

**2018 No. 272**

**CONSTITUTIONAL LAW**

**DEVOLUTION, WALES**

**The Wales Act 2017 (Consequential and Saving Provisions)  
Regulations 2018**

<i>Made</i>	- - - -	<i>28th February 2018</i>
<i>Laid before Parliament</i>		<i>1st March 2018</i>
<i>Coming into force</i>	- -	<i>1st April 2018</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 69(2) and 70(2) of the Wales Act 2017(a).

**Citation and commencement**

1. These Regulations may be cited as the Wales Act 2017 (Consequential and Saving Provisions) Regulations 2018 and come into force on 1st April 2018.

**Representation of the People (England and Wales) Regulations 2001**

2.—(1) The Representation of the People (England and Wales) Regulations 2001(b) are amended as follows.

(2) In regulation 26 (applications for registration)—

(a) in paragraph (9) for the words from the beginning to “Cabinet Office” substitute “Where, by virtue of arrangements made by the Minister for the Cabinet Office, an application under paragraph (1) may be made through the digital service, the Minister”;

(b) for paragraph (10) substitute—

“(10) Where an application in pursuance of an overseas elector’s declaration under paragraph (1) is made through the digital service, a registration officer may, but need not, accept it.”

**Police and Crime Commissioner Elections Order 2012**

3. The Police and Crime Commissioner Elections Order 2012(c) is amended as follows.

4. In article 2 (interpretation)—

(a) for the definition of “register of electors” substitute—

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(a) 2017 c. 4.

(b) S.I. 2001/341, relevant amending instruments are S.I.s 2013/3198 and 2016/997.

(c) S.I. 2012/1917, relevant amending instruments are S.I.s 2014/921 and 2016/300.

“register of electors” means—

- (a) in relation to a PCC election in England the register of local government electors<sup>(a)</sup>;
  - (b) in relation to a PCC election in Wales—
    - (i) the register of parliamentary electors, excluding any entry included in pursuance of an overseas elector’s declaration<sup>(b)</sup>; and
    - (ii) in the case of peers disqualified from voting as an elector at parliamentary elections and relevant citizens of the Union<sup>(c)</sup> who will have attained the age of 18 on the date of the poll, the register of local government electors<sup>(c)</sup>;
- (b) omit the definition of “relevant citizen of the Union”.

**5. In Schedule 2 (absent voting in PCC elections)—**

- (a) in paragraph 3(4)(a) and (b) after “a person” insert “who is registered in the register of electors and”;
- (b) in paragraph 4(2)(a) and (3)(a) after “the persons who” insert “are registered in the register of electors and”;
- (c) in paragraphs 5(3)(b) and 6(3)(b) omit “for any area of Great Britain or Northern Ireland.”.

**6. In rule 70 (forms) of Schedule 3 (rules for conduct)—**

- (a) in the English version of Form 6 (nomination of candidates)—
  - (i) for “We, the undersigned, being persons entitled to vote at local government elections” substitute “We, the undersigned, being persons entitled to vote at Police and Crime Commissioner elections”;
  - (ii) for “We the undersigned being local government electors” substitute “We the undersigned being Police and Crime Commissioner electors”;
  - (iii) in paragraph 7 for sub-paragraph (a) substitute—

“(a) means a person who, on the last day for the publication of notice of the Police and Crime Commissioner election, is registered in the register of electors in relation to a Police and Crime Commissioner election in respect of an address that is within the police area in question; and”;
  - (iv) in paragraph 8 for “in the register of local government electors” substitute “in the register of electors in relation to a Police and Crime Commissioner election”;
- (b) in the Welsh version of Form 6 (Ffurflen 6) (Enwebu ymgeiswyr)—
  - (i) for “Rydym ni, sydd wedi llofnodi isod,” where it first appears, to “ar gyfer ardal heddlu [*rhowch enw’r ardal heddlu*]” substitute—

“Yr ydym ni, sydd wedi llofnodi isod, yn bersonau â hawl i bleidleisio mewn etholiadau Comisiynwyr Heddlu a Throseddu ac yn byw fel arfer yn yr ardal heddlu hon, yn enwebu’r sawl y mae ei enw’n ymddangos isod fel ymgeisydd i fod yn Gomisiynydd Heddlu a Throseddu ar gyfer ardal heddlu [*nodwch enw’r ardal heddlu*]”;
  - (ii) for “Rydym ni, sydd wedi llofnodi isod,” where it appears for the second time, to “drwy hyn yn cydsynio i’r enwebiad uchod.” substitute—

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(a) There is a definition of local government elector in section 76 of the Police Reform and Social Responsibility Act 2011 (c. 13).

(b) There is a definition of overseas elector’s declaration in section 102 of the Police Reform and Social Responsibility Act 2011 (c. 13).

(c) There is a definition of relevant citizens of the Union in section 102 of the Police Reform and Social Responsibility Act 2011 (c. 13).

“Yr ydym ni, sydd wedi llofnodi isod, yn etholwyr Comisiynwyr Heddlu a Throseddu yn ardal [*nodwch enw'r ardal heddlu*], drwy hyn yn cydsynio i'r enwebiad a grybwyllwyd eisoes.”;

(iii) in paragraph 7 for sub-paragraph (a) substitute—

“(a) yw person sydd, ar y diwrnod olaf ar gyfer cyhoeddi hysbysiad o etholiad y Comisiynydd Heddlu a Throseddu, wedi cofrestru ar y gofrestr etholwyr mewn cysylltiad ag etholiad Comisiynydd Heddlu a Throseddu mewn perthynas â chyfeiriad sydd o fewn yr ardal heddlu dan sylw; ac”;

(iv) for paragraph 8 substitute—

“8 Fodd bynnag, ni all person sydd â chofnod dienw ar y gofrestr etholwyr mewn cysylltiad ag etholiad Comisiynydd Heddlu a Throseddu enwebu ymgeisydd i'w ethol.”

(c) in Form 7 (consent to nomination), in the second bullet for “in the register of local government electors for an electoral area” substitute “in the register of electors in relation to a police and crime commissioner election”.

## **Saving**

7.—(1) Subject to paragraph (2), the National Assembly for Wales (Representation of the People) Order 2007<sup>(a)</sup> continues to have effect from 1st April 2018<sup>(b)</sup> as it had effect immediately before that day.

(2) From 1st April 2018 article 16 of, and Schedule 4 to, that Order (combination of polls at Assembly and local government elections) no longer have effect in relation to the combination of the polls at an ordinary Assembly general election and an ordinary local government election.

28th February 2018

*Stuart Andrew*  
Parliamentary Under Secretary of State  
Wales Office

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(a) S.I. 2007/236, amended by the Wales Act 2014 (c. 29) and S.I.s 2009/1182, 2010/1142, 2010/2931, 2011/1441, 2011/2085, 2012/1479, 2012/1809, 2013/388, 2013/591, 2015/664, 2016/211, 2016/272 and 2017/52.

(b) S.I. 2017/1179 (c. 111) provides that sections 3, 5 and 6 of, and Schedule 1 to, the Wales Act 2017 come into force on 1st April 2018.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make consequential and saving provision in connection with sections 3, 5, 6 and 8 of, and Schedule 1 to, the Wales Act 2017 (c. 4) (“the 2017 Act”).

When those provisions come into force on 1st April 2018, the legislative competence of the Assembly will be extended to include the registration of electors on the register of local government electors in Wales and, subject to the reservations contained in section B1 of the Schedule 7A to the Government of Wales Act 2006 (c. 32) (“GOWA”). The digital service for the registration of electors will remain reserved. Regulation 2 of these Regulations amends regulation 26 of the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) to make consequential provision in connection with the reservation of the digital service.

Regulations 3 to 6 amend the Police and Crime Commissioner Elections Order 2012 (S.I. 2012/1917) (“the 2012 Order”) in consequence of the amendments made by section 8 of the 2017 Act to the Police Reform and Social Responsibility Act 2011 (c. 12). The amendments made by section 8 reflect the devolution of the franchise for local government elections in Wales, and of the registration of local government electors in Wales. Regulation 4 of these Regulations amends the definition of the register of electors in the 2012 Order to reflect the changes made by section 8. Regulations 5 to 6 of these Regulations update references in the 2012 Order to reflect these changes.

Regulation 7 makes saving provision and a modification to the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236). Section 5 of the 2017 Act will substitute a new section 13 of GOWA. The new section 13 will give the Welsh Ministers powers to make provision in respect of the conduct of Assembly elections and other specified matters so far as those provisions would be within the legislative competence of the Assembly. Regulation 7 of these Regulations ensures that S.I. 2007/236 continues in force after 1st April 2018 other than so far as it provides for the combination of the polls at an ordinary general election of Assembly members and an ordinary local government election in Wales. This combination will be reserved under section B1(B) of Schedule 7A to the GOWA, and will no longer be permitted, following the commencement of section 6 of the 2017 Act.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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