
WELSH STATUTORY INSTRUMENTS

2021 No. 1460

The Local Elections (Communities) (Wales) Rules 2021

Title and commencement

1. The title of these Rules is the Local Elections (Communities) (Wales) Rules 2021 and they come into force on 17 December 2021.

Transitional provision

2. The coming into force of these Rules does not affect the conduct of an election of councillors to a community council if, in the event of the election being contested, the poll would take place before 5 May 2022.

Interpretation

3.—(1) In these Rules—

“the 1983 Act” (“*Deddf 1983*”) means the Representation of the People Act 1983;

“the Combination of Polls Regulations” (“*Rheoliadau Cyfuno Pleidleisiau*”) means the Representation of the People (Combination of Polls) (England and Wales) Regulations 2004(1);

“excluded day” (“*diwrnod eithriedig*”) means a day that is—

- (a) a Saturday;
- (b) a Sunday;
- (c) Christmas Eve;
- (d) Christmas Day;
- (e) Good Friday;
- (f) a day that is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(2);

“home address information” (“*gwybodaeth am gyfeiriad cartref*”) in relation to a person nominated—

- (a) in Schedule 1, has the meaning given by rule 13(3) of that Schedule, and
- (b) in Schedule 2, has the meaning given by rule 13(3) of that Schedule.

(2) For the purposes of these Rules, an election is a “relevant election” if it is one of the following elections and the poll at the election is taken together with the poll at an election of councillors to a community council—

- (a) a parliamentary election;
- (b) an election of councillors to a county council or county borough council;

(1) S.I. 2004/294 as amended by paragraph 17 of Schedule 2 to the Local Government and Elections (Wales) Act 2021 and by S.I. 2006/3278, S.I. 2012/1917, S.I. 2014/920 and S.I. 2015/654.
(2) 1971 c. 80.

- (c) a mayoral election, that is, an election conducted under the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007(3);
- (d) a police and crime commissioner election, that is, an election of a police and crime commissioner in accordance with Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011(4).

(3) In these Rules, unless otherwise indicated, the following words and expressions have the same meaning as in the 1983 Act (see sections 202(1) and 203(1)(5) of that Act)—

- “anonymous entry” (“*cofnod dienw*”);
- “disability” (“*anabled*”);
- “election court” (“*llys etholiad*”);
- “election petition” (“*deiseb etholiad*”);
- “elector” (“*etholwr*”);
- “electoral area” (“*ardal etholiadol*”);
- “list of proxies” (“*rhestr dirprwyon*”);
- “postal voters list” (“*rhestr pleidleiswyr post*”);
- “proper officer” (“*swyddog priodol*”);
- “proxy postal voters list” (“*rhestr pleidleiswyr post drwy ddirprwy*”);
- “record of anonymous entries” (“*cofnod cofnodion dienw*”);
- “voter” (“*pleidleisiwr*”).

Conduct of elections to a community council

4.—(1) Schedule 1 sets out the rules that apply to the conduct of an election of councillors to a community council where the poll at the election is not taken together with the poll at another election.

(2) References in the rules in Schedule 1 to the returning officer are references to the returning officer at the election of councillors to a community council.

(3) Schedule 2 sets out the rules that apply to the conduct of an election of councillors to a community council where the poll at the election is taken together with the poll at one or more relevant elections.

(4) References in the rules in Schedule 2 to the co-ordinating returning officer are references to the returning officer who, under regulation 4 of the Combination of Polls Regulations, is responsible for discharging functions specified in regulation 5 of those Regulations.

(5) References in the rules in Schedule 2 to the returning officer are references to the returning officer at the election of councillors to a community council (whether or not that person is also the co-ordinating returning officer), unless a particular rule otherwise provides.

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- (3) [S.I. 2007/1024](#); relevant amending instruments are [S.I. 2010/1172](#), [S.I. 2011/926](#), [S.I. 2012/1917](#), [S.I. 2014/1370](#) and [S.I. 2018/1310](#).
 - (4) [2011 c. 13](#). Chapter 6 of Part 1 was amended by the Crime and Courts Act 2013 ([c. 22](#)) (Schedule 8, paragraph 184), by the Local Government (Democracy) (Wales) Act 2013 ([anaw 4](#)) (Schedule 1, paragraph 5), by the Policing and Crime Act 2017 ([c. 3](#)) (section 122(1), Schedule 2, paragraph 117 and Schedule 9, paragraph 73) and by the Wales Act 2017 ([c. 4](#)) (section 8). It was also amended by [S.I. 2014/268](#), [S.I. 2015/1376](#), [S.I. 2015/1526](#), [S.I. 2016/997](#), [S.I. 2017/470](#) and [S.I. 2018/1310](#).
 - (5) Section 202(1) was amended by the Representation of the People Act 1985 (Schedule 2, paragraph 3), by the Greater London Authority Act 1999 ([c. 29](#)) (Schedule 3, paragraph 38), by the Representation of the People Act 2000 ([c. 2](#)) (Schedule 6, paragraph 9), by the Electoral Administration Act 2006 (Schedule 1, paragraphs 13, 76 and 128) and by the Local Government and Elections (Wales) Act 2021 (Schedule 2, paragraph 2(17)). Section 203(1) was amended by the Representation of the People Act 1985 (Schedule 4, paragraph 71) and by the Local Government and Elections (Wales) Act 2021 (Schedule 2, paragraph 2(18)). There are other amendments but they are not relevant to these Rules.

(6) Where a rule in Schedule 1 or 2 requires the returning officer to publish a document, the document must be published—

- (a) online, and
- (b) in such other way as the returning officer considers appropriate for bringing the contents of the document to the attention of the public.

(7) Where a rule in Schedule 1 or 2 requires or authorises a notice to be given, the notice may be—

- (a) sent by post,
- (b) sent electronically, or
- (c) delivered personally.

Filling of casual vacancies

5.—(1) This rule applies where public notice of a casual vacancy in the office of community councillor is given in accordance with section 87(2) of the Local Government Act 1972.

(2) A request for an election to fill the vacancy may be made before the end of the period of 14 days beginning the day after public notice of the vacancy is given.

(3) Any such request must be made by ten electors to the proper officer of the council of the county or county borough in which the community is situated.

(4) The request may be made by—

- (a) the ten electors providing the proper officer with one document containing the request, signed by each of them, or
- (b) each of the ten electors providing the proper officer with a document containing the request and signed by that elector .

(5) Where a request is made, an election to fill the casual vacancy must be held unless the vacancy occurred during the councillor’s final six months (as to which see paragraph (12)).

(6) Where an election is required, it must be held on a day appointed by the returning officer, which must be before the end of the period of 60 days beginning with the day on which public notice of the vacancy is given.

(7) Where an election is not required—

- (a) if the vacancy occurred during the councillor’s final six months, the community council may co-opt a person to fill the vacancy;
- (b) otherwise, the community council must co-opt a person to fill the vacancy.

(8) Where the community council decides or is required to co-opt a person, this must be done as soon as practicable after the end of the period of 14 days beginning the day after public notice of the vacancy is given.

(9) Where a vacancy is not filled by an election or by co-opting a person, it must be filled at the next ordinary election of councillors for the community.

(10) In paragraph (3), “elector” means a person who, on the day on which the request is made, is registered in the register of local government electors for the electoral area in which the vacancy has occurred, other than a person who is not of voting age on that day or who has an anonymous entry.

(11) In calculating the period of 14 days mentioned in paragraphs (2) and (8), and the period of 60 days mentioned in paragraph (6), any day that is an excluded day is to be disregarded.

(12) References in this rule to a councillor’s final six months are to the period of six months ending with the expected day of the next ordinary election of councillors for the community.

Modifications of the 1983 Act

6.—(1) The provisions of the 1983 Act referred to in section 187(1) of that Act (provisions applying at certain local elections) apply to an election of community councillors with the modification that any reference to the proper officer of the authority is to be read as a reference to the returning officer.

(2) Section 136(2)(b) of the 1983 Act⁽⁶⁾ (amount of security of costs on election petition) applies to an election of community councillors with the modification that the reference to “£2,500” is to be read as a reference to “£1,500”.

Form of election expenses

7. A declaration as to election expenses at an election of community councillors must be in the form in Schedule 3 to these Rules or a form to the like effect.

15 December 2021

Rebecca Evans
Minister for Finance and Local Government, one
of the Welsh Ministers

⁽⁶⁾ Section 136(2)(b) was amended by paragraph 48 of Schedule 4 to the Representation of the People Act 1985 and by paragraph 19(4) of Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).