



Government of Wales Act 1998

1998 CHAPTER 38

PART I

THE NATIONAL ASSEMBLY FOR WALES

Vacancies

8 Constituency seats

- (1) This section applies where the seat of an Assembly member returned for an Assembly constituency is vacant.
- (2) Subject to subsection (6), an election shall be held in the Assembly constituency to fill the vacancy.
- (3) At the election to fill the vacancy, each person entitled to vote at the election shall have only a constituency vote; and the Assembly member for the Assembly constituency shall be returned under the simple majority system.
- (4) The date of the poll at the election shall be fixed by the presiding officer in accordance with subsection (5).
- (5) The date fixed shall be not later than three months after the occurrence of the vacancy, except that if the vacancy does not come to the presiding officer's notice within one month of its occurrence the date fixed shall be not later than three months after the vacancy comes to his notice.
- (6) An election shall not be held if it appears to the presiding officer that the latest date which may be fixed for the poll would fall within the period of three months preceding an ordinary election.
- (7) A person may not be a candidate in an election to fill a vacancy if he is an Assembly member or a candidate in another such election.
- (8) For the purposes of this section a vacancy shall be taken to have occurred on such date as may be determined under the standing orders of the Assembly.

Status: This is the original version (as it was originally enacted).

- (9) References in this section and section 9 to the presiding officer include references to any person for the time being performing the functions of presiding officer.

9 Electoral region seats

- (1) This section applies where the seat of an Assembly member returned for an Assembly electoral region is vacant.
- (2) If the Assembly member was returned (under section 7 or this section) from the list of a registered political party, the regional returning officer shall notify to the presiding officer the name of the person who is to fill the vacancy.
- (3) A person's name may only be so notified if he—
- (a) is included on that list,
 - (b) is willing to serve as an Assembly member for the Assembly electoral region, and
 - (c) is not a person to whom subsection (4) applies.
- (4) This subsection applies to a person if—
- (a) he is not a member of the party, and
 - (b) the party gives notice to the regional returning officer that his name is not to be notified to the presiding officer as the name of the person who is to fill the vacancy.
- (5) But where there is more than one person who satisfies the conditions in subsection (3), the regional returning officer may only notify the name of whichever of them was the higher, or highest, on that list.
- (6) A person whose name is notified under subsection (2) shall be treated as declared to be returned as an Assembly member for the Assembly electoral region on the day on which notification of his name is received by the presiding officer.
- (7) If—
- (a) the Assembly member whose seat is vacant was returned as an individual candidate, or
 - (b) he was returned from the list of a registered political party but there is no-one who satisfies the conditions in subsection (3),
- the seat shall remain vacant until the next ordinary election.