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STATUTORY INSTRUMENTS

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**2003 No. 284**

**CONSTITUTIONAL LAW**

DEVOLUTION, WALES

REPRESENTATION OF THE PEOPLE

The National Assembly for Wales  
(Representation of the People) Order 2003

Made - - - - 28th February 2003

Coming into force in accordance with article 1

The Secretary of State for Wales, in exercise of the powers conferred upon him by section 11 of the Government of Wales Act 1998(1) and after consulting the Electoral Commission (2), hereby makes the following Order, a draft of which has been laid before, and approved by, a resolution of each House of Parliament —

PART I

GENERAL

**Citation, commencement and revocation**

1.—(1) This Order may be cited as the National Assembly for Wales (Representation of the People) Order 2003 and shall come into force on the day after the day on which it is made.

(2) This Order revokes the National Assembly for Wales (Representation of the People) Order 1999(3) and the National Assembly for Wales (Representation of the People) (Amendment) Order 2002 (4).

**Interpretation**

2.—(1) In this Order, except where the context requires otherwise—

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- (1) 1998 c. 38. Section 11 was amended by the Political Parties, Elections and Referendums Act 2000 (c. 41), section 158(1), Schedule 21, paragraph 12(1), (3).  
(2) Consultation with the Electoral Commission is required by the Political Parties, Elections and Referendums Act 2000, section 7(1).  
(3) S.I.1999/450.  
(4) S.I. 2002/834.

“appropriate returning officer” means a constituency returning officer in relation to a constituency election and a regional returning officer in relation to a regional election,

“Assembly constituency” is to be construed in accordance with section 2(2) of, and Schedule 1 to, the 1998 Act,

“Assembly election” means a constituency election or a regional election,

“Assembly election petition” means a petition presented in pursuance of Part IV of this Order,

“Assembly electoral region” is to be construed in accordance with section 2(2) of, and Schedule 1 to, the 1998 Act,

“available for inspection” means available for inspection during ordinary office hours,

“citizen of the Union” shall be interpreted in the same way as in section 202(1) of the 1983 Act,

“constituency election” means an election to return an Assembly member for an Assembly constituency,

“constituency returning officer” means the person who is the returning officer for a constituency election,

“constituency vote” means a vote given to a candidate to be an Assembly member for an Assembly constituency,

“dwelling” includes any part of a building where that part is occupied separately as a dwelling,

“election to fill a casual vacancy” means a constituency election held otherwise than at an ordinary election,

“election court” means the judges presiding at the trial of an Assembly election petition,

“elector” means any person whose name is for the time being on the register to be used at an Assembly election, but does not include those shown in the register as below voting age on the day fixed for the poll,

“electoral region vote” means a vote given for—

- (a) a registered political party which has submitted a list of candidates to be Assembly members for an Assembly electoral region, or
- (b) an individual who is a candidate to be an Assembly member for that Assembly electoral region,

“European Parliamentary election” has the same meaning as in section 27(1) of the 1985 Act,

“individual candidate” means a candidate at an Assembly regional election other than a party list candidate,

“legal incapacity” includes (in addition to any incapacity arising by virtue of any subsisting provision of the common law) any disqualification imposed by this Order or by any other enactment,

“legal process” means a claim form, application notice, writ, summons or other process,

“local government election” includes a mayoral election,

“mayoral election” means an election for the return of an elected mayor of a local authority in Wales,

“ordinary election” means the holding of constituency and regional elections for the return of all Assembly members,

“party list” means a list of not more than twelve candidates (but it may be a list of only one candidate) to be Assembly members for an Assembly electoral region which is to be or has been submitted to a regional returning officer by a registered political party; and references in this Order to a group of party list candidates include a case where there is only one such candidate,

“party list candidate” means a candidate included on a party list; and references in this Order to a group of party list candidates refer to all the candidates included on such a list,

“person” includes (without prejudice to the provisions of the Interpretation Act 1978<sup>(5)</sup>) an association corporate or unincorporate,

“postal proxy” means a person entitled to vote by post as proxy at an election,

“presiding officer of the Assembly” means the person elected in accordance with—

(a) section 52(1)(a) of the 1998 Act, or

(b) section 52(1)(b) of that Act where he is for the time being performing the functions of presiding officer of the Assembly,

“regional election” means an election to return Assembly members for an Assembly electoral region,

“regional returning officer” means the person who is the returning officer for a regional election,

“register” means the register of electors,

“registered emblem” means an emblem registered by a registered political party under Part II of the 2000 Political Parties Act,

“registered nominating officer” means the person registered under Part II of the 2000 Political Parties Act as the officer with responsibility for the matters referred to in section 24(3) of that Act in respect of a registered political party,

“registered political party” means (subject to paragraph 69 of Schedule 5) a party registered under Part II of the 2000 Political Parties Act,

“registration officer” means an electoral registration officer,

“relevant citizen of the Union” means a citizen of the Union who is not a Commonwealth citizen or a citizen of the Republic of Ireland,

“service voter” means a person who has made a service declaration in accordance with section 15 of the 1983 Act and is registered or entitled to be registered in pursuance of it,

“sub-agent” has the meaning given by article 36(1),

“universal postal service provider” means a universal service provider within the meaning of the Postal Services Act 2000 <sup>(6)</sup>,

“the Assembly” means the National Assembly for Wales established by section 1(1) of the 1998 Act,

“the absent voters list”, in relation to an Assembly election, has the meaning given by article 10(1),

“the list of proxies”, in relation to an Assembly election, has the meaning given by article 10(1)(b),

“the 1983 Act” means the Representation of the People Act 1983<sup>(7)</sup>,

“the 1985 Act” means the Representation of the People Act 1985<sup>(8)</sup>,

“the 1998 Act” means the Government of Wales Act 1998<sup>(9)</sup>,

“the 2000 Act” means the Representation of the People Act 2000<sup>(10)</sup>,

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<sup>(5)</sup> 1978 c. 30.

<sup>(6)</sup> 2000 c. 26.

<sup>(7)</sup> 1983 c. 2.

<sup>(8)</sup> 1985 c. 50.

<sup>(9)</sup> 1998 c. 38.

<sup>(10)</sup> 2000 c. 2.

“the 2000 Political Parties Act” means the Political Parties, Elections and Referendums Act 2000<sup>(11)</sup>,

“the 1986 Regulations” means the Representation of the People Regulations 1986<sup>(12)</sup>,

“the 2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001<sup>(13)</sup>, and

“voter” means a person voting at an Assembly election and includes a person voting as proxy and, except in Schedule 5, a person voting by proxy, and “vote” (whether noun or verb) shall be construed accordingly, except that in that Schedule any reference to an elector voting or an elector’s vote shall include a reference to an elector voting by proxy or elector’s vote given by proxy.

(2) References in this Order to the giving of two votes at an ordinary election refer to the giving of a constituency and an electoral region vote.

(3) For the purposes of this Order a person shall be deemed not to have attained a given age until commencement of the relevant anniversary of the day of his birth.

## PART II

### ASSEMBLY FRANCHISE AND ITS EXERCISE

#### Voting at Assembly elections

3.—(1) A constituency vote shall be given in an Assembly constituency.

(2) Although given in relation to an Assembly electoral region, in accordance with section 4(1) and (3) of the 1998 Act, an electoral region vote shall also be given in an Assembly constituency.

#### Registers of electors etc

4.—(1) An alteration in a register of electors under section 13A or 56 of the 1983 Act (alteration of registers and registration appeals) shall not have effect for the purposes of an Assembly election if it was made after the last day for the delivery of nomination papers set out in the Table in paragraph 1(1) of Schedule 5.

(2) Schedule 1 (which makes provision in connection with electors lists and registers) has effect.

#### Registration appeals

5.—(1) Subject to giving notice of the appeal in accordance with paragraph 8(1) of Schedule 2, an appeal lies to the county court from any decision under this Order of the registration officer disallowing a person’s application to vote—

- (a) by proxy or by post as elector, or
- (b) by post as proxy,

in any case where the application is not made for a particular Assembly election only.

(2) No appeal lies from the decision of the Court of Appeal on appeal from a decision of the county court under this article.

(3) An appeal to the county court or Court of Appeal by virtue of this article or section 56 of the 1983 Act which is pending when notice of an Assembly election is given shall not prejudice the

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<sup>(11)</sup> 2000 c. 41.

<sup>(12)</sup> S.I. 1986/1081.

<sup>(13)</sup> S.I. 2001/341.

operation as respects the Assembly election of the decision appealed against, and anything done in pursuance of the decision shall be as good as if no such appeal had been brought and shall not be affected by the decision of the appeal.

(4) Notice shall be sent to the registration officer in the manner provided by rules of court of the decision of the county court or of the Court of Appeal on any appeal by virtue of this article, and the registration officer shall make such alterations in the—

- (a) record kept under article 8(3), or
- (b) record kept under article 12(6),

as may be required to give effect to the decision.

(5) Where, as a result of the decision on an appeal under this article or section 56 of the 1983 Act, an alteration in the register is made on or before the last day for the delivery of nomination papers at an Assembly election set out in the Table in paragraph 1(1) of Schedule 5, paragraph (3) shall not apply to that appeal as respects that Assembly election.

(6) The registration officer shall on an appeal brought under this article be deemed to be a party to the proceedings, and the registration expenses payable to a registration officer shall include any expenses properly incurred by him by virtue of this paragraph.

(7) Order 45, rule 2 of the County Court Rules 1981(14) (appeal from decision of registration officer) shall have effect in relation to appeals under this article subject to the following modifications—

- (a) in rule 2(1), “regulations made under section 53 of the said Act of 1983”, and
- (b) in rule 2(4)(a), “to the regulations mentioned in paragraph (1)”,

shall be construed as including a reference to paragraph 8 of Schedule 2.

### **Polling districts and places at Assembly elections**

6.—(1) For the purpose of Assembly elections every Assembly constituency shall be divided into polling districts and subject to the provisions of this article there shall be a polling place for each polling district.

(2) Subject to paragraph (3), the polling districts and polling places to have effect at Assembly elections under this article shall be the districts and places as have effect at parliamentary elections.

(3) Where special circumstances make it desirable, the council of a county or county borough may determine that other polling districts or polling places shall have effect in its area at an Assembly election.

(4) Any determination under paragraph (3) shall be taken in accordance with the rules set out in section 18(2) of the 1983 Act.

(5) An election shall not be questioned by reason of—

- (a) any non-compliance with the provisions of this article, or
- (b) any informality relating to polling districts or polling places.

### **Manner of voting at Assembly elections**

7.—(1) This article applies to determine the manner of voting of a person entitled to vote as an elector at an Assembly election.

(2) He may vote in person at the polling station allotted to him under this Order, unless he is entitled as an elector to an absent vote at the Assembly election.

(3) He may vote by post if he is entitled as an elector to vote by post at the Assembly election.

(4) If he is entitled to vote by proxy at the Assembly election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under this Order for a ballot paper for the purposes of voting in person, in which case he may vote in person there.

(5) If he is not entitled as an elector to an absent vote at the Assembly election but cannot reasonably be expected to go in person to the polling station allotted to him under this Order by reason of the particular circumstances of his employment—

- (a) as a constable,
- (b) by a constituency returning officer, in the case of a constituency election,
- (c) by a regional returning officer, in the case of a regional election, or
- (d) by a constituency returning officer, in the case of a regional election where that officer is exercising functions in relation to the election,

on the date of the poll for a purpose connected with the election (subject to paragraph (6)), he may vote in person at any polling station in the Assembly constituency—

- (i) for which the election is being held, in the case of a constituency election, or
- (ii) in which he is entitled to give his vote, in the case of a regional election.

(6) But if a person is employed at an ordinary election for a purpose connected with only one of two elections at which he is entitled to give a vote, he shall be treated for the purposes of paragraph (5) as employed for a purpose connected with both elections: provided that, if a person is so treated, in exercising the right conferred by paragraph (5) those votes shall be given at the same polling station.

(7) Nothing in the preceding provisions of this article applies to—

- (a) a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, or
- (b) a person to whom section 7A of that Act (persons remanded in custody) applies,

whether he is registered by virtue of that provision or not, and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(8) For the purposes of the provisions of this Order, a person entitled to vote as an elector at an Assembly election is entitled as an elector to vote by post or entitled to vote by proxy at the election if he is shown in the absent voters list for the election as so entitled; and references in those provisions to entitlement as an elector to an absent vote at an Assembly election are references to entitlement as an elector to vote by post or entitlement to vote by proxy at the election.

### **Absent vote at Assembly elections for a particular or an indefinite period**

**8.—(1)** Where a person applies to the registration officer to vote by post, or to vote by proxy, at Assembly elections (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application (subject to paragraph (5)) if—

- (a) in the case of an application to vote by proxy, he is satisfied that the applicant is eligible to vote by proxy at Assembly elections,
- (b) he is satisfied that the applicant is or will be registered in the register for local government elections, and
- (c) the applicant meets the requirements set out in Schedule 2.

(2) For the purposes of this article, a person is eligible to vote by proxy at Assembly elections —

- (a) if he is or will be registered as a service voter,
  - (b) if he cannot reasonably be expected—
    - (i) to go in person to the polling station allotted or likely to be allotted to him under this Order, or
    - (ii) to vote unaided there,by reason of blindness or other physical incapacity,
  - (c) if he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of his spouse, or by reason of his or his spouse's attendance on a course provided by an educational institution, or
  - (d) if he cannot go in person from his qualifying address to that polling station without making a journey by air or sea.
- (3) The registration officer shall keep a record of those whose applications under this article have been granted showing whether their applications were to vote by post or proxy for an indefinite or a particular period (specifying that period).
- (4) The record kept under paragraph (3) shall also show—
- (a) in the case of those who may vote by post, the addresses provided by them in their application as the addresses to which their ballot papers are to be sent, and
  - (b) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.
- (5) The registration officer shall remove a person from the record kept under paragraph (3)—
- (a) if he applies to the registration officer to be removed,
  - (b) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered in pursuance of—
    - (i) a service declaration, or
    - (ii) a declaration of local connection,
  - (c) in the case of any person shown in the record as voting by proxy, if the registration officer gives notice that he has reason to believe there has been a material change of circumstances, or
  - (d) in the case of a person who applied to vote by post or proxy for a particular period, once that period has expired.
- (6) A person shown in the record kept under paragraph (3) as voting by post may subsequently alter his choice by applying to the registration officer to vote by proxy instead (whether for an indefinite period or for a particular period specified in his application); and if the registration officer would be required to grant that application if it were an application to vote by proxy under paragraph (1), the registration officer shall amend the record accordingly.
- (7) A person shown in the record kept under paragraph (3) as voting by proxy may subsequently alter his choice by applying to the registration officer to vote by post instead (whether for an indefinite period or for a particular period specified in his application); and if the application meets the requirements of Schedule 2, the registration officer shall amend the record accordingly.
- (8) A person applying to vote by post must provide an address in the United Kingdom as the address to which his ballot paper or, where he is entitled to give two votes at an ordinary election, ballot papers shall be sent.

### **Absent vote at a particular Assembly election**

**9.**—(1) Where a person applies to the registration officer to vote by post, or to vote by proxy, at a particular Assembly election, the registration officer shall grant the application (subject to paragraph (4)) if—

- (a) he is satisfied in the case of an application to vote by proxy, that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under this Order,
- (b) he is satisfied that the applicant is or will be registered in the register of local government electors, and
- (c) the application meets the requirements set out in Schedule 2.

(2) Paragraph (1) above does not apply to a person who is included in the record kept under article 8 but such a person may, in respect of a particular Assembly election, apply to the registration officer—

- (a) for his ballot paper or, where he is entitled to give two votes at an ordinary election, ballot papers to be sent to a different address in the United Kingdom, or
- (b) to vote by proxy,

if he is shown in the record so kept as voting by post at Assembly elections.

(3) The registration officer shall grant an application under paragraph (2) if—

- (a) in the case of any application, it meets the requirements set out in Schedule 2; and
- (b) in the case of an application to vote by proxy, he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under this Order.

(4) A person applying to vote by post must provide an address in the United Kingdom as the address to which his ballot paper or, where he is entitled to give two votes at an ordinary election, ballot papers shall be sent.

(5) For the purposes of this article, articles 11 and 12 and Schedule 2, "particular election" shall, where a person (whether as elector or as proxy) is entitled to give two votes at an ordinary election, refer to both elections at which he is entitled to so vote; and references to an absent vote at a particular Assembly election shall be construed accordingly.

### **Absent voters list at Assembly elections**

**10.**—(1) Subject to paragraph (2), the registration officer shall, in respect of each Assembly election, keep a special list ("the absent voters list") consisting of—

- (a) a list of—
  - (i) those who are for the time being shown in the record kept under article 8 as voting by post at Assembly elections (excluding those so shown whose applications under article 9(2) to vote by proxy at the election have been granted), together with the addresses provided by them in their applications under article 8 or article 9(2) as the addresses to which their ballot papers are to be sent, and
  - (ii) those whose applications under article 9(1) to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent, and
- (b) a list ("the list of proxies") of those who are for the time being shown in the record kept under article 8 as voting by proxy at Assembly elections or whose applications under



article 9 to vote by proxy at the election have been granted, together with the names and addresses of those appointed as their proxies.

(2) Where electors are entitled to give two votes at an ordinary election in an Assembly constituency, only one absent voters list shall be kept under paragraph (1) and that list shall have effect in relation to both elections.

### **Proxies at Assembly elections**

**11.**—(1) Subject to the provisions of this article, any person is capable of being appointed proxy to vote for another (in this article and article 12 referred to as “the elector”) at any Assembly election and may vote in pursuance of the appointment.

(2) The elector cannot have more than one person at a time appointed as proxy to vote for him at an Assembly election (whether in the same Assembly constituency or elsewhere).

(3) A person is not capable of being appointed to vote, or voting, as proxy at an Assembly election—

- (a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or
- (b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland nor a relevant citizen of the Union.

(4) A person is not capable of voting as proxy at an Assembly election unless on the date of the poll he has attained the age of eighteen.

(5) A person is not entitled to vote as proxy—

- (a) in the case of an ordinary election, at constituency elections in Assembly constituencies in an Assembly electoral region (or in one such election),
- (b) in the case of a constituency election other than at an ordinary election, at the constituency election,
- (c) at a regional election (whether or not at an ordinary election),

on behalf of more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

(6) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at Assembly elections (whether for an indefinite period or for a particular period specified in his application), the registration officer shall make the appointment if the application meets the requirements set out in Schedule 2 and he is satisfied that the elector is or will be—

- (a) registered in the register of local government electors for Assembly elections, and
- (b) shown in the record kept under article 8 as voting by proxy at such elections,

and that the proxy is capable of being and willing to be appointed to vote as proxy at such elections.

(7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular Assembly election, the registration officer shall make the appointment if the application meets the requirements set out in Schedule 2 and he is satisfied that the elector is or will be—

- (a) registered in the register of local government electors for that election, and
- (b) entitled to vote by proxy at that election by virtue of an application under article 9, and that the proxy is capable of being and willing to be appointed.

(8) The appointment of a proxy under this article is to be made by means of a proxy paper issued by the registration officer.

(9) The appointment may be cancelled by the elector by giving notice to the registration officer and shall also cease to be in force on the issue of a proxy paper appointing a different person to vote

for him at an Assembly election or Assembly elections (whether in the same Assembly constituency or elsewhere), and where the appointment was for a particular period, the appointment shall cease to be in force once that period expires.

- (10) Subject to paragraph (9), the appointment shall remain in force—
- (a) in the case of an appointment for a particular election, for that election, and
  - (b) in any other case, while the elector is shown as voting by proxy in the record kept under article 8 in pursuance of the same application under that article.

### **Voting as proxy at Assembly elections**

**12.—**(1) A person entitled to vote as proxy at an Assembly election may do so in person at the polling station allotted to the elector under this Order unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.

(2) Where a person is entitled to vote by post as proxy for the elector at any Assembly election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.

(3) For the purposes of this Order, a person entitled to vote as proxy for another at an Assembly election is entitled so to vote by post if he is included in the list kept under paragraph (8) in respect of the election.

- (4) Where a person applies to the registration officer to vote by post—
- (a) as proxy at Assembly elections (whether for an indefinite period or for a particular period specified in his application), or
  - (b) as proxy at a particular Assembly election,

the registration officer shall (subject to paragraph (10)) grant the application if the conditions set out in paragraph (5) are satisfied.

- (5) Those conditions are—
- (a) that the registration officer is satisfied that the elector is or will be registered in the register of local government electors, and
  - (b) that there is in force an appointment of the applicant as the elector's proxy to vote for him at Assembly elections or, as the case may be, the Assembly election concerned, and
  - (c) that the application meets the requirements set out in Schedule 2.

(6) The registration officer shall keep a record of those whose applications under paragraph (4) (a) have been granted showing—

- (a) whether their applications were to vote by post as proxy for an indefinite or a particular period (specifying that period), and
- (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(7) Where, in the case of a particular election, a person included in the record kept under paragraph (6) applies to the registration officer for his ballot paper or, where he is entitled to give two votes in the case of an ordinary election, ballot papers to be sent to a different address in the United Kingdom, the registration officer shall grant the application if it meets the requirements set out in Schedule 2.

(8) Subject to the proviso to this paragraph, the registration officer shall, in respect of each Assembly election, keep a special list of—

- (a) those who are for the time being included in the record kept under paragraph (6), together with the addresses provided by them in their applications under paragraph (4)(a) or paragraph (7) as the addresses to which their ballot papers are to be sent, and

- (b) those whose applications under paragraph (4)(b) have been granted in respect of the election concerned, together with the addresses to which their ballot papers are to be sent.

Provided that where electors are entitled to give two votes at an ordinary election in an Assembly constituency, only one list shall be kept under this paragraph and that list shall have effect in relation to both elections.

- (9) The registration officer shall remove a person from the record kept under paragraph (6)—
  - (a) if he applies to the registration officer to be removed,
  - (b) in the case of a person who applied to vote by post as proxy for a particular period, once that period expires,
  - (c) if the elector ceases to be registered as mentioned in paragraph (4)(a), or
  - (d) if the appointment of the person concerned as the elector's proxy ceases to be in force (whether or not he is re-appointed).

(10) A person applying to vote by post as proxy must provide an address in the United Kingdom as the address to which his ballot paper or, where he is entitled to give two votes at an ordinary election, ballot papers shall be sent.

### **Offences**

- 13. A person who —
  - (a) in any declaration or form used for any of the purposes of articles 8, 9, 11 or 12 makes a statement which he knows to be false, or
  - (b) attests an application under article 8 or 9 when he knows that he is not authorised to do so or that it contains a statement which is false,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### **Absent voting at Assembly elections: miscellaneous**

14.—(1) For the purposes of section 59 of the 1983 Act (supplemental provisions as to members of forces and service voters)—

- (a) subsection (3)(a) shall be construed as including a reference to this Order in connection with the rights conferred by this Order on a person having a service qualification by virtue of section 14(1)(a) or (b) of that Act in relation to the making and cancellation of appointments of a proxy and in relation to voting by post, and
- (b) subsection (3)(b) shall be similarly construed.

(2) Schedule 2 (which makes provision in connection with absent voting at Assembly elections) has effect.

(3) Schedule 3 (which makes provision in connection with the issue and receipt of postal ballot papers) has effect.

### **Combination of polls at Assembly and local government elections**

15.—(1) Where the polls at an ordinary Assembly election and an ordinary local government election are to be taken on the same date, they shall be taken together.

(2) Where the polls at an Assembly election and local government election for related areas are to be taken on the same date but are not required by paragraph (1) to be taken together, they may nevertheless be so taken if the returning officer for each election thinks fit.

(3) For the purposes of paragraph (2), two areas are related if one is coterminous with or situated wholly or partly within the other.

(4) Where the polls at an ordinary Assembly election and an ordinary local government election are combined under paragraph (1) the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned among the elections in such proportions as the Assembly may by order specify; and an order under this paragraph may specify different proportions in relation to different functions.

(5) Where the polls at an Assembly election and another election are combined under paragraph (2) the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned equally among the elections.

(6) The power to make orders under paragraph (4) shall be exercised by statutory instrument.

(7) Schedule 4 (which makes provision in connection with the combination of polls at Assembly and local government elections) has effect but, where the poll at an Assembly election is combined with a mayoral election, only Parts I and II of Schedule 4 shall apply.

### **Conduct of Assembly elections etc**

**16.**—(1) The proceedings at Assembly elections and return of Assembly members shall be conducted in accordance with Schedule 5.

(2) In addition to the functions otherwise conferred or imposed on a constituency or regional returning officer at an Assembly election it is the general duty of such an officer to do all such acts as may be necessary for effectively conducting the election in the manner provided by Schedule 5.

(3) No Assembly election shall be declared invalid by reason of any act or omission by such a returning officer or any other person in breach of his official duty in connection with the election or otherwise of Schedule 5 if it appears to the election court having cognizance of the question that—

- (a) the election was so conducted as to be substantially in accordance with the law as to Assembly elections, and
- (b) the act or omission did not affect the result.

### **Returning officers**

**17.**—(1) For the purpose of Assembly elections there shall be—

- (a) a constituency returning officer for each Assembly constituency, and
- (b) a regional returning officer for each Assembly electoral region, and

such persons shall hold office in accordance with paragraphs (2) and (3).

(2) A constituency returning officer shall be a person—

- (a) appointed under section 35(1A)(a) of the 1983 Act<sup>(15)</sup> to be the returning officer for elections of councillors of a county or county borough situated wholly or partly in the Assembly constituency, and (in the case where there is more than one such person)
- (b) who is for the time being designated by the Assembly as returning officer for the constituency.

(3) A regional returning officer shall be a person—

- (a) appointed under section 35(1A)(a) of the 1983 Act to be the returning officer for elections of councillors of a county or county borough situated wholly or partly in the Assembly electoral region, and

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<sup>(15)</sup> Subsection (1A) was added by the Local Government (Wales) Act 1994 (c. 19), Schedule 16.

- (b) who is for the time being designated by the Assembly as returning officer for the electoral region.
- (4) A designation made under this article shall be in writing.

#### **Officers of councils to be placed at disposal of returning officers**

**18.—**(1) The council of each county or county borough shall place the services of its officers at the disposal of any constituency returning officer for an Assembly constituency wholly or partly situated in its area.

(2) The services placed at the disposal of a constituency returning officer under paragraph (1) may relate to the exercise of that officer's functions in connection with a constituency election, a regional election or to both such elections.

(3) The council of each county or county borough shall also place the services of its officers at the disposal of any regional returning officer for an Assembly electoral region partly situated in its area.

#### **Returning officers: discharge of functions**

**19.—**(1) A constituency or a regional returning officer at an Assembly election may, in writing, appoint one or more persons to discharge all or any of his functions.

(2) Paragraph (1) applies to a constituency returning officer at a constituency or a regional election.

(3) In relation to an ordinary election and to a regional election other than at an ordinary election, it shall be the duty of each regional returning officer and each constituency returning officer for an Assembly constituency in the Assembly electoral region to co-operate with each other in the discharge of their functions.

(4) The duty imposed by paragraph (3) applies as between constituency returning officers in an Assembly electoral region as well as between such officers and the regional returning officer for the electoral region.

(5) In this Order, a reference to a constituency returning officer in relation to the discharge of functions at a regional election is a reference to the discharge of such functions in relation to the Assembly constituency for which he is the returning officer.

#### **Returning officers: general**

**20.—**(1) An Assembly election is not liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at or conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at or conduct the election.

(2) A person is not subject to any incapacity to vote at an Assembly election by reason of being returning officer at that election.

#### **Payments by and to returning officer**

**21.—**(1) A constituency or a regional returning officer shall be entitled to recover his charges in respect of services properly rendered, or expenses properly incurred, for, or in connection with, an Assembly election if—

- (a) the services or expenses are of a kind specified in an order made by the Assembly, and
- (b) the charges are reasonable,

and in the case of a constituency returning officer, this paragraph applies to services rendered or expenses incurred for, or in connection with, a constituency or a regional election.

(2) In any order made under paragraph (1) the Assembly may specify a maximum recoverable amount for services or expenses of any specified description and, subject to paragraph (3), the returning officer may not recover more than that amount in respect of any such services or expenses.

(3) The Assembly may, in a particular case, authorise the payment of more than the specified amount for any specified services or expenses if satisfied—

- (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses, and
- (b) that the charges in question are reasonable.

(4) Any order under paragraph (1) which specifies the maximum amount for services or expenses of a particular description may—

- (a) provide for that amount to increase at such dates, or after such periods, by reference to such formula or other method of determination as may be specified in the order, and
- (b) make such transitional provision in connection with any such increase as the Assembly considers appropriate.

(5) Any order under paragraph (1) may make different provision for constituency elections (on the one hand) and regional elections (on the other).

(6) The power to make orders under paragraph (1) shall be exercised by statutory instrument.

(7) The Assembly shall pay the amount of any charges recoverable in accordance with this article on an account being submitted to it but the Assembly may if it thinks fit, before payment, apply for the account to be taxed under the provisions of article 22.

(8) Where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under this article as part of a returning officer's charges at an Assembly election; then on an account being submitted to the Assembly, a sum equal to the increase shall be paid by the Assembly to the authority.

(9) On a returning officer's request for an advance on account of his charges, the Assembly may, on such terms as it thinks fit, make such an advance.

(10) The Assembly by regulations may make provision as to the time when and the manner and form in which accounts are to be rendered to the Assembly for the purpose of the payment of a returning officer's charges; and such regulations may make different provision for constituency elections (on the one hand) and regional elections (on the other).

### **Taxation of returning officer's account**

**22.**—(1) An application for a returning officer's account to be taxed shall be made to the county court and in this article the expression "the court" means the county court.

(2) On any such application the court has jurisdiction to tax the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer.

(3) On any such application the returning officer may apply to the court to examine any claim made by any person against him in respect of matters charged in the account; and the court, after notice given to the claimant and after giving him an opportunity to be heard and to tender any evidence, may allow or disallow or reduce the claim objected to with or without costs; and the determination of the court shall be final for all purposes and against all persons.

(4) Order 45, rule 1 of the County Court Rules 1981(16) (application for taxation of returning officer's account under section 30 of the 1983 Act) shall have effect in relation to applications made under this article and, accordingly, in that rule the references to—

- (a) the Secretary of State shall be construed as including references to the Assembly, and
- (b) returning officers shall be construed as including references to—
  - (i) constituency returning officers in relation to a constituency election, and
  - (ii) constituency and regional returning officers in relation to a regional election.

### **Loan of equipment for Assembly elections**

**23.**—(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of money provided by Parliament may, on request, be lent to a constituency returning officer at an Assembly election on such terms and conditions as the Secretary of State may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority within the meaning of the Local Government Act 1972(17) shall, on request (if not required for immediate use by that authority), be lent to a constituency returning officer at an Assembly election on such terms and conditions as may be agreed.

### **Effect of registers**

**24.**—(1) Any entry in the register of local government electors, if it gives a date as that on which the person named will attain voting age, shall for any purpose of this Part relating to him as elector be conclusive that until the date given in the entry he is not of voting age nor entitled to be treated as an elector except for the purposes of an Assembly election at which the date fixed for the poll is that or a later date.

(2) A person registered as a local government elector, or entered in the list of proxies, shall not be excluded from voting at an Assembly election on any of the grounds set out in paragraph (3); but this shall not prevent the rejection of the vote on a scrutiny, or affect his liability to any penalty for voting.

(3) The grounds referred to in paragraph (2) are—

- (a) that he is not of voting age,
- (b) that he is not or, on the relevant date or the date of his appointment (as the case may be), was not—
  - (i) a Commonwealth citizen,
  - (ii) a citizen of the Republic of Ireland, or
  - (iii) a relevant citizen of the Union, or
- (c) that he is or, on the relevant date or the date of his appointment (as the case may be) was, otherwise subject to any other legal incapacity to vote.

(4) In paragraph (3), the “relevant date” means—

- (a) in relation to a person registered in the register of local government electors as published in accordance with section 13(1) of the 1983 Act, the 15th October immediately preceding the date of publication of the register;
- (b) in relation to any other person registered in the register, the relevant date for the purposes of section 4 of the 1983 Act.

### **Effect of misdescription**

**25.** In relation to an Assembly election no misnomer or inaccurate description of any person or place named—

- (a) in the register of local government electors, or

- (b) in any list, record, proxy paper, individual or party nomination paper, ballot paper, notice or other document required for the purposes of this Order,

shall affect the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

### **Discharge of registration duties**

**26.**—(1) A registration officer shall comply with any general or specific directions which may be given by the Secretary of State, in accordance with and on the recommendation of the Electoral Commission, with respect to the arrangements to be made by the registration officer in carrying out his functions under this Order.

(2) Any of the duties and powers of a registration officer under this Order may be performed and exercised by any deputy for the time being approved by the county or county borough council which appointed the registration officer; and the provisions of this Order apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as they apply to the registration officer.

(3) Any acts authorised or required to be done by or with respect to the registration officer under this Order may, in the event of his incapacity to act or of a vacancy, be done by or with respect to the proper officer of the county or county borough council by whom the registration officer was appointed.

(4) A county or county borough council by whom a registration officer is appointed shall assign such officers to assist him as may be required in carrying out his functions under this Order.

### **Payment of expenses of registration**

**27.**—(1) Any expenses properly incurred by a registration officer in the performance of his functions under this Order (in this Order referred to as “registration expenses”) shall be paid by the county or county borough council by whom the registration officer was appointed.

(2) Any fees paid to the registration officer under this Order shall be accounted for by him and paid to the county or county borough council by whom he was appointed.

(3) On the request of a registration officer for an advance on account of registration expenses, the county or county borough council by whom the registration officer was appointed may, if it thinks fit, make such an advance to him of such an amount and subject to such conditions as it may approve.

### **Personation**

**28.**—(1) In relation to an Assembly election a person shall be guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation.

(2) A person shall be deemed to be guilty of personation at an Assembly election if he—

- (a) votes in person or by post as some other person, whether as an elector or as proxy, and whether that other person is living or dead or is a fictitious person, or
- (b) votes in person or by post as proxy—
  - (i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person, or
  - (ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.

(3) For the purposes of this article, a person who has applied for a ballot paper for the purpose of voting in person or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.



## Other voting offences

**29.—**(1) For the purposes of this article a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under paragraph (6), a previous application made in circumstances which entitle the applicant only to mark a tendered ballot paper shall, if he does not exercise that right, be disregarded.

(2) A person shall be guilty of an offence if—

- (a) he votes in person or by post, whether as an elector or as proxy, or applies to vote by proxy or by post as elector at an Assembly election, or at Assembly elections, knowing that he is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind,
- (b) he applies for the appointment of a proxy to vote for him at any Assembly election or at Assembly elections knowing that he or the person to be appointed is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind, or
- (c) he votes, whether in person or by post, as proxy for some other person at an Assembly election, knowing that that person is subject to a legal incapacity to vote.

(3) For the purposes of paragraph (2), references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at or for which they are done, include his being below voting age if he will be of voting age on that day.

(4) A person shall be guilty of an offence if—

- (a) he votes as elector otherwise than by proxy either—
  - (i) more than once in the same Assembly constituency at any Assembly election,
  - (ii) in more than one Assembly constituency at an ordinary election, or
  - (iii) in any Assembly constituency at an Assembly election when there is in force an appointment of a person to vote as his proxy at the election in some other constituency,
- (b) he votes as elector in person at an Assembly election at which he is entitled to vote by post,
- (c) he votes as elector in person at an Assembly election, knowing that a person appointed to vote as his proxy at the election either has already voted in person at the election or is entitled to vote by post at the election, or
- (d) he applies for a person to be appointed as his proxy to vote for him at Assembly elections in any Assembly constituency without applying for the cancellation of a previous appointment of a third person then in force in respect of that or another constituency or without withdrawing a pending application for such an appointment in respect of that or another constituency.

(5) A person shall be guilty of an offence if—

- (a) he votes as proxy for the same elector either—
  - (i) more than once in the same Assembly constituency at any Assembly election, or
  - (ii) in more than one Assembly constituency at an ordinary election,
- (b) he votes in person as proxy for an elector at an Assembly election at which he is entitled to vote by post as proxy for that elector, or
- (c) he votes in person as proxy for an elector at an Assembly election knowing that the elector has already voted in person at the election.

(6) A person shall also be guilty of an offence if he votes as proxy—

- (a) in the case of an ordinary election, at constituency elections in Assembly constituencies in an Assembly electoral region (or in one such election),
- (b) in the case of a constituency election other than at an ordinary election, at a constituency election,
- (c) at a regional election (whether or not at an ordinary election),

for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

(7) A person shall also be guilty of an offence if he knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge would be, an offence by that other person under the foregoing paragraphs of this article.

(8) An offence under this article shall be an illegal practice, but—

- (a) the court before whom a person is convicted of any such offence may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of article 122, and
- (b) a candidate shall not be liable, nor shall his election be avoided, for an illegal practice under this article of any agent of his other than an offence under paragraph (7).

(9) Where a person is entitled to give two votes at an ordinary election in an Assembly constituency (whether in person as elector or by proxy, or by post as elector or by proxy) he votes once in relation to each Assembly election for which his votes are given.

### **Breach of official duty**

**30.**—(1) If a person to whom this article applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) No person to whom this article applies shall be liable for breach of his official duty to any penalty at common law and no action for damages shall lie in respect of the breach by such a person of his official duty.

(3) The persons to whom this article applies are—

- (a) any registration officer, returning officer or presiding officer,
- (b) any member of staff of the Assembly,
- (c) any other person whose duty it is to be responsible after an Assembly election for the used ballot papers and other documents (including returns and declarations as to expenses),
- (d) any official designated by a universal postal service provider, and
- (e) any deputy of a person mentioned in any of sub-paragraphs (a) to (d) or any person appointed to assist or in the course of his employment assisting a person so mentioned in connection with his official duties;

and “official duty” shall for the purpose of this article be construed accordingly, but shall not include duties imposed otherwise than by the law relating to Assembly elections or the registration of local government electors.

### **Tampering with nomination papers, ballot papers etc**

**31.**—(1) A person shall be guilty of an offence if, at an Assembly election, he—

- (a) fraudulently defaces or fraudulently destroys any individual nomination or party nomination paper,

- (b) fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or any declaration of identity or official envelope used in connection with voting by post,
- (c) without due authority supplies any ballot paper to any person,
- (d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in,
- (e) fraudulently takes out of the polling station any ballot paper,
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election, or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

(2) If—

- (a) a constituency returning officer at a constituency election,
- (b) a constituency or regional returning officer at a regional election,
- (c) a presiding officer, or
- (d) a clerk appointed to assist in taking the poll, counting the votes or assisting at the proceedings in connection with the issue or receipt of postal ballot papers,

is guilty of an offence under this article, he shall be liable—

- (i) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both, or
- (ii) on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding six months, or to both.

(3) If any other person is guilty of an offence under this article he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding six months, or to both.

### **False statements in nomination papers etc.**

**32.** A person shall be guilty of a corrupt practice if, in the case of an Assembly election, he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election —

- (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular, or
- (b) anything which purports to be the signature of an elector who proposes, seconds or assents to, the nomination of such a candidate but which he knows —
  - (i) was not written by the elector by whom it purports to have been written, or
  - (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding or (as the case may be) assenting to, that candidate's nomination.

### **Requirement of secrecy**

**33.—**(1) The following persons attending at a polling station, namely—

- (a) a constituency returning officer at a constituency election,
- (b) a constituency or regional returning officer at a regional election,
- (c) a presiding officer or clerk, or

(d) a candidate or election agent or polling agent, shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station,
- (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station, or
- (iii) the official mark.

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—

- (a) ascertain or attempt to ascertain at the counting of votes the number on the back of any ballot paper,
- (b) communicate any information obtained at the counting of votes as to how any vote is given on any particular ballot paper.

(3) No person shall—

- (a) interfere with or attempt to interfere with a voter when giving his vote,
- (b) otherwise obtain or attempt to obtain in a polling station information as to how a voter in that station is about to vote or has voted,
- (c) communicate at any time to any person any information obtained in a polling station as to how a voter in that station is about to vote or has voted, or as to the number on the back of a ballot paper given to a voter at that station, or
- (d) directly or indirectly induce a voter to display a ballot paper after he has marked it so as to make known to any person how he has or has not voted.

(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not—

- (a) except for some purposes authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark,
- (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number on the back of the ballot paper sent to any person,
- (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number on the back of any ballot paper, or
- (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers how any vote is given on any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(5) No person having undertaken to assist a voter with disabilities shall communicate at any time to any person any information as to how that voter intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that voter.

(6) If a person acts in contravention of this article he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months.

### **Prohibition on publication of exit polls**

**34.—**(1) No person shall, in the case of an Assembly election, publish before the poll is closed —

- (a) any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted, or
  - (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given.
- (2) If a person acts in contravention of paragraph (1) above, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding six months.
- (3) In this article —
- “forecast” includes estimate;
  - “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means;

and any reference to the result of an election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.

## PART III

### THE ELECTION CAMPAIGN

#### **Appointment of election agent**

**35.—**(1) At an Assembly election, not later than the latest time for delivery of notices of withdrawal of candidature, a person shall be named by, or on behalf of—

- (a) each candidate, in the case of a constituency election, and
- (b) each individual candidate, in the case of a regional election,

as the candidate’s election agent, and the name and address of the candidate’s election agent shall be declared in writing by the candidate, or some other person on his behalf, to the appropriate returning officer not later than that time.

(2) A candidate at a constituency election or an individual candidate at a regional election may name himself as election agent.

(3) At a regional election, not later than the latest time for delivery of notices of withdrawal of candidature, a person shall be named by, or on behalf of, each group of party list candidates as those candidates’ election agent, and the name and address of the candidates’ election agent shall be declared in writing by the candidate whose name appears first on the list, or some other person on his behalf (including another candidate on the list), to the regional returning officer not later than that time.

(4) A candidate included on a party list may be named as election agent for the candidates included on the list.

(5) Where a candidate has been named or has named himself as an election agent, so far as circumstances permit, he shall be subject to the provisions of this Order both as a candidate and as an election agent and, except where the context otherwise requires, any reference in this Order to an election agent shall be construed to refer to the candidate acting in his capacity as election agent.

- (6) One election agent only shall be appointed for—
  - (a) each candidate at a constituency election,
  - (b) each individual candidate at a regional election, and
  - (c) each group of party list candidates at a regional election,

but the appointment, whether the election agent appointed be a candidate himself or not, may be revoked.

(7) If (whether before, during or after the election) the appointment (or deemed appointment) of an election agent is revoked or an election agent dies, another election agent shall be appointed forthwith and his name and address declared in writing to the appropriate returning officer.

(8) The declaration as an election agent of a person other than—

- (a) an individual candidate, or
- (b) a party list candidate whose name appears first on the list,

shall be of no effect under this article unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by him.

(9) Upon the name and address of an election agent being declared to the appropriate returning officer—

- (a) the appropriate returning officer shall forthwith give public notice of that name and address, and
- (b) in the case of a regional election, the regional returning officer shall forthwith give notice of that name and address to the constituency returning officer for each Assembly constituency in the Assembly electoral region.

### **Nomination of sub-agent**

**36.—**(1) At an Assembly election an election agent, subject to the provisions of this article, may appoint to act in any part of—

- (a) the Assembly constituency, in the case of a constituency election, or
- (b) the Assembly electoral region, in the case of a regional election,

one, but not more than one, deputy election agent (in this Order referred to as a sub-agent).

(2) As regards matters in the part of an Assembly constituency or electoral region for which there is a sub-agent the election agent may act by the sub-agent and—

- (a) anything done for the purposes of this Order by or to the sub-agent in his part of the Assembly constituency or electoral region shall be deemed to be done by or to the election agent,
- (b) any act or default of a sub-agent which, if he were the election agent, would be an illegal practice or other offence against this Order shall be an illegal practice and offence against this Order committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly, and
- (c) a candidate shall suffer the like incapacity as if that act or default had been the election agent's act or default.

(3) Not later than the second day before the day of the poll the election agent shall declare in writing the name and address of every sub-agent to the appropriate returning officer, and—

- (a) the returning officer shall forthwith give public notice of the name and address of every sub-agent so declared, and
- (b) in the case of a regional election, the regional returning officer shall forthwith give notice of that name and address to the constituency returning officer for each Assembly constituency in any part of which the sub-agent is appointed to act.

(4) The appointment of a sub-agent—

- (a) shall not be vacated by the election agent who appointed him ceasing to be election agent, but

(b) may be revoked by whoever is for the time being the election agent, and in the event of the revocation of the appointment or of the death of a sub-agent another sub-agent may be appointed, and his name and address shall be forthwith declared in writing to the appropriate returning officer, who shall forthwith give the like notice required by paragraph (3)(a) and, if applicable, (b).

(5) The declaration to be made to the appropriate returning officer, and such notice to be given by him, under paragraph (3) or (4) shall specify the part of the Assembly constituency or electoral region within which any sub-agent is appointed to act.

#### **Office of election agent and sub-agent**

**37.**—(1) Every election agent and every sub-agent shall have an office to which all claims, notices, legal processes and other documents may be sent, and the address of the office shall be—

- (a) declared to the appropriate returning officer at the same time as the appointment of the agent is declared to him,
- (b) stated in the public notice, and
- (c) in the case of a regional election, stated in the notice to the constituency returning officers.

(2) The office—

- (a) subject to article 38(6), of an election agent for a constituency election shall be—
  - (i) in the Assembly constituency for which the election is held or an adjoining Assembly constituency, or
  - (ii) in a county or county borough which is partly comprised in or adjoins the first mentioned Assembly constituency,
- (b) subject to article 38(6), of an election agent for a regional election shall be in the Assembly electoral region, and
- (c) of a sub-agent shall be in the area within which he is appointed to act.

(3) Any claim, notice, legal process or other document delivered at the office of the election agent or sub-agent and addressed to him, shall be deemed to have been served on him and every election agent may, in respect of any matter connected with the election in which he is acting, be sued in any court having jurisdiction at the place where his office is situated.

#### **Effect of default in election agent's appointment**

**38.**—(1) If no person's name and address is given as required by article 35 as the election agent of a candidate or a group of party list candidates who remain validly nominated at the latest time for delivery of notices of withdrawal of candidature—

- (a) in the case of a candidate at a constituency election or an individual candidate at a regional election, the candidate shall be deemed at that time to have named himself as election agent and to have revoked any appointment of another person as his election agent, and
- (b) in the case of a group of party list candidates at a regional election, the candidate whose name appears first on the list shall be deemed at that time to have been named as election agent and for there to have been revoked any appointment of another person as those candidates' election agent.

(2) This paragraph applies if—

- (a) the person whose name and address have been so given as those of an election agent for an individual candidate (not being the candidate himself) or a group of party list candidates dies, and

- (b) a new appointment is not made on the day of the death or on the following day.
- (3) Where paragraph (2) applies—
  - (a) in the case of a candidate at a constituency election or an individual candidate at a regional election, he shall be deemed to have appointed himself as from the time of death, and
  - (b) in the case of the death of an election agent for a group of party list candidates at a regional election—
    - (i) the candidate whose name appears first on the list shall be deemed to have been appointed from the time of death, or
    - (ii) where paragraph (2) applies through the death of such a candidate, the candidate whose name appears next highest on the list shall be deemed to have been appointed from the time of death.
- (4) If the appointment of an election agent is revoked without a new appointment being made—
  - (a) in the case of a candidate at a constituency election or an individual candidate at a regional election, the candidate himself shall be deemed to have been appointed (or re-appointed) election agent, and
  - (b) in the case of a group of party list candidates at a regional election, the candidate whose name appears first on that list shall be deemed to have been appointed (or re-appointed) election agent.
- (5) The deemed appointment of an election agent may be revoked as if it were an actual appointment.
- (6) Where a candidate is by virtue of this article to be treated as an election agent he shall be deemed to have his office at his address as given in the statement of persons nominated.
- (7) The appropriate returning officer on being satisfied that a person is by virtue of this article to be treated as an election agent, shall forthwith proceed to give such like notice as if the name and address of the person and the address of his office had been duly given to him under articles 35 and 37.

### **Control of donations to constituency and individual candidates**

- 39.**—(1) In the case of any constituency or individual candidate at an Assembly election, any money or other property provided (whether as a gift or loan) —
- (a) by any person other than the candidate or his election agent, and
  - (b) for the purpose of meeting election expenses incurred by or on behalf of the candidate
- must be provided to the candidate or his election agent.
- (2) Paragraph (1) does not apply to any money or other property so provided for the purpose of meeting any such expenses which may be lawfully paid by a person other than the candidate, his election agent or any sub-agent.
- (3) A person who provides any money or other property in contravention of paragraph (1) shall be guilty of an illegal practice.
- (4) Schedule 6 has effect for the purpose of controlling donations to constituency and individual candidates at an Assembly election.
- (5) In this article and that Schedule “property” includes any description of property and references to the provision of property accordingly include the supply of goods.



### **Expenses of constituency candidate**

**40.** For the purpose of this Part of this Order, sums paid or expenses incurred by, or in respect of, an individual candidate at a constituency election in respect of whom the constituency returning officer has received a certificate issued by the registered nominating officer of a registered political party under paragraph 5(1) of Schedule 5, are not to be regarded as having been paid or incurred by that party.

### **Constituency and individual candidates: payment of expenses by or through election agent**

**41.—**(1) Subject to paragraph (4), no payment (of whatever nature) shall be made by —

- (a) a constituency or individual candidate at an Assembly election, or
- (b) any other person,

in respect of election expenses incurred by or on behalf of the candidate unless it is made by or through the candidate's election agent.

(2) Every payment made by an election agent in respect of any election expenses shall, except where less than £20, be vouched for by a bill stating the particulars or by a receipt.

(3) The references in paragraphs (1) and (2) to an election agent shall be taken as references to the election agent acting by himself or by a sub-agent

(4) This article does not apply to —

- (a) any expenses which are, in accordance with article 42(1) or (3), 47(6) or 48(2), paid by the candidate;
- (b) any expenses which are paid in accordance with article 42(5) by a person authorised as mentioned in that provision;
- (c) any expenses included in a declaration made by the election agent under article 43; or
- (d) any expenses which are regarded as incurred by or on behalf of the candidate by virtue of article 61(5)(b).

(5) A person who makes any payment (of whatever nature) in contravention of paragraph (1) shall be guilty of an illegal practice.

### **Expenses which may be paid otherwise than by election agent**

**42.—**(1) A candidate (including a party list candidate) at an Assembly election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election, but the amount which a candidate may pay (subject to paragraph (2)) shall not exceed —

- (a) £600, in the case of a candidate at a constituency election, or
- (b) £900, in the case of a candidate at a regional election,

and any further personal expenses incurred by him shall be paid by the election agent.

(2) Where at an ordinary election a person is a candidate at a constituency election and an individual or a party list candidate at a regional election—

- (a) the amount of any such personal expenses paid by him in respect of both elections shall not exceed £900, but
- (b) the amount of any such personal expenses paid by him in respect of the constituency election shall not exceed £600.

(3) A candidate at an Assembly election may also pay any election expenses (other than expenses falling within paragraph (1)) which were incurred by him or on his behalf and in respect of which payment falls to be made before the date on which he appoints (or is deemed to have appointed) an election agent.

(4) A candidate shall send to the election agent within the time permitted by this Order for sending in claims a written statement of the amount of personal expenses paid as mentioned in paragraph (1) or (3) by the candidate.

(5) Any person may, if so authorised in writing by an election agent, at an Assembly election pay any necessary expenses of stationery, postage, telephonic communication (or any other similar means of communication) and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(6) A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Order for sending in claims, and shall be vouched for by a bill containing that person's receipt.

(7) Articles 47 and 48 do not apply to expenses which, in accordance with any provision of this article, are paid otherwise than by the candidate's election agent.

### **Expenses incurred otherwise than for election purposes**

**43.**—(1) Articles 41, 47 and 48 shall not apply to election expenses —

- (a) which are incurred by or on behalf of the candidate otherwise than for the purposes of the candidate's election, but
- (b) which by virtue of article 61(1) fall to be regarded as election expenses by reason of the property, services or facilities in respect of which they are incurred being used for the purposes of the candidate's election.

(2) The candidate's election agent shall make a declaration of the amount (determined in accordance with article 62) of any election expenses falling within paragraph (1).

(3) In this article "for the purposes of the candidate's election" has the same meaning as in articles 61 to 63.

### **Constituency and individual candidates: prohibition of expenses not authorised by election agent etc**

**44.**—(1) No expenses shall, with a view to promoting or procuring the election of a constituency or individual candidate at an Assembly election, be incurred at such an election by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account —

- (a) of holding public meetings or organising any public display; or
- (b) of issuing advertisements, circulars or publications; or
- (c) in the case of a constituency election, of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate; or
- (d) in the case of a regional election, of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another individual candidate or any or all of a group of party list candidates,

but sub-paragraphs (c) and (d) of this paragraph shall not —

- (i) restrict the publication of any matter relating to the election in a newspaper or any other periodical or in a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru or in a programme included in any service licensed under Part I or III of the Broadcasting Act 1990<sup>(18)</sup> or Part I or II of the Broadcasting Act 1996<sup>(19)</sup>, or

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<sup>(18)</sup> 1990 c. 42.

<sup>(19)</sup> 1996 c. 55.

(ii) apply to any expenses incurred by any person which do not exceed in the aggregate the sum of £500 in the case of a constituency election or £1,000 in the case of a regional election (and are not incurred by that person as part of a concerted plan of action), or to expenses incurred by any person in travelling or in living away from home or similar personal expenses.

(2) For the purpose of paragraph (1) expenses shall be regarded as incurred by a person “as part of a concerted plan of action” if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding paragraph (1)(ii)) fall within paragraph (1) above.

(3) Where a person incurs any expense in respect of an individual candidate required by this article to be authorised by the election agent —

- (a) that person shall within 21 days after the day on which the result or results of the election are declared deliver to the appropriate returning officer a return of the amount of those expenses stating the constituency or regional election at which, and the candidate in whose support, they were incurred, and
- (b) the return shall be accompanied by a declaration made by that person (or, in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matters for which the expenses were incurred,

but this paragraph does not apply to any person engaged or employed for payment or promise of payment by a candidate or his election agent.

(4) The return and declaration under the foregoing provisions of this article shall be in the forms set out in English and Welsh in Schedule 7, and the authority received from the election agent shall be annexed to and deemed to be part of the return.

(5) A copy of every return and declaration made under paragraph (3) in relation to an Assembly election shall be sent to the Assembly within 21 days after the day on which the result of the election is declared by the person making the return or declaration and paragraph 64 of Schedule 5 applies to any documents sent to the Assembly under this article.

(6) If a person—

- (a) incurs, or aids, abets, counsels or procures any other person to incur any expenses in contravention of this article, or
- (b) knowingly makes the declaration required by paragraph (3) falsely,

he shall be guilty of a corrupt practice; and if a person fails to deliver or send any declaration or return or a copy of it as required by this article he shall be guilty of an illegal practice, but—

- (i) the court before whom a person is convicted under this article may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of article 122, and
- (ii) a candidate shall not be liable, nor shall his election be avoided, for a corrupt or illegal practice under this article committed by an agent without his consent or connivance.

(7) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this article, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves—

- (a) that the act or omission took place without his consent or connivance, and

- (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the other circumstances.

### **Constituency and individual candidates: limitation of election expenses**

**45.**—(1) The election expenses incurred by or on behalf of a constituency or individual candidate at an Assembly election must not in the aggregate exceed the maximum amount specified in paragraph (3).

(2) Where any election expenses are incurred in excess of the maximum amount specified in paragraph (3) any candidate or election agent who —

- (a) incurred, or authorised the incurring of, the election expenses, and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that maximum amount,

shall be guilty of an illegal practice.

(3) The maximum amount is —

- (a) at an ordinary election, for a candidate at a constituency election—
  - (i) for an Assembly constituency which is coterminous with a parliamentary constituency which is a county constituency, £5,761 together with an additional 6.5p for every entry in the register of electors, and
  - (ii) for an Assembly constituency which is coterminous with a parliamentary constituency which is a borough constituency, £5,761 together with an additional 4.8p for every entry in the register of electors,
- (b) at an election to fill a casual vacancy, for a candidate at a constituency election —
  - (i) for an Assembly constituency which is coterminous with a parliamentary constituency which is a county constituency, £100,000, and
  - (ii) for an Assembly constituency which is coterminous with a parliamentary constituency which is a borough constituency, £100,000, and
- (c) for an individual candidate at a regional election, the aggregate of the maximum amounts under sub-paragraph (a)(i) or (ii) as apply, or would apply, at that time at a constituency election in respect of each Assembly constituency in the Assembly electoral region for which the election is held.

(4) In paragraph (3) “the register of electors” means the register of local government electors for the Assembly constituency or Assembly electoral region in question as it has effect on the last day for publication of notice of the election.

(5) The maximum amount mentioned for an individual candidate at an Assembly election is not required to cover his personal expenses.

(6) Where at a constituency election notice of poll is countermanded or the poll is abandoned by reason of a candidate’s death, the maximum amount of election expenses shall, for any of the other candidates who then remain validly nominated, be twice, or if there has been a previous increase under this paragraph, three times what it would have been but for any increase under this paragraph.

(7) The maximum amount mentioned for a candidate shall not be affected by the change in the timing of an Assembly election or of any step in the proceedings at an Assembly election.

### **Power to vary provisions concerning election expenses**

**46.**—(1) After such consultation with the Assembly as appears to the Secretary of State to be appropriate, he may by order made by statutory instrument vary any of the sums to which this article applies—

- (a) where he considers that the variation is expedient in consequence of changes in the value of money, or
- (b) in order to give effect to a recommendation of the Electoral Commission.

(2) This article applies to any of the sums for the time being specified in articles 41(2), 42(1) or (2), or 44(2).

(3) An order under paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

### **Time for sending in and paying claims**

**47.**—(1) Every claim against—

- (a) a candidate or his election agent at a constituency election, or
- (b) an individual candidate or his election agent at a regional election,

in respect of election expenses which is not sent in to the election agent not later than 21 days after the day on which the result or results of the election are declared shall be barred and not paid.

(2) All election expenses shall be paid not later than 28 days after the day set out in paragraph (1).

(3) Any person who pays a claim in contravention of paragraph (1) or makes a payment in contravention of paragraph (2) shall be guilty of an illegal practice.

(4) Where the election court reports that it has been proved to the court that any payment so made was by an election agent without the sanction or connivance of a candidate at a constituency election or an individual candidate at a regional election—

- (a) the candidate's election shall not be void, nor
- (b) shall he be subject to any incapacity under this Order by reason only of that payment having been made in contravention of this article.

(5) In respect of a claim, the payment of which is otherwise barred by paragraph (1)—

- (a) a claimant,
- (b) a candidate or his election agent at a constituency election, or
- (c) an individual candidate or his election agent at a regional election,

may apply to the High Court or to a county court for leave to pay the claim although sent in after the period of 21 days or although sent in to a candidate and not as required to the election agent, and the court on cause shown to their satisfaction may by order grant the leave.

(6) Any sum specified in the order of leave under paragraph (5) may be paid by a candidate or his election agent, and when paid in pursuance of the leave shall not be deemed to be in contravention of paragraph (2).

(7) The jurisdiction vested by paragraph (5) in a county court may be exercised otherwise than in open court.

(8) An appeal lies to the High Court from any order of a county court made by virtue of paragraph (5).

### **Disputed claims**

**48.**—(1) If an election agent disputes any claim sent in within the period of 21 days mentioned in article 47(1) or refuses or fails to pay the claim within the period of 28 days mentioned in article 47(2) the claim shall be deemed to be a disputed claim.

(2) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court and any sum paid by a constituency or an individual candidate in pursuance of the judgement or order of the court shall not be deemed to be in contravention of article 41(1) or 47(2).

(3) Article 47(5), (6), (7) and (8) applies in relation to a disputed claim as it applies in relation to a claim for election expenses sent in after the period of 21 days.

### **Election agent's claim**

**49.** So far as circumstances admit, this Order applies to an election agent's claim for his remuneration and to its payment in like manner as if he were any other creditor, and if any difference arises about the amount of the claim, the claim shall be a disputed claim within the meaning of this Order and shall be dealt with accordingly.

### **Constituency or individual candidates: return as to election expenses**

**50.**—(1) Within 35 days after the day on which the result or results of an Assembly election are declared the election agent of every —

- (a) candidate, in the case of a constituency election, and
- (b) individual candidate, in the case of a regional election,

at the election shall deliver to the appropriate returning officer a true return in the form set out in English and Welsh in Schedule 7, or to the like effect, containing as respects that candidate —

- (i) a statement of all election expenses incurred by or on behalf of the candidate; and
- (ii) a statement of all payments made by the election agent together with all bills or receipts relating to the payments.

(2) A return under this section must —

- (a) specify the poll by virtue of which the return is required;
- (b) specify the name of the candidate to whom the return relates and of the candidate's election agent; and
- (c) deal under a separate heading with any expenses in respect of which a return is required by virtue of article 44(3) above.

(3) The return shall also contain as respects that candidate —

- (a) a statement of all payments made —
  - (i) by the candidate in accordance with article 42(1) or (3), or
  - (ii) by any other person in accordance with article 42(5)

together with all bills or receipts relating to any such payments made in accordance with article 42(3) or (5);

- (b) a statement of all disputed claims of which the election agent is aware,
- (c) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court or county court;
- (d) any declarations of value falling to be made by the candidate's election agent by virtue of article 43(2) or 63(2);

- (e) a declaration of the amount of expenses which are to be regarded as election expenses incurred by or on behalf of the candidate by virtue of article 61(5)(b);
- (f) a statement of donations made to the candidate or his election agent which complies with the requirements of paragraphs 11 and 12 of Schedule 6; and
- (g) a statement of the amount, if any, of money provided by the candidate from his own resources for the purpose of meeting election expenses incurred by him or on his behalf.

(4) Where after the date at which the return as to election expenses is delivered leave is given by the court under article 47(5) for any claims to be paid, the candidate or his election agent shall, within seven days after its payment, deliver to the appropriate returning officer a return of the sums paid in pursuance of the leave accompanied by a copy of the order of the court giving the leave and in default he shall be deemed to have failed to comply with requirements of this article without such authorised excuse as is mentioned in article 56.

### **Constituency and individual candidates: declarations as to election expenses**

**51.**—(1) Each return delivered under article 50(1) shall be accompanied by a declaration made by the election agent in the form set out in English and Welsh in Schedule 7.

- (2) At the same time the election agent delivers that return, or within seven days thereafter—
- (a) each candidate at a constituency election, and
  - (b) each individual candidate at a regional election,

shall deliver to the appropriate returning officer a declaration made by him in the form set out in English and Welsh in that Schedule.

- (3) Where a candidate is out of the United Kingdom when the return is so delivered—
- (a) the declaration required by paragraph (2) may be made by him within 14 days after his return to the United Kingdom, and
  - (b) in that case, the declaration shall be forthwith delivered to the appropriate returning officer,

but the delay authorised by this provision in making the declaration shall not exonerate the election agent from complying with the provisions of this Order relating to the return and declaration as to election expenses.

(4) Where a candidate at a constituency election or an individual candidate at a regional election is his own election agent, the declaration by the election agent as to the election expenses need not be made and the declaration by the candidate as to election expenses shall be modified as specified in the form set out in English and Welsh in Schedule 7.

(2005) If a candidate or election agent knowingly makes the declaration required by this article falsely, he shall be guilty of a corrupt practice.

### **Party list candidates: declarations as to election expenses**

**52.**—(1) At the same time as the treasurer of a registered political party delivers a return under section 80 of the 2000 Political Parties Act, or within 7 days thereafter, each candidate on a regional list submitted by that registered party shall deliver to the Assembly a declaration

made by that candidate in the form set out in English and Welsh in Schedule 7.

- (2) Where any such candidate is out of the United Kingdom when the return is so delivered —
- (a) the declaration required by paragraph (1) above may be made by him within 14 days after his return to the United Kingdom; and
  - (b) in that case, the declaration shall forthwith be delivered to the Assembly,

but the delay authorised by this article in making the declaration shall not exonerate the treasurer of the registered party from complying with the provisions of the 2000 Political Parties Act relating to the return of party expenditure.

(3) If a person knowingly makes the declaration required by this article falsely, he shall be guilty of a corrupt practice.

#### **Circumstances in which no return or declaration is required**

**53.** Notwithstanding anything in article 50 or 51, no return or declaration as to election expenses shall be required in the case of a person—

- (a) who is a candidate at an Assembly election, but is so only because he has been declared by others to be a candidate, and
- (b) who has not consented to the declaration or taken any part as a candidate at the election.

#### **Penalty for failure as respects return of declarations**

**54.** Subject to the provisions of article 56, if any candidate or election agent fails to comply with the requirements of article 50 or 51 he shall be guilty of an illegal practice.

#### **Penalty for sitting or voting where no return and declarations are delivered etc**

**55.—(1)** If—

- (a) in the case of a candidate at a constituency election or an individual candidate at a regional election, the return and declarations as to election expenses, or
- (b) in the case of a party list candidate, his declaration as to election expenses,

are not delivered before the expiry of the time limited for the purpose, the candidate shall not, after the expiry of that time, sit or vote in the Assembly as member for the Assembly constituency or electoral region for which the election was held until either—

- (i) where sub-paragraph (a) applies, that return and those declarations have been delivered,
- (ii) where sub-paragraph (b) applies, that declaration has been delivered, or
- (iii) the date of the allowance of an authorised excuse for the failure to deliver that return and those declarations or, as the case may be, that declaration,

and if he sits or votes in contravention of this paragraph he shall forfeit £100 for every day on which he so sits or votes.

(2) Civil proceedings for a penalty under this article shall be commenced within the period of one year beginning with the day in respect of which the penalty is alleged to have been incurred.

(3) For the purpose of paragraph (2)—

- (a) where the service or execution of legal process on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, the issue of legal process shall be deemed to be a commencement of a proceeding, but,
- (b) where sub-paragraph (a) does not apply, the service or execution of legal process on or against the alleged offender, and not its issue, shall be deemed to be the commencement of the proceeding.

#### **Authorised excuses for failures as to return and declarations**

**56.—(1)** A constituency or individual candidate or his election agent may apply for relief under this article to the High Court, an election court or a county court.



(2) Where an application is made under this article the person or persons making the application shall notify the Director of Public Prosecutions of the application and the Director or his assistant or any barrister, advocate or solicitor duly appointed as the Director's representative may attend the hearing of the application and make representations at the hearing in respect of it.

(3) Relief under this article may be granted—

- (a) to a candidate, in respect of any failure to deliver the return and declarations as to election expenses, or any part of them, or in respect of any error or false statement in them, or
- (b) to an election agent, in respect of any failure to deliver the return and declaration as to election expenses which he was required to deliver, or any part of them or in respect of any error or false statement in them.

(4) The application for relief may be made on the ground that the failure, error or false statement arose—

- (a) by reason of the applicant's illness,
- (b) where the applicant is a candidate, by reason of the absence, death, illness or misconduct—
  - (i) of the election agent or sub-agent, or
  - (ii) of any clerk or officer of such agent,
- (c) where the applicant is an election agent—
  - (i) by reason of the death or illness of any prior election agent of the candidate, or
  - (ii) by reason of the absence, death, illness or misconduct of any sub-agent, clerk or officer of any election agent of the candidate,
- (d) by reason of inadvertence or any reasonable cause of a like nature,

and not by reason of any want of good faith on the applicant's part.

(5) The court may—

- (a) after such notice of the application in the Assembly constituency or electoral region for which the election was held, as it considers fit, and
- (b) on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise, as it considers fit,

make such order for allowing an authorised excuse for the failure, error or false statement as it considers just.

(6) Where it is proved to the court by a candidate—

- (a) that any act or omission of the election agent in relation to the return or declarations was without the sanction or connivance of the candidate, and
- (b) that the candidate took all reasonable means for preventing the act or omission,

the court shall relieve the candidate from the consequences of the act or omission of his election agent.

(7) An order under paragraph (5) may make the allowance conditional on the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Part.

(8) An order under paragraph (5) shall relieve the applicant for the order from any liability or consequences under this Order in respect of the matter excused by the order.

(9) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Order as the date of the allowance of the excuse.

### **Court's power to require information from election agent or sub-agent**

57.—(1) Where on an application under article 56 it appears to the court that any person who is or has been an election agent or sub-agent has refused or failed to make such return, or to supply such particulars, as will enable -

- (a) a candidate and his election agent at a constituency election, or
- (b) an individual candidate and his election agent at a regional election,

to comply with the provisions of this Order as to the return or declarations as to election expenses the court, before making an order under that article, shall order that person to attend before the court.

(2) The court shall on the attendance of that person, unless he shows cause to the contrary, order him—

- (a) to make the return and declaration, or
- (b) to deliver a statement of the particulars required to be contained in the return,

as the court considers just, within such time, to such person and in such manner as it may direct, and may order him to be examined with respect to the particulars.

(3) If a person fails to comply with any order of the court under this article, the court may order him to pay a fine not exceeding the amount of the maximum fine to which he would be liable if at the time the order is made he were convicted of a summary offence on conviction of which he was liable to a fine of level 5 on the standard scale.

### **Duty of appropriate returning officer to forward returns and declarations to Electoral Commission**

58. Where the appropriate returning officer receives any return or declaration under article 44, 50 or 51 in respect of an election to the Assembly, he shall as soon as reasonably practicable after receiving the return or declaration deliver a copy of it to the Electoral Commission and, if so requested by the Commission, he shall also deliver to them a copy of any accompanying documents.

### **Publication of time and place of inspection of returns and declarations**

59.—(1) At an Assembly election the appropriate returning officer, within ten days after the end of the time allowed for delivering to him returns as to election expenses, shall—

- (a) publish in not less than—
  - (i) two newspapers circulating in the Assembly constituency, or
  - (ii) three newspapers circulating in the Assembly electoral region for which the election was held, and
- (b) send—
  - (i) in the case of a constituency election, to each of the election agents, and
  - (ii) in the case of a regional election, to each of the election agents for individual candidates,

a notice of the time and place at which the returns and declarations (including the accompanying documents) can be inspected.

(2) At an ordinary election or at a regional election other than at an ordinary election, the Assembly, within ten days after the end of the time allowed for delivering to it returns as to election expenses, shall—

- (a) in the case of an ordinary election, publish in not less than five newspapers circulating in Wales,

- (b) in the case of a regional election other than at an ordinary election, publish in not less than three newspapers circulating in the Assembly electoral region for which the election was held, and
- (c) send to each of the election agents for individual candidates —
  - (i) in the case of an ordinary election, at regional elections at the ordinary election, or
  - (ii) in the case of a regional election other than at an ordinary election, at the regional election,a notice of the time and place at which the returns and declarations (including the accompanying documents) can be inspected.

(3) But if any return or declaration has not been received by the appropriate returning officer or the Assembly before the notice is despatched for publication, the notice shall so state and a like notice about that return and declaration, if afterwards received, shall within ten days after the receipt be published in like manner and sent to such persons to whom the first notice is sent other than an election agent who is in default or an election agent for a candidate who is in default.

#### **Constituency and individual candidates: inspection of returns and declarations**

**60.**—(1) Where the appropriate officer receives any return or declaration under article 44, 50 or 51 he shall —

- (a) as soon as reasonably practicable after receiving the return or declaration make a copy of it, and any accompanying documents, available for public inspection at his office, or some other convenient place chosen by him, for a period of two years beginning with the date when the return is received by him;
- (b) if requested to do so by any person, and on payment of the fee specified in paragraph (4), supply that person with a copy of the return or declaration and any accompanying documents.

(2) If any such return contains a statement of donations in accordance with article 50(3)(f) above, the appropriate officer shall secure that the copy of the statement made available for public inspection under sub-paragraph (1)(a) above or (as the case may be) supplied under sub-paragraph (1)(b) above does not include, in the case of any donation by an individual, the donor’s address.

(3) The fee for inspecting a return or declaration (including any accompanying documents) referred to in sub-paragraph (1)(a) shall be £1.50.

(4) The fee payable for a copy of any such return, declaration or document referred to in sub-paragraph (1)(b) shall be at the rate of 15p for each side of each page.

- (5) After the expiry of those two years the appropriate returning officer —
  - (a) may cause those returns and declarations (including the accompanying documents) to be destroyed, or
  - (b) if the candidate or his election agent so require, shall return them to the candidate.

(6) Any returns or declarations delivered under article 44 shall be returned not to a candidate (if he or his election agent so require) but to the person delivering them if he so requires.

(7) The Assembly may by order made by statutory instrument vary the amount of any fee payable under paragraph (3) or (4).

#### **Meaning of “election expenses”**

**61.**—(1) In this Part “election expenses”, in relation to a candidate at a constituency election or an individual candidate at a regional election, means (subject to paragraphs (2) and (3) and articles 62 and 63) any expenses incurred in respect of —

(a) the acquisition or use of any property, or  
 (b) the provision by any person of any goods, services or facilities,  
 which is or are used for the purposes of the candidate's election after the date when he becomes a candidate at the election.

(2) Paragraph (1) applies whether the expenses are incurred before or after that date.

(3) No election expenses shall be regarded as incurred, by virtue of paragraphs (1) or (2) or articles 62 and 63, in respect of —

- (a) the payment of any deposit required by paragraph 10 of Schedule 5 to this Order;
- (b) the publication of any matter, other than an advertisement, relating to the election in —
  - (i) a newspaper or periodical;
  - (ii) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru, or
  - (iii) a programme included in any service licensed under Part I or III of the Broadcasting Act 1990<sup>(20)</sup> or Part I or II of the Broadcasting Act 1996<sup>(21)</sup>;
- (c) the provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Order other than facilities in respect of which expenses fall to be defrayed by virtue of article 68(4);
- (d) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge.

(4) In this article and in articles 62 and 63 “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.

(5) For the purposes of this Part —

- (a) election expenses are incurred by or on behalf of a candidate at an election if they are incurred —
  - (i) by the candidate or his election agent, or
  - (ii) by any person authorised by the candidate or his election agent to incur the expenses;
 and
- (b) any reference to election expenses incurred by or on behalf of a candidate at an election includes expenses which are incurred as mentioned in sub-paragraph (a)(i) or (ii) above before the date when he becomes a candidate at the election but which by virtue of paragraphs (1) and (2) above fall to be regarded as election expenses.

(6) In this Part and in Part IV, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate at the election.

### **Incurring of election expenses for purposes of article 61**

**62.**—(1) The election expenses which are to be regarded as incurred for the purposes of article 61(1) above shall (subject to paragraph (2) and article 63) be the actual expenses incurred in respect of the acquisition or use of the property, or (as the case may be) the provision of the goods, services or facilities mentioned in article 61(1).

(2) Where the property, goods, services or facilities mentioned in paragraph (1) above is or are not used exclusively for the purposes of the candidate's election, the election expenses to be regarded

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<sup>(20)</sup> 1990 c. 42.

<sup>(21)</sup> 1996 c. 55.

as incurred for the purposes of article 61(1) shall be such proportion of the expenses incurred in respect of their acquisition, use or provision (as the case may be) as is reasonably attributable to the use of the property or (as the case may be) the goods, services or facilities for the purposes of the candidate's election.

**Property, goods, services etc provided free of charge or at a discount**

**63.—**(1) This article applies where, in the case of a candidate at an Assembly election —

(a) either —

(i) property or goods is or are transferred to the candidate or his election agent free of charge or at a discount of more than 10 per cent of the market value of the property or goods, or

(ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charges or at a discount of more than 10 per cent of the commercial rate for the use of the property or for the provision of the goods, services or facilities, and

(b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.

(2) Where this article applies —

(a) an amount of election expenses determined in accordance with this article (“the appropriate amount”) shall (subject to article 61(3)) be treated, for the purposes of this Part of this Act, as incurred by the candidate, and (in that case)

(b) the candidate's election agent shall make a declaration of that amount,

unless that amount is not more than £50.

(3) Where paragraph (1)(a)(i) above applies, the appropriate amount is such proportion of either —

(a) the market value of the property or goods (where the property or goods is or are transferred free of charge), or

(b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),

as is reasonably attributable to the use made of the property or goods as mentioned in paragraph (1)(b).

(4) Where paragraph (1)(a)(ii) applies, the appropriate amount is such proportion of either —

(a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge), or

(b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the services or facilities (where the property, goods, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in paragraph (1)(b).

(5) Where the services of an employee are made available by his employer for the use or benefit of a candidate, then for the purposes of this section the commercial rate for the provision of those

services shall be the amount of the remuneration and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).

(6) In this section “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 6 shall apply with any necessary modifications for the purpose of determining, for the purposes of paragraph (1) above, whether property or goods is or are transferred to a candidate or his election agent.

### **Right to send election address post free**

**64.**—(1) At an ordinary election or at an Assembly election other than at an ordinary election, each individual candidate or group of party list candidates at such an election (subject to such reasonable terms and conditions as the universal postal service provider concerned may specify) shall be entitled to send free of any charge for postage which would otherwise be made by a universal postal service provider either—

- (a) one unaddressed postal communication, containing matter relating to such election wholly and not exceeding 60 grammes in weight, to each place in the Assembly constituency or electoral region for which the election is being held at which he or they are a candidate or candidates which, in accordance with those terms and conditions, constitutes a delivery point for the purposes of this article, or
- (b) one such postal communication addressed to each elector.

(2) He or they shall also, subject as mentioned in paragraph (1), be entitled to send free of any such charge for postage as is mentioned in that paragraph to each person entered in the list of proxies for the election of which he or they are a candidate or candidates one such communication as mentioned in paragraph (1) for each appointment in respect of which that person is so entered.

(3) In relation to a candidate at a constituency election or to an individual candidate at a regional election, the person shall not be deemed to be a candidate for the purposes of this article unless he is shown as standing nominated in the statement of persons nominated but until publication of that statement any person who declares himself to be a candidate shall be entitled to exercise the right of free postage conferred by this article if he gives such security as may be required by the universal postal service provider concerned for the payment of postage should he not be shown as standing nominated as mentioned above.

(4) In relation to a group of party list candidates at a regional election, those persons shall not be deemed to be candidates for the purposes of this article unless they are all shown as standing nominated in the statement of persons nominated but until publication of that statement persons who declare themselves to be, and comprise all, such candidates shall be entitled to exercise the right of free postage conferred by this article if they give such security as may be required by the universal postal service provider concerned should they not all be shown as standing nominated as mentioned above.

(5) For the purposes of this article “elector”—

- (a) means a person who is registered in the register of local government electors for the Assembly constituency or electoral region on the last day for publication of notice of the election; and
- (b) includes a person then shown in that register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

(6) The regional returning officer shall be entitled to treat any purported exercise by a group of party list candidates of the right of free postage conferred by this article through their election agent as a valid exercise of that right.

(7) If at a regional election the area of the returning officer is situated in the area of more than one official designated by a universal postal service provider, the controlling designated official shall be determined by the regional returning officer.

(8) A universal service provider who provides a postal service free of charge pursuant to this article shall be entitled to be remunerated for that service at the rate determined by or in accordance with a scheme made under section 89 of the Postal Services Act 2000<sup>(22)</sup> and the amount of such remuneration shall be paid by the Assembly.

### **Broadcasting from outside United Kingdom**

**65.**—(1) No person shall, with intent to influence persons to give or refrain from giving their votes at an Assembly election, include, or aid, abet, counsel or procure the inclusion of, any matter relating to the election in any programme service (within the meaning of the Broadcasting Act 1990<sup>(23)</sup>) provided from a place outside the United Kingdom otherwise than in pursuance of arrangements made with—

- (a) the British Broadcasting Corporation,
- (b) Sianel Pedwar Cymru, or
- (c) the holder of any licence granted by the Independent Television Commission or the Radio Authority,

for the reception and re-transmission of that matter by that body or the holder of that licence.

(2) An offence under this article shall be an illegal practice, but the court before whom a person is convicted of an offence under this article may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of article 122.

(3) Where any act or omission of an association or body of persons, corporate or unincorporate, is an illegal practice under this article, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of the illegal practice, unless he proves—

- (a) that the act or omission took place without his consent or connivance, and
- (b) that he exercised all such diligence to prevent the commission of the illegal practice as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

### **Broadcasting of local items during election period.**

**66.**—(1) Each broadcasting authority shall adopt a code of practice with respect to the participation of candidates at an Assembly election in items about the constituency or electoral region in question which are included in relevant services during the election period.

(2) The code for the time being adopted by a broadcasting authority under this article shall be either —

- (a) a code drawn up by that authority, whether on their own or jointly with one or more other broadcasting authorities, or
- (b) a code drawn up by one or more other such authorities;

and a broadcasting authority shall from time to time consider whether the code for the time being so adopted by them should be replaced by a further code falling within sub-paragraph (a) or (b).

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<sup>(22)</sup> 2000 c. 26.

<sup>(23)</sup> 1990 c. 42.

(3) Before drawing up a code under this article a broadcasting authority shall have regard to any views expressed by the Electoral Commission and any such code may make different provision for different cases.

(4) The Independent Television Commission and the Radio Authority shall each do all that they can to secure that the code for the time being adopted by them under this article is observed in the provision of relevant services; and the British Broadcasting Corporation and Sianel Pedwar Cymru shall each observe in the provision of relevant services the code so adopted by them.

(5) For the purpose of paragraph (1) “the election period”, in relation to an Assembly election, means the period beginning with the last date for publication of notice of the election and ending with the close of the poll.

(6) In this article —

“broadcasting authority” means the British Broadcasting Corporation, the Independent Television Commission, the Radio Authority or Sianel Pedwar Cymru;

“candidate”, in relation to an Assembly election, means a candidate standing nominated at the election or included in a list of candidates submitted in connection with it;

“relevant services” —

- (a) in relation to the British Broadcasting Corporation or Sianel Pedwar Cymru, means services broadcast by that body;
- (b) in relation to the Independent Television Commission, means services licensed under Part I of the Broadcasting Act 1990<sup>(24)</sup> or Part I of the Broadcasting Act 1996<sup>(25)</sup>; and
- (c) in relation to the Radio Authority, means services licensed under Part III of the Broadcasting Act 1990 or Part II of the Broadcasting Act 1996.

### **Imitation poll cards**

**67.** No person shall for the purpose of promoting or procuring a particular result at an Assembly election issue any poll card or document so closely resembling an official poll card as to be calculated to deceive, and article 65(2) and (3) shall apply as if an offence under this article were an offence under that article.

### **Schools and rooms for Assembly election meetings**

**68.**—(1) Subject to the provisions of this article, a candidate at an Assembly election is entitled for the purpose of holding public meetings to promote or procure the giving of votes at that election—

- (a) for himself, in the case of an individual candidate, or
- (b) for the registered political party on whose list he is included, in the case of a party list candidate,

to the use free of charge at reasonable times between the last day on which notice of the election may be published in accordance with the Table in paragraph 1(1) of Schedule 5 and the day preceding the date of the poll of—

- (i) a suitable room in the premises of a school to which this article applies,
- (ii) any meeting room to which this article applies.

(2) This article applies to a community, foundation or voluntary school of which—

- (a) in the case of a constituency election, the premises are situated in the Assembly constituency for which the election is held or an adjoining Assembly constituency, and

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<sup>(24)</sup> 1990 c. 42.

<sup>(25)</sup> 1996 c. 55.



- (b) in the case of a regional election, the premises are situated in the Assembly electoral region for which the election is held,

but, in relation to sub-paragraph (a), a candidate is not entitled under this article to the use of a room in school premises outside the Assembly constituency if there is a suitable room in other premises in the constituency which are reasonably accessible from the same parts of the constituency as those outside and are premises of a school to which this article applies.

- (3) This article applies to a meeting room situated—

- (a) in the case of a constituency election, in the Assembly constituency for which the election is held, or
- (b) in the case of a regional election, in the Assembly electoral region for which the election is held,

the expense of maintaining which is payable wholly or mainly out of public funds or by a body whose expenses are so payable.

- (4) Where a room is used for a meeting in pursuance of the rights conferred by this article, the person by whom or on whose behalf the meeting is convened—

- (a) shall defray any expenses incurred in preparing, warming, lighting and cleaning the room and providing attendance for the meeting and restoring the room to its usual condition after the meeting, and
- (b) shall defray any damage done to the room or the premises in which it is situated, or the furniture, fittings or apparatus in the room or premises.

(5) A candidate is not entitled to exercise the rights conferred by this article except on reasonable notice; and this article does not authorise any interference with the hours during which a room in school premises is used for education purposes, or any interference with the use of a meeting room either for the purposes of the person maintaining it or under a prior agreement for its letting for any purpose.

(6) Schedule 8 (which makes provision with respect to the rights conferred by this article and the arrangements to be made for their exercise) has effect.

(7) For the purposes of this article (except those of paragraph (4)(b)), the premises of a school shall not be taken to include any private dwelling, and in this article—

- (a) the expression “meeting room” means any room which it is the practice to let for public meetings, and
- (b) the expression “room” includes a hall, gallery or gymnasium.

(8) In paragraph (2) the reference to a community, foundation or voluntary school includes a reference to a county or grant-maintained school.

### **Disturbances at Assembly election meetings**

**69.**—(1) A person who at a lawful public meeting to which this article applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice.

- (2) This article applies to a political meeting held—

- (a) in relation to a constituency election, in the Assembly constituency for which the election is held, and
- (b) in relation to a regional election, in the Assembly electoral region for which the election is held,

during the period beginning with the last day on which notice of election may be published in accordance with the Table set out in paragraph 1(1) of Schedule 5 and ending with the day of election.

(3) If a constable reasonably suspects any person of committing an offence under paragraph (1), he may if requested so to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or gives a false name and address, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

### **Officials not to act for candidates**

**70.**—(1) If—

- (a) any constituency or regional returning officer at a constituency election,
- (b) any constituency or regional returning officer at a regional election,
- (c) any officer or clerk appointed under Schedule 5, or
- (d) any partner or clerk of any such person,

acts as an agent for an individual candidate or a group of party list candidates in the conduct or management of the election, he shall be guilty of an offence, but nothing in this article prevents an individual candidate from acting as his own election agent or a party list candidate from acting as election agent for the candidates on the list.

(2) A person guilty of an offence under this article shall be liable on summary conviction to a fine not exceeding level 4 of the standard scale.

### **Illegal canvassing by police officers**

**71.**—(1) No member of a police force shall by word, message, writing or in any other manner, endeavour to persuade any person to give, or dissuade any person from giving, his vote, whether as an elector or as proxy—

- (a) at any constituency election for an Assembly constituency, or
- (b) at any regional election for an Assembly electoral region,

wholly or partly within the police area.

(2) A person acting in contravention of paragraph (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale; but nothing in that paragraph shall subject a member of a police force to any penalty for anything done in the discharge of his duty as a member of the force.

### **False statements as to candidates**

**72.**—(1) A person who, or any director of any body or association corporate which—

- (a) before or during an Assembly election,
- (b) for the purpose of affecting how a vote is given at the election,

makes or publishes any false statement of fact in relation to—

- (i) an individual candidate's, or
- (ii) any or all of a group of party list candidates',

personal character or conduct shall be guilty of an illegal practice, unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true.

(2) A candidate shall not be liable, nor shall his election be avoided, for any illegal practice under paragraph (1) committed—

- (a) in the case of an individual candidate, by his agent other than his election agent,

- (b) in the case of a party list candidate, by the agent of any or all of the candidates on the list other than their election agent,

unless—

- (i) it can be shown that the candidate, the election agent or (in the case of a party list candidate) another candidate on the list has authorised or consented to the committing of the illegal practice by the other agent or has paid for the circulation of the false statement constituting the illegal practice, or
- (ii) an election court find and report that the election of the candidate was procured or materially assisted in consequence of the making or publishing of such false statements.

(3) A person making or publishing any false statement of fact as mentioned above may be restrained by interim or perpetual injunction by the High Court or county court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate or candidates and, for the purpose of granting an interim injunction, prima facie proof of the falsity of the statement shall be sufficient.

(4) Any person who, before or during an Assembly election, knowingly publishes a false statement of the withdrawal—

- (a) of an individual candidate, or
- (b) of any or all of a group of party list candidates,

at the election for the purpose of promoting or procuring a particular result at the election shall be guilty of an illegal practice.

(5) A candidate shall not be liable, nor shall his election be avoided, for any illegal practice under paragraph (4) committed—

- (a) in the case of an individual candidate, by his agent other than his election agent, or
- (b) in the case of a party list candidate, by the agent of any or all of the candidates on the list other than their election agent.

(6) An appeal lies to the High Court from any order of a county court made by virtue of paragraph (3).

### **Corrupt withdrawal from candidature**

**73.** Any person who corruptly induces or procures any other person to withdraw from being a candidate at an Assembly election, in consideration of any payment or promise of payment, and any person withdrawing in pursuance of the inducement or procurement, shall be guilty of an illegal payment.

### **Payments for exhibition of election notices**

**74.—(1)** No payment or contract for payment for the purpose of promoting or procuring a particular result at an Assembly election shall be made to an elector or his proxy on account of the exhibition of, or the use of any house, land, building or premises for the exhibition of, any address, bill or notice, unless—

- (a) it is the ordinary business of the elector or proxy as an advertising agent to exhibit for payment bills and advertisements, and
- (b) the payment or contract is made in the ordinary course of that business.

(2) If any payment or contract for payment is knowingly made in contravention of this article either before, during or after an election—

- (a) the person making the payment or contract, and

(b) if he knew it to be in contravention of this Order, any person receiving the payment or being a party to the contract,  
shall be guilty of an illegal practice.

**Printer’s name and address on election publications**

75.—(1) A person shall not—

- (a) print or publish, or cause to be printed or published, any bill, placard or poster having reference to an Assembly election or any printed document distributed for the purpose of promoting or procuring a particular result at the election,
- (b) post or cause to be posted any such bill, placard or poster as mentioned above, or
- (c) distribute or cause to be distributed any printed document for that purpose,

unless the bill, placard, poster or document bears upon its face the name and address of the printer and publisher.

(2) For the purposes of this article, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly.

(3) The following persons, namely—

- (i) an individual candidate or his election agent, or
- (ii) any or all of a group of party list candidates or their election agent,

acting in contravention of this article shall be guilty of an illegal practice, and any other person so acting shall on summary conviction be liable to a fine not exceeding level 5 on the standard scale.

**Prohibition of paid canvassers**

76. If a person is, either before, during or after an Assembly election, engaged or employed for payment or promise of payment as a canvasser for the purpose of promoting or procuring a particular result at the Assembly election—

- (a) the person so engaging or employing him, and
- (b) the person so engaged or employed,

shall be guilty of illegal employment.

**Providing money for illegal purposes**

77. Where a person knowingly provides money—

- (a) for any payment which is contrary to the provisions of this Order,
- (b) for any expenses incurred in excess of the maximum amount allowed by this Order, or
- (c) for replacing any money expended in any such payment or expenses,

except where the payment or the incurring of the expenses may have been previously allowed in pursuance of article 118 to be an exception, that person shall be guilty of an illegal payment.

**Bribery**

78.—(1) A person shall be guilty of a corrupt practice if he is guilty of bribery.

(2) A person shall be guilty of bribery if he, directly or indirectly, by himself or by any other person on his behalf—

- (a) gives any money or procures any office—

- (i) to or for any voter,
  - (ii) to or for any other person on behalf of any voter, or
  - (iii) to or for any other person,
- in order to induce any voter to vote or refrain from voting,
- (b) corruptly does any such act as mentioned above on account of any voter having voted or refrained from voting, or
  - (c) makes any such gift or procurement as mentioned above to or for any person in order to induce that person to procure, or endeavour to procure, a particular result at an Assembly election or the vote of any voter,

or if upon or in consequence of any such gift or procurement as mentioned above he procures or engages, promises or endeavours to procure a particular result at an Assembly election or the vote of any voter.

(3) For the purposes of paragraph (2)—

- (a) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration, and
- (b) references to procuring any office include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.

(4) A person shall be guilty of bribery if he advances or pays or causes to be paid any money to or for the use of any other person with the intent that that money or any part of it shall be expended in bribery at an Assembly election or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election.

(5) The foregoing provisions of this article shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an Assembly election.

(6) A voter shall be guilty of bribery if before or during an Assembly election he directly or indirectly by himself or by any other person on his behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(7) A person shall be guilty of bribery if after an Assembly election he directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(8) In this article the expression “voter” includes any person who has or claims to have a right to vote.

## **Treating**

**79.—(1)** A person shall be guilty of a corrupt practice if he is guilty of treating.

(2) A person shall be guilty of treating if he corruptly, by himself or by any other person, either before, during or after an Assembly election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment or provision to or for any person—

- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting, or

(b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

(3) Every elector or his proxy who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of treating.

### **Undue influence**

**80.**—(1) A person shall be guilty of a corrupt practice if he is guilty of undue influence.

(2) A person shall be guilty of undue influence—

- (a) if he, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting, or
- (b) if, by abduction, duress or any fraudulent device or contrivance, he impedes or prevents the free exercise of the franchise of an elector or proxy for an elector, or so compels, induces or prevails upon an elector or proxy for an elector either to vote or to refrain from voting.

### **Rights of creditors**

**81.** The provisions of this Part prohibiting—

- (a) payments and contracts for payments,
- (b) the payment or incurring of election expenses in excess of the maximum amount allowed by this Order, or
- (c) the incurring of expenses not authorised by an election agent,

do not affect the right of any creditor who, when the contract was made or the expense was incurred, was ignorant of that contract or expense being in contravention of this Order.

### **Savings as to Assembly elections**

**82.**—(1) Where a person has been declared by others to be a candidate at an Assembly election without his consent, nothing in this Part shall be construed to impose any liability on that person, unless he has afterwards given his assent to the declaration or has been nominated.

(2) Nothing in this Part makes it illegal for an employer to permit Assembly electors or their proxies to absent themselves from his employment for a reasonable time for the purpose of voting at the poll at an Assembly election without having any deduction from their salaries or wage on account of their absence, if the permission—

- (a) is (so far as practicable without injury to the employer's business) given equally to all persons alike who are at the time in his employment,
- (b) is not given with a view to inducing any person to give his vote in a particular way at the election, and
- (c) is not refused to any person for the purpose of preventing him from giving his vote in a particular way at the election,

but this paragraph shall not be construed as making illegal any act which would not be illegal apart from this paragraph.

### **Interpretation of Part III**

**83.** In this Part, unless the context otherwise requires —

a person becomes a “candidate” in relation to an Assembly election —

- (a) on the last day for publication of notice of the election if on or before that day he is declared by himself or by others to be a candidate at the election; and
- (b) otherwise, on the day on which he is so declared by himself or by others or on which he is nominated as a candidate at the election (whichever is the earlier),

or, in the case of a party list candidate, on the day on which the list is submitted by the party to the regional returning officer.

“committee room” does not include any house or room occupied by a candidate as a dwelling, by reason only of the candidate transacting business there with his agents in relation to the election, and no room or building shall be deemed to be a committee room by reason only of the candidate or any agent of the candidate addressing in it electors, committee members or others,

“date of the allowance of an authorised excuse” has the meaning given by article 56(9),

“declaration as to election expenses” means a declaration made under article 51,

“disputed claim” has the meaning given by article 48(1) as extended by article 49,

“money” and “pecuniary reward” shall (except in articles 78 and 79) be deemed to include —

- (a) any office, place or employment,
- (b) any valuable security or other equivalent of money, and
- (c) any valuable consideration,

and expressions referring to money shall be construed accordingly,

“payment” includes any pecuniary or other reward,

“personal expenses” as used with respect to the expenditure of any candidate in relation to any Assembly election includes the reasonable travelling expenses of the candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election, and

“return as to election expenses” means a return (including the bills and receipts to be delivered with it) to be made under article 50(1).

### **Computation of time for purposes of Part III**

**84.**—(1) Where the day or last day on which anything is required or permitted to be done by or in pursuance of this Part is any of the days mentioned in paragraph (2)—

- (a) the requirement or permission shall be deemed to relate to the first day thereafter which is not one of those days, and
- (b) in computing any period of not more than seven days for the purposes of this Part any of the days so mentioned shall be disregarded.

(2) The days referred to in paragraph (1) are—

- (a) a Saturday or a Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday,
- (c) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(26), or
- (d) a day appointed for public thanksgiving or mourning.

## PART IV

### LEGAL PROCEEDINGS

#### **Method of questioning Assembly election**

**85.**—(1) No Assembly election and no return to the Assembly shall be questioned except by a petition complaining of an undue election or undue return (“an Assembly election petition”) presented in accordance with this Part; and “Assembly election petition” includes a petition complaining of an undue return under section 9 of the 1998 Act.

(2) A petition complaining of no return shall be deemed to be an Assembly election petition and the High Court—

- (a) may make such order on the petition as they think expedient for compelling a return to be made, or
- (b) may allow the petition to be heard by an election court as provided with respect to ordinary Assembly election petitions.

(3) The expression “return” as the context requires refers to a return following an Assembly election or to a return under section 9 of the 1998 Act.

#### **Presentation and service of Assembly election petition**

**86.**—(1) An Assembly election petition may be presented by one or more of the following persons—

- (a) a person who voted as an elector at the election or who had a right so to vote,
- (b) a person claiming to have had a right to be elected or returned at the election,
- (c) a person alleging himself to have been a candidate at the election, or
- (d) a person claiming to have had a right to be returned under section 9 of the 1998 Act.

(2) Any Assembly member whose election or return is complained of is hereinafter referred to as a respondent but if the petition complains of the conduct of a constituency or a regional returning officer, the returning officer shall for the purposes of this Part be deemed to be a respondent.

(3) Paragraph (2) also applies if the petition complains of the conduct of a constituency returning officer in the exercise of his functions in relation to a regional election.

(4) The petition shall be in the prescribed form, state the prescribed matters and be signed by the petitioner, or all the petitioners if more than one, and shall be presented to the High Court.

(5) The petition shall be presented by delivering it to the prescribed officer or otherwise dealing with it in the prescribed manner; and the prescribed officer shall send a copy of it to the returning officer of the Assembly constituency or electoral region to which the petition relates, who shall forthwith publish it in that Assembly constituency or electoral region.

(6) The petition shall be served in such manner as may be prescribed.

#### **Time for presentation or amendment of Assembly election petition**

**87.**—(1) Subject to the provisions of this article, an Assembly election petition shall be presented within 21 days after the day on which the name of any member to whose election or return the petition relates has been returned in accordance with Schedule 5 to this Order or section 9(6) of the 1998 Act.

(2) If the petition questions the election or return upon an allegation of corrupt practices and specifically alleges a payment of money or other reward to have been made by such member or on his account or with his privity since the time of that return in pursuance or in furtherance of the alleged corrupt practice, it may be presented within 28 days after the date of the payment.



(3) A petition questioning the election or return upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented—

- (a) within 21 days after the day specified in paragraph (4), or
- (b) if specifically alleging a payment of money or some other act to have been made or done since the day so specified by such member to whose election or return the petition relates or an agent of his, or with the privity of that member or the election agent, in pursuance or in furtherance of the alleged illegal practice, within 28 days after the date of the payment or other act.

(4) The day referred to in paragraph (3) is the tenth day after the end of the time allowed for delivering returns as to election expenses at the election or, if later—

- (a) where that member was an individual candidate, that day on which the appropriate returning officer receives the return and declarations as to election expenses by that member and his election agent,
- (b) where that member was a party list candidate, that day on which the Assembly receives—
  - (i) the return and declaration as to election expenses by the registered political party's registered nominating officer, and
  - (ii) the declaration as to election expenses by that member,
- (c) where the return and declarations are received on different days, the last of those days, or
- (d) where there is an authorised excuse for failing to make the return and declarations, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse.

(5) An Assembly election petition presented within the time limited by paragraph (1) or (2) may, for the purpose of questioning the election or return upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition questioning the election upon the allegation of that illegal practice could be presented under paragraph (3).

(6) Paragraphs (3), (4) and (5) apply—

- (a) notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice, and
- (b) to a corrupt practice under article 44, as if it were an illegal practice.

(7) For the purposes of this article, an allegation that an election is avoided under article 115 shall be deemed to be an allegation of corrupt practices, notwithstanding that the offences alleged are or include offences other than corrupt practices.

### **Constitution of election court and place of trial**

**88.**—(1) An Assembly election petition shall be tried by two judges on the rota for the trial of parliamentary election petitions, and the judges for the time being on that rota shall, unless they otherwise agree, try the election petitions standing for trial according to their seniority, and the judges presiding at the trial of an Assembly election are hereinafter referred to as the election court.

(2) The election court has, subject to the provisions of this Order, the same powers, jurisdiction and authority as a judge of the High Court and shall be a court of record.

(3) The place of trial shall be within the Assembly constituency or electoral region for which the election was held (or, where article 86(1)(d) applies, within the Assembly electoral region for which a person claims to have had a right to be returned under section 9 of the 1998 Act), but the High Court may on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place for the trial.

(4) The election court may adjourn the trial from one place to another within the Assembly constituency or electoral region.

### **Judges' expenses and reception**

**89.** In relation to the trial of an Assembly election petition, the travelling and other expenses of the judges and all expenses properly incurred in providing them with necessary accommodation and with a proper court shall be defrayed by the Secretary of State out of money provided by Parliament.

### **Attendance of shorthand writer**

**90.**—(1) The Assembly shall require a shorthand writer to attend the trial of an Assembly election petition and that person shall be sworn by one of the judges of the election court faithfully and truly to take down the evidence given at the trial and from time to time as occasion requires to transcribe that evidence or cause it to be transcribed.

(2) The shorthand writer shall take down the evidence and from time to time transcribe it or cause it to be transcribed and a copy of the evidence shall accompany the certificate given by the election court to the presiding officer of the Assembly.

### **Security for costs**

**91.**—(1) At the time of presenting an Assembly election petition or within three days afterwards the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent.

(2) The security shall be such amount not exceeding £5,000 as the High Court, or a judge of the High Court, directs on an application made by the petitioner, and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.

(3) Within the prescribed time after giving the security the petitioner shall serve on the respondent in the prescribed manner—

- (a) a notice of the presentation of the petition and of the amount and nature of the security, and
- (b) a copy of the petition.

(4) Within a further prescribed time, the respondent may object in writing to any recognisance on the ground that any surety is insufficient or is dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the recognisance.

(5) An objection to a recognisance shall be decided in the prescribed manner.

(6) If the objection is allowed, the petitioner may within a further prescribed time remove it by deposit in the prescribed manner of such sum of money as will, in the opinion of the court or officer having cognisance of the matter, make the security sufficient.

(7) If no security is given as required by this article or any objection is allowed and not removed as mentioned above, no further proceedings shall be had on the petition.

### **Petition at issue**

**92.**—(1) The Assembly election petition shall be at issue as from the relevant time, as defined by paragraph (2).

(2) In this article “the relevant time” means—

- (a) where the petitioner gives the security for costs required by article 91 by a deposit of money equal to the amount of the security required, the time when the security is given; and

- (b) in any other case, the time when—
  - (i) the time prescribed for the making of objections under article 91(4) expires, or
  - (ii) if such an objection is made, that objection is disallowed or removed,whichever happens later.

### **List of petitions**

- 93.**—(1) The prescribed officer shall—
- (a) as soon as may be, make out a list of all Assembly election petitions at issue presented to the court of which he is officer, placing them in the order in which they were presented, and
  - (b) keep at his office a copy of the list, open to inspection in the prescribed manner.
- (2) The petitions shall, so far as convenient, be tried in the order in which they stand in the list.
- (3) Where more petitions than one are presented relating to the same Assembly election (or return under section 9 of the 1998 Act), all those petitions shall be bracketed together in the election list and shall be dealt with as one petition, standing, unless the High Court otherwise direct, in the election list in the place where the last of them would have stood if it had been the only petition presented.

### **Trial of petition**

- 94.**—(1) An Assembly election petition shall be tried in open court, without a jury, and notice of the time and place of trial shall be given in the prescribed manner not less than fourteen days before the day of trial.
- (2) The election court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day until its conclusion.
- (3) The trial of an Assembly election petition shall be proceeded with notwithstanding a respondent having resigned his seat or if he becomes disqualified from being an Assembly member so that his seat is vacant.
- (4) On the trial of an Assembly election petition, unless the court otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation to it received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice.
- (5) On the trial of an Assembly election petition complaining of an undue election or return and claiming a seat for some person, a respondent may give evidence to prove that that person was not duly elected or was incapable of being duly returned in the same manner as if he had presented a petition against the election or return of that person.
- (6) This paragraph applies if, in relation to an Assembly election petition, it appears that—
- (a) there is an equality of votes between any candidates at a constituency election, or
  - (b) two or more individual candidates or registered political parties at a regional election have the same electoral region figure (within the meaning of section 6(3) of the 1998 Act),
- and that the addition of a vote would entitle any of those individual candidates or any party list candidate of those parties to be declared elected.
- (7) Where paragraph (6) applies—
- (a) any decision under the provisions in—
    - (i) paragraph 55 of Schedule 5, in the case of a constituency election, or
    - (ii) section 7(9) of the 1998 Act and paragraph 58(8) of Schedule 5, in the case of a regional election,

shall, in so far as it determines the question as to who is elected, be effective also for the purposes of the petition, and

- (b) in so far as that question is not determined by such a decision, the court shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

### **Witnesses**

**95.**—(1) At the trial of an Assembly election petition witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit as in an action tried in the High Court.

(2) On the trial a member of the election court may, by order signed by him, require any person who appears to him to have been concerned in the Assembly election or return under section 9 of the 1998 Act to attend as a witness, and any person refusing to obey the order shall be guilty of contempt of court.

(3) The election court may examine any person so required to attend or who is in court although he is not called and examined by any party to the Assembly election petition.

(4) A witness may, after his examination by the court, be cross-examined by or on behalf of the petitioner and a respondent, or either of them.

(5) The Director of Public Prosecutions shall without any direction from the court cause any person appearing to him to be able to give material evidence as to the subject of the trial to attend the trial and shall, with the leave of the court, examine him as a witness.

### **Duty to answer relevant questions**

**96.**—(1) A person called as a witness respecting an Assembly election or return under section 9 of the 1998 Act before any election court shall not be excused from answering any question relating to any offence at or connected with the election or return—

- (a) on the ground that the answer to it may incriminate or tend to incriminate that person or that person's husband or wife, or
- (b) on the ground of privilege.

(2) An answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be in any proceeding, civil or criminal, admissible in evidence against that person or that person's husband or wife.

### **Expenses of witnesses**

**97.**—(1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an Assembly election petition, according to the scale allowed to witnesses on the trial of civil actions, may be allowed to him by a certificate of the election court or of the prescribed officer.

(2) If the witness was called and examined by virtue of article 95(2), the expenses referred to in paragraph (1) shall be deemed part of the expenses of providing a court, but otherwise they shall be deemed costs of the petition.

### **Conclusion of trial of Assembly election petition**

**98.**—(1) Subject to paragraph (2), at the conclusion of the trial of an Assembly election petition, the election court shall determine whether—

- (a) any Assembly member whose election or return is complained of, or any and what other person, was duly elected or returned, or

(b) if applicable, the election was void,  
and the determination so certified shall be final to all intents as to the matters at issue on the petition.

(2) Where the election court determine that at a regional election an Assembly member for an Assembly electoral region was not duly elected or returned, the court in addition shall determine that the regional election was void.

(3) The election court shall forthwith certify in writing the determination to the presiding officer of the Assembly.

(4) If the judges constituting the election court—

(a) subject to paragraph (2), differ as to whether any Assembly member whose election or return is complained of was duly elected or returned, they shall certify that difference and the member shall be deemed to be duly elected or returned, or

(b) where the petition relates to a constituency election, determine that such member was not duly elected or returned but differ as to the rest of the determination, they shall certify that difference and the election shall be deemed to be void.

(5) Where any charge is made in the petition of any corrupt or illegal practice having been committed at an Assembly election the court shall, in addition to giving a certificate, and at the same time, make a report to the presiding officer of the Assembly as required by articles 107 and 109 and also stating whether corrupt or illegal practices have, or whether there is reason to believe that corrupt or illegal practices have, extensively prevailed at the election.

(6) The election court may at the same time make a special report to the presiding officer of the Assembly as to matters arising in the course of the trial an account of which in the judgement of the court ought to be submitted to the Assembly.

(7) Every report sent to the presiding officer of the Assembly under this article shall be signed by both judges of the election court and if the judges differ as to the subject of the report, they shall certify that difference and make no report on the subject on which they so differ.

(8) The presiding officer of the Assembly shall publish any certificate or report of an election court received by him under this article.

#### **Election court determination in respect of a constituency election etc**

**99.**—(1) Where by virtue of article 98 at a constituency election the election court determine that at a constituency election—

(a) an Assembly member was not duly elected or returned, or

(b) that the election was void,

and the return of the member at that election was taken into account for the purposes of deciding which members were to be returned for the Assembly electoral region in which the Assembly constituency is situated—

(i) the determination by the election court, or

(ii) the subsequent return of an Assembly member for that constituency,

shall not affect the validity of the return of those members for that electoral region.

(2) Where by virtue of article 98(4)(b) a constituency election is deemed to be void, the election court shall be treated as having determined that election to be void for the purposes of paragraph (1) (b).

### **Regional election determined to be void by election court**

**100.**—(1) Where by virtue of article 98 the election court determine that a regional election was void, the presiding officer of the Assembly shall (subject to paragraph (3)) forthwith after receipt of the certificate from the election court under article 98(3) —

- (a) fix a date in accordance with paragraph (2) for a poll to be held at another election in the Assembly electoral region for which the regional election is determined to be void, and
- (b) send a notice in accordance with paragraph (4) to the returning officer for the Assembly electoral region in which the election was held.

(2) The date fixed shall not be later than three months after receipt of the certificate from the election court.

(3) But an election shall not be held if it appears to the presiding officer of the Assembly that the latest date which may be fixed for the poll would fall within the period of three months preceding an ordinary election.

(4) A notice under paragraph (1)(b) shall—

- (a) state that the election has been determined to be void,
- (b) require that the election is held again for the purpose of returning the members for that Assembly electoral region, and
- (c) state the date fixed for the poll at the election.

(5) The regional returning officer shall on receipt of notice under paragraph (1)(b) inform each constituency returning officer for an Assembly constituency in the Assembly electoral region as to the contents of that notice.

(6) The results of the constituency elections in the Assembly electoral region for which the election is held at the last ordinary election shall have effect for the purposes of ascertaining the results of the regional election.

### **Special case for determination of High Court**

**101.**—(1) If, on the application of any party to an Assembly election petition made in the prescribed manner to the High Court, it appears to the High Court that the case raised by the petition can be conveniently stated as a special case, the High Court may direct it to be stated accordingly and the special case shall be heard before the High Court.

(2) The High Court shall certify to the presiding officer of the Assembly its decision on the special case.

(3) If it appears to the election court on the trial of an Assembly election petition that any question of law as to the admissibility of evidence or otherwise requires further consideration by the High Court, the election court may postpone the granting of a certificate until the question has been determined by the High Court, and for this purpose may reserve the question by stating a case for the decision of the High Court.

(4) The presiding officer of the Assembly shall publish any certificate received by him under paragraph (2).

### **Withdrawal of petition**

**102.**—(1) A petitioner shall not withdraw an Assembly election petition without the leave of the election court or High Court on special application, made in the prescribed manner and at the prescribed time and place.

(2) The application shall not be made until the prescribed notice of the intention to make it has been given in the Assembly constituency or electoral region to which the petition relates.

(3) Where there is more than one petitioner, the application shall not be made except with the consent of all the petitioners.

(4) If a petition is withdrawn the petitioner shall be liable to pay the costs of a respondent.

### **Costs of petition**

**103.**—(1) All costs of and incidental to the presentation of an Assembly election petition and the proceedings consequent on it, except such as are by this Order otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the election court or High Court may determine.

(2) In particular—

(a) any costs which in the opinion of the election court or High Court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of a petitioner or of a respondent, and

(b) any needless expense incurred or caused on the part of a petitioner or respondent,

may be ordered to be defrayed by the parties by whom it has been incurred or caused whether or not they are on the whole successful.

### **Neglect or refusal to pay costs**

**104.**—(1) Paragraph (2) applies if, in relation to an Assembly election petition, a petitioner neglects or refuses, for six months after demand, to pay any person summoned as a witness on his behalf or to the respondent any sum certified to be due to that person or the respondent for his costs, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the High Court.

(2) Where paragraph (1) applies, every person who under this Order entered into a recognisance relating to that petition shall be held to be in default of the recognisance, and

(a) the prescribed officer shall thereupon certify the recognisance to be forfeited, and

(b) it shall be dealt with as if forfeited by the Crown Court.

### **Further provision as to costs**

**105.**—(1) Where upon the trial of an Assembly election petition it appears to the election court—

(a) that a corrupt practice has not been proved to have been committed in relation to an Assembly election by or with the knowledge and consent of a respondent to the petition, and

(b) that the respondent took all reasonable means to prevent corrupt practices being committed on his behalf,

the court may, subject to the provisions of paragraph (2), make such order with respect to the whole or part of the costs of the petition as is mentioned in that paragraph.

(2) If it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in relation to the Assembly election, the court may, after giving that person or those persons an opportunity of being heard by counsel or solicitor and examining and cross examining witnesses to show cause why the order should not be made—

(a) order the whole or part of the costs to be paid by that person, or those persons or any of them, and

(b) order that if the costs cannot be recovered from one or more of those persons they shall be paid by some other of those persons or by either of the parties to the petition.

(3) Where any person appears to the court to have been guilty of a corrupt or illegal practice, the court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceeding before the court in relation to that offence or to that person to be paid by that person to such person or persons as the court may direct.

### **Appeals and jurisdiction**

**106.**—(1) No appeal lies without the special leave of the High Court from the decision of the High Court on any question of law, whether on appeal or otherwise, under the foregoing provisions of this Part, and if leave to appeal is granted the decision of the Court of Appeal in the case shall be final and conclusive.

(2) Subject to the provisions of this Order, the principles, practice and rules on which committees of the House of Commons used to act in dealing with parliamentary election petitions shall be observed, so far as may be, by the High Court and election court in the case of Assembly election petitions.

(3) The High Court has, subject to the provisions of this Order, the same powers, jurisdiction and authority with respect to an Assembly election petition and the proceedings on it as if the petition were an ordinary action within its jurisdiction.

(4) The duties to be performed in relation to Assembly elections by the prescribed officer under this Part shall be performed by such one or more of the masters of the Supreme Court (Queen's Bench Division) as the Lord Chief Justice may determine.

### **Report as to candidate guilty of a corrupt or illegal practice**

**107.**—(1) Other than where the petition relates to a return under section 9 of the 1998 Act, the report of an election court under article 98 shall state whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the Assembly election, and the nature of the corrupt or illegal practice.

(2) For the purposes of articles 108 and 109—

- (a) if it is reported that a corrupt practice other than treating or undue influence was committed with the knowledge and consent of a candidate, he shall be treated as having been reported personally guilty of that corrupt practice, and
- (b) if it is reported that an illegal practice was committed with the knowledge and consent of a candidate at an Assembly election, he shall be treated as having been reported personally guilty of that illegal practice.

(3) The report shall also state whether any of the candidates has at that Assembly election been guilty by his agents of any corrupt or illegal practice in relation to the election; but if a candidate is reported guilty by his agents of treating, undue influence or any illegal practice, and the court further reports that the candidate has proved to the court—

- (a) that no corrupt or illegal practice was committed at the election by the candidate or his election agent and the offences mentioned in the report were committed contrary to the orders and without the sanction or connivance of the candidate or his election agent,
- (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at the election,
- (c) that the offences mentioned in the report were of a trivial, unimportant and limited character, and
- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate and of his agents,



then the candidate shall not be treated for the purposes of article 108 as having been reported guilty by his agents of the offences mentioned in the report.

### **Candidate reported guilty of corrupt or illegal practice**

**108.** If a candidate who has been elected is reported by an election court personally guilty or guilty by his agents of any corrupt or illegal practice his election shall be void.

### **Persons reported personally guilty of corrupt or illegal practices**

**109.**—(1) Other than where the petition relates to a return under section 9 of the 1998 Act, the report of the election court under article 98 shall state the names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt or illegal practice but in the case of someone—

- (a) who is not a party to the petition, or
- (b) who is not a candidate on behalf of whom the seat is claimed by the petition,

the election court shall first cause notice to be given to him, and if he appears in pursuance of the notice shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

(2) The report shall be laid before the Director of Public Prosecutions.

(3) Subject to the provisions of paragraph (4) and article 125, a candidate or other person reported by an election court personally guilty of a corrupt practice shall for five years from the date of the report be incapable—

- (a) of being registered as an elector or voting at any—
  - (i) Assembly election,
  - (ii) election to the House of Commons,
  - (iii) election to the European Parliament,
  - (iv) election to the Scottish Parliament,
  - (v) election to the Northern Ireland Assembly, or
  - (vi) election in Great Britain to any public office,
- (b) of being elected to and sitting in the Assembly, the House of Commons, the European Parliament, the Scottish Parliament or the Northern Ireland Assembly, and
- (c) of holding any public or judicial office,

and, if already elected to the Assembly or such other body mentioned in sub-paragraph (b), or holding such office, shall from that date vacate the seat or office.

(4) The incapacities imposed by sub-paragraph (3)(a) apply only to a candidate or other person reported personally guilty of a corrupt practice under article 28.

(5) Subject to the provisions of paragraph (6) and article 125, a candidate or other person reported by an election court personally guilty of an illegal practice shall for three years from the date of the report be incapable of being registered as an elector or voting at any Assembly election, any parliamentary election, any European Parliamentary election or at any election to a public office held—

- (a) if the offence was committed in relation to a constituency election, for or in—
  - (i) the Assembly constituency for which the election was held,
  - (ii) any other Assembly constituency in the Assembly electoral region in which the first mentioned constituency is situated,

- (iii) the Assembly electoral region in which the first mentioned constituency is situated, or
  - (iv) any Assembly constituency or electoral region which includes the whole or any part of the first mentioned constituency as constituted for the purposes of the election (or any other Assembly constituency within that Assembly electoral region), or
- (b) if the offence was committed in relation to a regional election, for or in—
- (i) the Assembly electoral region for which the election was held,
  - (ii) any Assembly constituency situated in that electoral region, or
  - (iii) any Assembly constituency or electoral region which includes the whole or part of the first mentioned electoral region as constituted for the purposes of the election (or any other Assembly constituency in that second mentioned Assembly electoral region).

(6) The incapacities imposed by paragraph (5)(a) or, as the case may be, paragraph (5)(b) apply only to a candidate or other person reported personally guilty of an illegal practice under article 29.

(7) The provisions of this article as to the consequences of the report that a candidate was guilty by his agents of a corrupt or illegal practice have effect subject to the express provisions of this Order relating to particular acts which are declared to be corrupt or illegal practices.

#### **Persons reported personally guilty of corrupt or illegal practices at parliamentary elections or local government elections**

**110.**—(1) Subject to the provisions of section 174 of the 1983 Act, if a person is reported by an election court personally guilty of a corrupt practice under that Act, in addition to being subject to the incapacities set out in section 160(4) of that Act, he shall for five years from the date of that report be incapable of being elected to and sitting in the Assembly, and if already elected to the Assembly, he shall from that date vacate the seat.

(2) Subject to the provisions of section 174 of the 1983 Act, if a person is reported by an election court personally guilty of an illegal practice under that Act, in addition to being subject to the incapacities set out in section 160(5) of that Act, he shall for three years from the date of the report be incapable of being registered as an elector or voting at any Assembly election held—

- (a) if the offence was committed in relation to a parliamentary election,
  - (i) in the Assembly constituency which is coterminous with the parliamentary constituency,
  - (ii) in any other Assembly constituency in the Assembly electoral region in which the parliamentary constituency is situated,
  - (iii) in the Assembly electoral region in which the parliamentary constituency is situated, or
  - (iv) in any Assembly constituency or electoral region which includes the whole or any part of the parliamentary constituency as constituted for the purposes of the election (or any other Assembly constituency in that Assembly electoral region), or
- (b) if the offence was committed in relation to an election under the Local Government Act 1972(27),
  - (i) in the Assembly constituency or electoral region which includes the whole or any part of the local government area for which the election was held (or any other Assembly constituency in that Assembly electoral region), or

- (ii) in any Assembly constituency or electoral region which includes the whole or any part of the local government area for which the election was held as constituted for the purposes of the election (or any other Assembly constituency within that Assembly electoral region).

(3) Section 174 of the 1983 Act shall apply to any incapacity imposed under this article as if the incapacity was imposed under section 160 of that Act.

### **Persons reported personally guilty of corrupt or illegal practices at European Parliamentary elections**

**111.**—(1) References in this article to the 1983 Act are to that Act as applied by the European Parliamentary Elections Regulations 1986(28).

(2) Subject to the provisions of section 174 of the 1983 Act, if a person is reported by an election court personally guilty of a corrupt practice under the 1983 Act in addition to being subject to the incapacities set out in section 160(4) of that Act he shall for five years from the date of that report be incapable of being elected to and sitting in the Assembly and, if already elected to the Assembly, he shall from that date vacate the seat.

(3) Subject to the provisions of section 174 of the 1983 Act, if a person is reported by an election court personally guilty of an illegal practice in addition to being subject to the incapacities set out in section 160(5) of that Act he shall for three years from the date of the report be incapable of being registered as an elector or voting at any Assembly election.

(4) Section 174 of the 1983 Act shall apply to any incapacity imposed under this article as if the incapacity was imposed under section 160 of that Act.

### **Justice of the peace**

**112.** Where a justice of the peace is reported by an election court to have been guilty of any corrupt practice in relation to an Assembly election the court shall report the case to the Lord Chancellor with such evidence as may have been given of the corrupt practice.

### **Members of legal and certain other professions**

**113.** Where a barrister, advocate, solicitor or any person who belongs to any profession the admission to which is regulated by law is reported by an election court to have been guilty of any corrupt practice in relation to an Assembly election—

- (a) the court shall bring the matter before the Inn of Court, High Court or tribunal having power to take cognisance of any misconduct of the person in his profession, and
- (b) the Inn of Court, High Court or tribunal may deal with him as if the corrupt practice were misconduct by him in his profession.

### **Holder of licence or certificate under Licensing Acts**

**114.**—(1) If it appears to an election court that a person holding a licence or certificate under the Licensing Acts has knowingly permitted any bribery or treating in relation to any Assembly election to take place upon his licensed premises—

- (a) the court shall, after affording him such rights as are conferred on those about to be reported under article 109(1), report the fact, and

(b) the court shall bring the report before the licensing authority from whom, or on whose certificate, that person obtained his licence, and the licensing authority shall cause the report to be entered in the proper register of licences.

(2) The entry of the report in that register shall be taken into consideration by the licensing authority in determining whether they will or will not grant a renewal of the licence or certificate of the person reported and may be a ground, if the authority think fit, for refusing renewal.

#### **Avoidance of election for general corruption etc**

**115.**—(1) Where on an Assembly election petition it is shown that corrupt or illegal practices or illegal payments, employments or hirings committed in relation to an Assembly election for the purpose of promoting or procuring the election of any person at the election have so extensively prevailed that they may be reasonably supposed to have affected the result—

- (a) his election, if he has been elected, shall be void, and
- (b) he shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.

(2) Where on an Assembly election petition it is shown that corrupt or illegal practices or illegal payments, employments or hirings committed have prevailed in relation to a regional election for the purpose of promoting or procuring the giving of votes for a registered political party at the election, such acts, for the purposes of paragraph (1), shall be treated as having prevailed for the purpose of promoting or procuring the election of each candidate on that party's list.

(3) An election shall not be liable to be avoided otherwise than under this article by reason of general corruption, bribery, treating or intimidation.

#### **Avoidance of election for employing corrupt agent**

**116.**—(1) Subject to paragraph (2), if—

- (a) for an Assembly election any individual candidate or his election agent personally engages, or
- (b) for a regional election any or all of a group of party list candidates or their election agent personally engage,

as a canvasser or agent for the conduct or management of the election any person whom he knows or has (or they know or have) reasonable grounds for supposing to be subject to an incapacity to vote at the election by reason—

- (i) of his having been convicted or reported of any corrupt or illegal practice within the meaning of this Order, the 1983 Act, or of the law relating to elections to the European Parliament, the Northern Ireland Assembly or the Scottish Parliament, or
- (ii) of his having been convicted more than once of an offence under the Public Bodies Corrupt Practices Act 1889(29),

the candidate or candidates shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election is held.

(2) In relation to party list candidates at a regional election, the incapacity imposed by paragraph (1) shall apply—

- (a) where their election agent engages such a person, to each candidate on the list, or
- (b) where their election agent does not engage such a person, only to that candidate who engages, or those candidates who engage, that person.

(3) A vote given—

- (a) at a constituency or regional election for a person who, at the time of the election, was by virtue of this article incapable of being elected, or
- (b) at a regional election for a registered political party where, at the time of the election, each candidate included on the party's list was by virtue of this article incapable of being elected,

shall not, by reason of that incapacity, be deemed to be thrown away so as to entitle another candidate to be declared elected, unless given at a poll consequent on the decision of an election court that he was so incapable.

### **Votes to be struck off for corrupt or illegal practices**

**117.**—(1) Where, on an Assembly election petition claiming the seat for any person, a candidate is proved to have been guilty by himself, or by any person on his behalf, of bribery, treating or undue influence in respect of any person who voted at an Assembly election there shall, on a scrutiny, be struck off from the number of votes appearing to have been given—

- (a) where he is an individual candidate, to the candidate, or
- (b) where he is a party list candidate, to the registered political party for which he is such a candidate,

one vote for every person who voted at the election and is proved to have been so bribed, treated or unduly influenced.

(2) If any person who is guilty of a corrupt or illegal practice or of illegal payment, employment or hiring at an Assembly election votes at the election, his vote shall be void.

(3) If any person who is subject under any enactment relating to corrupt or illegal practices to an incapacity to vote at—

- (a) an Assembly election,
- (b) a parliamentary election,
- (c) a European Parliamentary election,
- (d) an election to the Scottish Parliament,
- (e) an election to the Northern Ireland Assembly, or
- (f) an election to any public office,

votes at that Assembly election, his vote shall be void.

### **Application for relief**

**118.**—(1) An application for relief under this article may be made to the High Court or an election court or else, if in respect of a payment made in contravention of article 47(1), (2) or (3), to a county court.

(2) Where a person makes an application under this article he shall notify the Director of Public Prosecutions of the application and the Director or his assistant or representative may attend the hearing of the application and make representations at the hearing in respect of it.

(3) If it is shown to the court by such evidence as to the court seems sufficient—

- (a) that any act or omission of any person would apart from this article by reason of being in contravention of this Order be an illegal practice, payment, employment or hiring,
- (b) that the act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith, and

- (c) that such notice of the application has been given in the Assembly constituency or electoral region for which the election was held, as to the court seems fit,

and under the circumstances it seems to the court to be just that either that or any other person should not be subject to any of the consequences under this Order of the act or omission, the court may make an order allowing the act or omission to be an exception from the provisions of this Order making it an illegal practice, payment, employment or hiring and upon the making of the order no person shall be subject to any of the consequences under this Order of that act or omission.

(4) The jurisdiction vested by this article in a county court may be exercised otherwise than in open court.

(5) An appeal lies to the High Court from any order of a county court made under this article.

### **Prosecutions for corrupt practices**

**119.**—(1) A person who is guilty of a corrupt practice under this Order shall be liable—

(a) on conviction on indictment—

- (i) in the case of a corrupt practice under article 28, to imprisonment for a term not exceeding two years, or to a fine, or to both,
- (ii) in any other case, to imprisonment for a term not exceeding one year, or to a fine, or to both, or

(b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.

(2) If it appears to the court by which any person holding a licence or certificate under the Licensing Acts is convicted of the offence of bribery or treating that the offence was committed on his licensed premises—

- (a) the court shall direct the conviction to be entered in the proper register of licences, and
- (b) the entry shall be taken into consideration by the licensing authority in determining whether they will or will not grant a renewal of the licence or certificate, and may be a ground, if the authority think fit, for refusing its renewal.

### **Prosecutions for illegal practices**

**120.** A person guilty of an illegal practice shall on summary conviction be liable to a fine not exceeding level 5 on the standard scale; and on a prosecution for an illegal practice it shall be sufficient to allege that the person charged was guilty of an illegal practice.

### **Conviction of illegal practice on charge of corrupt practice etc**

**121.** A person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice (which offence shall for that purpose be an indictable offence), and a person charged with an illegal practice may be found guilty of that offence notwithstanding that the act constituting the offence amounted to a corrupt practice.

### **Incapacities on conviction of corrupt or illegal practice**

**122.**—(1) Subject to the provisions of article 125, but in addition to any punishment as provided by the above provisions —

- (a) a person convicted of a corrupt practice shall be subject to the incapacities imposed by article 109(3) as if at the date of the conviction he had been reported personally guilty of that corrupt practice, and

- (b) a person convicted of an illegal practice —
- (i) in relation to a constituency election shall be subject to the incapacities imposed by article 109(5)(a), or
  - (ii) in relation to a regional election shall be subject to the incapacities imposed by article 109(5)(b),
- as if at the date of the conviction he had been reported personally guilty of that illegal practice.
- (2) A person convicted of a corrupt or illegal practice who has already been elected to a seat in the Assembly shall (subject to paragraph (3)) vacate the seat at the appropriate time for the purposes of this article, namely —
- (a) the end of the period which is the period prescribed by law within which notice of appeal may be given, or an application for leave to appeal may be made, by him in respect of the conviction, or
  - (b) if (at any time within that period) that period is extended —
    - (i) the end of the period as so extended, or
    - (ii) the end of the period of three months beginning with the date of the conviction, whichever is the earlier.
- (3) If (before the appropriate time mentioned in paragraph (2)) notice of appeal is given, or an application for leave is made, by such a person in respect of such a conviction, he shall vacate the seat at the end of the period of three months beginning with the date of the conviction unless —
- (a) such an appeal is dismissed or abandoned at any earlier time (in which case he shall vacate the seat at that time), or
  - (b) at any time within that period of three months the court determines on such an appeal that the conviction should not be upheld (in which case the seat shall not be vacated by him).
- (4) Where such a person vacates a seat in accordance with paragraph (2) or (3), no subsequent determination of a court that his conviction should not be upheld shall entitle him to resume the seat.
- (5) A person convicted of a corrupt or illegal practice who has already been elected to a seat in the Assembly shall (in addition to being subject to the incapacities mentioned in paragraph (1)) be suspended from performing any of his functions as a member of the Assembly during the period of suspension specified in paragraph (6).
- (6) For the purposes of paragraph (5) the period of suspension is the period beginning with the date of the conviction and ending with —
- (a) the date on which the seat is vacated in accordance with paragraph (2) or (3) , or
  - (b) where sub-paragraph (3)(b) applies, the date on which the court determines that the conviction should not be upheld.
- (7) Any incapacities or other requirement applying to a person by virtue of paragraph (1) or (5) applies in addition to any punishment imposed under article 119 or 120 but each of those paragraphs has effect subject to section 174 of the 1983 Act.

### **Incapacities on conviction of corrupt or illegal practice at parliamentary or local government elections**

**123.—**(1) Subject to the provisions of section 174 of the 1983 Act, but in addition to any punishment as provided by the preceding provisions of that Act—

- (a) a person convicted of a corrupt practice under the 1983 Act shall be subject to the incapacities imposed by article 110(1) as if at the date of the conviction he had been reported personally guilty of that corrupt practice, and

- (b) a person convicted of an illegal practice under the 1983 Act—
- (i) in relation to a parliamentary election, shall be subject to the incapacities imposed by article 110(2)(a), and
  - (ii) in relation to an election under the Local Government Act 1972<sup>(30)</sup>, shall be subject to the incapacities imposed by article 110(2)(b),
- as if at the date of the conviction he had been reported personally guilty of that illegal practice.

(2) Section 174 of the 1983 Act shall apply to any incapacity imposed under this article as if the incapacity was imposed under section 160 of that Act.

### **Incapacities on conviction of corrupt or illegal practice at European Parliamentary elections**

**124.**—(1) References in this article to the 1983 Act are to that Act as applied by the European Parliamentary Elections Regulations 1986<sup>(31)</sup>.

(2) Subject to the provisions of section 174 of the 1983 Act, but in addition to any punishment as provided by the preceding provisions of that Act—

- (a) a person convicted of a corrupt practice under the 1983 Act shall be subject to the incapacities imposed by article 111(2), and
- (b) a person convicted of an illegal practice under the 1983 Act shall be subject to the incapacities imposed by article 111(3),

as if at the date of the conviction he had been reported personally guilty of that corrupt or illegal practice.

(3) Section 174 of the 1983 Act shall apply to any incapacity imposed under this article as if the incapacity was imposed under section 160 of that Act.

### **Mitigation and remission etc**

**125.**—(1) Where—

- (a) any person is subject to any incapacity by virtue of the report of an election court, and
- (b) he or some other person in respect of whose acts the incapacity was imposed is on a prosecution acquitted of any of the matters in respect of which the incapacity was imposed,

the court may order that the incapacity shall thenceforth cease so far as it is imposed in respect of those matters.

(2) Where any person who is subject to any incapacity as mentioned above is on a prosecution convicted of any such matters as are mentioned above, no further incapacity shall be taken to be imposed by reason of the conviction, and the court shall have the like power (if any) to mitigate or remit for the future the incapacity so far as it is imposed by article 109 in respect of the matters of which he is convicted, as if the incapacity had been imposed by reason of the conviction.

(3) A court exercising any of the powers conferred by paragraphs (1) and (2) shall make an order declaring how far, if at all, the incapacities imposed by virtue of the relevant report remain unaffected by the exercise of that power, and that order shall be conclusive for all purposes.

(4) Where a person convicted of a corrupt or illegal practice is subsequently reported to have been guilty of that practice by an election court, no further incapacity shall be imposed on him under article 109 by reason of the report.

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<sup>(30)</sup> 1972 c. 70.

<sup>(31)</sup> S.I. 1986/2209.



(5) Where any person is subject to any incapacity by virtue of a conviction or of the report of an election court, and any witness who gave evidence against that person upon the proceeding for the conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the High Court, and the court, if satisfied that the conviction or report so far as respects that person was based upon perjury, may order that the incapacity shall thenceforth cease.

### **Illegal payments etc**

**126.**—(1) A person guilty of an offence of illegal payment or employment shall, on summary conviction, be liable to a fine not exceeding level 5 on the standard scale; and on a prosecution for such an offence it shall be sufficient to allege that the person charged was guilty of an illegal payment or employment as the case may be.

(2) A candidate or election agent who is personally guilty of an offence of illegal payment or employment shall be guilty of an illegal practice.

(3) Any person charged with an offence of illegal payment or employment may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

### **Time limit for prosecutions**

**127.**—(1) A proceeding against a person in respect of any offence under any provision contained in this Order shall be commenced within one year after the offence was committed, and the time so limited by this article shall, in the case of any proceedings under the Magistrates' Courts Act 1980<sup>(32)</sup> (or, in Northern Ireland, the Magistrates' Courts (Northern Ireland) Order 1981)<sup>(33)</sup> for any such offence, be substituted for any limitation of time contained in that Act or Order.

(2) For the purposes of this article—

- (a) in England and Wales, the laying of an information,
- (b) in Scotland, the granting of a warrant to apprehend or cite the accused (if, in relation to an offence alleged to have been committed within the United Kingdom, such warrant is executed without delay), and
- (c) in Northern Ireland, the making of a complaint,

shall be deemed to be the commencement of a proceeding.

### **Prosecution of offences committed outside the United Kingdom**

**128.** Proceedings in respect of an offence under this Order alleged to have been committed outside the United Kingdom by a Commonwealth citizen, a citizen of the Republic of Ireland or a relevant citizen of the Union may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

### **Offences by associations**

**129.** Where—

- (a) any corrupt or illegal practice or any illegal payment, employment or hiring, or
- (b) any offence under article 75,

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<sup>(32)</sup> 1980 c. 43.

<sup>(33)</sup> S.I. 1981/1675 (N.I.26).

is committed by any association or body of persons, corporate or unincorporate, the members of the association or body who have taken part in the commission of the offence shall be liable to any fine or punishment imposed for that offence by this Order.

### **Evidence by certificate of holding of Assembly elections**

**130.** On—

- (a) any prosecution for a corrupt or illegal practice or for any illegal payment, employment or hiring, and
- (b) any proceedings for a penalty under article 55,

the certificate of the appropriate returning officer at an Assembly election—

- (i) that the election mentioned in the certificate was duly held, and
- (ii) that the person named in the certificate was a candidate at the election,

shall be sufficient evidence of the facts stated in it.

### **Evidence by certificate of electoral registration**

**131.** The certificate of a registration officer that any person is or is not, or was or was not at any particular time, duly registered in his register of local government electors in respect of any address shall be sufficient evidence of the facts stated in it; and a document purporting to be such a certificate shall be received in evidence and presumed to be such a certificate unless the contrary is proved.

### **Director of Public Prosecutions**

**132.—**(1) Where information is given to the Director of Public Prosecutions that any offence under this Order has been committed it is his duty to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

(2) The Director by himself or by his assistant or by his representative appointed under paragraph (3) may and, if the election court so requests him, shall attend the trial of every Assembly election petition.

(3) The Director may nominate a barrister or solicitor to be his representative for the purposes of this Part.

(4) There shall be allowed to the Director and his assistant or representative for the purposes of this Part (other than his general duties under paragraph (1)) such allowances for expenses as the Treasury may approve.

(5) The costs incurred in defraying the expenses of the Director incurred for those purposes (including the remuneration of his representative) shall, in the first instance, be paid by the Treasury, and shall be deemed to be expenses of the election court; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of those costs to be repaid to the Treasury by the parties to the petition, or such of them as the court may direct.

### **Rules of procedure**

**133.—**(1) The authority having for the time being power to make rules of court for the Supreme Court may make rules for the purposes of Part III of this Order and this Part.

(2) In relation to the power conferred under paragraph (1) to make rules—

- (a) that power shall be exercisable by statutory instrument, and be treated for the purposes of the Statutory Instruments Act 1946(34) as if conferred on a Minister of the Crown, and
- (b) a statutory instrument containing rules under paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The Election Petition Rules 1960(35) shall have effect (subject to the modifications set out in Schedule 9) in relation to an Assembly election petition as if made in the exercise of the power conferred by paragraph (1).

### **Costs**

**134.**—(1) The rules of the Supreme Court with respect to costs to be allowed in actions, causes and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under Part III of this Order or this Part and the taxing officer shall not allow any costs higher than would be allowed in any action, cause or matter in the High Court on a common fund basis.

(2) Where any costs or other sums are, under the order of an election court or otherwise under this Part, to be paid by any person, those costs or sums shall be due from that person to the person or persons to whom they are to be paid and, if payable to the Treasury, shall be a debt due to Her Majesty and in either case may be recovered accordingly.

### **Service of notices**

**135.**—(1) Any notice, legal process or other document required to be served on any person with reference to any proceeding for the purpose of causing him to appear before the High Court, a county court, or any election court, or otherwise or of giving him an opportunity of making a statement, or showing cause, or being heard by himself before any court for any purpose of this Part may be served—

- (a) by delivering it to that person, or by leaving it at, or sending it by post by a registered letter or by the recorded delivery service, to his last known place of abode in the Assembly constituency or electoral region for which the election was held, or
- (b) if the proceeding is before any court in such other manner as the court may direct.

(2) In proving service by post under this article it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered or recorded with the postal operator (within the meaning of the Postal Services Act 2000(36)) concerned.

### **Interpretation of Part IV**

**136.**—(1) In this Part, unless the context otherwise requires—

- “candidate” has the same meaning as in Part III of this Order and the saving in article 82(1) applies in relation to this Part as in relation to Part III,
- “costs” include charges and expenses,
- “date of the allowance of an authorised excuse” has the meaning assigned to it by article 56(9),
- “declaration as to election expenses” means a declaration made under article 51,
- “judicial office” includes the office of justice of the peace,

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(34) 1946 c. 6.

(35) S.I. 1960/543.

(36) 2000 c. 26.

“Licensing Acts” means the Licensing Act 1964<sup>(37)</sup> and the Acts amending that Act, or the corresponding enactments forming part of the law of Scotland or Northern Ireland,

“money” and “pecuniary reward” shall be deemed to include—

- (a) any office, place or employment,
- (b) any valuable security or other equivalent of money, and
- (c) any valuable consideration,

and expressions referring to money shall be construed accordingly,

“payment” includes any pecuniary or other reward,

“prescribed” means prescribed by rules of court,

“public office” means any office—

- (a) under the Crown, or
- (b) under the charter of a city or borough, or
- (c) under the Acts relating to local government or public health or public education, whether the office is that—
  - (i) of mayor, provost, chief magistrate, chairman, alderman, councillor, member of a board, commission or other local authority in any local government or other area, or
  - (ii) of proper officer or other officer under a council, board, commission or other authority, or
  - (iii) of any other office to which a person is elected or appointed under any such charter or enactment as is mentioned above, including any other municipal or parochial office, and

“return as to election expenses” means a return made under article 50.

(2) For the purposes of section 119 of the 1998 Act anything required by this Part to be published by the presiding officer of the Assembly shall be treated as being required to be published by the Assembly.

#### **Computation of time for purposes of Part IV**

**137.** Article 84 applies in computing any period of time for the purposes of this Part as it applies for the purposes of Part III of this Order.

## **PART V**

### **MISCELLANEOUS AND SUPPLEMENTAL**

#### **Advertisements**

**138.** The Town and Country Planning (Control of Advertisement) Regulations 1992<sup>(38)</sup> shall have effect in relation to the display on any site in Wales relating specifically to an Assembly election or Assembly elections as they have effect in relation to the display of an advertisement relating specifically to a parliamentary election.

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<sup>(37)</sup> 1964 c. 26.

<sup>(38)</sup> S.I. 1992/666.

### **Assembly constituencies not wholly within a county or county borough**

**139.** Where an Assembly constituency is not coterminous with, or wholly situated in, a county or county borough—

- (a) the registration officer for any part of the Assembly constituency shall, if he is not the returning officer for the constituency, consult him concerning the form of so much of—
  - (i) the register,
  - (ii) the electors lists, or
  - (iii) the absent voters list (including the list of proxies) and the list kept under article 12(8) (the list of postal proxies),as relate to the constituency in order to ensure that, so far as practicable, they are in a form similar to those in use elsewhere in the constituency, and
- (b) if the registration officer for any part of the Assembly constituency at an Assembly election is not the returning officer for the constituency, he shall forthwith supply to the constituency returning officer a copy of the lists compiled under article 10 and 12(8) on completion of the compilation of them.

### **Forms: absent voting**

**140.** The registration officer shall supply free of charge as many copies of forms for use in connection with applications made under article 8, 9, 11, or 12 and Schedule 2 as appear to that officer reasonable in the circumstances to any person who satisfies that officer of his intention to use the forms in connection with an Assembly election or Assembly elections.

### **Forms: general**

**141.—**(1) Subject to paragraph (2), the forms set out in this Order may be used with such variations as the circumstances may require.

(2) Paragraph (1) does not apply to the forms of ballot paper to be used at constituency and regional elections set out in the Appendix to Schedule 5.

(3) Without prejudice to the power conferred by paragraph (1), where any form to which that paragraph applies is set out in English and Welsh in this Order so that it is set out in English first and then in Welsh, that form may be varied so that—

- (a) the English and Welsh parts are combined, or
- (b) it is set out in Welsh first and then in English.

(4) Where any form is required to be completed by any person, and it is a form set out in this Order referred to in paragraph (3), such form may be validly completed by completion of either the English or Welsh parts.

### **Public notices, and declarations**

**142.—**(1) A public notice required by this Order to be given by a constituency or regional returning officer at an Assembly election shall be given by posting the notice in some conspicuous place or places—

- (a) in the case of a constituency election, in the Assembly constituency, and
- (b) in the case of regional election, in each Assembly constituency in the Assembly electoral region for which the election is held,

and may also be given in such other manner as he thinks desirable for publicising it.

(2) Any person before whom a declaration is authorised to be made under this Order may take the declaration.

### **Sending of applications and notices**

**143.** Any application or notice which is required by this Order to be made to a registration officer or a returning officer shall be made in writing and sent by post or delivered to his office or to the address specified by him for the purpose.

### **Publication of documents**

**144.—(1)** Any failure to publish a document in accordance with this Order shall not invalidate the document, but this provision shall not relieve a registration officer from any penalty for such a failure.

(2) Where a document is made available for inspection, any person may make a copy (whether in handwriting or by other means) of the whole or any part of such a document.

### **Interference with notices etc**

**145.** If any person without lawful authority destroys, mutilates, defaces or removes any notice published by a registration officer in connection with his registration duties under this Order or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **Premises used for election purposes**

**146.** In relation to premises in Wales, section 65(6) of the Local Government Finance Act 1988(39) (occupation for election meetings and polls) shall have effect as if—

- (a) the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings promoting a particular result at an Assembly election, and
- (b) the reference to use by a returning officer for the purpose of taking the poll in an election included a reference to use by a constituency returning officer in taking a poll at an Assembly election in accordance with Schedule 5

28th February 2003

*Peter Hain*  
Secretary of State for Wales

## SCHEDULE 1

Article 4(2)

### Electors Lists and Registers: Miscellaneous and Related Provision

## ARRANGEMENT OF PARAGRAPHS

1. Free copies of register etc.
2. Sale of register.
3. Supply of data.
4. Interpretation.  
Signature  
Explanatory Note

### Free copies of register etc

1.—(1) The registration officer shall, on request, supply free of charge to—

- (a) the Assembly member for an Assembly constituency, or
- (b) an Assembly member for an Assembly electoral region,

one copy of so much of the register as relates to that constituency or, as the case may be, electoral region.

(2) The registration officer shall—

- (a) on request, and
- (b) if he is not the returning officer for the Assembly constituency in respect of which the request is made, after consultation with that officer,

supply free of charge—

- (i) one copy of so much of the register (which may be printed on one side only if supplied in printed form) as relates to the Assembly constituency to any person who satisfies the registration officer that he requires it for use in connection with his own or some other person's prospective candidature at an election for that constituency (but not more than one person in respect of the same prospective candidature shall be so supplied), and
- (ii) one copy of so much of the register as relates to the Assembly constituency to each candidate (or his election agent) at an election for that constituency.

(3) The registration officer shall—

- (a) on request, and
- (b) if he is not the returning officer for the Assembly electoral region in respect of which the request is made, after consultation with that officer,

supply free of charge copies of so much of the register as relates to that electoral region in accordance with sub-paragraphs (4) to (6).

(4) The registration officer shall supply—

- (a) one such copy (which may be printed on one side only if supplied in printed form) to any person who satisfies the registration officer that he requires it for use in connection with his own or some other person's prospective candidature—
  - (i) as an individual candidate at an election for that Assembly electoral region, or
  - (ii) as a party list candidate at an election for that Assembly electoral region, and

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- (b) one such copy to each—
  - (i) individual candidate (or his election agent), and
  - (ii) election agent for a group of party list candidates,  
at an election for that Assembly electoral region.

(5) With reference to the right conferred on a person by sub-paragraph (4)(a)(i), not more than one person in respect of the same prospective candidature shall be so supplied.

(6) With reference to the right conferred on a person by sub-paragraph (4)(a)(ii), not more than one person in respect of the same prospective candidature shall be so supplied and, following such supply, the right may not be exercised again with respect to any other prospective candidate for that list.

(7) The registration officer who is not the returning officer for an Assembly constituency or electoral region shall supply free of charge to that officer as many copies of so much of the register as that officer needs for the purposes of an election for that Assembly constituency or, as the case may be, electoral region.

(8) In sub-paragraph (1), (2) and (4), the duty to supply one copy of the register means a duty to supply a copy in data form, unless, prior to publication, the recipient has requested in writing a copy in printed form.

(9) In sub-paragraph (7), the duty to supply as many printed copies of the register as the returning officer needs includes a duty to supply one copy in data form.

(10) For the purposes of this paragraph “register” includes any revised version of the register under section 13(1) and (3) of the 1983 Act and any notice under sections 13A(2) and 13B(3) of that Act.

### **Sale of register**

- 2. Regulation 48 of the 2001 Regulations (sale of register etc) shall apply to—
  - (a) the supply by the registration officer under this Schedule of copies of any part or parts of the register to any person, and
  - (b) the calculation of the payment of fees for such supply by any person (other than any person to whom the registration officer has a duty under this Schedule to supply copies free of charge),

as it applies to the supply of, and calculation of payment of fees for, a copy or copies of the register.

### **Supply of Data**

3.—(1) The duty on the registration officer to supply data under paragraphs 1 and 2 imposes only a duty to supply such data recorded in the form in which he holds it.

(2) The registration officer shall not supply data which includes information not included in the printed version of the register otherwise than under paragraph 1(7).

### **Interpretation**

4. In this Schedule “data” means information which is recorded with the intention that it should be processed by means of equipment operating automatically in response to instructions given for that purpose.



## SCHEDULE 2

Article 14(2)

### Absent Voting At Assembly Elections

## ARRANGEMENT OF PARAGRAPHS

1. General requirements for applications.
2. Additional requirements for applications on grounds of physical incapacity.
3. Additional requirements for applications based on occupation, service or employment.
4. Additional requirements for application to vote by proxy in respect of a particular Assembly election.
5. Additional requirements for applications for appointment of a proxy.
6. Closing dates for applications.
7. Grant or refusal of applications.
8. Notice of appeal.
9. Cancellation of proxy appointment.
10. Inquiries by registration officer.
11. Records and lists to be kept under articles 8,10 and 12.
12. Marked register for polling stations.
13. Certificate of employment at an Assembly election.
14. Notification by registration officer.
15. Transitional provision for absent voters.

### APPENDIX OF — FORMS

Form of proxy paper.  
Form of certificate of  
employment.

Signature  
Explanatory Note

### General requirements for applications

1.—(1) Applications under article 8, 9, 11 or 12 shall, in addition to the address which is required by article 8(8), 9(4) or 12(10) (as the case may be), state—

- (a) the applicant's full name,
- (b) except in the case of an application under article 12, the address in respect of which the applicant is or will be registered in the register,
- (c) in the case of an application under article 12, the address of the applicant, together with the name of the elector for whom he acts as proxy and the address of that elector for the purposes of paragraph (b), and
- (d) in the case of an application to vote by proxy, the grounds on which the applicant claims to be entitled to an absent vote;

and the application shall be signed by the applicant and made and sent or delivered in accordance with article 143.

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(2) For the purposes of paragraph (1)(b), the address in respect of which the applicant is or will be registered includes—

- (a) in the case of a service voter, the address given in the service declaration in accordance with section 16(d) of the 1983 Act,
- (b) in the case of a person to whom section 7 of the 1983 Act applies (mental patients who are not detained offenders), the address of the mental hospital or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act,
- (c) in the case of a person to whom section 7A of the 1983 Act applies (person remanded in custody), the address of the place at which he is detained or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act, and
- (d) in the case of a homeless person, the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act.

(3) An application under article 9(1) or (2), 11(7) or 12(7) shall specify the election in respect of which it is made.

(4) An application to vote by proxy under article 8(1) or (7) or 9(1) or (2) shall include an application for the appointment of a proxy which meets the requirements of paragraph 5.

(5) An application under article 8, 9, 11 or 12 shall comply with such further requirements of this Schedule as apply to such an application and with the requirements as to time set out by paragraph 6.

#### **Additional requirements for applications on grounds of physical incapacity**

2.—(1) An application to vote by proxy for a particular or indefinite period under article 8(2)(b) shall specify the physical incapacity by reason of which the application is made.

(2) Subject to sub-paragraphs (3) to (5), such an application shall be attested and signed by—

- (a) a registered medical practitioner,
- (b) a registered nurse within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997<sup>(40)</sup>,
- (c) a Christian Science practitioner,
- (d) in the case of an application in which the applicant states that he is resident in a residential care home within the meaning of section 1 of the Registered Homes Act 1984<sup>(41)</sup> which is required to be registered under Part I of the Act, the person registered under that Act as carrying on that home,
- (e) in the case of an application in which the applicant states that he is resident in residential accommodation provided by a local authority under section 21(1) of the National Assistance Act 1948<sup>(42)</sup>, the matron or other person in charge of that accommodation, or
- (f) in the case of an application in which the applicant states that he resides in premises forming one of a group of premises—

(i) which are provided for persons of pensionable age or physically disabled persons, and

(ii) for which there is a resident warden,

that warden.

(3) But a person may not attest an application under article 8(2)(b) by virtue of sub-paragraph (2) (a), (b) or (c) unless he is treating the applicant for the physical incapacity specified in accordance with sub-paragraph (1) or the applicant is receiving care from him in respect of that incapacity.

<sup>(40)</sup> 1997 c. 24.

<sup>(41)</sup> 1984 c. 23.

<sup>(42)</sup> 1948 c. 29.

- (4) The person attesting an application under sub-paragraph (2) shall state—
- (a) his name and address and the qualification by virtue of which he is authorised to attest the application and, where the person attests the application by virtue sub-paragraph (2) (a), (b) or (c), that he is treating the applicant for the physical incapacity specified in accordance with sub-paragraph (1) or the applicant is receiving care from him in respect of that incapacity,
  - (b) that, to the best of his knowledge and belief, the applicant is suffering from the physical incapacity specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that incapacity, and
  - (c) that, to the best of his knowledge and belief, the physical incapacity specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (5) Sub-paragraphs (2) and (4) shall not apply where—
- (a) the application is based on the applicant’s blindness and the applicant is registered as a blind person by a local authority, which is specified in the application, under section 29(4)(g) of the National Assistance Act 1948<sup>(43)</sup>, or
  - (b) the application states that the applicant is (under section 73 of the Social Security Contributions and Benefits Act 1992<sup>(44)</sup>) in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 71 of that Act) because of the physical incapacity specified in the application in pursuance of sub-paragraph (1).
- (6) The fact that an applicant is registered with a local authority under section 29(4)(g) of the National Assistance Act 1948 shall be deemed sufficient evidence that he is eligible for an absent vote on the grounds set out in article 8(2)(b).
- (7) In this paragraph and paragraphs 3 and 4, “his allotted polling station”, in relation to an elector, means the polling station allotted or likely to be allotted to him under this Order.

### **Additional requirements for applications based on occupation, service or employment**

- 3.—**(1) An application to vote by proxy for a particular or indefinite period under article 8(2)(c) shall state—
- (a) whether the occupation, service or employment, in respect of which it is made, is that of the applicant or his spouse or, as the case may be, whether it is the applicant or his spouse who is attending the course provided by an educational institution in respect of which the application is made,
  - (b) the nature of the occupation, service, employment or course provided by an educational institution giving rise to the application,
  - (c) where the person in respect of whose occupation, service or employment it is made (in this paragraph referred to as “the employed person”) is self-employed, that fact; and, in any other case, the name of that person’s employer, and
  - (d) the reason relevant to the general nature of the occupation, service or employment in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.
- (2) Such an application shall be attested and signed—
- (a) where the employed person is self-employed, by a person who—

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<sup>(43)</sup> 1948 c. 29.

<sup>(44)</sup> 1992 c. 4.

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- (i) is aged 18 years or over,
  - (ii) knows the employed person, and
  - (iii) is not related to him,
- or
- (b) by the employer of the employed person or by another employee to whom this function is designated by the employer, and
  - (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the principal or head.
- (3) For the purpose of sub-paragraphs (2)(a) and (4)(i), one person is related to another if he is the husband, wife, parent, grand-parent, brother, sister, child or grandchild of the other.
- (4) The person attesting an application under sub-paragraph (2) shall—
- (a) where the applicant is the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraph (1)(a) to (d) are true, or
  - (b) where the applicant is the spouse of the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraph (1)(a) to (c) are true,
- and, in addition, he shall state—
- (i) in the case of a person who attests an application under sub-paragraph (2)(a), his name and address, and that he is aged 18 years or over, knows the employed person, but is not related to him, or
  - (ii) in the case of a person who attests an application under sub-paragraph (2)(b), either that he is the employer of the employed person or the position he holds in the employment of that employer, or
  - (iii) in the case of a person who attests under sub-paragraph (2)(c), the post he holds at the institution.

**Additional requirements for applications to vote by proxy in respect of a particular Assembly election**

4. An application under article 9(1) to vote by proxy at a particular election shall set out why the applicant's circumstances on the date of the poll for that election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

**Additional requirements for applications for appointment of a proxy**

5. An application for the appointment of a proxy under article 11(6) or (7) shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—

- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy, or
- (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant's proxy.

### **Closing dates for applications**

6.—(1) An application—

- (a) to vote by post or proxy under article 8(1),
- (b) to vote by post or proxy under article 9(1),
- (c) for the appointment of a proxy under article 11(6) or 11(7), or
- (d) from a proxy to vote by post under article 12(4),

shall be disregarded for the purposes of any particular Assembly election if it is received by the registration officer after 5 pm on the sixth day before the date of the poll at that election.

(2) Subject to sub-paragraph (3), an application—

- (a) by an absent voter to alter his choice as to the manner of absent voting under article 8(6) or (7),
- (b) by a postal voter for his ballot paper to be sent to a different address or to vote instead by proxy at a particular election under 9(2), or
- (c) from a postal proxy for his ballot paper to be sent to a different address at a particular election under article 12(7),

shall be disregarded for the purposes of any particular Assembly election if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll at that election.

(3) The following, namely—

- (a) an application under article 8(5)(a) by an elector to be removed from the record kept under article 8(3),
- (b) an application under article 12(9)(a) by a proxy to be removed from the record kept under article 12(6), and
- (c) a notice under article 11(9) of the cancellation of a proxy's appointment,

shall be disregarded for the purposes of any particular Assembly election if it is received by the registration officer after—

- (i) 5 pm on the eleventh day before the date of the poll at that election in the case of an application by an elector who is entitled to vote by post to be removed from the record kept under article 8(4), and
- (ii) 5 pm on the sixth day before the date of the poll at that election in any other case.

(4) In computing a period of days for the purposes of paragraph 5 and this paragraph—

- (a) a Saturday or a Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday, or
- (c) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(45),

shall be disregarded.

### **Grant or refusal of applications**

7.—(1) Where the registration officer grants an application under article 8, 9, 11 or 12 he shall, where practicable, notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he shall, where practicable, confirm in writing to the elector that the proxy has been appointed, his name and address and the duration of the appointment.

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(45) 1971 c. 80.

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(3) The proxy paper to be issued by the registration officer on the appointment of a proxy shall be in the form set out in English and Welsh in the Appendix (but this may be combined with another form of proxy paper if the registration officer is issuing a proxy paper appointing that person as proxy for the same elector in respect of another election or other elections).

(4) Where the registration officer disallows an application under article 8, 9, 11 or 12 he shall notify the applicant of his decision and, in the case of an application under article 8(1) or 12(4), of the reason for his decision; and he shall date such notification.

(5) Where under paragraph 6(1) or (4) the registration officer disregards an application for the purposes of any Assembly election, he shall, where practicable, notify the applicant of this.

(6) At an Assembly election where the registration officer is not the returning officer for any constituency or part of a constituency for which he is the registration officer, he shall send to that returning officer details of any application to vote by post which he has granted as soon as practicable after doing so.

### **Notice of appeal**

**8.—**(1) A person desiring to appeal under article 5(1) against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under paragraph 7(4) specifying the grounds of the appeal.

(2) The registration officer shall forward any such notice to the county court in the manner directed by rules of court together in each case with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

### **Cancellation of proxy appointment**

**9.** Where the appointment of a proxy is cancelled by notice given to the registration officer under article 11(9) or ceases to be in force under that provision or is no longer in force under article 11(10) (b), the registration officer shall—

- (a) notify the person whose appointment as proxy has been cancelled or ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy, and
- (b) remove his name from the record kept under article 8(4) and (5)(b).

### **Inquiries by registration officer**

**10.—**(1) The registration officer may, at such times as he thinks fit, make inquiries of a person—

- (a) who is shown in the record kept under article 8(4) by virtue of an application under that article on the grounds set out in article 8(2)(b) or (c),
- (b) who is shown in that record by virtue of an application having been treated as granted under paragraph 15(1) but who immediately before the commencement date was shown in a record kept under section 6(3) of the 1985 Act by virtue—
  - (i) of an application under that section on the grounds set out in section 6(2)(b) or (c) of that Act, or
  - (ii) of paragraph 9(1)(a) of Schedule 2 to the 1985 Act on the grounds set out in section 32(1)(b)(i), (c) or (g) of the 1983 Act,

for the purpose of determining whether there has been a material change of circumstances.

- (2) In the case of a person—
- (a) who is shown in the record kept under article 8(4) by virtue of an application under that article on the grounds set out in article 8(2)(d),
  - (b) to whom sub-paragraph (1)(b)(i) applies and who immediately before the commencement date was shown in a record kept under section 6(3) of the 1985 Act by virtue of an application under that section on the grounds set out in section 6(2)(c) of that Act, or
  - (c) to whom sub-paragraph (1)(b)(ii) applies and who immediately before the commencement date was shown in a record kept under section 6(3) of the 1985 Act by virtue of paragraph 9(1)(a) of Schedule 2 to the 1985 Act on the grounds set out in section 32(1)(b)(i) or (g) of the 1983 Act,

the registration officer shall make the inquiries referred to in sub-paragraph (1) not later than three years after the date of the granting of the application or the last such inquiries, as the case may be.

(3) In respect of a person to whom sub-paragraph (2)(b) or (c) applies, the commencement date shall be treated as the date of the granting of the application.

(4) The registration officer may treat the failure by a person of whom inquiries have been made under sub-paragraph (1) or (2) to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

(5) In this paragraph “commencement date” means the date of commencement of this Order.

### **Records and lists kept under articles 8, 10 and 12**

**11.**—(1) Subject to the provisions of this paragraph and article 139(a), the records kept under articles 8(4) and 12(6) and the lists kept under articles 10(1) and 12(8) shall be in such form as the registration officer thinks fit.

(2) In that part of the absent voters list referred to in article 10(1)(a), the address to which a ballot paper or, where a person is entitled to give two votes at an ordinary election, ballot papers shall be sent to a person who is entitled to vote by post as an elector shall be placed on the right hand side of his name and electoral number.

(3) In that part of the absent voters list referred to in article 10(1)(b) (the list of proxies), the name and address of the proxy shall be placed on the right hand side of the elector’s name and electoral number.

(4) In the list kept under article 12(8) (those proxies who are entitled to vote by post), the name of the proxy, together with the address to which his ballot paper or, where a person is entitled to give two votes at an ordinary election, ballot papers shall be sent, shall be placed on the right hand side of the elector’s name and electoral number.

(5) The registration officer shall make available for inspection at his office a copy of the records kept under articles 8(4) and 12(6).

(6) As soon as practicable after the day referred to in paragraph 6(1), the registration officer shall publish the lists kept under articles 10(1) and 12(8) by making a copy of them available for inspection at his office; and he shall continue to make a copy of those lists so available until the date of the poll.

(7) Subject to sub-paragraph (8), as soon as practicable after the publication of the lists referred to in sub-paragraph (6), the registration officer shall, on request, supply free of charge a copy of them to each—

- (a) candidate or his election agent at a constituency election, or
- (b) individual candidate or group of party list candidates, or his or their election agent, at a regional election.

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(8) But if such a request is made before any issue of postal ballot papers, he shall before that issue supply a copy of those lists or so much of them as relates to that issue.

(9) In this paragraph, 'electoral number' means a person's number in the register to be used at the election or, pending publication of the register, his number (if any) in the electors lists for that register.

#### **Marked register for polling stations**

12. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter 'A' shall be placed against the name of that elector in any copy of the register, or part of it, provided for a polling station.

#### **Certificate of employment at an Assembly election**

13. The certificate as to the employment of constables and persons employed by a returning officer on the date of the poll at an Assembly election (to enable such a constable or person to vote elsewhere than at his own polling station) shall be in the form set out in English and Welsh in the Appendix and shall be signed, in the case of a constable, by an officer of a police force of or above the rank of inspector.

#### **Notification by registration officer**

14. Where a registration officer is required by this Schedule to notify any person, such notification shall be in writing and may be sent by post—

- (a) in the case of a person other than a service voter, to the address provided by that person for the purpose of such notification or of any record or, if there is no such address, to the last known place of abode of that person,
- (b) in the case of a service voter, to any address provided by him for the purpose of such notification or of any record or to the address provided for the purpose by the appropriate government department (as defined by section 59(3) of the 1983 Act) or, as the case may be, the British Council.



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Appendix of Forms

**Form of Proxy Paper**

Paragraph 7(2)

Proxy Paper

National Assembly for Wales

Constituency: . . . . .

Electoral Region: . . . . .

Polling District: . . . . .

Name of Proxy: . . . . .

Address: . . . . .

. . . . .  
. . . . .

is hereby appointed as proxy for:

(Name of elector):

. . . . .

who is qualified to be registered for:

(Qualifying Address): . . . . .

to vote for him/her at

\*the Assembly election(s) for the above [\*constituency] [\*and] [\*electoral region] on (date) . . . . .

..

\*any Assembly election for the above constituency and electoral region.

[\*This proxy appointment is not valid until. . . . .

[[\*This proxy appointment remains valid until . . . . . [ . . . . . ]]]

Signature: . . . . .

Electoral Registration Officer: . . . . .

Address: . . . . .

. . . . .  
. . . . .

Date: . . . . .

*\*Delete whichever is inapplicable.*

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## National Assembly for Wales

### Your Right to Vote as Proxy

1. This proxy paper gives you the right to vote as proxy, at an Assembly election or Assembly elections only, on behalf of the elector whose name is given above.

2. Your appointment as proxy may be for an Assembly election or Assembly elections on a particular day or it may be for a particular or an indefinite period. If it is for an election or elections on a particular day, you have the right to vote only at the election or elections specified in the proxy paper. If it is for an indefinite period you have in general the right to vote at any Assembly election until the electoral registration officer informs you to the contrary. If it is for a particular period, your right to vote as proxy expires on the date stated on the form.

3. When the elector applied for you to be appointed as proxy EITHER he or she was asked to state that he or she had consulted you and that you were capable of being, and willing to be, appointed as proxy OR you signed a statement stating that you were capable of being, and willing to be, appointed. You are capable of being appointed as proxy if you are at least 18 years old on polling day, a British or other Commonwealth citizen or a citizen of the Republic of Ireland, or a citizen of any other Member State of the European Union, and not for any reason disqualified from voting. If for some reason you are not capable of being, or willing to be, appointed as proxy, please write to the elector asking him to cancel the appointment.

4. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. However, you may not vote as proxy—

—in the case of an ordinary election, at the same regional election or at the constituency elections for the Assembly constituencies in the Assembly electoral region for which the regional election is held, or

—in any other case, at the same election

for more than two electors of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild.

5. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but it will be helpful to do so. Remember that the elector may still vote in person. If he or she applies for a ballot paper at the polling station before you do you will not be able to vote as proxy on his or her behalf.

6. If you cannot vote in person at the polling station the electoral registration officer may be able to allow you to vote as proxy by post.

7. You may vote by post at an Assembly election or elections on a particular day. But the electoral registration officer cannot allow an application to vote by post at an Assembly election or elections on a particular day if he receives it after 5 pm on the sixth working day before the poll.

Papur Dirprwy  
Cynulliad Cenedlaethol Cymru

Etholaeth: . . . . .

Rhanbarth Etholiadol: . . . . .

Dosbarth Pleidleisio: . . . . .

Enw'r Dirprwy: . . . . .

Cyfeiriad: . . . . .

. . . . .

. . . . .

Penodir yr uchod drwy hyn yn ddirprwy dros:

(Enw'r etholwr(aig)):

. . . . .

sy'n gymwys i'w gofrestru/chofrestru ar gyfer:

(Cyfeiriad Cymhwyso):

. . . . .

i bleidleisio drosto/drosti yn

\*yr etholiad(au) i'r Cynulliad ar gyfer yr [\*etholaethl [\*a'r] [\*rhanbarth etholiadol] uchod ar (dyddiad)

. . . . .

\*mewn unrhyw etholiad i'r Cynulliad ar gyfer yr etholaeth a'r rhanbarth etholiadol uchod.

[\*Nid yw'r penodiad dirprwy hwn yn ddilys tan. . . . . ]

Llofnod: . . . . .

Swyddog Cofrestru Etholiadol: . . . . .

Cyfeiriad: . . . . .

. . . . .

. . . . .

Dyddiad: . . . . .

*\*Dileer pa un bynnag sy'n anghymwys.*

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## Cynulliad Cenedlaethol Cymru

### Eich Hawl I Bleidleisio Fel Dirprwy

1. Rhydd y papur dirprwy hwn hawl i chi bleidleisio fel dirprwy, mewn etholiad i'r Cynulliad neu etholiadau i'r Cynulliad yn unig, dros yr etholwr(aig) a enwir uchod.

2. Gall eich penodiad fel dirprwy fod ar gyfer etholiad i'r Cynulliad neu etholiadau i'r Cynulliad ar ddiwrnod penodol neu fe all fod am gyfnod amhendant. Os yw ar gyfer etholiad neu etholiadau ar ddiwrnod penodol, mae gennych hawl i bleidleisio yn yr etholiad neu'r etholiadau a bennir yn y papur dirprwyo yn unig. Os yw am gyfnod amhendant, yn gyffredinol mae gennych hawl i bleidleisio mewn unrhyw etholiad i'r Cynulliad nes bod y swyddog cofrestru etholiadol yn eich hysbysu i'r gwrthwyneb.

3. Pan wnaeth yr etholwr(aig) gais i chi gael eich penodi yn ddirprwy, NAILL AI gofynnwyd iddo/iddi ddatgan iddo/iddi ymgynghori â chi a'ch bod yn gymwys i fod yn ddirprwy ac yn fodlon cael eich penodi NEU bu i chi lofnodi datganiad eich bod yn gymwys i fod yn ddirprwy ac yn fodlon cael eich penodi. Yr ydych yn gymwys i'ch penodi yn ddirprwy os ydych yn 18 oed o leiaf ar y dyddiad pleidleisio, yn ddinesydd Prydeinig neu'n ddinesydd un arall o wledydd y Gymanwlad neu'n ddinesydd Gweriniaeth Iwerddon, neu'n ddinesydd unrhyw un arall o Aelod-Wladwriaethau'r Undeb Ewropeaidd, a heb eich gwahardd rhag pleidleisio am unrhyw reswm. Os nad ydych, am unrhyw reswm, yn gallu bod yn ddirprwy, neu os ydych yn anfodlon cael eich penodi yn ddirprwy, byddwchystal ag ysgrifennu at yr etholwr(aig) gan ofyn iddo/iddi ddileu'r penodiad.

4. Cewch bleidleisio fel dirprwy yn yr orsaf bleidleisio a bennwyd i'r etholwr(aig) y penodwyd chi drosto/drostri. Er hynny, ni chewch bleidleisio fel dirprwy—

—yn achos etholiad cyffredin, yn yr un etholiad rhanbarthol neu yn yr etholiadau etholaeth ar gyfer etholaethau'r Cynulliad yn y rhanbarth etholiadol Cynulliad y cynhelir yr etholiad rhanbarthol ar ei gyfer, neu

—ym mhob achos arall, yn yr un etholiad

ar ran dau neu fwy o etholwyr nad ydych yn ŵr, gwraig, rhiant, tad-cu neu fam-gu (taid neu nain), brawd, chwaer, plentyn, wyr neu wyres iddynt.

5. Ychydig cyn y dyddiad pleidleisio anfonir cerdyn pleidleisio dirprwy atoch yn dweud lle mae'r orsaf bleidleisio. Nid oes angen i chi fynd a'r cerdyn pleidleisio na'r papur dirprwy hwn gyda chi i'r orsaf bleidleisio, ond bydd o gymorth i chi wneud hynny. Cofiwch y caiff yr etholwr(aig) ddal i bleidleisio yn bersonol. Os bydd iddo/iddi wneud cais am bapur pleidleisio yn yr orsaf bleidleisio cyn i chi wneud hynny, ni allwch bleidleisio fel dirprwy drosto/drostri.

6. Os na allwch bleidleisio yn bersonol yn yr orsaf bleidleisio, hwyrach y gall y swyddog cofrestru etholiadol ganiatau i chi bleidleisio fel dirprwy'r post.

7. Cewch bleidleisio drwy'r post mewn etholiad neu etholiadau i'r Cynulliad ar ddiwrnod penodol. Ond ni chaiff y swyddog cofrestru etholiadol ganiatau cais i bleidleisio drwy'r post mewn etholiad neu etholiadau i'r Cynulliad ar ddiwrnod penodol os daw i law ar ôl 5pm ar y chweched diwrnod gwaith cyn y bleidlais.

### Form of certificate of employment

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National Assembly for Wales

Election in the

.....

\*Constituency \*and \*Electoral Region

I certify that (name) ..... who is numbered ..... in the register of electors for the constituency/electoral region named above, cannot reasonably be expected to go in person to the polling station allotted to him or her at the election on (date of poll) ..... by reason of the particular circumstances of his employment on that date for a purpose connected with the election.

*\*Delete whichever is inapplicable*      \*(a) as a constable

\*(b) by me.

Signature: .....

\*Returning Officer/\* Police Officer (Inspector or above)

Date: .....

**Note**—The person named above is entitled to vote at any polling station of the above constituency on production and surrender of this certificate to the presiding officer.

Cynulliad                      Cenedlaethol                      Cymru                      Etholiad                      Yn  
\*Etholaeth \*A \*Rhanbarth Etholiadol

.....

Yr wyf yn ardystio nad oes disgwyl i (enw) ..... sydd wedi ei r(h)ifo ..... yng nghofrestr yr etholwyr ar gyfer yr etholaeth/rhanbarth etholiadol a enwyd uchod, fynd yn bersonol i'r orsaf bleidleisio a bennwyd ar ei gyfer/chyfer yn yr etholiad ar (dyddiad y bleidlais) ..... oherwydd amgylchiadau neilltuol ei gyflogaeth/chyflogaeth ar y dyddiad hwnnw at bwrpas sy'n gysylltiedig a'r etholiad.

*\*Dileer pa un bynnag sy'n anghymwys*      \*(a) fel cwnstabl

\*(b) gennyf fi

Llofnod: .....

\*Swyddog Canlyniadau/\*Swyddog Heddlu (Arolygydd neu'n uwch)

Dyddiad: .....

**Nodyn**—Mae gan y person a enwyd uchod hawl i bleidleisio mewn unrhyw orsaf bleidleisio yn yr etholaeth uchod ar yr amod ei fod/bod yn dangos ac yn ildio'r dystysgrif hon i'r swyddog llywyddu.

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### SCHEDULE 3

Article 14(3)

#### Issue and Receipt of Postal Ballot Papers

### ARRANGEMENT OF PARAGRAPHS

1. Interpretation.
2. Combination of polls.
3. Form of declaration of identity.
4. Regional elections.
5. Persons entitled to be present at proceedings on issue of postal ballot papers.
6. Persons entitled to be present at proceedings on receipt of postal ballot papers.
7. Notification of requirement of secrecy.
8. Time when postal ballot papers are to be issued.
9. Marking of postal ballot papers etc.
10. Refusal to issue postal ballot paper.
11. Envelopes.
12. Delivery of postal ballot papers.
13. Sealing up of special lists and counterfoils.
14. Spoilt postal ballot paper.
15. Lost postal ballot papers.
16. Notice of opening of postal ballot paper envelopes.
17. Postal ballot boxes and receptacles.
18. Receipt of covering envelope.
19. Opening of postal voters' ballot box.
20. Opening of covering envelopes.
21. Procedure in relation to declarations of identity.
22. Opening of ballot paper envelopes.
23. Lists of rejected postal ballot papers.
24. Checking of lists kept under paragraph 23.
25. Sealing of receptacles.
26. Abandoned poll.
27. Forwarding of documents.

#### APPENDIX OF — FORMS

- Form of declaration of identity referred to in paragraph 3(a).
- Form of declaration of identity referred to in paragraph 3(b).
- Form of declaration of identity referred to in paragraph 3(c).
- Form of declaration of identity referred to in paragraph 3(d).

Form of declaration of  
identity referred to in  
paragraph 3(e).  
Form of statement as to  
postal ballot papers.

Signature  
Explanatory Note

### **Interpretation**

1. For the purposes of this Schedule, unless the context requires otherwise —
  - “agent” includes an election agent and a person appointed to attend in the election agent’s place,
  - “ballot paper envelope” and “covering envelope” mean the envelopes referred to in paragraph 11,
  - “issue” includes the original and any subsequent issue,
  - “list of postal proxies” means the list kept under article 12(8),
  - “postal ballot box” means the ballot box referred to in paragraph 17(1)(b),
  - “postal ballot paper” means a ballot paper issued to a postal voter,
  - “postal voter” means a voter who is entitled to vote by post (and includes a postal proxy),
  - “postal voters’ ballot box” means the ballot box referred to in paragraph 17(1)(a),
  - “receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in paragraph 17(5), and
  - “spoilt postal ballot paper” means a ballot paper referred to in paragraph 14(1).

### *ISSUE OF POSTAL BALLOT PAPERS*

### **Combination of polls**

2. Where the polls at elections are taken together under article 15(1) or (2) the proceedings on the issue and receipt of postal ballot papers in respect of each election may, if the returning officers agree, be taken together.

### **Form of declaration of identity**

3. The declaration of identity sent with the postal ballot paper to a postal voter shall be—
  - (a) in the form set out in English and Welsh in the Appendix at an ordinary election where a postal voter is entitled to give two votes and where the polls at the elections are not held together with the poll at another election under article 15(1) or (2),
  - (b) in the form set out in English and Welsh in the Appendix at an Assembly election where the poll at the election is not held together with the poll at another election under article 15(1) or (2) (and where sub-paragraph (a) does not apply),
  - (c) in the form set out in English and Welsh in the Appendix at an Assembly election (whether or not at an ordinary election where a postal voter is entitled to give two votes) where the proceedings on the issue and receipt of postal ballot papers are taken together with those proceedings at another election under paragraph 2,
  - (d) in the form set out in English and Welsh in the Appendix at an ordinary election where a postal voter is entitled to give two votes, the polls at which are taken together with the

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poll at another election under article 15(1) or (2) in any part of an Assembly constituency, but where the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2, for use in that part of the constituency in which polls at more than one election are taken together under article 15(1) or (2), and

- (e) in the form set out in English and Welsh in the Appendix at an Assembly election, the poll at which is taken together with the poll at another election under article 15(1) or (2) in any part of an Assembly constituency, but where the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2, for use in that part of the constituency in which polls at more than one election are taken together under article 15(1) or (2) (and where sub-paragraph (d) does not apply).

### **Regional elections**

4. At a regional election the functions connected with the issue and receipt of postal ballot papers are to be exercised in relation to each Assembly constituency in an Assembly electoral region by the returning officer for such a constituency.

### **Persons entitled to be present at proceedings on issue of postal ballot papers.**

5. No person may be present at the proceedings on the issue of postal ballot papers other than the constituency returning officer and his clerks.

### **Persons entitled to be present at proceedings on receipt of postal ballot papers**

6.—(1) No person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the constituency returning officer and his clerks,
- (b) the regional returning officer in the case of a regional election,
- (c) a candidate,
- (d) an election agent or any person appointed by—
  - (i) a candidate to attend in his election agent's place in the case of a constituency election,
  - (ii) an individual candidate or any or all of a group of party list candidates to attend in his or their election agent's place in the case of a regional election, or
- (e) any agents appointed under sub-paragraph (2).

(2) Each—

- (a) candidate in the case of a constituency election, and
- (b) individual candidate and election agent for a group of party list candidates, in the case of a regional election,

may appoint one or more agents up to the number as may be authorised by the constituency returning officer to appoint; provided, however, that the number authorised shall be the same in the case of each candidate or, as the case may be, each individual candidate and election agent for a group of party list candidates.

(3) Notice of the appointment stating the names and addresses of the persons appointed shall be given by the candidate or election agent to the constituency returning officer before the time fixed for the issue of the postal ballot papers or the opening of the postal voters' ballot boxes, as the case may be.



(4) Where the postal ballot papers for more than one election are issued together under paragraph 2, the constituency returning officer to whom notice shall be given under sub-paragraphs (3), (5) and (6) is the returning officer who issues the postal ballot papers.

(5) If an agent dies or becomes incapable of acting, the candidate or election agent may appoint another agent in his place and shall forthwith give to the constituency returning officer notice in writing of the name and address of the agent appointed.

(6) Agents may be appointed and notice of appointment given to the constituency returning officer by the election agent for a candidate who is otherwise authorised to make an appointment under sub-paragraph (2).

(7) In this Schedule references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (2), who are within the number authorised by the constituency returning officer.

(8) Any of the following persons, namely—

- (a) a candidate in the case of a constituency election,
- (b) an individual candidate in the case of a regional election, or
- (c) one candidate from a group of party list candidates in the case of a regional election,

may himself do any act or thing which any agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(9) Where in this Schedule any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

#### **Notification of requirement of secrecy**

7. The constituency returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of article 33(4) and (6).

#### **Time when postal ballot papers are to be issued**

8.—(1) In the case of a person shown in the record kept under—

- (a) article 8(4), or
- (b) article 12(6)

no postal ballot paper (and declaration of identity) shall be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with paragraph 6(4) of Schedule 2).

(2) In the case of any other person, the postal ballot paper (and declaration of identity) shall be issued by the constituency returning officer as soon as practicable after the registration officer has granted the application to vote by post.

#### **Marking of postal ballot papers etc**

9.—(1) Each postal ballot paper issued shall be stamped with the official mark and the name and number of the elector as stated in the register shall be called out, and such number shall be marked on the counterfoil, and a mark shall be placed in the absent voters list or the list of postal proxies against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy but without showing the particular ballot paper issued.

(2) The number of a postal ballot paper shall be marked on the declaration of identity sent with that paper.

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(3) Where postal ballot papers for more than one election are issued together at an ordinary election or under paragraph 2—

- (a) one mark shall be placed in the absent voters list or the list of postal proxies under sub-paragraph (1) to denote that ballot papers have been issued in respect of all of those elections, except that where ballot papers are not so issued a different mark shall be placed in the absent voters list or list of postal proxies to identify the election in respect of which the ballot paper was issued, and
- (b) the number of each ballot paper shall be marked on the declaration of identity under sub-paragraph (2).

(4) Where the poll—

- (a) at an Assembly election, or
- (b) at an ordinary election where a postal voter is entitled to give two votes,

is taken with the poll at another election under article 15(1) or (2) but the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2, the colour of the postal ballot paper (or colours of the postal ballot papers) shall also be marked on the declaration of identity sent with that paper.

### **Refusal to issue postal ballot paper**

**10.** Where a constituency returning officer is satisfied that two or more entries in either the absent voters list, or the list of postal proxies or in each of those lists relate to the same elector he shall not issue more than one ballot paper in respect of the same elector in respect of the same Assembly election.

### **Envelopes**

**11.**—(1) The envelope which the constituency returning officer is required by paragraph 30 of Schedule 5 to send to a postal voter for the return of the postal ballot paper or, as the case may be, ballot papers and the declaration of identity (referred to as a 'covering envelope') shall be marked with the letter 'B'.

(2) In addition to the documents referred to in sub-paragraph (1), the constituency returning officer shall send to a postal voter a smaller envelope (referred to as a 'ballot paper envelope') which shall be marked with—

- (a) the letter 'A',
- (b) the words—  
“Ballot paper envelope  
Amlen papur pleidleisio”, and

(c) the number of the ballot paper or, as the case may be, ballot papers.

(3) Where the poll at an Assembly election is taken together with the poll at another election under article 15(1) or (2) but the proceedings on the issue and receipt of postal ballot papers are not to be taken together under paragraph 2—

- (a) the envelope referred to in sub-paragraph (1) shall also be marked—  
“Covering envelope for the [*insert colour of ballot paper(s)*] coloured ballot paper(s)  
Prif amlen ar gyfer y papur(au) pleidleisio lliw [*nodwch liw 'r papur(au) pleidleisio*]”, and
- (b) on the envelope referred to in sub-paragraph (2), after the words—  
(i) “Ballot paper envelope” there shall be added the words “for the [*insert colour of ballot paper(s)*] coloured ballot paper(s)” and

- (ii) “Amlen papur pleidleisio” there shall be added “ar gyfer y papur(au) pleidleisio lliw [nodwch lliw'r papur(au) pleidleisto]”.

### **Delivery of postal ballot papers**

**12.**—(1) For the purposes of delivering postal ballot papers, the constituency returning officer may use—

- (a) a universal postal service provider;
- (b) a commercial delivery firm, or
- (c) persons appointed under paragraph 32(4) of Schedule 5.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the constituency returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where paragraph (1)(c) applies).

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

### **Sealing up of special lists and counterfoils**

**13.**—(1) As soon as practicable after the issue of each batch of postal ballot papers, the constituency returning officer shall make up into a packet the counterfoils of those ballot papers which have been issued and shall seal such a packet.

(2) As soon as practicable after the last batch of postal ballot papers have been issued, the constituency returning officer shall make up into a packet the marked copy of the absent voters list and the list of postal proxies and shall seal such a packet.

(3) Until the time referred to in paragraph (2), the constituency returning officer shall take proper precautions for the security of the lists referred to in that paragraph.

### **Spoilt postal ballot paper**

**14.**—(1) If a postal voter has inadvertently dealt with a postal ballot paper of his in such manner that it cannot be conveniently used as a ballot paper (referred to as 'a spoilt postal ballot paper') he may return (either by hand or by post) to the constituency returning officer the spoilt postal ballot paper, the declaration of identity, the ballot paper envelope and the covering envelope.

(2) Where postal ballot papers for more than one election have been issued together at an ordinary election or under paragraph 2, the postal voter shall, if he exercises the entitlement conferred by sub-paragraph (1), return all of the ballot papers so issued, whether spoilt or not.

(3) On receipt of the documents referred to in sub-paragraphs (1) and, where applicable, (2) the constituency returning officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after 5 pm on the day before the day of the poll.

(4) Paragraphs 9 to 13 shall apply to the issue of postal ballot papers under sub-paragraph (3).

(5) The spoilt postal ballot paper, and any other postal ballot paper issued with it and in the case of an ordinary election or under paragraph 2, the declaration of identity and the ballot paper envelope, shall be immediately cancelled.

(6) The constituency returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall then be again made up and sealed.

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(7) Where a postal voter applies in person, the constituency returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with paragraph 12.

(8) The constituency returning officer shall enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—

- (a) the name and number of the elector as stated in the register;
- (b) the number of the postal ballot paper (or papers) issued under this paragraph, and
- (c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

#### *RECEIPT OF POSTAL BALLOT PAPERS*

#### **Lost postal ballot papers**

**15.**—(1) Where a postal voter has not received his postal ballot paper by the fourth day before the day of the poll, he may apply (whether or not in person) to the constituency returning officer for a replacement ballot paper.

(2) Such an application shall include evidence of the voter’s identity.

(3) Where the application is received by the constituency returning officer before 5 pm on the day before the day of the poll and the constituency returning officer—

- (a) is satisfied as to the voter’s identity, and
- (b) has no reason to doubt that the postal voter did not receive the original postal ballot paper, he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

(4) The constituency returning officer shall enter in a list kept for the purpose (“the list of lost postal ballot papers”)—

- (a) the name and number of the elector as stated in the register.
- (b) the number of the lost postal ballot paper and of its replacement issued under this paragraph, and
- (c) where the postal voter whose ballot paper is lost is a proxy, his name and address.

(5) Paragraphs 9 to 13 shall apply to the issue of postal ballot papers under sub-paragraph (3).

(6) Where a postal voter applies in person, the constituency returning officer may hand a replacement ballot paper to him instead of delivering it in accordance with paragraph 12.

(7) Where the constituency returning officer issues another ballot paper, or as the case may be, postal ballot papers under sub-paragraph (3), the lost ballot paper shall be void and of no effect.

#### **Notice of opening of postal ballot paper envelopes**

**16.**—(1) The constituency returning officer shall give not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened to each—

- (a) candidate, for return as a constituency member, and
- (b) except in the case of an election to fill a vacancy in the seat of a constituency member , individual candidate for return as a regional member and the election agent for each registered party standing nominated.

(2) Such a notice shall specify—

- (a) the time and place at which such an opening is to take place, and
- (b) the number of agents a candidate may appoint under paragraph 6(2) to attend each opening.

### **Postal ballot boxes and receptacles**

17.—(1) The constituency returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”), and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be, and with the name of the constituency or electoral areas for which the election is, or elections are, held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The constituency returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The constituency returning officer shall provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for declarations of identity;
- (c) the receptacle for ballot paper envelopes; and
- (d) the receptacle for rejected ballot paper envelopes.

(6) The constituency returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

### **Receipt of covering envelope**

18.—(1) The constituency returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the constituency returning officer—

- (a) has been opened, and
- (b) contains a ballot paper envelope, declaration of identity or ballot papers,

the first-mentioned envelope together with its contents, shall be placed in a postal voters' ballot box.

### **Opening of postal voters' ballot box**

19.—(1) Each postal voters' ballot box shall be opened by the constituency returning officer in the presence of any agents, if in attendance.

(2) So long as the constituency returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under paragraph 50 of Schedule 5.

### **Opening of covering envelopes**

20.—(1) When a postal voters' ballot box is opened, the constituency returning officer shall count and record the number of covering envelopes, and shall then open each covering envelope (including any envelope described in paragraph 18(2)) separately.

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(2) The procedure in paragraph 21 applies where a covering envelope (including an envelope to which paragraph 18(2) applies) contains both—

- (a) a declaration of identity, and
- (b) a ballot paper envelope, or if there is no ballot envelope, a ballot paper (or ballot papers).

(3) Where the covering envelope does not contain the declaration of identity separately, the constituency returning officer shall open the ballot paper envelope to ascertain whether the declaration of identity is inside.

(4) Where a covering envelope does not contain both—

- (a) a declaration of identity (whether separately or not), and
- (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper, (or ballot papers),

the constituency returning officer shall mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

#### **Procedure in relation to declarations of identity**

**21.**—(1) The constituency returning officer shall satisfy himself that the declaration of identity has been duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address (referred to as a “valid declaration of identity”).

(2) Where the constituency returning officer is not so satisfied, he shall mark the declaration “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper (or ballot papers), and, subject to sub-paragraph (3), place it in the receptacle for rejected votes.

(3) Before placing the declaration in the receptacle for rejected votes, the constituency returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words “rejection objected to”.

(4) The constituency returning officer shall then compare the number (or numbers) on the declaration of identity against the number (or numbers) on the ballot paper envelope and, where they are the same, he shall place the declaration and the ballot paper envelope respectively in the receptacle for declarations of identity and the receptacle for ballot paper envelopes.

(5) Where there is a valid declaration of identity but no ballot paper envelope, or where the envelope has been opened under paragraph 20(3), he shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the declaration of identity;
- (b) in the receptacle for rejected votes, any other ballot paper, to which shall be attached the declaration of identity marked “provisionally rejected”; and
- (c) in the receptacle for declarations of identity, any declaration of identity not disposed of under paragraph (b).

(6) Where the number (or numbers) on a valid declaration of identity is (or are) not the same as the number (or numbers) on the ballot paper envelope or where that envelope has no number on it (or only one number where the declaration of identity has more than one), the constituency returning officer shall open the envelope.

(7) Where an envelope has been opened under paragraph 20(3) or sub-paragraph (6), the constituency returning officer shall—

- (a) place in the postal ballot box any ballot paper the number on which is the same the number (or one of the numbers) on the valid declaration of identity,
- (b) place in the receptacle for rejected votes any other ballot paper, to which shall be attached the declaration of identity marked “provisionally rejected”,

- (c) place in the receptacle for rejected votes any declaration of identity marked “provisionally rejected” in respect of a ballot paper envelope—
  - (i) which does not contain a ballot paper, or
  - (ii) which does not contain a sufficient number of ballot papers if more than one number appears on the declaration,and shall indicate the missing ballot paper, where that is the case, and
- (d) place in the receptacle for declarations of identity, any such declaration not disposed of under paragraph (b) or (c).

### **Opening of ballot paper envelopes**

**22.**—(1) The constituency returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope,
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “provisionally rejected” and to which shall be attached the ballot paper envelope, and
- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

### **Lists of rejected postal ballot papers**

**23.**—(1) In respect of any election, the constituency returning officer shall keep two separate lists of rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper for which no valid declaration of identity was received with it.

(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid declaration of identity where that ballot paper is not received with the declaration of identity.

### **Checking of lists kept under paragraph 23**

**24.**—(1) Where the constituency returning officer receives a valid declaration of identity without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list referred to in paragraph 23(2) to see whether the number (or numbers) of a postal ballot paper to which the declaration relates is entered in that list.

(2) Where the constituency returning officer receives a postal ballot paper without the declaration of identity to which it relates, he may, at any time prior to the close of the poll, check the list referred to in paragraph 23(3) to see whether the number of that ballot paper is entered in that list.

(3) The constituency returning officer shall conduct the checks required by sub-paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station in the constituency or, as the case may be, electoral area under paragraph 48 of Schedule 5.

(4) Where the ballot paper number in the list matches that number on a valid declaration of identity or, as the case may be, the postal ballot paper, the constituency returning officer shall retrieve that declaration or paper.

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(5) The constituency returning officer shall then take the appropriate steps under this Schedule as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

### **Sealing of receptacles**

**25.**—(1) As soon as practicable after the completion of the procedure under paragraph 24(3) and (4), the constituency returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes,
- (b) the receptacle of declarations of identity,
- (c) the receptacle of rejected ballot paper envelopes, and
- (d) the lists of spoilt and lost postal ballot papers,

and shall seal up such packets.

(2) Any document in those packets marked “provisionally rejected” shall be deemed to be marked “rejected”.

### **Abandoned poll**

**26.**—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the constituency returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Schedule, and
- (b) shall, notwithstanding paragraphs 20 to 22, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

(2) Sub-paragraph (1) shall not apply where postal ballot papers for more than one election have been issued together under paragraph 2.

### **Forwarding of documents**

**27.**—(1) The constituency returning officer shall forward to the Assembly at the same time as he forwards the documents mentioned in paragraph 62 of Schedule 5—

- (a) any packets referred to in paragraphs 13, 14(6) and 25, subject to paragraph 26, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency or electoral area for which the election (or elections) was (or were) held, and
- (b) a completed statement in the form “Statement as to postal ballot papers” set out in English and Welsh in the Appendix of Forms, of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the constituency returning officer after the close of the poll (apart from those delivered in accordance with paragraph 50(6) of Schedule 5),
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or
- (c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the constituency returning officer shall put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in sub-paragraph (1).

(3) Paragraphs 61 and 62 of Schedule 5 shall apply to any packet or document forwarded under this paragraph.



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(4) A copy of the statement referred to in sub-paragraph (1)(b) shall be provided by the constituency returning officer to the Assembly.

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**APPENDIX OF FORMS**  
**Form of Declaration of Identity Referred to in Paragraph 3(a)**

Paragraph 3(a)

**Front of form**

**National Assembly for Wales**

Ballot paper nos: . . . . .

I hereby declare that I am the person to whom the ballot papers numbered as above were sent.

Voter's signature: . . . . .

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature: . . . . .

Name of witness: . . . . .

*(WRITE CLEARLY)*

Address of witness: . . . . .

*(WRITE CLEARLY)*

. . . . .

**See Instructions on the Back of this Form**

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## Back of form

### Instructions to the Voter

1. You must sign this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. You have a ballot paper for each election. You may only vote once on each ballot paper. Mark your choices with a cross (x). Put no other mark on the ballot paper, or your vote may not be counted. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

3. Put the ballot papers in the small envelope marked 'A' and seal it. Then put the envelope marked 'A', together with the declaration of identity, in the larger envelope marked 'B'. Return it without delay. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of the poll. Alternatively, they may be delivered to a polling station in this constituency before the close of the poll.

4. If you receive more than one ballot paper for *the same election*, remember that it is illegal to vote more than once (otherwise than as proxy) at *the same election*.

5. At these elections you cannot vote in person at a polling station, even if you receive an official poll card.

6. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for a new one. If you do this you MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED, together with the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you MUST RETURN in your own envelope, the declaration of identity and the envelopes marked 'A' and 'B'. Remember that there is little time available if fresh postal ballot papers are to be issued and counted.

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Wyneb y ffurflen

Cynulliad Cenedlaethol Cymru

Rhifau'r papurau pleidleisio . . . . .

Yr wyf drwy hyn yn datgan mai fi yw'r person yr anfonwyd iddo/iddi'r papurau pleidleisio a'r rhifau uchod.

Llofnod y pleidleisiwr: . . . . .

Mae'r pleidleisiwr, a adnabyddir gennyf yn bersonol, wedi llofnodi'r datganiad hwn yn fy mhresenoldeb.

Llofnod y tyst: . . . . .

Enw'r tyst: . . . . .

*(YSGRIFENNWCH YN GLIR)*

Cyfeiriad y tyst: . . . . .

*(YSGRIFENNWCH YN GLIR)*

Gweler y Cyfarwyddiadau ar Gefn y Ffurflen Hon

Cefn y ffurflen

Cyfarwyddiadau I'r Pleidleisiwr

1. Rhaid i chi lofnodi'r datganiad hwn ynglŷn ag adnabyddiaeth ym mhresenoldeb person sy'n adnabyddus i chi. Dylai'r person hwnnw lofnodi'r datganiad hwn fel tyst, gan ychwanegu ei (h)enw a'i gyfeiriad/chyfeiriad. Heb hynny bydd y datganiad yn annilys.
2. Bydd gennych bapur pleidleisio ar gyfer y ddau etholiad. Cewch bleidleisio unwaith yn unig ar bob papur pleidleisio. Marciwch eich dewisiadau a chroes (x). Peidiwch a rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif. Gwnewch hyn yn gyfrinachol. Os na allwch bleidleisio heb gymorth, rhaid i'r person sy'n eich cynorthwyo beidio a datgelu sut y gwnaethoch bleidleisio. Yn ôl eich dewis yn lle hynny, gellir eu trosglwyddo i orsaf bleidleisio yn yr etholaeth yma cyn i'r pleidleisio ddod i ben.
3. Rhowch y papurau pleidleisio yn yr amlen fach sydd wedi'i marcio ag 'A' a'i selio. Yna rhowch yr amlen a farciwyd ag 'A', ynghyd a'r datganiad ynglŷn ag adnabyddiaeth, yn yr amlen fwyaf sydd wedi'i marcio â 'B'. Dychwelwch hi ar unwaith. Er mwyn cael ei gyfrif rhaid i'r papurau pleidleisio gyrraedd y swyddog canlyniadau cyn i'r pleidleisio ddod i ben.
4. Os cewch fwy nag un papur pleidleisio ar gyfer yr un etholiad, cofiwch ei bod yn anghyfreithlon pleidleisio fwy nag unwaith (ac eithrio fel dirprwy) yn yr un etholiad.
5. Yn yr etholiadau hyn, ni allwch bleidleisio'n bersonol mewn gorsaf bleidleisio, hyd yn oed os cewch gerdyn pleidleisio swyddogol.
6. Os bydd i chi drwy amryfusedd ddifetha unrhyw bapur pleidleisio drwy'r post, gallwch wneud cais i'r swyddog canlyniadau am un newydd. Os gwnewch hynny, RHAID I CHI DDYCHWELYD POB PAPUR PLEIDLEISIO DRWY'R POST YR YDYCH WEDI'I DDERBYN, ynghyd a'r papur pleidleisio a ddifethwyd. Yn ychwanegol, yn eich cais am bapurau pleidleisio newydd drwy'r post RHAID I CHI DDYCHWELYD yn eich amlen eich hun, y datganiad ynglŷn ag adnabyddiaeth a'r amlenni a farciwyd ag 'A' a 'B'. Cofiwch nad oes fawr o amser ar gael os yw papurau pleidleisio newydd i gael eu dosbarthu a'u cyfrif.

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**Form of Declaration of Identity Referred to in Paragraph 3(b)**

Paragraph 3(b)

Front of form

National Assembly for Wales

Ballot paper no: . . . . .

I hereby declare that I am the person to whom the ballot paper numbered as above was sent.

Voter's signature: . . . . .

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature: . . . . .

Name of witness: . . . . .

(WRITE CLEARLY)

Address of witness: . . . . .

(WRITE CLEARLY)

. . . . .  
. . . . .

*See Instructions on the Back of this Form*

Back of form

Instructions to the Voter

1. You must sign this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. You may only vote once on the ballot paper. Mark your choice with a cross (x). Put no other mark on the ballot paper, or your vote may not be counted. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
3. Put the ballot paper in the small envelope marked 'A' and seal it. Then put the envelope marked 'A', together with the declaration of identity, in the larger envelope marked 'B'. Return it without delay. The ballot paper, in order to be counted, must be received by the returning officer not later than the close of the poll. Alternatively, it may be delivered to a polling station in this constituency before the close of the poll.
4. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) *at the same election*.
5. At this election you cannot vote in person at a polling station, even if you receive an official poll card.
6. If you inadvertently spoil your postal ballot paper, you can apply to the returning officer for a new one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked 'A' and 'B'. Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

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Wyneb y ffurflen

Cynulliad Cenedlaethol Cymru

Rhif y papur pleidleisio: . . . . .

Yr wyf drwy hyn yn datgan mai fi yw'r person yr anfonwyd iddo/iddi'r papur pleidleisio a'r rhif uchod.

Llofnod y pleidleisiwr: . . . . .

Mae'r pleidleisiwr, a adnabyddir gennyf yn bersonol, wedi llofnodi'r datganiad hwn yn fy mhresenoldeb.

Llofnod y tyst: . . . . .

Enw'r tyst: . . . . .

*(YSGRIFENNWCH YN GLIR)*

Cyfeiriad y tyst: . . . . .

*(YSGRIFENNWCH YN GLIR)*

. . . . .  
. . . . .

Gweler y Cyfarwyddiadau Ar Gefn Y Ffurflen Hon

Cefn y ffurflen

Cyfarwyddiadau I'r Pleidleisiwr

1. Rhaid i chi lofnodi'r datganiad hwn ynglŷn ag adnabyddiaeth ym mhresenoldeb person sy'n adnabyddus i chi. Dylai'r person hwnnw lofnodi'r datganiad hwn fel tyst, gan ychwanegu ei (h)enw a'i gyfeiriad/chyfeiriad. Heb hynny bydd y datganiad yn annilys.
2. Cewch bleidleisio unwaith yn unig ar y papur pleidleisio. Marciwch eich dewis a chroes (x). Peidiwch a rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif. Gwnewch hyn yn gyfrinachol. Os na allwch bleidleisio heb gymorth, rhaid i'r person sy'n eich cynorthwyo beidio a datgelu sut y gwnaethoch bleidleisio.
3. Rhowch y papur pleidleisio yn yr amlen fach a farciwyd ag 'A' a'i selio. Yna rhowch yr amlen a farciwyd ag 'A' ynghyd a'r datganiad ynglŷn ag adnabyddiaeth yn yr amlen fwyaf a farciwyd a 'B'. Dychwelwch hi ar unwaith. Er mwyn cael ei gyfrif, rhaid i'r papur pleidleisio gyrraedd y swyddog canlyniadau cyn i'r pleidleisio ddod i ben. Yn ôl eich dewis yn lle hynny, gellir eu trosglwyddo i orsaf bleidleisio yn yr etholaeth yma cyn i'r pleidleisio ddod i ben.
4. Os cewch fwy nag un papur pleidleisio, cofiwch ei bod yn anghyfreithlon pleidleisio fwy nag unwaith (ac eithrio fel dirprwy) yn yr *etholiad*.
5. Yn yr etholiad hwn, ni allwch bleidleisio'n bersonol mewn gorsaf bleidleisio, hyd yn oed os cewch gerdyn pleidleisio swyddogol.
6. Os bydd i chi drwy amryfusedd ddifetha'ch papur pleidleisio drwy'r post, gallwch wneud cais i'r swyddog canlyniadau am un newydd. Gyda'ch cais rhaid i chi ddychwelyd, yn eich amlen eich hun, y papur pleidleisio a ddifethwyd, y datganiad ynglŷn ag adnabyddiaeth a'r amlenni a farciwyd ag 'A' a 'B'. Cofiwch nad oes fawr o amser ar gael os yw papur pleidleisio newydd i gael ei ddsbarthu a'i gyfrif.

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### **Form of Declaration of Identity Referred to in Paragraph 3(c)**

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Paragraph 3(c)

Front of form

National Assembly for Wales

Ballot paper nos: . . . . .

I hereby declare that I am the person to whom the ballot papers numbered as above were sent.

Voter's signature: . . . . .

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature: . . . . .

Name of witness: . . . . .

*(WRITE CLEARLY)*

Address of witness: . . . . .

*(WRITE CLEARLY)*

. . . . .

. . . . .

*See Instructions on the Back of this Form*

Back of form

Instructions to the Voter

1. You must sign this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. You have a ballot paper for each election. The ballot paper tells you how many times you may vote on that paper. Do not vote for more than that number.
3. Mark your choices with a cross (x). Put no other mark on the ballot paper, or your vote may not be counted. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
4. Put the ballot papers in the small envelope marked 'A' and seal it. Then put the envelope marked 'A', together with the declaration of identity, in the larger envelope marked 'B'. Return it without delay. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of the poll. Alternatively, they may be delivered to a polling station in this constituency before the close of the poll.
5. If you receive more than one ballot paper for *the same election*, remember that it is illegal to vote more than once (otherwise than as proxy) at *the same election*.
6. At these elections you cannot vote in person at a polling station, even if you receive an official poll card.
7. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for a new one. If you do this you **MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED**, together with the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you **MUST RETURN** in your own envelope, the declaration of identity and the envelopes marked 'A' and 'B'. Remember that there is little time available if fresh postal ballot papers are to be issued and counted.



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Wyneb y ffurfien

Cynulliad Cenedlaethol Cymru

Deddfau Cynrychiolaeth Y Bobl

Rhifau'r papurau pleidleisio: . . . . .

Yr wyf drwy hyn yn datgan mai fi yw'r person yr anfonwyd iddo/iddi'r papurau pleidleisio a'r rhif uchod.

Llofnod y pleidleisiwr: . . . . .

Mae'r pleidleisiwr, a adnabyddir gennyf yn bersonol, wedi llofnodi'r datganiad hwn yn fy mhresenoldeb.

Llofnod y tyst: . . . . .

Enw'r tyst:

. . . . .

*(YSGRIFENNWCH YN GLIR)*

Cyfeiriad y tyst: . . . . .

*(YSGRIFENNWCH YN GLIR)*

. . . . .

. . . . .

Gweler Y Cyfarwyddiadau Ar Gefn Y Ffurflen Hon

Cefn y ffurfien

Cyfarwyddiadau I'r Pleidleisiwr

1. Rhaid i chi lofnodi'r datganiad hwn ynglŷn ag adnabyddiaeth ym mhresenoldeb person sy'n adnabyddus i chi. Dylai'r person hwnnw lofnodi'r datganiad hwn fel tyst, gan ychwanegu ei (h)enw a'i gyfeiriad/chyfeiriad. Heb hynny bydd y datganiad yn annilys.
2. Bydd gennych bapur pleidleisio ar gyfer pob etholiad. Mae'r papur pleidleisio'n dweud wrthywch sawl gwaith y cewch bleidleisio ar y papur hwnnw. Peidiwch a phleidleisio dros fwy na'r nifer hwnnw.
3. Marciwch eich dewisiadau a chroes (x). Peidiwch a rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif. Gwnewch hyn yn gyfrinachol. Os na allwch bleidleisio heb gymorth, rhaid i'r person sy'n eich cynorthwyo beidio a datgelu sut y gwnaethoch bleidleisio.
4. Rhowch y papurau pleidleisio yn yr amlen fach a farciwyd ag 'A' a'i selio. Yna rhowch yr amlen a farciwyd ag 'A' ynghyd a'r datganiad ynglŷn ag adnabyddiaeth yn yr amlen fwyaf a farciwyd a 'B'. Dychwelwch hi ar unwaith. Er mwyn cael eu cyfrif, rhaid i'r papurau pleidleisio gyrraedd y swyddog canlyniadau cyn i'r pleidleisio ddod i ben. Yn ôl eich dewis yn lle hynny, gellir eu trosglwyddo i orsaf bleidleisio cyn i'r pleidleisio ddod i ben.
5. Os cewch fwy nag un papur pleidleisio ar gyfer yr un etholiad, cofiwch ei bod yn anghyfreithlon pleidleisio fwy nag unwaith (ac eithrio fel dirprwy) yn yr un etholiad.
6. Yn yr etholiadau hyn, ni allwch bleidleisio'n bersonol mewn gorsaf bleidleisio, hyd yn oed os cewch gerdyn pleidleisio swyddogol.
7. Os bydd i chi drwy amryfusedd ddifetha unrhyw bapur pleidleisio drwy'r post, gallwch wneud cais i'r swyddog canlyniadau am un newydd. Os gwnewch hynny, RHAID I CHI DDYCHWELYD POB PAPUR PLEIDLEISIO DRWY'R POST YR YDYCH WEDI'I DDERBYN, ynghyd a'r papur pleidleisio a ddifethwyd. Yn ychwanegol, yn eich cais am bapurau pleidleisio newydd drwy'r post RHAID I CHI DDYCHWELYD yn eich amlen eich hun, y datganiad ynglŷn ag adnabyddiaeth a'r amlenni a farciwyd ag 'A' a 'B'. Cofiwch nad oes fawr o amser ar gael os yw papurau pleidleisio newydd i gael eu dosbarthu a'u cyfrif.

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**Form of Declaration of Identity Referred to in Paragraph 3(d)**

Paragraph 3(d)

Front of form

National Assembly for Wales

To be returned with the *[insert colours of ballot papers]* coloured ballot papers.

*[Insert colours of ballot papers]* coloured ballot papers nos: . . . . .

I hereby declare that I am the person to whom the *[insert colours of ballot papers]* coloured ballot papers numbered as above were sent.

Voter's signature: . . . . .

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature: . . . . .

Name of witness: . . . . .

*(WRITE CLEARLY)*

Address of witness:

*(WRITE CLEARLY)*

. . . . .  
. . . . .

*See Instructions on the Back of this Form*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Back of form

### Instructions to the Voter

1. This declaration of identity relates to the ballot papers for the Assembly elections only. You must sign this declaration of identity in the presence of a person known to you. *You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day.* The person known to you should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. You have 2 ballot papers, one for the Assembly constituency election, the other for the Assembly electoral region election. You may vote once only on each ballot paper. Mark your choices with a cross. Do not vote more than once on either ballot paper or your vote may not be counted. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

3. The ballot papers coloured [*insert colours*] are used for the Assembly elections. The ballot paper coloured [*insert colour*] is used for the [*insert description of other election*]. There is one smaller envelope marked "A" in which the Assembly elections ballot papers are to be inserted and another envelope marked "A" in which the ballot paper for the [*insert description of other election*] is to be inserted. Accompanying each envelope marked "A" is a declaration of identity and covering envelope (the larger envelope marked 'B'). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the *colour* of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, consisting of ballot papers, ballot paper envelopes, declarations of identity and covering envelopes. Then proceed as follows—

- (a) place the ballot papers in the correct smaller envelopes and seal them;
- (b) put those envelopes, together with the correct declarations of identity, in the correct covering envelopes and seal them;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll.

Alternatively, they may be delivered to a polling station in this constituency before the close of the poll.

4. You should receive one ballot paper for the constituency election and one for the electoral region election and a ballot paper for the [*insert description of other election*]. If you receive any more relating to these elections remember that it is illegal to vote more than once (otherwise than as proxy) at any of them.

5. At these Assembly elections you cannot vote in person at a polling station, even if you receive an official poll card.

6. If you inadvertently spoil an Assembly election postal ballot paper, you can apply to the returning officer for a new one. With your application you must return, in your own envelope, the spoiled ballot paper, the other Assembly ballot paper, the declaration of identity and the envelopes marked 'A' and 'B'. Remember that there is little time available if fresh postal ballot papers are to be issued and counted.

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Wyneb y ffurflen

Cynulliad Cenedlaethol Cymru

I'w ddychwelyd gyda'r papurau pleidleisio lliw [nodwch liwiau'r papurau pleidleisio]

Papurau pleidleisio lliw [nodwch liwiau'r papurau pleidleisio] rhifau: . . . . .

Yr wyf drwy hyn yn datgan mai fi yw'r person yr anfonwyd iddo/iddi'r papurau pleidleisio lliw [nodwch liwiau'r papurau pleidleisio] â'r rhifau uchod.

Llofnod y pleidleisiwr: . . . . .

Mae'r pleidleisiwr, a adnabyddir gennyf yn bersonol, wedi llofnodi'r datganiad hwn yn fy mhresenoldeb.

Llofnod y tyst: . . . . .

Enw'r tyst: . . . . .

(YSGRIFENNWCH YN GLIR)

Cyfeiriad y tyst: . . . . .

(YSGRIFENNWCH YN GLIR)

. . . . .  
. . . . .

Gweler y Cyfarwyddiadau ar Gefn y Ffurflen

## Cefn y ffurflen

### Cyfarwyddiadau I'r Pleidleisiwr

1. Mae'r datganiad hwn ynglŷn ag adnabyddiaeth yn berthnasol i'r papurau pleidleisio ar gyfer yr etholiadau i'r Cynulliad yn unig. Rhaid i chi lofnodi'r datganiad hwn ynglŷn ag adnabyddiaeth ym mhresenoldeb person sy'n adnabyddus i chi. *Mae'n ofynnol i chi wneud hyn hyd yn oed os ydych wedi llofnodi datganiad tebyg ynglŷn ag adnabyddiaeth eisoes mewn perthynas ag etholiad arall a gynhelir ar yr un diwrnod.* Dylai'r person a adnabyddir gennych lofnodi'r datganiad hwn fel tyst, gan ychwanegu ei (h)enw a'i gyfeiriad/chyfeiriad. Heb hynny bydd y datganiad yn annilyd.

2. Mae gennych 2 bapur pleidleisio, un ar gyfer etholiad etholaeth i'r Cynulliad, a'r llall ar gyfer etholiad rhanbarth etholiadol i'r Cynulliad. Cewch bleidleisio unwaith yn unig ar y ddau bapur pleidleisio. Marciwch eich dewisiadau â chroes ( x ). Peidiwch â phleidleisio fwy nag unwaith ar y naill bapur pleidleisio neu'r llall neu fe all na chaiff eich pleidlais ei chyfrif. Gwnewch hyn yn gyfrinachol. Os na allwch bleidleisio heb gymorth, rhaid i'r person sy'n eich cynorthwyo beidio â datgelu sut y gwnaethoch bleidleisio.

3. Mae'r papurau pleidleisio lliw [nodwch y lliwiau] i gael eu defnyddio ar gyfer etholiadau i'r Cynulliad. Defnyddir papur pleidleisio lliw [nodwch y lliw] ar gyfer [rhowch ddisgrifiad o'r etholiad arall]. Ceir un amlen fach a farciwyd ag "A" y mae papurau pleidleisio etholiadau i'r Cynulliad i'w rhoi ynddi ac amlen arall a farciwyd ag "A" y mae'r papur pleidleisio ar gyfer [rhowch ddisgrifiad o'r etholiad arall] i'w roi ynddi. Gyda phob amlen a farciwyd ag "A", ceir datganiad ynglŷn ag adnabyddiaeth a phrif amlen (yr amlen fwyaf a farciwyd â 'B'). Y brif amlen a'r datganiad ynglŷn ag adnabyddiaeth ar gyfer papur pleidleisio penodol yw'r rhai sy'n cyfeirio at *liw'r* papur pleidleisio hwnnw. Mae'n bwysig eich bod yn defnyddio'r amlenni a'r datganiadau cywir ynglŷn ag adnabyddiaeth neu fe all na chaiff eich pleidlais ei chyfrif. Hwyrach y bydd yn ddefnyddiol i chi ddosbarthu'r dogfennau yn setiau gwahanol yn cynnwys papurau pleidleisio, amlenni papurau pleidleisio, datganiadau ynglŷn ag adnabyddiaeth a phrif amlenni. Yna, ewch ymlaen fel a ganlyn—

- (a) rhowch y papurau pleidleisio yn yr amlenni bach cywir a'u selio;
- (b) rhowch yr amlenni hyn, gyda'r datganiadau cywir ynglŷn ag adnabyddiaeth, yn y prif amlenni cywir a'u selio;
- (c) dychwelwch y prif amlenni ar unwaith. Rhaid i'r papurau pleidleisio gyrraedd y swyddog canlyniadau cyn i'r pleidleisio ddod i ben.

Yn ôl eich dewis yn lle hynny, gellir eu trosglwyddo i orsaf bleidleisio yn yr etholaeth yma cyn i'r pleidleisio ddod i ben.

4. Dylech gael un papur pleidleisio ar gyfer etholiad yr etholaeth, un ar gyfer etholiad y rhanbarth etholiadol a phapur pleidleisio ar gyfer [rhowch ddisgrifiad o'r etholiad arall]. Os cewch fwy nag un papur pleidleisio ar gyfer yr etholiadau hyn, cofiwch ei bod yn anghyfreithlon pleidleisio fwy nag unwaith (ac eithrio fel dirprwy) mewn unrhyw un ohonynt.

5. Yn yr etholiadau hyn i'r Cynulliad, ni allwch bleidleisio'n bersonol mewn gorsaf bleidleisio, hyd yn oed os cewch gerdyn pleidleisio swyddogol.

6. Os bydd i chi drwy amryfusedd ddifetha papur pleidleisio drwy'r post ar gyfer etholiad i'r Cynulliad, gallwch wneud cais i'r swyddog canlyniadau am un newydd. Gyda'ch cais, rhaid i chi ddychwelyd, yn eich amlen eich hun, y papur pleidleisio a ddifethwyd, y papur pleidleisio Cynulliad arall, y datganiad ynglŷn ag adnabyddiaeth a'r amlenni a farciwyd ag 'A' a 'B'. Cofiwch nad oes fawr o amser ar gael os yw papurau pleidleisio newydd i gael eu dosbarthu a'u cyfrif.

### **Form of declaration of identity referred to in paragraph 3(e)**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 3(e)

**Front of form**

**National Assembly for Wales**

To be returned with the [insert colour of ballot paper] coloured ballot paper.

[Insert colour of ballot paper] coloured ballot paper No: . . . . .

I hereby declare that I am the person to whom the [insert colour of ballot paper] coloured ballot paper numbered as above was sent.

Voter's signature: . . . . .

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature: . . . . .

Name of witness: . . . . .

*(WRITE CLEARLY)*

Address of witness: . . . . .

*(WRITE CLEARLY)* . . . . .

. . . . .

*See Instructions on the Back of this Form*

## Back of form

### Instructions to the Voter

1. This declaration of identity relates to the ballot paper for the Assembly [constituency] [electoral region] election only. You must sign this declaration of identity in the presence of a person known to you. *You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day.* That person known to you should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. You may vote once only on the Assembly election ballot paper. Mark your choice with a cross(x). Put no other mark on the ballot paper, or your vote may not be counted. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.

3. Different colours are used for the ballot papers for each election. The ballot paper coloured [insert colour] is used for the Assembly election. The ballot paper coloured [insert colour] is used for the [insert description of other election]. There is one smaller envelope marked "A", in which the Assembly election ballot paper is to be inserted and another envelope marked "A" in which the ballot paper for the [insert description of other election] is to be inserted. Accompanying each envelope marked "A" is a declaration of identity and covering envelope (the larger envelope marked "B"). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets consisting of ballot papers, ballot paper envelopes, declarations of identity and covering envelopes. Then proceed as follows—

- (a) place the ballot papers in the correct smaller envelopes and seal them;
- (b) put those envelopes, together with the correct declarations of identity, in the correct covering envelopes and seal them;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll.

Alternatively, they may be delivered to a polling station in this constituency before the close of the poll.

4. If you receive more than one ballot paper for *the same election*, remember that it is illegal to vote more than once (otherwise than as proxy) at *the same election*.

5. At this Assembly election you cannot vote in person at a polling station, even if you receive an official poll card.

6. If you inadvertently spoil the Assembly election postal ballot paper, you can apply to the returning officer for a new one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked 'A' and 'B'. Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

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Wyneb y Ffurflen

Cynulliad Cenedlaethol Cymru

I'w ddychwelyd gyda'r papur pleidleisio lliw [nodwch liw'r papur pleidleisio]

Papur pleidleisio lliw [nodwch liw'r papur pleidleisio] rhif: . . . . .

Yr wyf drwy hyn yn datgan mai fi yw'r person yr anfonwyd iddo/iddi'r papur pleidleisio lliw [nodwch liw'r papur pleidleisio] â'r rhif uchod.

Llofnod y pleidleisiwr: . . . . .

Mae'r pleidleisiwr, a adnabyddir gennyf yn bersonol, wedi llofnodi'r datganiad hwn yn fy mhresenoldeb.

Llofnod y tyst: . . . . .

Enw'r tyst: . . . . .

*(YSGRIFENNWCH YN GLIR)*

Cyfeiriad y tyst: . . . . .

*(YSGRIFENNWCH YN GLIR)*

. . . . .  
. . . . .

*Gweler y Cyfarwyddiadau ar Gefn y Ffurflen hon*



## Cefn y ffurflen

### Cyfarwyddiadau I'r Pleidleisiwr

1. Mae'r datganiad hwn ynglŷn ag adnabyddiaeth yn berthuasol i'r papur pleidleisio ar gyfer yr etholiad i'r Cynulliad dros [yr etholaeth] [y rhanbarth etholiadol] yn unig. Rhaid i chi lofnodi'r datganiad ynglŷn ag adnabyddiaeth ym mhresenoldeb person sy'n adnabyddus i chi. *Mae'n ofynnol i chi wneud hyn hyd yn oed os ydych wedi llofnodi datganiad tebyg ynglŷn ag adnabyddiaeth eisoes mewn perthynas ag etholiad arall a gynhelir ar yr un diwrnod.* Dylai'r person a adnabyddir gennych lofnodi'r datganiad hwn fel tyst, gan ychwanegu ei (h)enw a'i gyfeiriad/chyfeiriad. Heb hynny bydd y datganiad yn annilys.

2. Cewch bleidleisio unwaith yn unig ar y papur pleidleisio ar gyfer yr etholiad i'r Cynulliad. Marciwch eich dewis â chroes ( x ). Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio neu fe all na chaiff eich pleidlais ei chyfrif. Gwnewch hyn yn gyfrinachol. Os na allwch bleidleisio heb gymorth, rhaid i'r person sy'n eich cynorthwyo beidio â datgelu sut y gwnaethoch bleidleisio.

3. Defnyddir lliwiau gwahanol ar gyfer papurau pleidleisio yn y ddau etholiad. Defnyddir papur pleidleisio lliw [nodwch y lliw] ar gyfer yr etholiad i'r Cynulliad. Defnyddir y papur pleidleisio lliw [nodwch y lliw] ar gyfer [rhowch ddisgrifiad o'r etholiad arall]. Ceir un amlen fach a farciwyd ag "A" y mae'r papur pleidleisio ar gyfer yr etholiad i'r Cynulliad i'w roi ynddi ac amlen arall a farciwyd ag "A" y mae'r papur pleidleisio ar gyfer [rhowch ddisgrifiad o'r etholiad arall] i'w roi ynddi. Gyda phob amlen a farciwyd ag "A", ceir datganiad ynglŷn ag adnabyddiaeth a phrif amlen (yr amlen fwyaf a farciwyd â 'B'). Y brifamlen a'r datganiad ynglŷn ag adnabyddiaeth ar gyfer papur pleidleisio penodol yw'r rhai sy'n cyfeirio at *llw* y papur pleidleisio hwnnw. Mae'n bwysig eich bod yn defnyddio'r amlenni a'r datganiad cywir ynglŷn ag adnabyddiaeth neu fe all na chaiff eich pleidlais ei chyfrif. Hwyrach y bydd yn ddefnyddiol i chi ddsbarthu'r dogfennau yn setiau gwahanol yn cynnwys papurau pleidleisio, amlenni papurau pleidleisio, datganiadau ynglŷn ag adnabyddiaeth a phrif amlenni. Yna, ewch ymlaen fel a ganlyn—

- (a) rhowch y papurau pleidleisio yn yr amlenni bach cywir a'u selio;
- (b) rhowch yr amlenni hyn, gyda'r datganiadau cywir ynglŷn ag adnabyddiaeth yn y prif amlenni cywir, a'u selio;
- (c) dychwelwch y prif amlenni heb oedi. Rhaid i'r papurau pleidleisio gyrraedd y swyddog canlyniadau cyn i'r pleidleisio ddod i ben.

Yn ôl eich dewis yn lle hynny, gellir eu trosglwyddo i orsaf bleidleisio yn yr etholaeth yma cyn i'r pleidleisio ddod i ben.

4. Os cewch fwy nag un papur pleidleisio ar gyfer *yr un etholiad*, cofiwch ei bod yn anghyfreithlon pleidleisio fwy nag unwaith (ac eithrio fel dirprwy) yn *yr un etholiad*.

5. Yn yr etholiad hwn i'r Cynulliad, ni allwch bleidleisio'n bersonol mewn gorsaf bleidleisio, hyd yn oed os cewch gerdyn pleidleisio swyddogol.

6. Os bydd i chi drwy amryfusedd ddifetha'r papur pleidleisio drwy'r post ar gyfer yr etholiad i'r Cynulliad, gallwch wneud cais i'r swyddog canlyniadau am un newydd. Gyda'ch cais, rhaid i chi ddychwelyd, yn eich amlen eich hun, y papur pleidleisio a ddifethwyd, y datganiad ynglŷn ag adnabyddiaeth a'r amlenni a farciwyd ag 'A' a 'B'. Cofiwch nad oes fawr o amser ar gael os yw papur pleidleisio newydd i gael ei ddsbarthu a'i gyfrif.

### Statement as to Postal Ballot Papers

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Paragraph 21(1)(b)

National Assembly for Wales  
 Assembly Election(s)

Constituency: .....

Electoral Region (and, where there is no constituency poll, the name of the  
 Assembly Constituency to which the statement relates): .....

Date of poll(s) .....

| <i>A Issue of postal ballot papers</i>   | Number for Constituency | Number for Electoral Region |
|--|-------------------------|-----------------------------|
| 1 Total number of postal ballot papers issued under paragraph 8 of Schedule 3  |                         |                             |
| 2 Total number of postal ballot papers issued under paragraph 14 of Schedule 3 (where the first ballot paper was spoilt and returned for cancellation) |                         |                             |
| 3 Total number of postal ballot papers issued (1 + 2)  |                         |                             |

| <i>B Receipt of postal ballot papers</i>  | Number for Constituency | Number for Electoral Region |
|---|-------------------------|-----------------------------|
| 4 Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under paragraph 14(1) of Schedule 3 with spoilt ballot papers) |                         |                             |
| 5 Number of covering envelopes received by the returning officer after the close of poll, excluding any returned as undelivered   |                         |                             |
| 6 Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued.  |                         |                             |
| 7 Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued  |                         |                             |
| 8 Number of covering envelopes returned as undelivered (up to the date of this statement)   |                         |                             |
| 9 Number of covering envelopes not received by the returning officer by the date of this statement  |                         |                             |
| 10 Total Nos 4 to 9 (This number should be the same as that in 3 above)   |                         |                             |

| <i>C Count of postal ballot papers</i>  | Number for Constituency | Number for Electoral Region |
|---|-------------------------|-----------------------------|
| 11 Number of covering envelopes received by the returning officer before the close of poll (excluding any undelivered or returned under paragraph 14(1) of Schedule 3 with spoilt ballot papers)            |                         |                             |
| 12 Number of ballot papers returned by postal voters which were included in the count of ballot papers  |                         |                             |
| 13 Number of cases in which a covering envelope or its contents were marked "Rejected" (cancellations under paragraph 14(5) of Schedule 3 are not rejections and should be included in items 2 and 6 above) |                         |                             |

Date ..... Signed .....  
 Constituency Returning Officer

Address ..... 114 .....

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## NOTES

1. The first column is to be completed in the case of a constituency election.
2. The second column is to be completed in the case of a regional election in respect of the postal ballot papers issued in a constituency for that regional election.
3. Where both columns are to be completed, the figure to be inserted against items B4, B5, B8, B9 and C11 will be the same in each column as only one covering envelope will have been issued for both elections.
4. The references to Schedule 3 are references to Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2003.

Paragraff 21(1)(b)

Datganiad am Bapurau Pleidleisio drwy'r Post

Cynulliad Cenedlaethol Cymru

Etholiad/au'r Cynulliad

Etholaeth: .....

Rhanbarth Etholiadol (a, lle nad oes pleidlais yn yr etholaeth, enw'r Etholaeth Cynulliad y mae'r datganiad yn ymwneud ag ef): .....

Dyddiad y bleidlais/pleidleisiau .....

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

| <b>A Y papurau pleidleisio drwy'r post a ddosbarthwyd</b>   | Nifer ar gyfer yr Etholaeth | Nifer ar gyfer y Rhanbarth Etholiadol |
|---|-----------------------------|---------------------------------------|
| 1 Cyfanswm y papurau pleidleisio drwy'r post a ddosbarthwyd o dan baragraff 8 o Atodlen 3   |                             |                                       |
| 2 Cyfanswm y papurau pleidleisio drwy'r post a ddosbarthwyd o dan baragraff 14 o Atodlen 3 (lle cafodd y papur pleidleisio cyntaf ei ddifetha a'i anfon yn ôl i'w ddiddymu) |                             |                                       |
| Cyfanswm y papurau pleidleisio drwy'r post a ddosbarthwyd (1 + 2)   |                             |                                       |

| <b>B Y papurau pleidleisio drwy'r post a ddaeth i law</b>   | Nifer ar gyfer yr Etholaeth | Nifer ar gyfer y Rhanbarth Etholiadol |
|---|-----------------------------|---------------------------------------|
| 4 Nifer yr amlenni postio a ddaeth i law'r swyddog etholiadol neu mewn gorsaf bleidleisio cyn i'r gorsafoddedd gau (ac eithrio unrhyw rai na chawsant eu danfon neu a anfonwyd yn ôl o dan baragraff 14(1) o Atodlen 3 am fod y papurau pleidleisio wedi'u difetha) |                             |                                       |
| 5 Nifer yr amlenni postio a ddaeth i law'r swyddog etholiadol ar ôl i'r gorsafoddedd gau, ac eithrio unrhyw rai a gafodd eu hanfon yn ôl am na chawsant eu danfon   |                             |                                       |
| 6 Nifer y papurau pleidleisio drwy'r post a gafodd eu hanfon yn ôl i'w diddymu am eu bod wedi'u difetha, pan oedd digon o amser ar ôl i ddsbarthu papur pleidleisio arall.  |                             |                                       |
| 7 Nifer y papurau pleidleisio drwy'r post a gafodd eu hanfon yn ôl am eu bod wedi'u difetha, pan oedd hi'n rhy hwyr i ddsbarthu papur pleidleisio arall.  |                             |                                       |
| 8 Nifer yr amlenni postio a anfonwyd yn ôl am na chawsant eu danfon (hyd at ddyddiad y datganiad hwn)   |                             |                                       |
| 9 Nifer yr amlenni postio na ddaeth i law'r swyddog etholiadol erbyn dyddiad y datganiad hwn  |                             |                                       |
| 10 Cyfanswm Rhifau 4 i 9 (Dylai'r rhif fod yr un peth â'r un yn 3 uchod)  |                             |                                       |

| <b>C Cyfrif y papurau pleidleisio drwy'r post</b>  | Nifer ar gyfer yr Etholaeth | Nifer ar gyfer y Rhanbarth Etholiadol |
|--|-----------------------------|---------------------------------------|
| 11 Nifer yr amlenni postio a ddaeth i law'r swyddog etholiadol cyn i'r gorsafoddedd gau (ac eithrio unrhyw rai na chawsant eu danfon neu a anfonwyd yn ôl o dan baragraff 14(1) o Atodlen 3 am fod y papurau pleidleisio wedi'u difetha) |                             |                                       |
| 12 Nifer y papurau pleidleisio a anfonwyd yn ôl gan bleidleiswyr drwy'r post ac a gafodd eu cynnwys wrth gyfrif y papurau pleidleisio  |                             |                                       |
| 13 Nifer yr achosion lle nodwyd "Gwrthodwyd" ar amlen bostio neu ar ei chynnwys (nid yw papurau a ddiddymwyd o dan baragraff 14(5) o Atodlen 3 yn rhai a wrthodwyd a dylid eu cynnwys yn eitemau 2 a 6 uchod)                            |                             |                                       |

Dyddiad ..... Llofnod .....  
 Swyddog Etholiadol yr Etholaeth

Cyfeiriad.....

## NODIADAU

1. Os oes etholiad yn yr etholaeth, dylech lenwi'r golofn gyntaf.
2. Os oes etholiad rhanbarthol mewn perthynas â'r papurau pleidleisio drwy'r post a ddosbarthwyd mewn etholaeth ar gyfer yr etholiad rhanbarthol hwnnw, dylech lenwi'r ail golofn.
3. Os oes angen llenwi'r ddwy golofn, bydd y ffigur a nodir yn B4, B5, B8, B9 ac C11 yr un peth ym mhob colofn gan mai dim ond un amlen bostio a fydd wedi'u dosbarthu ar gyfer y ddau etholiad.
4. Cyfeirio at Atodlen 3 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2003 y mae'r cyfeiriadau at Atodlen 3.

## SCHEDULE 4

Article 15(7)

### Combination of Polls

## ARRANGEMENT OF PARAGRAPHS

### PART I

#### GENERAL

1. Returning officers and polling stations.
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20. Paragraph 65 of Schedule S (countermand or abandonment of poll on death of candidate).
21. Appendix of forms in Schedule 5 (form of directions for the guidance of the voters in voting).
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#### MODIFICATIONS TO ELECTION RULES TO APPLY WHERE THE POLL AT AN ELECTION OF COUNTY OR COUNTY BOROUGH COUNCILLORS IS TAKEN TOGETHER WITH A POLL AT AN ASSEMBLY ELECTION UNDER ARTICLE 15(1) OR (2)

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28. Rule 23 of principal area election rules (equipment of polling stations).
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30. Rule 29 of principal area election rules (questions to be put to voters).
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40. Rule 49 of principal area election rules (countermand or abandonment of poll on death of candidate).
41. Appendix of forms to principal area election rules (declaration of identity).
42. Appendix of forms to principal area election rules (directions for the guidance of the voters in voting).
43. Appendix of forms to principal area election rules (declaration to be made by the companion of a blind voter).

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#### MODIFICATIONS TO ELECTION RULES TO APPLY WHERE THE POLL AT AN ELECTION OF COMMUNITY COUNCILLORS IS TAKEN TOGETHER WITH THE POLL AT AN ASSEMBLY ELECTION UNDER ARTICLE 15(1) OR (2)

44. Modifications to community election rules: general provision.
45. Rule 1 of community election rules (timetable).
46. Rule 14 of community election rules (the ballot papers).
47. Rule 18 of community election rules (notice of poll).
48. Rule 22 of community election rules (issue of official poll cards).
49. Rule 23 of community election rules (equipment of polling stations).
50. Rule 24 of community election rules (appointment of polling and counting agents).
51. Rule 29 of community election rules (questions to be put to voters).
52. Rule 31 of community election rules (voting procedure).

53. Rule 32 of community election rules (votes marked by presiding officer).
  54. Rule 33 of community election rules (voting by blind persons).
  55. Rule 34 of community election rules (tendered ballot papers).
  56. Rule 36 of community election rules (adjournment of poll in case of riot).
  57. Rule 37 of community election rules (procedure on close of poll).
  58. Rule 38 of community election rules (attendance at counting of votes).
  59. Rule 39 of community election rules (the count).
  60. Rule 46 of community election rules (delivery of documents).
  61. Rule 49 of community election rules (countermand or abandonment of poll on death of candidate).
  62. Appendix of forms to community election rules (declaration of identity).
  63. Appendix of forms to community election rules (directions for the guidance of the voters in voting).
  64. Appendix of forms to community election rules (declaration to be made by the companion of a blind voter).
- Signature  
Explanatory Note

## PART I

### GENERAL

#### **Returning officers and polling stations**

1.—(1) Where the polls at an ordinary Assembly election and an ordinary local government election are taken together under article 15(1)—

- (a) those functions of the returning officer at the local government election which are specified in paragraph 2 shall be discharged by the constituency returning officer for an Assembly constituency for such part of the local government area as is situated in the constituency, and
- (b) only polling stations used for the ordinary Assembly election shall be used for the local government election.

(2) Subject to sub-paragraph (4) where the polls at an Assembly and a local government election for related areas (within the meaning of article 15(3)) are taken together under article 15(2)—

- (a) the returning officers for those elections shall decide which returning officer shall discharge in the area in which the polls are combined (“the combined area”) those functions of the other which are specified in paragraph 2, and
- (b) the only polling stations which shall be used in the combined area at such elections are the polling stations used at the election for which the returning officer who discharges the functions referred to in paragraph (a) acts as returning officer.

(3) Where by virtue of sub-paragraph (2)(a) functions in respect of another election fall to be discharged by a regional returning officer, he in turn shall delegate the discharge of those functions to the constituency returning officer for an Assembly constituency that is wholly or partly situated in the combined area in relation to such part of the combined area as is situated in the Assembly constituency: and where functions are so delegated subsequent references in this Part to the returning officer who discharges the functions specified in paragraph 2 are to be treated as references to such a constituency returning officer.

(4) Where the polls at an ordinary Assembly election and a local government election for related areas are taken together under article 15(2), sub-paragraph (1)(a) and (b) shall apply.

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### Functions at combined polls

- 2.—(1) The functions referred to in paragraph 1 above are the functions conferred or imposed—
- (a) in the case of an Assembly election, by Schedule 5 and which are specified in sub-paragraph (2), and
  - (b) in the case of a local government election which is not a mayoral election, by those rules in the rules made under section 36 of the 1983 Act which correspond to the provisions specified in sub-paragraph (2), or
  - (c) in the case of a local government election which is a mayoral election, by those rules made under section 44 of the Local Government Act 2000 (46) which correspond to the priorities specified in sub-paragraph (2),

and where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3, the functions conferred or imposed by that Schedule and by Part V of the 1986 Regulations.

(2) The functions referred to in sub-paragraph (1) are those functions in Schedule 5 conferred or imposed by—

- (a) paragraph 29(2) and (3) (notice of situation of polling stations etc),
- (b) where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3, paragraph 30 of Schedule 5 (postal ballot papers),
- (c) paragraph 31 (provision of polling stations),
- (d) paragraph 32(1) and (3) (appointment of presiding officers and clerks) to the extent that the paragraph concerns the appointment of presiding officers and clerks to assist them,
- (e) paragraph 34 (equipment of polling stations),
- (f) paragraph 36(a) (notification of requirement of secrecy at polling station),
- (g) paragraph 37(4) (signature of certificate as to employment),
- (h) paragraph 38(2)(b) (authorisation to order removal from polling station), and
  - (i) sub-paragraphs (1), (1A), (2), (11) and (12) (as substituted by paragraph 18 of this Schedule) of paragraph 50 (the count) and sub-paragraph (8) of paragraph 50.

### Modification of provisions about expenses in this Order and the 1983 Act

3.—(1) Where those functions of a returning officer at an election which are specified in paragraph 2 are discharged by the returning officer at another election under paragraph 1, references to the returning officer or his charges or expenditure—

- (a) in article 21(1) to (4), (7), (9) and (10) (payments by and to returning officer),
- (b) in article 22 (taxation of returning officer's account), and
- (c) in section 36(4) and (5A) of the 1983 Act(47) (expenses at local elections),

shall, to the extent that such functions are so discharged, be construed as references to the returning officer who discharges those functions and his charges or expenditure in respect of those functions.

(2) The reference in section 36(6) of the 1983 Act to the returning officer or person acting as returning officer requesting an advance in respect of his expenses shall, to the extent that those expenses relate to the functions specified in paragraph 2, include a reference to the returning officer who under paragraph 1 discharges those functions at the local government election.

(46) 2000 c. 22.

(47) Subsection (5A) was added by the Local Government (Wales) Act 1994 (c. 19), Schedule 16.



(3) In relation to elections the polls at which are taken together under article 15(1) or (2), the Assembly may under article 21(1) include special provision for services properly rendered, or expenses properly incurred, in respect of the discharge of functions specified in paragraph 2, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1.

(4) In relation to elections the polls at which are taken together under article 15(1) or (2), a county or county borough council may, in fixing a scale under—

- (a) section 36(4) of the 1983 Act (fixing a scale at an election to the council etc), or
- (b) section 36(5A) of that Act (fixing a scale at an election for a community within the area of the council etc),

include special provision for expenses incurred in respect of the discharge of functions specified in paragraph 2, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1.

## PART II

### MODIFICATIONS TO SCHEDULE 5 TO APPLY WHERE THE POLL AT AN ASSEMBLY ELECTION IS TAKEN TOGETHER WITH A POLL AT A LOCAL GOVERNMENT ELECTION UNDER ARTICLE 15 (1) OR (2)

#### **Modifications to Schedule 5: general provision**

4. Where the poll at an Assembly election is taken with the poll at a local government election under article 15(1) or (2), Schedule 5 shall have effect subject to the modifications set out in the remaining paragraphs of this Part.

#### **Paragraph 25 of Schedule 5 (colour of ballot papers)**

5. At the end of paragraph 25 of Schedule 5 there shall be added—

“But the ballot paper to be used at an Assembly election shall be of a different colour from that of any ballot paper to be used at a local government election the poll for which is taken together with the poll for the Assembly election.”.

#### **Paragraph 29 of Schedule 5 (notice of poll)**

6. At the end of paragraph 29 of Schedule 5 there shall be added—

“(5) Where the poll at an Assembly election is taken together with a poll at a local government election the notice published under sub-paragraph (2) or (3) shall—

- (a) state that the poll at the Assembly election is to be taken together with the poll at a local government election,
- (b) specify the relevant local authority and, in the case of a local government election which is not a mayoral election to fill a casual vacancy, the electoral area for which the election is held, and
- (c) where the polls are to be taken together in part of an Assembly constituency only, specify that part.”.

#### **Paragraph 33 of Schedule 5 (issue of official poll cards)**

7. At the end of paragraph 33 of Schedule 5 there shall be added—

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“(9) Where a poll at an Assembly election is taken together with a poll at a local government election an official poll card issued under this paragraph may be combined with an official poll card issued at the local government election.”.

**Paragraph 34 of Schedule 5 (equipment of polling stations)**

8.—(1) After paragraph 34(14) of Schedule 5 there shall be inserted—

“(14A) Where the poll at an Assembly election is taken together with a poll at a local government election the same ballot box shall be used for the receipt of ballot papers in respect of votes given at each election.”.

(2) After paragraph 34(7) of Schedule 5 there shall be inserted—

“(7A) Where a poll at an Assembly election is taken together with a poll at a local government election, the notice in the form set out in English and Welsh in the Appendix, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.”.

(3) For paragraph 34(15) and (16) of Schedule 5 there shall be substituted—

“(15) Where the poll at an Assembly election is taken together with a poll at a local government election in every compartment of every polling station there shall be exhibited the notice—

(a) in respect of a constituency election—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”,

(b) in respect of a regional election—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”, and

(c) in respect of a local government election which is not a mayoral election—

(i) where there is more than one candidate to be returned for an electoral area—

“Vote for no more than candidates on the local government ballot paper coloured [*colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.

Peidiwch â phleidleisio dros fwy na(g) ... .. o ymgeiswyr ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farciau eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidleisiau eu chyfrif.”, or

(ii) where there is one candidate to be returned for an electoral area—

“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”.

(d) in respect of a local government election which is a mayoral election —

“*[Vote for one candidate only] [Vote once for your first choice and once for your second choice] on the mayoral ballot paper coloured [colour of ballot paper]. Put no other mark on the ballot paper or your vote may not be counted.*”

“*[Pleidleisiwch dros un ymgeisydd yn unig] [Pleidleisiwch unwaith dros eich dewisiad cyntaf ac unwaith dros eich ail ddewisiad] ar y papur pleidleisio maerol lliw [lliw'r papur pleidleisio]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.*”

#### **Paragraph 35 of Schedule 5 (appointment of polling and counting agents)**

9. After paragraph 35(7) of Schedule 5 there shall be inserted—

“(7A) Where the poll at an Assembly election is taken together with a poll at a local government election notices of the appointment of polling agents which are required by subparagraphs (5), (6) and (7) to be given to the returning officer shall be given to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4.”

#### **Paragraph 40 of Schedule 5 (questions to be put to voters)**

10.—(1) In the questions in paragraph 40(1)(a)(i) and (ii) and (3)(a)(i) and (ii) of Schedule 5, before “election” there shall be inserted “Assembly”.

(2) In the questions in paragraph 40(1)(b)(i) and (ii) and (3)(b)(i) and (ii) of Schedule 5, after “yr etholiad hwn” there shall be inserted “i'r Cynulliad”.

#### **Paragraph 42 of Schedule 5 (voting procedure)**

11. At the end of paragraph 42 of Schedule 5 there shall be added—

“(5) Where the poll at an Assembly election is taken together with a poll at a local government election the same copy of the register of electors may be used under subparagraph (1) for each election and one mark may be placed in that register under subparagraph (1)(d) or in the list of proxies under subparagraph (1)(e) to denote that a ballot paper has been received in respect of each election; except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, list so as to identify the election in respect of which the ballot paper was issued.”

#### **Paragraph 43 of Schedule 5 (votes marked by presiding officer)**

12. At the end of paragraph 43 of Schedule 5 there shall be added—

“(5) Where the poll at an Assembly election is taken together with a poll at a local government election the same list of votes marked by the presiding officer may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”

#### **Paragraph 44 of Schedule 5 (voting by voters with disabilities)**

13. At the end of paragraph 44 of Schedule 5 there shall be added—

“(9) Where the poll at an Assembly election is taken together with a poll at a local government election the same list of voters with disabilities assisted by companions may be used for each election and, where it is so used, an entry in that list shall be taken to mean the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.”

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**Paragraph 45 of Schedule 5 (tendered ballot papers)**

14. At the end of paragraph 45 of Schedule 5 there shall be added—

“(6) Where the poll at an Assembly election is taken together with a poll at a local government election the same tendered votes list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was so marked.”.

**Paragraph 47 of Schedule 5 (adjournment of poll in case of riot)**

15. After paragraph 47(1) of Schedule 5 there shall be inserted—

“(1A) Where the poll at an Assembly election is taken together with a poll at a local government election, and the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 is not a constituency returning officer, the notice required to be given under sub-paragraph (1)(b) or (c) shall also be given to the first mentioned returning officer.”.

**Paragraph 48 of Schedule 5 (procedure on close of poll)**

16.—(1) After paragraph 48(1) of Schedule 5 there shall be inserted—

“(1A) Where sub-paragraph (1) applies and the poll is taken together with a poll at a local government election the contents of the packets referred to in sub-paragraph (1)(b) to (e) and (g) to (i) shall not be combined with the contents of packets made under the corresponding rule that applies at a local government election; nor shall the statement prepared under sub-paragraph (4) be so combined.”.

(2) After paragraph 48(2) of Schedule 5 there shall be inserted—

“(2A) Where sub-paragraph (2) applies and the poll is taken together with a poll at a local government election—

- (a) the contents of the packets referred to in sub-paragraph (2)(b), (c), (e) and (f) shall not be combined with the contents of packets made under the corresponding rule that applies at a local government election; nor shall the statement prepared under sub-paragraph (4) be so combined, and
- (b) references to the constituency returning officer in sub-paragraph (3) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4.”.

**Paragraph 49 of Schedule 5 (time of, and attendance at, counting of votes)**

17.—(1) In paragraph 49 of Schedule 5, for “paragraph 50(1)” (in each place) there shall be substituted “paragraph 50(1A)”.

(2) After paragraph 49(2) of Schedule 5 there shall be inserted—

“(2A) Where the poll at an Assembly election is taken together with a poll at a local government election and a constituency returning officer at the Assembly election does not discharge the functions specified in paragraph 2 of Schedule 4 (so that sub-paragraph (1) does not apply), the constituency returning officer shall make arrangements for counting the votes in the presence of the counting agents after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and he shall also give to the counting agents notice in writing of the time and place he will begin to count the votes if he has by then received the ballot papers,

(2B) At a regional election notice under sub-paragraph (2A) shall also be given to the regional returning officer.”.

(3) In paragraph 49(8), before “the efficient” there shall be inserted “the efficient separating of the ballot papers or, as the case may be,”.

**Paragraph 50 of Schedule 5 (the count)**

**18.**—(1) For paragraphs 50(1) and (2) of Schedule 5 there shall be substituted—

“(1) This sub-paragraph applies where—

- (a) voters at an ordinary election are entitled to give two votes in an Assembly constituency,
- (b) the polls at the Assembly elections are taken together with a poll at a local government election in the Assembly constituency, and
- (c) the constituency returning officer for the Assembly constituency discharges the functions specified in paragraph 2 of Schedule 4.

(1A) Where sub-paragraph (1) applies the constituency returning officer shall—

- (a) in the presence of the counting agents appointed for the purposes of the Assembly elections open each ballot box and record separately the number of ballot papers in those boxes for each election,
- (b) in the presence of the election agents appointed for the purposes of the Assembly elections verify each ballot paper account,
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election,
- (d) separate the ballot papers relating to each election,
- (e) make up into packets the ballot papers for each election other than the Assembly elections and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate,
- (f) deliver, or cause to be delivered, to the returning officer at the election to which the ballot papers relate—
  - (i) those containers, together with a list of them and of the contents of each, and
  - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election, and
- (g) at the same time deliver, or cause to be delivered, to that officer packets that so relate containing,—
  - (i) the unused and spoilt ballot papers,
  - (ii) the tendered ballot papers, and
  - (iii) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.

(2) The proceedings described in sub-paragraph (1A) may be undertaken at a different place (or at different places) than a place at which the votes at an Assembly election are counted; but if the power is so exercised sub-paragraph (3) does not apply with respect to the ballot papers and other documents relating to the local government election.

(2A) Where a constituency returning officer at an Assembly election does not discharge the functions specified in paragraph 2 of Schedule 4 he shall—

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- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under paragraph 49(2A), in the presence of the counting agents open each container,
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 3, count such of the postal ballot papers as have been duly returned and record the number counted, and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them;

and sub-paragraph (8) shall not apply to these proceedings.”.

(2) In paragraph 50(3) and (4) of Schedule 5, for “sub-paragraph (1)” there shall be substituted “sub-paragraph (1A)”.

(3) In paragraph 50(3) of Schedule 5 after “the power” there shall be inserted “referred to in sub-paragraph (2)”.

(4) For paragraph 50(11) to (13) of Schedule 5 there shall be substituted—

“(11) Where the poll at an Assembly election is taken together with a poll at a local government election and sub-paragraph (1) or (2A) does not apply—

- (a) sub-paragraph (12) shall apply, and
- (b) “each election” in sub-paragraphs (3)(a) and (4) shall be construed as “the Assembly election”,

(12) Sub-paragraphs (1A) and (2) shall apply save that the reference to sub-paragraph (1) shall be construed as a reference to this sub-paragraph and the references to Assembly elections in sub-paragraph (1A) shall be construed as references to the Assembly election; and references in this paragraph and paragraph 49 to sub-paragraph (1A) include references to that sub-paragraph where it applies by virtue of this sub-paragraph.”.

#### **Paragraph 62 of Schedule 5 (delivery of documents to the Assembly)**

19. After paragraph 62(2) of Schedule 5 there shall be inserted—

“(2A) Where the poll at an Assembly election is taken together with a poll at a local government election and a constituency returning officer does not discharge the functions specified in paragraph 2 of Schedule 4, sub-paragraph (2) shall have effect as if paragraphs (c) and (f) were omitted.”.

#### **Paragraph 65 of Schedule 5 (countermand or abandonment of poll etc on death of candidate)**

20.—(1) After sub-paragraph (9) there shall be inserted—

“(9A) Where the poll at an Assembly election is taken together with a poll at a local government election and the poll at the Assembly election is abandoned by reason of a candidate’s death (and sub-paragraph (9) does not apply) the steps required by the presiding officer at such a polling station by sub-paragraph (8) shall take place at the close of poll; and in sub-paragraph (8)—

- (a) references to the constituency returning officer shall be construed as references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4, and

- (b) “having separated the ballot papers relating to the local government election,” shall be construed as having been inserted after “constituency returning officer,” in paragraph (b).”
- (2) At the end of paragraph 65 of Schedule 5 there shall be added—
- “(11) Where the poll at an Assembly election is taken together with a poll at a local government election neither the countermand of the notice of the poll at the Assembly election nor the direction that that poll be abandoned under this paragraph shall affect the poll at the local government election.”.

#### **Appendix of forms in Schedule 5 (form of directions for the guidance of the voters in voting)**

21. In the Appendix of forms in Schedule 5, after the form of directions for the guidance of the voters in voting referred to in paragraph 34(6) and (7) of Schedule 5 there shall be inserted—  
“Paragraph 34(7A)

##### ***Form of directions for the guidance of voters in voting referred to in paragraph 34(7A)***

###### *Guidance for Voters*

1. When you are given a ballot paper make sure it is stamped with the official mark.
2. Go to one of the compartments. Each ballot paper tells you how many times you may vote on that paper. Do not vote for more than that number. Mark your choice(s) with a cross ( x ). Put no other mark on the ballot paper, or your vote may not be counted.
3. Fold the ballot papers in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot papers in the ballot box and leave the polling station.
4. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

###### *Cyfarwyddyd i Bleidleiswyr*

1. Pan roir papur pleidleisio i chi gwnewch yn siwr iddo gael ei stampio â'r marc swyddogol.
2. Ewch i un o'r cabanau. Mae pob papur pleidleisio yn dweud wrthych sawl gwaith y cewch bleidleisio ar y papur hwnnw. Peidiwch â phleidleisio dros fwy na'r nifer hwnnw. Marciwch eich dewis(iadau) â chroes ( # ). Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.
3. Plygwch y papurau pleidleisio yn ddau. Dangoswch y marc swyddogol i'r swyddog llywyddu, ond peidiwch â gadael i neb weld eich pleidlais. Rhowch y papurau pleidleisio yn y blwch pleidleisiau a mynd allan o'r orsaf bleidleisio.
4. Os bydd i chi drwy gamgymeriad ddifetha papur pleidleisio, dangoswch ef i'r swyddog llywyddu a gofyn am un arall.”.

#### **Appendix of forms in Schedule 5 (form of declaration to be made by the companion of a voter with disabilities)**

22.—(1) In the Appendix of forms of Schedule 5, the form of declaration to be made by the companion of a voter with disabilities shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In that part of the form in English for “the Assembly election now being held in this [constituency] [and] [electoral region]” there shall be substituted “the elections now being held in this Assembly constituency [, Assembly electoral region] and , in the case of a local government election which is not a mayoral election, [name of electoral area for which election is held and name

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of local government area] or, in the case of a local government election which is a mayoral election, [name of local government area]”.

(3) In that part of the form in Welsh for “yn etholiad y Cynulliad a gynhelir yn awr yn yr [etholaeth hon] [a'r] [rhanbarth etholiadol hwn]” there shall be substituted “yr etholiadau a gynhelir yn awr yn yr etholaeth Gynulliad hon [, y rhanbarth etholiadol Cynulliad hwn] ac , yn achos etholiad llywodraeth leol nad yw yn etholiad maerol, [enw'r ardal etholiadol y cynhelir yr etholiad hwn ar ei chyfer ac enw'r ardal llywodraeth leol] neu, yn achos etholiad llywodraeth leol sydd yn etholiad maerol, [enw'r ardal llywodraeth leol]”.

### PART III

#### MODIFICATIONS TO ELECTION RULES TO APPLY WHERE THE POLL AT AN ELECTION OF COUNTY OR COUNTY BOROUGH COUNCILLORS IS TAKEN TOGETHER WITH A POLL AT AN ASSEMBLY ELECTION UNDER ARTICLE 15(1) OR (2)

##### **Modifications to principal area election rules: general provision**

**23.**—(1) Where the poll at an election of county or county borough councillors is taken together with the poll at an Assembly election under article 15(1) or (2), Schedule 2 to the Local Elections (Principal Areas) 1986(48) (rules for conduct of election of councillors of a principal area) shall have effect subject to the modifications set out in to the remaining paragraphs of this Part.

(2) In this Part the rules in that Schedule referred to in sub-paragraph (1) are referred to as the principal area election rules.

##### **Rule 1 of principal area election rules (timetable)**

**24.** In rule 1 of this principal area election rules, in the entry relating to polling, for “8 in the morning and 9” there shall be substituted “7 in the morning and 10”.

##### **Rule 14 of principal area election rules (the ballot papers)**

**25.**—(1) At the end of rule 14(2) of the principal area election rules there shall be inserted—

“(e) shall be of a different colour from that of any ballot papers used at an Assembly election and any local government election the polls at which are taken together with the poll at the principal area election.”.

(2) At the end of rule 14 of the principal area election rules there shall be added—

“(4) References to an Assembly election in paragraph (2)(e) and elsewhere in these rules refer to an election to the National Assembly for Wales; and references to an Assembly election (and to a poll at such an election) include a reference to Assembly elections (and to polls at such elections) where the context so requires.”.

##### **Rule 18 of principal area election rules (notice of poll)**

**26.** At the end of rule 18 of the principal area election rules there shall be added—

“(4) The notice published under paragraph (3) shall:



- (a) state that the poll at the principal area election is to be taken together with the poll at an Assembly election and any other local government election,
- (b) specify the Assembly constituency or electoral region and any relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held, and
- (c) where the polls are to be taken together in part of the local government area only, specify that part.”.

#### **Rule 22 of principal area election rules (issue of official poll cards)**

27. At the end of rule 22 there shall be added—

“(5) An official poll card issued under this rule may be combined with the official poll card issued at an Assembly election and any other local government election.”.

#### **Rule 23 of principal area election rules (equipment of polling stations)**

28.—(1) After rule 23(1) of the principal area election rules there shall be inserted—

“(1A) The same ballot box shall be used for the poll at the principal area election and at the polls at the Assembly election and any other local government election.”.

(2) For rule 23(5) of the principal area election rules<sup>(49)</sup> there shall be substituted—

“(5) In every compartment of every polling station there shall be exhibited the notice—

(a) in respect of a local government election—

(i) where there is more than one candidate to be returned for an electoral area—

“Vote for no more than ... .. candidates on the local government ballot paper coloured [*colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.

Peidiwch â phleidleisio dros fwy nag ... .. o ymgeiswyr ar y papur pleidleisio llywodraeth leol Iliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farciau eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidleisiau eu cyfrif.”, or

(ii) where there is one candidate to be returned for an electoral area—

“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol Iliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”,

(b) in respect of an Assembly election for an Assembly constituency—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth Iliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”, and

(c) in respect of an Assembly election for an Assembly electoral region—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

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(49) Rule 23(5) was amended by S.I. 1987/261.

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Pleidleiswch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.””

#### **Rule 24 of principal area election rules (appointment of polling and counting agents)**

29. At the end of rule 24(5) of the principal area election rules there shall be added—

“Notices of the appointment of polling agents which are required by this paragraph and paragraphs (6) and (7) to be given to the returning officer shall be given to that returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003.”

#### **Rule 29 of principal area election rules (questions to be put to voters)**

30.—(1) In question (ii) in rule 29(1)(a) and (b) of the principal area election rules, and in the second question of rule 29(2), after “this election” there shall be inserted “for this [\*county] [\*county borough] (*\*delete whichever is inapplicable*)”.

(2) In the equivalent questions in Welsh set out in Part I of the Schedule to the Local Elections (Principal Areas) (Welsh Forms) Order 1987(50) after, “yn yr etholiad presennol” and “yn yr etholiad hwn” (in both places) there shall be inserted “ar gyfer [\*y sir] [\*y fwrdeistref sirol] hon (*\*dileer pa un bynnag sy'n anghymwys*)”.

#### **Rule 31 of principal area election rules (voting procedure)**

31. At the end of rule 31 of the principal area election rules there shall be added—

“(4) The same copy of the register of electors may be used under paragraph (1) for each election and one mark may be placed in that register under paragraph (1)(d) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been received in respect of each election; except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, list so as to identify the election in respect of which the ballot paper was issued.”

#### **Rule 32 of principal area election rules (votes marked by presiding officer)**

32. At the end of rule 32(2) of the principal area election rules there shall be added—

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”

#### **Rule 33 of principal area election rules (voting by blind persons)**

33. At the end of rule 33(4) of the principal area election rules there shall be added—

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.”

#### **Rule 34 of principal area election rules (tendered ballot papers)**

34. At the end of paragraph 34(3) of the principal area election rules there shall be added—

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(50) S.I. 1987/562.

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was so marked.”

#### **Rule 36 of principal area election rules (adjournment of poll in case of riot)**

**35.** In rule 36(1) of the principal area election rules, after “returning officer” there shall be inserted “who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003”.

#### **Rule 37 of principal area election rules (procedure on close of poll)**

**36.** After rule 37(1) of the principal area election rules there shall be inserted—

“(1A) The contents of the packets referred to in paragraph (1)(b), (c) and (e) shall not be combined with the contents of the packets made under the corresponding provisions that apply to an Assembly election and any other local government election; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003.”

#### **Rule 38 of principal area election rules (attendance at counting of votes)**

**37.—**(1) For rule 38(1) of the principal area election rules there shall be substituted—

“(1) Where the returning officer at the principal area election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003, he shall make arrangements for discharging the functions under rule 39(1) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003) in the presence of the counting agents appointed for the purposes of the principal area election as soon as practicable after the close of the poll and for thereafter counting the votes at the election in the presence of those agents; and he shall give to those counting agents notice in writing of the time and place at which he will begin to discharge the functions under rule 39(1) (as so substituted).

(1A) Where the returning officer at the principal area election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003, he shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and shall give to the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.”

(2) In rule 38(2) before “at the counting of the votes” there shall be inserted “at the proceedings under rule 39(1) (as so substituted) or”.

(3) In rule 38(3) before “counting of the votes” in the first place where they occur, there shall be inserted “proceedings under rule 39(1) (as so substituted) or the” and before “the efficient” there shall be inserted “the efficient separating of the ballot papers or, as the case may be,”.

#### **Rule 39 of principal area election rules (the count)**

**38.** For rule 39(1) and (2) of the principal area election rules there shall be substituted—

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“(1) Where the returning officer at the principal area election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the principal area election open each ballot box and record separately the number of ballot papers used in each election,
- (b) in the presence of the counting agents appointed for the purposes of the principal area election verify each ballot paper account,
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election,
- (d) separate the ballot papers relating to each election,
- (e) make up into packets the ballot papers for each election other than the principal area election and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate,
- (f) deliver, or cause to be delivered, to the returning officer for the election to which the ballot papers relate (or, in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the votes were given on those ballot papers)—
  - (i) those containers, together with a list of them and of the contents of each, and
  - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election, and
- (g) at the same time deliver, or cause to be delivered, to that officer packets that so relate containing—
  - (i) the unused and spoilt ballot papers,
  - (ii) the tendered ballot papers,
  - (iii) the counterfoils of the used ballot papers, and
  - (iv) the certificates as to employment on duty on the day of the poll,
 but in the case of a local government election the separate packets relating to that election referred to in paragraphs (iii) and (iv) shall be combined.

(2) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the principal area and count the votes given on them.

(2A) Where the returning officer at the principal area election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 38(1A) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003), in the presence of the counting agents open each container,
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2003, count such of the postal ballot papers as have been duly returned and record the number counted, and

- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

Paragraph (6) does not apply to these proceedings.”.

#### **Rule 46 of principal area election rules (delivery of documents)**

**39.** At the end of rule 46(1) of the principal area election rules(**51**) there shall be added—

“At an election where the returning officer does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003, this paragraph shall have effect as if sub-paragraphs (c) and (e) were omitted.”.

#### **Rule 49 of principal area election rules (countermand or abandonment of poll on death of candidate)**

**40.**—(1) At the end of rule 49(1) of the principal area election rules(**52**)) there shall be added—

“Provided that neither the countermand of the notice of the poll at the principal area election nor the direction that that poll be abandoned shall affect the poll at the Assembly election and any other local government election.”.

(2) For rule 49(2) of the principal area election rules there shall be substituted—

“(2) Where the poll at the principal area election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the Assembly election and any other local government election, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the principal area election had not been abandoned, and the returning officer shall dispose of ballot papers used at the principal area election as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any ballot paper account at that election to be prepared or verified, and
- (b) the returning officer, having separated the ballot papers relating to the Assembly election and any other local government election, shall take no step or further step for the counting of the ballot papers used at the principal area election or of the votes and shall seal up all of those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”.

#### **Appendix of forms to principal area election rules (declaration of identity)**

**41.**—(1) In the Appendix of forms to the principal area election rules, for the form of declaration of identity(**53**)) there shall be substituted—

“(a) the form set out in sub-paragraph (2) where the proceedings on the issue and receipt of postal ballot papers at the principal area election are taken together with those proceedings at an Assembly election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2003, and

(b) the form set out in sub-paragraph (3) where those proceedings are not taken together.”

(2) The following form shall be substituted where sub-paragraph (1)(a) applies—

**(51)** Rule 46(1) was amended by S.I. 1990/158.

**(52)** Rule 49 was amended by S.I. 1990/158.

**(53)** This form was amended by S.I. 1987/261.

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Front of Form

Representation of the People Acts

National Assembly for Wales

Ballot paper nos: . . . . .

I hereby declare that I am the person to whom the ballot papers numbered as above were sent.

Voter's signature: . . . . .

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature: . . . . .

Name of witness: . . . . .

*(WRITE CLEARLY)*

Address of witness: . . . . .

*(WRITE CLEARLY)*

.....

*See Instructions on the Back of this Form*

Back of form

Instructions to the Voter

1. You must sign this declaration of identity in the presence of a person known to you. That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. You have a ballot paper for each election. The ballot paper tells you how many times you may vote on that paper. Do not vote for more than that number.
3. Mark you choices with a cross (x). Put no other mark on the ballot paper, or your vote may not be counted. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
4. Put the ballot papers in the small envelope marked 'A' and seal it. Then put the envelope marked 'A' together with the declaration of identity, in the larger envelope marked 'B'. Return it without delay. The ballot papers, in order to be counted, must be received by the returning officer not later than the close of the poll.
5. If you receive more than one ballot paper for *the same election*, remember that it is illegal to vote more than once (otherwise than as proxy) at *the same election*.
6. At these elections you cannot vote in person at a polling station, even if you receive an official poll card.
7. If you inadvertently spoil any postal ballot paper, you can apply to the returning officer for a new one. If you do this you MUST RETURN ALL OF THE POSTAL BALLOT PAPERS YOU HAVE RECEIVED, together with the spoiled ballot paper. In addition, in your application for fresh postal ballot papers you MUST RETURN in your own envelope, the declaration of identity and the envelopes marked 'A' and 'B'. Remember that there is little time available if fresh postal ballot papers are to be issued and counted.

Wyneb y Ffurflen

Deddfau Cynrychiolaeth y Bobl

Cynulliad Cenedlaethol Cymru

Rhifau'r papurau pleidleisio: . . . . .

Yr wyf drwy hyn yn datgan mai fi yw'r person yr anfonwyd iddo/iddi'r papurau pleidleisio â'r rhifau uchod.

Llofnod y pleidleisiwr: . . . . .

Mae'r pleidleisiwr, a adnabyddir gennyf yn bersonol, wedi llofnodi'r datganiad hwn yn fy mhresenoldeb.

Llofnod y tyst: . . . . .

Enw'r tyst: . . . . .

*(YSGRIFENNWCH YN GLIR)*

Cyfeiriad y tyst: . . . . .

*(YSGRIFENNWCH YN GLIR)*

. . . . .

*Gweler y Cyfarwyddiadau ar Gefn y Ffurflen hon*

Cefn y ffurflen

Cyfarwyddiadau i'r Pleidleisiwr

1. Rhaid i chi lofnodi'r datganiad hwn ynglŷn ag adnabyddiaeth ym mhresenoldeb person sy'n adnabyddus i chi. Dylai'r person hwnnw lofnodi'r datganiad hwn fel tyst, gan ychwanegu ei (h)enw a'i gyfeirad/chyfeiriad. Heb hynny bydd y datganiad yn annilys.
2. Bydd gennych bapur pleidleisio ar gyfer pob etholiad. Mae'r papur pleidleisio'n dweud wrthyfch sawl gwaith y cewch bleidleisio ar y papur hwnnw. Peidiwch â phleidleisio dros fwy na'r nifer hwnnw.
3. Marciwch eich dewisiadau â chroes (x). Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif. Gwnewch hyn yn gyfrinachol. Os na allwch bleidleisio heb gymorth, rhaid i'r person sy'n eich cynorthwyo beidio â datgelu sut y gwnaethoch bleidleisio.
4. Rhowch y papurau pleidleisio yn yr amlen fach a farciwyd ag 'A' a'i selio. Yna rhowch yr amlen a farciwyd ag 'A' ynghyd â'r datganiad ynglŷn ag adnabyddiaeth yn yr amlen fwyaf a farciwyd â 'B'. Dychwelwch hi ar unwaith. Er mwyn cael eu cyfrif, rhaid i'r papurau pleidleisio gyrraedd y swyddog canlyniadau cyn i'r pleidleisio ddod i ben.
5. Os cewch fwy nag un papur pleidleisio ar gyfer yr un etholiad, cofiwch ei bod yn anghyfreithlon pleidleisio fwy nag unwaith (ac eithrio fel dirprwy) yn yr un etholiad.
6. Yn yr etholiadau hyn, ni allwch bleidleisio'n bersonol mewn gorsaf bleidleisio, hyd yn oed os cewch gerdyn pleidleisio swyddogol.
7. Os bydd i chi drwy amryfusedd ddifetha unrhyw bapur pleidleisio drwy'r post, gallwch wneud cais i'r swyddog canlyniadau am un arall. Os gwnewch hynny, RHAI D CH I DDYCHWELYD POB PAPUR PLEIDLEISIO DRWY'R POST YR YDYCH WEDI'I DDERBYN, ynghyd â'r papur pleidleisio a ddifethwyd. Yn ychwanegol, yn eich cais am bapurau pleidleisio newydd drwy'r post RHAI D CH I DDYCHWELYD, yn eich amlen eich hun, y datganiad ynglŷn ag adnabyddiaeth a'r amlenni a farciwyd ag 'A' a 'B'. Cofiwch nad oes fawr o amser ar gael os yw papurau pleidleisio newydd i gael eu dosbarthu a'u cyfrif.

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(3) The following form shall be substituted where sub-paragraph (1)(b) applies—  
Front of form

Representation of the People Acts

To be returned with the [insert colour of ballot paper] coloured ballot paper.

[Insert colour of ballot paper] coloured ballot paper No.: . . . . .

I hereby declare that I am the person to whom the [insert colour of ballot paper] coloured ballot paper numbered as above was sent.

Voter's signature: . . . . .

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature: . . . . .

Name of witness: . . . . .

(WRITE CLEARLY)

Address of witness: . . . . .

(WRITE CLEARLY)

. . . . .

. . . . .

*See Instructions on the Back of this Form*

Back of form

Instructions to the Voter

1. This declaration of identity relates to the ballot paper for the local government election only. You must sign this declaration of identity in the presence of a person known to you. *You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day.* The person known to you should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.

2. The local government election ballot paper tells you how many times you may vote on that paper. Mark you choice(s) with a cross (x). Put no other mark on the ballot paper or your vote may not be counted. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.



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3. Different colours are used for the ballot papers for each election. The ballot paper coloured [insert colour] is used for the local government election. The ballot paper coloured [insert colour] is used for the [insert description of other election]. There is one smaller envelope marked "A" in which the local government ballot paper is to be inserted and another envelope marked "A" in which the ballot paper for the [insert description of other election] is to be inserted. Accompanying each envelope marked "A" is a declaration of identity and covering envelope (the larger envelope marked 'B'). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets consisting of ballot papers, ballot paper envelopes, declarations of identity and covering envelopes. Then proceed as follows—

- (a) place the ballot papers in the correct smaller envelopes and seal them;
- (b) put those envelopes, together with the correct declarations of identity, in the correct covering envelopes and seal them;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of the poll.

4. If you receive more than one ballot paper for *the same election*, remember that it is illegal to vote more than once (otherwise than as proxy) at *the same election*.

5. At this local government election you cannot vote in person at a polling station, even if you receive an official poll card.

6. If you inadvertently spoil the local government election postal ballot paper, you can apply to the returning officer for new one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked 'A' and 'B'. Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

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Wyneb y Ffurflen

Cynulliad Cenedlaethol Cymru

I'w ddychwelyd gyda'r papur pleidleisio lliw [nodwch liw'r papur pleidleisio]

Papur pleidleisio lliw [nodwch liw'r papur pleidleisio] rhif: . . . . .

Yr wyf drwy hyn yn datgan mai fi yw'r person yr anfonwyd iddo/iddi'r papur pleidleisio lliw [nodwch liw'r papur pleidleisio] â'r rhif uchod.

Llofnod y pleidleisiwr: . . . . .

Mae'r pleidleisiwr, a adnabyddir gennyf yn bersonol, wedi llofnodi'r datganiad hwn yn fy mhresenoldeb.

Llofnod y tyst: . . . . .

Enw'r tyst: . . . . .

*(YSGRIFENNWCH YN GLIR)*

Cyfeiriad y tyst: . . . . .

*(YSGRIFENNWCH YN GLIR)*

. . . . .  
. . . . .

*Gweler y Cyfarwyddiadau ar Gefn y Ffurflen hon*

Cefn y ffurflen

Cyfarwyddiadau i'r Pleidleisiwr

1. Mae'r datganiad hwn ynglŷn ag adnabyddiaeth yn berthnasol i'r papur pleidleisio ar gyfer yr etholiad llywodraeth leol yn unig. Rhaid i chi lofnodi'r datganiad hwn ynglŷn ag adnabyddiaeth ym mhresenoldeb person sy'n adnabyddus i chi. *Mae'n ofynnol i chi wneud hyn hyd yn oed os ydych wedi llofnodi datganiad tebyg ynglŷn ag adnabyddiaeth eisoes mewn perthynas ag etholiad arall a gynhelir ar yr un diwrnod.* Dylai'r person a adnabyddir gennych lofnodi'r datganiad hwn fel tyst, gan ychwanegu ei (h)enw a'i gyfeiriad/chyfeirad. Heb hynny bydd y datganiad yn annilys.

2. Mae papur pleidleisio'r etholiad llywodraeth leol yn dweud wrthyfych sawl gwaith y cewch pleidleisio ar y papur hwnnw. Marciwch eich dewis(iadau) â chroes (x). Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio neu fe all na chaiff eich pleidlais ei chyfrif. Gwnewch hyn yn gyfrinachol. Os na allwch bleidleisio heb gymorth, rhaid i'r person sy'n eich cynorthwyo beidio â datgelu sut y gwnaethoch bleidleisio.

3. Defnyddir lliwiau gwahanol ar gyfer y papurau pleidleisio yn y ddau etholiad. Defnyddir papur pleidleisio lliw [nodwch y lliw] ar gyfer yr etholiad llywodraeth leol. Defnyddir papur pleidleisio lliw [nodwch y lliw] ar gyfer [nodwch ddisgrifiad o'r etholiad arall]. Ceir un amlen fach a farciwyd ag "A" y mae'r papur pleidleisio llywodraeth leol i'w roi ynddi ac amlen arall a farciwyd ag "A" y mae'r papur pleidleisio ar gyfer [rhodwch ddisgrifiad o'r etholiad arall] i'w roi ynddi. Gyda phob amlen a farciwyd ag "A", ceir datganiad ynglŷn ag adnabyddiaeth a phrif amlen (yr amlen fwyaf a farciwyd â "B"). Y brif amlen a'r datganiad ynglŷn ag adnabyddiaeth ar gyfer papur pleidleisio penodol yw'r rhai sy'n cyfeirio at *liw'r* papur pleidleisio hwnnw. Mae'n bwysig eich bod yn defnyddio'r amlenni a'r datganiadau cywir ynglŷn ag adnabyddiaeth, neu fe all na chaiff eich pleidlais ei chyfrif. Hwyrach y bydd yn ddefnyddiol i chi ddsbarthu'r dogfennau yn setiau gwahanol, yn cynnwys papurau pleidleisio, amlenni papurau pleidleisio, datganiadau ynglŷn ag adnabyddiaeth a phrif amlenni. Yna, ewch ymlaen fel a ganlyn—

- (a) rhodwch y papurau pleidleisio yn yr amlenni bach cywir a'u selio;
- (b) rhodwch yr amlenni hyn, gyda'r datganiadau cywir ynglŷn ag adnabyddiaeth, yn y prif amlenni cywir, a'u selio;
- (c) dychwelwch y prif amlenni ar unwaith. Rhaid i'r papurau pleidleisio gyrraedd y swyddog canlyniadau cyn i'r pleidleisio ddod i ben.

4. Os cewch fwy nag un papur pleidleisio *ar gyfer yr un etholiad*, cofiwch ei bod yn anghyfreithlon pleidleisio fwy nag unwaith (ac eithrio fel dirprwy) yn *yr un etholiad*.

5. Yn yr etholiad llywodraeth leol hwn, ni allwch bleidleisio'n bersonol mewn gorsaf bleidleisio, hyd yn oed os cewch gerdyn pleidleisio swyddogol.

6. Os bydd i chi drwy amryfusedd ddifetha'r papur pleidleisio drwy'r post ar gyfer yr etholiad llywodraeth leol, gallwch wneud cais i'r swyddog canlyniadau am un arall. Gyda'ch cais, rhaid i chi ddychwelyd, yn eich amlen eich hun, y papur pleidleisio a ddifethwyd, y datganiad ynglŷn ag adnabyddiaeth a'r amlenni a farciwyd ag "A" a "B". Cofiwch nad oes fawr o amser ar ôl os yw papur pleidleisio newydd i gael ei ddsbarthu a'i gyfrif.

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### **Appendix of forms to principal area election rules (directions for the guidance of the voters in voting)**

42. In the Appendix of forms to the principal area election rules, for the form of directions for the guidance of the voters in voting(54) there shall be substituted the same form of directions as is set out in paragraph 21.

### **Appendix of forms to principal area election rules (declaration to be made by the companion of a blind voter)**

43.—(1) In the Appendix of forms in the principal area election rules, in the form of declaration to be made by the companion of a blind voter—

- (a) after “election now being held in this electoral area” there shall be inserted “and the election now being held in this [\*Assembly constituency] [\*Assembly electoral region] (*\*delete whichever is inapplicable*)”, and
- (b) for “said election” (in both places) where they occur there shall be substituted “said elections”.

(2) In the equivalent declaration in Welsh set out in Part I, in the Schedule to the Local Elections (Principal Areas) (Welsh Forms) Order 1987(55)—

- (a) after “yn yr adran etholiadol hon” there shall be inserted “a’r etholiad a gynhelir yn awr yn [\* yr etholaeth Gynulliad hon] [\* y] [\* rhanbarth etholiadol Cynulliad hwn] (*\*dileer pa un bynnag sy’n anghymwys*)”, and
- (b) for “etholiad a enwyd” (in both places) there shall be substituted “etholiadau a enwyd”.

## **PART IV**

### **MODIFICATIONS TO ELECTION RULES TO APPLY WHERE THE POLL AT AN ELECTION OF COMMUNITY COUNCILLORS IS TAKEN TOGETHER WITH THE POLL AT AN ASSEMBLY ELECTION UNDER ARTICLE 15(1) OR (2)**

#### **Modifications to community election rules: general provision**

44.—(1) Where the poll at an election of community councillors is taken together with the poll at an Assembly election under article 15(1) or (2), Schedule 2 to the Local Elections (Parish and Communities) Rules 1986(56) (rules for conduct of election of councillors of a community or parish) shall have effect subject to the modifications set out in the remaining paragraphs of this Part.

(2) In this Part the rules in that Schedule referred to in sub-paragraph (1) are referred to as the community election rules.

#### **Rule 1 of community election rules (timetable)**

45. In rule 1 of the community election rules, in the entry relating to polling, for “8 in the morning and 9” there shall be substituted “7 in the morning and 10”.

(54) This form was amended by S.I. 1987/261.

(55) S.I. 1987/562.

(56) S.I. 1986/2215.

**Rule 14 of community election rules (the ballot papers)**

- 46.—(1) At the end of rule 14(2) of the community election rules there shall be added—
- “(e) shall be of a different colour from that of any ballot papers used at an Assembly election and any local government election the polls at which are taken together with the poll at the community election.”.
- (2) At the end of rule 14 of the community election rules there shall be added—
- “(4) References to an Assembly election in paragraph (2)(e) and elsewhere in these rules refer to an election to the National Assembly for Wales; and references to an Assembly election (and to a poll at such an election) include a reference to Assembly elections (and to polls at such elections) where the context so requires.”.

**Rule 18 of community election rules (notice of poll)**

47. At the end of rule 18 of the community election rules there shall be added—
- “(4) The notice published under paragraph (3) shall:
- (a) state that the poll at the community election is to be taken together with the poll at an Assembly election and any other local government election,
- (b) specify the Assembly constituency or electoral region and any relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held, and
- (c) where the polls are to be taken together in part of the local government area only, specify that part.”.

**Rule 22 of community election rules (issue of official poll cards)**

48. At the end of rule 22 to the community election rules there shall be added—
- “(6) An official poll card issued under this rule may be combined with the official poll card issued at an Assembly election and any other local government election.”.

**Rule 23 of community election rules (equipment of polling stations)**

- 49.—(1) After rule 23(1) of the community election rules there shall be inserted—
- “(1A) The same ballot box shall be used for the poll at the community election and at the polls at the Assembly election and any other local government election.”.
- (2) For rule 23(5) of the community election rules(57) there shall be substituted—
- “(5) In every compartment of every polling station there shall be exhibited the notice—
- (a) in respect of a local government election—
- (i) where there is more than one candidate to be returned for an electoral area—
- “Vote for no more than ... .. candidates on the local government ballot paper coloured [*colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.
- Peidiwch â phleidleisio dros fwy nag ... .. o ymgeiswyr ar y papur pleidleisio llywodraeth leol lliw *lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farcian eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”, or
- (ii) where there is one candidate to be returned for an electoral area—

(57) Rule 23(5) was amended by S.I. 1987/260.

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“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaffeich pleidlais ei chyfrif.”,

(b) in respect of an Assembly election for an Assembly constituency—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”, and

(c) in respect of an Assembly election for an Assembly electoral region—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, ne fe all na chaiff eich pleidlais ei chyfrif.””.

#### **Rule 24 of community election rules (appointment of polling and counting agents)**

**50.** At the end of rule 24(5) of the community election rules there shall be inserted—

“Notices of the appointment of polling agents which are required by this paragraph and paragraph (6) to be given to the returning officer shall be given to that returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003.”.

#### **Rule 29 of community election rules (questions to be put to voters)**

**51.**—(1) In question (ii) in rule 29(1)(a) and (b) of the community election rules, and in the second question of rule 29(2), after “this election” there shall be inserted “for this community”.

(2) In the equivalent questions in Welsh set out in Part I of the Schedule to the Local Elections (Communities) (Welsh Forms) Order 1987(**58**), after “yn yr etholiad presennol” and “yn yr etholiad hwn” (in both places) there shall be inserted “ar gyfer y gymuned hon”.

#### **Rule 31 of community election rules (voting procedure)**

**52.** At the end of rule 31 of the community election rules there shall be added—

“(4) The same copy of the register of electors may be used under paragraph (1) for each election and one mark may be placed in that register under paragraph (1)(d) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been received in respect of each election; except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, list so as to identify the election in respect of which the ballot paper was issued.”.

#### **Rule 32 of community election rules (votes marked by presiding officer)**

**53.** At the end of rule 32(2) of the community election rules there shall be added—

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(58) S.I. 1987/561.

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

**Rule 33 of community election rules (voting by blind persons)**

54. At the end of rule 33(4) of the community election rules there shall be added—

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.”.

**Rule 34 of community election rules (tendered ballot papers)**

55. At the end of rule 34(3) of the community election rules there shall be added—

“The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was so marked.”.

**Rule 36 of community election rules (adjournment of poll in case of riot)**

56. In rule 36(1) of the community election rules, after “returning officer” there shall be inserted “who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003”.

**Rule 37 of community election rules (procedure on close of poll)**

57. After rule 37(1) of the community election rules there shall be inserted—

“(1A) The contents of the packets referred to in paragraph (1)(b), (c) and (e) shall not be combined with the contents of the packets made under the corresponding provisions that apply at an Assembly election and any other local government election; nor shall the statement prepared under paragraph (3) below be so combined.

(1B) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003.”.

**Rule 38 of community election rules (attendance at counting of votes)**

58.—(1) For rule 38(1) of the community election rules there shall be substituted—

“(1) Where the returning officer at the community election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003, he shall make arrangements for discharging the functions under rule 39(1) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003) in the presence of the counting agents appointed for the purposes of the community election as soon as practicable after the close of the poll and for thereafter counting the votes at that election in the presence of those agents; and he shall give to those counting agents notice in writing of the time and place at which he will begin to discharge the functions under rule 39(1) (as so substituted).

(1A) Where the returning officer at the community election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003, he shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and shall

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give to the counting agents notice in writing of the time after which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.”.

(2) In rule 38(2) of the community election rules before “at the counting of the votes” there shall be inserted “at the proceedings under rule 39(1) (as so substituted) or”.

(3) In rule 38(3) of the community election rules before “counting of the votes” in the first place where they occur, there shall be inserted “proceedings under rule 39(1) (as so substituted) or the” and before “the efficient” there shall be inserted “the efficient separating of the ballot papers or, as the case may be,”.

### **Rule 39 of community election rules (the count)**

**59.** For rule 39(1) and (2) of the community election rules there shall be substituted—

“(1) Where the returning officer at the community election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the community election open each ballot box and record separately the number of ballot papers used in each election,
- (b) in the presence of the counting agents appointed for the purposes of the community election verify each ballot paper account,
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election,
- (d) separate the ballot papers relating to each election,
- (e) make up into packets the ballot papers for each election other than the community election and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate,
- (f) deliver, or cause to be delivered, to the returning officer for the election to which the ballot papers relate (or, in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the votes were given on those ballot papers)—
  - (i) those containers, together with a list of them and of the contents of each, and
  - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election, and
- (g) at the same time deliver, or cause to be delivered, to that officer packets that so relate containing—
  - (i) the unused and spoilt ballot papers,
  - (ii) the tendered ballot papers,
  - (iii) the counterfoils of the used ballot papers, and
  - (iv) the certificates as to employment on duty on the day of the poll,
 but in the case of a local government election the separate packets relating to that election referred to in paragraphs (iii) and (iv) shall be combined.

(2) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the community election and count the votes given on them.



(2A) Where the returning officer at the community election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 38(1A) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003), in the presence of the counting agents open each container,
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2003, count such of the postal ballot papers as have been duly returned and record the number counted, and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

Paragraph (6) does not apply to these proceedings.”.

#### **Rule 46 of community election rules (delivery of documents)**

**60.** At the end of rule 46 of the community election rules<sup>(59)</sup> there shall be added—

“At an election where the returning officer does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2003, this paragraph shall have effect as if sub-paragraphs (c) and (e) were omitted.”.

#### **Rule 49 of community election rules (countermand or abandonment of poll on death of candidate)**

**61.—**(1) At the end of rule 49(1) of the community election rules there shall be added—

“Provided that neither the countermand of the notice of the poll at the community election nor the direction that that poll be abandoned shall affect the poll at the Assembly election and any other local government election.”.

(2) For rule 49(2) of the community election rules there shall be substituted—

“(2) Where the poll at the community election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the Assembly election and any other local government election, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the community election had not been abandoned, and the returning officer shall dispose of ballot papers used at the community election as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any ballot paper account at that election to be prepared or verified, and
- (b) the returning officer having separated the ballot papers relating to the Assembly election and any other local government election, shall take no step or further step for the counting of the ballot papers used at the community election or of the votes and shall seal up all of those ballot papers, whether the votes on them have

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(59) Rule 46 was amended by S.I. [1998/585](#).

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been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”.

#### **Appendix of forms to community election rules (declaration of identity)**

**62.**—(1) In the Appendix of forms to the community election rules, for the form of declaration of identity(**60**) there shall be substituted—

- “(a) the form set out in paragraph 41(2) where the proceedings on the issue and receipt of postal ballot papers at the community election are taken together with those proceedings at an Assembly election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2003, and
- (b) the form set out in paragraph 41(3) where those proceedings are not taken together.”

#### **Appendix of forms to community election rules (directions for the guidance of the voters in voting)**

**63.** In the Appendix of forms to the community election rules, for the form of directions for the guidance of the voters in voting(**61**) there shall be substituted the same form of directions as is set out in paragraph 21.

#### **Appendix of forms to community election rules (declaration to be made by the companion of a blind voter)**

**64.**—(1) In the Appendix of forms to the community election rules, in the form of declaration to be made by the companion of a blind voter—

- (a) after “election now being held in this electoral area” there shall be inserted “and the election now being held in this [\*Assembly constituency] [\*Assembly electoral region] (*delete whichever is inapplicable*)”, and
- (b) for “said election” (in both places) there shall be substituted “said elections”.

(2) In the equivalent declaration in Welsh set out in Part I in the Schedule to the Local Elections (Communities) (Welsh Forms) Order 1987(**62**)—

- (a) after “yn yr adran etholiadol hon” there shall be inserted “a'r etholiad a gynhelir yn awr yn [\* yr etholaeth Gynulliad honi [\* y] [\* rhanbarth etholiadol Cynulliad hwn] (*\* dileer pa un bynnag sy'n anghymwys*)”, and
- (b) for “etholiad a enwyd” (in both places) there shall be substituted “etholiadau a enwyd”.

## **SCHEDULE 5**

Article 16(1)

### **Conduct Of Assembly Elections And Return Of Assembly Members**

## **ARRANGEMENT OF PARAGRAPHS**

**(60)** This form was amended by S.I. 1987/260 and S.I. 1990/157.

**(61)** This form was amended by S.I. 1987/260.

**(62)** S.I. 1987/561.

## PART I

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43. Votes marked by presiding officer.
44. Voting by persons with disabilities.
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Form of individual nomination paper: regional election.

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Form of certificate referred to in paragraph 8(1).

Form of ballot paper: constituency election.

Directions as to printing the ballot paper: constituency election.

Form of ballot paper: regional election.

Directions as to printing the ballot paper: regional election.

Form of elector's poll card referred to in paragraph 33(4).

Form of elector's poll card referred to in paragraph 33(5).

Form of proxy's poll card referred to in paragraph 33(6).

Form of proxy's poll card referred to in paragraph 33(7).

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Form of directions for guidance of the voters in voting referred to in paragraph 34(12).

Form of directions for guidance of the voters in voting referred to in paragraph 34(13) and (14).

Form of declaration to be made by the companion of a person with disabilities.

Form of certificate referred to in paragraph 57(4)(a).

Form of certificate referred to in paragraph 59(4)(a).

Form of certificate referred to in paragraph 67(10)(a).

Form of certificate referred to in paragraph 67(11)(b).

Signature  
Explanatory Note

## PART I PROVISIONS AS TO TIME

### Timetable

1.—(1) The proceedings at an Assembly election shall be conducted in accordance with the following Table—

| <i>Proceeding</i>                  | <i>Time</i>   |
|------------------------------------|---|
| Publication of notice of election. | Not later than the twenty-fifth day before the day of election.   |
| Delivery of nomination papers.     | Between— <ul style="list-style-type: none"> <li>(a) the hours of 10 in the morning and 4 in the afternoon after the date of publication of notice of election but before the nineteenth day before the day of election, and</li> <li>(b) the hours of 10 in the morning and noon on the nineteenth day before the day of election.</li> </ul> |

| <i>Proceeding</i>                                 | <i>Time</i>  |
|---|--|
| The making of objections to nomination papers.    | During the hours allowed for delivery of nomination papers on the last day for their delivery and the hour following, but—<br>(a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery and, in the case of a nomination paper so delivered, no objection may be so made to the sufficiency or nature of the particulars of a candidate unless made at or immediately after the time of the delivery of the nomination paper, and<br>(b) the foregoing provisions do not apply to objections made under paragraph 18(2). |
| Delivery of notices of withdrawal of candidature. | Not later than noon on the seventeenth day before the day of election.   |
| Publication of statement of persons nominated.    | Not later than noon on the sixteenth day before the day of election.   |
| Polling.  | Between the hours of 7 in the morning and 10 at night on the day of election.  |

(2) In the Table—

- (a) “nomination papers”, in the case of a regional election, refers to individual or party nomination papers, and
- (b) in the case of making an objection to a party nomination paper, making of an objection to a nomination paper refers to the making of an objection—
  - (i) to such a paper, or
  - (ii) to the nomination of any party list candidate or candidates in respect of such a paper.

### Computation of time

2. In computing any period of time for the purposes of the Timetable—

- (a) a Saturday or a Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday,
- (c) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(63), or
- (d) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall a constituency returning officer be obliged to proceed with the counting of votes on such a day.

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## PART II

### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

#### NOTICE OF ELECTION

##### **Notice of election: constituency election and regional election**

3.—(1) At a constituency election, the constituency returning officer shall publish notice of the election stating—

- (a) the place and times at which individual nomination papers are to be delivered,
- (b) that forms of individual nomination paper may be obtained at that place and at those times, and
- (c) the date of the poll in the event of a contest.

(2) At a regional election, the regional returning officer shall prepare a notice of election stating—

- (a) the place or places and times at which individual or party nomination papers are to be delivered,
- (b) that forms of individual or party nomination papers may be obtained at that place or those places and at those times, and
- (c) the date of the poll in the event of a contest;

and he shall deliver, or cause to be delivered, the notice to each constituency returning officer for an Assembly constituency in the Assembly electoral region.

(3) On receipt of a notice under sub-paragraph (2) a constituency returning officer shall publish it.

(4) A notice of election under sub-paragraph (1) or (2) shall state the date by which—

- (a) applications to vote by post or by proxy, and
- (b) other applications and notices about postal or proxy voting,

must reach the registration officer in order that they may be effective for the election.

#### NOMINATION

##### **Nomination of candidates at a constituency election**

4.—(1) Each candidate at a constituency election shall be nominated by a separate individual nomination paper, in the form set out in English and Welsh in the Appendix delivered—

- (a) by the candidate himself, or
- (b) where in respect of the candidate a certificate issued under paragraph 5(1) is also delivered, by the registered nominating officer of a registered political party,

to the constituency returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by article 35 or are so given at the time the paper is delivered.

(2) The individual nomination paper shall state the candidate's—

- (a) full names,
- (b) home address in full, and
- (c) if desired (and subject to paragraph 5(1)), description,

and the surname shall be placed first in the list of his names.

(3) The description, if any, must consist of either—



- (a) a description (of not more than six words in length) which is authorised as mentioned in paragraph 5, or
  - (b) the word “Independent” or, where the equivalent form of words in Welsh is prescribed by an order made under section 26(2) of the Welsh Language Act 1993 for use at an Assembly election, that form of words, as well as or in place of the word “Independent”.
- (4) Each nomination paper delivered under this paragraph shall be subscribed by one person who shall also (if he is not the candidate) set out his full name and address.
- (5) The constituency returning officer shall supply any person upon request with a form of individual nomination paper at the place, and during the time, for delivery of nomination papers but it is not necessary for a nomination to be on a form supplied by the constituency returning officer.

#### **Nomination paper: name of registered political party**

5.—(1) At an Assembly election, an individual nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless, in the case of a constituency election, the party is a qualifying party in relation to the constituency and the description is authorised by a certificate in the form set out in English and Welsh in the Appendix—

- (a) issued by the party’s registered nominating officer, and
  - (b) received by the constituency returning officer at some time during the period for the delivery of nomination papers set out in the Table in paragraph 1(1).
- (2) If it is proposed that the party’s registered emblem (or as the case may be, one of the party’s registered emblems) is to be shown on the ballot paper against the candidate’s particulars, a certificate issued under sub-paragraph (1) shall request that it be so shown.
- (3) A certificate issued under sub-paragraph (1) may be combined with an individual nomination paper delivered under paragraph 4(1).
- (4) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised by virtue of paragraph 70, to issue a certificate under sub-paragraph (1) on behalf of a party’s registered nominating officer.
- (5) In the application of this paragraph and paragraph 6 in relation to an election—
- (a) “registered political party” means a party which was registered under Part II of the 2000 Political Parties Act at the time by which the notice of election is required to be published by virtue of paragraph 3 (“the relevant time”);
  - (b) a registered political party is a qualifying party in relation to an Assembly constituency if the party was at the relevant time registered in respect of Wales in the Great Britain register maintained under that Part of that Act.

#### **Nomination of individual candidates at a regional election**

6.—(1) Each individual candidate at a regional election shall be nominated by a separate individual nomination paper, in the form set out in English and Welsh in the Appendix delivered by the candidate himself to the regional returning officer at the place or a place fixed for the purpose, but the paper may be so delivered on the candidate’s behalf by his election agent if the agent’s name and address have been previously given to the returning officer as required by article 35 or are so given at the time the paper is delivered.

- (2) The individual nomination paper shall state the candidate's—
- (a) full names,
  - (b) home address in full, and

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- (c) if desired (and subject to paragraph 5(1)), description, and the surname shall be placed first in the list of his names.
- (3) The description, if any, must consist of either—
- (a) a description (of not more than six words in length) which is not likely to lead voters to associate the candidate with a registered political party; or
  - (b) the word “Independent” or, where the equivalent form of words in Welsh is prescribed by an order made under section 26(2) of the Welsh Language Act 1993 for use at an Assembly election, that form of words, as well as or in place of the word “Independent.”
- (4) Each nomination paper delivered under this paragraph shall be subscribed by one person who shall also (if he is not the candidate) set out his full name and address.
- (5) The regional returning officer shall supply any person upon request with a form of individual nomination paper at the place or a place, and during the time, for delivery of individual or party nomination papers but it is not necessary for a nomination to be on a form supplied by the regional returning officer.

#### **Nomination of party list candidates at a regional election**

- 7.—(1) Each group of party list candidates at a regional election shall be nominated by a separate party nomination paper in the form set out in English and Welsh in the Appendix delivered by the registered political party’s registered nominating officer to the regional returning officer at the place or a place fixed for the purpose.
- (2) Each party nomination paper shall include the name of the party which has been registered under Part II of the 2000 Political Parties Act.
- (3) In respect of each candidate to be included on a party list, the party nomination paper shall state the candidate's—
- (a) full names, and
  - (b) home address in full,
- and the surname shall be placed first in the list of his names.
- (4) The order in which those persons appear on the party nomination paper shall be the order in which they are included on the party’s list.
- (5) Subject to sub-paragraph (6), where a party nomination paper has been delivered in accordance with this paragraph, the registered political party shall be regarded as having submitted a party list under section 5 of the 1998 Act.
- (6) But where in accordance with this Schedule a party nomination paper is held to be invalid or all the candidates included on the list otherwise cease to stand nominated, the party shall cease to be regarded as having submitted a party list under section 5 of that Act.
- (7) Each nomination paper delivered under this paragraph shall be subscribed by one person who shall also (if he is not a candidate) set out his full name and address.
- (8) The regional returning officer shall supply any person on request with a form of party nomination paper at the place or a place, and during the time, for delivery of individual or party nomination papers but it is not necessary for nominations included on a party list to be on a form supplied by the regional returning officer.

#### **Party nomination paper: name of registered political party**

- 8.—(1) The name required by paragraph 7(2) to be contained in a party nomination paper shall be authorised by a certificate in the form set out in English and Welsh in the Appendix issued by the registered nominating officer of the registered political party.

(2) If it is proposed that the party's registered emblem (or, as the case may be, one of the party's registered emblems) is to be shown on the ballot paper against the party's name the certificate issued under sub-paragraph (1) shall request that it be so shown.

(3) A certificate issued under sub-paragraph (1) shall be combined with the party nomination paper delivered under paragraph 7(1).

(4) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised by virtue of paragraph 70 to issue a certificate under sub-paragraph (1) on behalf of a party's registered nominating officer.

### **Consent to nomination**

**9.**—(1) Subject to sub-paragraph (3), at a constituency election a person shall not be validly nominated unless his consent to nomination—

- (a) is given and dated in writing on, or within one month before, the day fixed as the last day for the delivery of nomination papers,
- (b) is attested by one witness, and
- (c) is delivered at the place, and within the time, for the delivery of nomination papers.

(2) Subject to sub-paragraph (3), at a regional election a person shall not be validly nominated (whether as an individual or a party list candidate) unless his consent to nomination—

- (a) is given and dated in writing on, or within one month before, the day fixed as the last day for the delivery of individual or party nomination papers,
- (b) is attested by one witness, and
- (c) is delivered at the place or a place, and within the time, for the delivery of individual or party nomination papers.

(3) If the appropriate returning officer is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given as mentioned above, a facsimile communication (or any similar means of communication) consenting to his nomination and purporting to have been sent by him shall be deemed for the purposes of this paragraph to be consent in writing by him on the day on which it purports to have been sent, and attestation of his consent shall not be required.

(4) A candidate's consent given under this paragraph—

- (a) shall state the day, month and year of his birth, and
- (b) shall state—
  - (i) that he is aware of the provisions of sections 12 to 15 of the 1998 Act (disqualification) and the National Assembly for Wales (Disqualification) Order 2003(64), and
  - (ii) that to the best of his knowledge and belief he is not disqualified for membership of the Assembly.

(5) A candidate is required to give his consent under this paragraph notwithstanding that he has subscribed the nomination paper by virtue of which he is nominated.

### **Deposit**

**10.**—(1) In relation to a candidate at a constituency election, a person shall not be validly nominated unless the sum of £500 is deposited by him, or on his behalf, with the constituency returning officer at the place and during the time for delivery of nomination papers.

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(2) In relation to candidates at a regional election—

- (a) an individual candidate shall not be validly nominated unless the sum of £500 is deposited by him, or on his behalf, or
- (b) a group or party list candidates shall not be validly nominated unless the sum of £500 is deposited by them, or on their behalf,

with the regional returning officer at the place or a place, and during the time, for delivery of individual or party nomination papers.

(3) The deposit may be made either—

- (a) by the deposit of any legal tender,
- (b) by means of a banker's draft, or
- (c) with the appropriate returning officer's consent, in any other manner,

but the appropriate returning officer may refuse to accept a deposit sought to be made by means of a banker's draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

(4) Where the deposit is made on behalf of a candidate at a constituency election or an individual candidate at a regional election, the person making the deposit shall at the time he makes it give his name and address to the appropriate returning officer unless that information has previously been given to him under article 35.

(5) Where the deposit is made on behalf of a group of party list candidates at a regional election the person making the deposit shall at the time he makes it—

- (a) if he is the registered political party's registered nominating officer, state that fact to the regional returning officer, or
- (b) if he is not the party's registered nominating officer, give his name and address to the regional returning officer unless that information has previously been given to him under article 35.

### **Place for delivery of nomination papers**

**11.**—(1) In relation to a constituency election, the constituency returning officer shall fix the place at which individual nomination papers are to be delivered to him, and shall attend there during the time for their delivery and for making of objections to them.

(2) The place in relation to a constituency election shall be in—

- (a) the Assembly constituency, or
- (b) the registration area which includes the Assembly constituency.

(3) In relation to a regional election, the regional returning officer shall fix the place or places at which individual or party nomination papers are to be delivered to him, and he shall attend there during the time for their delivery and for making objections to them.

(4) A place in relation to a regional election shall be in the Assembly electoral region.

(5) For the purposes of sub-paragraph (2)(b) 'registration area' means the area of two or more Assembly constituencies which have the same registration officer.

### **Right to attend nomination**

**12.**—(1) In relation to a constituency election, except for the purpose of delivering an individual nomination paper or of assisting the constituency returning officer, and subject to sub-paragraph (5), no person is entitled to attend the proceedings during the time for delivery of individual nomination papers or for making objections to them unless he is—

- (a) a person standing nominated as a candidate,
- (b) the election agent of such a person, or
- (c) the registered nominating officer of a registered political party that has delivered a certificate under paragraph 5(1) in respect of a candidate,

but where a candidate acts as his own election agent he may name one other person who shall be entitled to attend in place of his election agent.

(2) In relation to a regional election, except for the purpose of delivering an individual or party nomination paper or of assisting the regional returning officer, and subject to sub-paragraph (5), no person is entitled to attend the proceedings during the time for delivery of individual or party nomination papers or for making objections to them unless he is—

- (a) a person standing nominated as an individual or party list candidate,
- (b) the election agent of such a person, or
- (c) the registered nominating officer of a registered political party that has submitted a party list,

but where an individual candidate acts as his own election agent, or a party list candidate acts as election agent for a group of party list candidates, he may name one other person who shall be entitled to attend in place of his election agent.

(3) In the case of a constituency election, the right to attend conferred by this paragraph includes the right—

- (a) to inspect, and
- (b) to object to the validity of,

any individual nomination paper.

(4) In the case of a regional election, the right to attend conferred by this paragraph includes the right—

- (a) to inspect, and
- (b) to object to the validity of,

any individual or party nomination paper and, in the case of a party nomination paper, the right to object to the nomination of a party list candidate.

(5) A wife or husband of a candidate is entitled to be present at the delivery of the nomination paper by which that candidate is nominated, and may afterwards, so long as the candidate stands nominated, attend the proceedings referred to in sub-paragraph (1) or (2), but without any such right as is conferred by sub-paragraph (3) or (4).

### **Decisions as to validity of individual nomination papers**

**13.—**(1) At an Assembly election an individual candidate shall be deemed to stand nominated where an individual nomination paper by which he is nominated and his consent to nomination are delivered and a deposit is made in accordance with this Schedule; and such candidate shall be deemed to stand nominated unless and until—

- (a) the appropriate returning officer decides that the nomination paper is invalid,
- (b) proof is given to the appropriate returning officer's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) The appropriate returning officer is entitled to hold an individual nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate are not as required by law (including, at a constituency election, that an individual nomination paper breaches paragraph 5(1)),

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- (b) that the paper is not subscribed as so required,
- (c) that the candidate is disqualified by the Representation of the People Act 1981<sup>(65)</sup> (as applied by the 1998 Act), and
- (d) in the case of an individual candidate at a regional election, that he falls within section 5(6) of the 1998 Act.

(3) Subject to sub-paragraph (4), the appropriate returning officer shall give his decision on any objection to an individual nomination paper as soon as practicable after it is made.

(4) If in the constituency returning officer's opinion an individual nomination paper breaches paragraph 5(1), he shall give a decision to that effect as soon as practicable after the close of the period for delivery of nomination papers set out in the Table in paragraph 1(1).

(5) Where the appropriate returning officer decides that an individual nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.

(6) The appropriate returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceeding whatsoever.

(7) Subject to sub-paragraph (6), nothing in this paragraph prevents the validity of a nomination being questioned on an election petition.

#### **Decisions as to validity of party nomination papers and as to the validity of nominations included on a party list**

**14.—**(1) At a regional election a party list candidate shall be deemed to stand nominated where a party nomination paper by which he is nominated and his consent to nomination are delivered and a deposit is made in accordance with this Schedule; and such candidate shall be deemed to stand nominated unless and until—

- (a) the regional returning officer decides that the nomination paper is invalid,
- (b) proof is given to the regional returning officer's satisfaction of the candidate's death, or
- (c) the candidate withdraws.

(2) The regional returning officer is entitled to hold a party nomination paper invalid only on one of the following grounds—

- (a) that it breaches paragraph 7(2),
- (b) that it breaches paragraph 8(1) or 8(3),
- (c) that it is not subscribed as so required,
- (d) that the party list includes more than twelve persons, or
- (e) each candidate included on the party list has ceased to stand nominated.

(3) Where, in respect of a party list candidate—

- (a) proof is given to the regional returning officer's satisfaction of his death, or
- (b) he withdraws,

he shall cease to stand nominated, or

- (i) his particulars are not as required by law,
- (ii) he is disqualified by the Representation of the People Act 1981 (as applied by the 1998 Act), or
- (iii) he falls within section 5(5) of the 1998 Act,

the regional returning officer is entitled to hold that the candidate shall cease to stand nominated.

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<sup>(65)</sup> 1981 c. 34.

(4) Where a candidate ceases to stand nominated by virtue of sub-paragraph (3) it shall not of itself prevent any other candidate included on the party list from continuing to stand nominated.

(5) Subject to sub-paragraph (6), the regional returning officer shall give his decision on any objection to a party nomination paper or to a party list candidate as soon as practicable after it is made.

(6) If in the regional returning officer's opinion a party nomination paper breaches paragraph 7(2), 8(1) or 8(3), he shall give a decision to that effect as soon as practicable after the close of the period for delivery of nomination papers set out in the Table in paragraph 1(1).

(7) Where the regional returning officer decides that—

- (a) a party nomination paper is invalid, or
- (b) a party list candidate shall cease to stand nominated,

he shall endorse and sign on the paper the fact and reasons for his decision.

(8) The regional returning officer's decision that—

- (a) a party nomination paper is valid, or
- (b) a party list candidate shall continue to stand nominated,

shall be final and shall not be questioned in any proceeding whatsoever.

(9) Subject to sub-paragraph (8), nothing in this paragraph prevents the validity of a nomination being questioned on an election petition.

### **Withdrawal of candidates**

**15.**—(1) Subject to sub-paragraph (3), a candidate at a constituency election may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, and
- (b) delivered to the constituency returning officer at the place for delivery of nomination papers.

(2) Subject to sub-paragraph (3), a candidate at a regional election may withdraw his candidature by notice of withdrawal—

- (a) signed by him and attested by one witness, and
- (b) delivered to the regional returning officer at the place or a place for delivery of individual or party nomination papers.

(3) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by a person and accompanied—

- (a) by a written declaration also so signed of the candidate's absence from the United Kingdom, and
- (b) by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom,

shall be of the same effect as a notice of withdrawal signed by the candidate.

(4) At a regional election a registered political party may withdraw the candidature of any or all of a group of party list candidates for the party by notice of withdrawal—

- (a) signed by the party's registered nominating officer, and
- (b) delivered to the regional returning officer at the place or a place for the delivery of individual or party nomination papers.

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**Constituency election: publication of statement of persons nominated**

16.—(1) At a constituency election the constituency returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their individual nomination papers.

(3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames and, if there are two or more of them with the same surname, of their other names.

(4) In the case of a person nominated by more than one individual nomination paper, the constituency returning officer shall take the particulars required by the foregoing provisions of this paragraph from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

(5) The constituency returning officer shall send to the Electoral Commission—

- (a) a copy of the statement; and
- (b) in the case of each candidate standing nominated in respect of whom a certificate has been received by the returning officer in accordance with paragraph 5, a copy of that certificate as well.

**Regional election: publication of statement of persons nominated and registered political parties which have submitted a party list**

17.—(1) At a regional election the regional returning officer shall prepare a statement showing—

- (a) the persons who have been and stand nominated as individual candidates and any other persons who have been so nominated, with the reason why they no longer stand nominated, and
- (b) the registered political parties which have submitted a party list and, in respect of such parties, the persons who have been and stand nominated and any other persons who have been nominated with the reason why they are no longer nominated,

and he shall deliver, or cause to be delivered the statement to each constituency returning officer for an Assembly constituency in the Assembly electoral region.

(2) On receipt of a statement under sub-paragraph (1) a constituency returning officer shall publish it.

(3) The statement shall show—

- (a) in respect of individual candidates, the names, addresses and descriptions of the persons nominated as given in their individual nomination papers, and
- (b) in respect of the registered political parties who have submitted a party list, the names of those parties together with, in respect each such party—
  - (i) the description referred to in paragraph 7(2), and
  - (ii) the names and addresses of the persons nominated as given in their party nomination papers.

(4) The statement shall show—

- (a) the individual candidates standing nominated arranged together alphabetically, and
- (b) the registered political parties which have submitted a party list arranged together alphabetically together with (in respect of each such party) the candidates standing nominated arranged in the order that they appear on the party list.



(5) The arrangement of registered political parties referred to in sub-paragraph (4)(b) is to be shown in the statement before the arrangement of individual candidates referred to in sub-paragraph (4)(a) is so shown.

(6) For the purposes of sub-paragraph (4)(a) alphabetical order is to be determined by reference to the surnames of the individual candidates and, if there are two or more of them with the same surname, of their other names.

(7) For the purposes of sub-paragraph (4)(b)—

(a) a registered political party is to be shown in the statement by reference to the description referred to in paragraph 7(2) in respect of the party, and

(b) alphabetical order is to be determined by disregarding the definite or indefinite article and, where there are two or more words in the description (having disregarded the definite or indefinite article), by reference to the first of those words and, if there are two or more parties with the same first word in the description, of the other words in the description.

(8) In the case of a person nominated by more than one individual nomination paper, the regional returning officer shall take the particulars required by the foregoing provisions of this paragraph from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

(9) In the case of a registered political party which has delivered more than one party nomination paper (and where candidates stand nominated by more than one of those papers), the regional returning officer shall take the particulars required by the foregoing provisions of this paragraph from such one of the papers as the registered nominating officer of the party may select; and if any candidate is shown standing nominated by a paper not so selected but is not so shown in the selected paper he shall no longer stand nominated.

(10) The regional returning officer shall send to the Electoral Commission a copy of the statement.

(11) Other than in paragraph 18 the statement required by this paragraph is referred to in this Order as a statement of persons nominated.

### **Disqualification by Representation of the People Act 1981**

**18.—**(1) In relation to an Assembly election, if it appears to the appropriate returning officer that any of the persons nominated might be disqualified by the Representation of the People Act 1981 (as applied by the 1998 Act) he shall, as soon as practicable after the expiry of the time allowed for the delivery of—

(a) nomination papers, in the case of a constituency election, or

(b) individual or party nomination papers, in the case of a regional election,

prepare and publish a draft of the statement required by paragraph 16 or 17.

(2) The draft shall be headed—

(a) in the case of a constituency election—

“Draft statement of persons nominated

Datganiad drafft o'r personau a enwebwyd”, or

(b) in the case of a regional election—

“Draft statement of persons nominated and registered political parties which have submitted a party list

Datganiad drafft o'r personau a enwebwyd a'r pleidiau gwleidyddol cofrestredig sydd wedi cyflwyno rhestr blaid”,

and shall contain a notice stating that any person who wishes to object to the nomination of any candidate on the ground that he is disqualified for nomination under the Representation of the People

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Act 1981 (as applied by the 1998 Act) may do so between the hours of 10 in the morning and 4 in the afternoon on the day and at the place specified in the notice; and the day so specified shall be the day next after the last day for the delivery of individual or party nomination papers.

### **Adjournment of nomination proceedings in the case of riot**

**19.**—(1) Where, at an Assembly election, the proceedings for, or in connection with, nomination are on any day interrupted or obstructed by riot or open violence—

- (a) the proceedings shall be abandoned for that day, and
- (b) if that day is the last day for the delivery of—
  - (i) nomination papers, in the case of a constituency election, or
  - (ii) individual or party nomination papers, in the case of a regional election,

the proceedings shall be continued on the next day as if that were the last day of such delivery, and that day shall be treated for the purposes of this Schedule as being the last day for such delivery (subject to any further application of this paragraph in the event of interruption or obstruction on that day).

- (2) Where proceedings are abandoned by virtue of this paragraph nothing—
  - (a) may be done after they are continued if the time for doing it had passed at the time of the abandonment, or
  - (b) done before the abandonment shall be invalidated by reason of the abandonment.

### **Method of election at a constituency election**

**20.** At a constituency election—

- (a) if the statement of persons nominated shows more than one person standing nominated, a poll shall be taken in accordance with Part III of this Schedule, or
- (b) if the statement of persons nominated shows only one person standing nominated, that person shall be declared to be elected in accordance with Part IV of this Schedule.

### **Method of election at a regional election**

**21.**—(1) If the statement of persons standing nominated at a regional election shows more persons standing nominated than the number of seats for that Assembly electoral region—

- (a) a poll shall be taken in accordance with Part III of this Schedule, or
- (b) where each person is included on the same party list (subject to sub-paragraph (4) in the case of an ordinary election), those persons shall be declared to be elected in accordance with Part IV of this Schedule in the order that they are included on that list (starting with the highest) up to the number of seats for the Assembly electoral region.

(2) But if the statement of persons standing nominated shows the same number of persons standing nominated as, or fewer such persons than, the number of seats for the Assembly electoral region (subject to sub-paragraph (4) in the case of an ordinary election), those persons standing nominated shall be declared to be elected in accordance with Part IV of this Schedule.

(3) Sub-paragraph (1)(b) or, as the case may be, (2) shall also apply where notice of poll at a regional election is countermanded or the poll is abandoned under paragraph 65(5) (election becomes uncontested through death of candidate).

(4) No person at an ordinary election shall be declared to be elected in the circumstances described in sub-paragraph (1)(b) or (2) until the regional returning officer has—

- (a) received from each constituency returning officer for an Assembly constituency in the Assembly electoral region the notification required by paragraph 57(3) (unless in any case a poll at a constituency election has been postponed under paragraph 65(1)), and
- (b) disregarded any party list candidate who has been returned as a member for an Assembly constituency in the Assembly electoral region.

## PART III

### CONTESTED ELECTIONS

#### GENERAL PROVISIONS

#### **Poll to be taken by ballot**

**22.**—(1) At a constituency election the votes at the poll shall be given by ballot and the result shall be ascertained, after counting the votes given to each candidate, in accordance with section 4(4) of the 1998 Act; and the candidate to whom the majority of votes has been given shall be declared to have been elected.

(2) At a regional election the votes at the poll shall be given by ballot and the results shall be ascertained, after counting the votes given to each individual candidate or registered political party, in accordance with sections 4(5) and (6) and 5 to 7 of the 1998 Act; and the candidates who, in accordance with those provisions, are returned as Assembly members shall be declared to have been elected.

#### **The ballot paper at a constituency election**

**23.**—(1) At a constituency election, the ballot of every voter shall consist of a ballot paper.

(2) The persons shown in the statement of persons nominated as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.

(3) Every ballot paper shall be in the form in the Appendix, and shall be printed in accordance with the directions in that Appendix and—

- (a) shall contain the names and other particulars of the candidates shown in the statement of persons nominated,
- (b) shall be capable of being folded up,
- (c) shall have a number printed on the back, and
- (d) shall have attached a counterfoil with the same number printed on it.

(4) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

(5) If a certificate received by the constituency returning officer under paragraph 5(1) has requested that the registered political party's registered emblem (or, as the case may be, one of the party's registered emblems) is to be shown on the ballot paper against the candidate's particulars, the ballot paper shall contain that emblem in that way.

#### **The ballot paper at a regional election**

**24.**—(1) At a regional election, the ballot of every voter shall consist of a ballot paper.

(2) The following, namely—

- (a) persons shown in the statement of persons nominated as standing nominated (whether as individual or party list candidates), and no others, shall be entitled to have their names, and

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- (b) the registered political parties which have submitted a party list shown in the statement of persons nominated, and no others, shall be entitled to have their descriptions referred to in paragraph 7(2),

inserted in the ballot paper.

(3) Every ballot paper shall be in the form in the Appendix, and shall be printed in accordance with the directions in that Appendix, and—

- (a) shall contain the names and descriptions of the individual candidates shown in the statement of persons nominated,
- (b) shall contain the descriptions of the registered political parties referred to in sub-paragraph (2)(b) together with the names of the candidates included on those parties' lists,
- (c) shall be capable of being folded up,
- (d) shall have a number printed on the back (together with a mark or other distinguishing feature by which the Assembly constituency can be identified in which the vote is to be given in relation to the ballot paper), and
- (e) shall have attached a counterfoil with the same number printed on it.

(4) The order—

- (a) of names of the individual candidates, and
- (b) of the descriptions referred to in sub-paragraph (2)(b) (together with, in respect of each such description of a registered political party, the names of the party list candidates),

in the ballot paper shall be the same order as in the statement of persons nominated.

(5) If a certificate received by the regional returning officer under paragraph 8(1) has requested that the registered political party's registered emblem (or, as the case may be, one of the party's registered emblems) is to be shown on the ballot paper against the party's description, the ballot paper shall contain that emblem in that way.

### **Colour of ballot papers at an ordinary election**

**25.** Where at an ordinary election, a voter is entitled to give two votes, the ballot paper for each vote shall be of a different colour.

### **The official mark**

**26.—(1)** At an Assembly election every ballot paper shall be marked with an official mark, which shall perforate the ballot paper.

(2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark—

- (a) at elections for the same Assembly constituency, or
- (b) in relation to the same Assembly constituency, at elections in the same Assembly electoral region.

(3) At—

- (a) a constituency election, or
- (b) a regional election, in relation to an Assembly constituency within the Assembly electoral region,

the official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

(4) At a regional election a different official mark may be used in Assembly constituencies in an Assembly electoral region (but only one such mark may be used in an Assembly constituency at a regional election).

(5) At an ordinary election the same official mark may be used at a constituency election and a regional election (in relation to regional votes given in the same Assembly constituency).

#### **Prohibition of disclosure of vote**

**27.** No person who has voted at an Assembly election shall, in any legal proceeding to question the election or return, be required to state how he voted.

#### **Use of schools and public rooms**

**28.**—(1) At an Assembly election the constituency returning officer may use, free of charge, for the purpose of taking the poll—

- (a) a room in a school to which this paragraph applies, or
- (b) a room the expense of maintaining which is payable wholly or mainly out of public funds.

(2) This paragraph applies to a school maintained or assisted by a local education authority, or a school in respect of which grants are made out of money provided by the Assembly or by Parliament to the person or body of persons responsible for the management of the school.

(3) The constituency returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned above by reason of its being used for the purpose of taking the poll.

(4) Sub-paragraph (2) shall have effect as if it included a reference to a grant-maintained school.

#### **ACTION TO BE TAKEN BEFORE THE POLL**

#### **Notice of poll**

**29.**—(1) At an Assembly election, the appropriate returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which and the hours during which the poll will be taken.

(2) In the case of a constituency election, the constituency returning officer shall also prepare and publish a notice (which may be combined with the statement of persons nominated) setting out—

- (a) the situation of each polling station, and
- (b) the description of voters entitled to vote there,

and he shall as soon as practicable after giving such notice give a copy of it to each of the election agents.

(3) In the case of a regional election, the constituency returning officer for each Assembly constituency in the Assembly electoral region shall prepare and publish a notice (which may be combined with the statement of persons nominated) setting out—

- (a) the situation of each polling station in the Assembly constituency for which he is returning officer, and
- (b) the description of voters entitled to vote there,

and he shall as soon as practicable after publishing such notice—

- (i) give a copy of it to each of the election agents, and
- (ii) deliver, or cause to be delivered, a copy of it to the regional returning officer.

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(4) At an ordinary election the notice prepared by a constituency returning officer under sub-paragraphs (2) and (3) may be combined.

### **Postal ballot papers**

**30.**—(1) Subject to sub-paragraph (2), at an Assembly election the constituency returning officer shall as soon as practicable send to those entitled to vote by post, at the address shown in the absent voters list or the list kept under article 12(8) (list of postal proxies), a ballot paper and a declaration of identity in the appropriate form set out in the Appendix to Schedule 3, together with an envelope for their return.

(2) In the case of a person who at an ordinary election is entitled to give two votes by post the provisions of sub-paragraph (1) shall apply save that “a ballot paper” shall be construed as a reference to both ballot papers.

### **Provision of polling stations**

**31.**—(1) At an Assembly election the constituency returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this paragraph, shall allot the electors to the polling stations in such manner as he thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to electors from any polling district shall be in the polling place for that district.

(4) The constituency returning officer shall provide each polling station with such number of compartments as may be necessary for an Assembly election in which the voters can mark their votes screened from observation.

### **Appointment of presiding officers and clerks**

**32.**—(1) At an Assembly election the constituency returning officer shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed—

(a) by, or on behalf of, an individual or party list candidate, or

(b) by a registered political party,

in or about the election.

(2) At a regional election the regional returning officer shall appoint and pay such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed in the circumstances described in sub-paragraph (1)(a) or (b).

(3) The constituency returning officer may, if he thinks fit, preside at a polling station and the provisions of this Schedule relating to a presiding officer shall apply to a constituency returning officer so presiding with the necessary modifications as to things to be done by the constituency returning officer to the presiding officer or by the presiding officer to the constituency returning officer.

(4) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by this Schedule to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

### **Issue of official poll cards**

**33.**—(1) At—

(a) an ordinary election where an elector is entitled to give two votes, or

(b) an Assembly election (other than one at an ordinary election where paragraph (a) applies), the constituency returning officer shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—

- (i) as an elector if he is placed on the absent voters list for the ordinary or Assembly election, or
- (ii) as a proxy if he is entitled to vote by post as proxy at such election.

(2) An elector's official poll card shall be sent or be delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) The official poll card shall set out—

- (a) the name of the Assembly constituency or electoral region for which the election is to be held, or, in the case of an ordinary election where there are contested elections for an Assembly constituency and electoral region, both such areas,
- (b) the elector's name, qualifying address and number on the register,
- (c) the date and hours of the poll and the situation of the elector's polling station, and
- (d) such other information, not relating to any candidate or registered political party, as the constituency returning officer considers appropriate.

(4) At an ordinary election where an elector is entitled to give two votes, the official poll card issued to an elector shall be in the form set out in English and Welsh in the Appendix.

(5) At an Assembly election where sub-paragraph (4) does not apply, the official poll card issued to an elector shall be in the form set out in English and Welsh in the Appendix.

(6) At an ordinary election where an elector is entitled to give two votes, the official poll card issued to the proxy of an elector shall be in the form set out in English and Welsh in the Appendix.

(7) At an Assembly election where sub-paragraph (6) does not apply, the official poll card issued to the proxy of an elector shall be in the form set out in English and Welsh in the Appendix.

(8) In this paragraph—

“elector” means a person—

- (a) who is registered as a local government elector—
  - (i) in relation to a constituency election, in the Assembly constituency in a register to be used at the election, or
  - (ii) in relation to a regional election, in the Assembly electoral region in a register to be used at the election, or
- (b) who, pending the publication of a register mentioned in paragraph (a)(i) or (ii), appears from the electors lists for that register as corrected by the registration officer to be entitled to be so registered,

and accordingly includes a person shown in the register or electors lists as below voting age if it appears from it that he will be of voting age on the day fixed for the poll, but not otherwise, and

“electoral number” means—

- (i) a person's number in that register, or
- (ii) pending the publication of the register, his number (if any) in the electors lists for that register.

### **Equipment of polling stations**

**34.**—(1) At an Assembly election the constituency returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the constituency returning officer's opinion may be necessary.

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(2) Where at an ordinary election electors are entitled to give two votes the same ballot box shall be used for the receipt of ballot papers in respect of votes given at each election.

(3) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being opened.

(4) The constituency returning officer shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers,
- (b) instruments for stamping on them the official mark,
- (c) copies of the register of electors or such part of it as contains the names of electors allotted to the station, and
- (d) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under paragraph (c).

(5) The constituency returning officer shall also provide each polling station with—

- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted; and
- (b) a device (or devices) of the description set out in sub-paragraphs (6) and (7), for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of paragraph 44(1)).

(6) The device referred to in sub-paragraph (5)(b) must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(7) On one side of the device there shall be tabs of equal size which satisfy the appropriate conditions in sub-paragraphs (8) to (11).

(8) The tabs shall be capable of being positioned on the ballot paper so that each one is above one of the spaces—

- (a) in the case of a constituency election, to the right of the particulars of the candidates or,
- (b) in the case of a regional election, above the descriptions of the registered political parties or, as the case may be, the particulars of individual candidates,

on which the vote is to be marked (“the relevant space”).

(9) In the case of a constituency election, each tab shall be numbered so that when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate whose particulars are to the left of the relevant space covered by the tab in question.

(10) Each number on a tab shall be in raised form so that it can be clearly identified by touch.

(11) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.

(12) At an ordinary election where there are contested elections for an Assembly constituency and for the Assembly electoral region in which the constituency is situated, the notice in the form set out in English and Welsh in the Appendix, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(13) Where there is a contested election for an Assembly constituency but there is no such election for the Assembly electoral region in which the constituency is situated, the notice in the form set out in English and Welsh in the Appendix, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(14) Where there is a contested election for an Assembly electoral region but there is no such election for an Assembly constituency in the Assembly electoral region, the notice in the form set out in English and Welsh in the Appendix, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station in the Assembly constituency.



(15) Where there is a contested constituency election, in every compartment of every polling station there shall be exhibited the notice—

- (a) in the case where votes are also given at the polling station in respect of a contested regional election—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”, or

- (b) in any other case—

“Vote for one candidate only on the ballot paper. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”.

(16) Where there is a contested regional election, in every compartment of every polling station there shall be exhibited the notice—

- (a) in the case where votes are also given at the polling station in respect of a contested constituency election—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”, or

- (b) in any other case—

“Vote once only on the ballot paper. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch unwaith yn unig ar y papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”.

(17) At an Assembly election the statement of persons nominated shall be printed in conspicuous characters and exhibited inside and outside every polling station.

### **Appointment of polling and counting agents**

**35.**—(1) Subject to sub-paragraph (2), at a constituency election each candidate may, before the commencement of the poll, appoint—

- (a) polling agents to attend at polling stations for the purpose of detecting personation, and  
(b) counting agents to attend at the counting of the votes.

(2) In the case of a constituency election, the constituency returning officer may limit the number of counting agents, so that—

- (a) the number shall be the same in the case of each candidate, and  
(b) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

(3) Subject to sub-paragraph (4), at a regional election each—

- (a) individual candidate, and  
(b) election agent for a group of party list candidates,

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may, before the commencement of the poll, in relation to each Assembly constituency in the Assembly electoral region, appoint—

- (i) polling agents to attend at polling stations for the purpose of detecting personation, and
- (ii) counting agents to attend at the counting of the votes.

(4) In the case of a regional election the constituency returning officer may, in relation to the Assembly constituency for which he is the returning officer, limit the number of counting agents, so that—

- (a) the number shall be the same in the case of each individual candidate or election agent for a group of party list candidates, and
- (b) the number allowed to an individual candidate or election agent shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the total of the number of individual candidates and registered political parties which have submitted to a party list.

(5) Notice in writing of an appointment under sub-paragraph (1) or (3), stating the names and addresses of the persons appointed, shall be given by the person making the appointment to the constituency returning officer and shall be so given not later than the second day (computed like any period of time set out in the Table in paragraph 1(1)) before the day of the poll.

(6) If an agent dies, the person who appointed him may appoint another agent in his place, and shall forthwith give to the constituency returning officer notice in writing of the name and address of the agent appointed.

(7) Any appointment authorised by this paragraph to be made by a candidate may be made and the notice of appointment given to the constituency returning officer by the election agent instead.

(8) In the following provisions of this Schedule references to polling and counting agents shall be taken as references to agents—

- (a) whose appointments have been duly made and notified, and
- (b) where the number of agents is restricted, who are within the permitted number.

(9) Any notice required to be given to a counting agent by the constituency returning officer may be delivered at or sent by post to the address stated in the notice of appointment.

(10) Any candidate may himself do any act or thing which any polling or counting agent, if appointed by him or on his behalf, would have been authorised to do, or may assist such agent in doing any such act or thing.

(11) An election agent for an individual candidate or a group of party list candidates may do or assist in doing anything which a polling or counting agent of the candidate or candidates is authorised to do; and anything required or authorised by this Schedule to be done in the presence of the polling or counting agents may be done in the presence of such an election agent instead of such polling or counting agents.

(12) Where by this Schedule any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

### **Notification of requirement of secrecy**

**36.** At an Assembly election the constituency returning officer shall make such arrangements as he thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of article 33(1), (3) and (6), and

- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of article 33(2) and (6).

## THE POLL

### Admission to polling station

**37.**—(1) At an Assembly election the presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and (subject to sub-paragraphs (2) and (3)) shall exclude all other persons except—

- (a) the candidates and their election agents,
- (b) the polling agents appointed to attend at the polling station,
- (c) the clerks appointed to attend at the polling station,
- (d) the constables on duty,
- (e) the companions of voters with disabilities,
- (f) in the case of a constituency election, the constituency returning officer, and
- (g) in the case of a regional election, the regional returning officer or the constituency returning officer for the Assembly constituency in which the polling station is situated.

(2) At a regional election not more than one party list candidate shall be admitted at the same time to a polling station on behalf of the same group of party list candidates.

(3) At an Assembly election not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same individual candidate or, at a regional election, on behalf of the same group of party list candidates.

(4) A constable or person employed by a constituency or regional returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the relevant provision of this Order, except on production and surrender of a certificate as to his employment, which shall be in the form set out in the Appendix to Schedule 2 and signed by an officer of police of the rank of inspector or above or by the returning officer, as the case may be.

(5) Any certificate surrendered under this paragraph shall forthwith be cancelled.

### Keeping of order in the polling station

**38.**—(1) It is the presiding officer's duty at an Assembly election to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—

- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the constituency returning officer to remove him,

and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this paragraph shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

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### Sealing of ballot boxes

**39.** At an Assembly election, immediately before the commencement of the poll, the presiding officer shall—

- (a) show each ballot box proposed to be used for the purposes of the poll empty to such persons, if any, as are present in the polling station, so that they may see that each box is empty,
- (b) place his seal on it in such a manner as to prevent it being opened without breaking the seal,
- (c) place each box in his view for the receipt of ballot papers, and
- (d) keep it so sealed.

### Questions to be put to voters

**40.**—(1) In the case of a person applying as an elector at an Assembly election, the presiding officer may and, if required by a candidate or his election or polling agent, shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them—

- (a) in the case of the questions (or one of them) being asked in English—
  - (i) “Are you the person registered in the register of local government electors for this election as follows?” (*Read the whole entry from the register*),
  - (ii) Have you already voted, here or elsewhere, at this election otherwise than as proxy for some other person?”, or
- (b) in the case of the questions (or one of them) being asked in Welsh—
  - (i) “Ai chi yw'r person a gofrestrwyd yn y gofrestr etholwyr llywodraeth leol ar gyfer yr etholiad hwn fel hyn?”. (*Darllenwch y cofnod llawn yn y gofrestr*),
  - (ii) “A ydych eisoes wedi pleidleisio, yma neu rywle arall, yn yr etholiad hwn, heblaw fel dirprwy ar ran rhyw berson arall?”.

(2) Where at an ordinary election a voter is entitled to give two votes at the polling station and, where the presiding officer has asked both or either of the questions set out in sub-paragraph (1), he may then ask the following question—

- (a) in the case of the question being asked in English—
 

“Have you already cast a constituency vote and an electoral region vote at this election, here or elsewhere, otherwise than as proxy for some other person?”, or
- (b) in the case of the question being asked in Welsh—
 

“A ydych eisoes wedi bwrw pleidlais etholaeth a phleidlais rhanbarth etholiadol yn yr etholiad hwn, yma neu rywle arall, heblaw fel dirprwy ar ran rhyw berson arall?”.

(3) In the case of an elector applying to vote as proxy at an Assembly election, the presiding officer may and, if required by a candidate or his election or polling agent, shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them—

- (a) in the case of the questions (or one of the questions) being asked in English—
  - (i) “Are you the person whose name appears as A.B in the list of proxies for this election as entitled to vote as proxy on behalf of C.D?”,
  - (ii) “Have you already voted here or elsewhere at this election as proxy on behalf of C.D?”, or
- (b) in the case of the questions (or one of the questions) being asked in Welsh—

- (i) “Ai chi yw'r person y gwelir ei enw fel A.B yn y rhestr ddirprwyon ar gyfer yr etholiad hwn, fel un sydd a hawl i bleidleisio fel dirprwy ar ran C.D?”,
- (ii) “A ydych eisoës wedi pleidleisio, yma neu rywle arall yn yr etholiad hwn fel dirprwy ar ran C.D?”.

(4) Where at an ordinary election a voter is entitled to give two votes at the polling station and, where the presiding officer has asked both or either of the questions set out in sub-paragraph (3), he may then ask the following question—

(a) in the case of the question being asked in English—

“Have you already cast a constituency vote and an electoral region vote at this election, here or elsewhere, on behalf of C.D?”, or

(b) in the case of the question being asked in Welsh—

“A ydych eisoës wedi bwrw pleidlais etholaeth a phleidlais rhanbarth etholiadol yn yr etholiad hwn, yma neu rywle arall, ar ran C.D?”.

(5) In the case of a person applying as proxy, the presiding officer may and, if required as mentioned above, shall put the following additional question—

(a) in the case of the question being asked in English—

“Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D?”, or

(b) in the case of the question being asked in Welsh—

“Ai chi yw gwr [gwraig], rhiant, tad-cu (taid) [mam-gu (nain)], brawd [chwaer], plentyn, neu wyr [wyres] C.D?”.

(6) If the question set out in sub-paragraph (5) is not answered in the affirmative the presiding officer may and, if required as mentioned above, shall put the following additional question—

(a) in the case of the question being asked in English—

“Have you already voted in this [Assembly constituency] [*and in the case of an ordinary election*] or in any other Assembly constituency within this Assembly electoral region and in this [Assembly electoral region] at this election on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?”, or

(b) in the case of the question being asked in Welsh—

“A ydych eisoës wedi pleidleisio, yn [yr etholaeth Gynulliad hon] [*ac yn achos etholiad cyffredin*] neu mewn unrhyw etholaeth Gynulliad arall o fewn y rhanbarth etholiadol Cynulliad hwn ac yn] [y rhanbarth etholiadol Cynulliad hwn] yn yr etholiad hwn ar ran dau berson nad ydych yn wr [wraig], rhiant, tad-cu (taid) [mam-gu (nain)], brawd [chwaer], plentyn neu wyr [wyres] iddynt?”.

(7) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless he has answered the questions or question satisfactorily.

(8) Save as by this paragraph authorised, no inquiry shall be permitted as to the right of any person to vote.

### Challenge of voter

**41.**—(1) If at the time a person applies for a ballot paper at an Assembly election for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—

- (a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and

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(b) undertakes to substantiate the charge in a court of law, the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable so to do.

(2) A person against whom a declaration is made under this paragraph shall not by reason of it be prevented from voting.

(3) A person arrested under the provisions of this paragraph shall be dealt with as a person taken into custody by a constable for an offence without a warrant.

### **Voting procedure**

**42.**—(1) Subject to sub-paragraph (4), at an Assembly election a ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—

- (a) the ballot paper shall be stamped with the official mark,
- (b) the number and name of the elector as stated in the copy of the register of electors shall be called out,
- (c) the number of the elector shall be marked on the counterfoil,
- (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received, and
- (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.

(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper so folded up into the ballot box in the presiding officer's presence.

(3) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

(4) At an ordinary election the same copy of the register of electors may be used under sub-paragraph (1) for a constituency election and a regional election and one mark may be placed in that register under sub-paragraph (1)(d) or in the list of proxies under sub-paragraph (1)(e) to denote that a ballot paper has been received in respect of each election except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, list so as to identify the election in respect of which the ballot paper was issued.

### **Votes marked by presiding officer**

**43.**—(1) The presiding officer at an Assembly election on the application of a voter—

- (a) who is incapacitated by blindness or other physical cause from voting in a manner directed by this Schedule, or
- (b) who declares orally that he is unable to read,

shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in a manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every voter whose vote is marked in pursuance of this paragraph, and the reason why it is so marked, shall be entered on a list (in this Schedule called "the list of votes marked by the presiding officer").

(3) In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(4) At an ordinary election where voters are entitled to give two votes at the polling station, the same list of votes marked by the presiding officer may be used for the constituency and regional elections at which the voters are entitled to vote and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.

### **Voting by persons with disabilities**

44.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

- (a) blindness or other physical incapacity, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in this Schedule referred to as “the companion”), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in this Schedule referred to as “the declaration made by the companion of a voter with disabilities”) that the companion—
  - (i) is a qualified person within the meaning of this paragraph, and
  - (ii) has not previously assisted more than one voter with disabilities to vote at the Assembly election,

the presiding officer shall grant the application, and then anything which is by this Schedule required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of this paragraph, a person is a voter with disabilities if he has made such a declaration as is mentioned in sub-paragraph (1), and a person shall be qualified to assist a voter with disabilities to vote, if that person is either—

- (a) a person who is entitled to vote as an elector at the Assembly election, or
- (b) the father, mother, brother, sister, husband, wife, son or daughter of the voter with disabilities and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this paragraph and the name and address of the companion shall be entered on a list (in this Schedule referred to as “the list of voters with disabilities assisted by companions”).

(5) For the purposes of sub-paragraph (4), in the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

(6) The declaration made by the companion—

- (a) shall be in the form set out in English and Welsh in the Appendix,
- (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(7) No fee or other payment shall be charged in respect of the declaration.

(8) At an ordinary election where voters are entitled to give two votes at the polling station, the same list of voters with disabilities assisted by companions may be used for the constituency and regional elections at which the voters are entitled to vote and, where it is so used, an entry in that

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list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which a vote was so given.

### **Tendered ballot papers**

- 45.—(1) If a person, at an Assembly election, representing himself to be—
- (a) a particular elector named on the register and not named in the absent voters list, or
  - (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this paragraph, to mark a ballot paper (in this Schedule referred to as “a tendered ballot paper”) in the same manner as any other voter.

- (2) A tendered ballot paper shall—
- (a) be of a colour different from the other ballot papers, and
  - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.

(3) The name of the voter and his number on the register of electors shall be entered on a list (in this Schedule referred to as the “tendered votes list”).

(4) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name shall be the number of that elector.

(5) At an ordinary election where voters are entitled to give two votes at the polling station, the same tendered votes list for the constituency and regional elections at which the voters are entitled to vote may be used and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was so marked.

### **Spoilt ballot papers**

46. A voter who has inadvertently dealt with his ballot paper at an Assembly election in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in this Schedule referred to as “a spoilt ballot paper”), and the spoilt ballot paper shall be immediately cancelled.

### **Adjournment of poll in case of riot**

47.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice—

- (a) in the case of an ordinary election where voters are entitled to give two votes at the polling station, to the constituency and to the regional returning officer, but otherwise
- (b) in the case of constituency election, to the constituency returning officer, or
- (c) in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the polling station is situated and to the regional returning officer.

- (2) Where the poll is adjourned at any polling station—
- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day, and



- (b) references in this Order to the close of the poll shall be construed accordingly.

### **Procedure on close of poll**

**48.**—(1) As soon as practicable after the close of the poll at an ordinary election where electors have been entitled to give two votes at the polling station, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened,
- (b) the unused and spoilt ballot papers placed together relating to the constituency election,
- (c) the unused and spoilt ballot papers placed together relating to the regional election,
- (d) the tendered ballot papers relating to the constituency election,
- (e) the tendered ballot papers relating to the regional election,
- (f) the marked copies of the register of electors and of the list of proxies,
- (g) the counterfoils of the used ballot papers relating to the constituency election,
- (h) the counterfoils of the used ballot papers relating to the regional election,
  - (i) the certificates as to employment on duty on the day of the poll, and
- (j) the tendered votes list, the list of the voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “physical incapacity” and “unable to read”, and the declarations made by the companions of voters with disabilities.

(2) Where sub-paragraph (1) does not apply at an Assembly election, as soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened,
- (b) the unused and spoilt ballot papers placed together,
- (c) the tendered ballot papers,
- (d) the marked copies of the register of electors and of the list of proxies,
- (e) the counterfoils of the used ballot papers,
- (f) the certificates as to employment on duty on the day of the poll, and
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “physical incapacity” and “unable to read”, and the declarations made by the companions of voters with disabilities.

(3) The presiding officer shall deliver the packets made up under sub-paragraph (1) or (2), or cause them to be delivered, to the constituency returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the constituency returning officer, the arrangements for their delivery shall require the constituency returning officer’s approval.

(4) The packets at an Assembly election shall be accompanied by—

- (a) a separate statement relating to each Assembly election where sub-paragraph (1) applies, or
- (b) a statement relating to the Assembly election where sub-paragraph (2) applies,

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(in this Schedule referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoiled and tendered ballot papers.

## COUNTING OF VOTES

### Time of, and attendance at, counting of votes

49.—(1) The constituency returning officer at an Assembly election shall—

- (a) (subject to sub-paragraph (4)) make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and
- (b) give to the counting agents notice in writing—
  - (i) of the time and place (or places, if the exercise of the power conferred by paragraph 50(2) means that there is more than one place) at which the proceedings described in paragraph 50(1) will begin,
  - (ii) in the case where the power conferred by paragraph 50(2) is exercised, of the time and the place at which he will count the votes following completion of the proceedings described in paragraph 50(1), and
  - (iii) in the case of a direction under sub-paragraph (4), of the time and the place at which he will count the votes following completion of the proceedings described in paragraph 50(1),

and a notice under this sub-paragraph may be combined with another such notice.

(2) At a regional election a notice under sub-paragraph (1)(b) shall also be given to the regional returning officer.

(3) At an ordinary election a notice required under sub-paragraph (1)(b) in respect of a constituency or a regional election may be combined with such a notice in respect of the other election.

(4) At an ordinary election where there are polls at—

- (a) a regional election, and
- (b) constituency elections in the Assembly electoral region for which the regional election is held,

the Secretary of State may direct that the count (excluding the proceedings described in paragraph 50(1)) in respect of each such election shall not begin before such time as is specified in the direction between the hours of 9 in the morning and noon on the day following the close of polls for those elections (disregarding any day mentioned in paragraph 2).

(5) A direction given under sub-paragraph (4) shall be given not later than 28 days before the date of the ordinary election in question.

(6) Where a direction is given under sub-paragraph (4), during the period beginning with the conclusion of the proceedings described in paragraph 50(1) and ending with the time specified in the direction, the constituency returning officer shall—

- (a) place the ballot papers and other documents relating to each election under his own seal and the seals of such of the counting agents as desire to affix their seals, and
- (b) otherwise take proper precautions for the security of the papers and documents.

(7) No person other than—

- (a) the constituency returning officer and his clerks,
- (b) the candidates and their wives or husbands,
- (c) the election agents,

(d) the counting agents, or  
(f) in the case of a regional election, the regional returning officer,  
may be present at the proceedings described in paragraph 50(1) or at the counting of the votes, unless permitted by the constituency returning officer.

(8) A person not entitled to attend at the proceedings described in paragraph 50(1) or at the counting of the votes shall not be permitted to do so by the constituency returning officer unless he—

- (a) is satisfied that the efficient counting of the votes will not be impeded, and
- (b) has either consulted the election agents or thought it impracticable to do so.

(9) The constituency returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(10) In particular, where the votes are counted by sorting the ballot papers according to—

- (a) a candidate for whom a vote is given in the case of a constituency election, or
- (b) an individual candidate or a registered political party for which a vote is given in the case of a regional election,

and then counting the number of ballot papers for each such candidate or party, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

### **The count**

**50.**—(1) Where voters have been entitled at an ordinary election to give two votes in an Assembly constituency, the constituency returning officer shall—

- (a) in the presence of the counting agents appointed for the purposes of each election open each ballot box and count and record separately the number of ballot papers in those boxes for each election,
- (b) in the presence of the election agents appointed for the purposes of each election verify each ballot paper account,
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted for each election, and
- (d) separate the ballot papers relating to each election.

(2) The proceedings described in sub-paragraph (1) may be undertaken at a different place (or at different places) than a place at which the votes given on ballot papers are counted.

(3) But if the power is so exercised, during the period beginning with the conclusion of the proceedings described in sub-paragraph (1) and ending with the commencement of proceedings described in sub-paragraph (4), the constituency returning officer shall—

- (a) place the ballot papers and other documents relating to each election under his own seal and the seals of such of the counting agents as desire to affix their seals, and
- (b) otherwise take proper precautions for the security of the papers and documents.

(4) Subject to sub-paragraphs (2) and (3), following completion of the proceedings described in sub-paragraph (1) the constituency returning officer shall in respect of the ballot papers relating to each election mix together all the ballot papers used at that election and count the votes given on them.

(5) A postal ballot paper shall not be taken to be duly returned unless before the close of the poll—

- (a) it is returned, and
- (b) the declaration of identity duly signed and authenticated is returned,

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by hand to a polling station in the same constituency, or by hand or by post to the constituency returning officer.

(6) The presiding officer of the polling station shall deliver or cause to be delivered any postal ballot paper or declaration of identity returned to that polling station to the constituency returning officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in paragraph 48.

(7) The constituency returning officer shall not count any tendered ballot paper.

(8) The constituency returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

(9) The constituency returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent appointed for the purposes of that election may copy; but where the power conferred by sub-paragraph (2) is exercised in respect of more than one place a statement shall be drawn up in respect of each such place.

(10) The constituency returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents appointed for the purpose of that election agree, exclude the hours between 7 in the evening and 9 on the following morning.

For the purposes of this exception the agreement of—

- (a) in the case of a constituency election, a candidate or his election agent, or
- (b) in the case of a regional election, an individual candidate or his election agent or the election agent for a group of party list candidates,

shall be as effective as the agreement of his counting agents.

(11) During the time so excluded the constituency returning officer shall—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and
- (b) otherwise take proper precautions for the security of the papers and documents.

(12) Where sub-paragraph (1) does not apply—

- (a) sub-paragraph (13) shall apply in its place,
- (b) the references in sub-paragraphs (2) and (3) and in paragraph 49(1), (7) and (8) to sub-paragraph (1) shall be construed as references to sub-paragraph (13),
- (c) “each election” in sub-paragraph (3)(a) shall be construed as “the election”, and
- (d) sub-paragraph (14) shall apply in place of sub-paragraph (4) and the reference to sub-paragraph (4) in sub-paragraph (3) shall be construed as a reference to sub-paragraph (14).

(13) The constituency returning officer shall—

- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in those boxes,
- (b) in the presence of the election agents verify each ballot paper account, and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(14) Subject to sub-paragraphs (2) and (3), following completion of the proceedings described in sub-paragraph (13) the constituency returning officer shall count the votes given on the ballot papers after—

- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box, and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

### **Re-count at a constituency election**

**51.**—(1) At a constituency election a candidate or his election agent may, if present when the counting or any re-count of the votes is completed, require the constituency returning officer to have the votes re-counted or again re-counted but the constituency returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this paragraph.

### **Re-count of electoral region votes in an Assembly constituency**

**52.**—(1) At a regional election and prior to the certification required by paragraph 56(1)—

- (a) an individual candidate or his election agent,
- (b) a party list candidate or an election agent for a group of party list candidates, or
- (c) subject to sub-paragraphs (3) and (4), a counting agent for an individual candidate or a group of party list candidates,

may, if present when the counting or any re-count of the votes is completed in a constituency, require the constituency returning officer to have the votes re-counted or again re-counted but the constituency returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates, election agents and counting agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this paragraph.

(3) Where no candidate or election agent is present on the completion of the counting or any re-count of votes, the right conferred on that person by this paragraph (if he had been present) may be exercised by a counting agent referred to in sub-paragraph (1)(c) so present provided that the counting agent has been appointed for the purposes of this paragraph by a person who also has the right to appoint a counting agent and the requirements of sub-paragraph (4) are met; but not more than one such counting agent for the same individual candidate or group of party list candidates may be appointed for the purposes of this paragraph in relation to the same Assembly constituency.

(4) Notice in writing of an appointment under sub-paragraph (3), stating the name and address of the person appointed, shall be given by the person making the appointment to the constituency returning officer and shall be so given at the same time as notice is given to that returning officer of that person's appointment as counting agent under paragraph 35(5) or (6).

### **Rejected ballot papers**

**53.**—(1) Any ballot paper at an Assembly election—

- (a) which does not bear the official mark,
- (b) on which more than one vote is given,

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- (c) on which anything is written or marked by which the voter can be identified except the printed number on the back, or
- (d) which is unmarked or void for uncertainty,

shall, subject to the provisions of sub-paragraph (2), be void and not counted.

- (2) A ballot paper on which the vote is marked—
  - (a) elsewhere than in the proper place,
  - (b) otherwise than by means of a cross, or
  - (c) by more than one mark,

shall not for such reason be deemed to be void if an intention how the vote is to be given clearly appears, and the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified by it.

(3) At a regional election, a ballot paper on which a vote is marked for a particular party list candidate on the party list of a registered political party shall, if otherwise valid, be treated as a vote for that party, whether or not there is also a vote marked for that party.

(4) The constituency returning officer shall endorse the word “rejected” on any ballot paper which under this paragraph is not to be counted, and shall add to the endorsement the words “rejection objected to” if an objection is made by a counting agent to his decision.

(5) The constituency returning officer shall draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark,
- (b) giving more than one vote,
- (c) writing or mark by which voter could be identified, and
- (d) unmarked or void for uncertainty.

### **Decisions on ballot papers**

**54.** The decision of the constituency returning officer at an Assembly election on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an election petition.

### **Equality of votes at a constituency election**

**55.** At a constituency election, where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the constituency returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

### **Regional election: conveying results of count etc to regional returning officer**

**56.—(1)** At the conclusion of the count of ballot papers in an Assembly constituency at a regional election the constituency returning officer shall, in accordance with any directions given by the regional returning officer, certify—

- (a) the number of ballot papers counted by him and the total number of votes given for each individual candidate or registered political party, and
- (b) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers, and

forthwith convey that information to the regional returning officer.

(2) Where the regional returning officer has received the information required to be conveyed to him under sub-paragraph (1) from each constituency returning officer for an Assembly constituency in the Assembly electoral region, he shall certify the totals of the numbers referred to in sub-paragraph (1) for the electoral region.

(3) After a constituency returning officer has conveyed to the regional returning officer the information required to be conveyed under sub-paragraph (1) he may give public notice of the information so conveyed (in such manner as he considers appropriate) unless sub-paragraph (4) applies.

(4) The regional returning officer may direct that the constituency returning officer may only give the notice referred to in sub-paragraph (3) after the regional returning officer has given the notice that he is required to give under paragraph 59(1)(d).

## PART IV

### FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

#### **Declaration of result at a constituency election**

**57.**—(1) At a contested constituency election, when the result of the poll has been ascertained, the constituency returning officer shall forthwith—

- (a) declare to be elected the candidate to whom the majority of votes has been given,
- (b) return his name and, if a certificate has been received by the constituency returning officer issued by the registered nominating officer of a registered political party under paragraph 5(1) in respect of the candidate, the name of the party to the Assembly in accordance with sub-paragraph (4),
- (c) give public notice of—
  - (i) his name and, if applicable, the registered political party referred to in sub-paragraph (1)(b), and
  - (ii) the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers.

(2) At an uncontested constituency election, the statement of persons nominated, in addition to showing the person standing nominated, shall also declare that person elected, and the constituency returning officer shall forthwith return his name and, if applicable, the name of the registered political party referred to in sub-paragraph (1)(b) to the Assembly in accordance with sub-paragraph (4).

(3) Where sub-paragraph (1) or (2) applies at an ordinary election, the constituency returning officer shall forthwith also notify the regional returning officer for the Assembly electoral region in which the Assembly constituency is situated as to the name of the candidate who has been returned and, if applicable, the name of the registered political party referred to in sub-paragraph (1)(b); and where the name of a candidate and registered political party is so notified, the candidate is to be treated for the purposes of section 6(1)(b) of the 1998 Act as a candidate of the party.

(4) For the purposes of sub-paragraph (1)(b) and (2) the constituency returning officer shall return those names required to be returned, by—

- (a) completing a certificate in the form set out in English and Welsh in the Appendix, and
- (b) delivering it, or causing it to be delivered, to the Assembly,

and a candidate shall be treated as having been returned as an Assembly member when his name is returned in accordance with this sub-paragraph.

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(5) But in relation to the first ordinary election the references in sub-paragraphs (1)(b), (2) and (4)(b) to the Assembly shall be construed as references to the Secretary of State.

### **Ascertainment of results at a contested regional election**

**58.**—(1) At a contested regional election, the regional returning officer shall make arrangements for ascertaining the results of the poll in accordance with sections 5 to 7 of the 1998 Act as soon as practicable after he has—

- (a) given the certification required by paragraph 56(2), and
- (b) subject to paragraph 65(3), received the notification required by paragraph 57(3) from each constituency returning officer for an Assembly constituency in the Assembly electoral region.

(2) At a contested regional election the regional returning officer shall give notice in writing to the election agents and to each constituency returning officer for an Assembly constituency in the Assembly electoral region for which the election is held of the place at which he will begin to ascertain the results of the poll (together with such other information as he considers appropriate).

(3) No person other than—

- (a) the regional returning officer and his clerks,
- (b) the candidates,
- (c) the election agents, or
- (d) the constituency returning officer for any Assembly constituency in the Assembly electoral region for which the election is held,

may be present at the ascertainment of the results, unless permitted by the regional returning officer to attend.

(4) A person not entitled to attend at the proceedings shall not be permitted to do so by the regional returning officer unless he—

- (a) is satisfied that the efficient ascertainment of the results will not be impeded, and
- (b) has either consulted the election agents or thought it impracticable to do so.

(5) The regional returning officer shall give the election agents and candidates all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(6) The regional returning officer shall provisionally ascertain the results of the poll and notify that provisional ascertainment to such of the following persons who are present, namely—

- (a) an individual candidate or his election agent, and
- (b) the election agent for a group of party list candidates or (in his absence) one of those candidates.

(7) Where notification under sub-paragraph (6) has been given to any person, having been given a reasonable opportunity to do so, he may require the regional returning officer to provisionally ascertain those results again but the regional returning officer may refuse to do so if in his opinion the request is unreasonable.

(8) Where the regional returning officer has provisionally ascertained the results again under sub-paragraph (7), sub-paragraphs (6) and (7) and this sub-paragraph shall apply to the further provisional ascertainment.

(9) If in ascertaining the results of the poll the regional returning officer draws lots in the circumstances referred to in section 7(9) of the 1998 Act, he shall proceed as if the individual candidate or registered political party on whom the lot falls had received an additional vote.



(10) Subject to sub-paragraphs (6) to (8), the regional returning officer shall be treated as having ascertained the results of the poll following a provisional ascertainment—

- (a) if there is no further provisional ascertainment, after the first one, or
- (b) if there is more than one provisional ascertainment, after the final one.

### **Declaration of results at a regional election**

**59.**—(1) After the regional returning officer has ascertained the results of the poll, he shall forthwith—

- (a) announce the individual candidates or the registered political parties to whom seats have been allocated (together with the names of the party list candidates who are to fill such seats),
- (b) declare those individual or party list candidates to have been elected,
- (c) return the names of those persons to the Assembly (and, in respect of any party list candidate, the name of the registered political party for which he was such a candidate) in accordance with sub-paragraph (4), and
- (d) give public notice—
  - (i) of the name of any individual candidate elected,
  - (ii) of the name of any party list candidate elected (and the name of the registered political party for which he was such a candidate),
  - (iii) of the total number of votes given for each individual candidate or registered political party together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers, and
  - (iv) in respect of the number of votes referred to in paragraph (iii), a breakdown of the number of votes given for each such candidate or party in each Assembly constituency in the Assembly electoral region.

(2) At an ordinary election sub-paragraph (1)(a) to (c) and (d)(i) and (ii) shall also apply at an uncontested regional election after completion of the requirements imposed by paragraph 21(4).

(3) At an uncontested regional election other than at an ordinary election, the statement of persons nominated, in addition to showing the persons standing nominated and the registered political parties which have submitted a party list shall also—

- (a) set out the individual candidates or the registered political parties to whom seats have been allocated (together with the names of the party list candidates who are to fill such seats), and
- (b) declare those individual or party list candidates to have been elected,

and the regional returning officer shall forthwith return the names of those persons to the Assembly (and, in respect of any party list candidate, the name of the registered political party for which he was such a candidate) in accordance with sub-paragraph (4).

(4) For the purposes of sub-paragraphs (1)(c) and (3) the regional returning officer shall return those names required to be returned, by—

- (a) completing a certificate in the form set out in English and Welsh in the Appendix, and
- (b) delivering it, or causing it to be delivered, to the Assembly,

and a candidate shall be treated as having been returned as an Assembly member when his name is returned in accordance with this sub-paragraph.

(5) But in relation to the first ordinary election of the Assembly the references in sub-paragraphs (1)(c), (3) and (4)(b) to the Assembly shall be construed as references to the Secretary of State.

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### **Return or forfeiture of deposit**

- 60.**—(1) The deposit made at an Assembly election under paragraph 10 shall either be—
- (a) returned to the person making it or his personal representatives, in the case of a candidate at a constituency election or an individual candidate at a regional election,
  - (b) returned to the registered nominating officer of a registered political party which has submitted a party list, in the case of regional election, or
  - (c) forfeited to the Secretary of State.
- (2) Except in the cases mentioned below in this paragraph, the deposit shall be returned not later than the next day after that on which the result or results of the election are declared.
- (3) For the purposes of sub-paragraph (2)—
- (a) a day shall be disregarded if it would be disregarded under paragraph 2 in computing any period of time for the purposes of the timetable for the election, and
  - (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.
- (4) If—
- (a) a candidate at a constituency election, or
  - (b) an individual candidate or each and every candidate included on a party list at a regional election,
- is not shown as standing nominated in the statement of persons nominated, or if notice of poll is countermanded or the poll is abandoned by reason of a candidate's death, the deposit shall be returned as soon as practicable after the publication of the statement or after his death.
- (5) Subject to sub-paragraph (4), the deposit shall be forfeited if a poll is taken and after the counting of the votes (including any re-count)—
- (a) a candidate in the case of a constituency election, or
  - (b) an individual candidate or a registered political party in the case of a regional election,
- is found not to have polled more than one-twentieth of the total number of votes polled by all the candidates or, as the case may be, all the individual candidates and registered political parties.
- (6) Notwithstanding anything in sub-paragraphs (2) to (5), if at an Assembly election a person is shown as standing nominated as—
- (a) a candidate at a constituency election, or
  - (b) an individual or party list candidate at a regional election,
- and by virtue of such nomination he is in breach of section 5(5) or (6) of the 1998 Act—
- (i) his deposit, or
  - (ii) the deposit paid in respect of the group of party list candidates of which he is such a candidate, shall be forfeited.

## **PART V**

### **DISPOSAL OF DOCUMENTS**

#### **Sealing up of ballot papers**

- 61.**—(1) On the completion of the counting at a contested Assembly election the constituency returning officer shall seal up in separate packets the counted and rejected ballot papers.

(2) At an ordinary election packets sealed up under sub-paragraph (1) shall not contain ballot papers relating to different elections.

- (3) The constituency returning officer shall not open the sealed packets—
- (a) of tendered ballot papers,
  - (b) of counterfoils,
  - (c) of certificates as to employment on duty on the day of the poll, or
  - (d) of marked copies of the register of electors and lists of proxies.

### **Delivery of documents to the Assembly**

**62.**—(1) Where a constituency returning officer has conducted a count at an ordinary election for both a constituency and a regional election, he shall then forward to the Clerk to the Assembly the following documents—

- (a) the packets of ballot papers in his possession relating to the constituency election,
- (b) the packets of ballot papers in his possession relating to the regional election,
- (c) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts relating to the constituency election,
- (d) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts relating to the regional election,
- (e) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities relating to those elections,
- (f) the packets of counterfoils relating to the constituency election,
- (g) the packets of counterfoils relating to the regional election,
- (h) the packets of the certificates as to employment on duty on the day of the poll relating to those elections, and
- (i) the packets containing marked copies of registers and of lists of proxies relating to those elections,

endorsing on each packet—

- (i) a description of its contents,
- (ii) the date of the election or elections to which they relate,
- (iii) where the packet relates to the constituency election, the name of the Assembly constituency for which the election was held,
- (iv) where the packet relates to a regional election, the name of the Assembly electoral region for which the election was held and the name of the Assembly constituency in which the electoral region votes were given, and
- (v) where the packet relates to both elections, the name of the Assembly constituency and electoral region for which the elections were held.

(2) Where a constituency returning officer has conducted a count at an Assembly election and sub-paragraph (1) does not apply, he shall then forward to the Assembly the following documents—

- (a) the packets of ballot papers in his possession,
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,

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- (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of voters with disabilities,
  - (d) the packets of counterfoils,
  - (e) the packets of the certificates as to employment on duty on the day of the poll, and
  - (f) the packets containing marked copies of registers and of lists of proxies,
- endorsing on each packet—
- (i) a description of its contents,
  - (ii) the date of the election to which they relate,
  - (iii) the name of the Assembly constituency or electoral region for which the election was held, and
  - (iv) in the case of a regional election, the name of the Assembly constituency in which the electoral region votes were given.
- (3) The constituency returning officer may forward the documents either by delivering them himself or by his agent to the Clerk to the Assembly or by sending them by post.
- (4) If the constituency returning officer sends them by post—
- (a) he shall deliver the documents to the official designated by the universal postal service provider concerned or the deputy of that official,
  - (b) the designated official or his deputy shall—
    - (i) give a receipt in respect of those documents to the constituency returning officer, and
    - (ii) send the documents by the first post to the Clerk to the Assembly,
  - (c) he shall send a letter to the Clerk to the Assembly by the same post, specifying the number and description of the documents so sent, and
  - (d) a copy of the receipt given him by the designated official or his deputy shall be signed by him and retained by the designated official or his deputy.
- (5) On receipt of the documents by the Clerk to the Assembly a receipt shall be given to the person delivering them, and the receipt of those documents shall be registered in books kept for the purpose by the Assembly specifying the date and time of receipt.
- (6) Any receipt to be given for the documents shall show the date and time of their receipt.

### **Order for production of documents**

- 63.**—(1) An order—
- (a) for the inspection or production of any rejected ballot papers in the custody of the Assembly, or
  - (b) for the opening of a sealed packet of counterfoils, a sealed packet of certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in the custody of the Assembly,
- may be made—
- (i) by the Assembly, or
  - (ii) if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition, by the High Court or a county court.
- (2) An order for the opening of a sealed packet referred to in sub-paragraph (1)(b) or for the inspection of any counted ballot papers in the Assembly's custody may be made by an election court.
- (3) An order under this paragraph may be made subject to such conditions as to—

- (a) persons,
- (b) time,
- (c) place and mode of inspection, or
- (d) production or opening,

as the Assembly or court making the order may think expedient; but in making and carrying into effect an order for the opening of a sealed packet referred to in sub-paragraph (1)(b) or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

- (i) that his vote was given, and
- (ii) that the vote has been declared by a competent court to be invalid.

(4) An appeal lies to the High Court from any order of a county court under this paragraph.

(5) Any power given under this paragraph to the High Court or to a county court, may be exercised by any judge of the court otherwise than in open court.

(6) Where an order is made for the production by the Assembly of any document in its possession relating to any specified election—

(a) the production by the Assembly of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election, and

(b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.

(7) The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.

(8) Save as by this paragraph provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the Assembly or to open any sealed packets referred to in sub-paragraph (1)(b).

#### **Retention and public inspection of documents**

**64.—**(1) The Assembly shall retain for a year all documents relating to an election forwarded to it in pursuance of this Schedule by a constituency returning officer and then, unless otherwise directed by order of the High Court, may cause them to be destroyed.

(2) Those documents, except ballot papers, counterfoils and certificates as to employment on duty on the day of the poll, shall be open to public inspection at such time and subject to such conditions as may be sanctioned by the Assembly.

(3) The Assembly shall, on request, supply copies of or extracts from the documents open to public inspection on payment of such fees and subject to such conditions as it may sanction.

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## PART VI

### DEATH OF CANDIDATE

#### Countermand or abandonment of poll etc on death of candidate

**65.**—(1) If at a contested constituency election proof is given to the constituency returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the constituency returning officer shall—

- (a) countermand notice of the poll, or
- (b) if polling has begun, direct that the poll be abandoned, and
- (c) in the case of an ordinary election, forthwith notify the regional returning officer for the Assembly electoral region in which the Assembly constituency is situated of the action that he has taken,

and all proceedings with reference to the election shall be commenced afresh in all respects as if publication of notice of election had been given 28 days after the day on which proof was given to the returning officer of the death.

(2) Where sub-paragraph (1) applies, no fresh nominations shall be necessary in the case of a person shown in the statement of persons nominated as standing nominated.

(3) Where at an ordinary election there is a contested regional election and the poll at a constituency election for an Assembly constituency in the Assembly electoral region is postponed in accordance with sub-paragraph (1), paragraph 58(1)(b) shall be satisfied when the regional returning officer has received the notification required by paragraph 57(3) in respect of each of the other Assembly constituencies in the Assembly electoral region (other than in respect of an Assembly constituency to which this sub-paragraph also applies).

(4) Where sub-paragraph (3) applies, the subsequent election of a candidate for the Assembly constituency shall have no effect upon the validity of the election and return of any candidate at the regional election.

(5) If at a contested regional election proof is given to the regional returning officer's satisfaction before the results of the election are declared that one of the persons named or to be named as a candidate on the ballot paper (whether as an individual or party list candidate) has died and as a result of that death the election becomes uncontested, then the regional returning officer shall—

- (a) countermand notice of the poll, or
- (b) if polling has begun, direct that the poll be abandoned, and
- (c) in either case, forthwith notify each constituency returning officer in the Assembly electoral region of the action that he has taken.

(6) If at a contested regional election proof is given to the regional returning officer's satisfaction before the results of the election are declared that one of the persons named or to be named as a candidate on the ballot paper (whether as an individual or party list candidate) has died, but as a result of that death the election continues to remain contested, the notice of poll shall not be countermanded nor shall the poll be abandoned; and in the event of such a death it shall have no effect upon the validity of the election and return of any candidate at the regional election.

(7) But where sub-paragraph (6) applies, the regional returning officer shall take such steps as he considers reasonable to publicise in the Assembly electoral region for which the election is held—

- (a) the name of that candidate and the fact of his death,
- (b) whether that candidate was an individual or party list candidate, and
- (c) if he was a party list candidate, the name of the registered political party for which that person was such a candidate,

and the regional returning officer shall, in particular, consider whether he should publicise as required by this sub-paragraph by causing notices to be placed outside polling stations.

(8) Subject to sub-paragraph (9), where a poll is abandoned by reason of a candidate's death the proceedings at or consequent on that poll shall be interrupted, and the presiding officer at any polling station shall take the like steps (so far as not already taken) for the delivery to the constituency returning officer of ballot boxes and of ballot papers and other documents as he is required to take on the close of the poll in due course, and the constituency returning officer shall dispose of ballot papers and other documents in his possession as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any ballot paper account to be prepared or verified, and
- (b) the constituency returning officer, shall take no step or further step for the counting of the ballot papers or of the votes and shall seal up all the ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.

(9) Where at an ordinary election a voter is entitled to give two votes at a polling station but the poll in respect of which the voter is entitled to give one of those votes is abandoned as a result of a candidate's death—

- (a) the steps required to be taken by the presiding officer at such a polling station by sub-paragraph (8) shall take place on the close of the poll, and
- (b) sub-paragraph (8) shall have effect as if after “the constituency returning officer,” in paragraph (b) there was inserted “having separated the ballot papers relating to the other Assembly election,”.

(10) The provisions of this Schedule as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death, with the following modifications—

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers, and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

## PART VII

### MISCELLANEOUS

#### **Vacancies: Assembly constituency seats**

**66.** Where the date of the poll to fill a vacant seat for an Assembly constituency is fixed by the presiding officer of the Assembly under section 8 of the 1998 Act, he shall forthwith send a notice to the returning officer for the Assembly constituency stating—

- (a) that the vacancy exists, and
- (b) the date fixed for the poll to fill that vacancy.

#### **Vacancies: return of electoral region members**

**67.—(1)** Other than where article 100 applies, where it comes to the notice of the presiding officer of the Assembly that the seat of an Assembly member returned from a party list for an Assembly

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electoral region is vacant, he shall forthwith send a notice in accordance with sub-paragraph (2) to the returning officer for the Assembly electoral region.

- (2) A notice under sub-paragraph (1) shall—
  - (a) state that a vacancy exists, and
  - (b) set out the name of the person who had been returned to fill that seat, together with the name of the registered political party on whose list he was included.
- (3) Where a regional returning officer receives a notice under sub-paragraph (1), he shall ascertain from the list submitted at the previous ordinary election by the registered political party named in the notice the name and address of the person whose name appears highest on that list (“the prospective member”).
- (4) The regional returning officer shall take such steps as appear to him to be reasonable—
  - (a) to contact the prospective member to ask whether he will state that he is willing to serve as an Assembly member for the Assembly electoral region, and
  - (b) to contact the registered nominating officer of the registered political party on whose list that person is included and notify that officer of the action he is taking under paragraph (a).
- (5) Where—
  - (a) within such period as the regional returning officer considers reasonable—
    - (i) he decides that the steps he has taken to contact the prospective member have been unsuccessful, or
    - (ii) he has not received from the prospective member a statement that he is willing to serve as an Assembly member for the Assembly electoral region,
  - (b) the prospective member has stated he is not willing to so serve as an Assembly member, or
  - (c) the regional returning officer—
    - (i) is satisfied that the prospective member is not a member of the registered political party on whose list he is included, and
    - (ii) receives notice from that party under section 9(4)(b) of the 1998 Act (the prospective member’s name is not to be notified to the presiding officer of the Assembly as the name of the person who is to fill the vacancy),

the prospective member shall be treated as ceasing to be included on that list.
- (6) Where a person is so treated, the regional returning officer shall repeat the procedure required by sub-paragraph (4) in respect of the person (if any) whose name and address appears next highest on that list: and sub-paragraph (5) and this sub-paragraph shall also apply with respect to that person.
- (7) The regional returning officer shall continue to repeat the procedure until the seat is filled or the names on that list are exhausted.
- (8) Subject to sub-paragraph (5)(c), where a prospective member states in writing in response to the question from the regional returning officer under sub-paragraph (4)(a) (including that sub-paragraph as applied by sub-paragraph (6)) that he is willing to serve as an Assembly member for the Assembly electoral region, the regional returning officer shall forthwith declare that person to be returned as a member for the Assembly electoral region; but the date (in accordance with section 9(6) of the 1998 Act) on which he shall be treated as declared to be returned shall be the day on which notification of his name is received by the presiding officer of the Assembly under section 9(2) of the 1998 Act.
- (9) The regional returning officer shall forthwith give public notice of the name—
  - (a) of the member declared to be returned, and
  - (b) of the registered political party for which such a member was a party list candidate.



(10) The regional returning officer (as well as notifying to the presiding officer of the Assembly the name of the person who is to fill that vacancy under section 9(2) of the 1998 Act) shall also forthwith return the names referred to in sub-paragraph (9) by—

- (a) completing a certificate in the form set out in English and Welsh in the Appendix, and
- (b) delivering it, or causing it to be delivered, to the Assembly.

(11) Where following the application of this paragraph the seat continues to be vacant the regional returning officer shall forthwith—

- (a) give public notice that the vacancy cannot be filled and that the seat (in accordance with section 9(7)(b) of the 1998 Act) is to remain vacant until the next ordinary election,
- (b) complete a certificate in the form set out in English and Welsh in the Appendix, and
- (c) deliver it, or cause it to be delivered, to the Assembly.

### **Return of Assembly members and record of returns etc**

**68.**—(1) The Assembly shall on receipt of a certificate delivered under paragraphs 57(4), 59(4) or, 67(10) or 67(11) enter the information contained in the certificate in a book kept for that purpose at the Assembly (in this paragraph referred to as 'the returns book').

(2) Where the presiding officer of the Assembly sends a notice under paragraph 66 or 67(1), he shall record in the returns book the fact of the vacancy in the Assembly constituency or electoral region concerned.

(3) Where the presiding officer of the Assembly concludes that an election to fill a casual vacancy in an Assembly constituency shall not be held because section 8(6) of the 1998 Act applies (date of poll not to be within three months preceeding an ordinary election), he shall—

- (a) record in the returns book the fact of the vacancy in the Assembly constituency concerned, and
- (b) that no election shall be held to fill the vacancy because section 8(6) of that Act applies.

(4) Where it comes to the notice of the presiding officer of the Assembly that—

- (a) the seat of an Assembly member returned for an Assembly electoral region is vacant, and
- (b) the person was returned as an individual candidate,

he shall record—

- (i) in the returns book the fact of that vacancy in the Assembly electoral region concerned, and
- (ii) that the seat (in accordance with section 9(7)(a) of the 1998 Act) is to remain vacant until the next ordinary election.

(5) The returns book shall be open to public inspection at reasonable times and any person may, on payment of a reasonable fee, obtain copies from the book.

(6) In relation to the first ordinary election, those certificates which by virtue of paragraphs 57(4) and 59(4) are required to be delivered to the Secretary of State shall be forwarded by him to the Assembly as soon as reasonably practicable; and on receipt of those certificates sub-paragraph (1) shall apply as if they had been delivered by, or caused to be delivered by, a constituency or regional returning officer (as the case may be) to the Assembly.

### **Registered political parties**

**69.** References in this Schedule to a registered political party are references to a party registered under Part II of the 2000 Political Parties Act at the time by which notice of election is required to be published in accordance with the Table in paragraph 1(1).

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**Party's registered nominating officer: discharge of functions**

70.—(1) A registered nominating officer for a registered political party may, in writing, appoint one or more persons to discharge all or any of his functions conferred or imposed by this Schedule.

(2) Where an appointment is made under sub-paragraph (1), a copy of the document which records the writing required by that sub-paragraph shall be delivered—

- (a) to the constituency returning officer, in the case of a constituency election,
- (b) to the regional returning officer, in the case of a regional election, and
- (c) to each constituency returning officer for an Assembly constituency in the Assembly electoral region, in the case of a regional election.

(3) Where a returning officer does not receive a copy of the document required to be delivered to him under sub-paragraph (2), he shall be entitled to treat any function of the registered nominating officer purportedly exercised (or to be exercised) on his behalf by another person as not so exercised (or exercisable).

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APPENDIX OF FORMS

**Form of individual nomination paper: constituency election**

Paragraph 4(1)

**Election of a Member**

to serve in the National Assembly for Wales

.....Constituency

Date of election: .....

The undermentioned person is hereby nominated as a candidate at the above election.

*(Please complete in capitals)*

| Candidate's surname | Other name(s) in full | Description (for ballot paper) | Home address in full (please also include telephone number) |
|---------------------|-----------------------|--------------------------------|---|
|---------------------|-----------------------|--------------------------------|---|

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Signed: . . . . .

Name: . . . . .

Address: . . . . .

. . . . .

. . . . .

Date: . . . . .

Notes

1. The attention of persons is drawn to the provisions concerning completion of nomination papers and other provisions relating to nomination contained in Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2003.

2. Where a candidate is commonly known by some title he may be described by his title as if it were his surname.

**Ethol Aelod**

i wasanaethu yng Nghynulliad Cenedlaethol Cymru

Etholaeth . . . . .

Dyddiad yr etholiad: . . . . .

Enwebir drwy hyn y person a grybwyllir isod i fod yn ymgeisydd yn yr etholiad uchod.

*(Defnyddiwch briflythrennau wrth lenwi'r blychau)*

|                    |                                 |   |   |
|--------------------|---------------------------------|---|---|
| Cyfenw'r ymgeisydd | Enw arall/enwau eraill yn llawn | Disgrifiad (ar gyfer y papur pleidleisio) | Cyfeiriad cartref yn llawn (cynhwyswch y rhif ffôn hefyd) |
|--------------------|---------------------------------|---|---|

Llofnodwyd: . . . . .

Enw: . . . . .

Cyfeiriad: . . . . .

. . . . .

. . . . .

Dyddiad: . . . . .

Nodiadau

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1. Tynnir sylw personau at y darpariaethau ynglyn â llenwi papurau enwebu a darpariaethau eraill sy'n ymwneud ag enwebu a gynhwysir yn Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2003.

2. Lle'r adnabyddir ymgeisydd yn arferol wrth ryw deitl, gellir ei ddisgrifio wrth ei deitl fel pe bai'n gyfenw iddo.

Form of certificate referred to in paragraph 5(1)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 5(1)

In accordance with paragraph 5(1) of Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2003, I hereby certify—

that . . . . . is the official candidate of . . . . . (name of registered political party) at the election in the . . . . . Assembly Constituency on . . . . . and that the description of the candidate appearing in the nomination paper by which he is nominated as a candidate is authorised by the party.

Signed . . . . . (registered nominating officer)

Date. . . . .

\*I also request that the party's registered emblem [or if there is more than one registered emblem \*\*, specify which one] appear on the ballot paper against the candidate's name.

Signed . . . . . (registered nominating officer)

Date. . . . .

Notes

\*If this paragraph is not completed a registered emblem of the party will not appear on the ballot paper against the party's name.

\*\*Where there is more than one registered emblem it would be helpful if the emblem requested to appear on the ballot paper is specified by reference to a representation of the emblem that accompanies this certificate.

Yn unol a pharagraff 5(1) o Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2003, yr wyf drwy hyn yn ardystio—

mai . . . . . yw ymgeisydd swyddogol . . . . . (enw'r blaid wleidyddol gofrestredig) yn yr etholiad yn Etholaeth Gynulliad . . . . . ar . . . . . a bod y disgrifiad o'r ymgeisydd sy'n ymddangos yn y papur enwebu y mae wedi'i enwebu drwyddo fel ymgeisydd wedi'i awdurdodi gan y blaid.

Llofnodwyd: . . . . . (swyddog enwebu cofrestredig)

Dyddiad: . . . . .

\*Yr wyf yn gofyn hefyd i arwyddlun cofrestredig y blaid [neu, os ces mwy nag un arwyddlun cofrestredig\*\*, nodwch ba un] ymddangos ar y papur pleidleisio gyferbyn ag enw'r ymgeisydd.

Llofnodwyd: . . . . . (swyddog enwebu cofrestredig)

Dyddiad: . . . . .

Nodiadau

\*Os na chaiff y paragraff hwn ei lenwi, ni fydd un o arwyddluniau cofrestredig y blaid yn ymddangos ar y papur pleidleisio gyferbyn ag enw'r blaid.

\*\*Lle bo mwy nag un arwyddlun cofrestredig, byddai o gymorth pe bai'r arwyddlun y gofynnid iddo ymddangos ar y papur pleidleisio yn cael ei nodi drwy gyfeirio at ddarluniad o'r arwyddlun a amgaeir gyda'r dystysgrif hon.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Form of individual nomination paper: regional election**

Paragraph 6(1)

**Election of a Member**

to serve in the National Assembly for Wales

..... Electoral Region

Date of election: .....

The undermentioned person is hereby nominated as an individual candidate at the above election.

*(Please complete in capitals)*

| Candidate's surname | Other name(s) in full | Description(for ballot paper) | Home address in full (please also include telephone number) |
|---------------------|-----------------------|-------------------------------|---|
|---------------------|-----------------------|-------------------------------|---|

Signed: .....

Name: .....

Address: .....

.....

.....

Date: .....

**Notes**

1. The attention of persons is drawn to the provisions concerning completion of nomination papers and other provisions relating to nomination contained in Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2003.

2. Where a candidate is commonly known by some title he may be described by his title as if it were his surname.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Ethol Aelod**

i wasanaethu yng Nghynulliad Cenedlaethol Cymru

Rhanbarth Etholiadol . . . . .

Dyddiad yr etholiad: . . . . .

Enwebir drwy hyn y person a grybwyllir isod i fod yn ymgeisydd unigol yn yr etholiad uchod.

*(Defnyddiwch brfitythrennau wrth lenwi'r blychau)*

|                    |                                 |   |   |
|--------------------|---------------------------------|---|---|
| Cyfenw'r ymgeisydd | Enw arall/enwau eraill yn llawn | Disgrifiad (ar gyfer y papur pleidleisio) | Cyfeiriad cartref yn llawn (cynhwyswch y rhif ffôn hefyd) |
|--------------------|---------------------------------|---|---|

Llofnodwyd: . . . . .

Enw: . . . . .

Cyfeiriad . . . . .

.....

.....

Dyddiad: . . . . .

**Nodiadau**

1. Tynnir sylw personau at y darpariaethau ynglŷn â llenwi papurau enwebu a darpariaethau eraill sy'n ymwneud ag enwebu a gynhwysir yn Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2003.

2. Lle'r adnabyddir ymgeisydd yn arferol wrth ryw deitl, gellir ei ddisgrifio wrth ei deitl fel pe bai'n gyfenw iddo.

**Form of party nomination paper: regional election**



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 7(1)

**Ethol Aelod**

i wasanaethu yng Nghynulliad Cenedlaethol Cymru

Rhanbarth Etholiadol . . . . .

Dyddiad yr etholiad: . . . . .

Enwebir drwy hyn y person a grybwyllir isod i fod yn ymgeisydd unigol yn yr etholiad uchod.

*(Defnyddiwch brfitythrennau wrth lenwi'r blychau)*

|                    |                                 |   |   |
|--------------------|---------------------------------|---|---|
| Cyfenw'r ymgeisydd | Enw arall/enwau eraill yn llawn | Disgrifiad (ar gyfer y papur pleidleisio) | Cyfeiriad cartref yn llawn (cynhwyswch y rhif ffôn hefyd) |
|--------------------|---------------------------------|---|---|

Llofnodwyd: . . . . .

Enw: . . . . .

Cyfeiriad . . . . .

. . . . .

. . . . .

Dyddiad: . . . . .

**Nodiadau**

1. Tynnir sylw personau at y darpariaethau ynglŷn â llenwi papurau enwebu a darpariaethau eraill sy'n ymwneud ag enwebu a gynhwysir yn Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2003.

2. Lle'r adnabyddir ymgeisydd yn arferol wrth ryw deitl, gellir ei ddisgrifio wrth ei deitl fel pe bai'n gyfenw iddo.

**Form of party nomination paper: regional election**

Paragraph 7(1)

**Election of Members**

to serve in the National Assembly for Wales

. . . . . Electoral Region

Date of election: . . . . .

Name(s) of registered political party: . . . . .

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The undermentioned person(s) is/are hereby nominated as (a) party list candidate(s) at the above election.

*(Please complete in capitals)*

| Description of registered political party (for ballot paper) | Candidate's surname | Other names in full | Home address in full (please also include telephone number) |
|--|---------------------|---------------------|---|
|  | 1                   | 1                   | 1   |
|  | 2                   | 2                   | 2   |
|  | 3                   | 3                   | 3   |
|  | 4                   | 4                   | 4   |
|  | 5                   | 5                   | 5   |
|  | 6                   | 6                   | 6   |
|  | 7                   | 7                   | 7   |
|  | 8                   | 8                   | 8   |
|  | 9                   | 9                   | 9   |
|  | 10                  | 10                  | 10  |
|  | 11                  | 11                  | 11  |
|  | 12                  | 12                  | 12  |

Signed: . . . . .

Name: . . . . .

Address: . . . . .

. . . . .

. . . . .

Date: . . . . .

Notes

1. The attention of persons is drawn to the provisions concerning completion of nomination papers and other provisions relating to nomination contained in Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2003.

2. Where a candidate is commonly known by some title he may be described by his title as if it were his surname.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Ethol Aelodau

i wasanaethu yng Nghynulliad Cenedlaethol Cymru

Rhanbarth Etholiadol . . . . .

Dyddiad yr etholiad: . . . . .

Enw(au)'r blaid wleidyddol gofrestredig: . . . . .

Enwebir drwy hyn y person(au) a grybwyllir isod i fod yn ymgeisydd/ymgeiswyr yn yr etholiad uchod.

*(Defnyddiwch briflythrennau wrth lenwi'r blychau)*

| Disgrifiad o'r blaid wleidyddol gofrestredig (ar gyfer y papur pleidleisio) | Cyfenw'r ymgeisydd | Enwau eraill yn llawn | Cyfeiriad cartref yn llawn (cynhwyswch y rhif ffôn hefyd) |
|---|--------------------|-----------------------|---|
|   | 1                  | 1                     | 1   |
|   | 2                  | 2                     | 2   |
|   | 3                  | 3                     | 3   |
|   | 4                  | 4                     | 4   |
|   | 5                  | 5                     | 5   |
|   | 6                  | 6                     | 6   |
|   | 7                  | 7                     | 7   |
|   | 8                  | 8                     | 8   |
|   | 9                  | 9                     | 9   |
|   | 10                 | 10                    | 10  |
|   | 11                 | 11                    | 11  |
|   | 12                 | 12                    | 12  |

Llofnodwyd: . . . . .

Enw: . . . . .

Cyfeiriad: . . . . .

.....

.....

Dyddiad: . . . . .

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

### Nodiadau

1. Tynnir sylw personau at y darpariaethau ynglyn â llenwi papurau enwebu a darpariaethau eraill sy'n ymwneud ag enwebu a gynhwysir yn Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2003.
2. Lle'r adnabyddir ymgeisydd yn arferol wrth ryw deitl, gellir ei ddisgrifio wrth ei deitl fel pe bai'n gyfenw iddo.

**Form of certificate referred to in paragraph 8(1)**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 8(1)

In accordance with paragraph 8(1) of Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2003, I hereby certify—

that . . . . . is/are the official candidate(s) of . . . . . (name of registered political party) at the election in the . . . . . Electoral Region on . . . . . and that the description of the party appearing in the nomination paper by which the candidate(s) is/are nominated is authorised by the party.

Signed . . . . . (registered nominating officer)

Date . . . . .

\*I also request that the party's registered emblem [or if there is more than one registered emblem \*\*, specify which one] appear on the ballot paper against the party's name.

Signed . . . . . (registered nominating officer)

Date . . . . .

#### Notes

\*If this paragraph is not completed a registered emblem of the party will not appear on the ballot paper against the party's name.

\*\*Where there is more than one registered emblem it would be helpful if the emblem requested to appear on the ballot paper is specified by reference to a representation of the emblem that accompanies this certificate.

Yn unol â pharagraff 8(1) o Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2003, yr wyf drwy hyn yn ardystio—

mai . . . . . yw ymgeisydd/ymgeiswyr swyddogol . . . . . (enw'r blaid wleidyddol gofrestredig) yn yr etholiad yn Rhanbarth Etholiadol . . . . . ar . . . . . a bod y disgrifiad o'r blaid sy'n ymddangos yn y papur enwebu y mae'r ymgeisydd wedi'i enwebu/ymgeiswyr wedi'u henwebu drwyddo wedi'i awdurdodi gan y blaid.

Llofnodwyd: . . . . . (swyddog enwebu cofrestredig)

Dyddiad: . . . . .

\*Yr wyf yn gofyn hefyd i arwyddlun cofrestredig y blaid [neu, os oes mwy nag un arwyddlun cofrestredig\*\*, nodwch ba un] ymddangos ar y papur pleidleisio gyferbyn ag enw'r blaid.

Llofnodwyd: . . . . . (swyddog enwebu cofrestredig)

Dyddiad: . . . . .

#### Nodiadau

\*Os na chaiff y paragraff hwn ei lenwi, ni fydd un o arwyddluniau cofrestredig y blaid yn ymddangos ar y papur pleidleisio gyferbyn ag enw'r blaid.

\*\*Le bo mwy nag un arwyddlun cofrestredig byddai o gymorth pe bai'r arwyddlun y gofynnid iddo ymddangos ar y papur pleidleisio yn cael ei nodi drwy gyfeirio at ddarluniad o'r arwyddlun a amgacir gyda'r dystysgrif hon.

#### Form of ballot paper: constituency election

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Paragraph 23(3)

Front of ballot paper

**NATIONAL ASSEMBLY FOR WALES CYNULLIAD  
CONSTITUENCY BALLOT CENEDLAETHOL CYMRU  
PLEIDLAIS ETHOLAETH**

**Vote for one candidate only**

**Pleidleisiwch dros un  
ymgeisydd yn unig**

**Mark an X in one box**

**Marciwch X mewn un blwch**

|          |  |  |
|----------|--|--|
| <b>1</b> | <p><b>DAVIES</b></p> <p><b>Rachel Louise</b></p> <p>1 Spa Road, Smithfield, Carno</p> <p>W31 8BA</p> <p><b>Labour Party/Y Blaid Lafur</b></p>                                    |  |
| <b>2</b> | <p><b>HENDY</b></p> <p><b>Paul John</b></p> <p>18 Lakeside Road, Parkfield, Caersws</p> <p>W24 7LT</p> <p><b>Independent/Annibynnol</b></p>                                      |  |
| <b>3</b> | <p><b>PARRY</b></p> <p><b>Geraint Andrew</b></p> <p>20 Smithfield Road, Dyifryn,<br/>Nr Welshpool</p> <p>W10 9JG</p> <p><b>Liberal Democrat/Democratiaid<br/>Rhyddfrydol</b></p> |  |
|          | <p><b>SAMUAL</b></p> <p><b>Julie Anne</b></p>  |  |

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

|          |  |  |
|----------|--|--|
| <b>4</b> | 4 Craig Road, Hampton, Meifod<br>W32 6PY<br><b>Green Party/Y Blaid Werdd</b>   |  |
| <b>5</b> | <b>THOMAS</b><br><b>Phillip David</b><br>2 Long Road, Clatter, Berriew<br>P78 6BD<br><b>Conservative Party/Y Blaid Geidwadol</b> |  |
| <b>6</b> | <b>WILLIAMS</b><br><b>David Andrew</b><br>19 Ithon Road, Western, Liandinam<br>W64 9LY<br><b>Plaid Cymru—The Party of Wales</b>  |  |

Back of ballot  
paper

No/Rhif

Election for the

Constituency on

Etholiad dros Etholaeth

ar

*Note: The number on the ballot paper is to correspond with that on the counterfoil.*

**Directions as to printing the ballot paper: constituency election**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 23(3)

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the arrangements set down below shall be observed in the printing of the ballot paper.
  3. (1) This paragraph makes provision in respect of that part of the ballot paper appearing above the highest horizontal rule.
    - (2) The group of words in English to the left and the group of words in Welsh to the right are each referred to in these directions as a block (and a block also includes the rectangle and representation in that rectangle of how a vote is to be marked).
    - (3) The blocks may be reversed so that the block with the Welsh words is to the left and the block with the English words is to the right.
    - (4) The first two lines of each block shall be printed in large capitals.



*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(5) The lines of each rectangle in a block are not to be regarded as rules for the purposes of these directions.

4. No word shall be printed on the face of the ballot paper except the words set out in the form of constituency ballot paper appearing in each block, the particulars of the candidates and words forming part of emblems.

5. The blocks, the numbers and the particulars of the candidates (except their addresses) shall be printed in bold form on the ballot paper.

6. No rule shall be printed on the face of the ballot paper except—

(a) the first horizontal rule below the blocks, the horizontal rules separating the particulars of the candidates from one another and the horizontal rule appearing beneath the candidate whose particulars appear last, and

(b) the vertical rules separating those particulars from the numbers on the left hand side and the spaces on the right where the vote is to be marked (together with the vertical rule to the left of the numbers so mentioned and the vertical rule to the right of the spaces so mentioned).

7. The whole space on the ballot paper between the highest and lowest horizontal rules shall be equally divided by each of the other horizontal rules.

8. On the ballot paper the surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars (except his surname) shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—

(a) if his surname is the same as another candidate's, for his other names, and

(b) if his other names are also the same as the other candidate's, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.

9. Where a registered emblem is to be printed against a candidate's particulars on the ballot paper—

(a) it shall be printed between the candidate's particulars and the vertical rule separating the candidate's particulars from the space where the vote may be marked, and

(b) its size as printed shall not exceed 2 centimetres square.

10. The number on the back of the ballot paper shall be printed in small characters.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## **Form of ballot paper: regional election**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 24(3)

Front of ballot paper

**NATIONAL ASSEMBLY FOR WALES**

**CYNULLIAD CENEDLAETHOL CYMRU**

**REGIONAL BALLOT**

**PLEIDLAIS RANBARTHOL**

Vote once only

Pleidleisiwch unwaith yn unig

Mark an X in one box

Marcwch X mewn un blwch

|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |

| <b>Conservative Party/Y Blaid Geidwadol</b> | <b>Democratiaid Rhyddfrydol Cymru/Welsh Liberal Democrats</b> | <b>Ffermwyr Cymru/Farmers of Wales</b> | <b>Green Party/Y Blaid Werdd</b> | <b>Labour Party/Y Blaid Lafur</b> | <b>Pembroke-shire Party/Plaid Sir Benfro</b> | <b>Plaid Cymru-The Party of Wales</b> | <b>Sheila Turner</b> |
|---|---|--|----------------------------------|-----------------------------------|--|---------------------------------------|----------------------|
| 1 Janice Williams                           | 1 David Murphy  | 1 Anne Black                           | 1 Rees Davies                    | 1 Lorna Harris                    | 1 Andrew Smith                               | 1 Julie Jones                         | Independent          |
| 2 Ross Davies                               | 2 Amanda Owen   | 2 Paulo Viera                          | 2 Morwen Jones                   | 2 Robert Jones                    | 2 Kathy Jackson                              | 2 Derek Davies                        | Annibynnol           |

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

|                 |                    |                    |                    |                     |                    |                    |
|-----------------|--------------------|--------------------|--------------------|---------------------|--------------------|--------------------|
| 3 Sheila Smith  | 3 John Wallace     | 3 Sandra Smith     | 3 Rhodri Lewis     | 3 Elfyn Rodgers     | 3 Dafydd Robertson | 3 Pauline Cooke    |
| 4 Derek Jones   | 4 Alison Porter    | 4 Jack Roberts     | 4 Megan Davies     | 4 Walter Nicholas   | 4 David Barker     | 4 Dafydd Llewellyn |
| 5 Louise Davies | 5 Ragbar Singh     | 5 Rebecca Davies   | 5 Richard Lewis    | 5 Margot Davies     | 5 Kathy Dafis      | 5 Mary Phillips    |
| 6 David Brown   | 6 Robert Griffiths | 6 Glyn Hughes      | 6 Pat Jones        | 6 Giles Lloyd       | 6 William Williams | 6 David Carter     |
| 7 Jenny Smith   | 7 Louise Davies    | 7 Rachel Owen      | 7 Azra Ali         | 7 Janice Thomas     | 7 Liz Davies       | 7 Christine Mason  |
| 8 Roger Edwards | 8 Stephen Gealy    | 8 Emyr Williams    | 8 Jason Talbot     | 8 Justin Phillips   | 8 Peter Jones      | 8 Andrew Wilson    |
| 9 Anne White    | 9 Debra Smith      | 9 Karen White      | 9 Barbara Williams | 9 Ann Lewis         | 9 Jackie Rosser    | 9 Clare Smith      |
| 10 Emma Black   | 10 David Williams  | 10 Mike Griffiths  | 10 Wyn Lewis       | 10 Phillip Williams | 10 Ann David       | 10 Ryan Jones      |
| 11 Mark Thomas  | 11 Alison Jones    | 11 Hayley Jones    | 11 Sian Jones      | 11 Jacky Long       | 11 Angus Lightbody | 11 Joan Thompson   |
| 12 Sarah Bafer  | 12 Geraint Parry   | 12 Daniel Bakayoto | 12 Bert Francis    | 12 David Davies     | 12 Joy Young       | 12 Tony Jones      |

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Back of ballot paper

No/R/hif

Election for the

Etholiad dros Rambarth Etholiadol

Electoral Region on

ar

*Note: The number on the ballot paper is to correspond with that on the counterfoil. The back is also to include a mark or other distinguishing feature (which may be part of the number) to identify the Assembly constituency in which the ballot paper is to be used.*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Directions as to printing the ballot paper: regional election**

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the arrangements set down below shall be observed in the printing of the ballot paper.
3. - (1) This paragraph makes provision in respect of that part of the ballot paper appearing above the higher horizontal rule.
  - (2) The group of words in English to the left and the group of words in Welsh to the right are each referred to in these directions as a block (and a block also includes the rectangle and representation in that rectangle of how a vote is to be marked).
  - (3) The blocks may be reversed so that the block with the Welsh words is to the left and the block with the English words is to the right.
  - (4) The first two lines of each block shall be printed in large capitals.
  - (5) The lines of each rectangle in a block are not to be regarded as rules for the purposes of these directions.
4. No word shall be printed on the face of the ballot paper except the words set out in the form of regional ballot paper appearing in each block, the descriptions of registered political parties, the names and descriptions of individual candidates, the names of party list candidates and words forming part of registered emblems.
5. The blocks, the descriptions of registered political parties, the names and descriptions of individual candidates and the sides of the rectangles in which a vote is to be marked shall be printed in bold form on the ballot paper.
6. No horizontal rule shall be printed on the face of a ballot paper except the higher horizontal rule immediately below the blocks and the lower horizontal rule at the foot of the ballot paper.
7. No vertical rule shall be printed on the face of a ballot paper except—
  - (a) the vertical rules separating descriptions of registered political parties (and the names of party list candidates),
  - (b) the vertical rules separating the names and descriptions of individual candidates,
  - (c) the vertical rule separating the description of a registered political party (and the names of party list candidates) from the name and description of an individual candidate,
  - (d) the vertical rule nearest to the left edge of the ballot paper, and
  - (e) the vertical rule nearest to the right edge of the ballot paper.
8. The lines of each rectangle in which a vote may be marked are not to be regarded as rules for the purposes of these directions.
9. The whole space on the ballot paper between the vertical rules referred to in paragraph 7(d) and (e) shall be equally divided by each of the other vertical rules.
10. On the ballot paper the surname of each individual and party list candidate shall be printed so that his surname is placed after his other name or names.
11. Where a registered emblem is to be printed against a registered political party's description on the ballot paper—
  - (a) it shall be printed between the party's description and the rectangle in which a vote may be marked, and
  - (b) its size as printed shall not exceed 2 centimetres square.
12. The number on the back of the ballot paper shall be printed in small characters.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Form of elector’s pollcard referred to in paragraph 33(4)**

Paragraph 33(4)

Front of form

Official Poll Card/ Cerdyn Pleidleisio Swydddogol

Polling Day/Dyddiad Pleidleisio: . . . . .

|  |
|--|
| <p>Electoral Region<br/>Rhanbarth Etholiadol</p>   |
| <p>Constituency<br/>Etholaeth</p>  |
| <p>Your Polling Station will be:<br/>Yr Orsaf Bleidleisio i chi fydd:</p>  |
| <p>Polling Hours 7 am to 10 pm<br/>Oriau Pleidleisio 7 am hyd 10 pm</p>  |
| <p>If undelivered return to the Returning Officer . . . . .<br/>Os nad â i ben ei daith dychweler i'r Swydddog Canlyniadau . . . . .<br/>. . . . .</p> |

Number on register:

Rhif ar y gofrestr:

Name:

Enw:

Address:

Cyfeiriad:



**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## Back of form

### National Assembly for Wales

This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.

When you go to the polling station, tell the clerk your number on the register, your name and address, as shown on the front of the card. The presiding officer will give you your ballot papers; see that he stamps the official mark on them, before he gives them to you.

Go to one of the compartments. You may vote once only on each ballot paper. Do not vote more than once. Mark your choice with a cross (X). Put no other mark on the ballot paper, or your vote may not be counted.

Fold the ballot papers in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot papers in the ballot box and leave the polling station.

If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at the election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will not be entitled to vote in person at the election, so please ignore this poll card.

Issued by the Returning Officer

Cynulliad Cenedlaethol Cymru

Cerdyn ar gyfer gwybodaeth yn unig yw hwn. Gallwch bleidleisio hebdo, ond bydd yn arbed amser os ewch ag ef i'r orsaf bleidleisio a'i ddangos i'r clerwr yno.

Pan ewch i'r orsaf bleidleisio, rhowch eich rhif ar y gofrestr, eich enw a'ch cyfeiriad i'r clerwr, fel y'u gwelir ar du blaen y cerdyn. Bydd y swyddog llywyddu yn rhoi papurau pleidleisio i chi; gwnewch yn siwr ei fod yn rhoi'r stamp swyddogol arnynt cyn eu rhoi i chi.

Ewch i un o'r cabanau. Cewch bleidleisio unwaith yn unig ar bob papur pleidleisio. Peidiwch â phleidleisio fwy nag unwaith. Marciwch eich dewis â chroes (X). Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.

Plygwch y papurau pleidleisio yn ddau. Dangoswch y marc swyddogol i'r swyddog llywyddu, ond peidiwch â gadael i neb weld eich pleidlais. Rhowch y papurau pleidleisio yn y blwch pleidleisiau ac ewch allan o'r orsaf bleidleisio.

Os bydd i chi ddifetha papur pleidleisio drwy gangymeriad, dangoswch y papur pleidleisio i'r swyddog llywyddu a gofyn am un arall.

Os ydych wedi penodi dirprwy i bleidleisio'n bersonol ar eich rhan, gallwch fodd bynnag bleidleisio yn yr etholiad hwn yr un fath os gwnewch hynny cyn i'ch dirprwy bleidleisio ar eich rhan.

Os rhoddwyd pleidlais drwy'r post i chi, ni fydd gennych hawl i bleidleisio'n bersonol yn yr etholiad, felly anwybyddwch y cerdyn pleidleisio hwn.

Cyhoeddwyd Gan Y Swyddog Canlyniadau

**Form of elector's pollcard referred to in paragraph 33(5)**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 33(5)

Front of form

Official Poll Card/ Cerdyn Pleidleisio Swyddogol

Polling Day/Dyddiad Pleidleisio: . . . . .

|  |
|--|
| Constituency/Electoral Region<br>Etholaeth/Rhanbarth Etholiadol  |
| Your Polling Station will be:<br>Yr Orsaf Bleidleisio i chi fydd:  |
| Polling Hours 7 am to 10 pm<br>Oriau Pleidleisio 7 am hyd 10 pm  |
| If undelivered return to the Returning Officer . . . . .<br>. . . . .<br>Os nad â i ben ei daith dychweler i'r Swyddog Canlyniadau. . . . .<br>. . . . . |

Number on register:  
 Rhif ar y gofrestr:

Name:  
 Enw:

Address:  
 Cyfeiriad:

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## Back of form

### National Assembly for Wales

This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.

When you go to the polling station, tell the clerk your number on the register, your name and address, as shown on the front of the card. The presiding officer will give you your ballot paper; see that he stamps the official mark on it, before he gives it to you.

Go to one of the compartments. You may vote once only on the ballot paper. Do not vote more than once. Mark your choice with a cross (X). Put no other mark on the ballot paper, or your vote may not be counted.

Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.

If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

If you have appointed a proxy to vote in person for you, you may nevertheless vote at the election if you do so before your proxy has voted on your behalf.

If you have been granted a postal vote, you will not be entitled to vote in person at the election, so please ignore this poll card.

Issued by the Returning Officer

Cynulliad Cenedlaethol Cymru

Cerdyn ar gyfer gwybodaeth yn unig yw hwn. Gallwch bleidleisio hebdo, ond bydd yn arbed amser os ewch ag ef i'r orsaf bleidleisio a'i ddangos i'r clerwr yno.

Pan ewch i'r orsaf bleidleisio, rhowch eich rhif ar y gofrestr, eich enw a'ch cyfeiriad i'r clerwr, fel y'u gwelir ar du blaen y cerdyn. Bydd y swyddog llywyddu yn rhoi papur pleidleisio i chi; gwnewch yn siwr ei fod yn rhoi'r stamp swyddogol arno cyn ei roi i chi.

Ewch i un o'r cabanau. Cewch bleidleisio unwaith yn unig ar y papur pleidleisio. Peidiwch â phleidleisio fwy nag unwaith. Marciwch eich dewis â chroes (X). Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.

Plygwch y papur pleidleisio yn ddau. Dangoswch y marc swyddogol i'r swyddog llywyddu ond peidiwch â gadael i neb weld eich pleidlais. Rhowch y papur pleidleisio yn y blwch pleidleisiau ac ewch allan o'r orsaf bleidleisio.

Os bydd i chi ddifetha papur pleidleisio drwy gangymeriad, dangoswch y papur pleidleisio i'r swyddog llywyddu a gofyn am un arall.

Os ydych wedi penodi dirprwy i bleidleisio'n bersonol ar eich rhan, gallwch fodd bynnag bleidleisio yn yr etholiad hwn yr un fath os gwnewch hynny cyn i'ch dirprwy bleidleisio ar eich rhan.

Os rhoddwyd pleidlais drwy'r post i chi, ni fydd gennych hawl i bleidleisio'n bersonol yn yr etholiad, felly anwybyddwch y cerdyn pleidleisio hwn.

Cyhoeddwyd Gan Y Swyddog Canlyniadau

**Form of proxy's pollcard referred to in paragraph 33(6)**

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Paragraph 33(6)

Front of form

Proxy's Official Poll Card

Cerdyn Pleidleisio Swyddogol Dirprwy

**Polling Day:**

**Dyddiad Pleidleisio:**

If undelivered, return to the Returning Officer at:—

Os nad â i ben ei daith dychweler i'r Swyddog Canlyniadau yn:—

Back of form

|   |  |
|---|--|
| (i) Electoral Region/<br>Rhanbarth Etholiadol   | To vote as proxy you must go to the named polling station. Tell the clerk that you wish to vote as proxy; give the number on the register, name and qualifying address of the elector, as follows:—                |
| .....   |  |
| (ii) Constituency/Etholaeth   | I bleidleisio fel dirprwy, rhaid i chi fynd i'r orsaf bleidleisio a enwir. Dywedwch wrth y clerwr eich bod am bleidleisio fel dirprwy; rhowch y rhif ar y gofrestr, enw a chyfeiriad cymhwyso'r etholwr, fel hyn:— |
| .....   |  |
| The elector named, whose proxy you are, is entitled to vote at the polling station—     | Number on register:  |
|   | Rhif ar y gofrestr:  |
| Mae gan yr etholwr a enwir, yr ydych yn ddirprwy drosto, hawl i bleidleisio yn yr orsaf | Name:  |

|   |   |
|---|---|
| bleidleisio—  | Enw:<br>Address:<br>Cyfeiriad:  |
| Polling Hours 7 am to 10 pm<br>Oriau Pleidleisio 7 am hyd 10 pm | <p>The presiding officer will give you the elector's ballot papers. The method of voting as proxy is the same as for casting your own vote. It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, eg if that person has been convicted and is detained in a penal institution in pursuance of his sentence. It is also an offence to vote for more than 2 persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild. The person who appointed you as proxy may himself vote in person at this election if he is able, and wishes to do so and if he votes before you vote on his behalf.</p> <p>Bydd y swyddog llywyddu n rhoi papurau pleidleisio'r etholwr i chi. Mae'r dull o bleidleisio fel dirprwy yr un fath â'r dull o fwrw eich pleidlais eich hun. Mae'n drosedd i chi bleidleisio fel dirprwy ar ran rhyw berson arall os gwyddoch fod y person hwnnw wedi'i anghymwysu yn ôl y gyfraith rhag pleidleisio, ee os cafwyd y person hwnnw'n euog a'i fod yn cael ei gadw mewn sefydliad cosbi yn unol â'r ddedfryd a gawsai. Trosedd hefyd yw pleidleisio ar ran mwy na 2 berson heb eich bod yn wŕ, gwraig, rhiant, tadcu (taid), mamgu (nain), brawd, chwaer, plentyn neu wŕ new wyres iddynt. Gall y person a'ch penododd chi weithredu fel dirprwy bleidleisio'n bersonol yn yr etholiad hwn os bydd yn gallu ac yn dymuno gwneud hynny ac yn pleidleisio cyn i chi bleidleisio yn ei le.</p> |

Issued by the Returning Officer

Cyhoeddwyd Gan Y Swyddog Canlyniadau

**Form of proxy's pollcard referred to in paragraph 33(7)**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 33(7)

Front of form

Proxy's Official Poll Card

Cerdyn Pleidleisio Swyddogol Dirprwy

**Polling Day:**

**Dyddiad Pleidleisio:**

If undelivered, return to the Returning Officer at:—

Os nad â i ben ei daith, dychweler i'r Swyddog Canlyniadau yn:—

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Back of form

|  |   |
|--|---|
| <p>Constituency/Electoral Region</p> <p>.....</p>  | <p>To vote as proxy you must go to the named polling station. Tell the clerk that you wish to vote as proxy; give the number on the register, name and qualifying address of the elector, as follows:—</p>  |
| <p>Etholaeth/Rhanbarth Etholiadol</p> <p>.....</p>   | <p>I bleidleisio fel dirprwy, rhaid i chi fynd i'r orsaf bleidleisio a enwir. Dywedwch wrth y clerwr eich bod am bleidleisio fel dirprwy; rhoewch y rhif ar y gofrestr, enw a chyfeiriad cymhwyso'r etholwr, fel hyn:—</p>  |
| <p>The elector named, whose proxy you are, is entitled to vote at the polling station—</p> <p>Mae gan yr etholwr a enwir, yr ydych yn ddirprwy drosto, hawl i bleidleisio yn yr orsaf bleidleisio—</p> | <p>Number on register:</p> <p>Rhif ar y gofrestr:</p> <p>Name:</p> <p>Enw:</p> <p>Address:</p> <p>Cyfeiriad:</p>  |
| <p>Polling Hours 7 am to 10 pm<br/>Oriau Pleidleisio 7 am hyd 10 pm</p>  | <p>The presiding officer will give you the elector's ballot paper. The method of voting as proxy is the same as for casting your own vote. It is an offence to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote, eg if that person has been convicted and is detained in a penal institution in pursuance of his sentence. It is also an offence to vote for more than 2 persons of whom you are not the husband, wife, parent, grandparent, brother, sister, child or grandchild. The person who appointed you as proxy may himself vote in person at this election if he is able, and wishes to do so and if he votes before you vote on his behalf.</p> <p>Bydd y swyddog llywyddu yn rhoi papur pleidleisio'r etholwr i chi. Mae'r dull o bleidleisio fel dirprwy yr un fath â'r dull o fwrw eich pleidlais eich hun. Mae'n drosedd i chi bleidleisio fel dirprwy ar ran rhyw berson arall os gwyddoch fod y person hwnnw wedi'i anghymwysu yn ôl y gyfraith rhag pleidleisio, ee os cafwyd y person hwnnw'n euog a'i fod yn cael ei gadw mewn sefydliad cosbi yn unol â'r ddeddfryd a gawsai. Trosedd hefyd yw pleidleisio ar ran mwy na 2 berson heb eich bod yn ŵr, gwraig, rhiant, tadcu (taid), mamgu (nain), brawd, chwaer, plentyn neu ŵyr new wyres iddynt. Gall y person a'ch penododd chi i weithredu fel dirprwy bleidleisio'n bersonol yn yr etholiad hwn os bydd yn gallu ac yn dymuno gwneud hynny ac yn pleidleisio cyn i chi bleidleisio yn ei le.</p> |

Issued by the Returning Officer

Cyhoeddwyd Gan Y Swyddog Canlyniadau

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Form of directions for the guidance of voters in voting referred to in paragraph 34(12)**

Paragraph 34(12)

Guidance for Voters

1. When you are given a ballot paper make sure it is stamped with the official mark.
2. Go to one of the compartments. You may vote once only on each ballot paper. Do not vote more than once. Mark your choice with a cross(x). Put no other mark on the ballot paper, or your vote may not be counted.
3. Fold the ballot papers in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot papers in the ballot box and leave the polling station.
4. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

Cyfarwyddyd I Bleidleiswyr

1. Pan roir i chi bapur pleidleisio gwnewch yn siwr iddo gael ei stampio â'r marc swyddogol.
2. Ewch i un o'r cabanau. Cewch bleidleisio unwaith yn unig ar bob papur pleidleisio. Peidiwch â phleidleisio fvy nag unwaith. Marciwch eich dewis â chroes (X). Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chyfrifir eich pleidlais.
3. Plygwch y papurau pleidleisio yn ddau. Dangoswch y marc swyddogol i'r swyddog llywyddu, ond peidiwch â gadael i neb weld eich pleidlais. Rhowch y papurau pleidleisio yn y blwch pleidleisiau a mynd allan o'r orsaf bleidleisio.
4. Os bydd i chi drwy gangymeriad ddifetha papur pleidleisio, dangoswch ef i'r swyddog llywyddu a gofyn am un arall.

**Form of directions for the guidance of voters in voting referred to in paragraph 34(13) and (14)**



#### Guidance for Voters

1. When you are given a ballot paper make sure it is stamped with the official mark.
2. Go to one of the compartments. You may vote once only on the ballot paper. Do not vote more than once. Mark your choice with a cross (x). Put no other mark on the ballot paper, or your vote may not be counted.
3. Fold the ballot paper in two. Show the official mark to the presiding officer, but do not let anyone see your vote. Put the ballot paper in the ballot box and leave the polling station.
4. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.

#### Cyfrwyddyd I Bleidleiswyr

1. Pan roir i chi bapur pleidleisio gwnewch yn siwr iddo gael ei stampio â'r marc swyddogol.
2. Ewch i un o'r cabanau. Cewch bleidleisio unwaith yn unig ar y papur pleidleisio. Peidiwch â phleidleisio fwy nag unwaith. Marciwch eich dewis â chroes (X). Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chyfrifir eich pleidlais.
3. Plygwch y papur pleidleisio yn ddau. Dangoswch y marc swyddogol i'r swyddog llywyddu, ond peidiwch â gadael i neb weld eich pleidlais. Rhewch y papur pleidleisio yn y blwch pleidleisiau a mynd allan o'r orsaf bleidleisio.
4. Os bydd i chi drwy gamgymeriad ddifetha papur pleidleisio, dangoswch ef i'r swyddog llywyddu a gofyn am un arall

#### **Form of declaration to be made by the companion of a voter with disabilities**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 44(6)

National Assembly for Wales

I, A B, of . . . . ., having been requested to assist C D, (in the case of a voter with disabilities voting as proxy add voting as proxy for M N) whose number on the register is . . . . . to record his vote at the Assembly election now being held in this [constituency] [and] [electoral region], hereby declare that [I am entitled to vote as an elector at the said election(s)] [I am the [father] [mother] [brother] [sister] [husband] [wife] [son] [daughter] of the said voter and have attained the age of 18 years)], and that I have not previously assisted any voter with disabilities [except E.F. of . . . . .] to vote at the said election(s).

(Signed) A B,

. . . . . day of . . . . .

I, the undersigned, being the presiding officer for the . . . . . polling station for the . . . . . [Constituency] [and] [Electoral Region], hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) G.H,

. . . . . day of . . . . .

at . . . . . minutes past . . . . . o'clock (am) (pm)

NOTE—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

A voter with disabilities is a voter who has made a declaration under Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2003 that he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

Cynulliad Cenedlaethol Cymru

Yr wyf fi, A B o. . . . ., ar ôl cael cais i gynorthwyo C D, (yn achos pleidleisiwr anabl sy'n gweithredu fel dirprwy ychwaneger sy'n pleidleisio fel dirprwy ar ran M.N), sef rhif. . . . . ar y gofrestr, i gofnodi ei bleidlais yn yr etholiad i'r Cynulliad a gynhelir yn awr yn yr [etholaeth hon] [â'r] [rhanbarth etholiadol hwn], yn datgan drwy hyn [fod gennyf hawl i bleidleisio fel etholwr yn yr etholiad(au) a enwyd] [mai fi yw [tad] [mam] [brawd] [chwaer] [gwr] [gwraig] [mab] [merch]] y pleidleisiwr a enwyd ac wedi cyrraedd fy 18 mlwydd oed), ac na fu i mi o'r blaen gynorthwyo unrhyw bleidleisiwr anabl [ac eithrio E.F, o. . . . .] i bleidleisio yn yr etholiad(au) a enwyd.

(Llofnodwyd) A.B,

y. . . . . dydd o fis. . . . .

Yr wyf fi, y gwelir fy llofnod isod, sef swyddog llywyddu gorsaf bleidleisio. . . . . ar gyfer [Etholaeth] [a] [Rhanbarth Etholiadol] . . . . . yn ardystio drwy hyn fod y datganiad uchod wedi ei ddarllen I ddechrau yng nghlyw'r datganydd a enwir uchod, a bod y datganydd wedi ei lofnodi wedyn yn fy ngwydd.

(Llofnodwyd) G.H,

y. . . . . dydd o fis. . . . .

am. . . . . munud wedi. . . . . o'r gloch (am) (pm)

NODYN—Os bydd y person sy'n gwneud y datganiad uchod yn ymwybodol ac yn fwiadol yn dweud rhywbeth flug ynddo ynglyn ag unrhyw fater o bwys, bydd yn euog o drosedd.

Pleidleisiwr anabl yw pleidleisiwr sydd wedi datgan dan Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2003 nad yw'n gallu pleidleisio heb gymorth am ei fod yn anabl drwy ei ddalineb neu drwy anabledd arall, neu o 2016 os anallu i ddarllen.

*Document Generated: 2023-06-30*

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**Form of certificate referred to in paragraph 57(4)(a)**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 57(4)(a)

National Assembly for Wales

Certification by the constituency returning officer in respect of the election of a member for an Assembly constituency

I hereby certify that the Member elected to the National Assembly for Wales for the . . . . . Constituency at the election on [date of poll] is:

. . . . . (Full name of member)

. . . . . (name of registered political party, if applicable)

Address of Member:

. . . . .  
. . . . .  
. . . . .  
. . . . .

(Signed) . . . . .

Constituency Returning Officer

Date:

Cynulliad Cenedlaethol Cymru

Ardystiad gan swyddog canlyniadau'r etholaeth mewn perthynas ag ethol aelod ar gyfer un o etholaethau'r Cynulliad

Yr wyf drwy hyn yn ardystio mai:

. . . . . (Enw'r aelod yn llawn)

. . . . . (enw'r blaid wleidyddol gofrestredig, os yw'n gymwys)

Cyfeiriad yr Aelod:

. . . . .  
. . . . .  
. . . . .  
. . . . .

yw'r Aelod a etholwyd i Gynulliad Cenedlaethol Cymru dros Etholaeth. . . . . yn yr etholiad ar [dyddiad y bleidlais].

(Llofnodwyd) . . . . .

Swyddog Canlyniadau'r Etholaeth

Dyddiad:

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**Form of certificate referred to in paragraph 59(4)(a)**

Paragraph 59(4)(a)

National Assembly for Wales

Certification by the regional returning officer in respect of the election of members for an Assembly electoral region

I hereby certify that the persons elected to the National Assembly for Wales to serve as Members for the . . . . .Electoral Region at the election held on [date of poll] are:

1 . . . . .(Full name of member)  
. . . . .(name of registered political party, if applicable)

Address of Member:

. . . . .  
. . . . .  
. . . . .  
. . . . .

2 . . . . .(Full name of member)  
. . . . .(name of registered political party, if applicable)

Address of Member:

. . . . .  
. . . . .  
. . . . .  
. . . . .

3 . . . . .(Full name of member)  
. . . . .(name of registered political party, if applicable)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Address of Member:

.....  
.....  
.....  
.....

4 ..... (Full name of member)  
..... (name of registered political party, if applicable)

Address of Member:

.....  
.....  
.....  
.....

(Signed) .....

Regional Returning Officer

Date:

Cynulliad Cenedlaethol Cymru

Ardystiad gan y swyddog canlyniadau rhanbarthol mewn perthynas ag ethol aelodau yn un o ranbarthau etholiadol y Cynulliad

Yr wyf drwy hyn yn ardystio mai:

1 ..... (Enw'r aelod yn llawn)  
..... (enw'r blaid wleidyddol gofrestrdig, os yw'n gymwys)

Cyfeiriad yr Aelod:

.....  
.....  
.....  
.....

2 ..... (Enw'r aelod yn llawn)  
..... (enw'r blaid wleidyddol gofrestrdig, os yw'n gymwys)

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Cyfeiriad yr Aelod:

.....  
.....  
.....  
.....

3 ..... (Enw'r aelod yn llawn)  
..... (enw'r blaid wleidyddol gofrestredig, os yw'n gymwys)

Cyfeiriad yr Aelod:

.....  
.....  
.....  
.....

4 ..... (Enw'r aelod yn llawn)  
..... (enw'r blaid wleidyddol gofrestredig, os yw'n gymwys)

Cyfeiriad yr Aelod:

.....  
.....  
.....  
.....

yw'r personau a etholwyd i Gynulliad Cenedlaethol Cymru i wasanaethu yn

Aelodau dros Ranbarth Etholiadol. . . . . yn yr etholiad a gynhaliwyd ar  
[dyddiad y bleidlais];

(Llofnodwyd) . . . . .

Swyddog Canlyniadau Rhanbarthol

Dyddiad:

**Form of certificate referred to in paragraph 67(10)(a)**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Paragraph 67(10)(a)

National Assembly for Wales

Certification by the regional returning officer in respect of the return of a member to fill a casual vacancy in an Assembly electoral region under section 9 of the Government of Wales Act 1998

I hereby certify that in accordance with the provisions of section 9(1) to (6) of the Government of Wales Act 1998 the following person is declared returned to serve as Member in the National Assembly for Wales for the . . . . . Electoral Region

. . . . . (Full name of member)

. . . . . (name of registered political party)

Address of Member:

. . . . .  
. . . . .  
. . . . .  
. . . . .

(Signed) . . . . .

Regional Returning Officer

Date:

Cynulliad Cenedlaethol Cymru

Ardystiad gan y swyddog canlyniadau rhanbarthol mewn perthynas ag ethol aelod i lenwi sedd wag achlysurol yn un o ranbarthau etholiadol y Cynulliad o dan adran 9 o Ddeddf Llywodraeth Cymru 1998

Yn unol â darpariaethau adran 9(1)(6) o Ddeddf Llywodraeth Cymru 1998 yr wyf drwy hyn yn ardystio y datganwyd bod y person canlynol wedi'i ethol i wasanaethu fel Aelod yng Nghynulliad Cenedlaethol Cymru dros Ranbarth Etholiadol. . . . .

. . . . . (Enw llawn yr aelod)

. . . . . (enw'r blaid wleidyddol gofrestrdig)

Cyfeiriad yr aelod:

. . . . .  
. . . . .  
. . . . .  
. . . . .

(Llofnodwyd) . . . . .

Swyddog Canlyniadau Rhanbarthol

Dyddiad:



**Form of certificate referred to in paragraph 67(11)(b)**

Paragraph 67(11)(b)

National Assembly for Wales

Certification by the regional returning officer that by virtue of section 9(7)(b) of the Government of Wales Act 1998 a vacancy in an Assembly electoral region shall remain vacant until the next ordinary election

I hereby certify that in accordance with the provisions of section 9(7)(b) of the Government of Wales Act 1998 the seat which is vacant in the under-mentioned electoral region shall remain vacant until the next ordinary election for the National Assembly for Wales.

..... Electoral Region

(Signed) .....

Regional Returning Officer

Date:

Cynulliad Cenedlaethol Cymru

Ardystiad gan y swyddog canlyniadau rhanbarthol y bydd sedd wag yn un o ranbarthau etholiadol y Cynulliad yn aros yn wag tan yr etholiad cyffredin nesaf, yn rhinwedd adran 9(7)(b) o Ddeddf Llywodraeth Cymru 1998

Yn unol â darpariaethau adran 9(7)(b) o Ddeddf Llywodraeth Cymru 1998 yr wyf drwy hyn yn ardystio y bydd y sedd sy'n wag yn y rhanbarth etholiadol a enwir isod yn aros yn wag tan etholiad cyffredin nesaf Cynulliad Cenedlaethol Cymru.

..... Rhanbarth Etholiadol

(Llofnodwyd) .....

Swyddog Canlyniadau Rhanbarthol

Dyddiad:

**SCHEDULE 6**

Article 39

**CONTROL OF DONATIONS TO CANDIDATES**

**ARRANGEMENT OF PARAGRAPHS**

PART I

GENERAL

1. Interpretation.
2. Donations: general rules.

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3. Sponsorship.
4. Payments etc not to be regarded as donations.
5. Value of donations.

## PART II

### CONTROLS ON DONATIONS

6. Prohibition on accepting donations from impermissible donors.
7. Acceptance or return of donations.
8. Transfer of donations received by candidate to election agent.
9. Evasion of restrictions on donations.

## PART III

### REPORTING ON DONATIONS

10. Statement of relevant donations.
11. Donations from permissible donors.
12. Donations from impermissible donors.  
Signature  
Explanatory Note

## PART I

### GENERAL

#### Interpretation

1. For the purposes of this Schedule, unless the context otherwise requires:—

“relevant donation”, in relation to a candidate at an election, means a donation to the candidate or his election agent for the purpose of meeting election expenses incurred by or on behalf of the candidate,

“a donation for the purpose of meeting election expenses incurred by or on behalf of a candidate” includes a donation for the purpose of securing that any such expenses are not so incurred; and a donation shall be taken to be a donation for either of those purposes if, having regard to all the circumstances, it must be reasonably assumed to be such a donation,

“onation” shall be construed in accordance with paragraphs 2 to 4,

“the 1983 Act” means the Representation of the People Act 1983<sup>(66)</sup>,

“the 2000 Act” means the Political Parties, Elections and Referendums Act 2000<sup>(67)</sup>, and

“the Commission” means the Electoral Commission established by section 1 of the 2000 Act.

#### Donations: General Rules

- 2.—(1) “Donation”, in relation to a candidate at an Assembly election, means (subject to paragraph 4) —

- (a) any gift to the candidate or his election agent of money or other property;
- (b) any sponsorship provided in relation to a candidate (as defined by paragraph 3);

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<sup>(66)</sup> 1983 c. 2.

<sup>(67)</sup> 2000 c. 1.

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- (c) any money spent (otherwise than by the candidate, his election agent or any sub-agent) in paying any election expenses incurred by or on behalf of the candidate;
- (d) any money lent to the candidate or his election agent otherwise than on commercial terms;
- (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the candidate (including the services of any person).

(2) Where —

- (a) any money or other property is transferred to a candidate or his election agent pursuant to any transaction or arrangement involving the provision by or on behalf of the candidate of any property, services or facilities or other consideration of monetary value, and
- (b) the total value in monetary terms of the consideration so provided by or on behalf of the candidate is less than the value of the money or (as the case may be) the market value of the property transferred,

the transfer of the money or property shall (subject to sub-paragraph (4)) constitute a gift to the candidate or (as the case may be) his election agent for the purposes of sub-paragraph (1)(a).

(3) In determining —

- (a) for the purposes of sub-paragraph (1)(d), whether any money lent to a candidate or his election agent is so lent otherwise than on commercial terms, or
- (b) for the purposes of sub-paragraph (1)(e), whether any property, services or facilities provided for the use or benefit of a candidate is or are so provided otherwise than on such terms,

regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the candidate in respect of the loan or the provision of the property, services or facilities.

(4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3 ) shall apply in relation to it to the exclusion of the other provision of this paragraph.

(5) The reference in sub-paragraph (1)(c) to money spent as mentioned in that provision is a reference to money so spent by a person, other than the candidate, his election agent or any sub-agent, out of his own resources (with no right to reimbursement out of the resources of any such other person); and where, by virtue of sub-paragraph (1)(c), money so spent constitutes a donation to the candidate, the candidate shall be treated as receiving an equivalent amount on the date on which the money is paid to the creditor in respect of the expenses in question.

(6) In this paragraph —

- (a) any reference to anything being given or transferred to a candidate or his election agent includes a reference to its being given or transferred either directly or indirectly through any third person;
- (b) “gift” includes a bequest or any other form of testamentary disposition.

## **Sponsorship**

**3.—(1)** For the purposes of this Schedule sponsorship is provided in relation to a candidate if —

- (a) any money or other property is transferred to the candidate or to any person for the benefit of the candidate, and
- (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be) —
  - (i) to help the candidate with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the candidate, or

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- (ii) to secure that to any extent any such expenses are not so incurred.
- (2) In sub-paragraph (1) “defined expenses” means expenses in connection with —
  - (a) any conference, meeting or other event organised by or on behalf of the candidate,
  - (b) the preparation, production or dissemination of any publication by or on behalf of the candidate, or
  - (c) any study or research organised by or on behalf of the candidate.
- (3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1) above —
  - (a) the making of any payment in respect of —
    - (i) any charge for admission to any conference, meeting or other event, or
    - (ii) the purchase price of, or any charge for access to, any publication.
  - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

#### **Payments etc not to be regarded as donations**

- 4.—(1) None of the following shall be regarded as a donation —
  - (a) the provision of any facilities provided in pursuance of any right conferred on a candidate at an election by the 1983 Act;
  - (b) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge;
  - (c) any interest accruing to a candidate or his election agent in respect of any donation which is dealt with by the candidate or (as the case may be) his election agent in accordance with section 56(2)(a) or (b) of the 2000 Act (as applied by paragraph 7).
- (2) There shall also be disregarded any donation whose value (determined in accordance with paragraph 5) is not more than £50.

#### **Value of donations**

- 5.—(1) The value of any donation falling within paragraph 2(1)(a) (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2 (1)(a) applies by virtue of paragraph 2 (2), the value of the donation shall be taken to be the difference between —
  - (a) the value of the money, or the market value of the property, in question, and
  - (b) the total value in monetary terms of the consideration provided by or on behalf of the candidate or his election agent.
- (3) The value of any donation falling within paragraph 2(1)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
- (4) The value of any donation falling within paragraph 2(1)(d) or (e) shall be taken to be the amount representing the difference between —

- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the candidate or his election agent in respect of the loan or the provision of the property, services or facilities if —
    - (i) the loan had been made, or
    - (ii) the property, services or facilities had been provided, on commercial terms, and
  - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the candidate or his election agent.
- (5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation —
- (a) shall be determined at the time when it is made, but
  - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.
- (6) In this paragraph “market value” in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market.

## PART II

### CONTROLS ON DONATIONS

#### **Prohibition on accepting donations from impermissible donors**

6.—(1) A relevant donation received by a candidate or his election agent must not be accepted if —

- (a) the person by whom the donation would be made is not, at the time of its receipt by the candidate or (as the case may be) his election agent, a permissible donor falling within section 54(2) of the 2000 Act; or
- (b) the candidate or (as the case may be) his election agent is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.

(2) For the purposes of this Schedule any relevant donation received by a candidate or his election agent which is an exempt trust donation shall be regarded as a relevant donation received by the candidate or his election agent from a permissible donor; and section 162 of the 2000 Act (interpretation: exempt trust donations) shall apply for the purposes of this Schedule as it applies for the purposes of that Act.

(3) But, for the purposes of this Schedule, any relevant donation received by a candidate or his election agent from a trustee of any property (in his capacity as such) which is not —

- (a) an exempt trust donation, or
- (b) a relevant donation transmitted by the trustee to the candidate or his election agent on behalf of beneficiaries under the trust who are —
  - (i) persons who at the time of its receipt by the candidate or his election agent are permissible donors falling within section 54(2) of the 2000 Act, or
  - (ii) the members of an unincorporated association which at that time is such a permissible donor,

shall be regarded as a relevant donation received by the candidate or his election agent from a person who is not such a permissible donor.

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(4) Where any person (“ the principal donor”) causes an amount (“ the principal donation”) to be received by a candidate or his election agent by way of a relevant donation —

- (a) on behalf of himself and one or more other persons, or
- (b) on behalf of two or more other persons,

then for the purposes of this Part each individual contribution by a person falling within sub-paragraph (a) or (b) of more than £50 shall be treated as if it were a separate donation received from that person.

(5) In relation to each separate donation, the principal donor must ensure that, at the time when the principal donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given —

- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 11 (c); and
- (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 11 (a).

(6) Where —

- (a) any person (“ the agent”) causes an amount to be received by a candidate or his election agent by way of a donation on behalf of another person (“the donor”), and
- (b) the amount of the donation is more than £50,

the agent must ensure that, at the time when the donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given all such details in respect of the donor as are required by virtue of paragraph 11(c).

(7) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (5) or (6).

(8) A person guilty of an offence under sub-paragraph (7) shall be liable —

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months (or both);
- (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding one year (or both).

### **Acceptance or return of donations**

7.—(1) Sections 56 to 60 of the 2000 Act shall apply for the purposes of this Schedule in relation to —

- (a) a relevant donation received by a candidate or by his election agent, and
- (b) the candidate or (as the case may be) the election agent,

as they apply in relation to a donation received by a registered party and the registered party.

(2) In the application of sections 56 to 60 of that Act in accordance with sub-paragraph (1) —

- (a) section 56 (1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 to the 2000 Act (if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 11 (c);
- (b) section 56 (3) shall have effect as if the reference to the party were omitted and the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent; and

- (c) section 56 (4) shall have effect as if the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent.

### **Transfer of donations received by candidate to election agent**

8.—(1) Sub-paragraph (2) applies in relation to any relevant donation received by a candidate after the deadline for appointing an election agent (unless the candidate is, or is deemed to be, his own election agent at the time of receipt of the donation).

(2) The candidate shall, on receipt of any such donation as is mentioned in sub-paragraph (1), forthwith deliver to his election agent —

- (a) the donation,
- (b) where paragraph 6 (5) or (6) applies in relation to the donation, the information provided to the candidate in pursuance of that provision, and
- (c) any other information which the candidate has about the donation and its donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under this Part or Part III of this Schedule.

(3) Where a donation is delivered to an election agent in accordance with sub-paragraph (2), the donation shall be treated for the purposes of paragraph 6 (1) to (4) and the provisions applied by paragraph 7 as if it had been —

- (a) originally received by the election agent, and
- (b) so received by him on the date on which it was received by the candidate.

(4) Where a candidate receives a relevant donation before the deadline for appointing an election agent but at a time when an appointment of a person (other than the candidate himself) as election agent is in force he shall either —

- (a) forthwith deliver the donation and the information mentioned in sub-paragraph (2)(b) and (c) to the agent, or
- (b) (if he fails to do so) deal with the donation in accordance with section 56 of the 2000 Act.

(5) Sub-paragraph (3) shall have effect in relation to any relevant donation delivered to an election agent in accordance with sub-paragraph (4) (a) as it has effect in relation to a donation delivered to him in accordance with sub-paragraph (2).

(6) Sub-paragraph (7) applies where —

- (a) a relevant donation received by a candidate before the deadline for appointing an election agent has been dealt with by the candidate in accordance with section 56 of the 2000 Act either because —
  - (i) it was received by him at a time when no appointment of another person as his election agent was in force, or
  - (ii) although such an appointment was in force, he was by virtue of sub-paragraph (4) (b) required to deal with the donation; and
- (b) an appointment of a person (other than the candidate himself) as election agent is in force at, or at any time after —
  - (i) the deadline for appointing an election agent, or
  - (ii) if later, the time when the candidate has dealt with the donation in accordance with section 56 of the 2000 Act.

(7) Subject to sub-paragraph (9), the candidate shall, as soon as reasonably practicable after the relevant time, deliver to the election agent —

- (a) the donation (if it has been accepted by him), and

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- (b) any information which he has about the donation and the donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under Part III of this schedule.
- (8) The relevant time for the purposes of sub-paragraph (7) is —
  - (a) the time mentioned in sub-paragraph (6)(b)(i) or (ii) (as the case may be) if the appointment of another person as election agent is in force at that time, or
  - (b) otherwise, the time when any such appointment subsequently comes into force.
- (9) The duty imposed on a candidate by sub-paragraph (7)(a) does not apply to any relevant donation to the extent to which it has been lawfully used by the candidate for the purpose of paying election expenses.
- (10) In this paragraph —
  - (a) any reference to the deadline for appointing an election agent is a reference to the latest time by which an election agent may in accordance with section 67 (1) or (1A) of the 1983 Act be named as election agent by the candidate; and
  - (b) any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7.

#### **Evasion of restrictions on donations**

- 9. Section 61 of the 2000 Act shall apply for the purposes of this Schedule as if —
  - (a) any reference to donations were to relevant donations;
  - (b) any reference to a registered party were, in relation to a relevant donation, a reference to a candidate or (as the case may be) his election agent; and
  - (c) any reference in subsection (2) to the treasurer of a registered party were, in relation to a relevant donation, a reference to either the candidate or his election agent (or both).

## **PART III**

### **REPORTING OF DONATIONS**

#### **Statement of relevant donations**

10. The candidate's election agent must include in any return to be delivered under section 81 of the 1983 Act a statement of relevant donations which complies with paragraphs 11 and 12.

#### **Donations from permissible donors**

11. The statement must record, in relation to each relevant donation accepted by the candidate or his election agent —

- (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
- (b) the date when the donation was accepted by the candidate or his election agent;
- (c) the information about the donor which is, in connection with recordable donations to registered parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6 to the 2000 Act; and
- (d) such other information as may be required by regulations made by the Commission.



### **Donations from impermissible donors**

- 12.**—(1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b).
- (2) Where paragraph 6(1)(a) applies, the statement must record —
- (a) the name and address of the donor;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a) of the 2000 Act; and
  - (d) such other information as is required by regulations made by the Commission.
- (3) Where paragraph 6(1)(b) applies, the statement must record —
- (a) details of the manner in which the donation was made;
  - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
  - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b) of the 2000 Act; and
  - (d) such other information as is required by regulations made by the Commission.
- (4) In this paragraph any reference to any provision of section 56 of the 2000 Act is a reference to that provision as applied by paragraph 7.

### **SCHEDULE 7**

Articles 44(4), 50(1), and 51(1), (2) and  
(5)

### **Returns and Declarations as to Election Expenses**

Form of return referred to in article 44(4)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

National Assembly for Wales

Election in the . . . . . [Assembly constituency] [Assembly electoral region].

Date of publication of notice of election. . . . .

Name of candidate. . . . .

1. The expenses incurred at the above election in support of the above candidate by. . . . .  
. . . . . (insert name of person or association or body of persons incurring the expenses)  
being expenses required by article 44 of the National Assembly for Wales (Representation of the  
People) Order 2003 to be authorised in writing by the election agent amounted to £. . . . .  
. . . . .

2. That written authority is annexed to this return.

Signature. . . . .

Date. . . . .

Cynulliad Cenedlaethol Cymru

Etholiad yn [etholaeth Gynulliad] [rhanbarth etholiadol Cynulliad] . . . . .

Dyddiad cyhoeddi'r hysbysiad am yr etholiad. . . . .

Enw'r ymgeisydd. . . . .

1. Yr oedd y treuliau a dynnwyd yn yr etholiad uchod i gefnogi'r ymgeisydd uchod gan. . . . .  
. . . . . (rhowch enw'r person neu'r gymdeithas neu'r corff o bersonau a  
dynnodd y treuliau) sef treuliau y mae'n ofynnol o dan erthygl 44 o Orchymyn Cynulliad Cenedlaethol  
Cymru (Cynrychiolaeth y Bobl) 2003 iddynt gael eu hawdurdodi'n ysgrifenedig gan yr asiant etholiad  
yn dod i £. . . . .

2. Mae'r awdurdod ysgrifenedig hwnnw wedi ei gysylltu wrth y cofnod hwn.

Llofnod. . . . .

Dyddiad. . . . .

**Form of declaration referred to in article 44(4)**

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National Assembly for Wales

Election in the. . . . . [Assembly constituency] [Assembly electoral region].

Date of publication of notice of election. . . . .

I hereby declare that—

1. I am the person (or in the case of an association or a body of persons [[director] [general manager] [secretary] [or similar officer] of the association or body of persons]) named as incurring expenses in the accompanying return, marked. . . . . of expenses required by article 44 of the National Assembly for Wales (Representation of the People) Order 2003 to be authorised in writing by an election agent.

2. To the best of my knowledge and belief that return is complete and correct.

3. The matters for which the expenses referred to in that return were incurred are as follows.

. . . . .  
. . . . .  
. . . . .

Signature. . . . .

Office held. . . . .

(In the case of an association or body of persons)

Date. . . . .

Cynulliad Cenedlaethol Cymru

Etholiad yn [etholaeth Gynulliad] [rhanbarth etholiadol Cynulliad] . . . . .

Dyddiad cyhoeddi'r hysbysiad am yr etholiad. . . . .

Yr wyf drwy hyn y datgan—

1. Mai fi yw'r person (neu yn achos cymdeithas neu gorif o bersonau [[cyfarwyddydd] [rheolwr cyffredinol] [ysgrifennydd] [neu swyddog tebyg] y gymdeithas neu'r corff o bersonau) a enwyd fel y sawl a dynnodd y treuliau yn y cofnod cysylltiedig, sydd wedi ei farcio. . . . . o dreuliau sy'n ofynnol o dan erthygl 44 o Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2003 iddynt gael eu hawdurdodi'n ysgrifenedig gan yr asiant etholiad.

2. Hyd eithaf fy ngwybodaeth a'm cred, mae'r cofnod hwnw'n gyflawn ac yn gywir.

3. Dyma'r materion y tynnwyd y treuliau y cyfeirir atynt yn y cofnod hwnw ar eu cyfer. . . . .

. . . . .  
. . . . .  
. . . . .

Llofnod. . . . .

Swydd. . . . .

(Yn achos cymdeithas neu gorif o bersonau)

Dyddiad. . . . .

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**Form of return referred to in article 50(1)**

National Assembly for Wales

Election in the . . . . . [Assembly constituency] [Assembly electoral region].

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Date of publication of notice of election. . . . .

Name of candidate. . . . .

1. I am the election agent of the person named above as a candidate at this election [am the person named above as a candidate at this election and was my own election agent].

*(Where there has been a change of election agent suitable variations may be introduced here and elsewhere in the return.)*

2. I hereby make the following return of the candidate's [my] election expenses at this election.

| Income   | £ | pp |
|--|---|----|
| <b>Amount of money (if any) provided by the candidate to meet election expenses.</b> |   |    |
| <b>Donations of more than £50</b>  |   |    |
| • <b>Permissible donations received</b>  |   |    |
| • <b>Donations received from impermissible donors</b>                                |   |    |
| • <b>Donations received from unidentifiable donors</b>                               |   |    |

*Attach details separately for donations received giving the following information:*

*Permissible donations*

*Name, address and status of donor (including company registration number if applicable/relevant statutory provision for public fund payment. Dates donation received and accepted. Cash amount/value and nature of donation.*

*Donations from impermissible donors*

*Name and address of donor. Date donation received and cash amount/value & nature of donation. Date and manner in which donation dealt with in accordance with s.56(2)(a) of the Political Parties, Elections and Referendums Act 2000.*

*Donations from unidentified donors*

*Date donation received. Manner in which donation was made. Cash amount/value & nature of donation. Date and manner in which donation dealt with in accordance with s.56(2)(b) of the Political Parties, Elections and Referendums Act 2000.*

| Expenditure   | £ | pp |
|---|---|----|
| <b>Candidate's personal expenses (Article 42(1))</b>  |   |    |
| • Paid by him [by me as a candidate]  |   |    |
| • Paid by me [by me acting as election agent]   |   |    |
| <b>Received by me for my services as election agent (if appropriate)</b>  |   |    |
| <b>Paid to sub agents as per annexed list</b><br><i>(set out separately the name and address of each person with the amount paid and relevant polling district)</i> |   |    |
| <b>Paid to polling agents as per annexed list</b>   |   |    |

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|  |  |  |
|--|--|--|
| <i>(set out separately the name and address of each person with the amount paid)</i>   |  |  |
| <b>Paid to polling clerks as per annexed list</b><br><i>(set out separately the name and address of each person with the amount paid)</i>  |  |  |
| <b>Paid to clerk/messenger as per annexed list</b><br><i>(set out separately the name and address of each person with the number of days service and amount paid)</i>  |  |  |
| <b>Paid to persons shown on annexed list in respect of goods supplied or work or labour done (Article 44(1)(b))</b><br>[printing/advertising/stationery] <i>(set out separately full details of persons paid, nature of work done or goods supplied and amount paid)</i> |  |  |
| <b>Expenses incurred on public meetings as detailed on annexed list (Article 44(1)(a)).</b> <i>(Set out separately full details of speaker, amount paid, location and date. Cost of hire of rooms and for committee rooms identifying the rooms used)</i>                |  |  |
| <b>Paid for postage</b>  |  |  |
| <b>Paid for telephonic communications</b> (or similar means of communication)  |  |  |
| <b>Miscellaneous items</b> <i>(set out separately full details and the reason for payment)</i>   |  |  |
| <b>Expenses paid by candidate before agent is appointed (Article 42(2))</b> <i>(Set out full details as an annex)</i>  |  |  |
| <b>Declarations of value of items purchased other than for the candidate's election (Article 43).</b> <i>(Set out full details as an annex)</i>  |  |  |
| <b>Declaration of value of items of notional expenditure (Article 63)</b> <i>(Set out full details as an annex)</i>  |  |  |
| <b>Declaration of amount of expenses incurred before a person becomes a candidate (Article 61 (5))</b>   |  |  |
| <b>Total</b>   |  |  |

|   |  |  |
|---|--|--|
| <b>Disputed claims of which the agent is aware (Article 48)</b><br><i>(set out separately the name and description of each person with the amount claimed by him)</i>                       |  |  |
| <b>Unpaid claims of which the agent is aware (Article 50(4))</b><br><i>(set out separately the name and description of each person and details of the court which allowed these claims)</i> |  |  |

Cynulliad Cenedlaethol Cymru

Etholiad yn [etholaeth Gynulliad] [rhanbarth etholiadol Cynulliad] . . . . .

Dyddiad cyhoeddi'r hysbysiad am yr etholiad. . . . .

Enw'r ymgeisydd. . . . .

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1. Fi yw asiant etholiad y person a enwyd uchod fel ymgeisydd yn yr etholiad hwn [yw'r person a enwyd uchod fel ymgeisydd yn yr etholiad hwn ac yr oeddwn yn asiant etholiad i mi fy hun].

*(Lle bydd yr asiant etholiad wedi newid, gellir cyflwyno amrywiadau addas yma ac mewn manau eraill yn y cofnod)*

2. Yr wyf drwy hyn yn gwneud y cofnod canlynol am dreuliau'r ymgeisydd [fy nhreuliau i] yn yr etholiad hwn.

| Incwm  | £ | pp |
|--|---|----|
| <b>Swm yr arian (os o gwbl) a ddarparwyd gan yr ymgeisydd i dalu costau etholiad</b> |   |    |
| <b>Rhoddion o fwy na £50</b>   |   |    |
| • <b>Rhoddion a ganiateir a gafwyd</b>   |   |    |
| • <b>Rhoddion a gafwyd oddi wrth roddwyr nas caniateir</b>                           |   |    |
| • <b>Rhoddion a gafwyd oddi wrth roddwyr anhysbys</b>                                |   |    |

*Amgawch fanylion unrhyw roddion a gafwyd ar wahân, gan roi'r wybodaeth a ganlyn:*

*Rhoddion a ganiateir*

*Enw, cyfeiriad a statws y rhoddwr (gan gynnwys rhif cofrestru'r cwmni os yw hynny'n gynnwys / y ddarpariaeth statudol berthnasol os yw'n daliad o gronfa gyhoeddus). Y dyddiadau y cafwyd ac y derbynwyd y rhoddion. Swm/gwerth a natur y rhodd.*

*Rhoddion oddi wrth roddwyr nas caniateir*

*Enw a chyfeiriad y rhoddwr. Y dyddiad y cafwyd y rhodd a swm/gwerth a natur y rhodd. Y dyddiad a'r modd yr ymdriniwyd â'r rhodd yn unol ag adran 56(2)(a) o Ddeddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000.*

*Rhoddion oddi wrth roddwyr anhysbys*

*Y dyddiad y cafwyd y rhodd. Sut y gwnaed y rhodd. Swm/gwerth a natur y rhodd. Y dyddiad a'r modd yr ymdriniwyd â'r rhodd yn unol ag adran 56(2)(a) o Ddeddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000.*

| Gwariant   | £ | pp |
|--|---|----|
| <b>Treuliau personol yr ymgeisydd (Erthygl 42(1))</b>  |   |    |
| • A dalwyd ganddo/ganddi [gennyf fel ymgeisydd]  |   |    |
| • A dalwyd gennyf [wrth weithredu fel asiant etholiad]   |   |    |
| <b>Symiau a gefais am y gwasanaeth a roddais fel asiant etholiad (os yn briodol)</b>   |   |    |
| <b>Symiau a dalwyd i is-asiantau yn unol â'r rhestr atodol</b><br><i>(Nodwch enw a chyfeiriad pob un ar wahân, ynghyd â'r swm a dalwyd iddynt)</i>                 |   |    |
| <b>Symiau a dalwyd i asiantau gorsaf bleidleisio yn unol â'r rhestr atodol</b><br><i>(Nodwch enw a chyfeiriad pob un ar wahân, ynghyd â'r swm a dalwyd iddynt)</i> |   |    |

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|   |  |  |
|---|--|--|
| <p><b>Symiau a dalwyd i glercod gorsaf bleidleisio yn unol â'r rhestr atodol</b><br/><i>(Nodwch enw a chyfeiriad pob un ar wahân, ynghyd â'r swm a dalwyd iddynt)</i></p>   |  |  |
| <p><b>Symiau a dalwyd i glerc/negesydd yn unol â'r rhestr atodol</b><br/><i>(Nodwch enw a chyfeiriad pob un ar wahân, ynghyd â nifer y diwrnodau o wasanaeth a'r swm a dalwyd)</i></p>  |  |  |
| <p><b>Symiau a dalwyd i'r bobl a nodir ar y rhestr atodol mewn perthynas â nwyddau a gyflenwyd neu waith a wnaed (Erthygl 44(1)(b))</b><br/><br/>[argraffu/hysbysebu/nwyddau papur] <i>(Nodwch ar wahân fanylion llawn yr holl bobl a dalwyd, natur y gwaith a wnaed neu'r nwyddau a gyflenwyd, a'r swm a dalwyd)</i></p> |  |  |
| <p><b>Treuliau mewn perthynas â chyfarfodydd cyhoeddus fel y'u nodir ar y rhestr atodol (Erthygl 44(1)(a)).</b> <i>(Nodwch ar wahân fanylion llawn y siaradwr, y swm a dalwyd, y lleoliad a'r dyddiad. Cost llogi'r ystafelloedd ac ar gyfer ystafelloedd pwyllgora, nodwch yr ystafelloedd a ddefnyddiwyd).</i></p>      |  |  |
| <p><b>Symiau a dalwyd am gostau postio</b></p>  |  |  |
| <p><b>Symiau a dalwyd am gyfathrebu dros y ffôn (neu am ddulliau tebyg o gyfathrebu)</b></p>  |  |  |
| <p><b>Eitemau amrywiol</b> <i>(Nodwch ar wahân y manylion llawn a'r rhesymau dros dalu)</i></p>   |  |  |
| <p><b>Treuliau a dalwyd gan yr ymgeisydd cyn penodi asiant (Erthygl 42(2))</b><br/><i>(Nodwch y manylion llawn ar ffurf atodiad)</i></p>  |  |  |
| <p><b>Datganiadau ynghylch gwerth eitemau a brynwyd at ddibenion heblaw am ar gyfer ethol yr ymgeisydd (Erthygl 43).</b> <i>(Nodwch y manylion llawn ar ffurf atodiad)</i></p>  |  |  |
| <p><b>Datganiadau ynghylch gwerth eitemau o wariant tybiannol (Erthygl 63)</b><br/><i>(Nodwch y manylion llawn ar ffurf atodiad)</i></p>  |  |  |
| <p><b>Datganiad ynghylch y symiau a wariwyd cyn i rywun gael ei ddewis yn ymgeisydd (Erthygl 61(5))</b></p>   |  |  |
| <p><b>CYFANSWM</b></p>  |  |  |

|  |  |  |
|--|--|--|
| <p><b>Hawliadau y mae anghydfod yn eu cylch ac y mae'r asiant yn gwybod amdanynt (Erthygl 48)</b><i>(Nodwch ar wahân enw pob person, disgrifiad ohono/ohoni, ynghyd â'r swm y mae'n ei hawlio)</i></p>     |  |  |
| <p><b>Hawliadau sydd heb eu talu y mae'r asiant yn gwybod amdanynt (Erthygl 50(4))</b><i>(Nodwch ar wahân enw pob person, disgrifiad ohono/ohoni, a manylion y llys a ganiataodd yr hawliadau hyn)</i></p> |  |  |

**Form of declaration referred to in article 51(1) and (2)**



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National Assembly for Wales

Election in the . . . . . [Assembly constituency] [Assembly electoral region].

Date of publication of notice of election. . . . .

Name of candidate. . . . .

I solemnly and sincerely declare as follows—

1. I am the person named above as a candidate at this election [and was my own election agent] *or* was at this election the election agent of the person named above as a candidate.
2. I have examined the return of election expenses [about to be] [delivered] by my election agent [by me] to the returning officer, of which a copy is now shown to me and marked. . . . .  
. . . . ., and to the best of my knowledge and belief it is a complete and correct return as required by law.
3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by my election agent [by me], except as otherwise stated in relation to my [the candidate's] personal expenses.
4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature of declarant. . . . . Date .....

*(NOTE Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses.)*

Cynulliad Cenedlaethol Cymru

Etholiad yn [etholaeth Gynulliad] [rhanbarth etholiadol Cynulliad] . . . . .

Dyddiad cyhoeddi'r hysbysiad am yr etholiad. . . . .

Enw'r ymgeisydd. . . . .

Yr wyf yn datgan yn ddifrifol ac yn ddiffuant fel a ganlyn—

1. Fi yw'r person a enwyd uchod fel ymgeisydd yn yr etholiad hwn [ac yr oeddwn yn asiant etholiad i mi fy hun] *neu* yr oeddwn yn yr etholiad hwn yn asiant etholiad i'r person a enwyd uchod fel ymgeisydd.
2. Yr wyf wedi archwilio'r cofnod treuliau etholiad sydd [ar fin cael ei gyfiwyno] [wedi'i gyfiwyno] gan fasant etholiad [gennyf fi] i'r swyddog canlyniadau, a chopi ohono'n cael ei ddangos i mi nawr a'i farcio. . . . ., a hyd eithaf fy ngwybodaeth a'm cred y mae'n gofnod cyflawn a chywir fel y mae'r gyfraith yn mynnu.
3. Hyd eithaf fy ngwybodaeth a'm cred, cafodd yr holl dreuliau a nodir yn y cofnod eu talu gan f'asant etholiad [gennyf fi], ac eithrio lle dywedir yn wahanol mewn perthynas â'm treuliau personol i [treuliau personol yr ymgeisydd].
4. Yr wyf yn deall nad yw'r gyfraith yn caniatáu talu unrhyw dreuliau etholiad sydd heb eu nodi yn y cofnod hwn, ac eithrio'n unol â gorchymyn llys.

Llofnod y datganydd. . . . . Dyddiad .....

*(NODYN Lle bydd asiant etholiad wedi newid, gellir cyflwyno amrywiadau addas yn y datganiad am dreuliau.)*

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**Form of declaration referred to in article 52**

National Assembly for Wales

Election in the ..... Assembly electoral region

Date of publication of the notice of election .....

Name of registered political party .....

Names of candidates

1. ....

2. .... (etc)

*(Each candidate is to be listed in the order in which he is included in the party list)*

I solemnly and sincerely declare as follows:

1. I am one of those persons named above as candidate at this election [I was also the election agent for those persons].

2. I have examined the return of election expenses [about to be] [delivered] by the party's nominating officer [treasurer] to the Electoral Commission, of which a copy is now shown to me and marked ..... and to the best of my knowledge and belief it is a complete and correct return as required by law in respect of expenses relating to the election for which I was a candidate and I have no reason to doubt that it is otherwise a complete and correct return.

3. To the best of my knowledge and belief, all expenses shown in the return as paid in respect of the election at which I was a candidate were paid as is therein described.

4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature of declarant ..... Date .....

**Y datganiad y cyfeirir ato yn erthygl 52**

Cynulliad Cenedlaethol Cymru

Etholiad yn rhanbarth etholiadol ..... y Cynulliad

Dyddiad cyhoeddi'r hysbysiad am yr etholiad.....

Enw'r blaidd wleidyddol gofrestredig.....

Enwau'r ymgeiswyr

1. ....
2. .... (etc.)

*(Dylid rhestru pob ymgeisydd yn yr un drefn ag y cynhwysir ef/hi ar restr y blaidd)*

Yr wyf yn ddirifol ac yn ddiffuant yn datgan fel a ganlyn:

1. Fi yw un o'r rhai a enwir uchod fel ymgeisydd yn yr etholiad hwn [fi hefyd oedd yr asiant etholiadau ar gyfer y bobl hynny].
2. Yr wyf wedi archwilio'r ffurflen cofnodi treuliau etholiad [sydd ar fin] [sydd wedi] [cael ei hanfon] gan swyddog enwebu'r [trysorydd y ] blaidd at y Comisiwn Etholiadol, y mae copi ohoni bellach yn cael ei dangos i mi ac sydd wedi'i nodi....., a hyd eithaf fy ngwybodaeth a'm cred, mae'n gofnod cyflawn a chywir fel sy'n ofynnol yn ôl y gyfraith mewn perthynas â threuliau sy'n ymwneud â'r etholiad yr oeddwn yn ymgeisydd ynddo ac nid oes gennyf unrhyw reswm i amau nad ydyw yn gofnod cyflawn a chywir.
3. Hyd eithaf fy ngwybodaeth a'm cred, talwyd yr holl dreuliau y nodir ar y ffurflen gofnodi eu bod yn rhai a dalwyd mewn perthynas â'r etholiad yr oeddwn yn ymgeisydd ynddo yn y modd a ddisgrifir ynddi.
4. Yr wyf yn deall nad yw'r gyfraith yn caniatáu i unrhyw dreuliau etholiad nad ydynt wedi'u nodi ar y ffurflen gofnodi hon gael eu talu ac eithrio yn dilyn gorchymyn llys.

Llofnod y sawl sy'n gwneud y datganiad..... Dyddiad.....

## SCHEDULE 8

Article 68(6)

### Use for Assembly Election Meetings of Rooms in School Premises and of Meeting Rooms

#### Use of rooms in school premises

1.—(1) Any arrangements for the use of a room in school premises shall be made with the local education authority maintaining the school or, in the case of a room in the premises of a foundation or voluntary aided school, with the governing body of the school.

(2) Any question—

- (a) as to the rooms in school premises which a candidate in any Assembly constituency or electoral region is entitled to use,
- (b) as to the times at which he is entitled to use them, or

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(c) as to the notice which is reasonable, shall be determined by the Secretary of State.

(3) In sub-paragraph (1) the reference to a foundation or voluntary aided school includes a reference to a grant maintained school.

#### **Lists of rooms in school premises**

2.—(1) Every local education authority shall prepare and revise for its area lists of the rooms in school premises which candidates in any Assembly constituency or electoral region at an election for that constituency or electoral region are entitled to use.

(2) In relation to an Assembly constituency, the list shall include the rooms in premises within any of the authority's area outside, as well as those in premises in, the constituency.

#### **Lists of meeting rooms**

3.—(1) Each county and county borough council shall prepare and revise for its area a list of the meeting rooms which candidates in any Assembly constituency or electoral region at an election for that Assembly constituency or electoral region are entitled to use.

(2) The list shall indicate the person to whom applications for the use of such a room are to be made in each case.

(3) The list shall not include any room if the person maintaining it disputes the right of candidates in the Assembly constituency or electoral region to use it.

#### **Lists to be kept by registration officer etc**

4. The lists of rooms in school premises and of meeting rooms prepared for each Assembly constituency and electoral region shall be kept by the registration officer, and those lists and particulars of any change made on their revision shall (where necessary) be forwarded to him accordingly.

#### **Inspection etc of lists**

5. In the event of notice of election being published in accordance with the Table in paragraph 1(1) of Schedule 5 any person stating himself to be, or to be authorised by—

- (a) an individual candidate or his election agent, or
- (b) a party list candidate or the election agent for a group of party list candidates,

shall be entitled at all reasonable hours to inspect those lists or a copy of them.

## **SCHEDULE 9**

Article 133(3)

### **Modification of Election Petition Rules 1960**

#### **Assembly election petition: modification of the Election Petition Rules 1960**

1. In relation to an Assembly election petition the Election Petition Rules 1960(68) (“the 1960 Rules”) shall have effect subject to the modifications set down below.

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(68) S.I. 1960/543.

### **Rule 2(2) of the 1960 Rules (definitions)**

2. In rule 2(2) of the 1960 Rules(69), the following definitions shall be modified in the 1960 Rules—

- (a) “the Act” shall be construed as meaning this Order (except in rule 2(3) and where the reference is in relation to a local election petition); and a reference to a provision in the Act in the 1960 Rules shall be construed as a reference to the corresponding provision in this Order,
- (b) “petition” shall be construed as meaning an Assembly election petition (within the meaning of article 85(1)), and
- (c) “constituency” shall be construed as meaning—
  - (i) in the case of a petition relating to a constituency election, the Assembly constituency to which the petition relates,
  - (ii) in the case of a petition relating to a regional election, to the Assembly electoral region to which the petition relates, and
  - (iii) in the case of a petition relating to a return under section 9 of the 1998 Act, to the Assembly electoral region to which the petition relates.

### **Rule 2(3) of the 1960 Rules (prescribed officer)**

3. In rule 2(3) of the 1960 Rules(70), “elections under the Local Government Act” shall be construed as “elections to the National Assembly for Wales”.

### **Rule 4(1) of the 1960 Rules (form of petition)**

4.—(1) In rule 4(1)(b) of the 1960 Rules—

- (a) “in the case of a parliamentary election” shall be disregarded,
- (b) “the Clerk of the Crown” shall be construed as “the National Assembly for Wales in accordance with Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2003”, and
- (c) in the case of a regional election, “result”, “return was” and “member” shall be construed as “results”, “returns were” and “members” respectively.

(2) After rule 4(1)(b) of the 1960 Rules, it shall be construed as if there was inserted—

- “(ba) in the case of a petition relating to a return under section 9 of the Government of Wales Act 1998, the date under section 9(6) of that Act on which the person was treated as declared to be returned as an Assembly member;”.

### **Rule 9(3) of the 1960 Rules (display etc of notice of time and place of trial)**

5. In rule 9(3) of the 1960 Rules(71), “a parliamentary election petition” shall be construed as “an Assembly election petition”.

### **Rule 10(1) of the 1960 Rules (identifying votes at issue)**

6. In rule 10(1) of the 1960 Rules, in the case of a petition relating to a regional election, “he had a majority of lawful votes,” shall be construed as “he or the registered political party for which

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(69) Rule 2(2) was amended by S.I. [1985/1278](#).

(70) Rule 2(3) was amended by S.I. [1985/1278](#).

(71) Rule 9(3) was amended by S.I. [1985/1278](#).

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he was a candidate had a higher electoral region figure (within the meaning of section 6(3) of the Government of Wales Act 1998) than another candidate or registered political party.”.

### References to “election” in the 1960 Rules

7. In rule 10(2) and (4)(b), 12(3), 14(2) and 16(3) of the 1960 Rules(72), “election” shall be construed as including “return” and in rule 10(2) “elected” shall be construed as including “returned”.

### Form of election petition in the 1960 Rules

8. In the form of election petition in the Schedule to the 1960 Rules(73)—

- (a) for the words after “Queen’s Bench Division” to before “The Petition of A.B. of”, there shall be substituted—

“In the Matter of the Government of Wales Act 1998 and the National Assembly for Wales (Representation of the People) Order 2003.

And in the Matter of an Assembly election for [state place] held on        day of

And in the Matter of a return of an Assembly member under section 9 of the Government of Wales Act 1998 for the        electoral region”,

- (b) for paragraphs 1 and 2, there shall be substituted—

“1. That the Petitioner A.B is a person who voted [or had a right to vote] at the above election [or was a candidate at the above election] [or claims to have had a right to be elected or returned at the above election] [or, in the case of a return under section 9 of the Government of Wales Act 1998, claims to have had a right to be returned under section 9 of the Government of Wales Act 1998] and the Petitioner C.D [state similarly the capacity in which he presents the petition].

That the election was held on the        day of        when [in the case of an election for an Assembly constituency, [insert names] were candidates] [in the case of a regional election, [insert names] were individual candidates and there were candidates for [insert names of registered political parties which submitted a party list]; the names of those candidates in respect of each such party are set down below.], The returning officer returned [insert names of candidates] to the National Assembly for Wales as being duly elected.

2. That on the        day of        [insert name] was treated as having been declared to be returned as an Assembly member for the above named Assembly electoral region under section 9(6) of the Government of Wales Act 1998.

[At an election for an Assembly electoral region the names of the candidates included on a list of a registered political party (together with the name of the party for which they were candidates) are to be set out in respect of each such party.]”,

- (c) in paragraph 4, for “section 122(2) or (3) or section 129(2), (3) or (4) of the above Act” there shall be substituted “article 87(2) or (3) of the above Order”, and
- (d) for paragraph (1) of the prayer, there shall be substituted—

“(1) That it may be determined that the said [insert name] was not duly elected [or returned] and that the election was void [or that the said [insert name] was duly elected and ought to have been returned] [or that [insert name] ought to have been returned under section 9 of the Government of Wales Act 1998] [or as the case may be].”.

(72) Rule 10(2) was amended by S.I. 1985/1278.

(73) The Schedule to the 1960 Rules was amended by S.I. 1985/1278

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the conduct of elections and return of members to the National Assembly for Wales (“the Assembly”) and other related matters. It replaces the National Assembly for Wales (Representation of the People) Order 1999 (“the 1999 Order”) as amended by the National Assembly for Wales (Representation of the People) (Amendment) Order 2002 (“the 2002 Order”) which are revoked.

This Order reproduces the provisions of the 1999 Order as amended by the 2002 Order but with additional provisions which are needed as a result of changes made by the Representation of the People Act 2000 and the Political Parties, Elections and Referendums Act 2000 and which were not reflected in the 2002 Order.

The principal changes made by this Order concern -

- (a) offences in relation to false statements in connection with applications for absent or proxy votes (article 13);
- (b) false statements and signatures in nomination papers (article 32);
- (c) a prohibition on the publication of exit polls (article 34);
- (d) the control of donations to constituency and individual candidates (article 39 and schedule 6);
- (e) the expenses of constituency and individual candidates (articles 50, 51 and 60-63);
- (f) the broadcasting of local items during an election period (article 66); and
- (g) incapacities on conviction of a corrupt or illegal practice (article 122).

Part I of the Order makes general provision.

Part II makes provision in connection with the Assembly franchise and its exercise.

Part III makes provision in connection with campaigns at Assembly elections.

Part IV makes provision in connection with legal proceedings and, in particular, election petitions.

Part V makes miscellaneous and supplemental provision in connection with Assembly elections.

Schedule 1 to the Order makes provision in connection with electors lists and registers.

Schedule 2 makes provision in connection with absent voting at Assembly elections.

Schedule 3 makes provision in connection with the issue and receipt of postal ballot papers at Assembly elections.

Schedule 4 makes provision in connection with the combination of polls at Assembly and local government elections.

Schedule 5 makes provision in connection with the conduct of Assembly elections and the return of Assembly members.

Schedule 6 makes provision in connection with the control of donations to candidates.

Schedule 7 contains forms of returns and declarations as to election expenses.

Schedule 8 makes provision in connection with the use for Assembly election meetings of rooms in school premises and of meeting rooms.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Schedule 9 modifies the Election Petition Rules 1960 in their application to Assembly election petitions.