial review undertaken by the Boundary Commission for the area specified in a direction under section 11 or under section 137.
70. Reviews undertaken in response to such directions may also include electoral arrangements for communities in the areas specified, since the Boundary Commission will be able to propose and recommend changes at community level, but only where such community changes are relevant and consequential on what is proposed or recommended by the Boundary Commission at principal area level. The scope of what may be considered by the Boundary Commission as “relevant consequential changes” is set out in paragraph 3(1). Paragraph 3(2) defines the terms multiple member ward and single member ward.

### ***Paragraph 4 - Directions and guidance to the Commission***

71. **Paragraph 4** requires that a direction under section 11 or section 137 must specify the date by which the Boundary Commission must submit its final report, with recommendations, to the Welsh Ministers and that a direction may include specific matters to which the Boundary Commission must have regard when conducting an initial review. The Welsh Ministers are also enabled to issue general directions to the Boundary Commission on carrying out initial reviews; this might be necessary if the Boundary Commission is undertaking several initial reviews at the same time, in which case the general direction might specify the order in which the Boundary Commission must carry out the individual reviews.

### ***Paragraph 5 - Conduct of initial review***

72. **Paragraph 5** requires that when undertaking an initial review, the Boundary Commission must try to ensure that the ratio of local government electors to elected members for the area under review remains, as much as it can, the same in every electoral ward of the council in question; the aim is that each elected member in the council in question represents approximately the same number of electors. The Boundary Commission must take account of any discrepancy between the number of people registered to vote and the number who are eligible to be local government electors, and any change in the distribution of local government electors which is likely to take place in the five years immediately after they make their recommendations.
73. The Boundary Commission must also have regard to setting boundaries for electoral wards which are, and will remain, easily identifiable, and avoid breaking local ties.
74. For the purposes of an initial review, the Welsh Ministers are able to direct the principal council for the area being reviewed or a community council in an area under review to provide the Boundary Commission with any information which the Welsh Ministers consider appropriate.

### ***Paragraph 6 - Pre-review procedure***

75. **Paragraph 6** requires the Boundary Commission, before conducting an initial review, to make the mandatory consultees, as defined by sub-paragraph (2), aware of the direction from the Welsh Ministers to conduct the review or any other directions issued relating to the review. The Boundary Commission is required to consult the mandatory consultees on the intended procedure and methodology of the initial review, particularly in relation to the proposed method of determining the appropriate number of elected members for the area under review.

### ***Paragraph 7 - Investigation and interim report***

76. **Paragraph 7** requires that, in conducting an initial review, the Boundary Commission must undertake whatever investigations it considers appropriate and prepare an interim report containing its proposals for the electoral arrangements of the area under review. The interim report must also include details of the review which has been conducted.
77. The Boundary Commission must send the report to the Welsh Ministers and mandatory consultees, publish it and tell any person it thinks appropriate how to access the report. The Boundary Commission must also invite representations on the report, notifying the Welsh Ministers, mandatory consultees and any other person it considers appropriate of the period during which representations can be made.
78. The Boundary Commission is required to publish the interim report, send it to certain specified persons and advise persons of how to access the report. There follows a period of 6 to 12 weeks (starting no earlier than 1 week after notice of the period of representations is given) during which representations may be made about the proposals contained in the interim report.

### ***Paragraph 8 - Final report***

79. **Paragraph 8** requires that, following the period for representations, the Boundary Commission must re-consider its initial report, in light of the representations received. It must then prepare a final report including its recommendations for the electoral arrangements for the area under review, any consequential recommendations to community boundaries and wards, details of the review and details of any changes made to the initial report in light of representations and explanations for the changes made.
80. The Boundary Commission is required to submit the final report to the Welsh Ministers and publish it, providing copies for mandatory consultees and other persons it considers appropriate. The Boundary Commission must also inform persons who provided

evidence or made representations with regard to the interim report preceding the final report and such other persons the Boundary Commission considers appropriate, how to access the report.

81. A principal council which has been sent a final report must publish it, make it available for inspection at its offices, free of charge, for six weeks after receiving it and make local government electors in its area aware of how to access the report.
82. Ordinarily no recommendations may be made or published in connection with electoral arrangements reviews in the nine months before an ordinary election to ensure preparations for an ordinary election are not confused by the publication of alternative electoral arrangements. The timescales for initial reviews under this Act may not be consistent with the standard electoral cycles, so paragraph 8(5) suspends the relevant provision of the Local Government (Democracy) (Wales) Act 2013 (“the 2013 Act”) for recommendations made by the Boundary Commission under this Act.

#### ***Paragraph 9 - Power to make regulations where recommendations are made***

83. **Paragraph 9** provides that having received a final report from the Boundary Commission, the Welsh Ministers may make regulations to implement the recommendations (with or without modifications) or make other provision they consider appropriate for the electoral arrangements of the area under review. Such regulations may not be made until at least 6 weeks after the further report is published.
84. In considering the electoral arrangements for an area under review, for the purpose of making regulations, the Welsh Ministers must consider the matters set out in paragraph 5(1)(a) and (b). The Boundary Commission is required to provide the Welsh Ministers with such information gathered to date in respect of the initial review that the Welsh Ministers consider appropriate.

#### ***Paragraph 10 - Power to make regulations if no recommendations are made***

85. **Paragraph 10** provides that, if the Boundary Commission is unable to submit a final report by the deadline set by the Welsh Ministers in their initial direction, the Welsh Ministers may make regulations setting out the electoral arrangements of the area under review, and any relevant consequential changes, in the absence of recommendations from the Boundary Commission.
86. In considering the electoral arrangements for an area under review, for the purpose of making regulations, the Welsh Ministers must consider the matters set out in paragraph 5(1)(a) and (b). Where such circumstances arise, the Boundary Commission must provide the Welsh Ministers with any information gathered to date in respect of the initial review that the Welsh Ministers may consider appropriate.

#### ***Paragraph 11 - Regulations under paragraph 9 or 10: supplementary***

87. **Paragraph 11** provides that the Welsh Ministers may direct the principal council for an area under review or a community council in an area under review to provide them with such information as they consider appropriate for the purposes of making regulations under paragraphs 9 and 10 or sub-paragraph 11(3). This is to ensure that if the Welsh Ministers have to make regulations under, for example paragraph 10 (where no recommendations have been made by the Boundary Commission), they are able to obtain all relevant information.
88. **Paragraph 11(2)** sets out the requirements for the Welsh Ministers in publishing regulations made following initial reviews under this Act.
89. **Paragraph 11(3)** enables the Welsh Ministers to make regulations to amend or revoke regulations made under paragraphs 9 or 10 of this Schedule, or regulations made under paragraph 11.

***Paragraph 12 - Subsequent reviews by the Commission where regulations are made under paragraph 9(1)(b) or 10(2)***

90. Paragraph 12 requires that, if the Welsh Ministers have had to make electoral arrangements regulations under paragraph 9(1)(b) or paragraph 10(2) of this Schedule, the Boundary Commission must conduct a review of the principal area's electoral arrangements under section 11(1) as soon as possible after:
- the first ordinary elections of a council under the new voting system (if the regulations were made in respect of a council which had changed its voting system); or
  - the first ordinary elections for a council following the coming into force of merger or restructuring regulations.
91. In any event, the Boundary Commission must undertake the review required by this paragraph before the next ordinary elections of the council in question.

***Paragraph 13 - Delegation by the Commission of functions under this Schedule***

92. Paragraph 13 amends section 13(1) of the 2013 Act so the Boundary Commission may delegate to one or more of its members or an assistant commissioner (who may be appointed under section 11 of the 2013 Act) such of its functions in respect of Schedule 1 as the Boundary Commission may consider appropriate.
93. Without this amendment to the 2013 Act, the Boundary Commission would be able to delegate functions in the way described and to the persons specified in respect of its functions under the 2013 Act only, which could at some point restrict its ability to fulfil its responsibilities set out in this Schedule.

***Paragraph 14 - Orders under Part 3 of the Local Government (Democracy) (Wales) Act 2013***

94. Paragraph 14 amends section 43 of the 2013 Act so the Welsh Ministers may by order vary or revoke (electoral arrangements) orders made under sections 37, 38, 39 or 43 of the 2013 Act, in consequence of regulations made under paragraphs 9 or 10 of Schedule 1. Section 43 of the 2013 Act provides for the variation and revocation of orders made under the 2013 Act and sets out the circumstances in which orders under the specified sections in the 2013 Act may be varied or revoked.
95. Without this amendment there would be no mechanism for varying or revoking orders made under the 2013 Act, even though the electoral arrangements (or community boundaries, if a consequential) in the area in question had been re-defined by regulations made under paragraphs 9 or 10 of this Schedule.

***Section 12 - Restriction on number of councillors if single transferable vote system applies***

96. This section provides that the number of members which can be elected for each electoral ward where the single transferable vote system is used is to be no less than three and no more than six.

***Section 13 - Rules about the conduct of local elections in Wales***

97. Section 36 of the 1983 Act provides the existing power under which the rules are made for elections of councillors for local government areas in England and Wales. Section 13(1) amends section 36(1) of the 1983 Act so that the power to make rules under that section is limited to rules about elections of councillors for local government areas in England only.



98. **Section 13(3)** inserts a new section 36A into the 1983 Act, by which the Welsh Ministers may make rules for the conduct of local government elections in Wales (subsection (1)). Rules made under the new section 36A(1), whether for principal councils or for community councils, must:
- require polls to be conducted if elections are contested;
  - establish the requirements for becoming a candidate for election; and
  - require votes at polls to be given by ballot.
99. Rules made under the new section 36A(1) for the election of councillors to a principal council must provide for polls to be conducted under the two voting systems authorised by the Act (a simple majority system and a single transferable vote system).
100. Rules made under the new section 36A(1) for the election of community councillors in Wales must provide for polls to be conducted under a simple majority system.
101. Rules made under the new section 36A may make any other provision for the conduct of local government elections (subsection (4)) and may, for the purposes of, in consequence of, or for giving full effect to rules make supplementary, incidental, consequential, transitional, transitory or saving provision (subsection (5)). Rules made under subsection (5) may amend, modify, repeal or revoke any enactment (including an enactment contained in the Act).
102. **Section 13(4)** provides that existing rules, made under section 36 of the 1983 Act, which are in force immediately before the coming into force of the power to make new rules, will continue to have effect after that date as if they were made under the new section 36A.
103. Until provisions made in the Act which enable a principal council to change its voting system come into force (sections 5 to 9), section 36A provides that rules must only outline how polls are to be conducted under the simple majority system.
104. This section also requires the Welsh Ministers to consult with whomever they consider appropriate before any rules are made under the new section 36A of the 1983 Act. Any rules must be laid and approved by Senedd Cymru.

#### ***Section 14 - Change of electoral cycle for principal councils from four years to five years***

105. **Section 14** amends section 26 of the 1972 Act in order to change the electoral cycle for principal councils from four to five years.
106. Section 26 of the 1972 Act, as amended by the Local Authorities (Change to the Years of Ordinary Elections) (Wales) Order 2019 (S.I. 2019/1269 (W. 220)), provides that the next ordinary election of councillors is to be in 2022. Before amendment, the situation was that ordinary elections would then take place every fourth year after an election. Subsection (2) amends section 26 to provide that ordinary elections are to be in every fifth year.
107. Subsection (3) changes the term of office of councillors of principal councils from four years to five years.

#### ***Section 15 - Change of electoral cycle for community councils from four years to five years***

108. **Section 15** amends section 35 of the 1972 Act in order to change the electoral cycle for community councils from four to five years.
109. The Local Authorities (Change to the Years of Ordinary Elections) (Wales) Order 2019 (S.I. 2019/1269 (W. 220)) amended section 35 of the 1972 Act to provide that the next

ordinary election of community councillors is to be in 2022. Before amendment, the situation was that ordinary elections of community councils would then take place every fourth year after an election. This section amends section 35 to provide that ordinary elections would be every fifth year.

110. **Section 15** changes the term of office of community councillors to five years.

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

111. **Section 16** amends section 39 of the Local Government Act 2000 (the "2000 Act") in order to change the term of office of an elected mayor from four to five years.

***Section 17 - Extension of power to change ordinary day of local elections in Wales***

112. This section amends section 37ZA of the 1983 Act to enable the Welsh Ministers, by order, to change the day on which ordinary elections for one or more county or county borough councils, or one of more community councils, in Wales are held.

***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 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.

### ***Section 19 - Qualification for election and holding office as a member of a local authority in Wales***

133. Section 79 of the 1972 Act sets out the criteria that qualifies a person to be elected and to be a member of a local authority in Wales (i.e. in relation to Wales, a county council, county borough council or community council).
134. **Section 19** of the Act amends section 79 of the 1972 Act to change this criteria to enable a “qualifying foreign citizen” to qualify to be elected and to be a member of a local authority in Wales (subject to the remaining criteria in section 79 being satisfied).
135. **Section 19** of the Act inserts a definition of a “qualifying foreign citizen” into section 79 of the 1972 Act for this purpose.
136. In effect, this extends the qualification to any resident foreign citizen in Wales who requires leave under the Immigration Act 1971 to enter or remain in the UK and who has, or is treated as having, indefinite leave to remain in the UK.
137. A person is not a qualifying foreign citizen if the person does not require leave only as a result of section 8 of the Immigration Act 1971.
138. Section 8 of the Immigration Act 1971 provides that certain categories of persons, including those specified in an order made under that section, seamen, aircrews or persons in the diplomatic service do not require leave to enter and remain in the United Kingdom.
139. The definition of “qualifying foreign citizen” in section 79 differs from the definition in section 203(1) of the 1983 Act (the definition that applies in relation to the enfranchisement of foreign citizens) in two material respects:
  - firstly, under section 79 if a person is required to have leave to enter or remain in the UK under the Immigration Act 1971 that leave must be indefinite; and
  - secondly there is no equivalent provision to subsection (2E) of section 79 (exception for persons with leave only by virtue of section 8 of the Immigration Act 1971) in section 203(1) of the 1983 Act.

### ***Section 20 - Disqualification for election and being a member of a local authority***

140. This section inserts new sections 80A, 80B, and 80C into the 1972 Act, setting out the circumstances under which a person is disqualified for election or for being a member of a local authority in Wales (i.e. a county council, county borough council or community council in Wales).

141. **Section 80A** (disqualification for election or being a member of a local authority in Wales) lists the circumstances under which a person is disqualified for being elected or being a member of a local authority in Wales
142. The provisions in section 80A(1)(a),(b) and (d), (2), (4) and (5) restate the grounds for disqualification in section 80(1)(b), (e) and (d), and (5) of the 1972 Act respectively. (Section 80 of the 1972 Act no longer applies to local authorities in Wales by virtue of paragraph 1(3) of Schedule 2 to the Act.)
143. **Section 80A(1)(c)** provides new grounds for disqualification, namely being subject to the notification requirements of or an order under Part 2 of the Sexual Offences Act (orders made or requirements imposed by a court in response to specified sexual conduct.)
144. **Section 80A(6)** is also new and prohibits members of a local authority in Wales from acting in that office if, but for subsections (3), (4) or (5) (time allowed for appeal against conviction, order etc.), they would be disqualified under section 80A(1).
145. **Section 80B** (disqualification for being a member of local authority in Wales and holding local office or employment) disqualifies certain employees and office holders of a local authority in Wales (or a connected body) from being a member of that authority but does not prevent such persons from standing for election to that authority.
146. A person becomes disqualified from being a member of the local authority under section 80B at the time they make a declaration of acceptance of office under section 83 of the 1972 Act. The person may instead chose to resign from the relevant paid office of employment for the purpose of taking office as a member. In this case, the resignation will have immediate effect irrespective of any notice requirement in the terms and conditions under which the paid office or employment is held.
147. Under section 1 of the Local Government and Housing Act 1989 (“the 1989 Act”), a person is disqualified from being elected or being a member of a local authority if they hold a politically restricted post. Section 80B has no effect on this provision.
148. **Section 80C** (paid office or employment to which disqualification applies) defines the term “relevant paid office or employment”.

### ***Section 21 - Disqualification of member of a local authority in Wales for appointment to paid office***

149. This section inserts a new section 116A into the 1972 Act.
150. Section 116 of the 1972 Act provides that while a person is a member of a local authority and for twelve months after they cease to be a member, they are disqualified from being appointed or elected by that authority to any paid office, other than:
- the office of chairman or vice-chairman; or
  - in the case of a local authority which is operating executive arrangements which involve a leader and cabinet executive, the office of executive leader or member of the executive.
151. **Paragraph 1(7)** of Schedule 2 to the Act amends section 116 of the 1972 Act so that it applies to England only.
152. **Section 116A** (membership of local authorities in Wales not to be appointed as officers) restates the provision in section 116 in relation to disqualification while the person is a member of a local authority in Wales, however it does not disqualify former members. A person is therefore no longer disqualified for being appointed or being elected by a local authority in Wales to any paid office once he or she ceases to be a member of that authority.

***Section 22 – Translations etc. of documents at local government elections in Wales***

153. **Section 22** of the Act makes provision about making documents relating to voting at local government elections more accessible to voters who might experience difficulty with understanding the standard form and content of such documents.
154. The section amends section 199B of the 1983 Act so that it does not apply to local government elections in Wales (it continues to apply to parliamentary elections in Wales).
155. New section 199C of the 1983 Act restates the provision in section 199B(1) to (4) of the 1983 Act with one exception: where the person responsible for making the election documents available thinks that it is appropriate to make them available in other languages under section 199C(2)(b) the document is to be made available in languages other than English “and Welsh”.

***Section 23 – Minor and consequential amendments and Schedule 2 – Minor and Consequential Amendments Relating to Part 1: elections***

156. **Schedule 2** (introduced by section 23) sets out the minor and consequential amendments to existing legislation relating to Part 1 of the Act.
157. **Paragraph 2(2)** amends subsections (2A) to (2D) of section 7B of the 1983 Act as inserted by section 19 of the Senedd and Elections (Wales) Act 2020 (“the 2020 Act”).
158. Subsections (2A) to (2D) of section 7B enables a local government elector in Wales who is or has been a child looked after by a local authority or is being kept in secure accommodation to make a declaration of local connection under section 7B as a local government elector. Where a person provides an address in a declaration of local connection the person is to be regarded as resident in the address given in the declaration for the purposes of electoral registration
159. **Paragraph 2(2)** makes three principal changes to the provision inserted by the 2020 Act. It removes the requirement inserted by section 19 of the 2020 Act for persons kept in secure accommodation to be under the age of 18. It also removes the power in what was section 7B(2B)(b) for the Welsh Ministers to make regulations specifying the types of secure accommodation to which the section applies. Instead, paragraph 2(2) amends section 7B(2D)(b) so that a more detailed description of “secure accommodation” is given.
160. **Paragraph 2(5)** is consequential on the provision in section 13(2) of the Act (disapplication of section 36 of the 1983 Act to local government elections in Wales). Section 36B(1) to (4) restates the provision in section 36(3AB),(3A),(3B) and (3C) of the 1983 Act and section 36C(1) to (3) restates the provision in section 36(4), (5A) and (6) of the 1983 Act.
161. **Paragraph 19** makes amendments to the Local Elections (Principal Areas) (England and Wales) Rules 2006 which are related to the changes made by section 22 of this Act.. The paragraph restates the provision made in section 199B (5), (7) and (8) of the 1983 Act but where there is a requirement in section 199B to provide a document in a language other than English that becomes a requirement to provide the document in a language other than English “and Welsh”.