

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in relation to certain local government by-elections which were postponed as a result of the Covid-19 pandemic. These local government by-elections were postponed by the Local Government (Coronavirus) (Postponement of Elections) (Wales) Regulations 2020 (“the 2020 Regulations”).

Regulation 4 provides that any postal ballot cast in relation to a by-election postponed by the 2020 Regulations is not to count for the purposes of a by-election that has been re-arranged. It also provides that a postal voter is not prevented from casting another postal ballot at a re-arranged by-election.

Regulation 5 makes provision on how the returning officer has to deal with the documentation which may have been created in advance of a postponed by-election, including forwarding it to the registration officer.

Regulation 6 requires the registration officer to retain such documents for a year before destroying them (subject to a court order). It also makes provision about court orders for access to those documents in respect of a prosecution.

Regulation 7 makes provision in relation to persons who were candidates at a postponed by-election. It provides that a person who was a candidate is no longer a candidate, and is treated generally as not having been one. The effects of this include that the person is not required to complete certain returns relating to candidate expenses and donations under the Representation of the People Act 1983. Certain donations to regulated donees instead fall to be dealt with under the rules in the Political Parties, Elections and Referendums Act 2000, although the deadlines for complying with those rules are extended.

Regulation 8 amends the Representation of the People (England and Wales) Regulations 2001, so as to provide applicants with additional grounds for applying for emergency proxy votes in respect of certain local government by-elections. These additional grounds relate to persons who are unable to attend a polling station in person as a result of following relevant legislation, guidance or medical advice in relation to the Covid-19 pandemic. .

Regulation 9 modifies the effect of the Local Government (Wales) Measure 2011 in relation to the requirement to give public notice where a person is co-opted on to the membership of a community council in Wales. As a result of the Covid-19 pandemic, such public notices need only be given electronically.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020.