
WELSH STATUTORY INSTRUMENTS

2004 No. 870

**The Local Authorities (Conduct of
Referendums) (Wales) Regulations 2004**

Procedures for questioning a referendum

15.—(1) A referendum under these Regulations may be questioned by petition (“referendum petition”) —

- (a) on the ground that the result of the referendum was not in accordance with the votes cast;
- (b) on the ground that the referendum was avoided by such corrupt or illegal practices, within the meaning of the 1983 Act, as are relevant to referendums by virtue of regulation 8 or paragraph (8) below;
- (c) on the grounds provided by section 164 (avoidance of election for general corruption etc.) of the 1983 Act, as applied for the purposes of these Regulations by paragraph (8) below; or
- (d) subject to paragraph (3), on the ground that a payment of money or other reward has been made or promised since the referendum in pursuance of a corrupt or illegal practice relevant to referendums by virtue of regulation 8 or paragraph (8) below.

(2) A referendum petition on any of the grounds specified in paragraph (1)(a) to (c) shall be presented within 21 days after the day on which the referendum was held.

(3) A referendum petition on the ground mentioned in paragraph (1)(d) may be presented only with the leave of the High Court.

(4) An application for leave shall be made, not later than 28 days after the date of the alleged payment or promise, by application notice to the court at such time and place as the court may appoint.

(5) Not less than seven days before the day so appointed the applicant shall —

- (a) serve the application notice on the respondent and the Director of Public Prosecutions and lodge a copy in the election petitions office; and
- (b) publish notice of the intended application in at least one newspaper circulating in the voting area for the referendum to which the application relates.

(6) The application notice shall state the grounds on which the application is made.

(7) A referendum petition shall be tried by an election court, that is to say, a court constituted under section 130 (election court for local election in England and Wales, and place of trial) of the 1983 Act for the trial of an election petition, as applied by paragraph (8) below.

(8) The provisions set out in column (1) of Schedule 5 shall have effect in relation to the questioning of a referendum as they have effect in relation to the questioning of an election under the Local Government Act 1972(1) subject to —

- (a) the modifications set out in sub-paragraphs (a) to (p) of paragraph (1) of regulation 8;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) the substitution, for “an election petition”, wherever that term appears, of “a referendum petition under the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004”; and
 - (c) the further modifications set out in column (2) of Schedule 5.
- (9) The Election Petition Rules 1960⁽²⁾ shall have effect in relation to a referendum petition as they have effect in relation to a local election petition within the meaning of those Rules subject to the modifications set out in Schedule 6.

(2) S.I.1960/543, amended by S.I. 1985/1278 and 1999/1352.