



Coronavirus Act 2020

2020 CHAPTER 7

PART 1

MAIN PROVISIONS

Postponement of elections: Wales

65 Elections due to be held in Wales in period after 15 March 2020

- (1) This section applies to the poll for a relevant election if the poll—
 - (a) is required to be held on a day falling within the period beginning with 16 March 2020 and ending with the day 30 days after that on which this Act is passed, but
 - (b) is not held in that period.
- (2) Section 39 of the 1983 Act (local elections void etc) does not apply, and is treated as never having applied, in relation to the poll.
- (3) Section 63 of that Act (breach of official duty) does not apply, and is treated as never having applied, in relation to any act or omission in connection with the poll.
- (4) In determining for the purpose of this section whether a poll has been held, postal votes are to be ignored.
- (5) This section does not affect the application of section 39 or 63 of the 1983 Act in relation to a poll the date for which is determined by virtue of section 67 (power to postpone).
- (6) In this section—
 - “the 1983 Act” means the Representation of the People Act 1983;
 - “relevant election” means an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus Act 2020, Cross Heading: Postponement of elections: Wales. (See end of Document for details)

66 Postponement of National Assembly for Wales elections for constituency vacancies

- (1) This section applies where under section 10 of the Government of Wales Act 2006 (“the 2006 Act”), an election is to be held to fill a vacant seat of a constituency member (“the election”).
- (2) The Presiding Officer may, where a date has been fixed for the poll for the election, fix a later date (which may be outwith the period required under section 10(5) or (6) of the 2006 Act).
- (3) The Presiding Officer must fix a date under subsection (2) for the poll for the election to be held as soon as reasonably practicable.
- (4) The power under subsection (2)—
 - (a) may be exercised more than once,
 - (b) may not be exercised so as to fix a date for the poll for the election that is within the period mentioned in 10(7) of the 2006 Act, and
 - (c) may not be exercised so as to fix a date after 6 May 2021.
- (5) Before exercising the power under subsection (2), the Presiding Officer must consult the Welsh Ministers.

67 Power to postpone local authority elections in Wales for casual vacancies

- (1) The Welsh Ministers may, by regulations made by statutory instrument, provide—
 - (a) that the poll for a relevant election is to be held on such date, or within such period, as is specified in the regulations;
 - (b) that polls for relevant elections that would otherwise be required to be held on dates that fall within a period specified in the regulations are instead to be held on such later date, or within such period, as is specified in the regulations.
- (2) For the purposes of this section an election is “relevant” if—
 - (a) the date of the poll for the election falls within the period beginning with 16 March 2020 and ending with 5 May 2021, and
 - (b) it is an election to fill a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.
- (3) Regulations under subsection (1) must not specify—
 - (a) a date later than 6 May 2021, or
 - (b) a period ending later than 6 May 2021.
- (4) The power to make regulations under subsection (1) may be exercised more than once in respect of any relevant election.
- (5) Regulations under subsection (1) may make provision by reference to relevant elections of a description specified in the regulations (for example, by reference to the nature, date or location of the elections).
- (6) The power to make regulations under subsection (1) is capable of being exercised so as to amend or repeal a provision of an Act of Parliament or of an Act or Measure of the National Assembly for Wales.
- (7) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

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68 Power to make supplementary etc provision

- (1) The Welsh Ministers may, by regulations made by statutory instrument, make consequential, supplementary, incidental, transitional or saving provision in connection with section 66 or regulations made under section 67.
- (2) Regulations under subsection (1) may, in particular, make provision about—
 - (a) acts or omissions in connection with an election prior to its postponement (including provision disapplying any enactment imposing criminal liability in respect of such acts or omissions);
 - (b) things that have yet to be done in connection with an election prior to its postponement;
 - (c) the conduct of elections that have been postponed or steps to be taken in respect of such elections;
 - (d) the manner of voting in elections that have been postponed;
 - (e) the terms of office of incumbent office-holders or those elected at a postponed election;
 - (f) the nomination of candidates;
 - (g) expenses incurred in relation to elections by persons other than local authorities (including the expenses of candidates);
 - (h) compensation for local authorities or candidates incurring additional expenditure as a result of the Act.
- (3) Regulations under subsection (1) may make retrospective provision, including provision having effect in relation to times before the coming into force of this Act.
- (4) The power to make regulations under subsection (1) is capable of being exercised so as to amend or repeal a provision of an Act of Parliament or of an Act or Measure of the National Assembly for Wales.
- (5) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

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