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WELSH STATUTORY INSTRUMENTS

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**2022 No. 263 (W. 79)**

**LOCAL GOVERNMENT, WALES**  
**REPRESENTATION OF THE PEOPLE, WALES**

The Local Elections (Miscellaneous and Consequential  
Amendments) (Wales) Regulations 2022

*Made* - - - - 9th March 2022

*Coming into force* - - 10th March 2022

The Welsh Ministers, in exercise of the powers conferred by section 36A(1) to (6) of the Representation of the People Act 1983<sup>(1)</sup>, by paragraphs 4(2)(c) and 6(7) and (8) of Schedule 4 to the Representation of the People Act 2000<sup>(2)</sup> and by section 173(1) and (2) of the Local Government and Elections (Wales) Act 2021<sup>(3)</sup> make the following Regulations.

In accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000<sup>(4)</sup>, the Welsh Ministers have consulted with the Electoral Commission. In accordance with section 36A(7) of the Representation of the People Act 1983, the Welsh Ministers have also consulted such other persons as they considered appropriate.

In accordance with sections 36A(10) and 201(2) of the Representation of the People Act 1983<sup>(5)</sup>, a draft of this instrument has been laid before, and approved by a resolution of, Senedd Cymru<sup>(6)</sup>.

**Title and commencement**

1.—(1) The title of these Regulations is the Local Elections (Miscellaneous and Consequential Amendments) (Wales) Regulations 2022.

(2) These Regulations come into force on 10 March 2022.

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- (1) 1983 c. 2. Section 36A was inserted by section 13(3) of the Local Government and Elections (Wales) Act 2021 ([asc 1](#)). The power to make rules under section 36A may be exercised to make regulations by virtue of section 39(1) of the Legislation (Wales) Act 2019 ([anaw 4](#)).
- (2) 2000 c. 2. Functions of the Secretary of State under that Act, so far as exercisable within devolved competence, were transferred to the Welsh Ministers by [S.I. 2018/644](#). Paragraph 4 of Schedule 4 was amended by section 14 of the Electoral Administration Act 2006 (c. 22). For the definition of “prescribed” in Schedule 4, see paragraph 1(2) of that Schedule and section 202(1) of the Representation of the People Act 1983.
- (3) [2021 asc 1](#).
- (4) [2000 c. 41](#).
- (5) Paragraph 1(2) of Schedule 4 to the Representation of the People Act 2000 provides that Schedule 4 has effect as if it were contained in Part 1 of the Representation of the People Act 1983.
- (6) See also section 40 of the Legislation (Wales) Act 2019 for provision about the procedure that applies to this instrument.

### **Amendment of the 2021 Rules: validity of nomination papers**

2.—(1) The Local Elections (Principal Areas) (Wales) Rules 2021(7) are amended in accordance with paragraphs (2) and (3).

(2) In Schedule 1, in rule 10(3) (decisions as to validity of nomination papers), after subparagraph (a) insert—

“(aa) that the nomination paper does not include the declarations required by rule 5(3)(d), signed by the candidate;”.

(3) In Schedule 2, in rule 10(3) (decisions as to validity of nomination papers), after subparagraph (a) insert—

“(aa) that the nomination paper does not include the declarations required by rule 5(3)(d), signed by the candidate;”.

(4) The Local Elections (Communities) (Wales) Rules 2021(8) are amended in accordance with paragraphs (5) and (6).

(5) In Schedule 1, in rule 10(3) (decisions as to validity of nomination papers), after subparagraph (a) insert—

“(aa) that the nomination paper does not include the declarations required by rule 5(3)(d), signed by the candidate;”.

(6) In Schedule 2, in rule 10(3) (decisions as to validity of nomination papers), after subparagraph (a) insert—

“(aa) that the nomination paper does not include the declarations required by rule 5(3)(d), signed by the candidate;”.

### **Amendment of the 2021 Rules: procedure on close of poll**

3.—(1) The Local Elections (Principal Areas) (Wales) Rules 2021 are amended in accordance with paragraphs (2) and (3).

(2) In Schedule 1—

(a) in rule 30 (appointment of presiding officers and clerks), in paragraph (5), omit “at a polling station”;

(b) in rule 51 (procedure on close of poll)—

(i) in paragraph (3), omit the words from “In the presence” to “polling station,”;

(ii) after paragraph (3) insert—

“(3A) The presiding officer must do anything required by paragraph (3)(a), (b), (e) or (f) in the polling station, in the presence of any polling agents who are there.

(3B) The presiding officer may do anything required by paragraph (3)(c) or (d)—

(a) in the polling station, in the presence of any polling agents who are there,  
or

(b) if the presiding officer has informed the polling agents and given them an opportunity to attend, at any other place that the presiding officer considers appropriate, in the presence of any polling agents who are there.”

(3) In Schedule 2—

(a) in rule 30 (appointment of presiding officers and clerks), in paragraph (5), omit “at a polling station”;

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(7) S.I. 2021/1459 (W. 374).

(8) S.I. 2021/1460 (W. 375).

- (b) in rule 51 (procedure on close of poll)—
  - (i) in paragraph (3), omit the words from “In the presence” to “polling station,”;
  - (ii) after paragraph (3) insert—
    - “(3A) The presiding officer must do anything required by paragraph (3)(a), (b), (e) or (f) in the polling station, in the presence of any polling agents appointed for the purposes of the principal area election or a relevant election who are there.
    - (3B) The presiding officer may do anything required by paragraph (3)(c) or (d)—
      - (a) in the polling station, in the presence of any polling agents appointed for the purposes of the principal area election or a relevant election who are there, or
      - (b) if the presiding officer has informed the polling agents appointed for the purposes of the principal area election or a relevant election and given them an opportunity to attend, at any other place that the presiding officer considers appropriate, in the presence of any of those polling agents who are there.”
- (4) The Local Elections (Communities) (Wales) Rules 2021 are amended in accordance with paragraphs (5) and (6).
- (5) In Schedule 1—
  - (a) in rule 30 (appointment of presiding officers and clerks), in paragraph (5), omit “at a polling station”;
  - (b) in rule 51 (procedure on close of poll)—
    - (i) in paragraph (3), omit the words from “In the presence” to “polling station,”;
    - (ii) after paragraph (3) insert—
      - “(3A) The presiding officer must do anything required by paragraph (3)(a), (b), (e) or (f) in the polling station, in the presence of any polling agents who are there.
      - (3B) The presiding officer may do anything required by paragraph (3)(c) or (d)—
        - (a) in the polling station, in the presence of any polling agents who are there, or
        - (b) if the presiding officer has informed the polling agents and given them an opportunity to attend, at any other place that the presiding officer considers appropriate, in the presence of any polling agents who are there.”
- (6) In Schedule 2—
  - (a) in rule 30 (appointment of presiding officers and clerks), in paragraph (5), omit “at a polling station”;
  - (b) in rule 51 (procedure on close of poll)—
    - (i) in paragraph (3), omit the words from “In the presence” to “polling station,”;
    - (ii) after paragraph (3) insert—
      - “(3A) The presiding officer must do anything required by paragraph (3)(a), (b), (e) or (f) in the polling station, in the presence of any polling agents appointed for the purposes of the community election or a relevant election who are there.
      - (3B) The presiding officer may do anything required by paragraph (3)(c) or (d)—
        - (a) in the polling station, in the presence of any polling agents appointed for the purposes of the community election or a relevant election who are there, or

- (b) if the presiding officer has informed the polling agents appointed for the purposes of the community election or a relevant election and given them an opportunity to attend, at any other place that the presiding officer considers appropriate, in the presence of any of those polling agents who are there.”

#### **Amendment of the 2021 Rules: community elections: issue of official poll cards**

4.—(1) In the Local Elections (Communities) (Wales) Rules 2021, in Schedule 2, rule 31 (issue of official poll cards) is amended as follows.

(2) At the beginning insert—

“(A1) The community council may, not later than 4 p.m. on the nineteenth day before the day of election, request the returning officer to issue poll cards for the election.”

(3) In paragraph (1), for “after publishing notice of the election” substitute “after receiving the request”.

(4) After paragraph (1) insert—

“(1A) In the case of an elector with an anonymous entry, the returning officer must issue the appropriate poll card whether or not the council has requested the issue of poll cards under paragraph (A1).”

#### **Amendments relating to the election timetable**

5.—(1) In section 40(1) of the Representation of the People Act 1983 (timing as to local elections in England and Wales)(9), after “section 37” insert “, section 37ZA”.

(2) In rule 3(1) of the Local Elections (Principal Areas) (Wales) Rules 2021 (interpretation), in the definition of “excluded day”, after paragraph (f) insert—

“(g) a day appointed for public thanksgiving or mourning;”.

(3) In rule 3(1) of the Local Elections (Communities) (Wales) Rules 2021 (interpretation), in the definition of “excluded day”, after paragraph (f) insert—

“(g) a day appointed for public thanksgiving or mourning;”.

#### **Amendment of sections 67, 69 and 70 of the Representation of the People Act 1983**

6.—(1) The Representation of the People Act 1983 is amended as follows.

(2) In section 67 (appointment of election agent)(10), after subsection (6) insert—

“(6A) Where a candidate at an election of councillors to a county or county borough council in Wales has named themselves as election agent and the home address form accompanying the candidate’s nomination paper contains a statement under rule 9(6) of Schedule 1 or 2 to the Local Elections (Principal Areas) (Wales) Rules 2021 that the candidate’s home address must not be made public—

- (a) the candidate’s home address must not be included in the public notice under subsection (6), and

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(9) Section 40 was amended by section 19 of the Representation of the People Act 1985 (c. 50), by paragraph 50 of Schedule 1 to the Electoral Administration Act 2006 and by section 15(3) of the Electoral Registration and Administration Act 2013 (c. 6).

(10) Section 67 was amended by paragraph 20 of Schedule 4 to the Representation of the People Act 1985 and by paragraph 12 of Schedule 3 to the Greater London Authority Act 1999 (c. 29).

- (b) the information given in the candidate's home address form under rule 9(7) of Schedule 1 or 2 to the Local Elections (Principal Areas) (Wales) Rules 2021 must be included in the public notice instead."
- (3) In section 69 (office of election agent and sub-agent)(**11**), after subsection (1) insert—
- “(1A) Subsection (1B) applies where—
- (a) a candidate at an election of councillors to a county or county borough council in Wales has named themselves as election agent,
- (b) the home address form accompanying the candidate's nomination paper contains a statement under rule 9(6) of Schedule 1 or 2 to the Local Elections (Principal Areas) (Wales) Rules 2021 that the candidate's home address must not be made public, and
- (c) the office address that is required to be declared under subsection (1) is also the candidate's home address.
- (1B) If the candidate (in their capacity as election agent) does not want the office address to be included in the public notice under section 67(6), the candidate must, in addition to declaring the office address, provide the appropriate officer with another address in England or Wales to be used for correspondence (“a correspondence address”).
- (1C) Where the candidate (in their capacity as election agent) provides a correspondence address under subsection (1B)—
- (a) the office address must not be included in the public notice under section 67(6), and
- (b) the correspondence address must be included instead.”
- (4) In that section, in subsection (3)—
- (a) after “or sub-agent”, where it first occurs, insert “, or delivered to a correspondence address provided under subsection (1C),”;
- (b) for “addressed to him” substitute “addressed to the agent”.
- (5) In section 70 (effect of default in election agent's appointment)(**12**), after subsection (4) insert—
- “(4A) In relation to a candidate who is deemed by virtue of this section to be their own election agent at an election of councillors to a county or county borough in Wales, subsection (4) does not apply and the candidate's office is instead deemed to be—
- (a) in a case where the candidate's home address given under rule 9(2)(b) of Schedule 1 or 2 to the Local Elections (Principal Areas) (Wales) Rules 2021 is in England or Wales, at that address, and
- (b) otherwise, at the candidate's qualifying address as stated under rule 9(2)(c) of Schedule 1 or 2 to those Rules or, where more than one qualifying address is stated, at the first of those addresses.”
- (6) In that section, after subsection (7) insert—
- “(8) In relation to a candidate who is deemed by virtue of this section to be their own election agent at an election of councillors to a county or county borough in Wales, subsection (6) does not apply and instead sections 67 and 69 apply with the following modifications.

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(11) Section 69 was amended by paragraph 22 of Schedule 4 to the Representation of the People Act 1985, by paragraph 68 of Schedule 16 to the Local Government (Wales) Act 1994 (c. 19), by paragraph 14 of Schedule 3 to the Greater London Authority Act 1999 and by paragraph 19 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

(12) Section 70 was amended by paragraph 23 of Schedule 4 to the Representation of the People Act 1985 and by paragraph 5 of Schedule 6 to the Political Parties and Elections Act 2009 (c. 12).

(9) Section 67 applies as if the name and address of the candidate had been declared in writing to the appropriate officer under subsection (1) of that section.

(10) Section 69 applies as if—

- (a) the address at which the candidate’s office is deemed to be had been declared to the appropriate officer under subsection (1)(a) of that section, and
- (b) subsections (1A) to (1C) and (2) of that section were omitted.”

#### **Amendment of the 2006 Rules etc.**

7.—(1) Schedule 1 makes amendments to the Local Elections (Principal Areas) (England and Wales) Rules 2006(13).

(2) Schedule 2 makes amendments to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006(14).

#### **Revocations of Welsh Forms Orders**

8.—(1) The Local Elections (Principal Areas) (Welsh Forms) Order 2007(15) is revoked.

(2) The Local Elections (Communities) (Welsh Forms) Order 2007(16) is revoked.

(3) In consequence of the revocations made by paragraphs (1) and (2), the following Orders are also revoked—

- (a) the Local Elections (Principal Areas) (Welsh Forms) (Amendment) Order 2014(17);
- (b) the Local Elections (Communities) (Welsh Forms) (Amendment) Order 2014(18);
- (c) the Local Elections (Principal Areas) (Welsh Forms) (Amendment) Order 2017(19);
- (d) the Local Elections (Communities) (Welsh Forms) (Amendment) Order 2017(20).

#### **Amendment of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007**

9. Schedule 3 makes amendments to Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007 (“the 2007 Order”)(21).

#### **Amendment of the Representation of the People (England and Wales) Regulations 2001**

10.—(1) Regulation 56 of the Representation of the People (England and Wales) Regulations 2001(22) (closing date for applications) is amended in accordance with paragraphs (2) and (3).

(2) In paragraph (3B), for “relevant Welsh by-election” substitute “relevant Welsh local government election”.

(3) For paragraph (3C) substitute—

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(13) S.I. 2006/3304. The Rules were amended by paragraph 19 of Schedule 2 to the Local Government and Elections (Wales) Act 2021 and by S.I. 2014/494, S.I. 2018/1308 and S.I. 2018/1310. There are other amendments but none are relevant.

(14) S.I. 2006/3305. The Rules were amended by S.I. 2012/1917, S.I. 2014/492, S.I. 2015/104, S.I. 2017/67, S.I. 2018/1309 and S.I. 2018/1310. There are other amendments but none are relevant.

(15) S.I. 2007/1015. The Order was amended by S.I. 2014/918 and S.I. 2017/145.

(16) S.I. 2007/1013. The Order was amended by S.I. 2014/919 and S.I. 2017/146.

(17) S.I. 2014/918.

(18) S.I. 2014/919.

(19) S.I. 2017/145.

(20) S.I. 2017/146.

(21) S.I. 2007/236. Schedule 4 was amended by S.I. 2016/272. There are other amendments but none are relevant.

(22) S.I. 2001/341. Regulation 56(3B) and (3C) was inserted by S.I. 2020/1399 (W. 310) and amended by S.I. 2021/193 (W. 44) and S.I. 2021/1247 (W. 319).

“(3C) In paragraph (3B), “relevant Welsh local government election” means a local government election in Wales the poll for which takes place before 31 May 2023.”

- (4) In consequence of the amendments made by paragraphs (2) and (3)—
- (a) in the Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020<sup>(23)</sup>, omit regulation 8(4);
  - (b) in the Representation of the People (Amendment) (Wales) (Coronavirus) Regulations 2021<sup>(24)</sup>, omit regulation 2(4);
  - (c) the Representation of the People (Amendment) (Wales) (Coronavirus) (No. 2) Regulations 2021<sup>(25)</sup> are revoked.

### **Other consequential amendments**

**11.** Schedule 4 makes further amendments in consequence of the Local Government and Elections (Wales) Act 2021, the Local Elections (Principal Areas) (Wales) Rules 2021 and the Local Elections (Communities) (Wales) Rules 2021.

### **Transitional provision**

**12.** The revocations and other amendments made by the following provisions of these Regulations do not affect the conduct of an election of councillors to a county council, county borough council or community council in Wales if, in the event of the election being contested, the poll would take place before 5 May 2022—

- (a) regulations 2 to 4;
- (b) regulation 5(2) and (3);
- (c) regulation 6;
- (d) Schedules 1 and 2;
- (e) regulation 8;
- (f) in Schedule 3, Parts 2 and 3;
- (g) in Schedule 4, paragraphs 1 and 3.

9 March 2022

*Rebecca Evans*  
Minister for Finance and Local Government, one  
of the Welsh Ministers

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<sup>(23)</sup> S.I. 2020/1399 (W. 310).

<sup>(24)</sup> S.I. 2021/193 (W. 44).

<sup>(25)</sup> S.I. 2021/1247 (W. 319).

## SCHEDULES

### SCHEDULE 1

Regulation 7(1)

#### Amendment of the Local Elections (Principal Areas) (England and Wales) Rules 2006

1. The Local Elections (Principal Areas) (England and Wales) Rules 2006 are amended as follows.

2. In rule 2 (interpretation), in paragraph (1), in the definition of “principal area”, for the words from “in England” to the end substitute “a county in England, a district or a London borough”.

3.—(1) Schedule 2 is amended as follows.

(2) In rule 5 (nomination papers: name of registered political party), in paragraph (6)(b), for the words from “if the electoral area” to “that part of Great Britain” substitute “if the party was on the relevant day registered in respect of England”.

(3) In rule 7 (consent to nomination)—

- (a) in paragraph (b)(i), omit “for a nomination in England,” and the “or” at the end;
- (b) omit paragraph (b)(ii).

(4) In rule 18 (the official mark), in paragraph (2), omit “county borough,”.

(5) In rule 26 (equipment of polling stations)—

- (a) omit paragraphs (4A) and (4B);
- (b) in paragraph (5)(a), omit “in the case of an election of councillors of a principal area in England,”;
- (c) omit paragraphs (5)(aa) and (5A).

(6) In rule 33 (questions to be put to voters), in paragraph (1), in the Table, in the third column (Question), in each of questions 1(b), 2(b) and 4, omit “\*(this county borough)”.

(7) In the Appendix of Forms, omit the versions of the following forms that have effect only in relation to Wales—

- (a) the form of nomination paper;
- (b) the form of candidate’s consent to nomination;
- (c) the form of the front of ballot paper;
- (d) the form of the back of ballot paper.

4.—(1) Schedule 3 is amended as follows.

(2) In rule 5 (nomination papers: name of registered political party), in paragraph (6)(b), for the words from “if the electoral area” to “that part of Great Britain” substitute “if the party was on the relevant day registered in respect of England”.

(3) In rule 7 (consent to nomination)—

- (a) in paragraph (b)(i), omit “for a nomination in England,” and the “or” at the end;
- (b) omit paragraph (b)(ii).

(4) In rule 18 (the official mark), in paragraph (2), omit “county borough,”.



- (5) In rule 26 (equipment of polling stations)—
  - (a) omit paragraphs (5A) and (5B);
  - (b) in paragraph (6)(a), omit “in relation to an election of councillors of a principal area in England”;
  - (c) omit paragraphs (6)(aa) and (6A).
- (6) In rule 33 (questions to be put to voters), in paragraph (1), in the Table, in the third column (Question), in each of questions 1(b), 2(b) and 4, omit “\*(this county borough)”.
- (7) In the Appendix of Forms, omit the versions of the following forms that have effect only in relation to Wales—
  - (a) the form of nomination paper;
  - (b) the form of candidate’s consent to nomination;
  - (c) the form of the front of ballot paper;
  - (d) the form of the back of ballot paper.

## SCHEDULE 2

Regulation 7(2)

### Amendment of the Local Elections (Parishes and Communities) (England and Wales) Rules 2006

1. The Local Elections (Parishes and Communities) (England and Wales) Rules 2006 are amended as follows.
- 2.—(1) Rule 2 (interpretation) is amended as follows.
  - (2) In paragraph (1), in the definition of “principal area”, for the words from “in England” to the end substitute “a county in England, a district or a London borough”.
  - (3) In paragraph (2), omit “or community”.
3. In rule 3 (elections rules), omit “or community”.
4. In rule 4 (combination of polls), omit “or community” in each place where it occurs.
- 5.—(1) Rule 5 (filling of casual vacancies) is amended as follows.
  - (2) In paragraph (1), omit “or community”.
  - (3) In paragraph (2)(a), omit the words from “or the county” to “is situate”.
  - (4) In paragraph (3), omit “or community”.
  - (5) In paragraph (5), omit “or community”.
  - (6) In paragraph (6), omit “or community”.
6. In rule 6 (modification of the 1983 Act), omit “or community” in each place where it occurs.
7. In rule 7 (form of declaration), omit “or community”.
- 8.—(1) Schedule 2 is amended as follows.
  - (2) In the heading, omit “or Community”.
  - (3) In rule 5 (nomination papers: name of registered political party), in paragraph (6)(b), for the words from “if the electoral area” to “that part of Great Britain” substitute “if the party was on the relevant day registered in respect of England”.
  - (4) In rule 6 (subscription of nomination paper), in paragraph (5), omit “or community”.

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- (5) In rule 7 (consent to nomination)—
  - (a) in paragraph (b)(i), omit “for a nomination in England,” and the “or” at the end;
  - (b) omit paragraph (b)(ii).
- (6) In rule 12 (nomination in more than one ward), omit “or community”.
- (7) In rule 18 (the official mark), in paragraph (2), omit “or community”.
- (8) In rule 25 (issue of official poll cards)—
  - (a) in paragraph (1), omit “or community” in each place where it occurs;
  - (b) in paragraph (5)(a), omit “or community”.
- (9) In rule 33 (questions to be put to voters), in paragraph (1), in the Table, in the third column (Question), in each of questions 1(b), 2(b) and 4, for the words from “\*(this parish)” to “*inapplicable*” substitute “this parish”.
- (10) In rule 50 (declaration of result)—
  - (a) in paragraph (1)(b)—
    - (i) in paragraph (i), omit “or community”;
    - (ii) in paragraph (ii), omit the words from “or the county” to “is situate”;
  - (b) in paragraph (2)(b)—
    - (i) in paragraph (i), omit “or community”;
    - (ii) in paragraph (ii), omit the words from “or the county” to “is situate”.
- (11) In rule 52 (delivery of documents to relevant registration officer), in paragraph (2), omit “or community”.
- (12) In the Appendix of Forms, omit the versions of the following forms that have effect only in relation to Wales—
  - (a) the form of nomination paper;
  - (b) the form of candidate’s consent to nomination;
  - (c) the form of the front of ballot paper;
  - (d) the form of the back of ballot paper.
- (13) In the form of directions as to printing the ballot paper, in paragraph 3(b), omit “or community”.
- (14) In the form of the corresponding number list—
  - (a) in the part of the form headed “Corresponding Number List-L1”—
    - (i) in the words in brackets below the heading, omit “or Community”;
    - (ii) in the words following those brackets, omit “or Community”;
  - (b) in the part of the form headed “Corresponding Number List-L2”—
    - (i) in the words in brackets below the heading, omit “or Community”;
    - (ii) in the words following those brackets, omit “or Community”.
- (15) In the form of the postal voting statement, in the words below the heading of the form, for “parish/community council” substitute “parish council”.
- (16) In each of the forms of poll cards, in the words below the heading of the form, for “parish/community council” substitute “parish council”.
- (17) In the form of certificate of employment, in the words below the heading of the form, for “parish/community council” substitute “parish council”.

(18) In the form of the declaration to be made by the companion of a voter with disabilities, in the words below the heading of the form, for “parish/community council” substitute “parish council”.

**9.**—(1) Schedule 3 is amended as follows.

(2) In the heading, omit “or Community”.

(3) In rule 5 (nomination papers: name of registered political party), in paragraph (6)(b), for the words from “if the electoral area” to “that part of Great Britain” substitute “if the party was on the relevant day registered in respect of England”.

(4) In rule 6 (subscription of nomination paper), in paragraph (5), omit “or community”.

(5) In rule 7 (consent to nomination)—

(a) in paragraph (b)(i), omit “for a nomination in England,” and the “or” at the end;

(b) omit paragraph (b)(ii).

(6) In rule 12 (nomination in more than one ward), omit “or community”.

(7) In rule 18 (the official mark), in paragraph (2), omit “or community”.

(8) In rule 21 (notice of poll), in paragraph (4)(a), omit “or community”.

(9) In rule 25 (issue of official poll cards)—

(a) in paragraph (1), omit “or community”;

(b) in paragraph (5)(a), omit “or community”.

(10) In rule 26 (equipment of polling stations), in paragraph (2), omit “or community”.

(11) In rule 30 (admission to polling station), in paragraph (1)(i), omit “or community”.

(12) In rule 33 (questions to be put to voters), in paragraph (1), in the Table, in the third column (Question), in each of questions 1(b), 2(b) and 4, for the words from “\*(this parish)” to “*inapplicable*” substitute “this parish”.

(13) In rule 35 (voting procedure), in paragraph (6), omit “or community”.

(14) In rule 36 (votes marked by presiding officer), in paragraph (4), omit “or community”.

(15) In rule 37 (voting by persons with disabilities), in paragraph (6), omit “or community”.

(16) In rule 39 (tendered ballot papers: general provisions), in paragraph (3), omit “or community”.

(17) In rule 43 (procedure on close of poll), in paragraph (1), omit “or community”.

(18) In rule 44 (attendance at counting of votes)—

(a) in paragraph (1), omit “or community” in each place where it occurs;

(b) in paragraph (2), omit “or community”;

(c) in paragraph (4), omit “or community”.

(19) In rule 45 (the count)—

(a) in paragraph (1), omit “or community” in each place where it occurs;

(b) in paragraph (3), omit “or community”;

(c) in paragraph (4), omit “or community”;

(d) in paragraph (7)(a), omit “or community”.

(20) In rule 50 (declaration of result)—

(a) in paragraph (1)(b)—

(i) in paragraph (i), omit “or community”;

(ii) in paragraph (ii), omit the words from “or the county” to “is situate”;

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- (b) in paragraph (2)(b)—
  - (i) in paragraph (i), omit “or community”;
  - (ii) omit the words from “or the county” to “is situate”.
- (21) In rule 52 (delivery of documents to relevant registration officer), in paragraph (3), omit “or community” in each place where it occurs.
- (22) In rule 55 (countermand or abandonment of poll on death of a candidate)—
  - (a) in paragraph (2), omit “or community”;
  - (b) in paragraph (3), omit “or community”;
  - (c) in paragraph (4), omit “or community”;
  - (d) in paragraph (5), omit “or community”;
  - (e) in paragraph (7), omit “or community” in each place where it occurs;
  - (f) in paragraph (8), omit “or community”;
  - (g) in paragraph (9), omit “or community”.
- (23) In the Appendix of Forms, omit the versions of the following forms that have effect only in relation to Wales—
  - (a) the form of nomination paper;
  - (b) the form of candidate’s consent to nomination;
  - (c) the form of the front of ballot paper;
  - (d) the form of the back of ballot paper.
- (24) In the form of directions as to printing the ballot paper, in paragraph 3(b), omit “or community”.
- (25) In the form of the corresponding number list—
  - (a) in the form headed “Corresponding Number List-M1”—
    - (i) in the words in brackets below the heading, omit “or community”;
    - (ii) in the words following those brackets, omit “or Community”;
  - (b) in the form headed “Corresponding Number List-M2”—
    - (i) in the words in brackets below the heading, omit “or community”;
    - (ii) in the words following those brackets, omit “or Community”.
- (26) In each of the forms of the postal voting statement—
  - (a) in the words below the heading, for “parish/community” substitute “parish”;
  - (b) in the instructions for voting by post—
    - (i) for “parish/community” substitute “parish”;
    - (ii) for “Parish/Community” substitute “Parish”.
- (27) In each of the forms of poll cards, in the words below the heading of the form, for “parish/community” substitute “parish”.
- (28) In the form of certificate of employment, in the words below the heading of the form, for “parish/community” substitute “parish”.
- (29) In the form of the declaration to be made by the companion of a voter with disabilities, in the words below the heading of the form, for “parish/community” substitute “parish”.

## SCHEDULE 3

Regulation 9

### Amendment of Schedule 4 to the 2007 Order

#### PART 1

##### Amendment of Part 1 of Schedule 4

1. Part 1 of Schedule 4 to the 2007 Order (Combination of polls: Senedd Cymru elections and local government elections) is amended as follows.

2. In paragraph 2 (functions at combined polls), in sub-paragraph (1)(b), for “section 36” substitute “section 36A”.

3.—(1) Paragraph 3 (modification of provisions about expenses in this Order and the 1983 Act) is amended as follows.

(2) In sub-paragraph (1)(c), for “section 36(4) and (5A)” substitute “section 36C(1) to (3)”.

(3) In sub-paragraph (2), for “section 36(6)” substitute “section 36C(3)”.

(4) In sub-paragraph (4)—

(a) in paragraph (a), for “section 36(4)” substitute “section 36C(1)”;

(b) in paragraph (b), for “section 36(5A)” substitute “section 36C(2)”.

#### PART 2

##### Substitution of Part 3 of Schedule 4

4. For Part 3 of Schedule 4 to the 2007 Order substitute—

#### “PART 3

Application of the Local Elections (Principal Areas) (Wales) Rules 2021 where the poll at an election of councillors to a county or county borough council is taken together with the poll at a Senedd Cymru election under article 16(1) or (2)

27. The following provisions of the Local Elections (Principal Areas) (Wales) Rules 2021 apply where the poll at an election of councillors to a county or county borough council is taken together with the poll at a Senedd Cymru election under article 16(1) or (2), subject to the modifications set out in this Part of this Schedule—

(a) rules 3 and 4;

(b) rule 5(3) to (7) and Schedule 2.

28.—(1) Rule 3 (interpretation) is modified as follows.

(2) In paragraph (1)—

(a) in the English language text, for the definition of “the Combination of Polls Regulations” substitute—

““the 2007 Order” (“*Gorchymyn 2007*”) means the National Assembly for Wales (Representation of the People) Order 2007;”;

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- (b) in the Welsh language text, for the definition of “Rheoliadau Cyfuno Pleidleisiau” substitute—

“ystyr “Gorchymyn 2007” (“*the 2007 Order*”) yw Gorchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007;”.

- (3) For paragraph (2)—

- (a) in the English language text substitute—

“(2) For the purposes of these Rules, each of the following is a “relevant election”—

- (a) the Senedd Cymru election with which the poll at the election of councillors to a county or county borough council is combined;
- (b) an election of councillors to a community council where the poll at the election is combined with the poll at the Senedd Cymru election and the poll at the election of councillors to a county or county borough council;
- (c) a mayoral election, that is, an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 where the poll at the election is combined with the poll at the Senedd Cymru election and the poll at the election of councillors to a county or county borough council.”;

- (b) in the Welsh language text substitute—

“(2) At ddibenion y Rheolau hyn, mae pob un o’r canlynol yn “etholiad perthnasol”—

- (a) yr etholiad Senedd Cymru y mae’r bleidlais yn yr etholiad ar gyfer cynghorwyr i gyngor sir neu gyngor bwrdeistref sirol yn cael ei chyfuno ag ef;
- (b) etholiad cynghorwyr i gyngor cymuned pan fo’r bleidlais yn yr etholiad yn cael ei chyfuno â’r bleidlais yn yr etholiad Senedd Cymru a’r bleidlais yn yr etholiad ar gyfer cynghorwyr i gyngor sir neu gyngor bwrdeistref sirol;
- (c) etholiad maer, hynny yw, etholiad a gynhelir o dan Reoliadau Awdurdodau Lleol (Etholiadau Maerol) (Cymru a Lloegr) 2007 pan fo’r bleidlais yn yr etholiad yn cael ei chyfuno â’r bleidlais yn yr etholiad Senedd Cymru a’r bleidlais yn yr etholiad ar gyfer cynghorwyr i gyngor sir neu gyngor bwrdeistref sirol.”

- 29.** In rule 5 (conduct of elections to the council of a principal area), in paragraph (4)—

- (a) in the English language text, for the words from “who, under” to the end of the paragraph substitute “who, under paragraph 1 of Schedule 4 to the 2007 Order, is responsible for discharging functions specified in paragraph 2 of that Schedule.”;
- (b) in the Welsh language text, for the words from “sydd, o dan” to the end of the paragraph substitute “sydd, o dan baragraff 1 o Atodlen 4 i Orchymyn 2007, yn gyfrifol am gyflawni swyddogaethau a bennir ym mharagraff 2 o’r Atodlen honno.”

**30.**—(1) Schedule 2 (Rules for conduct of an election of councillors for a principal area where poll is taken together with poll at a relevant election) is modified as follows.

(2) In the English language text, in each of the following places, for “regulations 4 and 5 of the Combination of Polls Regulations” substitute “paragraphs 1 and 2 of Schedule 4 to the 2007 Order”; and in the Welsh language text, in each of the following places, for “reoliadau 4 a 5 o’r Rheoliadau Cyfuno Pleidleisiau” substitute “baragraffau 1 a 2 o Atodlen 4 i Orchymyn 2007”—

- (a) rule 23(6) (corresponding number list);
- (b) rule 27(6) (notice of situation of polling stations);
- (c) rule 28(5) (postal ballot papers);

- (d) rule 29(4) (provision of polling stations);
  - (e) rule 30(6) (appointment of presiding officers and clerks);
  - (f) rule 32(14) (equipment of polling stations);
  - (g) rule 35(4) (notification of requirement of secrecy);
  - (h) rule 36(4) (return of postal ballot papers);
  - (i) rule 37(9) (signature of certificate as to employment);
  - (j) rule 38(7) (keeping of order in station).
- (3) In rule 27 (notice of poll), in paragraph (4), for sub-paragraph (b)—
- (a) in the English language text substitute—
    - “(b) specify the constituency or electoral region to which the Senedd Cymru election relates,
    - (ba) specify the area to which any other relevant election relates, and”;
  - (b) in the Welsh language text substitute—
    - “(b) pennu’r etholaeth neu’r rhanbarth etholiadol y mae’r etholiad Senedd Cymru yn ymwneud â hi neu ag ef,
    - (ba) pennu’r ardal y mae unrhyw etholiad perthnasol arall yn ymwneud â hi, ac”.
- (4) In rule 50 (adjournment of poll in case of riot), in paragraph (2), in sub-paragraph (b)—
- (a) in the English language text, at the end insert “and, where the Senedd Cymru election is or includes a regional election, the regional returning officer”;
  - (b) in the Welsh language text, after “cydlynol” insert “, a phan fo’r etholiad Senedd Cymru yn etholiad rhanbarthol neu pan fo’n cynnwys etholiad rhanbarthol, y swyddog canlyniadau rhanbarthol,”.

## PART 3

### Substitution of Part 4 of Schedule 4

5. For Part 4 of Schedule 4 to the 2007 Order substitute—

## “PART 4

Application of the Local Elections (Communities) (Wales) Rules 2021 where the poll at an election of councillors to a community council is taken together with the poll at a Senedd Cymru election under article 16(1) or (2)

**31.** The following provisions of the Local Elections (Communities) (Wales) Rules 2021 apply where the poll at an election of councillors to a community council is taken together with the poll at a Senedd Cymru election under article 16(1) or (2), subject to the modifications set out in this Part of this Schedule—

- (a) rule 3;
- (b) rule 4(3) to (7) and Schedule 2;
- (c) rules 6 and 7 and Schedule 3.

**32.—**(1) Rule 3 (interpretation) is modified as follows.

- (2) In paragraph (1)—

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- (a) in the English language text, for the definition of “the Combination of Polls Regulations” substitute—
    - ““the 2007 Order” (“*Gorchymyn 2007*”) means the National Assembly for Wales (Representation of the People) Order 2007;”;
  - (b) in the Welsh language text, for the definition of “Rheoliadau Cyfuno Pleidleisiau” substitute—
    - “ystyr “*Gorchymyn 2007*” (“*the 2007 Order*”) yw *Gorchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007*;”.
- (3) For paragraph (2)—
- (a) in the English language text substitute—
    - “(2) For the purposes of these Rules, each of the following is a “relevant election”—
      - (a) the Senedd Cymru election with which the poll at the election of councillors to a community council is combined;
      - (b) an election of councillors to a county or county borough council where the poll at the election is combined with the poll at the Senedd Cymru election and the poll at the election of councillors to a community council;
      - (c) a mayoral election, that is, an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 where the poll at the election is combined with the poll at the Senedd Cymru election and the poll at the election of councillors to a community council.”;
  - (b) in the Welsh language text substitute—
    - “(2) At ddibenion y Rheolau hyn, mae pob un o’r canlynol yn “etholiad perthnasol”—
      - (a) yr etholiad Senedd Cymru y mae’r bleidlais yn yr etholiad ar gyfer cynghorwyr i gyngor cymuned yn cael ei chyfuno ag ef;
      - (b) etholiad cynghorwyr i gyngor sir neu gyngor bwrdeistref sirol pan fo’r bleidlais yn yr etholiad yn cael ei chyfuno â’r bleidlais yn yr etholiad Senedd Cymru a’r bleidlais yn yr etholiad ar gyfer cynghorwyr i gyngor cymuned;
      - (c) etholiad maer, hynny yw, etholiad a gynhelir o dan Reoliadau Awdurdodau Lleol (Etholiadau Maerol) (Cymru a Lloegr) 2007 pan fo’r bleidlais yn yr etholiad yn cael ei chyfuno â’r bleidlais yn yr etholiad Senedd Cymru a’r bleidlais yn yr etholiad ar gyfer cynghorwyr i gyngor cymuned.”
- 33.** In rule 4 (conduct of elections to a community council), in paragraph (4)—
- (a) in the English language text, for the words from “who, under” to the end of the paragraph substitute “who, under paragraph 1 of Schedule 4 to the 2007 Order, is responsible for discharging functions specified in paragraph 2 of that Schedule.”;
  - (b) in the Welsh language text, for the words from “sydd, o dan” to the end of the paragraph substitute “sydd, o dan baragraff 1 o Atodlen 4 i Orchymyn 2007, yn gyfrifol am gyflawni swyddogaethau a bennir ym mharagraff 2 o’r Atodlen honno.”

**34.**—(1) Schedule 2 (Rules for conduct of an election of councillors for a community where poll is taken together with poll at a relevant election) is modified as follows.

(2) In the English language text, in each of the following places, for “regulations 4 and 5 of the Combination of Polls Regulations” substitute “paragraphs 1 and 2 of Schedule 4 to the 2007 Order”; and in the Welsh language text, in each of the following places, for “reoliadau 4 a 5 o’r Rheoliadau Cyfuno Pleidleisiau” substitute “baragraffau 1 a 2 o Atodlen 4 i Orchymyn 2007”—



- (a) rule 23(6) (corresponding number list);
  - (b) rule 27(6) (notice of situation of polling stations);
  - (c) rule 28(5) (postal ballot papers);
  - (d) rule 29(4) (provision of polling stations);
  - (e) rule 30(6) (appointment of presiding officers and clerks);
  - (f) rule 32(14) (equipment of polling stations);
  - (g) rule 35(4) (notification of requirement of secrecy);
  - (h) rule 36(4) (return of postal ballot papers);
  - (i) rule 37(9) (signature of certificate as to employment);
  - (j) rule 38(7) (keeping of order in station).
- (3) In rule 27 (notice of poll), in paragraph (4), for sub-paragraph (b)—
- (a) in the English language text substitute—
    - “(b) specify the constituency or electoral region to which the Senedd Cymru election relates,
    - (ba) specify the area to which any other relevant election relates, and”;
  - (b) in the Welsh language text substitute—
    - “(b) pennu’r etholaeth neu’r rhanbarth etholiadol y mae’r etholiad Senedd Cymru yn ymwneud â hi neu ag ef,
    - (ba) pennu’r ardal y mae unrhyw etholiad perthnasol arall yn ymwneud â hi, ac”.
- (4) In rule 50 (adjournment of poll in case of riot), in paragraph (2), in sub-paragraph (b)—
- (a) in the English language text, at the end insert “and, where the Senedd Cymru election is or includes a regional election, the regional returning officer”;
  - (b) in the Welsh language text, after “cydlynol” insert “, a phan fo’r etholiad Senedd Cymru yn etholiad rhanbarthol neu pan fo’n cynnwys etholiad rhanbarthol, y swyddog canlyniadau rhanbarthol,”.

## SCHEDULE 4

Regulation 11

### Further consequential amendments

#### **Local Government and Elections (Wales) Act 2021**

1. In the Local Government and Elections (Wales) Act 2021, omit the following—
  - (a) section 13(4);
  - (b) in Schedule 2, paragraph 19.

#### **Representation of the People (Combination of Polls) (England and Wales) Regulations 2004**

2. In regulation 6 (modification of provisions about expenses in the 1983 Act) of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004<sup>(26)</sup>,

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<sup>(26)</sup> *S.I. 2004/294*. Regulation 6 was amended by paragraph 17 of Schedule 2 to the Local Government and Elections (Wales) Act 2021 and by *S.I. 2012/1917*.

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in paragraph (4), for “subsections (4), (4B), (5) and (5A) respectively of section 36” substitute “section 36(4), (4B) or (5) or section 36C(1) or (2)”.

### **Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012**

**3.—**(1) Regulation 4 of the Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012(27) (power to give directions) is amended as follows.

(2) After paragraph (3)(a) insert—

“(aa) rule 55 of the rules set out in Schedule 2 to the Local Elections (Principal Areas) (Wales) Rules 2021 (separation of ballot papers etc.);”.

(3) After paragraph (3)(b) insert—

“(ba) rule 55 of the rules set out in Schedule 2 to the Local Elections (Communities) (Wales) Rules 2021 (separation of ballot papers etc.);”.

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### **EXPLANATORY NOTE**

*(This note is not part of these Regulations)*

Regulation 1 provides for the title and commencement of these Regulations.

Regulation 2 amends the Local Elections (Principal Areas) (Wales) Rules 2021 ([S.I. 2021/1459 \(W. 374\)](#)) and the Local Elections (Communities) (Wales) Rules 2021 ([S.I. 2021/1460 \(W. 375\)](#)) under the powers conferred by section 36A(1) to (4) of the Representation of the People Act 1983 (c. 2) (“the 1983 Act”). The amendments add, to the list of grounds on which the returning officer may hold a nomination paper to be invalid, that the nomination paper does not include the declarations that the candidate is required to include in their nomination paper, signed by the candidate.

Regulation 3 makes further amendments of the Local Elections (Principal Areas) (Wales) Rules 2021 and the Local Elections (Communities) (Wales) Rules 2021 under the powers conferred by section 36A(1) to (4) of the 1983 Act. The main amendments are to the rules governing the procedure on the close of the poll (rule 51 in each Schedule of the two sets of Rules). These amendments enable the marked copies of the registration records and list of proxies and the marked corresponding number list to be placed in packets and sealed at a place other than the polling station. In consequence of this, rule 30 of each Schedule is also amended so that the presiding officer may authorise the clerks appointed by the returning officer to act in any place where the presiding officer is carrying out functions.

Regulation 4 amends rule 31 of Schedule 2 to the Local Elections (Communities) (Wales) Rules 2021 under the powers conferred by section 36A(1), (3) and (4) of the 1983 Act. Schedule 2 sets out the rules that apply where the poll at a community election is combined with the poll at certain other elections. The amendments provide for the issue of official poll cards at the community election to be at the request of the council, except for poll cards issued to electors with anonymous entries which must be issued regardless of whether there is a request. The amendments correct an oversight

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(27) [S.I. 2012/1918](#).

in those Rules and mean that the position as respects the issue of poll cards at community elections is the same whether or not the poll is combined.

Regulation 5 makes amendments relating to the timetable for elections. Paragraphs (2) and (3) amend the Local Elections (Principal Areas) (Wales) Rules 2021 and the Local Elections (Communities) (Wales) Rules 2021 so as to add, to the list of days that are disregarded in calculating periods of time in the election timetable, days appointed for public thanksgiving or mourning. The amendments correct an omission in those Rules and are made under the powers conferred by section 36A(1) to (4) of the 1983 Act. Paragraph (1) makes a related amendment to section 40(1) of the 1983 Act and likewise corrects an omission there. The effect of the amendment is that, where the poll at an ordinary local government election in Wales would fall on a Saturday, a Sunday, Christmas Eve, Christmas Day, Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning, the election is postponed until the first day afterwards that is not one of those days. This amendment is made under the powers conferred by section 36A(5) and (6) of the 1983 Act.

Regulation 6 amends sections 67, 69 and 70 of the 1983 Act under the powers conferred by section 36A(5) and (6) of that Act. Under rule 9(6) of each of Schedules 1 and 2 to the Local Elections (Principal Areas) (Wales) Rules 2021, it is possible for a candidate at an election of councillors to a county or county borough council in Wales to include a statement in their home address form that their home address must not be made public. Where the candidate does this, their home address is not included in the statement of persons nominated or on the ballot paper. However, some candidates also act as their own election agent, which means that their home address would fall to be published under section 67(6) of the 1983 Act. As this is inconsistent with the policy of allowing candidates to keep their home address private, regulation 6(2) amends section 67 to ensure that, where a candidate acting as their own election agent has stated in their home address form that the home address must not be made public, the home address is not published under section 67(6). Instead, only basic information, generally the name of the local government area in which the candidate lives, is published.

Regulation 6(3) and (4) makes related amendments to section 69 of the 1983 Act to deal with the situation where the candidate uses their home as their office, with the consequence that their home address would fall to be declared as their office address and included as such in the public notice under section 67(6). The amendments allow the candidate in this situation to provide an address in England or Wales other than their home address (“a correspondence address”), which may then be used by electoral administrators and others to serve notices etc. relating to the election. Where the candidate does this, the correspondence address is published in the notice under section 67(6) (rather than the office address) and notices etc. delivered to the correspondence address are deemed to be served in the same way that they would be if delivered to the office address.

Regulation 6(5) and (6) amends section 70 of the 1983 Act which deals with the position of a candidate who becomes their own election agent by default, generally because they have not appointed anyone as their election agent. The amendments provide for the candidate to be deemed to have an office at the home address given in their home address form if that address is in England or Wales and otherwise at the address by virtue of which they established their qualification to be a candidate (“the qualifying address”). The amendments also deal with the application of sections 67 and 69 in this situation. Section 67 applies in the usual way. However, the candidate will not have any opportunity to provide an alternative correspondence address under section 69. In consequence, the candidate’s deemed office address will always be included in the public notice given.

Regulation 7 is made under the powers conferred by section 36A(5) and (6) of the 1983 Act. Regulation 7(1) introduces Schedule 1 which amends the Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304) so that they apply only in relation to England. Provision for the conduct of local elections for principal areas in Wales is now made by the Local Elections (Principal Areas) (Wales) Rules 2021. Regulation 7(2) introduces Schedule 2 which amends the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (S.I. 2006/3305) so that they apply only in relation to parishes in England. Provision for the conduct of local elections for communities in Wales is now made by the Local Elections (Communities) (Wales) Rules 2021.

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Regulation 8 is made under the powers conferred by section 36A(5) and (6) of the 1983 Act. It revokes the Local Elections (Principal Areas) (Welsh Forms) Order 2007 (S.I. 2007/1015), the Local Elections (Communities) (Welsh Forms) Order 2007 (S.I. 2007/1013) and instruments amending those Orders. The Orders are now spent in consequence of the provision made by the Local Elections (Principal Areas) (Wales) Rules 2021 and the Local Elections (Communities) (Wales) Rules 2021.

Regulation 9 introduces Schedule 3 which amends Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236) (“the 2007 Order”). Schedule 4 to the 2007 Order makes provision about what happens where the poll at a Senedd Cymru election is combined with the poll at a local government election in Wales.

Part 1 of Schedule 3 amends Part 1 of Schedule 4 to the 2007 Order in consequence of provisions of the Local Government and Elections (Wales) Act 2021 (asc 1) (“the 2021 Act”). For example, paragraph 2 of the Schedule changes a reference to section 36 of the 1983 Act to a reference to section 36A of that Act, a change that is necessary because amendments made by section 13 of the 2021 Act have the effect that the power to make rules governing the conduct of elections in Wales is now conferred by section 36A rather than section 36. The amendments in Part 1 are made under the powers conferred by section 173(1) and (2) of the 2021 Act.

Part 2 of Schedule 3 substitutes a new Part 3 of Schedule 4 to the 2007 Order, setting out the application with modifications of provisions of the Local Elections (Principal Areas) (Wales) Rules 2021 where the poll at a principal area election is combined with the poll at a Senedd Cymru election. This is necessary because the Local Elections (Principal Areas) (England and Wales) Rules 2006 no longer apply in relation to Wales. The amendments in Part 2 are made under the powers conferred by section 36A(5) and (6) of the 1983 Act.

Part 3 of Schedule 3 substitutes a new Part 4 of Schedule 4 to the 2007 Order, setting out the application with modifications of provisions of the Local Elections (Communities) (Wales) Rules 2021 where the poll at a community election is combined with the poll at a Senedd Cymru election. This is necessary because the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 no longer apply in relation to Wales. The amendments in Part 3 are made under the powers conferred by section 36A(5) and (6) of the 1983 Act.

Regulation 10 amends regulation 56(3B) and (3C) of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) and is made under the powers conferred by paragraphs 4(2)(c) and 6(7) and (8) of Schedule 4 to the Representation of the People Act 2000 (c. 2). Regulation 56(3B) and (3C) was inserted by regulation 8 of the Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020 (S.I. 2020/1399 (W. 310)) and, under regulation 8(4), the regulation would expire at the end of 3 December 2022. Regulation 56(3B) and (3C) enabled certain applications relating to proxy voting to be made up until 5 p.m. on the day of the poll at a local government by-election in Wales on grounds related to the Covid-19 pandemic. The regulation was subsequently amended by the Representation of the People (Amendment) (Wales) (Coronavirus) Regulations 2021 (S.I. 2021/193 (W. 44)) and the Representation of the People (Amendment) (Wales) (Coronavirus) (No. 2) Regulations 2021 (S.I. 2021/1247 (W. 319)), with the latter Regulations extending the application of the amendments to by-elections the poll for which falls before 28 March 2022. Regulation 10(2) and (3) makes further amendments to extend the application of the amendments to all local government elections in Wales the poll for which falls before 31 May 2023. Regulation 10(4) makes consequential amendments, including the omission of regulation 8(4) of the Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020.

Regulation 11 introduces Schedule 4 which makes further consequential amendments.

- Paragraph 1 omits provisions of the 2021 Act which are now spent. These amendments are made under the powers conferred by section 36A(5) and (6) of the 1983 Act.
- Paragraph 2 of that Schedule amends regulation 6 of the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004 (S.I. 2004/294). This is

necessary as provision about the expenses of returning officers at local elections in Wales is now made by section 36C of the 1983 Act (as inserted by paragraph 2(5) of Schedule 2 to the 2021 Act). These amendments are made under the powers conferred by section 173(1) and (2) of the 2021 Act.

- Paragraph 3 of that Schedule amends regulation 4 of the Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012 (S.I. 2012/1918) to add references to rule 55 of each of the Local Elections (Principal Areas) (Wales) Rules 2021 and the Local Elections (Communities) (Wales) Rules 2021 (dealing with the separation of ballot papers at combined polls). This is necessary because the existing references to provisions of the Local Elections (Principal Areas) (England and Wales) Rules 2006 and the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 will no longer apply in relation to Wales. These amendments are made under the powers conferred by section 36A(5) and (6) of the 1983 Act.

Regulation 12 makes transitional provision so that relevant revocations and other amendments made by the Regulations do not affect the conduct of an election of councillors to a county council, county borough council or community council in Wales where the poll at the election takes place before 5 May 2022. This regulation is made under the powers conferred by section 36A(5) of the 1983 Act.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Local Government Democracy Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ and on the Welsh government website at [www.gov.wales](http://www.gov.wales).