

## WELSH STATUTORY INSTRUMENTS

### 2020 No. 1399

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

### Candidates at relevant by-elections

7.—(1) A person (“P”) who was a candidate at a relevant by-election is no longer to be regarded as a candidate, and is treated as not having been a candidate before the coming into force of this regulation.

(2) A person (including P) is not liable in respect of any act or omission (whenever occurring) in relation to P’s candidacy at a relevant by-election before the coming into force of this regulation (disregarding paragraph (1)), under—

- (a) section 71A of, and Schedule 2A to, the 1983 Act (control of donations to candidates <sup>M1</sup>; and
- (b) sections 73 to 90D, and Schedule 4 to the 1983 Act (provisions about candidate election expenses) <sup>M2</sup> including the application of those provisions to the election of community councillors in Wales by section 90 of that Act.

(3) Paragraphs (4) to (6) apply in relation to a donation which would have fallen to be included in a return as to election expenses in respect of P in accordance with Part 3 of Schedule 2A to the 1983 Act <sup>M3</sup> if the relevant by-election had taken place (disregarding paragraph (2)).

(4) For the purposes of paragraph 4(3)(a) of Schedule 7 to the 2000 Act (donations: disregard for candidate donations) a donation to which this paragraph applies is not to be treated as falling to be included in a return as to election expenses in respect of P.

(5) Where a regulated donee is required to take action in respect of a donation to which this paragraph applies under section 56(2) of the 2000 Act (acceptance or return of donations) <sup>M4</sup>, as applied by paragraph 8 of Schedule 7 to that Act <sup>M5</sup>, that provision is to be read as if it required that action to be taken by 31 January 2021 (instead of within the period specified in the provision).

(6) Where, in relation to a donation to which this paragraph applies, a regulated donee is required to prepare a report under paragraph 10(1) or 11(1)(a) of Schedule 7 to the 2000 Act (donation reports: permissible and impermissible donors) <sup>M6</sup>, paragraph 10(2) or 11(1)(b) (as the case may be) of that Schedule <sup>M7</sup> is to be read as if it required the report to be delivered to the Electoral Commission by 31 January 2021 (instead of within the period specified in the provision).

(7) A person is not liable for any failure to comply with a requirement referred to in paragraphs (5) or (6) between the time for compliance set out in relation to the requirement (prior to the modifications made by paragraphs (5) and (6) taking effect) and the coming into force of this regulation.

(8) Nothing in this regulation affects whether P is a candidate in respect of a postponed poll or any requirements which would apply in relation to P as a candidate in respect of a postponed poll.

#### Commencement Information

**II** Reg. 7 in force at 4.12.2020, see [reg. 2](#)

### Marginal Citations

- M1** [Section 71A](#) was inserted by the Political Parties, Elections and Referendums Act 2000 (“the 2000 Act”), section 130. Schedule 2A was inserted by Schedule 16 to the 2000 Act.
- M2** [Sections 73](#) and [74](#) were amended by the Representation of the People Act 1985 (“RPA 1985”), section 14; by the [Greater London Authority Act 1999 \(c. 29\)](#) (“GLAA 1999”), Schedule 3, paragraphs 1, 17 and 18; by the 2000 Act, Schedule 18, paragraphs 1, 3 and 4; and section 73 was also amended by the [Electoral Administration Act 2006 \(c. 22\)](#) (“EAA 2006”), Schedule 1, paragraphs 104, 111 and 133. Section 74A was inserted by the 2000 Act, Schedule 18 paragraphs 1 and 5, and was amended by EAA 2006, Schedule 1, paragraphs 104, 112 and 133. Section 75 was amended by RPA 1985, Schedule 4, paragraph 24; by GLAA 1999, Schedule 3 paragraphs 1 and 19; by the 2000 Act, section 131; by EAA 2006, section 25 and Schedule 1, paragraphs 104 and 113; and by the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 (c. 4) (“the 2014 Act”), section 36(1). Sections 75ZA and 75ZB were inserted by the 2014 Act, section 36(2). Section 76 was amended by RPA 1985, Schedule 4, paragraph 25; by the [Local Government Act 1985 \(c. 51\)](#), [Schedule 17](#); by the [Education Reform Act 1988 \(c. 40\)](#), [Schedule 13, Part 1](#); by the [Representation of the People Act 1989 \(c. 28\)](#), [section 6\(1\)](#); by GLAA 1999, Schedule 3, paragraphs 1 and 20; by the [Representation of the People Act 2000 \(c. 2\)](#), [Schedule 1](#), paragraphs 1 and 18; by the 2000 Act, section 132; by EAA 2006, Schedule 1, paragraphs 69 and 71; by the 2014 Act, section 37(1), and by [S.I. 2014/1870](#). Section 76ZA was inserted by the [Political Parties and Elections Act 2009 \(c. 12\)](#) (“PPE 2009”), section 21(1), and was amended by the [Fixed-term Parliaments Act 2011 \(c. 14\)](#), [Schedule](#), paragraphs 6 and 7, and by [S.I. 2014/1870](#). Section 76A was inserted by RPA 1985, section 14, and was amended by the 2000 Act, section 133(1), and by PPE 2009, Schedule 6, paragraph 6. Section 77 was amended by GLAA 1999, Schedule 3, paragraphs 1 and 22. Sections 78 and 79 were amended by RPA 1985, Schedule 4, paragraph 26; by the 2000 Act, Schedule 18, paragraphs 1, 6 and 18, and section 78 was also amended by the [Crime and Courts Act 2013 \(c. 22\)](#), [Schedule 9, paragraph 52\(1\)\(b\)](#) and (2). Sections 81, 82 and 85 were amended by RPA 1985, Schedule 4, paragraphs 27 to 29; by GLAA 1999, Schedule 3, paragraphs 1 and 23 to 25; and by the 2000 Act, Schedule 18, paragraphs 1, 7, 8 and 19, and section 81 was also amended by EAA 2006, section 26 and Schedule 1, paragraphs 104, 114 and 133. Section 85A was inserted by GLAA 1999, Schedule 3, paragraphs 1 and 26. Section 86 was amended by RPA 1985, Schedule 4, paragraph 30; by the 2000 Act, Schedule 18, paragraphs 1 and 18; by the [Legal Services Act 2007 \(c. 29\)](#), [Schedule 21, paragraphs 48](#) and 49, and by the Crime and Courts Act 2013, Schedule 9, paragraph 52. Section 87 was amended by RPA 1985, Schedule 4, paragraph 31, and by [S.I. 2015/664](#). Section 87A was inserted by the 2000 Act, Schedule 18, paragraphs 1 and 9. Section 88 was amended by RPA 1985, Schedule 4, paragraph 32, and by GLAA 1999, Schedule 3, paragraphs 1 and 27. Section 89 was amended by RPA 1985, Schedule 4, paragraph 33; by the 2000 Act, Schedule 18, paragraphs 1 and 10; and by EAA 2006, Schedule 1, paragraphs 104 and 115. Section 90 was amended by the 2000 Act, Schedule 18, paragraphs 1 and 11, and by EAA 2006, Schedule 1, paragraphs 104 and 116. Section 90ZA was inserted by EAA 2006, section 27(1) and (2), and was amended by PPE 2009, Schedule 6, paragraph 7. Sections 90A to 90D were inserted by the 2000 Act, section 134. Sections 90A and 90B were repealed by EAA 2006, section 27(1), (3) and (4). Sections 90C and 90D were amended by EAA 2006, Schedule 1, paragraphs 104, 117, 118 and 133.
- M3** [Schedule 2A](#) was inserted by the Political Parties Elections and Referendums Act 2000 (c.41.), Schedule 16.
- M4** [Section 56\(2\)](#) was amended by PPE 2009, section 9.
- M5** [Paragraph 8](#) was amended by PPE 2009, Schedule 4, paragraph 2 and Schedule 6, paragraph 28.
- M6** [Paragraph 10\(1\)](#) was amended by EAA 2006, Schedule 1, paragraphs 138 and 154, and by PPE 2009, Schedule 3, paragraph 2. [Paragraph 11\(1\)](#) was amended by PPE 2009, Schedule 3, paragraph 3.
- M7** [Paragraph 10\(2\)](#) was amended by PPE 2009, section 20.

**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 7.