WELSH STATUTORY INSTRUMENTS

2004 No. 218 (W.22)

LOCAL GOVERNMENT, WALES

The Local Government (Ordinary Day of Election) (Wales) Order 2004

Made - - - -	*3rd February 2004*
Coming into force - -	*6th February 2004*

Having consulted the Electoral Commission and such other persons or bodies as it considers appropriate in accordance with section 104(4) and (5) of the Local Government Act 2003(**1**) and, in exercise of the powers conferred on it by sections 104(1) and (2) and 123(1) of that Act, the National Assembly for Wales makes the following Order.

Name, commencement, application and interpretation

1.—(1) This Order is called the Local Government (Ordinary Day of Election) (Wales) Order 2004 and shall come into force on 6th February 2004.

(2) This Order applies to Wales only.

(3) In this Order:

(a) "local government area" ("*ardal llywodraeth leol*") has the same meaning as in section 203 of the Representation of the People Act 1983(**2**);

(b) "principal council" ("*principal council*") means a council as referred to in section 21 of the 1972 Act; and

(c) "the 1972 Act" ("*Deddf 1972*") means the Local Government Act 1972(**3**).

Change of ordinary day in 2004

2.—(1) Notwithstanding section 37 of the Representation of the People Act 1983, in 2004 the ordinary day of election of councillors for all local government areas in Wales shall be the same day as the date of the poll at the European Parliamentary general election(**4**) held in that year.

(2) In consequence of the change in the ordinary day of election provided for in paragraph (1) the term of office of any councillor for a local government area in Wales who would otherwise have

(**1**) 2003 c. 26.
(**2**) 1983 c. 2.
(**3**) 1972 c. 70. Section 21 was substituted by section 2 of the Local Government (Wales) Act 1994.
(**4**) The date of the poll at the European Parliamentary general election is appointed by the Secretary of State pursuant to section 4 of the European Parliamentary Elections Act 2002 (c. 24).

retired on the fourth day after the original day of election shall for all purposes be a term ending on the fourth day after the new ordinary day of election.

(3) The term of office of a councillor elected for a local government area in Wales on the ordinary day of election in 2004 provided for in paragraph (10) shall for all purposes be a term ending on the fourth day after the next ordinary election.

(4) In consequence of the change in the ordinary day of election provided for in paragraph (1) section 16(1) of the Representation of the People Act 1985(**5**) shall not apply in relation to any elections of community councillors to be held on the ordinary day of election of councillors for local government areas in Wales in 2004.

(5) Any reference to the 6th of May 2004 in any order—

(a) made, in relation to Wales, under section 58(2) of the 1972 Act (implementation of the recommendations of the Local Boundary Commission for Wales),

(b) made by a principal council in Wales under section 28(3) of the 1972 Act (establishment or dissolution of a community council),

(c) made by a principal council in Wales under section 57(6) of the 1972 Act (changing of electoral arrangements for a community council), or

(d) made, in relation to Wales, under section 87(1) of the Local Government Act 2000(**6**) (power to change years in which ordinary elections of councillors are to be held),

shall be construed as a reference to the ordinary day of election in 2004 of councillors for local government areas in Wales, as determined in accordance with paragraph (1) above.

Elections to fill casual vacancies

3. In relation to the ordinary elections in 2004 in Wales—

(a) where a councillor for a principal council would regularly have retired on the fourth day after the ordinary election, section 89(3) of the 1972 Act shall apply in relation to a casual vacancy in that councillor's office as if for "six months before" there were substituted "the period beginning with the 10th of November 2003 and ending immediately before"; and

(b) where a community councillor would regularly have retired on the fourth day after the ordinary election, rule 8 of the Local Elections (Parishes and Communities) Rules 1986(**7**) shall apply in relation to a casual vacancy in that councillor's office as if in paragraph (1) for "six months before", and in paragraph (4), for "within six months before", there were substituted "within the period beginning with the 10th of November 2003 and ending immediately before".

(**5**) 1985 c. 50. Section 16(1) provides for the postponement for 3 weeks of the poll at an election of parish councillors where the date of the poll at a European Parliamentary general election and the ordinary day of election for councillors in England and Wales are the same.
(**6**) 2000 c. 22.
(**7**) S.I.1986/2215.