
STATUTORY INSTRUMENTS

2007 No. 236

The National Assembly for Wales
(Representation of the People) Order 2007

PART 5

Miscellaneous and supplemental

Advertisements

139. The Town and Country Planning (Control of Advertisement) Regulations 1992⁽¹⁾ shall have effect in relation to the display, on any site in Wales, of an advertisement 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.

Assembly constituencies not wholly within a county or county borough

140. 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 postal voters list, the list of proxies and the proxy postal voters list,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.

Translations etc. of certain documents

141.—(1) Paragraphs (2) and (3) apply to any document which under or by virtue of this Order is required or authorised to be given to voters or displayed in any place for the purposes of an Assembly election.

(2) The person who is required or authorised to give or display the document must give or display or otherwise make available in such form as he thinks appropriate—

- (a) the document in Braille;
- (b) the document in languages other than English and Welsh;

(1) *S.I.1992/666*. These regulations were extended to include European Parliamentary elections by *S.I. 1994/2351*.

- (c) graphical representations of the information contained in the document; and
 - (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.
- (3) The person required or authorised to give or display the document must also make available the information contained in the document in such audible form as he thinks appropriate.
- (4) Paragraphs (2) and (3) do not apply to—
- (a) the nomination paper;
 - (b) the ballot paper.
- (5) The constituency returning officer at an Assembly election must cause to be displayed at every polling station in the election an enlarged sample copy of the ballot paper.
- (6) The sample copy mentioned in paragraph (5)—
- (a) in the case of a constituency election, must have printed the words “VOTE FOR ONE CANDIDATE ONLY” and “PLEIDLEISIWCH DROS UN YMGEISYDD YN UNIG” both at the top and immediately below the list of candidates;
 - (b) in the case of a regional election, must have printed the words “VOTE ONCE ONLY” and “PLEIDLEISIWCH UNWAITH YN UNIG” both at the top and bottom of the front of the ballot paper; and
 - (c) in each case, below the second occurrence of those words may include a translation of those words into such other languages as the constituency returning officer thinks appropriate.
- (7) The constituency returning officer at an Assembly election must provide at every polling station in the election an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted.
- (8) The sample copy mentioned in paragraph (7) must be clearly marked as a specimen provided only for the guidance of voters.

Forms: general

142.—(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 Schedule 10.

(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

143.—(1) A public notice required by or under 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 a 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; electronic signatures and related certificates

144.—(1) The requirement in this Order that any application, notice, representation or objection should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means;
- (b) is received in legible form; and
- (c) is capable of being used for future reference.

(2) The requirement in this Order for an application, notice, representation or objection to be signed is satisfied (as an alternative to a signature given by hand) where there is—

- (a) an electronic signature incorporated into or logically associated with a particular electronic communication; and
- (b) the certification by any person of such a signature.

(3) For the purposes of this Order an electronic signature is so much of anything in electronic form as—

- (a) is incorporated into or otherwise logically associated with any electronic communication or both; and
- (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.

(4) For the purposes of this Order an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

- (a) the signature;
- (b) a means of producing, communicating or verifying the signature; or
- (c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

Publication of documents

145.—(1) Any failure to publish a document in accordance with this Order shall not invalidate the document, but this provision shall not relieve any person 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

146. 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

147. In relation to premises in Wales, section 65(6) of the Local Government Finance Act 1988(2) (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.

Dissolution of the Assembly

148. The “minimum period” for the purpose of section 3(2)(a) of the 2006 Act(3) is a period of 21 days, computed in accordance with rule 2 of Schedule 5.

Saving and transitional provision as to incapacities in respect of Assembly elections

149.—(1) Any incapacity imposed by or under Part 4 of the National Assembly for Wales (Representation of the People) Order 2003 or by or under Part 4 of this Order (legal proceedings) on any person from—

- (a) voting in any election under Part 1 of the 1998 Act; or
- (b) being, acting as or remaining a member of the Assembly constituted by that Act,

shall also apply to the like extent in relation to that person—

- (i) voting in any election under Part 1 of the 2006 Act; or
- (ii) being, acting as or remaining a member of the Assembly constituted by the 2006 Act.

(2) Nothing in paragraph (1) prejudices the operation of sections 16 and 17 of the Interpretation Act 1978(4) in respect of the revocation of the National Assembly for Wales (Representation of the People) Order 2003 by this Order.

(2) 1988 c. 41.

(3) Section 3(2)(a) of the Government of Wales Act 2006 makes provision for a minimum period between the dissolution of the National Assembly for Wales constituted by that Act and the day of the poll at the subsequent Assembly ordinary general election.

(4) 1978 c. 30.