
STATUTORY INSTRUMENTS

2007 No. 236

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

PART 4

Legal proceedings

Time for presentation or amendment of Assembly election petition

88.—(1) Subject to the provisions of this article, an Assembly election petition shall be presented within 21 days after the day on which the name of any member to whose election or return the petition relates has been returned to the Clerk or, as the case may be, notified to the Presiding Officer of the Assembly in accordance with Schedule 5 (the Assembly election rules)(1).

(2) If the petition questions the election or return upon an allegation of corrupt practices and specifically alleges a payment of money or other reward to have been made by such member or on his account or with his privity since the time of that return in pursuance or in furtherance of the alleged corrupt practice, it may be presented within 28 days after the date of the payment.

(3) A petition questioning the election or return upon an allegation of an illegal practice may, so far as respects that illegal practice, be presented—

- (a) within 21 days after the day specified in paragraph (4), or
- (b) if specifically alleging a payment of money or some other act to have been made or done since the day so specified by such member to whose election or return the petition relates or an agent of his, or with the privity of that member or the election agent, in pursuance or in furtherance of the alleged illegal practice, within 28 days after the date of the payment or other act.

(4) The day referred to in paragraph (3) is the tenth day after the end of the time allowed for delivering returns as to election expenses at the election or, if later—

- (a) where that member was a constituency or an individual candidate, that day on which the appropriate returning officer receives the return and declarations as to election expenses by that member and his election agent;
- (b) where that member was a party list candidate, that day on which —
 - (i) the Commission receives the return and declaration as to election expenses by the treasurer of the registered political party, and
 - (ii) the regional returning officer receives the declaration as to election expenses by that member;
- (c) where the return and declarations are received on different days, the last of those days; or

- (d) where there is an authorised excuse for failing to make the return and declarations, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse.
- (5) An Assembly election petition presented within the time limited by paragraph (1) or (2) may, for the purpose of questioning the election or return upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition questioning the election upon the allegation of that illegal practice could be presented under paragraph (3).
- (6) Paragraphs (3), (4) and (5) apply—
 - (a) notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice; and
 - (b) to a corrupt practice under article 46, as if it were an illegal practice.
- (7) For the purposes of this article, an allegation that an election is avoided under article 116 shall be deemed to be an allegation of corrupt practices, notwithstanding that the offences alleged are or include offences other than corrupt practices.