
STATUTORY INSTRUMENTS

1999 No. 450

**The National Assembly for Wales
(Representation of the People) Order 1999**

PART III

THE ELECTION CAMPAIGN

Appointment of election agent

32.—(1) At an Assembly election, not later than the latest time for delivery of notices of withdrawal of candidature, a person shall be named by, or on behalf of—

- (a) each candidate, in the case of a constituency election, and
- (b) each individual candidate, in the case of a regional election,

as the candidate's election agent, and the name and address of the candidate's election agent shall be declared in writing by the candidate, or some other person on his behalf, to the appropriate returning officer not later than that time.

(2) A candidate at a constituency election or an individual candidate at a regional election may name himself as election agent.

(3) At a regional election, not later than the latest time for delivery of notices of withdrawal of candidature, a person shall be named by, or on behalf of, each group of party list candidates as those candidates' election agent, and the name and address of the candidates' election agent shall be declared in writing by the candidate whose name appears first on the list, or some other person on his behalf (including another candidate on the list), to the regional returning officer not later than that time.

(4) A candidate included on a party list may be named as election agent for the candidates included on the list.

(5) Where a candidate has been named or has named himself as an election agent, so far as circumstances permit, he shall be subject to the provisions of this Order both as a candidate and as an election agent and, except where the context otherwise requires, any reference in this Order to an election agent shall be construed to refer to the candidate acting in his capacity as election agent.

(6) One election agent only shall be appointed for—

- (a) each candidate at a constituency election,
- (b) each individual candidate at a regional election, and
- (c) each group of party list candidates at a regional election,

but the appointment, whether the election agent appointed be a candidate himself or not, may be revoked.

(7) If (whether before, during or after the election) the appointment (or deemed appointment) of an election agent is revoked or an election agent dies, another election agent shall be appointed forthwith and his name and address declared in writing to the appropriate returning officer.

(8) The declaration as an election agent of a person other than—

- (a) an individual candidate, or
- (b) a party list candidate whose name appears first on the list,

shall be of no effect under this article unless it is made and signed by that person or is accompanied by a written declaration of acceptance signed by him.

(9) Upon the name and address of an election agent being declared to the appropriate returning officer—

- (a) the appropriate returning officer shall forthwith give public notice of that name and address, and
- (b) in the case of a regional election, the regional returning officer shall forthwith give notice of that name and address to the constituency returning officer for each Assembly constituency in the Assembly electoral region.

Nomination of sub-agent

33.—(1) At an Assembly election an election agent, subject to the provisions of this article, may appoint to act in any part of—

- (a) the Assembly constituency, in the case of a constituency election, or
- (b) the Assembly electoral region, in the case of a regional election,

one, but not more than one, deputy election agent (in this Order referred to as a sub-agent).

(2) As regards matters in the part of an Assembly constituency or electoral region for which there is a sub-agent the election agent may act by the sub-agent and—

- (a) anything done for the purposes of this Order by or to the sub-agent in his part of the Assembly constituency or electoral region shall be deemed to be done by or to the election agent,
- (b) any act or default of a sub-agent which, if he were the election agent, would be an illegal practice or other offence against this Order shall be an illegal practice and offence against this Order committed by the sub-agent, and the sub-agent shall be liable to punishment accordingly, and
- (c) a candidate shall suffer the like incapacity as if that act or default had been the election agent's act or default.

(3) Not later than the second day before the day of the poll the election agent shall declare in writing the name and address of every sub-agent to the appropriate returning officer, and—

- (a) the returning officer shall forthwith give public notice of the name and address of every sub-agent so declared, and
- (b) in the case of a regional election, the regional returning officer shall forthwith give notice of that name and address to the constituency returning officer for each Assembly constituency in any part of which the sub-agent is appointed to act.

(4) The appointment of a sub-agent—

- (a) shall not be vacated by the election agent who appointed him ceasing to be election agent, but
- (b) may be revoked by whoever is for the time being the election agent,

and in the event of the revocation of the appointment or of the death of a sub-agent another sub-agent may be appointed, and his name and address shall be forthwith declared in writing to the appropriate returning officer, who shall forthwith give the like notice required by paragraph (3)(a) and, if applicable, (b).

(5) The declaration to be made to the appropriate returning officer, and such notice to be given by him, under paragraph (3) or (4) shall specify the part of the Assembly constituency or electoral region within which any sub-agent is appointed to act.

Office of election agent and sub-agent

34.—(1) Every election agent and every sub-agent shall have an office to which all claims, notices, writs, summonses and documents may be sent, and the address of the office shall be—

- (a) declared to the appropriate returning officer at the same time as the appointment of the agent is declared to him,
- (b) stated in the public notice, and
- (c) in the case of a regional election, stated in the notice to the constituency returning officers.

(2) The office—

- (a) subject to article 35(6) of an election agent for a constituency election shall be—
 - (i) in the Assembly constituency for which the election is held or an adjoining Assembly constituency, or
 - (ii) in a county or county borough which is partly comprised in or adjoins the first mentioned Assembly constituency,
- (b) subject to article 35(6), of an election agent for a regional election shall be in the Assembly electoral region, and
- (c) of a sub-agent shall be in the area within which he is appointed to act.

(3) Any claim, notice, writ, summons or document delivered at the office of the election agent or sub-agent and addressed to him, shall be deemed to have been served on him and every election agent may, in respect of any matter connected with the election in which he is acting, be sued in any court having jurisdiction at the place where his office is situated.

Effect of default in election agent's appointment

35.—(1) If no person's name and address is given as required by article 32 as the election agent of a candidate or a group of party list candidates who remain validly nominated at the latest time for delivery of notices of withdrawal of candidature—

- (a) in the case of a candidate at a constituency election or an individual candidate at a regional election, the candidate shall be deemed at that time to have named himself as election agent and to have revoked any appointment of another person as his election agent, and
- (b) in the case of a group of party list candidates at a regional election, the candidate whose name appears first on the list shall be deemed at that time to have been named as election agent and for there to have been revoked any appointment of another person as those candidates' election agent.

(2) This paragraph applies if—

- (a) the person whose name and address have been so given as those of an election agent for an individual candidate (not being the candidate himself) or a group of party list candidates dies, and
- (b) a new appointment is not made on the day of the death or on the following day.

(3) Where paragraph (2) applies—

- (a) in the case of a candidate at a constituency election or an individual candidate at a regional election, he shall be deemed to have appointed himself as from the time of death, and

- (b) in the case of the death of an election agent for a group of party list candidates at a regional election—
 - (i) the candidate whose name appears first on the list shall be deemed to have been appointed from the time of death, or
 - (ii) where paragraph (2) applies through the death of such a candidate, the candidate whose name appears next highest on the list shall be deemed to have been appointed from the time of death.
- (4) If the appointment of an election agent is revoked without a new appointment being made—
 - (a) in the case of a candidate at a constituency election or an individual candidate at a regional election, the candidate himself shall be deemed to have been appointed (or re-appointed) election agent, and
 - (b) in the case of a group of party list candidates at a regional election, the candidate whose name appears first on that list shall be deemed to have been appointed (or re-appointed) election agent.
- (5) The deemed appointment of an election agent may be revoked as if it were an actual appointment.
- (6) Where a candidate is by virtue of this article to be treated as an election agent he shall be deemed to have his office at his address as given in the statement of persons nominated.
- (7) The appropriate returning officer on being satisfied that a person is by virtue of this article to be treated as an election agent, shall forthwith proceed to give such like notice as if the name and address of the person and the address of his office had been duly given to him under articles 32 and 34.

Making of contracts through election agent

- 36.—**(1) At an Assembly election the election agent for an individual candidate or a group of party list candidates shall appoint every polling agent, clerk and messenger employed for payment on behalf of the candidate or those candidates at that election, and hire every committee room hired on behalf of such candidate or candidates.
- (2) A contract by which any election expenses are incurred shall not be enforceable against an individual candidate or group of party list candidates at the election unless made—
- (a) by the candidate himself or by his election agent, or
 - (b) by any or all of the candidates themselves or by their election agent,
- but this paragraph does not relieve such candidate or candidates from the consequences of any corrupt or illegal practice having been committed by his or their agent.
- (3) The references in this article to an election agent shall be taken as references to the election agent acting by himself or by a sub-agent.

Expenses of a registered political party

- 37.—**(1) Where—
- (a) article 38, 41, 42 or 46 applies in respect of sums paid or expenses incurred by, or in respect of, an individual candidate at a constituency election, and
 - (b) in respect of the candidate, the constituency returning officer has received a certificate issued by the registered nominating officer of a registered political party under paragraph 5(1) of Schedule 5,

such sums paid or expenses incurred are not for the purposes of this Part to be regarded as having been paid or incurred by the party.

(2) But for the purposes of this Part a sum is paid or an expense incurred by a registered political party if the payment is made or the expense is incurred—

- (a) by any or all of a group of party list candidates for the party,
- (b) by such candidates' election agent,
- (c) by the party's registered nominating officer, or
- (d) by any other person in accordance with arrangements for which the registered nominating officer is responsible.

Individual candidate: payment of expenses by or through election agent

38.—(1) Except as permitted by article 41, or under article 51 or 52, no payment and no advance or deposit shall be made at any time in respect of election expenses of an individual candidate at an Assembly election—

- (a) by an individual candidate,
- (b) by any agent on behalf of an individual candidate, or
- (c) by any other person,

otherwise than by or through the candidate's election agent.

(2) Every payment under paragraph (1) in respect of any election expenses shall, except where less than £20, be vouched for by a bill stating the particulars and by a receipt.

(3) The reference in paragraph (1) to an election agent shall be taken as a reference to the election agent acting by himself or by a sub-agent.

(4) All money provided by any person other than a candidate for any election expenses for, or in respect of, the candidate, whether as gift, loan, advance or deposit, shall be paid to the candidate or his election agent and not otherwise.

(5) The foregoing provisions of this article shall not be deemed to apply to any sum disbursed by any person out of his own money for any small expense legally incurred by him if the sum is not repaid to him.

(6) A person who makes any payment, advance or deposit in contravention of paragraph (1), or pays in contravention of paragraph (4) any money so provided as mentioned, shall be guilty of an illegal practice.

Registered political party at an ordinary election: payment of expenses by or through election agent, registered nominating officer, etc.

39.—(1) Except as permitted by article 41, or under article 51 or 52, no payment and no advance or deposit shall be made at any time in respect of election expenses of a registered political party at an ordinary election unless made in accordance with paragraph (2).

- (2) No such payment, advance or deposit shall be made—
- (a) by any or all of a group of party list candidates,
 - (b) by any agent on behalf of such candidates, or
 - (c) by any other person,

otherwise than—

- (i) by or through such candidates' election agent, or
- (ii) by the registered nominating officer of the party or by any other person in accordance with arrangements for which the registered nominating officer is responsible.

(3) Every payment made under paragraphs (1) and (2) in respect of any election expenses shall, except where less than £20, be vouched for by a bill stating the particulars and by a receipt.

(4) The reference in paragraph (a) to an election agent shall be taken as a reference to the election agent acting by himself or by a sub-agent.

(5) All money provided by any person other than—

- (a) by any or all of a group of party list candidates, or
- (b) by the registered nominating officer of a registered political party or by such other person as is mentioned in paragraph (2)(ii),

for any election expenses of a registered political party at an ordinary election, whether as gift, loan, advance or deposit, shall be paid in accordance with paragraph (6).

(6) Such a gift, loan, advance or deposit shall be paid to—

- (a) any or all of a group of party list candidates or their election agent, or
- (b) the registered nominating officer of the party or such other person as is mentioned in paragraph (2)(ii),

and not otherwise.

(7) The foregoing provisions of this article shall not be deemed to apply to any sum disbursed by any person out of his own money for any small expense legally incurred by him if the sum is not repaid to him.

(8) A person who makes any payment, advance or deposit in contravention of paragraphs (1) and (2), or pays in contravention of paragraphs (5) and (6) any money so provided as mentioned, shall be guilty of an illegal practice.

Registered political party at a regional election other than at an ordinary election: payment of expenses by or through election agent, registered nominating officer etc.

40.—(1) Where article 39 does not apply, except as permitted by article 41, or under article 51 or 52, no payment and no advance or deposit shall be made at any time in respect of election expenses of a registered political party at a regional election unless made in accordance with paragraph (2).

(2) No such payment, advance or deposit shall be made—

- (a) by any or all of a group of party list candidates,
- (b) by any agent on behalf of such candidates, or
- (c) by any other person,

otherwise than—

(i) by or through such candidates' election agent, or

(ii) by the registered nominating officer of the party or by any other person in accordance with arrangements for which the registered nominating officer is responsible.

(3) Every payment made under paragraphs (1) and (2) in respect of any election expenses shall, except where less than £20, be vouched for by a bill stating the particulars and by a receipt.

(4) The reference in paragraph (2) to an election agent shall be taken as a reference to the election agent acting by himself or by a sub-agent.

(5) Where article 39 does not apply, all money provided by any person other than—

- (a) by any or all of a group of party list candidates, or
- (b) by the registered nominating officer of a registered political party or by such other person as is mentioned in paragraph (2)(ii),

for any election expenses of a registered political party at a regional election whether as a gift, loan, advance or deposit, shall be paid in accordance with paragraph (6).

(6) Such a gift, loan, advance or deposit shall be paid to—

(i) any or all of a group of party list candidates or their election agent, or

(ii) the registered nominating officer of the party or such other person as is mentioned in paragraph (2)(ii),

and not otherwise.

(7) The foregoing provisions of this article shall not be deemed to apply to any sum disbursed by any person out of his own money for any small expense legally incurred by him if the sum is not repaid to him.

(8) A person who makes any payment, advance or deposit in contravention of paragraphs (1) and (2), or pays in contravention of paragraphs (5) and (6) any money so provided as mentioned, shall be guilty of an illegal practice.

Candidate's personal expenses, and petty expenses

41.—(1) A candidate at an Assembly election may pay any personal expenses incurred by him on account of or in connection with or incidental to the election, but the amount which a candidate may pay (subject to paragraph (2)) shall not exceed—

(a) £600, in the case of a candidate at a constituency election, or

(b) £900, in the case of a candidate at a regional election,

and any further personal expenses incurred by him shall be paid by the election agent.

(2) Where at an ordinary election a person is a candidate at a constituency election and an individual or a party list candidate at a regional election—

(a) the amount of any such personal expenses paid by him in respect of both elections shall not exceed £900, but

(b) the amount of any such personal expenses paid by him in respect of the constituency election shall not exceed £600.

(3) A candidate shall send to the election agent within the time permitted by this Order for sending in claims a written statement of the amount of personal expenses paid as mentioned in paragraph (1) by the candidate.

(4) Any person may, if so authorised in writing by an election agent, at an Assembly election pay any necessary expenses of stationery, postage, telephonic communication (or any other similar means of communication) and other petty expenses, to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(5) A statement of the particulars of payments made by any person so authorised shall be sent to the election agent within the time limited by this Order for sending in claims, and shall be vouched for by a bill containing that person's receipt.

Individual candidates: prohibition of expenses not authorised by election agent etc.

42.—(1) Subject to article 43, no expenses shall, with a view to promoting or procuring the election of an individual candidate at an Assembly election, be incurred at such an election by any person other than—

(a) by the candidate or his election agent, and

(b) by persons authorised in writing by the election agent,

on account—

- (i) of holding public meetings or organising any public display,
- (ii) of issuing advertisements, circulars or publications,
- (iii) in the case of a constituency election, of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another candidate, or
- (iv) in the case of a regional election, of otherwise presenting to the electors the candidate or his views or the extent or nature of his backing or disparaging another individual candidate or any or all of a group of party list candidates.

Provided that expenses incurred in accordance with this paragraph shall not be incurred in conjunction with any election expenses incurred by a registered political party.

(2) But paragraph (1)(iii) or (iv) shall not—

- (a) restrict the publication of any matter relating to the election in a newspaper or any other periodical or in a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru or in a programme included in any service licensed under Part I or III of the Broadcasting Act 1990(1) or Part I or II of the Broadcasting Act 1996(2), or
- (b) apply to any expenses not exceeding in the aggregate—
 - (i) the sum of £500, in the case of a constituency election, or
 - (ii) the sum of £1,000, in the case of a regional election,

which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others or to expenses incurred by any person in travelling or in living away from home or similar personal expenses.

(3) Where a person incurs any expense in respect of an individual candidate required by this article to be authorised by the election agent—

- (a) that person shall within 21 days after the day on which the result or results of the election are declared deliver to the appropriate returning officer a return of the amount of those expenses stating the constituency or regional election at which, and the candidate in whose support, they were incurred, and
- (b) the return shall be accompanied by a declaration made by that person (or, in the case of an association or body of persons, by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matters for which the expenses were incurred,

but this paragraph does not apply to any person engaged or employed for payment or promise of payment by a candidate or his election agent.

(4) The return and declaration under the foregoing provisions of this article shall be in the forms set out in English and Welsh in Schedule 6, and the authority received from the election agent shall be annexed to and deemed to be part of the return.

(5) A copy of every return and declaraton made under paragraph (3) in relation to an Assembly election shall be sent to the Assembly within 21 days after the day on which the result of the election is declared by the person making the return or declaration and paragraph 64 of Schedule 5 applies to any documents sent to the Assembly under this article.

(6) If a person—

- (a) incurs, or aids, abets, counsels or procures any other person to incur any expenses in contravention of this article, or
- (b) knowingly makes the declaration required by paragraph (3) falsely,

(1) 1990 c. 42.

(2) 1996 c. 55.

he shall be guilty of a corrupt practice; and if a person fails to deliver or send any declaration or return or a copy of it as required by this article he shall be guilty of an illegal practice, but—

- (i) the court before whom a person is convicted under this article may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of article 135, and
- (ii) a candidate shall not be liable, nor shall his election be avoided, for a corrupt or illegal practice under this article committed by an agent without his consent or connivance.

(7) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this article, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves—

- (a) that the act or omission took place without his consent or connivance, and
- (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the other circumstances.

Registered political party at an ordinary election: prohibition of expenses not authorised by election agent, registered nominating officer etc.

43.—(1) No expenses shall, with a view to promoting or procuring the election of a candidate or candidates at an ordinary election, be incurred at such an election by any person other than in accordance with paragraph (2) or article 42.

(2) Expenses required by paragraph (1) to be incurred in accordance with this paragraph shall be incurred—

- (a) by any or all of a group of party list candidates or their election agent,
- (b) by persons authorised in writing by the election agent,
- (c) by the registered nominating officer of a registered political party, and
- (d) by any other person in accordance with arrangements for which the registered nominating officer is responsible,

on account—

- (i) of holding public meetings or organising any public display,
- (ii) of issuing advertisements, circulars or publications, or
- (iii) of otherwise presenting to the electors the candidate or any or all the candidates or his or their views or the extent of his or their backing or disparaging an individual candidate or any or all of another group of party list candidates.

(3) But paragraph (2)(iii) shall not—

- (a) restrict the publication of any matter relating to the election in a newspaper or any other periodical or in a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru or in a programme included in any service licensed under Part I or III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996, or
- (b) apply to any expenses not exceeding in the aggregate the sum of £1,000 in relation to a particular regional election which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others or to expenses incurred by any person in travelling or in living away from home or similar personal expenses.

Registered political party at regional elections other than at an ordinary election: prohibition of expenses not authorised by election agent, registered nominating officer etc.

44.—(1) Where article 43 does not apply, no expenses shall, with a view to promoting or procuring the election of party list candidates at a regional election, be incurred at such an election by any person other than in accordance with paragraph (2).

(2) Expenses required by paragraph (1) to be incurred in accordance with this paragraph shall be incurred—

- (a) by any or all of a group of party list candidates or their election agent,
- (b) by persons authorised in writing by the election agent,
- (c) by the registered nominating officer of a registered political party, and
- (d) by any other person in accordance with arrangements for which the registered nominating officer is responsible,

on account—

- (i) of holding public meetings or organising any public display,
- (ii) of issuing advertisements, circulars or publications, or
- (iii) of otherwise presenting to the electors any or all the candidates or their views or the extent of their backing or disparaging an individual candidate or any or all of another group of party list candidates.

(3) But paragraph (2)(iii) shall not—

- (a) restrict the publication of any matter relating to the election in a newspaper or any other periodical or in a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru or in a programme included in any service licensed under Part I or III of the Broadcasting Act 1990 or Part I or II of the Broadcasting Act 1996, or
- (b) apply to any expenses not exceeding in the aggregate the sum of £1,000 in relation to the regional election which may be incurred by an individual and are not incurred in pursuance of a plan suggested by or concerted with others or to expenses incurred by any person in travelling or in living away from home or similar personal expenses.

Provisions supplemental to articles 43 and 44

45.—(1) Where a person incurs any expense required by article 43 or 44 to be authorised by the election agent for a group of party list candidates—

- (a) that person shall within 21 days after the day on which the results of the regional election at which they are candidates are declared deliver to the Assembly a return of the amount of those expenses, stating the regional elections at which, and the registered political party in support of which, they were incurred, and
- (b) the return shall be accompanied by a declaration made by that person (or in the case of an association or body of persons by a director, general manager, secretary or other similar officer of the association or body) verifying the return and giving particulars of the matters for which the expenses were incurred,

but this paragraph does not apply to any person engaged or employed for payment or promise of payment by any or all of the group of party list candidates or their election agent.

(2) The return and declaration under the foregoing provisions of this article shall be in the forms set out in English and Welsh in Schedule 6, and the authority received from the election agent shall be annexed to and deemed to be part of the return.

(3) A copy of every return and declaration made under paragraph (1) in relation to a regional election shall be sent to the Assembly within 21 days after the day on which the results of the election

are declared by the person making the return or declaration and paragraph 64 of Schedule 5 applies to any documents sent to the Assembly under this article.

(4) If a person—

- (a) incurs, or aids, abets, counsels or procures any other person to incur any expenses in contravention of article 43 or 44, or
- (b) knowingly makes the declaration required by paragraph (1) falsely,

he shall be guilty of a corrupt practice; and if a person fails to deliver or send any declaration or return or a copy of it as required by this article he shall be guilty of an illegal practice, but—

- (i) the court before whom a person is convicted under this article may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of article 135, and
- (ii) a party list candidate shall not be liable, nor shall his election be avoided, for a corrupt or illegal practice under this article committed by an agent or another candidate included on the list without his consent or connivance.

(5) Where any act or omission of an association or body of persons, corporate or unincorporate, is an offence declared to be a corrupt or illegal practice by this article, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence, unless he proves—

- (a) that the act or omission took place without his consent or connivance, and
- (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the other circumstances.

Individual candidate: limitation of election expenses

46.—(1) No sum shall be paid and no expense shall be incurred by—

- (a) a candidate or his election agent at a constituency election, or
- (b) an individual candidate or his election agent at a regional election,

whether before, during or after an election, on account of or in respect of the conduct or management of the election, in excess of the maximum amount specified in this article, and a candidate or election agent knowingly acting in contravention of this paragraph shall be guilty of an illegal practice.

(2) The maximum amount is—

- (a) at an ordinary election, for a candidate at a constituency election—
 - (i) for an Assembly constituency which is coterminous with a parliamentary constituency which is a county constituency, £5,229 together with an additional 5.9p for every entry in a register of electors to be used at the election (as first published), and
 - (ii) for an Assembly constituency which is coterminous with a parliamentary constituency which is a borough constituency, £5,229 together with an additional 4.4p for every entry in a register of electors to be used at the election (as first published),
- (b) at an election to fill a casual vacancy, for a candidate at a constituency election—
 - (i) for an Assembly constituency which is coterminous with a parliamentary constituency which is a county constituency, £20,920 together with an additional 23.4p for every entry in a register of electors to be used at the election (as first published), and

- (ii) for an Assembly constituency which is coterminous with a parliamentary constituency which is a borough constituency, £20,920 together with an additional 17.8p for every entry in a register of electors to be used at the election (as first published),
 - (c) for an individual candidate at a regional election at an ordinary election, the aggregate of the maximum amounts under sub-paragraph (a)(i) or (ii) as apply, or would apply, at that time at a constituency election in respect of each Assembly constituency in the Assembly electoral region for which the election is held, and
 - (d) for an individual candidate at a regional election other than at an ordinary election, the aggregate of the maximum amounts under sub-paragraph (b)(i) or (ii) as apply, or would apply, at that time at a constituency election in respect of each Assembly constituency in the Assembly electoral region for which the election is held.
- (3) If a register to be used at an Assembly election is not published before the day of publication of the notice of election then for any reference in paragraph (2) to an entry in that register shall be substituted a reference to an entry in the electors list for that register as first published which gives the name of a person appearing from those lists to be entitled to be registered.
- (4) The maximum amount mentioned for an individual candidate at an Assembly election is not required to cover his personal expenses.
- (5) Where at a constituency election notice of poll is countermanded or the poll is abandoned by reason of a candidate's death, the maximum amount of election expenses shall, for any of the other candidates who then remain validly nominated, be twice, or if there has been a previous increase under this paragraph, three times what it would have been but for any increase under this paragraph.
- (6) The maximum amount mentioned for a candidate shall not be affected by the change in the timing of an Assembly election or of any step in the proceedings at an Assembly election.

Registered political party at an ordinary election: limitation of election expenses

47.—(1) No sum shall be paid and no expense shall be incurred by a registered political party at an ordinary election whether before, during or after such an election, on account of or in respect of the conduct or management of the ordinary election, in excess of the maximum amount specified in paragraph (2).

- (2) The maximum amount referred to in paragraph (1) is £600,000.

Registered political party at a regional election other than at an ordinary election: limitation of election expenses.

48.—(1) Where article 47 does not apply, no sum shall be paid and no expense shall be incurred by a registered political party at a regional election whether before, during or after an election, on account of or in respect of the conduct or management of the election, in excess of the maximum amount specified in paragraph (2).

- (2) The maximum amount referred to in paragraph (1) is £300,000.

Provisions supplemental to articles 47 and 48

49.—(1) Any person knowingly acting in contravention of article 47 or 48 shall be guilty of an illegal practice.

(2) The maximum amounts mentioned in articles 47 and 48 are not required to cover the personal expenses of party list candidates.

(3) The maximum amounts mentioned in articles 47 and 48 shall not be affected by the change in the timing of a regional election or of any step in the proceedings at a regional election.

(4) Where expenditure is incurred by a registered political party in excess of the maximum amount set out in article 47 or 48 (whether or not an offence has also been committed under paragraph (1)), the registered nominating officer of the party shall be deemed guilty of an offence, unless he proves—

- (a) that the act or omission took place without his consent or connivance, and
- (b) that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the other circumstances.

(5) A person who is guilty of an offence under paragraph (4) shall be liable—

- (a) on conviction on indictment, to a fine, or
- (b) on summary conviction to a fine not exceeding the statutory maximum.

Power to vary provisions concerning election expenses

50.—(1) After such consultation with the Assembly as appears to the Secretary of State to be appropriate, he may by order made by statutory instrument vary—

- (a) the sum or sums specified in articles 38(2), 39(3), 40(3), 41(1) or (2), 42(2), 43(3) or 44(3),
- (b) a maximum amount of a candidate's expenses specified in article 46(2)(a) or (b), or
- (c) the maximum amount of a registered political party's expenses specified in article 47(2) or 48(2),

where in his opinion there has been a change in the value of money since the last occasion on which that sum or amount was fixed (whether by such an order or otherwise) and the variation shall be such as in his opinion is justified by that change.

(2) An order under paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Time for sending in and paying claims

51.—(1) Every claim against—

- (a) a candidate or his election agent at a constituency election, or
- (b) an individual candidate or his election agent at a regional election,

in respect of election expenses which is not sent in to the election agent within 21 days after the day on which the result or results of the election are declared shall be barred and not paid.

(2) Every claim against—

- (a) any or all of a group of party list candidates or their election agent, or
- (b) the registered nominating officer of a registered political party or any other person arising in accordance with arrangements for which the registered nominating officer is responsible,

at an ordinary election or at a regional election other than at an ordinary election in respect of election expenses which is not sent in—

- (i) to the election agent, where sub-paragraph (a) applies, or
- (ii) to the registered nominating officer or to such other person as is mentioned in sub-paragraph (b), where that sub-paragraph applies,

within 21 days after the day of the ordinary election or 21 days after the day on which the results of the election are declared shall be barred and not paid.

(3) All election expenses shall be paid within 28 days after the day set out in paragraph (1) or, as the case may be, (2).

(4) Any person who pays a claim in contravention of paragraph (1) or (2) or makes a payment in contravention of paragraph (3) shall be guilty of an illegal practice.

(5) Where the election court reports that it has been proved to the court that any payment so made was by an election agent without the sanction or connivance of a candidate at a constituency election or an individual candidate at a regional election—

- (a) the candidate's election shall not be void, nor
- (b) shall he be subject to any incapacity under this Order by reason only of that payment having been made in contravention of this article.

(6) Where the election court reports that it has been proved to the court that any payment so made was by an election agent, a registered nominating officer of a registered political party or such other person as is mentioned in paragraph (2)(b) without the sanction or connivance of a party list candidate at a regional election—

- (a) the candidate's election shall not be void, nor
- (b) shall that candidate be subject to any incapacity under this Order by reason only of that payment having been made in contravention of this article.

(7) In respect of a claim, the payment of which is otherwise barred by paragraph (1)—

- (a) a claimant,
- (b) a candidate or his election agent at a constituency election, or
- (c) an individual candidate or his election agent at a regional election,

may apply to the High Court or to a county court for leave to pay the claim although sent in after the period of 21 days or although sent in to a candidate and not as required to the election agent, and the court on cause shown to their satisfaction may by order grant the leave.

(8) In respect of a claim, the payment of which is otherwise barred by paragraph (2)—

- (a) a claimant,
- (b) any or all of a group of party list candidates or their election agent,
- (c) the registered nominating officer of a registered political party, or
- (d) any other person in accordance with arrangements for which the registered nominating officer is responsible,

may apply to the High Court or to a county court for leave to pay the claim although sent in after the period of 21 days or although sent in—

- (i) to a candidate or candidates and not as required to the election agent,
- (ii) to the election agent and not as required to the registered nominating officer or to such other person as is mentioned in paragraph (2)(b), or
- (iii) to the registered nominating officer or to such other person as is mentioned in paragraph (2)(b) and not as required to the election agent,

and the court on cause to their satisfaction may by order grant the leave.

(9) Any sum specified in the order of leave under paragraph (7) may be paid by a candidate or his election agent, and when paid in pursuance of the leave shall not be deemed to be in contravention of paragraph (3).

(10) Any sum specified in the order of leave under paragraph (8) may be paid—

- (a) by all or any of a group of party list candidates or their election agent, or
- (b) by the registered nominating officer of a registered political party or by any other person in accordance with arrangements for which the registered nominating officer is responsible,

and when paid in pursuance of the leave shall not be deemed to be in contravention of paragraph (3).

(11) The jurisdiction vested by paragraph (7) and (8) in the High Court in matters relating to Assembly elections shall, subject to the rules of court, be exercised by one of the judges for the time being on the rota for the trial of parliamentary election petitions, sitting either in court or at chambers, or by a master of the Supreme Court in manner directed by and subject to appeal to those judges.

(12) The jurisdiction vested by paragraph (7) and (8) in a county court may be exercised otherwise than in open court.

(13) An appeal lies to the High Court from any order of a county court made by virtue of paragraph (7) or (8).

Disputed claims

52.—(1) If—

- (a) an election agent,
- (b) a registered nominating officer of a registered political party, or
- (c) any other person in accordance with arrangements for which the registered nominating officer is responsible,

disputes any claim sent in within the period of 21 days mentioned in article 51(1) or (2) or refuses or fails to pay the claim within the period of 28 days mentioned in article 51(3) the claim shall be deemed to be a disputed claim.

(2) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent court and any sum paid by an individual candidate or any or all of a group of party list candidates, or such other person as is mentioned in paragraph (1)(a), (b) or (c), in pursuance of the judgement or order of the court shall not be deemed to be in contravention of article 38(1), 39(1) and (2), 40(1) and (2) (as the case may be) or 51(3).

(3) If the defendant in the action admits his liability but disputes the amount of the claim, that amount shall, unless the court on the plaintiff's application otherwise directs, be forthwith be referred for taxation—

- (a) to a circuit judge nominated under section 68(1)(a) of the Supreme Court Act 1981(3), or
- (b) to the master, registrar or other proper officer of the court,

and the amount found due on the taxation shall be the amount to be recovered in the action in respect of the claim.

(4) Article 51(7) and (9), or (8) and (10), and (11) to (13) applies in relation to a disputed claim as it applies in relation to a claim for election expenses sent in after the period of 21 days.

Election agent's claim

53. So far as circumstances admit, this Order applies to an election agent's claim for his remuneration and to its payment in like manner as if he were any other creditor, and if any difference arises about the amount of the claim, the claim shall be a disputed claim within the meaning of this Order and shall be dealt with accordingly.

Individual candidate at an Assembly election: return as to election expenses

54.—(1) Within 35 days after the day on which the result or results of an Assembly election are declared the election agent of every—

- (a) candidate, in the case of a constituency election, and
- (b) individual candidate, in the case of a regional election,

at the election shall deliver to the appropriate returning officer a true return of election expenses of the candidate in the form set out in English and Welsh in Schedule 6, or to the like effect, containing as respects that candidate a statement of all payments made by the election agent (including the total amount of those payments) together with all the bills and receipts.

(2) The return shall deal under a separate heading or subheading with any expenses included in it—

- (a) as respects which a return is required to be made under article 42(3), or
- (b) which are on account of the remuneration or expenses of speakers at public meetings.

(3) The return shall also contain as respects that candidate—

- (a) a statement of the amount of personal expenses, if any, paid by the candidate,
- (b) a statement of all disputed claims of which the election agent is aware,
- (c) a statement of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court or county court, and
- (d) a statement of all money, securities and equivalent of money received by the election agent from the candidate or any other person for the purposes of election expenses incurred or to be incurred, with a statement of the name of every person from whom they may have been received.

(4) Where the candidate is his own election agent, a statement of all money, securities and equivalent of money paid by the candidate shall be substituted in the return as to election expenses for the statement of money, securities and equivalent of monies received by the election agent from the candidate.

(5) Where after the date at which the return as to election expenses is delivered leave is given by the court under article 51(7) for any claims to be paid, the candidate or his election agent shall, within seven days after its payment, deliver to the appropriate returning officer a return of the sums paid in pursuance of the leave accompanied by a copy of the order of the court giving the leave and in default he shall be deemed to have failed to comply with requirements of this article without such authorised excuse as is mentioned in article 61.

Registered political party: return as to election expenses

55.—(1) Within 70 days after—

- (a) the day on which an ordinary election is held, or
- (b) the day on which the results of a regional election are declared other than at an ordinary election,

the registered nominating officer for each registered political party on behalf of which candidates are nominated at the ordinary or regional election shall deliver to the Assembly a true return of election expenses of the party in the form set out in English and Welsh in Schedule 6, or to the like effect, containing a statement as respects that party of all payments made—

- (i) by each election agent for a group of party list candidates for that party where sub-paragraph (a) applies,
- (ii) by the election agent for the group of party list candidates for that party where sub-paragraph (b) applies,
- (iii) by the party's registered nominating officer, or
- (iv) by any other person in accordance with arrangements for which that registered nominating officer is responsible,

together with all the bills and receipts.

(2) The total amount of all such payments referred to in paragraph (1) shall be included in the statement.

(3) The return shall deal under a separate heading or subheading with any expenses included in it—

- (a) as respects which a return is required to be made under article 45(1), or
- (b) which are on account of the remuneration or expenses of speakers at public meetings.

(4) The return shall also contain as respects that party—

- (a) a statement as respects each party list candidate of the amount of personal expenses, if any, paid by the candidate,
- (b) a statement of all disputed claims of which the registered nominating officer is aware,
- (c) a statement of all the unpaid claims, if any, of which the registered nominating officer is aware, in respect of which application has been or is about to be made to the High Court or county court, and
- (d) a statement of all money, securities and equivalent of money received—
 - (i) by the election agent,
 - (ii) by the registered nominating officer, or
 - (iii) by any other person in accordance with arrangements for which the registered nominating officer is responsible,

from a candidate or any other person for the purposes of election expenses incurred or to be incurred, with a statement of the name of every person from whom they may have been received.

(5) Where a party list candidate is the election agent for the candidates on the list, a statement of all money and securities and equivalent of money paid by the candidate shall be added in the return as to election expenses to the statement of money, securities and equivalent of money received by the election agent from the candidates.

(6) Where after the date at which the return as to election expenses is delivered leave is given by the court under article 51(8) for any claims to be paid the registered nominating officer shall, within seven days after its payment, deliver to the Assembly a return of the sums paid in pursuance of the leave accompanied by a copy of the order of the court giving the leave and in default he or they shall be deemed to have failed to comply with requirements of this article without such authorised excuse as is mentioned in article 61.

(7) With reference to the discharge of functions under this article by a registered nominating officer, it shall be the duty of any person who is or has been an election agent or sub-agent for a group of party list candidates of a registered political party at a regional election to co-operate with that party's registered nominating officer (and, in particular, to supply to the registered nominating officer such particulars as he may reasonably require).

Individual candidate at Assembly elections: declarations as to election expenses

56.—(1) Each return delivered under article 54(1) shall be accompanied by a declaration made by the election agent in the form set out in English and Welsh in Schedule 6.

(2) At the same time the election agent delivers that return, or within seven days thereafter—

- (a) each candidate at a constituency election, and
- (b) each individual candidate at a regional election,

shall deliver to the appropriate returning officer a declaration made by him in the form set out in English and Welsh in that Schedule.

- (3) Where a candidate is out of the United Kingdom when the return is so delivered—
- (a) the declaration required by paragraph (2) may be made by him within 14 days after his return to the United Kingdom, and
 - (b) in that case, the declaration shall be forthwith delivered to the appropriate returning officer, but the delay authorised by this provision in making the declaration shall not exonerate the election agent from complying with the provisions of this Order relating to the return and declaration as to election expenses.
- (4) A declaration as to election expenses under this article may be made either before a justice of the peace or before any person who is the chairman or proper officer of a county or county borough council in Wales.
- (5) Where—
- (a) a candidate at a constituency election is his own election agent, or
 - (b) an individual candidate at a regional election is his own election agent,
- the declaration by the election agent as to the election expenses need not be made and the declaration by the candidate as to election expenses shall be modified as specified in the form set out in English and Welsh in Schedule 6.
- (6) If a candidate or election agent knowingly makes the declaration required by this article falsely, he shall be guilty of a corrupt practice.

Registered political party: declarations as to election expenses

- 57.**—(1) Each return delivered under article 55(1) shall be accompanied by a declaration made by the registered nominating officer in the form set out in English and Welsh in Schedule 6.
- (2) At the same time the registered nominating officer delivers that return, or within seven days thereafter, each party list candidate at a regional election at an ordinary election or a regional election (other than at an ordinary election) shall deliver to the Assembly a declaration made by that candidate in the form set out in English and Welsh in that Schedule.
- (3) Where a candidate is out of the United Kingdom when the return is so delivered—
- (a) the declaration required by paragraph (2) may be made by him within 14 days after his return to the United Kingdom, and
 - (b) in that case, the declaration shall be forthwith delivered to the Assembly,
- but the delay authorised by this provision in making the declaration shall not exonerate the registered nominating officer from complying with the provisions of this Order relating to the return and declaration as to election expenses.
- (4) A declaration as to election expenses under this article may be made either before a justice of the peace or before any person who is the chairman or proper officer of a county or county borough council in Wales.
- (5) If a candidate or registered nominating officer knowingly makes the declaration required by this article falsely, he shall be guilty of a corrupt practice.

Where no return and declarations are needed at Assembly election

- 58.** Notwithstanding anything in articles 54 to 57, no return or declaration as to election expenses shall be required in the case of a person—
- (a) who is a candidate at an Assembly election, but is so only because he has been declared by others to be a candidate, and
 - (b) who has not consented to the declaration or taken any part as a candidate at the election.

Penalty for failure as respects return of declarations

59. Subject to the provisions of article 61, if any candidate, election agent or registered nominating officer fails to comply with the requirements of articles 54 to 57 he shall be guilty of an illegal practice.

Penalty for sitting or voting where no return and declarations are delivered etc.

60.—(1) If—

- (a) in the case of a candidate at a constituency election or an individual candidate at a regional election, the return and declarations as to election expenses, or
- (b) in the case of a party list candidate his declaration as to election expenses,

are not delivered before the expiry of the time limited for the purpose, the candidate shall not, after the expiry of that time, sit or vote in the Assembly as member for the Assembly constituency or electoral region for which the election was held until either—

- (i) where sub-paragraph (a) applies, that return and those declarations have been delivered,
- (ii) where sub-paragraph (b) applies, that declaration has been delivered, or
- (iii) the date of the allowance of an authorised excuse for the failure to deliver that return and those declarations or, as the case may be, that declaration,

and if he sits or votes in contravention of this paragraph he shall forfeit £100 for every day on which he so sits or votes.

(2) Civil proceedings for a penalty under this article shall be commenced within the period of one year beginning with the day in respect of which the penalty is alleged to have been incurred.

(3) For the purpose of paragraph (2)—

- (a) where the service or execution of the writ or other process on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, the issue of a writ or other process shall be deemed to be a commencement of a proceeding, but,
- (b) where sub-paragraph (a) does not apply, the service or execution of the writ or other process on or against the alleged offender, and not its issue, shall be deemed to be the commencement of the proceeding.

Authorised excuses for failures as to return and declarations

61.—(1) An individual or party list candidate, an election agent, or a registered nominating officer for a registered political party may apply for relief under this article to—

- (a) the High Court,
- (b) an election court, or
- (c) a county court.

(2) Where an application is made under this article the person making the application shall notify the Director of Public Prosecutions of the application and the Director or his assistant or any barrister, advocate or solicitor duly appointed as the Director's representative may attend the hearing of the application and make representations at the hearing in respect of it.

(3) Relief under this article may be granted—

- (a) to an individual candidate, in respect of any failure to deliver the return and declarations as to election expenses, or any part of them, or in respect of any error or false statement in them,

- (b) to a party list candidate in respect of any failure to deliver the declaration as to election expenses which he was required to deliver, or any part of it, or in respect of any error or false statement in it,
 - (c) to an election agent, in respect of any failure to deliver the return and declaration as to election expenses which he was required to deliver, or any part of them or in respect of any error or false statement in them, or
 - (d) to a registered nominating officer, in respect of any failure to deliver the return and declaration as to election expenses which he was required to deliver, or any part of them, or in respect of any error or false statement in them.
- (4) The application for relief may be made on the ground that the failure, error or false statement arose—
- (a) by reason of the applicant's illness,
 - (b) where the applicant is a candidate, by reason of the absence, death, illness or misconduct—
 - (i) of the election agent or sub-agent,
 - (ii) of any clerk or officer of such agent,
 - (iii) in the case of a party list candidate, of another candidate on that list,
 - (iv) in the case of a party list candidate, of the registered nominating officer of the registered political party for which he is such a candidate, or
 - (v) in the case of a party list candidate, of any person authorised to act in accordance with arrangements for which the registered nominating officer referred to in paragraph (iv) is responsible,
 - (c) where the applicant is an election agent—
 - (i) by reason of the death or illness of any prior election agent of the individual candidate or of the group of party list candidates, or
 - (ii) by reason of the absence, death, illness or misconduct of any sub-agent, clerk or officer of any election agent of the individual candidate or of the group of party list candidates,
 - (d) where the applicant is a registered nominating officer, by reason of the absence, death, illness or misconduct—
 - (i) of any election agent of a group of party list candidates, or
 - (ii) of any person authorised to act in accordance with arrangements for which the registered nominating officer is responsible, or
 - (e) by reason of inadvertence or any reasonable cause of a like nature,
- and not by reason of any want of good faith on the applicant's part.
- (5) The court may—
- (a) after such notice of the application in the Assembly constituency or electoral region for which the election was held, as it considers fit, and
 - (b) on production of such evidence of the grounds stated in the application and of the good faith of the application, and otherwise, as it considers fit,
- make such order for allowing an authorised excuse for the failure, error or false statement as it considers just.
- (6) Where it is proved to the court by an individual candidate—
- (a) that any act or omission of the election agent in relation to the return or declarations was without the sanction or connivance of the candidate, and

(b) that the candidate took all reasonable means for preventing the act or omission, the court shall relieve the candidate from the consequences of the act or omission of his election agent.

(7) An order under paragraph (5) may make the allowance conditional on the making of the return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court seem best calculated for carrying into effect the objects of this Part.

(8) An order under paragraph (5) shall relieve the applicant for the order from any liability or consequences under this Order in respect of the matter excused by the order.

(9) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Order as the date of the allowance of the excuse.

(10) The jurisdiction vested by the foregoing provisions of this article in the High Court in matters relating to Assembly elections shall, subject to the rules of court, be exercised by one of the judges for the time being on the rota for the trial of parliamentary election petitions sitting either in court or at chambers, but shall not be exercisable by a master.

(11) The jurisdiction vested by this article in a county court may be exercised other than in open court.

(12) An appeal lies to the High Court from any order of a county court made by virtue of this article.

Court's power to require information from election agent or sub-agent

62.—(1) Where on an application under article 61 it appears to the court that any person who is or has been an election agent or sub-agent has refused or failed to make such return, or to supply such particulars, as will enable—

- (a) a candidate and his election agent at a constituency election,
- (b) an individual candidate and his election agent at a regional election, or
- (c) a party list candidate and a registered nominating officer at a regional election,

to comply with the provisions of this Order as to the return or declarations as to election expenses the court, before making an order under that article, shall order that person to attend before the court.

(2) The court shall on the attendance of that person, unless he has cause to the contrary, order him—

- (a) to make the return and declaration, or
- (b) to deliver a statement of the particulars required to be contained in the return,

as the court considers just, within such time, to such person and in such manner as it may direct, or may order him to be examined with respect to the particulars.

(3) If a person fails to comply with any order of the court under this article, the court may order him to pay a fine not exceeding the amount of the maximum fine to which he would be liable if at the time the order is made he were convicted of a summary offence on conviction of which he was liable to a fine of level 5 on the standard scale.

Publication of time and place of inspection of returns and declarations

63.—(1) At an Assembly election the appropriate returning officer, within ten days after the end of the time allowed for delivering to him returns as to election expenses, shall—

- (a) publish in not less than—
 - (i) two newspapers circulating in the Assembly constituency, or

- (ii) three newspapers circulating in the Assembly electoral region for which the election was held, and
- (b) send—
 - (i) in the case of a constituency election, to each of the election agents, and
 - (ii) in the case of a regional election, to each of the election agents for individual candidates and to each of the registered nominating officers for registered political parties on behalf of which candidates stand nominated at the election,
 a notice of the time and place at which the returns and declarations (including the accompanying documents) can be inspected.
- (2) At an ordinary election or at a regional election other than at an ordinary election, the Assembly, within ten days after the end of the time allowed for delivering to it returns as to election expenses, shall—
 - (a) in the case of an ordinary election, publish in not less than five newspapers circulating in Wales,
 - (b) in the case of a regional election other than at an ordinary election, publish in not less than three newspapers circulating in the Assembly electoral region for which the election was held, and
 - (c) send to each of the election agents for individual candidates and to each of the registered nominating officers for registered political parties on which behalf candidates stand nominated—
 - (i) in the case of an ordinary election, at regional elections at the ordinary election, or
 - (ii) in the case of a regional election other than at an ordinary election, at the regional election,
 a notice of the time and place at which the returns and declarations (including the accompanying documents) can be inspected.
- (3) But if any return or declaration has not been received by the appropriate returning officer or the Assembly before the notice is despatched for publication, the notice shall so state and a like notice about that return and declaration, if afterwards received, shall within ten days after the receipt be published in like manner and sent to such persons to whom the first notice is sent other than—
 - (a) an election agent who is in default or an election agent for a candidate who is in default, or
 - (b) a registered nominating officer who is in default or registered nominating officer for a registered political party for which a candidate is in default.

Individual candidate: inspection of returns and declarations

64.—(1) Any returns or declarations (including the accompanying documents) delivered to the appropriate returning officer under articles 42, 54 or 56—

- (a) shall be kept at the appropriate returning officer's office or some convenient place appointed by him, and
- (b) shall at all reasonable times during the two years next after they are received by him be open to inspection by any person on payment of the fee specified in paragraph (2),

and the appropriate returning officer shall on demand and on payment of the fee specified in paragraph (3) provide copies of them or any part of them.

(2) The fee for inspecting a return or declaration (including any accompanying documents) referred to in paragraph (1) shall be £1.50.

(3) The fee payable for a copy of any such return, declaration or document referred to in paragraph (1) shall be at the rate of 15p for each side of each page.

(4) After the expiry of those two years the appropriate returning officer—

(a) may cause those returns and declarations (including the accompanying documents) to be destroyed, or

(b) if the candidate or his election agent so require, shall return them to the candidate.

(5) Any returns or declarations delivered under article 42 shall be returned not to a candidate (if he or his election agent so require) but to the person delivering them if he so requires.

(6) The Assembly may by order made by statutory instrument vary the amount of any fee payable under paragraph (2) or (3).

Registered political parties: inspection of returns and declarations

65.—(1) Any returns or declarations (including the accompanying documents) delivered to the Assembly under articles 45, 55 or 57—

(a) shall be kept at some convenient place in Wales appointed by the Assembly, and

(b) shall at all reasonable times during the two years next after they are received by the Assembly be open to inspection by any person on payment of the fee specified in paragraph (2),

and the Assembly shall on demand and on payment of the fee specified in paragraph (3) provide copies of them or any part of them.

(2) The fee for inspecting a return or declaration (including any accompanying documents) referred to in paragraph (1) shall be £1.50.

(3) The fee payable for a copy of any such return, declaration or document referred to in paragraph (1) shall be at the rate of 15p for each side of each page.

(4) After the expiry of those two years the Assembly—

(a) may cause those returns and declarations (including the accompanying documents) to be destroyed, or

(b) if a registered nominating officer so requires, shall return them to him or such other person as the registered nominating officer may require.

(5) Any returns or declarations delivered under article 45 shall be returned not to a registered nominating officer (if he so requires) but to the person delivering them, if he so requires.

(6) The Assembly may by order made by statutory instrument vary the amount of any fee payable under paragraph (2) or (3).

Right to send election address post free

66.—(1) At an ordinary election or at an Assembly election other than at an ordinary election, each individual candidate or group of party list candidates at such an election (subject to Post Office regulations) shall be entitled to send free of charge for postage either—

(a) one unaddressed postal communication, containing matter relating to such election wholly and not exceeding 60 grammes in weight, to each place in the Assembly constituency or electoral region for which the election is being held at which he or they are a candidate or candidates which, in accordance with those regulations, constitutes a delivery point for the purposes of this article, or

(b) one such postal communication addressed to each elector.

(2) He or they shall also, subject as mentioned in paragraph (1), be entitled to send free of any charge for postage to each person entered in the list of proxies for the election of which he or they are a candidate or candidates one such communication as mentioned in paragraph (1) for each appointment in respect of which that person is so entered.

(3) In relation to a candidate at a constituency election or to an individual candidate at a regional election, the person shall not be deemed to be a candidate for the purposes of this article unless he is shown as standing nominated in the statement of persons nominated but until publication of that statement any person who declares himself to be a candidate shall be entitled to exercise the right of free postage conferred by this article if he gives such security as may be required by the Post Office for the payment of postage should he not be shown as standing nominated as mentioned above.

(4) In relation to a group of party list candidates at a regional election, those persons shall not be deemed to be candidates for the purposes of this article unless they are all shown as standing nominated in the statement of persons nominated but until publication of that statement persons who declare themselves to be, and comprise all, such candidates shall be entitled to exercise the right of free postage conferred by this article if they give such security as may be required by the Post Office should they not all be shown as standing nominated as mentioned above.

(5) For the purposes of this article “elector” means a person—

- (a) who is registered as a local government elector in the Assembly constituency or electoral region for which the election be held in a register to be used at the election, or
- (b) who, pending the publication of that register appears in the electors lists for such a register (as corrected by the registration officer) to be entitled to be so registered,

and accordingly includes a person shown in the register or electors lists as below voting age as it appears from the register or those lists that he will be of voting age on the day fixed for the poll, but not otherwise.

(6) The regional returning officer shall be entitled to treat any purported exercise by a group of party list candidates of the right of free postage conferred by this article through their election agent as a valid exercise of that right.

(7) The Post Office Regulations 1987(4) shall have effect in relation to an Assembly election as if made under paragraph (1) subject to the following modifications and to paragraph 8.

- (a) in regulation 1, “section 91 of the Representation of the People Act 1983” shall be construed as a reference to this article,
- (b) a reference to “constituency” shall—
 - (i) in the case of constituency election be construed as a reference to an Assembly constituency, and
 - (ii) in the case of a regional election be construed as a reference to an Assembly electoral region,
- (c) a reference to “candidate” in the case of a regional election shall be construed as a reference to an individual candidate or a group of party list candidates; and “candidates” shall be construed accordingly,
- (d) a reference to “the statement of persons nominated” in the case of a regional election shall be construed as a reference to the statement published under paragraph 17 of Schedule 5, and
- (e) in the case of a regional election, in the form of certificate set out at the end of the Regulations—

(4) These regulations are made under section 91 of the 1983 Act and are not made by statutory instrument.

- (i) for “Constituency” (in both places) and “the constituency” there shall be substituted “Electoral Region” and “the electoral region” respectively, and (in the case of a group of party list candidates),
- (ii) for “a candidate (standing nominated)” (in both places) there shall be substituted “the candidates (standing nominated for [name of registered political party])”, and
- (iii) for “Candidate’s Agent” (in both places) there shall be substituted “Candidates’ Agent”.

(8) If at a regional election the area of the returning officer is situated in the area of more than one Head Postmaster, the controlling Head Postmaster for the purposes of the Post Office Regulations 1987 shall be determined by the regional returning officer.

Broadcasting from outside United Kingdom

67.—(1) No person shall, with intent to influence persons to give or refrain from giving their votes at an Assembly election, include, or aid, abet, counsel or procure the inclusion of, any matter relating to the election in any programme service (within the meaning of the Broadcasting Act 1990⁽⁵⁾) provided from a place outside the United Kingdom otherwise than in pursuance of arrangements made with—

- (a) the British Broadcasting Corporation,
- (b) Sianel Pedwar Cymru, or
- (c) the holder of any licence granted by the Independent Television Commission or the Radio Authority,

for the reception and re-transmission of that matter by that body or the holder of that licence.

(2) An offence under this article shall be an illegal practice, but the court before whom a person is convicted of an offence under this article may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of article 135.

(3) Where any act or omission of an association or body of persons, corporate or unincorporate, is an illegal practice under this article, any person who at the time of the act or omission was a director, general manager, secretary or other similar officer of the association or body, or was purporting to act in any such capacity, shall be deemed to be guilty of the illegal practice, unless he proves—

- (a) that the act or omission took place without his consent or connivance, and
- (b) that he exercised all such diligence to prevent the commission of the illegal practice as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Imitation poll cards

68. No person shall for the purpose of promoting or procuring a particular result at an Assembly election issue any poll card or document so closely resembling an official poll card as to be calculated to deceive, and article 67(2) and (3) shall apply as if an offence under this article were an offence under that article.

Schools and rooms for Assembly election meetings

69.—(1) Subject to the provisions of this article, a candidate at an Assembly election is entitled for the purpose of holding public meetings to promote or procure the giving of votes at that election—

- (a) for himself, in the case of an individual candidate, or

(5) 1990 c. 42.

- (b) for the registered political party on whose list he is included, in the case of a party list candidate,

to the use free of charge at reasonable times between the last day on which notice of the election may be published in accordance with the Table in paragraph 1(1) of Schedule 5 and the day preceding the date of the poll of—

- (i) a suitable room in the premises of a school to which this article applies,
(ii) any meeting room to which this article applies.
- (2) This article applies to a community, foundation or voluntary school of which—
- (a) in the case of a constituency election, the premises are situated in the Assembly constituency for which the election is held or an adjoining Assembly constituency, and
(b) in the case of a regional election, the premises are situated in the Assembly electoral region for which the election is held,

but, in relation to sub-paragraph (a), a candidate is not entitled under this article to the use of a room in school premises outside the Assembly constituency if there is a suitable room in other premises in the constituency which are reasonably accessible from the same parts of the constituency as those outside and are premises of a school to which this article applies.

- (3) This article applies to a meeting room situated—
- (a) in the case of a constituency election, in the Assembly constituency for which the election is held, or
(b) in the case of a regional election, in the Assembly electoral region for which the election is held,

the expense of maintaining which is payable wholly or mainly out of public funds or by a body whose expenses are so payable.

- (4) Where a room is used for a meeting in pursuance of the rights conferred by this article, the person by whom or on whose behalf the meeting is convened—
- (a) shall defray any expenses incurred in preparing, warming, lighting and cleaning the room and providing attendance for the meeting and restoring the room to its usual condition after the meeting, and
(b) shall defray any damage done to the room or the premises in which it is situated, or the furniture, fittings or apparatus in the room or premises.

(5) A candidate is not entitled to exercise the rights conferred by this article except on reasonable notice; and this article does not authorise any interference with the hours during which a room in school premises is used for education purposes, or any interference with the use of a meeting room either for the purposes of the person maintaining it or under a prior agreement for its letting for any purpose.

(6) Schedule 7 (which makes provision with respect to the rights conferred by this article and the arrangements to be made for their exercise) has effect.

(7) For the purposes of this article (except those of paragraph (4)(b)), the premises of a school shall not be taken to include any private dwelling house, and in this article—

- (a) the expression “meeting room” means any room which it is the practice to let for public meetings, and
(b) the expression “room” includes a hall, gallery or gymnasium.

(8) In paragraph (2) the reference to a community, foundation or voluntary school includes a reference to a county or grant-maintained school.

Disturbances at Assembly election meetings

70.—(1) A person who at a lawful public meeting to which this article applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice.

(2) This article applies to a political meeting held—

- (a) in relation to a constituency election, in the Assembly constituency for which the election is held, and
- (b) in relation to a regional election, in the Assembly electoral region for which the election is held,

during the period beginning with the last day on which notice of election may be published in accordance with the Table set out in paragraph 1(1) of Schedule 5 and ending with the day of election.

(3) If a constable reasonably suspects any person of committing an offence under paragraph (1), he may if requested so to do by the chairman of the meeting require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or gives a false name and address, he shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Officials not to act for candidates

71.—(1) If—

- (a) any constituency or regional returning officer at a constituency election,
- (b) any constituency or regional returning officer at a regional election,
- (c) any officer or clerk appointed under Schedule 5, or
- (d) any partner or clerk of any such person,

acts as an agent for an individual candidate or a group of party list candidates in the conduct or management of the election, he shall be guilty of an offence, but nothing in this article prevents an individual candidate from acting as his own election agent or a party list candidate from acting as election agent for the candidates on the list.

(2) A person guilty of an offence under this article shall be liable on summary conviction to a fine not exceeding level 4 of the standard scale.

Illegal canvassing by police officers

72.—(1) No member of a police force shall by word, message, writing or in any other manner, endeavour to persuade any person to give, or dissuade any person from giving, his vote, whether as an elector or as proxy—

- (a) at any constituency election for an Assembly constituency, or
- (b) at any regional election for an Assembly electoral region,

wholly or partly within the police area.

(2) A person acting in contravention of paragraph (1) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale; but nothing in that paragraph shall subject a member of a police force to any penalty for anything done in the discharge of his duty as a member of the force.

No hiring of vehicles to convey voters

73.—(1) A person shall not let, lend, or employ any public vehicle for the purpose of the conveyance of electors or their proxies to or from the poll at an Assembly election, and if he does

so knowing that the public vehicle is intended to be used for that purpose he shall be guilty of an illegal hiring.

(2) A person shall not hire, borrow or use for the purpose of the conveyance of electors or their proxies to or from the poll at an Assembly election any public vehicle the owner of which he knows to be prohibited by paragraph (1) from letting, lending or employing for that purpose, and if he does so he shall be guilty of an illegal hiring.

(3) In this article “public vehicle” means any public stage or hackney carriage or any carriage kept or used for the purpose of letting out for hiring.

No payments for conveyance of voters

74. If any payment or contract for payment is knowingly made, either before, during or after an Assembly election, for the purpose of promoting or procuring the giving of votes in a particular way on account of the conveyance of electors or their proxies to or from the poll, whether for the hire of carriages, or for railway fares, or otherwise—

- (a) the person making the payment or contract, and
- (b) if he knew it to be in contravention of this Order, any person receiving the payment or being a party to the contract,

shall be guilty of an illegal practice.

Provisions supplemental to articles 73 and 74

75. Nothing in articles 73 and 74 prevents a carriage being let, hired, employed or used by an elector or his proxy or several electors or their proxies at their joint cost, for the purpose of being conveyed to or from the poll.

“Carriage” in articles 73 to 75

76. In articles 73 to 75—

- (a) “carriage” includes for the purposes of those articles—
 - (i) any mechanically propelled vehicle intended or adapted for use on roads, and
 - (ii) any vehicle drawn by such a vehicle,
 and any such vehicle as so described shall be deemed to be a public vehicle for the purposes of article 73 if used as such, and
- (b) the provisions of those articles apply in relation to horses or other animals as they apply in relation to carriages, and any reference in article 73 to a public vehicle includes a reference to horses or other animals kept or used for drawing such vehicles.

Access to polling place by sea

77.—(1) Where the nature of an Assembly constituency or electoral region is such that any electors or proxies for electors resident there are unable at an election for that Assembly constituency or electoral region to reach their polling place without crossing the sea or a branch or arm of the sea, nothing in this Order prevents the provision of means for conveying those electors or proxies by sea to their polling place.

(2) The amount of any payment for such means of conveyance as are mentioned in paragraph (1) may be in addition to the maximum amount of expenses allowed by this Order.

False statements as to candidates

- 78.—(1) A person who, or any director of any body or association corporate which—
- (a) before or during an Assembly election,
 - (b) for the purpose of affecting how a vote is given at the election,
- makes or publishes any false statement of fact in relation to—
- (i) an individual candidate's, or
 - (ii) any or all of a group of party list candidates',
- personal character or conduct shall be guilty of an illegal practice, unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true.
- (2) A candidate shall not be liable, nor shall his election be avoided, for any illegal practice under paragraph (1) committed—
- (a) in the case of an individual candidate, by his agent other than his election agent,
 - (b) in the case of a party list candidate, by the agent of any or all of the candidates on the list other than their election agent,
- unless—
- (i) it can be shown that the candidate, the election agent or (in the case of a party list candidate) another candidate on the list has authorised or consented to the committing of the illegal practice by the other agent or has paid for the circulation of the false statement constituting the illegal practice, or
 - (ii) an election court find and report that the election of the candidate was procured or materially assisted in consequence of the making or publishing of such false statements.
- (3) A person making or publishing any false statement of fact as mentioned above may be restrained by interim or perpetual injunction by the High Court or county court from any repetition of that false statement or of a false statement of a similar character in relation to the candidate or candidates and, for the purpose of granting an interim injunction, prima facie proof of the falsity of the statement shall be sufficient.
- (4) Any person who, before or during an Assembly election, knowingly publishes a false statement of the withdrawal—
- (a) of an individual candidate, or
 - (b) of any or all of a group of party list candidates,
- at the election for the purpose of promoting or procuring a particular result at the election shall be guilty of an illegal practice.
- (5) A candidate shall not be liable, nor shall his election be avoided, for any illegal practice under paragraph (4) committed—
- (a) in the case of an individual candidate, by his agent other than his election agent, or
 - (b) in the case of a party list candidate, by the agent of any or all of the candidates on the list other than their election agent.
- (6) The jurisdiction vested by paragraph (3) in the High Court in matters relating to Assembly elections shall, subject to rules of court, be exercised by one of the judges for the time being on the rota for the trial of parliamentary election petitions sitting either in court or at chambers, or by a master of the Supreme Court in manner directed by and subject to an appeal to those judges.
- (7) An appeal lies to the High Court from any order of a county court made by virtue of paragraph (3).

Corrupt withdrawal from candidature

79. Any person who corruptly induces or procures any other person to withdraw from being a candidate at an Assembly election, in consideration of any payment or promise of payment, and any person withdrawing in pursuance of the inducement or procurement, shall be guilty of an illegal payment.

Premises not to be used as committee rooms

80.—(1) If a person at an Assembly election—

- (a) hires or uses any premises to which this article applies, or any part of them, for a committee room for the purpose of promoting or procuring a particular result at the election, or
- (b) lets any premises to which this article applies, or any part of them, knowing that it was intended to use them or that part as a committee room,

he shall be guilty of an illegal hiring.

(2) This article applies to the premises of all schools in Wales maintained or assisted by a local education authority and all other schools in Wales in respect of which grants are made out of money provided by the Assembly or Parliament to the person or body of persons responsible for the management of the school.

(3) For the purposes of this article, the premises of a school shall be taken to include any dwelling house which forms part of the school and is occupied by a person employed for the purposes of the school.

Payments for exhibition of election notices

81.—(1) No payment or contract for payment for the purpose of promoting or procuring a particular result at an Assembly election shall be made to an elector or his proxy on account of the exhibition of, or the use of any house, land, building or premises for the exhibition of, any address, bill or notice, unless—

- (a) it is the ordinary business of the elector or proxy as an advertising agent to exhibit for payment bills and advertisements, and
- (b) the payment or contract is made in the ordinary course of that business.

(2) If any payment or contract for payment is knowingly made in contravention of this article either before, during or after an election—

- (a) the person making the payment or contract, and
- (b) if he knew it to be in contravention of this Order, any person receiving the payment or being a party to the contract,

shall be guilty of an illegal practice.

Printer's name and address on election publications

82.—(1) A person shall not—

- (a) print or publish, or cause to be printed or published, any bill, placard or poster having reference to an Assembly election or any printed document distributed for the purpose of promoting or procuring a particular result at the election,
- (b) post or cause to be posted any such bill, placard or poster as mentioned above, or
- (c) distribute or cause to be distributed any printed document for that purpose,

unless the bill, placard, poster or document bears upon its face the name and address of the printer and publisher.

(2) For the purposes of this article, any process for multiplying copies of a document, other than copying it by hand, shall be deemed to be printing and the expression “printer” shall be construed accordingly.

(3) The following persons, namely—

(i) an individual candidate or his election agent, or

(ii) any or all of a group of party list candidates or their election agent,

acting in contravention of this article shall be guilty of an illegal practice, and any other person so acting shall on summary conviction be liable to a fine not exceeding level 5 on the standard scale.

Prohibition of paid canvassers

83. If a person is, either before, during or after an Assembly election, engaged or employed for payment or promise of payment as a canvasser for the purpose of promoting or procuring a particular result at the Assembly election—

(a) the person so engaging or employing him, and

(b) the person so engaged or employed,

shall be guilty of illegal employment.

Providing money for illegal purposes

84. Where a person knowingly provides money—

(a) for any payment which is contrary to the provisions of this Order,

(b) for any expenses incurred in excess of the maximum amount allowed by this Order, or

(c) for replacing any money expended in any such payment or expenses,

except where the payment or the incurring of the expenses may have been previously allowed in pursuance of article 131 to be an exception, that person shall be guilty of an illegal payment.

Bribery

85.—(1) A person shall be guilty of a corrupt practice if he is guilty of bribery.

(2) A person shall be guilty of bribery if he, directly or indirectly, by himself or by any other person on his behalf—

(a) gives any money or procures any office—

(i) to or for any voter,

(ii) to or for any other person on behalf of any voter, or

(iii) to or for any other person,

in order to induce any voter to vote or refrain from voting,

(b) corruptly does any such act as mentioned above on account of any voter having voted or refrained from voting, or

(c) makes any such gift or procurement as mentioned above to or for any person in order to induce that person to procure, or endeavour to procure, a particular result at an Assembly election or the vote of any voter,

or if upon or in consequence of any such gift or procurement as mentioned above he procures or engages, promises or endeavours to procure a particular result at an Assembly election or the vote of any voter.

(3) For the purposes of paragraph (2)—

- (a) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration, and
- (b) references to procuring any office include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.

(4) A person shall be guilty of bribery if he advances or pays or causes to be paid any money to or for the use of any other person with the intent that that money or any part of it shall be expended in bribery at an Assembly election or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election.

(5) The foregoing provisions of this article shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses incurred in good faith at or concerning an Assembly election.

(6) A voter shall be guilty of bribery if before or during an Assembly election he directly or indirectly by himself or by any other person on his behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.

(7) A person shall be guilty of bribery if after an Assembly election he directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(8) In this article the expression “voter” includes any person who has or claims to have a right to vote.

Treating

86.—(1) A person shall be guilty of a corrupt practice if he is guilty of treating.

(2) A person shall be guilty of treating if he corruptly, by himself or by any other person, either before, during or after an Assembly election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment or provision to or for any person—

- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting, or
- (b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

(3) Every elector or his proxy who corruptly accepts or takes any such meat, drink, entertainment or provision shall also be guilty of treating.

Undue influence

87.—(1) A person shall be guilty of a corrupt practice if he is guilty of undue influence.

(2) A person shall be guilty of undue influence—

- (a) if he, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting, or

- (b) if, by abduction, duress or any fraudulent device or contrivance, he impedes or prevents the free exercise of the franchise of an elector or proxy for an elector, or so compels, induces or prevails upon an elector or proxy for an elector either to vote or to refrain from voting.

Rights of creditors

88. The provisions of this Part prohibiting—

- (a) payments and contracts for payments,
- (b) the payment or incurring of election expenses in excess of the maximum amount allowed by this Order, or
- (c) the incurring of expenses not authorised by an election agent,

do not affect the right of any creditor who, when the contract was made or the expense was incurred, was ignorant of that contract or expense being in contravention of this Order.

Savings as to Assembly elections

89.—(1) Where a person has been declared by others to be a candidate at an Assembly election without his consent, nothing in this Part shall be construed to impose any liability on that person, unless he has afterwards given his assent to the declaration or has been nominated.

(2) Nothing in this Part makes it illegal for an employer to permit Assembly electors or their proxies to absent themselves from his employment for a reasonable time for the purpose of voting at the poll at an Assembly election without having any deduction from their salaries or wage on account of their absence, if the permission—

- (a) is (so far as practicable without injury to the employer’s business) given equally to all persons alike who are at the time in his employment,
- (b) is not given with a view to inducing any person to give his vote in a particular way at the election, and
- (c) is not refused to any person for the purpose of preventing him from giving his vote in a particular way at the election,

but this paragraph shall not be construed as making illegal any act which would not be illegal apart from this paragraph.

Interpretation of Part III

90. In this Part, unless the context otherwise requires—

“candidate” in relation to an Assembly election means a person who is—

- (a) elected to serve in the Assembly at the election,
- (b) nominated as a candidate, in the case of a constituency election,
- (c) nominated as an individual or party list candidate, in the case of a regional election, or
- (d) declared by himself or by others to be a candidate on or after publication of the notice of election.

“committee room” does not include any house or room occupied by a candidate as a dwelling, by reason only of the candidate transacting business there with his agents in relation to the election, and no room or building shall be deemed to be a committee room by reason only of the candidate or any agent of the candidate addressing in it electors, committee members or others,

“date of the allowance of an authorised excuse” has the meaning given by article 61(9),

“declaration as to election expenses” means a declaration made under article 56 or 57,

“disputed claim” has the meaning given by article 52(1) as extended by article 53,

“election expenses”, in relation to an Assembly election or an ordinary election, means expenses incurred, whether before, during or after the election, on account of or in respect of the conduct or management of the election,

“money” and “pecuniary reward” shall (except in articles 85 and 86) be deemed to include—

- (a) any office, place or employment,
- (b) any valuable security or other equivalent of money, and
- (c) any valuable consideration,

and expressions referring to money shall be construed accordingly,

“payment” includes any pecuniary or other reward,

“personal expenses” as used with respect to the expenditure of any candidate in relation to any Assembly election includes the reasonable travelling expenses of the candidate, and the reasonable expenses of his living at hotels or elsewhere for the purposes of and in relation to the election, and

“return as to election expenses” means a return (including the bills and receipts to be delivered with it) to be made under article 54(1) or 55(1).

Computation of time for purposes of Part III

91.—(1) Where the day or last day on which anything is required or permitted to be done by or in pursuance of this Part is any of the days mentioned in paragraph (2)—

- (a) the requirement or permission shall be deemed to relate to the first day thereafter which is not one of those days, and
- (b) in computing any period of not more than seven days for the purposes of this Part any of the days so mentioned shall be disregarded.

(2) The days referred to in paragraph (1) are—

- (a) a Saturday or a Sunday,
- (b) Christmas Eve, Christmas Day, Maundy Thursday or Good Friday,
- (c) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971⁽⁶⁾, or
- (d) a day appointed for public thanksgiving or mourning.

(6) 1971 c. 80.