

WELSH STATUTORY INSTRUMENTS

2020 No. 461 (W. 105)

LOCAL GOVERNMENT, WALES REPRESENTATION OF THE PEOPLE, WALES

The Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020

<i>Made</i>	- - - -	<i>27 April 2020</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>29 April 2020</i>
<i>Coming into force</i>	- -	<i>5 May 2020</i>

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 67 and 68 of the Coronavirus Act 2020 ^{F1}.

F1 [2020 c. 7.](#)

Title and commencement

1.—(1) The title of these Regulations is the Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020.

(2) These Regulations come into force on 5 May 2020.

Commencement Information

I1 Reg. 1 in force at 5.5.2020, see [reg. 1\(2\)](#)

Interpretation

2. In these Regulations—

“the 1972 Act” (“*Deddf 1972*”) means the Local Government Act 1972 ^{F2};

“the 1983 Act” (“*Deddf 1983*”) means the Representation of the People Act 1983 ^{F3};

“the 2006 Rules” (“*Rheolau 2006*”) means the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 ^{F4};

“the antecedent period” (“*y cyfnod blaenorol*”) means the period beginning on 16 March 2020 and ending on the day before the day on which these Regulations came into force;

“the relevant period” (“*y cyfnod perthnasol*”) means the period beginning on 16 March 2020 and ending on [F5 28 February 2021];

“relevant election” (“*etholiad perthnasol*”) 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.

F2 1972 c. 70.

F3 1983 c. 2.

F4 S.I. 2006/3305.

F5 Words in [reg. 2](#) substituted (29.1.2021) by [The Local Government \(Coronavirus\) \(Postponement of Elections\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2021](#) (S.I. 2021/88), regs. 1(2), **2(2)**

Commencement Information

I2 Reg. 2 in force at 5.5.2020, see [reg. 1\(2\)](#)

Postponement of by-elections of councillors of principal areas

3.—(1) The poll for the election of a councillor to fill a casual vacancy in the office of councillor for any principal area in Wales that, pursuant to section 89(1) of the 1972 Act (filling of casual vacancies in case of councillors), would otherwise be held, or have been held, on a day during the relevant period is to be held instead on a day falling within the period commencing on [F6 1 March 2021 and ending on 6 May 2021].

(2) Paragraph (1) does not apply to a poll for the election of a councillor that has been held, pursuant to section 89(1) of the 1972 Act, during the antecedent period.

(3) In this regulation, “principal area” has the same meaning as in section 270 of the 1972 Act (general provisions as to interpretation).

F6 Words in [reg. 3\(1\)](#) substituted (29.1.2021) by [The Local Government \(Coronavirus\) \(Postponement of Elections\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2021](#) (S.I. 2021/88), regs. 1(2), **2(3)**

Commencement Information

I3 Reg. 3 in force at 5.5.2020, see [reg. 1\(2\)](#)

Postponement of by-elections of community councillors

4.—(1) The poll for the election of a councillor to fill a casual vacancy in the office of community councillor that, pursuant to rule 5(3) of the 2006 Rules (filling of casual vacancies), would otherwise be held, or have been held, on a day during the relevant period is to be held instead on a day falling within the period commencing on [F7 1 March 2021 and ending on 6 May 2021].

(2) Paragraph (1) does not apply to a poll for the election of councillor that has been held, pursuant to rule 5(3) of the 2006 Rules, on a day during the antecedent period.

F7 Words in [reg. 4\(1\)](#) substituted (29.1.2021) by [The Local Government \(Coronavirus\) \(Postponement of Elections\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2021](#) (S.I. 2021/88), regs. 1(2), **2(4)**

Commencement Information

I4 Reg. 4 in force at 5.5.2020, see [reg. 1\(2\)](#)

Disapplication of certain provisions relating to elections

5.—(1) This regulation applies in relation to the poll for a relevant election if the poll—

- (a) is required to be held on a day falling within the period beginning on 25 April 2020 and ending on [F828 February 2021], but
- (b) pursuant to these Regulations 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 the 1983 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 regulation whether a poll has been held, postal votes are to be ignored.

F8 Words in [reg. 5\(1\)\(a\)](#) substituted (29.1.2021) by [The Local Government \(Coronavirus\) \(Postponement of Elections\) \(Miscellaneous Amendments\) \(Wales\) Regulations 2021 \(S.I. 2021/88\)](#), regs. 1(2), **2(5)**

Commencement Information

I5 Reg. 5 in force at 5.5.2020, see [reg. 1\(2\)](#)

Julie James
Minister for Housing and Local Government,
one of the Welsh Ministers

Changes to legislation: There are currently no known outstanding effects for the The Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations postpone certain by-elections which were due to be held during the period from 16 March 2020 to 31 January 2021.

Regulation 3 postpones by-elections which would be held to fill vacancies in the office of councillor in any county council or county borough council in Wales to a day falling within the period commencing on 1 February 2021 and ending on 16 April 2021.

Regulation 4 postpones by-elections which would be held to fill vacancies in the office of community councillor in any community council in Wales to a day falling within the period commencing on 1 February 2021 and ending on 16 April 2021.

Regulation 5 makes provision to relieve returning officers and others of liability under certain provisions of the Representation of the People Act 1983 in relation to polls which were required to be held but were not held in the period after 24 April 2020.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020.