

SL(6)088 – The Local Elections (Communities) (Wales) Rules 2021

Background and Purpose

These [2021 Rules](#) set out the rules of conduct by which the election of councillors to community or town councils in Wales is to take place. The 2021 Rules are Wales-specific and aim to provide an updated and modernised set of conduct rules. For example, the 2021 Rules set out rules on the:

- timetable for certain activities that take place before and on polling day,
- giving notice of an election,
- nomination of candidates,
- form of ballot papers,
- functions of returning officers and presiding officers,
- appointment (by candidates) of polling agents and counting agents,
- counting of votes and the declaration of results.

The 2021 Rules also provide for policies made as part of the development and delivery of the Local Government and Elections (Wales) Act 2021 to be implemented. These policy changes were consulted on as part of the Electoral Reform in Local Government in Wales consultation conducted in 2017. The policies being taken forward in the 2021 Rules relate to the optional publication of the candidate's home address, the statement of party affiliation and necessary changes following the extension of the franchise to those aged 16 and 17 and qualifying foreign citizens.

The 2021 Rules will apply to the election of councillors to community or town councils in Wales held on or after 5 May 2022.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Rules before the Senedd. The Welsh Ministers cannot make the Rules unless the Senedd approves the draft Rules.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.



1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

These 2021 Rules, among other things, consolidate the law concerning community council elections and the rules by which they are conducted.

We welcome the consolidation of this area of law, previously contained in the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 (**the 2006 Rules**). The 2006 Rules were made by the Secretary of State on an England-and-Wales basis, in English only, and contained a complex mix of provisions, some of which applied in Wales and some of which did not.

These 2021 Rules now set out the relevant rules that apply in Wales in a clear way, in one place and in both English and Welsh. This will markedly improve accessibility to this area of law, which is to be welcomed.

Also to be welcomed is the Explanatory Memorandum to the 2021 Rules, which includes a clear and thorough explanation of the 2021 Rules. This is particularly important given the length (over 170 pages) of the 2021 Rules.

However, we note that the Welsh Ministers intend to make further subordinate legislation in this area of law, making supplementary and consequential provision. We hope this will not result in an unnecessary step backwards as regards accessibility and the consolidation achieved by the 2021 Rules.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

30 November 2021



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee