
STATUTORY INSTRUMENTS

2003 No. 284

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

PART IV

LEGAL PROCEEDINGS

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.