

WELSH STATUTORY INSTRUMENTS

2020 No. 1399

The Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020

Postal ballots: retention, production and destruction of documents by the relevant registration officer

- 6.—(1) The relevant registration officer must—
- (a) retain the documents forwarded to the officer in accordance with regulation 5(3)(b) for the period of one year; and
 - (b) after that period, cause those documents to be destroyed, unless otherwise directed by an order of a county court, a Crown Court or a magistrates' court.
- (2) A person must not be allowed to inspect any of the documents described in regulation 5(3)(a)(i) to (iii), (v) to (vii) and (b)(ii) which are in the possession of the relevant registration officer, except in accordance with an order made by a court for the inspection or production of any document for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers.
- (3) In relation to an order described in paragraph (2)—
- (a) where it relates to an election for a councillor to fill a casual vacancy in the office of councillor for any principal area in Wales, paragraphs (3) to (7) of rule 53 of Schedule 2 or (as the case may be) Schedule 3 to the Local Elections (Principal Areas) (England and Wales) Rules 2006^{M1} apply in accordance with paragraph (4); and
 - (b) where it relates to an election for a councillor to fill a casual vacancy in the office of community councillor, paragraphs (3) to (7) of rule 53 of Schedule 2 or (as the case may be) of Schedule 3 to the Local Elections (Parishes and Communities) (England and Wales) Rules 2006^{M2} apply in accordance with paragraph (4).
- (4) The provisions referred to in paragraph (3) apply to an order described in paragraph (2) in the same way as they apply to an order made under those provisions, save that references in those provisions to “counted ballot papers” should be read as references to the documents described in regulation 5(3)(a)(i) to (iii), (v) to (vii) and (b)(ii).
- (5) Section 176 of the 1983 Act (time limit for prosecutions)^{M3} applies in respect of documents retained by the relevant registration officer under paragraph (1) and references to “rule 57 of the parliamentary elections rules” in subsections (2C) and (2D) should be read as a reference to regulation 6(1) of these Regulations.
- (6) Section 54 of the 1983 Act (payments of expenses of registration)^{M4} applies to the exercise of functions of the relevant registration officer under this regulation as it applies to the exercise of functions of the registration officer under the 1983 Act.

Commencement Information

II Reg. 6 in force at 4.12.2020, see [reg. 2](#)

Status: Point in time view as at 04/12/2020.

Changes to legislation: There are currently no known outstanding effects for the *The Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020, Section 6.* (See end of Document for details)

Marginal Citations

M1 [S.I. 2006/3304](#).

M2 [S.I. 2006/3305](#).

M3 [Section 176](#) was amended by the [Representation of the People Act 1985 \(c. 50\)](#), [sections 24](#) and [28](#), [Schedule 4](#), paragraph 61 and [Schedule 5](#).

M4 [Section 54](#) was amended by the [Representation of the People Act 1985](#), [Schedule 4](#), paragraph 14; and by the [Electoral Registration and Administration Act 2013 \(c.6\)](#), [Schedule 4](#), paragraphs 1 and 17.

Status:

Point in time view as at 04/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Local Government (Coronavirus) (Postponement of Elections) (Wales) (No. 2) Regulations 2020, Section 6.