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WELSH STATUTORY INSTRUMENTS

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**2020 No. 1558**

**The Senedd Cymru (Representation of  
the People) (Amendment) Order 2020**

**PART 5**

**Withholding of candidate's home address**

**Amendment of article 37 (appointment of election agent)**

- 45.**—(1) Article 37 (appointment of election agent) is amended as follows.
- (2) In paragraph (9), after “agent” insert “who is not also a candidate”.
- (3) After paragraph (9) insert—
- “(10) Upon the name and address of an election agent who is also a candidate being declared to the returning officer—
- (a) the appropriate returning officer must give public notice of that name, and save where the agent has requested on a home address form not to make their home address public, the address. If the address is not to be made public, the constituency or country will be released, as required by Schedule 5 to this Order;
- (b) in the case of the regional election, the regional returning officer must give notice to the constituency returning officer for each Senedd Cymru constituency in the Senedd Cymru electoral region of the name, and save where the agent has requested on a home address form not to make their home address public, the address. If the address is not to be made public, the constituency or country will be released, as required by Schedule 5 to this Order.”

**Amendment of Schedule 5 (Senedd Cymru election rules)**

- 46.**—(1) Schedule 5 (Senedd Cymru election rules) is amended as follows.
- (2) In rule 4 (nomination of candidates at a constituency election)—
- (a) in paragraph (2)—
- (i) in sub-paragraph (a), after “names;” insert “and”;
- (ii) omit sub-paragraph (b);
- (b) after paragraph (4) insert—
- “(4A) The constituency nomination paper must be accompanied by a form (in this Schedule referred to as the “home address form”) which states the candidate’s—
- (a) full names; and
- (b) home address in full.
- (4B) The home address form as set out in form CZ in Schedule 10—

- (a) may contain a statement made and signed by the candidate that the candidate requires their home address not to be made public; and
  - (b) if it does so, must—
    - (i) state the constituency within which that address is situated; or
    - (ii) where the candidate’s home address is outside the United Kingdom, state the country in which it is situated.
- (4C) Where a home address form has been completed and returned with the constituency nomination paper and the candidate has requested that their home address not be made public, the information as provided in paragraph (4B)(b) only will appear on the statement of persons nominated and the ballot paper.”;
- (c) after paragraph (6) insert—
    - (a) “(7) During ordinary office hours on any day, after the latest time for delivery of constituency nomination papers and before the date of the poll, the following persons may inspect the home address form of a candidate (“candidate A”)—
      - (i) a person standing nominated as a candidate (“candidate B”) in the same constituency as candidate A;
      - (ii) the election agent or subscriber of candidate B; or
      - (iii) where candidate B is acting as their own election agent, any person nominated by candidate B;
    - (b) where a person has been nominated by more than one constituency nomination paper, the reference to the subscriber in sub-paragraph (a)(ii) is a reference to—
      - (i) the subscriber on the nomination paper that the candidate may select; or
      - (ii) in the absence of such a selection, the nomination paper which was first delivered in accordance with rule 4(1);
    - (c) nothing in this rule permits any person to take a copy of, or extracts from, any home address form;
    - (d) the returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.
    - (a) (8) The returning officer must destroy each candidate’s home address form—
      - (i) on the next day following the 35th day after the officer has returned the name of the Member elected; or
      - (ii) if an election petition questioning the election or return is presented before that day, as soon as is practicable following the conclusion of proceedings on the petition or on appeal from such proceedings;
    - (b) for the purposes of sub-paragraph (a), any day falling within rule 2 must be disregarded.”
- (3) Rule 6 (nomination of individual candidates at a regional election) is amended as follows.
- (a) in paragraph (2)—
    - (i) in sub-paragraph (a), after “names;” insert “and”;
    - (ii) omit sub-paragraph (b);
  - (b) after paragraph (4) insert—

“(4A) The individual nomination paper must be accompanied by a form (in this Schedule referred to as the “home address form”) which states the candidate’s—

- (a) full names; and
- (b) home address in full.

(4B) The home address form as set out in form CZ in Schedule 10—

- (a) may contain a statement made and signed by the candidate that the candidate requires their home address not to be made public; and
- (b) if it does so, must—
  - (i) state the constituency within which that address is situated; or
  - (ii) where the candidate’s home address is outside the United Kingdom, state the country in which is it situated.

(4C) Where a home address form has been completed and returned with the regional nomination paper and the candidate has requested that their home address not be made public, the information as provided in paragraph (4B)(b) only will appear on the statement of persons nominated and the ballot paper.”;

(c) after paragraph (5) insert—

- (a) “(6) During ordinary office hours on any day, after the latest time for delivery of regional nomination papers and before the date of the poll, the following persons may inspect the home address form of a candidate (“candidate A”)—
  - (i) a person standing nominated as a candidate (“candidate B”) in the same region as candidate A;
  - (ii) the election agent or subscriber of candidate B; or
  - (iii) where candidate B is acting as their own election agent, any person nominated by candidate B;
- (b) where a person has been nominated by more than one regional nomination paper, the reference to the subscriber in sub-paragraph (a)(ii) is a reference to—
  - (i) the subscriber on the nomination paper that the candidate may select; or
  - (ii) in the absence of such a selection, to the nomination paper which was first delivered in accordance with rule 4(1);
- (c) nothing in this rule permits any person to take a copy of, or extracts from, any home address form;
- (d) the returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.
- (a) (7) The returning officer must destroy each candidate’s home address form—
  - (i) on the next day following the 35th day after the officer has returned the name of the member elected; or
  - (ii) if an election petition questioning the election or return is presented before that day, as soon as is practicable following the conclusion of proceedings on the petition or on appeal from such proceedings;
- (b) for the purposes of sub-paragraph (a), any day falling within rule 2 must be disregarded.”

(4) Rule 7 (nomination of parties and party list candidates at a regional election) is amended as follows.

(a) In paragraph (4)—

(i) in sub-paragraph (a), omit “and”;

(ii) omit sub-paragraph (b).

(b) After paragraph (6) insert—

“(6A) The party nomination paper must be accompanied by a form (in this Schedule referred to as the “home address form”), in respect of each party list candidate, which states the candidate’s—

(a) full names; and

(b) home address in full.

(6B) The home address form as set out in form CZ in Schedule 10—

(a) may contain a statement made and signed by the candidate that the candidate requires their home address not to be made public; and

(b) if it does so, must—

(i) state the constituency within which that address is situated; or

(ii) where the candidate’s home address is outside the United Kingdom, state the country in which it is situated.

(6C) Where a home address form has been completed and returned with the party nomination paper and the candidate has requested that their home address not be made public, the information as provided in paragraph (6B)(b) only will appear on the statement of persons nominated and the ballot paper.”

(c) After paragraph (7) insert—

“(8) During ordinary office hours on any day, after the latest time for delivery of a party nomination paper and before the date of the poll, the following persons may inspect the home address form of a candidate (“candidate A”)—

(i) a person standing nominated as a candidate (“candidate B”) in the same region as candidate A;

(ii) the election agent or subscriber of candidate B; or

(iii) where candidate B is acting as their own election agent, any person nominated by candidate B;

(b) where a person has been nominated by more than one party nomination paper, the reference to the subscriber in sub-paragraph (a)(ii) is a reference to—

(i) the subscriber on the nomination paper that the candidate may select; or

(ii) in the absence of such a selection, the nomination paper which was first delivered in accordance with rule 4(1);

(c) nothing in this rule permits any person to take a copy of, or extracts from, any home address form;

(d) the returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.

(9) The returning officer must destroy each candidate’s home address form—

(i) on the next day following the 35th day after the officer has returned the name of the member elected; or

- (ii) if an election petition questioning the election or return is presented before that day, as soon as is practicable following the conclusion of proceedings on the petition or on appeal from such proceedings;
  - (b) for the purposes of sub-paragraph (a), any day falling within rule 2 must be disregarded.”
- (5) In paragraph (2) of rule 16 (constituency election; publication of statement of persons nominated), after “addresses” insert “, or such relevant information as provided in the home address form”.
- (6) In paragraph (3)(a) of rule 17 (regional election: publication of statement of parties and other persons nominated), after “addresses” insert “, or such relevant information as provided in the home address form”.
- (7) In paragraph (3)(a) of rule 24 (the ballot paper at a constituency election), after “nominated” insert “(but must not contain a candidate’s home address where a candidate has completed a home address form and requested that their address not be made public)”.
- (8) In paragraph (3)(a) of rule 25 (the ballot paper at a regional election), after “nominated” insert “(but must not contain a candidate’s home address where a candidate has completed a home address form and requested that their address not be made public)”.

#### **Amendment of Schedule 10 (appendix of forms)**

- 47.** Schedule 10 (appendix of forms) is amended as follows.
- 48.** Form CE (form of nomination paper: constituency election) is amended as follows.
- (a) Omit the 6<sup>th</sup> column of the table entitled “Home address in full (please also include telephone number)”;
  - (b) insert “Subscriber” before “Signed”, “Name” and “Address” in the signatory clause of the form.
- 49.** Form CH (form of individual nomination paper: regional election) is amended as follows.
- (a) Omit the 6<sup>th</sup> column of the table entitled “Home address in full (please also include telephone number)”;
  - (b) insert “Subscriber” before “Signed”, “Name” and “Address” in the signatory clause of the form.
- 50.** Form CI (form of party nomination paper: regional election) is amended as follows.
- (a) Omit the 5<sup>th</sup> column of the table entitled “Home address in full (please also include telephone number)”;
  - (b) insert “Subscriber” before “Signed”, “Name” and “Address” in the signatory clause of the form.
- 51.** In form CK (constituency ballot paper), after “Schedule 5” insert “and rule 24(3)(a) (the ballot paper at a constituency election) provides that the candidate’s home address be omitted from the Ballot paper where the candidate has completed a home address form requesting that their home address not be disclosed”.
- 52.** After form CY insert the form in the Schedule to this Order.