
STATUTORY INSTRUMENTS

2007 No. 236

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

PART 4

Legal proceedings

Conclusion of trial of Assembly election petition

99.—(1) Subject to paragraph (2), at the conclusion of the trial of an Assembly election petition, the election court shall determine whether the Assembly member whose election or return is complained of, or any and what other person, was duly elected or returned, or if applicable, the election was void, and the determination so certified shall be final to all intents as to the matters at issue on the petition.

(2) Where the election court determine that at a regional election an Assembly member for an Assembly electoral region was not duly elected or returned, the court in addition shall determine that the regional election was void.

(3) The election court shall forthwith certify in writing the determination to the Presiding Officer of the Assembly.

(4) If the judges constituting the election court—

(a) subject to paragraph (2), differ as to whether any Assembly member whose election or return is complained of was duly elected or returned, they shall certify that difference and—

(i) the member shall be deemed to be duly elected or returned; or

(ii) some other person or persons shall be declared to be elected or returned; or

(iii) the election of all members for that electoral region was void.

(b) where the petition relates to a constituency election, determine that such member was not duly elected or returned but differ as to the rest of the determination, they shall certify that difference and the election shall be deemed to be void.

(5) Where any charge is made in the petition of any corrupt or illegal practice having been committed at an Assembly election the court shall, in addition to giving a certificate, and at the same time, make a report to the Presiding Officer of the Assembly as required by articles 108 and 110 and also stating whether corrupt or illegal practices have, or whether there is reason to believe that corrupt or illegal practices have, extensively prevailed at the election.

(6) The election court may at the same time make a special report to the Presiding Officer of the Assembly as to matters arising in the course of the trial an account of which in the judgement of the court ought to be submitted to the Assembly.

(7) Every report sent to the Presiding Officer of the Assembly under this article shall be signed by both judges of the election court and if the judges differ as to the subject of the report, they shall certify that difference and make no report on the subject on which they so differ.

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

(8) The Presiding Officer of the Assembly shall publish any certificate or report of an election court received by him under this article.