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STATUTORY INSTRUMENTS

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**2007 No. 236**

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

PART 4

**Legal proceedings**

**Avoidance of election for employing corrupt agent**

117.—(1) Subject to paragraph (3),—

- (a) if a constituency or an individual candidate for an Assembly constituency or a regional election or his election agent personally engages; or
- (b) if a party list candidate or the election agent of the registered political party on whose list he is a candidate personally engages,

as a canvasser or agent for the conduct or management of the election any person whom he knows or has reasonable grounds for supposing to be subject to an incapacity to vote at the election, the candidate shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election is held.

(2) For the purposes of paragraph (1) a person shall be subject to an incapacity to vote if—

- (a) he has been convicted of or reported for any corrupt or illegal practice within the meaning of this Order, the 1983 Act, or of any enactment relating to elections to the European Parliament, the Northern Ireland Assembly or the Scottish Parliament; or
- (b) he has been convicted more than once of an offence under the Public Bodies Corrupt Practices Act 1889<sup>(1)</sup>,

(3) In relation to party list candidates at a regional election, the incapacity imposed by paragraph (1) shall apply—

- (a) where the election agent engages such a person, to each candidate on the list; or
- (b) where the election agent does not engage such a person, only to that candidate who engages, or those candidates who engage, that person.

(4) A vote given—

- (a) at a constituency or regional election for a constituency or, (as the case may be) individual candidate 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,

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**Status:** This is the original version (as it was originally made).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