

WELSH ELECTIONS (CORONAVIRUS) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 12 – Orders and rules on the conduct of elections to be held in 2021

33. Where an order made by the Welsh Ministers under section 13(1) of the 2006 Act about the conduct of Senedd elections contains provision only about the 2021 election or only about Senedd by-elections held before 6 November 2021 this section requires the Senedd made affirmative procedure to apply to the making of the order instead of the affirmative procedure that would otherwise apply. The affirmative procedure requires approval of a draft of an order before it is made. The made affirmative procedure requires Senedd approval after the order is made.
34. Similarly, where rules under section 36A of the Representation of the People Act 1983 (“the 1983 Act”) contain provision only about the conduct of a local authority by-election to be held before 6 November 2021 the made affirmative procedure applies to the making of the rules instead of the procedure that would otherwise apply.
35. Section 36A of the 1983 Act comes into force on 20 March 2021 and rules made under it would otherwise be subject to the affirmative procedure by virtue of section 36A(10) of the 1983 Act.
36. Before section 36A of the 1983 Act comes into force, section 36 of the 1983 Act can be relied upon by the Welsh Ministers to make rules about the conduct of local authority elections. The negative procedure applies to rules made under section 36 of the 1983 Act (see section 36(7) of the 1983 Act).