

SCHEDULE 5

Assembly election rules

PART 6

Death of candidate

Regional election: death of candidate

75.—(1) If at a contested regional election proof is given to the regional returning officer's satisfaction before the results of the election are declared that one of the persons named or to be named as a candidate on the ballot paper (whether as an individual or party list candidate) has died and as a result of that death the election becomes uncontested, then the regional returning officer shall—

- (a) countermand notice of the poll; or
- (b) if polling has begun, direct that the poll be abandoned; and
- (c) in either case, forthwith notify each constituency returning officer in the Assembly electoral region of the action that he has taken.

(2) If at a contested regional election proof is given to the regional returning officer's satisfaction before the results of the election are declared that one of the persons named or to be named as a candidate on the ballot paper (whether as an individual or party list candidate) has died, but notwithstanding that death the election continues to be contested, the notice of poll shall not be countermanded nor shall the poll be abandoned; and in the event of such a death it shall have no effect upon the validity of the election and return of any other candidate at the regional election.

(3) But where paragraph (2) applies, the regional returning officer shall take such steps as he considers reasonable to publicise in the Assembly electoral region for which the election is held—

- (a) the name of that candidate and the fact of his death;
- (b) whether that candidate was an individual or party list candidate; and
- (c) if he was a party list candidate, the name of the registered political party for which he was such a candidate,

and the regional returning officer shall, in particular, consider whether he should publicise as required by this paragraph by causing notices to be placed outside polling stations.

(4) In respect of an election to which paragraph (1) or (2) applies, rules 41(1)(c) and (d) (admission to polling station) and 54(5)(b) to (d) (attendance at count) do not apply in relation to the deceased candidate; and where the deceased candidate is an individual candidate, rule 65(6) (forfeiture of deposit) also does not apply in relation to that deceased candidate.