



# Government of Wales Act 2006

## 2006 CHAPTER 32

### PART 1

#### NATIONAL ASSEMBLY FOR WALES

##### *General elections*

### 3 Ordinary general elections

- (1) The poll at an ordinary general election is to be held on the first Thursday in May in the [<sup>F1</sup>fifth] calendar year following that in which the previous ordinary general election was held, [<sup>F2</sup>unless—
- (a) subsection (1A) prevents the poll being held on that day, or
  - (b) the day of the poll is determined by a proclamation under section 4.]

[<sup>F3</sup>(1A) The poll is not to be held on the same date as the date of the poll at—

- (a) a parliamentary general election (other than an early parliamentary general election), or
- (b) a European Parliamentary general election.

(1B) Where subsection (1A) prevents the poll being held on the day specified in subsection (1), the poll is to be held on such day, subject to subsection (1A), as the Welsh Ministers may by order specify unless the day of the poll is determined by a proclamation under section 4(2) as modified by section 4(2A).]

- (2) If the poll is to be held on the first Thursday in May [<sup>F4</sup> or on the day specified by an order under subsection (1B) ], the Assembly—
- (a) is dissolved by virtue of this section at the beginning of the minimum period which ends with that day, and
  - (b) must meet within the period of seven days beginning immediately after the day of the poll.

(3) In subsection (2) “the minimum period” means the period determined in accordance with an order under section 13.

*Status: Point in time view as at 01/12/2018.*

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(4) In calculating any period of days for the purposes of subsection (2)(b), the following days are to be disregarded—

- (a) Saturday and Sunday,
- (b) any day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971 (c. 80), and
- (c) any day appointed for public thanksgiving or mourning.

[<sup>F5</sup>(5) No order is to be made under subsection (1B) unless a draft of the statutory instrument containing it has been laid before, and approved by a resolution of, the Assembly.]

#### Textual Amendments

- F1 Word in s. 3(1) substituted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 1\(1\)](#), 29(2)(a)
- F2 Words in s. 3(1) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(2\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F3 S. 3(1A)(1B) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(3\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F4 Words in s. 3(2) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(4\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)
- F5 S. 3(5) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), [ss. 6\(5\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), [reg. 3\(b\)](#)

#### Modifications etc. (not altering text)

- C1 S. 3(1) modified (15.9.2011) by [Fixed-term Parliaments Act 2011 \(c. 14\)](#), [ss. 5\(2\)](#), 7(2) (with s. 6)

#### Commencement Information

- I1 Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 4 Power to vary date of ordinary general election

[<sup>F6</sup>(1) Subject to section 3(1A), the Presiding Officer may propose, for the holding of the poll at an ordinary general election, a day which is not more than one month earlier, nor more than one month later, than the first Thursday in May.]

[<sup>F6</sup>(2) If the Presiding Officer proposes a day under subsection (1), Her Majesty may by proclamation under the Welsh Seal—

- (a) dissolve the Assembly,
- (b) require the poll at the election to be held on the day proposed, and
- (c) require the Assembly to meet within the period of seven days beginning immediately after the day of the poll.]

[<sup>F6</sup>(2A) Where a day is specified by an order under section 3(1B), subsection (1) applies as if the reference to the first Thursday in May were a reference to that day.]

(3) In calculating any period of days for the purposes of provision made by virtue of subsection [<sup>F7</sup>(2)(c)], the following days are to be disregarded—

- (a) Saturday and Sunday,
- (b) Good Friday,
- (c) any day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971 (c. 80), and
- (d) any day appointed for public thanksgiving or mourning.

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- (4) [<sup>F8</sup>The Welsh Ministers may by order] make provision for—
- (a) any provision of, or made under, the Representation of the People Acts, or
  - (b) any other enactment relating to the election of Assembly members,
- to have effect with such modifications or exceptions as the [<sup>F9</sup>Welsh Ministers consider] appropriate in connection with the alteration of the day of the poll [<sup>F10</sup> under this section ].

<sup>F11</sup>(5) .....

- (6) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of [<sup>F12</sup>the Assembly].

#### Textual Amendments

- F6** S. 4(1)-(2A) substituted for s. 4(1)(2) (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 6\(7\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(b\)](#)
- F7** Word in s. 4(3) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 6\(8\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(b\)](#)
- F8** Words in s. 4(4) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 6\(9\)\(a\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(b\)](#)
- F9** Words in s. 4(4) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 6\(9\)\(b\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(b\)](#)
- F10** Words in s. 4(4) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 6\(9\)\(c\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(b\)](#)
- F11** S. 4(5) omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\), ss. 6\(10\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(b\)](#)
- F12** Words in s. 4(6) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 6\(11\), 71\(4\)](#) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(b\)](#)

#### Commencement Information

- I2** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 5 Extraordinary general elections

- (1) The [<sup>F13</sup>Presiding Officer] must propose a day for the holding of a poll at an extraordinary general election if subsection (2) or (3) applies.
- (2) This subsection applies if—
- (a) the Assembly resolves that it should be dissolved, and
  - (b) the resolution of the Assembly is passed on a vote in which the number of Assembly members voting in favour of it is not less than two-thirds of the total number of Assembly seats.
- (3) This subsection applies if any period during which the Assembly is required under section 47 to nominate an Assembly member for appointment as the First Minister ends without such a nomination being made.
- (4) If the [<sup>F14</sup>Presiding Officer] proposes a day under subsection (1), Her Majesty may by [<sup>F15</sup>proclamation under the Welsh Seal]—
- (a) dissolve the Assembly and require an extraordinary general election to be held,

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- (b) require the poll at the election to be held on the day proposed, and
  - (c) require the Assembly to meet within the period of seven days beginning immediately after the day of the poll.
- (5) If a poll is held under this section within the period of six months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 4), that ordinary general election is not to be held.
- (6) But subsection (5) does not affect the year in which the subsequent ordinary general election is to be held.
- (7) In calculating any period of days for the purposes of subsection (4)(c), the following days are to be disregarded—
- (a) Saturday and Sunday,
  - (b) Christmas Eve, Christmas Day and Good Friday,
  - (c) any day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971 (c. 80), and
  - (d) any day appointed for public thanksgiving or mourning.

#### Textual Amendments

- F13** Words in s. 5(1) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 6\(13\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(b\)](#)
- F14** Words in s. 5(4) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 6\(14\)\(a\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(b\)](#)
- F15** Words in s. 5(4) substituted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 6\(14\)\(b\)](#), 71(4) (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179, reg. 3\(b\)](#)

#### Commencement Information

- I3** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

## 6 Voting at general elections

- (1) Each person entitled to vote at a general election in an Assembly constituency has two votes.
- (2) One (referred to in this Act as a “constituency vote”) is a vote which may be given for a candidate to be the Assembly constituency member for the Assembly constituency.
- (3) The other (referred to in this Act as an “electoral region vote”) is a vote which may be given for—
- (a) a registered political party which has submitted a list of candidates to be Assembly regional members for the Assembly electoral region in which the Assembly constituency is included, or
  - (b) an individual who is a candidate to be an Assembly regional member for that Assembly electoral region.
- (4) The Assembly constituency member for the Assembly constituency is to be returned under the simple majority system.
- (5) The Assembly regional members for the Assembly electoral region are to be returned under the additional member system of proportional representation provided for in this Part.

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- (6) In this Act “registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

#### Commencement Information

**I4** Ss. 1-94, 97-106 in force immediately after “the 2007 election” by s. 161(1) (subject to s. 161(4)(5))

## 7 Candidates at general elections

- (1) At a general election a person may not be a candidate to be the Assembly constituency member for more than one Assembly constituency.
- (2) Any registered political party may submit a list of candidates for return as Assembly regional members for a particular Assembly electoral region at a general election.
- (3) The list must be submitted to the regional returning officer.
- (4) The list must not include more than twelve persons (but may include only one).
- (5) The list must not include a person—
- (a) who is included on any other list submitted for the Assembly electoral region or any list submitted for another Assembly electoral region,
  - (b) who is an individual candidate to be an Assembly regional member for the Assembly electoral region or another Assembly electoral region,
  - [<sup>F16</sup>(c) who is a candidate to be the Assembly constituency member for an Assembly constituency which is not included in the Assembly electoral region, or
  - (d) who is a candidate to be the Assembly constituency member for an Assembly constituency included in the Assembly electoral region but is not a candidate of the party.]
- (6) A person may not be an individual candidate to be an Assembly regional member for the Assembly electoral region if that person is—
- (a) included on a list submitted by a registered political party for the Assembly electoral region or another Assembly electoral region,
  - (b) an individual candidate to be an Assembly regional member for another Assembly electoral region,
  - [<sup>F17</sup>(c) a candidate to be the Assembly constituency member for an Assembly constituency which is not included in the Assembly electoral region, or
  - (d) a candidate of any registered political party to be the Assembly constituency member for an Assembly constituency included in the Assembly electoral region.]
- (7) In this Act “regional returning officer”, in relation to an Assembly electoral region, means the person designated as the regional returning officer for the Assembly electoral region in accordance with an order under section 13.

#### Textual Amendments

**F16** S. 7(5)(c)(d) substituted for s. 7(5)(c) and word (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), **ss. 2(2)(a)**, 29(2)(a)

**F17** S. 7(6)(c)(d) substituted for s. 7(6)(c) and word (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), **ss. 2(2)(b)**, 29(2)(a)

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#### **Commencement Information**

**I5** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### **8 Calculation of electoral region figures**

- (1) This section and section 9 are about the return of Assembly regional members for an electoral region at a general election.
- (2) The person who is to be returned as the Assembly constituency member for each Assembly constituency in the Assembly electoral region is to be determined before it is determined who are to be returned as the Assembly regional members for the Assembly electoral region.
- (3) For each registered political party by which a list of candidates has been submitted for the Assembly electoral region—
  - (a) there is to be added together the number of electoral region votes given for the party in the Assembly constituencies included in the Assembly electoral region, and
  - (b) the number arrived at under paragraph (a) is then to be divided by the aggregate of one and the number of candidates of the party returned as Assembly constituency members for any of those Assembly constituencies.
- (4) For each individual candidate to be an Assembly regional member for the Assembly electoral region there is to be added together the number of electoral region votes given for the candidate in the Assembly constituencies included in the Assembly electoral region.
- (5) The number arrived at—
  - (a) in the case of a registered political party, under subsection (3)(b), or
  - (b) in the case of an individual candidate, under subsection (4),
 is referred to in this Act as the electoral region figure for that party or individual candidate.

#### **Commencement Information**

**I6** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

### **9 Allocation of seats to electoral region members**

- (1) The first seat for the Assembly electoral region is to be allocated to the party or individual candidate with the highest electoral region figure.
- (2) The second and subsequent seats for the Assembly electoral region are to be allocated to the party or individual candidate with the highest electoral region figure after any recalculation required by subsection (3) has been carried out.
- (3) This subsection requires a recalculation under paragraph (b) of section 8(3) in relation to a party—
  - (a) for the first application of subsection (2), if the application of subsection (1) resulted in the allocation of an Assembly seat to the party, or

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- (b) for any subsequent application of subsection (2), if the previous application of that subsection did so,  
and a recalculation is to be carried out after adding one to the aggregate mentioned in that paragraph.
- (4) An individual candidate already returned as an<sup>[F18]</sup> Assembly constituency member or Assembly regional member is to be disregarded.
- (5) Seats for the Assembly electoral region which are allocated to a party are to be filled by the persons on the party's list in the order in which they appear on the list<sup>[F19]</sup> (disregarding anyone already returned as an Assembly constituency member, including anyone whose return is void)].
- (6) Once a party's list has been exhausted <sup>[F20]</sup>(by the return of persons included on it as Assembly constituency members or by the previous application of subsection (1) or (2)) ], the party is to be disregarded.
- (7) If (on the application of subsection (1) or any application of subsection (2)) the highest electoral region figure is the electoral region figure of two or more parties or individual candidates, the subsection applies to each of them.
- (8) However, if subsection (7) would mean that more than the full number of seats for the Assembly electoral region were allocated, subsection (1) or (2) does not apply until—
- (a) a recalculation has been carried out under section 8(3)(b) after adding one to the number of votes given for each party with that electoral region figure, and
- (b) one has been added to the number of votes given for each individual candidate with that electoral region figure.
- (9) If, after that, the highest electoral region figure is still the electoral region figure of two or more parties or individual candidates, the regional returning officer must decide between them by lots.

#### Textual Amendments

**F18** Words in s. 9(4) inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), **ss. 2(3)(a)**, 29(2)(a)

**F19** Words in s. 9(5) inserted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), **ss. 2(3)(b)**, 29(2)(a)

**F20** Words in s. 9(6) substituted (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), **ss. 2(3)(c)**, 29(2)(a)

#### Commencement Information

**I7** Ss. 1-94, 97-106 in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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