



Elections and Elected Bodies (Wales) Act 2024

2024 asc 5

PART 2

ELECTED BODIES AND THEIR MEMBERS

CHAPTER 3

DISQUALIFICATION, UNDUE INFLUENCE AND POLITICAL RESTRICTION OF OFFICES

Disqualification

61 Disqualification from being a Member of the Senedd and a community councillor

- (1) The Government of Wales Act 2006 (c. 32) is amended as follows.
- (2) In section 16 (disqualification from being a Member of the Senedd) in subsection (1)—
 - (a) in paragraph (za), omit “and 17B”;
 - (b) for paragraph (zc), substitute—

“(zc) is a member of the council of a county, a county borough or a community in Wales (but see section 17D),”.
- (3) Omit section 17B.
- (4) In section 17D (exception from disqualification by virtue of being a councillor)—
 - (a) in subsection (1), after “borough” insert “or community council”;
 - (b) in subsection (2), after “borough” insert “or community council”.
- (5) Omit section 17E.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (6) Omit section 17F.
- (7) The amendments made by this section have effect for the purposes of an election for membership of the Senedd at which a poll is held on or after 6 April 2026.

62 Disqualification for corrupt or illegal practice: local government elections

In section 80A(1) of the Local Government Act 1972 (c. 70) (disqualification for election or being a member of a local authority in Wales), after paragraph (b) insert—

“(ba) the person is incapable of being elected to or holding elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) 1962 (c. 14) (corrupt or illegal practices);”.

63 Disqualification for corrupt or illegal practice: Senedd Cymru elections

In Schedule 1A to the Government of Wales Act 2006 (c. 32) (disqualification from being a Member of the Senedd or a candidate in an election to be a Member of the Senedd), after paragraph 5 insert—

“5A A person who is incapable of being elected to or holding elective office in a district council in Northern Ireland under Part 10 of the Electoral Law Act (Northern Ireland) 1962 (c. 14) having been reported guilty or convicted of a corrupt or illegal practice.”

Undue influence

64 Undue influence

- (1) The 1983 Act is amended as follows.
- (2) In section 114A (undue influence offence inserted by section 8 of the Elections Act 2022), omit “or Wales”.
- (3) In section 115 (undue influence offence: local government elections in Scotland and Wales)—
 - (a) in subsection (1), omit “or Wales”;
 - (b) in subsection (2), omit “or Wales”;
 - (c) in the heading, omit “and Wales”.

Political restriction of offices

65 Political restriction of officers and staff

- (1) The Local Government and Housing Act 1989 (c. 42) is amended as follows.
- (2) In section 1 (disqualification and political restriction of certain officers and staff)—
 - (a) in subsection (1A)—
 - (i) after “member of any local authority in Wales” insert “(including an elected mayor)”;
 - (ii) in paragraph (b), after “under a” insert “community council or”;

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- (b) in subsection (1B), after “any corporate joint committee” insert “, community council”;
 - (c) after subsection (1B) insert—
 - “(1C) A person shall be disqualified from becoming or remaining a member of a community council if that person holds a politically restricted post under any community council, corporate joint committee or local authority in Great Britain.”;
 - (d) after subsection (12) insert—
 - “(13) Subsections (5) and (6) of this section apply to a community council as they apply to a local authority in Wales.”.
- (3) In section 2 (politically restricted posts)—
- (a) after subsection (1B) insert—
 - “(1C) For the purposes of this Part the following persons are to be regarded as holding politically restricted posts under a community council—
 - (a) a paid officer having responsibility, for the purposes of section 151 of the Local Government Act 1972, for the administration of the financial affairs of the community council;
 - (b) a person holding a paid post that is for the time being specified by the community council in the list maintained in accordance with subsection (2) and any directions under section 3.”;
 - (b) after subsection (10C) insert—
 - “(10D) This section, other than subsection (1), applies in relation to a community council as it applies in relation to a local authority in Wales.
 - (10E) In the application of subsection (4) to a community council, the reference to the coming into force of this section has effect as if it were a reference to 6 May 2027.”.
- (4) In section 3(9) (grant and supervision of exemptions from political restriction), after “corporate joint committee” insert “and a community council”.
- (5) In section 10(2) (limit on paid leave for local authority duties), in the definition of “local authority”, after “corporate joint committee” insert “and a community council”.
- (6) In section 12(2) (conflict of interest in staff negotiations), in the definition of “local authority”, after “corporate joint committee” insert “and a community council”.