



Wales Act 2017

2017 CHAPTER 4

PART 1

CONSTITUTIONAL ARRANGEMENTS

Elections

5 Power to make provision about elections

- (1) For section 13 of the Government of Wales Act 2006 (power to make provision about elections etc) substitute—

“13 Power of the Welsh Ministers to make provision about elections etc

- (1) The Welsh Ministers may by order make provision that would be within the legislative competence of the Assembly, if included in an Act of the Assembly, as to—
- (a) the conduct of elections of Assembly members,
 - (b) the questioning of an election of Assembly members and the consequences of irregularities, and
 - (c) the return of an Assembly member otherwise than at an election.
- (2) The provision that may be made under subsection (1)(a) includes, in particular, provision—
- (a) about the registration of electors,
 - (b) for disregarding alterations in a register of electors,
 - (c) about the limitation of the election expenses of candidates (and the creation of criminal offences in connection with the limitation of such expenses),
 - (d) for the combination of polls,

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- (e) for modifying the application of sections 6 and 8(2) where the poll at an election for the return of an Assembly constituency member is abandoned (or notice of it is countermanded), and
 - (f) for modifying section 9(7) to ensure the allocation of the correct number of seats for the region.
- (3) The provision that may be made under subsection (1)(c) includes, in particular, provision modifying section 11(3) to (5).
- (4) An order under this section may—
- (a) apply or incorporate, with or without modifications or exceptions, any provision of or made under the election enactments, and
 - (b) so far as may be necessary in consequence of any provision made by an order under this section, make modifications of any provision made by or under any enactment relating to the registration of parliamentary electors or local government electors.
- (5) In subsection (4)(a) “the election enactments” means—
- (a) the Representation of the People Acts,
 - (b) the Political Parties, Elections and Referendums Act 2000,
 - (c) the European Parliamentary Elections Act 2002, and
 - (d) any other enactments relating to parliamentary elections, European Parliamentary elections or local government elections.
- (6) No return of an Assembly member at an election may be questioned except by an election petition under the provisions of Part 3 of the Representation of the People Act 1983 as applied or incorporated in an order under this section.
- (7) No order is to be made under this section unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.

13A Power of the Secretary of State to make provision about the combination of polls

- (1) The Secretary of State may by regulations make provision for—
- (a) the combination of polls at ordinary general elections of Assembly members with polls at the elections listed in subsection (2), and
 - (b) the combination of polls at extraordinary general elections of Assembly members, and by-elections for the return of Assembly members, with polls at the elections listed in subsections (2) and (3).
- (2) The elections are—
- (a) early parliamentary general elections,
 - (b) parliamentary by-elections, and
 - (c) European Parliamentary by-elections.
- (3) The elections are—
- (a) parliamentary general elections, and
 - (b) European Parliamentary general elections.
- (4) The Secretary of State may not make regulations under this section without the agreement of the Welsh Ministers.

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- (5) Regulations under this section may—
- (a) apply or incorporate, with or without modifications or exceptions, any provision made by or under the election enactments, and
 - (b) modify any form contained in, or in regulations or rules made under, the Representation of the People Acts so far as may be necessary to enable it to be used both for the original purpose and in relation to elections of Assembly members.
- (6) In subsection (5)(a) ““the election enactments”” has the meaning given by section 13(5).
- (7) No regulations are to be made under this section unless a draft of the statutory instrument containing them has been laid before, and approved by a resolution of, each House of Parliament.”
- (2) In section 15 of the Representation of the People Act 1985 (combination of polls), after subsection (5C) insert—
- “(5D) Before making provision under subsection (5) in connection with the combination of polls where one of the elections is a local government election in Wales, the Secretary of State must consult the Welsh Ministers.”
- (3) In section 7 of the Political Parties, Elections and Referendums Act 2000 (Commission to be consulted on changes to electoral law), in subsection (2)(f), after ““64(3)”” insert “ or regulations under section 13A ”.

Commencement Information

II S. 5 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(b)

6 Timing of elections

- (1) Section 3 of the Government of Wales Act 2006 (ordinary general elections) is amended as set out in subsections (2) to (5).
- (2) In subsection (1), for the words after ““was held,”” substitute “unless—
- (a) subsection (1A) prevents the poll being held on that day, or
 - (b) the day of the poll is determined by a proclamation under section 4.”
- (3) After subsection (1) insert—
- “(1A) The poll is not to be held on the same date as the date of the poll at—
- (a) a parliamentary general election (other than an early parliamentary general election), or
 - (b) a European Parliamentary general election.
- (1B) Where subsection (1A) prevents the poll being held on the day specified in subsection (1), the poll is to be held on such day, subject to subsection (1A), as the Welsh Ministers may by order specify unless the day of the poll is determined by a proclamation under section 4(2) as modified by section 4(2A).”

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- (4) In subsection (2), after ““May”” insert “ or on the day specified by an order under subsection (1B) ”.
- (5) After subsection (4) insert—
- “(5) No order is to be made under subsection (1B) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.”
- (6) Section 4 of that Act (power to vary date of ordinary general election) is amended in as set out in subsections (7) to (11).
- (7) For subsections (1) and (2) substitute—
- “(1) Subject to section 3(1A), the Presiding Officer may propose, for the holding of the poll at an ordinary general election, a day which is not more than one month earlier, nor more than one month later, than the first Thursday in May.
- (2) If the Presiding Officer proposes a day under subsection (1), Her Majesty may by proclamation under the Welsh Seal—
- (a) dissolve the Assembly,
- (b) require the poll at the election to be held on the day proposed, and
- (c) require the Assembly to meet within the period of seven days beginning immediately after the day of the poll.
- (2A) Where a day is specified by an order under section 3(1B), subsection (1) applies as if the reference to the first Thursday in May were a reference to that day.”
- (8) In subsection (3), for ““(2)(b)”” substitute “ (2)(c) ”.
- (9) In subsection (4)—
- (a) for ““An order under this section may”” substitute “ The Welsh Ministers may by order ”;
- (b) for ““Secretary of State considers”” substitute “ Welsh Ministers consider ”;
- (c) after ““poll”” insert “ under this section ”.
- (10) Omit subsection (5).
- (11) In subsection (6), for ““either House of Parliament”” substitute “ the Assembly ”.
- (12) Section 5 of that Act (extraordinary general elections) is amended as set out in subsections (13) and (14).
- (13) In subsection (1), for ““Secretary of State”” substitute “ Presiding Officer ”.
- (14) In subsection (4)—
- (a) for ““Secretary of State”” substitute “ Presiding Officer ”;
- (b) for ““Order in Council”” substitute “ proclamation under the Welsh Seal ”.
- (15) The Representation of the People Act 1983 is amended as set out in subsections (16) to (20).
- (16) In section 37 (ordinary day of local elections in England and Wales)—
- (a) in subsection (1), and in the heading, omit ““and Wales””;
- (b) in subsection (2A), for the words after ““under”” substitute “ section 37A. ”

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(17) After that section insert—

“37ZA Ordinary day of local elections in Wales

- (1) In every year the ordinary day of election of councillors is the same for all local government areas in Wales and, subject to section 37B, and unless subsection (2) applies, is—
 - (a) the first Thursday in May;
 - (b) such other day as may be fixed by the Welsh Ministers by order made not later than 1st February in the year preceding the year (or, in the case of an order affecting more than one year, the first year) in which the order is to take effect.
- (2) The ordinary day of election of councillors is not the day specified in or fixed under subsection (1) if that day is the day of the poll at an ordinary general election of members of the National Assembly for Wales.
- (3) Where under subsection (2) the ordinary day of election of councillors is not the day specified in or fixed under subsection (1), it is such other day as the Welsh Ministers may by order specify.
- (4) The power to make an order under subsection (1)(b) or (3) is exercisable by statutory instrument.
- (5) A statutory instrument containing an order under subsection (3) may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.”

(18) Section 37B (power to change date of local elections to date of European Parliamentary general election: Wales) is amended as follows.

(19) After subsection (1) insert—

“(1A) The Welsh Ministers may not make an order under this section if the date of the poll at the European Parliamentary general election is the same date as the poll at an ordinary general election of members of the National Assembly for Wales.”

(20) In subsection (4)(b), for ““37(1)(b)”” substitute “ 37ZA(1)(b) ”.

Commencement Information

I2 S. 6 in force at 1.4.2018 by [S.I. 2017/1179](#), [reg. 3\(b\)](#)

7 Electoral registration: the digital service

- (1) Section 10ZC of the Representation of the People Act 1983 (registration of electors in Great Britain) is amended as set out in subsections (2) to (4).
- (2) In subsection (4)—
 - (a) for ““this section, so far as”” substitute “this section—
 - (a) so far as”;
 - (b) at the end insert “, and

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- (b) so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Wales, is exercisable by the Welsh Ministers concurrently with that Minister.”
- (3) After subsection (5) insert—
- “(5A) The power of the Welsh Ministers to make regulations by virtue of subsection (4) is not exercisable without the agreement of a Minister of the Crown.
- (5B) A statutory instrument containing regulations made by the Welsh Ministers by virtue of subsection (4) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (4) In subsection (6), after the definition of ““election in Scotland”” insert—
- ““election in Wales”” means—
- (a) an election of Assembly members, or
- (b) a local government election in Wales;”.
- (5) Section 10ZD of that Act (registration of electors in Great Britain: alterations) is amended as set out in subsections (6) to (8).
- (6) In subsection (4)—
- (a) for ““this section, so far as”” substitute “this section—
- (a) so far as”;
- (b) at the end insert “, and
- (b) so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections in Wales, is exercisable by the Welsh Ministers concurrently with that Minister.”
- (7) After subsection (5) insert—
- “(5A) The power of the Welsh Ministers to make regulations by virtue of subsection (4) is not exercisable without the agreement of a Minister of the Crown.
- (5B) A statutory instrument containing regulations made by the Welsh Ministers by virtue of subsection (4) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”
- (8) In subsection (6), after ““election in Scotland”” insert “, election in Wales ”.
- (9) Section 53 of that Act (power to make regulations about registration etc) is amended as set out in subsections (10) to (12).
- (10) In subsection (9)—
- (a) for ““this section, so far as”” substitute “this section—
- (a) so far as”;
- (b) at the end insert “, and
- (b) so far as it is exercisable by a Minister of the Crown to make provision about a UK digital service in relation to elections

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in Wales, is exercisable by the Welsh Ministers concurrently with that Minister.”

(11) After subsection (10) insert—

“(10A) The power of the Welsh Ministers to make regulations by virtue of subsection (9) is not exercisable without the agreement of a Minister of the Crown.

(10B) A statutory instrument containing regulations made by the Welsh Ministers by virtue of subsection (9) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.”

(12) In subsection (11), after the definition of “election in Scotland” insert—

““election in Wales” means—

- (a) an election of Assembly members, or
- (b) a local government election in Wales;”.

Commencement Information

I3 S. 7 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(b)

8 Elections of police and crime commissioners

(1) Section 50 of the Police Reform and Social Responsibility Act 2011 (timing of ordinary election of police and crime commissioners) is amended as set out in subsections (2) to (4).

(2) In subsection (3), for “the ordinary day of election” substitute “ the first Thursday in May ”.

(3) In subsection (5)—

- (a) in paragraph (a), for “the ordinary day of election” substitute “ the first Thursday in May ”;
- (b) in paragraph (b), for the words from “the ordinary day of election” to “in relation to Wales,” substitute “ the first Thursday in May ”.

(4) Omit subsection (6).

(5) In section 51 of that Act (election to fill vacancy in office of commissioner), for subsection (6) substitute—

“(6) A person is a relevant elector for the purposes of subsection (5) in relation to a police area in England if the person is registered in a register of local government electors in respect of an address within the police area.

(6A) A person is a relevant elector for the purposes of subsection (5) in relation to a police area in Wales if subsection (6B) or (6C) applies.

(6B) This subsection applies if—

- (a) the person is registered in a register of parliamentary electors in respect of an address within the police area, and
- (b) the registration is not in pursuance of an overseas elector's declaration.

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- (6C) This subsection applies if—
- (a) the person is disqualified as a peer from voting as an elector at parliamentary elections, or is a relevant citizen of the Union, and
 - (b) the person is registered in a register of local government electors in respect of an address within the police area.”
- (6) Section 52 of that Act (persons entitled to vote) is amended as set out in subsections (7) and (8).
- (7) In subsection (1), after ““a police area”” insert “ in England ”.
- (8) After subsection (1) insert—
- “(1A) A person is entitled to vote as an elector at an election of a police and crime commissioner for a police area in Wales if subsection (1B) or (1C) applies.
- (1B) This subsection applies if on the date of the poll—
- (a) the person would be entitled to vote as an elector at a parliamentary election in a constituency wholly or partly comprised in the police area,
 - (b) the address in respect of which the person is registered in the register of parliamentary electors for that constituency is within the police area, and
 - (c) the registration is not in pursuance of an overseas elector's declaration.
- (1C) This subsection applies if on the date of the poll—
- (a) the person is disqualified as a peer from voting as an elector at parliamentary elections, or is a relevant citizen of the Union who has attained the age of 18,
 - (b) the person would be entitled to vote as an elector at a local government election in an electoral area wholly or partly comprised in the police area, and
 - (c) the address in respect of which the person is registered in the register of local government electors for that electoral area is within the police area.”
- (9) Section 64 of that Act (disqualification for election as police and crime commissioner) is amended as set out in subsections (10) and (11).
- (10) In subsection (1), after ““a police area”” insert “ in England ”.
- (11) After subsection (1) insert—
- “(1A) A person is disqualified from being elected to the office of police and crime commissioner for a police area in Wales at any election unless—
- (a) the person has attained the age of 18 when nominated as a candidate at the election, and
 - (b) on each relevant day subsection (1B) or (1C) applies.
- (1B) This subsection applies if—
- (a) the person is registered in a register of parliamentary electors in respect of an address within the police area, and

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(b) the registration is not in pursuance of an overseas elector's declaration.

(1C) This subsection applies if—

- (a) the person is disqualified as a peer from voting as an elector at parliamentary elections, or is a relevant citizen of the Union, and
- (b) the person is registered in a register of local government electors in respect of an address within the police area.”

(12) In section 102 of that Act (interpretation of Part 1), in subsection (1), at the appropriate places insert—

“““overseas elector's declaration”” has the meaning given by section 2 of the Representation of the People Act 1985;”;

“““relevant citizen of the Union”” has the meaning given by section 202(1) of the Representation of the People Act 1983;”.

Commencement Information

I4 S. 8 in force at 1.4.2018 by S.I. 2017/1179, reg. 3(b)

Status:

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Changes to legislation:

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