

**Explanatory Memorandum to The Local Government (Coronavirus)  
(Postponement of Elections) (Miscellaneous Amendments) (Wales)  
Regulations 2021.**

This Explanatory Memorandum has been prepared by Education and Public Services and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Local Government (Coronavirus) (Postponement of Elections) (Miscellaneous Amendments) (Wales) Regulations 2021.

Julie James AS/MS  
Minister for Housing and Local Government  
28 January 2021

## **PART 1**

### **1. Description**

- 1.1. Under The Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020, postponed by-elections for county and county borough councils or town and community councils that were due to take place between the period commencing on 16<sup>th</sup> March 2020 and ending on 31<sup>st</sup> January 2021 are required to be held between 1<sup>st</sup> February 2021 and 16<sup>th</sup> April 2021.
- 1.2. These Regulations further postpone those by-elections so that postponed by-elections for county and county borough councils or town and community councils that were due to take place between the period commencing on 16<sup>th</sup> March 2020 and ending on 28<sup>th</sup> February 2021 are required to be held between 1<sup>st</sup> March 2021 and 6<sup>th</sup> May 2021.

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

- 2.1. In accordance with section 11A(4) of the Statutory Instruments Act 1946, as inserted by Sch.10 para 3 of the Government of Wales Act 2006, the Llywydd has been informed that the Regulations will come into force less than 21 days from the date of laying.
- 2.2. The Regulations will come into force on 29<sup>th</sup> January 2021. This is necessary in order to ensure Returning Officers (ROs) have enough time to prepare for the first postponed by-elections which could take place from March onwards. If the 21 day rule was observed for these Regulations, they would not be in force by the time a RO would need to lay the notice of election in order to have the by-elections in March. Additionally, the relevant period laid out in the Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020 expires on 31 January 2021. Allowing these Regulations to come into force on 29<sup>th</sup> January means there will not be a gap in the relevant period. In view of these circumstances, the reduced period is thought necessary and justifiable in this case.

### **3. Legislative background**

- 3.1. The powers to make these Regulations are in section 67 and 68 of the Coronavirus Act 2020 (CA 2020).
- 3.2. In relation to elections, Section 68 of the Coronavirus Act 2020 provides Welsh Ministers with the power to make, by regulation, any consequential, supplementary, incidental, transitional or saving provisions in connection with section 66 or regulations made under section 67 of the Act. Section 67 of the Act provides Welsh Ministers with the power to postpone the poll for a casual vacancy in the office of councillor in a county council, county borough council or community council in Wales.

#### **4. Purpose and intended effect of the legislation**

4.1. The Regulations further postpone certain local government by-elections as a result of the COVID-19 pandemic. Under The Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020, postponed by-elections for county and county borough councils or town and community councils that were due to take place between the period commencing on 16<sup>th</sup> March 2020 and ending on 31<sup>st</sup> January 2021 are required to be held between 1<sup>st</sup> February 2021 and 16<sup>th</sup> April 2021. These Regulations further postpone by-elections so that they will now take place during the period from 1<sup>st</sup> March 2021 to 6<sup>th</sup> May 2021.

4.2. Regulation 2 amends relevant dates in the Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020 and Regulation 3 amends relevant dates in the Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020.

#### **5. Consultation**

5.1. Due to the emergency nature of these Regulations the Welsh Government did not undertake a public consultation before the Regulations came into force. Returning Officers have been notified of the intention to make the Regulations to aid them in their preparations.

#### **6. Regulatory Impact Assessment (RIA)**

6.1. These regulations are not considered to have any significant financial impact, and as such no regulatory impact assessment has been carried out.