
STATUTORY INSTRUMENTS

2007 No. 236

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

PART 4

Legal proceedings

Incapacities on conviction of corrupt or illegal practice

123.—(1) Subject to paragraph (3), a person convicted of a corrupt or illegal practice shall during the relevant period specified in sub-paragraph (4) be incapable of—

(a) being registered as an elector or voting at any—

- (i) Assembly election;
- (ii) election to the House of Commons;
- (iii) election to the European Parliament;
- (iv) election to the Scottish Parliament;
- (v) election to the Northern Ireland Assembly; or
- (vi) local government election; or

(b) being elected to the Assembly, the House of Commons, the European Parliament, the Scottish Parliament, the Northern Ireland Assembly or as a member of a local authority.

(2) If already elected to a seat in the Assembly or holding an elective office (as listed in paragraph (1)(b)), a person convicted of a corrupt or illegal practice shall vacate the seat or office in accordance with paragraphs (5) and (6).

(3) The incapacity imposed by paragraph (1)(a) applies only to a person convicted of a corrupt practice under article 14(11) or 30, or of an illegal practice under article 31.

(4) For the purposes of paragraph (1) the relevant period is the period beginning with the date of conviction and ending—

- (a) in the case of a person convicted of a corrupt practice, five years after that date; or
- (b) in the case of a person convicted of an illegal practice, three years after that date,

except that if (at any time within that period of five or three years) a court determines on an appeal by that person against the conviction that it should not be upheld, the relevant period shall end at that time instead.

(5) Where paragraph (2) applies to any person, he shall (subject to paragraph (6)) vacate the seat or office in question at the appropriate time for the purposes of this section, 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.

(6) If (before the appropriate time mentioned in paragraph (5)) notice of appeal is given, or an application for leave to appeal is made, by such a person in respect of the conviction, he shall vacate the seat or office in question at the end of the period of three months beginning with the date of conviction unless—

- (a) such an appeal is dismissed or abandoned at any earlier time (in which case he shall vacate the seat or office 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 or office shall not be vacated by him).

(7) Where such a person vacates a seat or office in accordance with paragraph (5) or (6), no subsequent determination of a court that his conviction should not be upheld shall entitle him to resume his seat or office.

(8) If a person convicted of a corrupt or illegal practice has already been elected to a seat in the Assembly or to an elective office as listed in paragraph (1)(b), he shall (in addition to being subject to the incapacities mentioned in paragraph(1)(a) and (b)) be suspended from performing any of his functions as an Assembly member, or (as the case may be) any of the functions of that office, during the period of suspension specified in paragraph (9).

(9) For the purposes of paragraph (8) the period of suspension is the period beginning with the date of the conviction and ending with—

- (a) the date on which the seat or office is vacated in accordance with paragraph (5) or (6); or
- (b) where paragraph (6)(b) applies, the date on which the court determines that the conviction should not be upheld.

(10) Any incapacity or other requirement applying to a person by virtue of paragraphs (1), (2) and (8) apply in addition to any punishment imposed under articles 120 or 121 but each of those paragraphs has effect subject to article 126.