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STATUTORY INSTRUMENTS

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**2003 No. 284**

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

PART IV

LEGAL PROCEEDINGS

**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<sup>(1)</sup>,

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.

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(1) 1889 c. 69.

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**Status:** This is the original version (as it was originally made).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

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