



# Government of Wales Act 2006

## 2006 CHAPTER 32

### PART 1

#### [<sup>F1</sup>SENEDD CYMRU]

#### *Vacancies*

#### 10 Constituency vacancies

- (1) This section applies if the seat of [<sup>F1</sup>a Senedd ] constituency member returned for [<sup>F1</sup>a Senedd] constituency is vacant.
- (2) Subject to subsection (7), an election must be held in the [<sup>F2</sup>Senedd] constituency to fill the vacancy.
- (3) At the election, each person entitled to vote only has a constituency vote; and the [<sup>F2</sup>Senedd] constituency member for the [<sup>F2</sup>Senedd] constituency is to be returned under the simple majority system.
- (4) The date of the poll at the election must be fixed by the Presiding Officer.
- (5) The date must fall within the period of three months beginning with the occurrence of the vacancy.
- (6) But if the vacancy does not come to the Presiding Officer's notice within the period of one month beginning with its occurrence, the date must fall within the period of three months beginning when it does come to the Presiding Officer's notice.
- (7) The election must not be held if it appears to the Presiding Officer that the latest date which may be fixed for the poll would fall within the period of three months ending with the day on which the poll at the next ordinary general election would be held (disregarding section 4).
- (8) The standing orders must make provision for determining the date on which a vacancy occurs for the purposes of this section.

*Status: Point in time view as at 17/03/2021.*

*Changes to legislation: Government of Wales Act 2006, Cross Heading: Vacancies is up to date with all changes known to be in force on or before 09 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (9) A person may not be a candidate in an election to fill a vacancy if the person is—
- (a) [<sup>F3</sup>a Member of the Senedd], or
  - (b) a candidate in another such election.

#### Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), **Sch. 1 para. 2(18)** (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), **Sch. 1 para. 2(19)** (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F3** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), **Sch. 1 para. 2(15)** (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))

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

- C1** [S. 10](#) modified (17.3.2021) by [Welsh Elections \(Coronavirus\) Act 2021 \(asc 2\)](#), **ss. 2(4), 10, 18** (with s. 13)

#### 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))

## 11 Electoral region vacancies

- (1) This section applies if the seat of [<sup>F1</sup>a Senedd] regional member returned for [<sup>F1</sup>a Senedd] electoral region is vacant.
- (2) If the [<sup>F2</sup>Senedd] regional member was returned (under section 9 or this section) from the list of a registered political party, the regional returning officer must notify to the Presiding Officer the name of the person who is to fill the vacancy.
- (3) A person's name may only be so notified if the person—
  - (a) is included on the list submitted by the registered political party for the last general election,
  - (b) is willing to serve as [<sup>F1</sup>a Senedd] regional member for the [<sup>F2</sup>Senedd] electoral region, and
  - (c) is not a person to whom subsection (4) applies.
- (4) This subsection applies to a person if—
  - (a) the person is not a member of the registered political party, and
  - (b) the registered political party gives notice to the regional returning officer that the person's name is not to be notified to the Presiding Officer as the name of the person who is to fill the vacancy.
- (5) But if there is more than one person who satisfies the conditions in subsection (3), the regional returning officer may only notify the name of whichever of them was the higher, or the highest, on that list.
- (6) A person whose name is notified under subsection (2) is to be treated as having been declared to be returned as [<sup>F1</sup>a Senedd] regional member for the [<sup>F2</sup>Senedd] electoral region on the day on which notification of the person's name is received by the Presiding Officer.
- (7) The seat remains vacant until the next general election—

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- (a) if the [<sup>F2</sup>Senedd] regional member was returned as an individual candidate, or
  - (b) if that [<sup>F2</sup>Senedd] regional member was returned from the list of a registered political party but there is no-one who satisfies the conditions in subsection (3).
- (8) For the purposes of this section, a person included on the list submitted by a registered political party for the last general election who—
- [<sup>F4</sup>(a) was returned as [<sup>F3</sup>a Member of the Senedd ] at that election (even if the return was void), or
  - (b) has subsequently been returned under section 10 or this section (even if the return was void),]
- is treated on and after the return of the person<sup>F5</sup> ..., as not having been included on the list.

#### Textual Amendments

- F1** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(18\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F2** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(19\)](#) (with [Sch. 1 para. 2\(11\)-\(14\)](#))
- F3** Words in Act substituted (6.5.2020) by [Senedd and Elections \(Wales\) Act 2020 \(anaw 1\)](#), s. 42(2), [Sch. 1 para. 2\(15\)](#) (with [Sch. 1 para. 2\(11\)\(12\)\(14\)](#))
- F4** S. 11(8)(a)(b) substituted for s. 11(8)(a)-(c) (17.2.2015) by [Wales Act 2014 \(c. 29\)](#), [ss. 2\(4\)\(a\)](#), 29(2)(a)
- F5** Words in s. 11(8) omitted (17.2.2015) by virtue of [Wales Act 2014 \(c. 29\)](#), [ss. 2\(4\)\(b\)](#), 29(2)(a)

#### 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))

**Status:**

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**Changes to legislation:**

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