



Ein cyf/Our ref: MA.JJ.3927.20

Elin Jones MS
Llywydd
Senedd Cymru
Cardiff Bay
CF99 1NA

3 December 2020

Dear Llywydd,

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, I am notifying you that the *Local Government (Coronavirus) (Postponement of Elections) (Wales) (No.2) Regulations* will come into force less than 21 days from the date of laying. The Explanatory Memorandum for these Regulations is attached for your information.

The Coronavirus Act 2020 was introduced to Parliament on 19 March and contained a number of miscellaneous provisions relating to elections. The Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations which came in to force on 5 May 2020 postponed any by-elections due in the immediate future, setting a new date for these by-elections to be held no later than 16 April 2021 and not before 1 February 2021.

Electoral law does not provide for elections being postponed in the way they were earlier this year and legislative provision is necessary to deal with supplementary issues such as the status of candidates, how to handle postal votes already cast, ensure that the postponed by-elections are conducted in accordance with electoral law and good practice, and that Returning Officers (ROs) are able to carry out their duties. The Minister for Housing and Local Government wrote to the Electoral Commission and the Wales Electoral Co-ordination Board to seek their views on the approach being taken. Their views were taken into consideration in the drafting of the Regulations.

Not adhering to the 21 day convention allows the Regulations to come into force on 4 December 2020. This is necessary in order to ensure ROs have enough time to prepare for the first postponed by-elections which are scheduled to take place in early February. An RO must publish a notice of election no later than 25 working days before the date of the election. Therefore, if a by-election was to be held at the earliest opportunity, on 4 February 2021, the election notice would need to be published no later than 31 December 2020. If the

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

21 day rule was observed for these Regulations, they would not be in force by the time an RO would need to lay the notice of election in order to have the by-election. Before arranging the postponed by-election, the Returning Officer will first wish to ensure that any outstanding issues which arose from the postponement are dealt with as will candidates who wish to stand again.

In view of these circumstances, the reduced period is therefore thought necessary and justifiable in this case. An Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes to Mick Antoniw AM, Chair of the Legislation, Justice and Constitution Committee, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans." The signature is written in a cursive, flowing style.

Rebecca Evans AS/MS
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd