

WELSH ELECTIONS (CORONAVIRUS) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 11 – Power to postpone local authority by-elections

30. This section gives the Welsh Ministers a power to make regulations postponing local authority by-elections in Wales beyond the period required by the Local Government Act 1972 where the poll would otherwise be required to be held between 6 May 2021 and 5 November 2021. Section 67 of the Coronavirus Act 2020 has a similar power but does not enable the regulations to fix a date or period for the by-election after 6 May 2021. Regulations made under this section may not postpone the by-election to a date later than 5 November 2021.
31. [Section 17](#) makes equivalent provision to section 68 of the Coronavirus Act 2020 (power to make supplementary, incidental, consequential, transitory etc. provision for giving full effect to provision made under a provision of this Act). Section 17(2)(a) of the Act enables retrospective provision to be made in relation to local government by-elections, an approach consistent with that taken in section 68(3) of the Coronavirus Act 2020 which enables the postponement of local government by-elections to a date up to 6 May 2021.
32. Regulations under this section which amend modify or repeal a provision in primary legislation are subject to a made affirmative Senedd procedure, which means they must be approved by Senedd Cymru before the end of a period of 28 days after they are made or they will cease to have effect at the end of that period. In all other cases, the negative Senedd procedure applies to regulations made under this section. The negative procedure means that the regulations must be laid before the Senedd after they are made and they will continue in effect unless the Senedd objects to the regulations within a period of 40 days after they are laid.