



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**ADRODDIAD GAN Y PWYLLGOR DEDDFAU LEGISLATION COMMITTEE REPORT
The Local Government Elections (Wales) Order 2001**

Background

This Order makes provision for the amendment of section 26(1) (Elections of councillors) and section 35(2) (Community councillors) of the Local Government Act 1972 so that the next elections of councillors to all county, county borough and community councils in Wales will be delayed by one year. The elections will take place in 2004 and in every fourth year thereafter.

Standing Order 11.5

It is noted that the Welsh text title (both in the headings and in article 1(1)) is in the form 'Gorchymyn Etholiadau Lleol (Cymru) 2001'. It is considered that the title should be 'Gorchymyn Etholiadau Llywodraeth Lleol (Cymru) 2001'. This would accord with the English text title and would reflect the fact that the order is concerned with local government elections.

This is capable of correction by means of a Memorandum of Corrections. Subject to the necessary correction being made, there will be no matters in respect of which the Committee will need to invite the National Assembly to pay special attention.

General Observations

These regulations have been considered by Parliamentary Counsel in view of their effect on primary legislation. Whilst the intention had originally been to provide for section 26(1) and 35(2) of the 1972 Act to apply "as if" the necessary modifications had been made, Parliamentary Counsel has construed the enabling power as being wide enough to allow actual textual amendment of the 1972 Act. Thus since the change will have a permanent

effect on when elections are held in future years, Counsel advised that it would be better to amend the sections permanently rather than to set out non-textual modifications.

Mick Bates AM
Chair, Legislation Committee

3 July 2001