
STATUTORY INSTRUMENTS

2007 No. 236

**CONSTITUTIONAL LAW
DEVOLUTION, WALES
REPRESENTATION OF THE PEOPLE**

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

Made - - - - 31st January 2007

Coming into force in accordance with article 1(1)

This Order is made in exercise of the powers conferred by section 11 of the Government of Wales Act 1998(1).

In accordance with section 7(1) of the Political Parties, Elections and Referendums Act 2000(2) the Secretary of State for Wales has taken into account the views of the Electoral Commission, and in accordance with section 8(2) and (3)(b) of that Act of 2000, he has acted on the recommendation of the Commission in limiting the expenses of candidates under section 11(2)(c) of the 1998 Act.

In accordance with section 154(2) and (3)(a) of the 1998 Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament, accordingly the Secretary of State for Wales makes the following Order:

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- (1) 1998 c. 38. By virtue of Schedule 12 to the Government of Wales Act 2006 (c. 32), as read with section 161 (1) of that Act, section 11 will be repealed immediately after the Assembly “general “ election in May 2007 . That election is held under Part 1 of the Government of Wales Act 1998 (c. 38),but is an election of members to the National Assembly for Wales constituted by the Act of 2006: see paragraph 2 of Schedule 11 to the Act of 2006 . Subsequent elections to that Assembly will be conducted in accordance with orders made under section 13 of the Act of 2006. However, by virtue of paragraph 8 of Schedule 11 to that Act of 2006 , any order made under section 11 of the Act of 1998 that is in force on the repeal of section 11 will thereafter have effect as if made under section 13 of the Act of 2006). See section 161(1) of the Government of Wales Act 2006 (c. 32) as to the prospective repeal of section 11 and paragraph 8 of Schedule 11 to that Act of 2006 as to the transitional provision in respect of any order under section 11 that is in force on the repeal of section 11.
- (2) 2000 c. 41.

PART 1

General

Citation, commencement and revocation

1.—(1) This Order may be cited as the National Assembly for Wales (Representation of the People) Order 2007 and shall come into force on the day after the day on which it is made.

(2) Subject to article 149 and rule 69(2) of Schedule 5, this Order revokes the National Assembly for Wales (Representation of the People) Order 2003⁽³⁾ and the National Assembly for Wales (Representation of the People) (Amendment) Order 2006⁽⁴⁾.

Interpretation

2.—(1) In this Order, except where the context requires otherwise—

“the 1983 Act” means the Representation of the People Act 1983⁽⁵⁾;

“the 1985 Act” means the Representation of the People Act 1985⁽⁶⁾;

“the 1998 Act” means the Government of Wales Act 1998⁽⁷⁾;

“the 2000 Act” means the Representation of the People Act 2000⁽⁸⁾;

“the 2000 Political Parties Act” means the Political Parties, Elections and Referendums Act 2000;

“the 2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001⁽⁹⁾;

“the 2006 Act” means the Government of Wales Act 2006⁽¹⁰⁾;

“the 2007 Assembly general election” means the Assembly general election held in 2007 under section 3 of the 1998 Act;

“absent voter” means an elector who is entitled to vote by proxy or an elector or proxy who is entitled to vote by post;

“anonymous entry” in relation to a register shall be construed in accordance with section 9B of the 1983 Act⁽¹¹⁾ and “record of anonymous entries” means the record prepared in pursuance of regulations made by virtue of paragraph 8A of Schedule 2 to the 1983 Act⁽¹²⁾;

“appropriate returning officer” means a constituency returning officer in relation to a constituency election and a regional returning officer in relation to a regional election;

“the Assembly” means—

(a) in relation to elections and returns under Part 1 of the 1998 Act (except the 2007 Assembly general election) the National Assembly for Wales constituted by the 1998 Act; and

(b) in relation to the 2007 Assembly general election and elections and returns under Part 1 of the 2006 Act, the National Assembly for Wales constituted by the 2006 Act,

⁽³⁾ S.I.2003/284.

⁽⁴⁾ S.I.2006/884.

⁽⁵⁾ 1983 c. 2.

⁽⁶⁾ 1985 c. 50.

⁽⁷⁾ 1998 c. 38.

⁽⁸⁾ 2000 c. 2.

⁽⁹⁾ S.I. 2001/341, amended by S.I. 2001/1700, 2002/1871, 2004/226, 2006/752 and 2006/2910.

⁽¹⁰⁾ 2006 c. 32.

⁽¹¹⁾ Section 9B of the 1983 Act was inserted by section 10(1) of the Electoral Administration Act 2006 (c. 22).

⁽¹²⁾ Paragraph 8A of Schedule 2 to the 1983 Act was inserted by paragraph 15(6) of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

and all related expressions shall be construed accordingly; but

- (i) in articles 16(4), 18(2)(b) and (3)(b), 23(1), (3) and (6) to (10), 24(4)(a), 62(7) and 65(9) and paragraph 3(3) of Schedule 4, it means the National Assembly for Wales constituted by the 1998 Act⁽¹³⁾; and
- (ii) in article 91 and rule 69(2) of Schedule 5, it means, until the day of election for the 2007 Assembly general election, the National Assembly for Wales constituted by the 1998 Act, but thereafter the National Assembly for Wales Commission⁽¹⁴⁾;

“Assembly constituency” is to be construed in accordance with section 2(2) of, and Schedule 1 to, the 1998 Act;

“Assembly election” means a constituency election or a regional election;

“Assembly election petition” means a petition presented in pursuance of Part 4 of this Order;

“Assembly election rules” means the rules for the conduct of Assembly elections set out in Schedule 5;

“Assembly electoral region” is to be construed in accordance with section 2(2) of, and Schedule 1 to, the 1998 Act;

“Assembly general election” means the holding of constituency and regional elections for the return of all Assembly members;

“available for inspection” means available for inspection during ordinary office hours;

“candidate” means a constituency candidate, an individual candidate or a party list candidate;

“the Clerk” shall be construed in accordance with section 26 of the 2006 Act;

“the Commission” means the Electoral Commission established by section 1 of the 2000 Political Parties Act;

“constituency candidate” means a candidate at an Assembly constituency election;

“constituency election” means an election to return an Assembly member for an Assembly constituency;

“constituency returning officer” means the person who is the returning officer for a constituency election;

“constituency vote” means a vote given to a candidate to be an Assembly member for an Assembly constituency;

“declaration as to election expenses” means a declaration made under article 53 or 54;

“disability” in relation to doing a thing, includes the short term inability to do it;

“dwelling” includes any part of a building where that part is occupied separately as a dwelling;

“election to fill a casual vacancy” means a constituency election held otherwise than at an Assembly general election;

“election court” means the judges presiding at the trial of an Assembly election petition;

“elector” means any person whose name is for the time being on the register to be used at an Assembly election, but does not include those shown in the register as below voting age on the day fixed for the poll;

“electoral number” means a person’s number in the register to be used at the election or, pending publication of the register, his number (if any) in the electors lists for that register;

⁽¹³⁾ By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006, these functions vested in the National Assembly for Wales constituted by the Government of Wales Act 1998 shall at the end of the initial period (see section 161(5) of that Act of 2006 for the meaning of that term) vest in the Welsh Ministers (see section 45(2) of that Act of 2006 as to the meaning of that term).

⁽¹⁴⁾ see section 27 of the Government of Wales Act 2006.

“electoral region vote” means a vote given for—

- (c) a registered political party which has submitted a list of candidates to be Assembly members for an Assembly electoral region; or
- (d) an individual who is a candidate to be an Assembly member for that Assembly electoral region;

“European Parliamentary election” has the same meaning as in section 27(1) of the 1985 Act; “individual candidate” means a candidate at an Assembly regional election other than a party list candidate;

“legal incapacity” includes (in addition, where applicable, to any incapacity arising by virtue of any subsisting provision of the common law) any disqualification imposed by this Order or by any other enactment;

“legal process” means a claim form, application notice, writ, summons or other process;

“the list of proxies” in relation to an Assembly election, has the meaning given by article 10(3),

“local government election” includes a mayoral election;

“mayoral election” means an election for the return of an elected mayor of a local authority in Wales;

“nomination paper” means a constituency nomination paper, an individual nomination paper or a party nomination paper;

“ordinary local government election” means an election at which all the councillors of a county or county borough or community council in Wales are returned

“party list” means a list of not more than twelve candidates (but it may be a list of only one candidate) to be Assembly members for an Assembly electoral region which is to be or has been submitted to a regional returning officer by a registered political party;

“party list candidate” means a candidate included on a party list;

“person” includes (without prejudice to the provisions of the Interpretation Act 1978⁽¹⁵⁾) an association corporate or unincorporate;

“postal ballot paper” means a ballot paper issued to a postal voter;

“postal proxy” means a person entitled to vote by post as proxy at an election;

“postal voter” means an elector or proxy who is entitled to vote by post;

“postal voters list” means the list kept under article 10(2);

“presiding officer”, in relation to a polling station, means a person holding the office set out in rule 35 of Schedule 5;

“Presiding Officer of the Assembly” shall—

- (e) in relation to the Assembly constituted by the 1998 Act, be construed in accordance with section 52 of the 1998 Act; and
- (f) in relation to the Assembly constituted by the 2006 Act, be construed in accordance with, section 25 of the 2006 Act;

“proxy postal voters list” means the list kept under article 12(8);

“qualifying address” has the same meaning as in section 9(8)(b) of the 1983 Act⁽¹⁶⁾

“qualifying Commonwealth citizen” means a Commonwealth citizen who is either—

⁽¹⁵⁾ 1978 c. 30

⁽¹⁶⁾ Section 9 of the Representation of the People Act 1983 was substituted by paragraph 3 of Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by paragraph 4 of Schedule 1 and by Schedule 2 to the Electoral Administration Act 2006 (c. 22).

- (g) not a person who requires leave under the Immigration Act 1971⁽¹⁷⁾ to enter or remain in the United Kingdom; or
- (h) is such a person but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act,

but a person is not a qualifying Commonwealth citizen if he does not require leave to enter or remain in the United Kingdom by virtue only of Section 8 of the Immigration Act 1971 (exemptions to requirement for leave in special cases);

“regional election” means an election to return Assembly members for an Assembly electoral region;

“regional returning officer” means the person who is the returning officer for a regional election;

“register” means the register of local government electors;

“registered emblem” means an emblem registered by a registered political party under Part 2 of the 2000 Political Parties Act;

“registered nominating officer” means the person registered under Part 2 of the 2000 Political Parties Act as the officer with responsibility for the matters referred to in section 24(3) of that Act in respect of a registered political party;

“registered political party” means (subject to rule 80 of Schedule 5) a party registered under Part 2 of the 2000 Political Parties Act;

“registration officer” means an electoral registration officer;

“relevant citizen of the Union” means a citizen of the Union who is not a qualifying Commonwealth citizen or a citizen of the Republic of Ireland and “citizen of the Union” shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community (as amended by Title 2 of the Treaty on European Union);

“relevant registration officer” is to be construed in accordance with sections 42(1) and 44(1) to (3) and (5) of the Electoral Administration Act 2006⁽¹⁸⁾;

“service voter” means a person who has made a service declaration in accordance with section 15 of the 1983 Act and is registered or entitled to be registered in pursuance of it;

“sub-agent” has the meaning given by article 38(1);

“universal service provider” shall have the same meaning as in the Postal Services Act 2000⁽¹⁹⁾;

“valid postal voting statement” means a postal voting statement, which, in accordance with paragraph 22 or 23 of Schedule 3, the returning officer is satisfied has been duly completed; and

“voter” means a person voting at an Assembly election and includes a person voting as proxy and, except in Schedule 5, a person voting by proxy, and “vote” (whether noun or verb) shall be construed accordingly, except that in that Schedule any reference to an elector voting or an elector’s vote shall include a reference to an elector voting by proxy or elector’s vote given by proxy, and absent vote shall be construed accordingly.

(2) References in this Order to the giving of two votes refer to the giving of a constituency vote and an electoral region vote where the polls at a constituency election and at a regional election are to be taken together on the same date.

(3) For the purposes of this Order a person shall be deemed not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.

⁽¹⁷⁾ 1971 c. 77.

⁽¹⁸⁾ 2006 c. 22.

⁽¹⁹⁾ 2000 c. 26.

PART 2

Assembly franchise and its exercise

Voting at Assembly elections

3. At an Assembly general election, both constituency and electoral region votes shall be given in an Assembly constituency⁽²⁰⁾.

Registers of electors etc

4. An alteration in a published version of a register of electors under section 13A or 56 of the 1983 Act (alteration of registers and registration appeals) shall not have effect for the purposes of an Assembly election if it is to take effect after the fifth day before the date of the poll.

Registration appeals

5.—(1) Subject to giving notice of the appeal in accordance with paragraph 9(1) of Schedule 1, an appeal from any decision under this Order of the registration officer disallowing a person's application to vote—

- (a) by proxy or by post as elector; or
- (b) by post as proxy,

lies to the county court in any case where the application is not made for a particular Assembly election only.

(2) No appeal lies from the decision of the Court of Appeal on appeal from a decision of the county court under this article.

(3) An appeal to the county court or Court of Appeal by virtue of this article or section 56 of the 1983 Act which is pending when notice of an Assembly election is given shall not prejudice the operation as respects the Assembly election of the decision appealed against, and anything done in pursuance of the decision shall be as good as if no such appeal had been brought and shall not be affected by the decision of the appeal.

(4) Notice shall be sent to the registration officer in the manner provided by rules of court of the decision of the county court or of the Court of Appeal on any appeal by virtue of this article, and the registration officer shall make such alterations in the—

- (a) record kept under article 8(3); or
- (b) record kept under article 12(6),

as may be required to give effect to the decision.

(5) Where, as a result of the decision on an appeal by virtue of this article or section 56 of the 1983 Act, an alteration in the register or record takes effect on or before the date of the poll, paragraph (3) shall not apply to that appeal as respects that Assembly election.

(6) The registration officer shall on an appeal brought under this article be deemed to be a party to the proceedings, and the registration expenses payable to a registration officer shall include any expenses properly incurred by him by virtue of this paragraph.

(7) CCR Order 45, rule 2 of the Civil Procedure Rules 1998⁽²¹⁾ (appeal from decision of registration officer) shall have effect in relation to appeals under this article subject to the following modifications—

⁽²⁰⁾ Section 6 of the Government of Wales Act 2006 (c. 32).

⁽²¹⁾ see Part 50 of and Schedule 2 to the Civil Procedure Rules (S.I. 1998/31320(L.17)). There are amendments to those rules that are not relevant to this Order.

- (a) in rule 2(1), “regulations made under section 53 of the said Act of 1983”; and
 - (b) in rule 2(4)(a), “to the regulations mentioned in paragraph (1)”,
- shall be construed as including a reference to paragraph 9 of Schedule 1.

Polling districts and places at Assembly elections

6.—(1) For the purpose of Assembly elections every Assembly constituency shall be divided into polling districts and there shall be a polling place for each polling district unless the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors or any body of them.

(2) The polling districts and polling places for the purpose of Assembly elections shall be the districts and places designated for parliamentary elections.

(3) An election shall not be questioned by reason of—

- (a) any non-compliance with the provisions of this article; or
- (b) any irregularity relating to polling districts or polling places.

Manner of voting at Assembly elections

7.—(1) This article applies to determine the manner of voting of a person entitled to vote as an elector at an Assembly election.

(2) He may vote in person at the polling station allotted to him under this Order, unless he is entitled as an elector to an absent vote at the Assembly election.

(3) He may vote by post if he is entitled as an elector to vote by post at the Assembly election.

(4) If he is entitled to vote by proxy at the Assembly election, he may so vote unless, before a ballot paper has been issued for him to vote by proxy, he applies at the polling station allotted to him under this Order for a ballot paper for the purpose of voting in person, in which case he may vote in person there.

(5) If he is not entitled as an elector to an absent vote at an Assembly election but cannot reasonably be expected to go in person to the polling station allotted to him under this Order by reason of the particular circumstances of his employment—

- (a) as a constable;
- (b) by a constituency returning officer, in the case of a constituency election;
- (c) by a regional returning officer, in the case of a regional election; or
- (d) by a constituency returning officer, in the case of a regional election where that officer is exercising functions in relation to the election,

on the date of the poll for a purpose connected with the election (subject to paragraph (7)), he may vote in person at any polling station in an Assembly constituency as set out in paragraph (6).

(6) A person to whom paragraph (5) applies may vote in person at a polling station in the Assembly constituency —

- (a) for which the election is being held, in the case of a constituency election; or
- (b) in which he is entitled to give his vote, in the case of a regional election.

(7) Where the polls at a constituency election and a regional election are to be taken together and a person is employed at those elections for a purpose connected with only one of those two elections at which he is entitled to give a vote, he shall be treated for the purposes of paragraph (5) as employed for a purpose connected with both elections; provided that, if a person is so treated, in exercising the right conferred by paragraph (5) those votes shall be given at the same polling station.

(8) Nothing in the preceding provisions of this article applies to a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, whether he is registered by virtue of that provision or not; and such a person may vote—

- (a) in person (where he is granted permission to be absent from the hospital and voting in person does not breach any condition attached to that permission); or
- (b) by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(9) Nothing in the preceding provisions of this article applies to a person to whom section 7A of the 1983 Act (persons remanded in custody) applies whether he is registered by virtue of that provision or not; and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).

(10) For the purposes of this Order a person entitled to vote as an elector at an Assembly election is entitled to vote by post or entitled to vote by proxy at the election if paragraph (11) or (12) (as the case may be) applies to him in relation to the election.

(11) This paragraph applies to a person who is shown in the postal voters list mentioned in article 10(2) as entitled to vote by post at an election.

(12) This paragraph applies to a person who is shown in the list of proxies mentioned in article 10(3) as entitled to vote by proxy at an election.

(13) Paragraph (2) does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 49(4) or (6) of Schedule 5.

Absent vote at Assembly elections for a particular or an indefinite period

8.—(1) Where a person applies to the registration officer to vote by post, or to vote by proxy, at Assembly elections (whether for an indefinite period or for a particular period specified in his application), the registration officer shall grant the application if—

- (a) in the case of an application to vote by proxy, he is satisfied that the applicant is eligible to vote by proxy at Assembly elections;
- (b) he is satisfied that the applicant is or will be registered in the register; and
- (c) the application contains the applicant's signature and date of birth and meets the requirements set out in Schedule 1.

(2) For the purposes of this article, a person is eligible to vote by proxy at Assembly elections if—

- (a) he is or will be registered as a service voter;
- (b) he has an anonymous entry in the register of electors for the election;
- (c) he cannot reasonably be expected—
 - (i) to go in person to the polling station allotted or likely to be allotted to him under this Order; or
 - (ii) to vote unaided there,
 by reason of blindness or other disability;
- (d) he cannot reasonably be expected to go in person to that polling station by reason of the general nature of his occupation, service or employment or that of his spouse or civil partner, or by reason of his attendance on a course provided by an educational institution or that of his spouse or civil partner; or
- (e) he cannot go in person from his qualifying address to that polling station without making a journey by air or sea.

(3) The registration officer shall keep a record of those whose applications under this article have been granted showing whether their applications were to vote by post or proxy for an indefinite or a particular period and specifying that period.

(4) The record kept under paragraph (3) shall also show—

- (a) in the case of those who may vote by post, the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent; and
- (b) in the case of those who may vote by proxy, the names and addresses of those appointed as their proxies.

(5) The registration officer shall remove a person from the record kept under paragraph (3)—

- (a) if he applies to the registration officer to be removed;
- (b) in the case of a person who is eligible to vote by proxy by virtue of having an anonymous entry, if he ceases to have an anonymous entry;
- (c) in the case of any registered person, if he ceases to be registered or registered at the same qualifying address or ceases to be, or becomes, registered in pursuance of—
 - (i) a service declaration; or
 - (ii) a declaration of local connection;
- (d) in the case of any person shown in the record as voting by proxy, if the registration officer gives notice that he has reason to believe there has been a material change of circumstances; or
- (e) in the case of a person who applied to vote by post or proxy for a particular period, once that period has expired.

(6) A person shown in the record kept under paragraph (3) as voting by post may subsequently alter his choice by applying to the registration officer to vote by proxy instead (whether for an indefinite period or for a particular period specified in his application); and if the registration officer would be required to grant that application if it were an application to vote by proxy under paragraph (1), the registration officer shall amend the record accordingly.

(7) A person shown in the record kept under paragraph (3) as voting by proxy may subsequently alter his choice by applying to the registration officer to vote by post instead (whether for an indefinite period or for a particular period specified in his application); and if the application meets the requirements of Schedule 1, the registration officer shall amend the record accordingly.

(8) The registration officer may dispense with the requirement under paragraph (1)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has; or
- (b) to provide a signature because the applicant is unable to read or write; or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(9) The registration officer shall also keep a record in relation to those whose applications under this article have been granted showing—

- (a) their dates of birth; and
- (b) except in cases where the registration officer in pursuance of paragraph (8) has dispensed with the requirement to provide a signature, their signatures.

(10) The record kept under paragraph (9) must be retained by the registration officer for the period prescribed in paragraph 2 of Schedule 1.

Absent vote at a particular Assembly election

9.—(1) Where a person applies to the registration officer to vote by post, or to vote by proxy, at a particular Assembly election, the registration officer shall grant the application if—

- (a) he is satisfied in the case of an application to vote by proxy, that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under this Order;
- (b) he is satisfied that the applicant is or will be registered in the register; and
- (c) the application contains the applicant's signature and date of birth and meets the requirements set out in Schedule 1.

(2) Where a person who has an anonymous entry in the register applies to the registration officer to vote by proxy at a particular Assembly election, the registration officer shall grant the application if it meets the requirements set out in Schedule 1.

(3) Paragraph (1) does not apply to a person who is included in the record kept under article 8 but such a person may, in respect of a particular Assembly election, apply to the registration officer—

- (a) for his ballot paper to be sent to a different address from that shown in the record; or
- (b) to vote by proxy,

if he is shown in the record as voting by post at Assembly elections.

(4) The registration officer shall grant an application under paragraph (3) if—

- (a) in the case of any application, it meets the requirements set out in Schedule 1; and
- (b) in the case of an application to vote by proxy, he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under this Order.

(5) The registration officer may dispense with the requirement under paragraph (1)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has; or
- (b) to provide a signature because the applicant is unable to read or write; or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(6) The registration officer shall also keep a record in relation to those whose applications under this article have been granted showing—

- (a) their dates of birth; and
- (b) except in cases where the registration officer in pursuance of paragraph (5) has dispensed with the requirement to provide a signature, their signatures.

(7) The record kept under paragraph (6) must be retained by the registration officer for the period prescribed in paragraph 2 of Schedule 1.

(8) For the purposes of this article, articles 11 and 12 and Schedule 1, "particular election", shall, where a person (whether as elector or as proxy) is entitled to give two votes, refer to both elections at which he is entitled to so vote; and references to an absent vote at a particular Assembly election shall be construed accordingly.

Absent voters lists at Assembly elections

10.—(1) The registration officer shall, in respect of each Assembly election, keep the two special lists mentioned in paragraphs (2) and (3).

- (2) The first of those lists (“the postal voters list”) is a list of—
- (a) those who are for the time being shown in the record kept under article 8 as voting by post at Assembly elections (excluding those so shown whose applications under article 9(3)(b) to vote by proxy at the election, have been granted) together with the addresses provided by them in their application under article 8 or 9(3)(a) as the addresses to which their ballot papers are to be sent; and
 - (b) those whose applications under article 9(1) to vote by post at the election have been granted, together with the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.
- (3) The second list is a list (“the list of proxies”) of those who are for the time being shown in the record kept under article 8 as voting by proxy at Assembly elections or whose applications under article 9 to vote by proxy at the election have been granted, together with the names and addresses of those appointed as their proxies.
- (4) In the case of a person who has an anonymous entry in the register the postal voters list or list of proxies (as the case may be) must show in relation to that person only—
- (a) his electoral number; and
 - (b) the period for which the anonymous entry has effect.
- (5) Where electors are entitled to give two votes, only one list shall be kept under each of paragraphs (2) and (3) and those lists shall have effect in relation to both elections.

Proxies at Assembly elections

11.—(1) Subject to the provisions of this article, any person is capable of being appointed proxy to vote for another (in this article and article 12 referred to as “the elector”) at any Assembly election and may vote in pursuance of the appointment.

(2) The elector cannot have more than one person at a time appointed as proxy to vote for him at an Assembly election (whether in the same Assembly constituency or elsewhere).

(3) A person is not capable of being appointed to vote, or voting, as proxy at an Assembly election—

- (a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector; or
- (b) if he is neither a qualifying Commonwealth citizen nor a citizen of the Republic of Ireland nor a relevant citizen of the Union.

(4) A person is not capable of voting as proxy at an Assembly election unless on the date of the poll he has attained the age of eighteen.

(5) A person is not entitled to vote as proxy—

- (a) in the case of an Assembly general election in the same Assembly constituency, or constituencies in the same electoral region;
- (b) in the case of a constituency election other than at an Assembly general election, in the same constituency election;
- (c) in a regional election,

on behalf of more than two persons of whom he is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.

(6) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at Assembly elections (whether for an indefinite period or for a particular period specified in his application), the registration officer shall make the appointment if the application meets the requirements set out in Schedule 1 and he is satisfied that the elector is or will be—

- (a) registered in the register; and

(b) shown in the record kept under article 8 as voting by proxy at such elections, and that the proxy is capable of being and willing to be appointed to vote as proxy at such elections.

(7) Where the elector applies to the registration officer for the appointment of a proxy to vote for him at a particular Assembly election, the registration officer shall make the appointment if the application contains the signature and date of birth of the applicant and meets the requirements set out in Schedule 1 and he is satisfied that the elector is or will be—

(a) registered in the register for that election; and

(b) entitled to vote by proxy at that election by virtue of an application under article 9, and that the proxy is capable of being, and willing to be, appointed.

(8) The appointment of a proxy under this article is to be made by means of a proxy paper issued by the registration officer.

(9) The appointment may be cancelled by the elector by giving notice to the registration officer and shall also cease to be in force on the issue of a proxy paper appointing a different person to vote for him at an Assembly election or Assembly elections (whether in the same Assembly constituency or elsewhere), and where the appointment was for a particular period, the appointment shall cease to be in force once that period expires.

(10) Subject to paragraph (9), the appointment shall remain in force—

(a) in the case of an appointment for a particular election, for that election; and

(b) in any other case, while the elector is shown as voting by proxy in the record kept under article 8 in pursuance of the same application under that article.

Voting as proxy at Assembly elections

12.—(1) A person entitled to vote as proxy at an Assembly election may do so in person at the polling station allotted to the elector under this Order unless he is entitled to vote by post as proxy for the elector at the election, in which case he may vote by post.

(2) Where a person is entitled to vote by post as proxy for the elector at any Assembly election, the elector may not apply for a ballot paper for the purpose of voting in person at the election.

(3) For the purposes of this Order, a person entitled to vote as proxy for another at an Assembly election is entitled so to vote by post if he is included in the list kept under paragraph (8) in respect of the election.

(4) Where a person applies to the registration officer to vote by post—

(a) as proxy at Assembly elections (whether for an indefinite period or for a particular period specified in his application); or

(b) as proxy at a particular Assembly election,

the registration officer shall grant the application if the conditions set out in paragraph (5) are satisfied.

(5) Those conditions are—

(a) that the registration officer is satisfied that the elector is or will be registered in the register; and

(b) that there is in force an appointment of the applicant as the elector's proxy to vote for him at Assembly elections or, as the case may be, the Assembly election concerned; and

(c) that the application contains the applicant's signature and date of birth and meets the requirements set out in Schedule 1.

(6) The registration officer shall keep a record of those whose applications under paragraph (4) (a) have been granted showing—

- (a) whether their applications were to vote by post as proxy for an indefinite or a particular period (specifying that period); and
- (b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.

(7) Where, in the case of a particular election, a person included in the record kept under paragraph (6) applies to the registration officer for his ballot paper to be sent to a different address from that shown in the record, the registration officer shall grant the application if it meets the requirements set out in Schedule 1.

(8) The registration officer shall, in respect of each Assembly election, keep a special list (“the proxy postal voters list”) of—

- (a) those who are for the time being included in the record kept under paragraph (6), together with the addresses provided by them in their applications under paragraph (4)(a) or paragraph (7) as the addresses to which their ballot papers are to be sent; and
- (b) those whose applications under paragraph (4)(b) have been granted in respect of the election concerned, together with the addresses to which their ballot papers are to be sent,

provided that where the polls at a constituency election and at a regional election are to be taken together, only one list shall be kept under this paragraph and that list shall have effect in relation to both elections.

(9) In the case of a person who has an anonymous entry in the register the special list mentioned in paragraph (8) must contain only the person’s electoral number and the period for which the anonymous entry has effect.

(10) The registration officer shall remove a person from the record kept under paragraph (6)—

- (a) if he applies to the registration officer to be removed;
- (b) in the case of a person who applied to vote by post as proxy for a particular period, once that period expires;
- (c) if the elector ceases to be registered as mentioned in paragraph (5)(a); or
- (d) if the appointment of the person concerned as the elector’s proxy ceases to be in force (whether or not he is re-appointed).

(11) Paragraph (2) does not prevent a person, at the polling station allotted to him, marking a tendered ballot paper in pursuance of rule 49 (4) or (6) of Schedule 5.

(12) The registration officer may dispense with the requirement under paragraph (5)(c) for the applicant to provide a signature if he is satisfied that the applicant is unable—

- (a) to provide a signature because of any disability the applicant has; or
- (b) to provide a signature because the applicant is unable to read or write; or
- (c) to sign in a consistent and distinctive way because of any such disability or inability.

(13) The registration officer shall also keep a record in relation to those whose applications under paragraph (4)(a) or (b) have been granted showing—

- (a) their dates of birth; and
- (b) except in cases where the registration officer in pursuance of paragraph (12) has dispensed with the requirement to provide a signature, their signatures.

(14) The record kept under paragraph (13) must be retained by the registration officer for the period prescribed in paragraph 2 of Schedule 1.

Electors' signatures and use of personal identifier information

13.—(1) An application for an absent vote or postal proxy made in accordance with article 8, 9, 11 or 12 must comply with paragraph 1 of Schedule 1 (relating to personal identifiers).

(2) A registration officer shall comply with the transitional provisions of Schedule 2 in relation to a person who, on 1st February 2007 has an entry as an absent voter or postal proxy in his absent voting record.

(3) A person who remains on the record kept under article 8(3) or 12(6) may, at any time, provide the registration officer with a fresh signature.

(4) Anything required or authorised to be done for the purposes of any enactment in relation to a signature required to be provided in pursuance of the absent vote provisions of this Order must be done in relation to a signature provided as mentioned in paragraph (3) instead of in relation to a signature provided on any earlier occasion.

(5) The registration officer shall either—

- (a) provide the constituency returning officer for an Assembly election with a copy of the information contained in records kept by the registration officer in pursuance of articles 8(9), 9(6) and 12(13) in relation to electors at the election; or
- (b) give that returning officer access to such information.

(6) Information contained in records kept by a registration officer in pursuance of article 8(9), 9(6) or 12(13) may be disclosed by him (subject to the conditions prescribed in paragraphs 13 and 14 of Schedule 1) to—

- (a) any other registration officer if he thinks that to do so will assist the other registration officer in the performance of his duties;
- (b) any person exercising functions in relation to the preparation or conduct of legal proceedings under the Representation of the People Acts or this Order;
- (c) such other persons for such other purposes relating to elections as are prescribed in paragraphs 13 and 14 of Schedule 1.

Offences

14.—(1) A person who provides false information in connection with an application to which article 8, 9, 11 or 12 applies is guilty of an offence.

(2) For the purposes of paragraph (1), “false information” means a signature which—

- (a) is not the usual signature of; or
- (b) was written by a person other than,

the person whose signature it purports to be.

(3) A person does not commit an offence under paragraph (1) if he did not know and had no reason to suspect that the information was false.

(4) Where sufficient evidence is adduced to raise an issue with respect to the defence under paragraph (3), the court shall assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

(5) A person guilty of an offence under paragraph (1) shall be liable on summary conviction to—

- (a) imprisonment for a term not exceeding 51 weeks; or
- (b) a fine not exceeding level 5 on the standard scale,

or both.

(6) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003⁽²²⁾, the reference in paragraph (5)(a) to 51 weeks must be taken to be a reference to 6 months.

(7) A person also commits an offence if he—

- (a) engages in an act specified in paragraph (8) at an Assembly election; and
- (b) intends, by doing so, to deprive another of an opportunity to vote or to make for himself or another a gain of a vote to which he or the other is not otherwise entitled or a gain of money or property.

(8) These are the acts—

- (a) applying for a postal or proxy vote as some other person (whether that other person is living or dead or is a fictitious person);
- (b) otherwise making a false statement in, or in connection with, an application for a postal or proxy vote;
- (c) inducing the registration officer or constituency returning officer to send a postal ballot paper or any communication relating to a postal or proxy vote to an address which has not been agreed to by the person entitled to the vote; and
- (d) causing a communication relating to a postal or proxy vote or containing a postal ballot paper not to be delivered to the intended recipient.

(9) In paragraph (7)(b), property includes any description of property.

(10) In paragraph (8) a reference to a postal vote or a postal ballot paper includes a reference to a proxy postal vote or a proxy postal ballot paper (as the case may be).

(11) A person who commits an offence under paragraph (7) or who aids, abets, counsels or procures the commission of such an offence is guilty of a corrupt practice and shall be liable on conviction in accordance with article 120.

Absent voting at Assembly elections: miscellaneous

15.—(1) For the purposes of section 59⁽²³⁾ of the 1983 Act (supplemental provisions as to members of forces and service voters)—

- (a) subsections (3)(b) and (c) shall be construed as including a reference to this Order in connection with the rights conferred by this Order on a person having a service qualification by virtue of section 14(1)(a) or (b) of that Act in relation to the making and cancellation of appointments of a proxy and in relation to voting in person, by post or by proxy; and
- (b) subsection (3A) shall be similarly construed.

(2) Schedule 1 (which makes further provision in connection with absent voting at Assembly elections) has effect.

(3) Schedule 2 (which makes transitional provision in connection with absent voting at Assembly elections) has effect.

(4) Schedule 3 (which makes further provision in connection with the issue and receipt of postal ballot papers) has effect.

⁽²²⁾ 2003 c. 44.

⁽²³⁾ Section 59 was amended by section 13(2) of the Electoral Administration Act 2006 (c. 22).

Combination of polls at Assembly and local government elections

16.—(1) Where the polls at an Assembly general election and an ordinary local government election are to be taken on the same date, they shall be taken together.

(2) Where the polls at an Assembly election and local government election for related areas are to be taken on the same date but are not required by paragraph (1) to be taken together, they may nevertheless be so taken if the returning officer for each election thinks fit.

(3) For the purposes of paragraph (2), two areas are related if one is coterminous with or situated wholly or partly within the other.

(4) Where the polls at an Assembly general election and an ordinary local government election are combined under paragraph (1) the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned among the elections in such proportions as the Assembly may by order specify; and an order under this paragraph may specify different proportions in relation to different functions.

(5) Where the polls at an Assembly election and another election are combined under paragraph (2) the cost of taking the combined polls (excluding any cost solely attributable to one election) and any cost attributable to their combination shall be apportioned equally among the elections.

(6) The power to make orders under paragraph (4) shall be exercised by statutory instrument and for the purposes of section 1 of the Statutory Instruments Act 1946⁽²⁴⁾ this provision shall have effect as if contained in an Act of Parliament.

(7) Schedule 4 (which makes provision in connection with the combination of polls at Assembly and local government elections) has effect but, where the poll at an Assembly election is combined with a mayoral election, only Parts 1 and 2 of Schedule 4 shall apply.

Rules for Assembly elections

17.—(1) The proceedings at Assembly elections including the return of Assembly members shall be conducted in accordance with the Assembly election rules set out in Schedule 5.

(2) In addition to the functions otherwise conferred or imposed on a constituency or regional returning officer at an Assembly election it is the general duty of such an officer to do all such acts as may be necessary for effectively conducting the election in the manner provided by those rules.

(3) No Assembly election shall be declared invalid by reason of any act or omission by such a returning officer or any other person in breach of his official duty in connection with the election or otherwise of those rules if it appears to the tribunal having cognizance of the question that—

- (a) the election was so conducted as to be substantially in accordance with the law as to Assembly elections; and
- (b) the act or omission did not affect the result.

Returning officers

18.—(1) For the purpose of Assembly elections there shall be—

- (a) a constituency returning officer for each Assembly constituency; and
- (b) a regional returning officer for each Assembly electoral region, and

(24) 1946 c. 36. By virtue of section 1(1A) inserted into that Act of 1946 by paragraph 2 of Schedule 12 to the Government of Wales Act 1998, references in section 1(1) of that Act of 1946 to a Minister of the Crown are construed as including references to the National Assembly for Wales constituted by that Act of 1998 and by virtue of section 1(1A) of that Act of 1946 substituted by paragraph 2 of Schedule 10 to the Government of Wales Act 2006, references to a Minister of the Crown are construed as including references to the Welsh Ministers. see footnote to the definition of “the Assembly” in article 2(1) as to the vesting in the Welsh Ministers of the function of “the Assembly” under article 16(4).

such persons shall hold office in accordance with the following provisions of this article.

- (2) A constituency returning officer shall be the person—
 - (a) who is appointed under section 35(1A)(a) of the 1983 Act⁽²⁵⁾ to be the returning officer for elections of councillors of a county or county borough situated wholly or partly in the Assembly constituency; and
 - (b) in the case where there is more than one such person, who is for the time being designated by the Assembly as returning officer for the constituency.
- (3) A regional returning officer shall be the person—
 - (a) who is appointed under section 35(1A)(a) of the 1983 Act to be the returning officer for elections of councillors of a county or county borough situated wholly or partly in the Assembly electoral region; and
 - (b) in the case where there is more than one such person, who is for the time being designated by the Assembly as returning officer for the electoral region.
- (4) A designation made under this article shall be in writing.
- (5) The office of returning officer is a distinct office from that by virtue of which the person becomes returning officer.
- (6) Where a person takes any office by virtue of which he becomes a returning officer, he (and not the outgoing holder of the office) shall complete the conduct of any outstanding election in accordance with the Assembly election rules.

Officers of councils to be placed at disposal of returning officers

19.—(1) The council of each county or county borough shall place the services of its officers at the disposal of any constituency returning officer for an Assembly constituency wholly or partly situated in its area.

(2) The services placed at the disposal of a constituency returning officer under paragraph (1) may relate to the exercise of that officer's functions in connection with a constituency election, a regional election or both such elections.

(3) The council of each county or county borough shall also place the services of its officers at the disposal of any regional returning officer for an Assembly electoral region partly situated in its area.

Returning officers: discharge of functions

20.—(1) A constituency or a regional returning officer at an Assembly election may, in writing, appoint one or more persons to discharge all or any of his functions.

(2) Paragraph (1) applies to a constituency returning officer at a constituency or a regional election.

(3) Except in the case of an election to fill a casual vacancy, it shall be the duty of each regional returning officer and each constituency returning officer for an Assembly constituency in the Assembly electoral region to co-operate with each other in the discharge of their functions.

(4) The duty imposed by paragraph (3) applies as between constituency returning officers in an Assembly electoral region as well as between such officers and the regional returning officer for the electoral region.

(5) In this Order, a reference to a constituency returning officer in relation to the discharge of functions at a regional election is a reference to the discharge of such functions in relation to the Assembly constituency for which he is the returning officer.

(25) Subsection (1A) was added by Schedule 16 of the Local Government (Wales) Act 1994 (c. 19).

Returning officers: correction of procedural errors

21.—(1) A constituency or a regional returning officer at an Assembly election may take such steps as he thinks appropriate to remedy any act or omission on his part, or on the part of a relevant person, which—

- (a) arises in connection with any function the returning officer or relevant person has in relation to the election; and
- (b) is not in accordance with the rules or any other requirements applicable to the election.

(2) But a returning officer may not under paragraph (1) re-count the votes given at an election after the result has been declared.

(3) These are the relevant persons—

- (a) an electoral registration officer;
- (b) in relation to a regional election, a relevant returning officer at that election;
- (c) a presiding officer;
- (d) a person providing goods or services to the returning officer; and
- (e) a deputy of any person mentioned in sub paragraphs (a) to (c) or a person appointed to assist, or in the course of his employment assisting, such a person in connection with any function he has in relation to the election.

(4) In paragraph (3)(b), “a relevant returning officer” means—

- (a) in the case of a regional returning officer taking steps under paragraph (1), a constituency returning officer at that regional election; and
- (b) in the case of a constituency returning officer taking steps under paragraph (1), the regional returning officer at that regional election.

(5) Where the act or omission to be remedied is that of a relevant returning officer, then, before taking steps under paragraph (1)—

- (a) the regional returning officer must consult the constituency returning officer whose act or omission is to be remedied; and
- (b) a constituency returning officer must consult the regional returning officer.

Returning officers: general

22.—(1) An Assembly election is not liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at or conducting the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at or conduct the election.

(2) A person is not subject to any incapacity to vote at an Assembly election by reason of being or acting as returning officer at that election.

Payments by and to returning officer

23.—(1) A constituency or a regional returning officer shall be entitled to recover his charges in respect of services rendered, or expenses incurred, for, or in connection with, an Assembly election if—

- (a) the services were necessarily rendered, or the expenses were necessarily incurred, for the efficient and effective conduct of the election; and
- (b) the total of his charges does not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, an order made by the Assembly for the purposes of this paragraph,

and in the case of a constituency returning officer, this paragraph applies to services rendered or expenses incurred for, or in connection with, a constituency or a regional election.

(2) An order under paragraph (1) may specify, or make provision for determining in accordance with the order, a maximum recoverable amount for services or expenses of any specified description and, subject to paragraph (3), the returning officer may not recover more than that amount in respect of any such services or expenses.

(3) The Assembly may, in a particular case, authorise the payment of—

- (a) more than the overall maximum recoverable amount; or
- (b) more than the specified maximum recoverable amount for any specified services or expenses,

if the Assembly is satisfied that the conditions in paragraph (4) are met.

(4) The conditions referred to in paragraph (3) are—

- (a) that it was reasonable for the returning officer concerned to render the services or incur the expenses; and
- (b) that the charges in question are reasonable.

(5) The power to make orders under paragraph (1) shall be exercised by statutory instrument and for the purpose of section 1 of the Statutory Instruments Act 1946⁽²⁶⁾ this provision shall have effect as if contained in an Act of Parliament.

(6) Any order under paragraph (1) may make different provision for different purposes and may contain such incidental supplemental saving or transitional provision as the Assembly thinks fit.

(7) The Assembly shall pay the amount of any charges recoverable in accordance with this article on an account being submitted to it but the Assembly may if it thinks fit, before payment, apply for the account to be assessed under the provisions of article 24.

(8) Where the superannuation contributions required to be paid by a local authority in respect of any person are increased by any fee paid under this article as part of a returning officer's charges at an Assembly election; then on an account being submitted to the Assembly, a sum equal to the increase shall be paid by the Assembly to the authority.

(9) On a returning officer's request for an advance on account of his charges, the Assembly may, on such terms as it thinks fit, make such an advance.

(10) The Assembly may by regulations make provision as to the time when and the manner and form in which accounts are to be rendered to the Assembly for the purpose of the payment of a returning officer's charges; and such regulations may make different provision for different purposes.

(11) Any sums payable by the Assembly or the Welsh Ministers⁽²⁷⁾ under paragraph (7) or (8) in the financial year beginning on 1st April 2007 and in subsequent years shall be charged on the Welsh Consolidated Fund⁽²⁸⁾

Detailed assessment of returning officer's account

24.—(1) An application for a returning officer's account to be assessed shall be made to the county court and in this article the expression "the court" means the county court.

(2) On any such application the court has jurisdiction to assess the account in such manner and at such time and place as the court thinks fit, and finally to determine the amount payable to the returning officer.

⁽²⁶⁾ see footnote to article 16(6) as to section 1 of the Statutory Instruments Act 1946.

⁽²⁷⁾ see footnote to the definition of "the Assembly" in article 2 as to the vesting in the Welsh Ministers of functions of "the Assembly" under article 23.

⁽²⁸⁾ see section 117 of the Government of Wales Act 2006 as to the meaning of the Welsh Consolidated Fund.

(3) On any such application the returning officer may apply to the court to examine any claim made by any person against him in respect of matters charged in the account; and the court, after notice given to the claimant and after giving him an opportunity to be heard and to tender any evidence, may allow or disallow or reduce the claim objected to with or without costs; and the determination of the court shall be final for all purposes and against all persons.

(4) CCR Order 45, rule 1 of the Civil Procedure Rules 1998⁽²⁹⁾ (application for detailed assessment of returning officer's account under section 30 of the 1983 Act) shall have effect in relation to applications made under this article and, in relation to such applications, that rule shall apply with the following modifications—

- (a) references to the Secretary of State shall be construed as references to the Assembly; and
- (b) references to returning officers shall be construed as references to—
 - (i) constituency returning officers in relation to a constituency election; and
 - (ii) constituency and regional returning officers in relation to a regional election.

Loan of equipment for Assembly elections

25.—(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of money provided by Parliament may, on request, be lent to a constituency returning officer at an Assembly election on such terms and conditions as the Commission may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority within the meaning of the Local Government Act 1972⁽³⁰⁾ shall, on request (if not required for immediate use by that authority), be lent to a constituency returning officer at an Assembly election on such terms and conditions as may be agreed.

Effect of registers

26.—(1) Any entry in the register of electors, if it gives a date as that on which the person named will attain voting age, shall for any purpose of this Part relating to him as elector be conclusive that until the date given in the entry he is not of voting age nor entitled to be treated as an elector except for the purposes of an Assembly election at which the date fixed for the poll is that or a later date.

(2) A person registered as a local government elector, or entered in the list of proxies, shall not be excluded from voting at an Assembly election on any of the grounds set out in paragraph (3); but this shall not prevent the rejection of the vote on a scrutiny, or affect his liability to any penalty for voting.

- (3) The grounds referred to in paragraph (2) are—
 - (a) that he is not of voting age;
 - (b) that he is not, or on the relevant date or the date of his appointment (as the case may be), was not—
 - (i) a qualifying Commonwealth citizen;
 - (ii) a citizen of the Republic of Ireland; or
 - (iii) a relevant citizen of the Union; or
 - (c) that he is or, on the relevant date or the date of his appointment (as the case may be) was, otherwise subject to any other legal incapacity to vote.
- (4) In paragraph (3), the “relevant date” means—

⁽²⁹⁾ see Part 50 of and Schedule 2 to the Civil Procedure Rules (S.I. 1998/3132)(L.17). There are amendments to those rules that are not relevant to this Order.

⁽³⁰⁾ 1972 c. 70

- (a) in relation to a person registered in the register as published in accordance with section 13(1) of the 1983 Act, the 15th October immediately preceding the date of publication of the register;
- (b) in relation to any other person registered in the register, the relevant date for the purposes of section 4 of the 1983 Act⁽³¹⁾.

(5) Paragraph (1) applies to an entry in the record of anonymous entries as it applies to an entry in the register of electors.

Effect of misdescription

27. In relation to an Assembly election no misnomer or inaccurate description of any person or place named—

- (a) in the register of electors; or
- (b) in any list, record, proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of this Order,

shall affect the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

Discharge of registration duties

28.—(1) A registration officer shall comply with any general or specific directions which may be given by the Secretary of State, in accordance with and on the recommendation of the Commission, with respect to the arrangements to be made by the registration officer in carrying out his functions under this Order.

(2) Any of the duties and powers of a registration officer under this Order may be performed and exercised by any deputy for the time being approved by the county or county borough council which appointed the registration officer; and the provisions of this Order apply to any such deputy so far as respects any duties or powers to be performed or exercised by him as they apply to the registration officer.

(3) Any acts authorised or required to be done by or with respect to the registration officer under this Order may, in the event of his incapacity to act or of a vacancy, be done by or with respect to the proper officer of the county or county borough council by whom the registration officer was appointed.

(4) A county or county borough council by whom a registration officer is appointed shall assign such officers to assist him as may be required in carrying out his functions under this Order.

Payment of expenses of registration

29.—(1) Any expenses properly incurred by a registration officer in the performance of his functions under this Order (in this Order referred to as “registration expenses”) shall be paid by the county or county borough council by whom the registration officer was appointed.

(2) Any fees paid to the registration officer under this Order shall be accounted for by him and paid to the county or county borough council by whom he was appointed.

(3) On the request of a registration officer for an advance on account of registration expenses, the county or county borough council by whom the registration officer was appointed may, if it thinks fit, make such an advance to him of such an amount and subject to such conditions as it may approve.

⁽³¹⁾ See section 4(6) of the Representation of the People Act 1983. Section 4 was substituted by section 1(2) of the Representation of the People Act 2000 (c. 2).

Personation

30.—(1) In relation to an Assembly election a person shall be guilty of a corrupt practice if he commits, or aids, abets, counsels or procures the commission of, the offence of personation.

- (2) A person shall be deemed to be guilty of personation at an Assembly election if he—
- (a) votes in person or by post as some other person, whether as an elector or as proxy, and whether that other person is living or dead or is a fictitious person; or
 - (b) votes in person or by post as proxy—
 - (i) for a person whom he knows or has reasonable grounds for supposing to be dead or to be a fictitious person; or
 - (ii) when he knows or has reasonable grounds for supposing that his appointment as proxy is no longer in force.

(3) For the purposes of this article, a person who has applied for a ballot paper for the purpose of voting in person or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.

(4) Section 24A of the Police and Criminal Evidence Act 1984⁽³²⁾ (arrest without warrant: other persons) does not permit a person other than a constable to arrest, inside a polling station, a person who commits or is suspected of committing an offence under the preceding provisions of this article.

Other voting offences

31.—(1) For the purposes of this article a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under paragraph (6), a previous application made in circumstances which entitle the applicant only to mark a tendered ballot paper shall, if he does not exercise that right, be disregarded.

- (2) A person shall be guilty of an offence if—
- (a) he votes in person or by post, whether as an elector or as proxy, or applies to vote by proxy or by post as elector at an Assembly election, or at Assembly elections, knowing that he is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind;
 - (b) he applies for the appointment of a proxy to vote for him at an Assembly election or at Assembly elections, knowing that he or the person to be appointed is subject to a legal incapacity to vote at the election or, as the case may be, at elections of that kind; or
 - (c) he votes, whether in person or by post, as proxy for some other person at an Assembly election, knowing that that person is subject to a legal incapacity to vote.

(3) For the purposes of paragraph (2), references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at or for which they are done, include his being below voting age if he will be of voting age on that day.

- (4) A person shall be guilty of an offence if—
- (a) he votes as elector otherwise than by proxy either—
 - (i) more than once in the same Assembly constituency at any Assembly election;
 - (ii) in more than one Assembly constituency at an Assembly general election; or

⁽³²⁾ Section 24A of the Police and Criminal Evidence Act 1984 (c. 60) was inserted by section 110(1) of the Serious Organised Crime and Police Act 2005 (c. 15). There is an amendment to section 24A which is not relevant to this Order.

- (iii) in any Assembly constituency at an Assembly election when there is in force an appointment of a person to vote as his proxy at the election in some other constituency;
 - (b) he votes as elector in person at an Assembly election at which he is entitled to vote by post;
 - (c) he votes as elector in person at an Assembly election, knowing that a person appointed to vote as his proxy at the election either has already voted in person at the election or is entitled to vote by post at the election; or
 - (d) he applies for a person to be appointed as his proxy to vote for him at Assembly elections in any Assembly constituency without applying for the cancellation of a previous appointment of a third person then in force in respect of that or another constituency or without withdrawing a pending application for such an appointment in respect of that or another constituency.
- (5) A person shall be guilty of an offence if—
- (a) he votes as proxy for the same elector either—
 - (i) more than once in the same Assembly constituency at any Assembly election; or
 - (ii) in more than one Assembly constituency at an Assembly general election;
 - (b) he votes in person as proxy for an elector at an Assembly election at which he is entitled to vote by post as proxy for that elector; or
 - (c) he votes in person as proxy for an elector at an Assembly election knowing that the elector has already voted in person at the election.
- (6) A person shall also be guilty of an offence if he votes as proxy—
- (a) in the case of an Assembly general election, at constituency elections in Assembly constituencies in an Assembly electoral region (or in one such election);
 - (b) in the case of a constituency election other than at an Assembly general election, at a constituency election; or
 - (c) at a regional election (whether or not at an Assembly general election);
- for more than two persons of whom he is not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
- (7) A person shall also be guilty of an offence if he knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge would be, an offence by that other person under the foregoing paragraphs of this article.
- (8) A person is not guilty of an offence under paragraph (4)(b) or (5)(b) only by reason of his having marked a tendered ballot paper in pursuance of rule 49(4) or (6) of Schedule 5.
- (9) An offence under this article shall be an illegal practice, but—
- (a) the court before whom a person is convicted of any such offence may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of article 123; and
 - (b) a candidate shall not be liable, nor shall his election be avoided, for an illegal practice under this article of any agent of his other than an offence under paragraph (7).
- (10) Where a person is entitled to give two votes (whether in person as elector or by proxy, or by post as elector or by proxy) he votes once in relation to each Assembly election for which his votes are given.

Breach of official duty

32.—(1) If a person to whom this article applies is, without reasonable cause, guilty of any act or omission in breach of his official duty, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) No person to whom this article applies shall be liable for breach of his official duty to any penalty at common law and no action for damages shall lie in respect of the breach by such a person of his official duty.

(3) The persons to whom this article applies are—

- (a) any registration officer, returning officer or presiding officer;
- (b) any other person whose duty it is to be responsible after an Assembly election for the used ballot papers and other documents (including returns and declarations as to expenses);
- (c) any official designated by a universal service provider; and
- (d) any deputy of a person mentioned in any of sub-paragraphs (a) to (c) or any person appointed to assist or in the course of his employment assisting a person so mentioned in connection with his official duties,

and “official duty” shall for the purpose of this article be construed accordingly, but shall not include duties imposed otherwise than by the law relating to Assembly elections or the registration of local government electors.

(4) Where—

- (a) a returning officer for an Assembly election is guilty of an act or omission in breach of his official duty; but
- (b) he remedies that act or omission in full by taking steps under paragraph (1) of article 21,

he shall not be guilty of an offence under paragraph (1).

(5) Paragraph (4) does not affect any conviction which takes place, or any penalty which is imposed, before the date on which the act or omission is remedied in full.

Tampering with nomination papers, ballot papers etc

33.—(1) A person shall be guilty of an offence if, at an Assembly election, he—

- (a) fraudulently defaces or fraudulently destroys any constituency, individual or party nomination paper;
- (b) fraudulently defaces or fraudulently destroys any ballot paper, or the official mark on any ballot paper, or postal voting statement or official envelope used in connection with voting by post;
- (c) without due authority supplies any ballot paper to any person;
- (d) fraudulently puts into any ballot box any paper other than the ballot paper which he is authorised by law to put in;
- (e) fraudulently takes out of the polling station any ballot paper;
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of the election; or
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts.

(2) If a returning officer, a presiding officer or a clerk appointed to assist in taking the poll and counting the votes, or at the proceedings in connection with the issue or receipt of postal ballot papers, is guilty of an offence under this article, he shall be liable—

- (a) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both; or
- (b) on summary conviction, to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding 6 months, or to both.

(3) If any other person is guilty of an offence under this article he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale, or to imprisonment for a term not exceeding 6 months, or to both.

(4) In relation to an offence committed after commencement of section 281(5) of the Criminal Justice Act 2003, the reference in paragraphs (2)(b) and (3) to 6 months must be taken to be a reference to 51 weeks.

False statements in nomination papers etc

34.—(1) A person shall be guilty of a corrupt practice if, in the case of an Assembly election, he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with the election—

- (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or
- (b) anything which purports to be the signature of a person who subscribes a nomination paper but which he knows—
 - (i) was not written by the person by whom it purports to have been written; or
 - (ii) if written by that person, was not written by him for the purpose of subscribing that nomination paper; or
- (c) a certificate under rule 5 of the Assembly election rules authorising the use by a constituency candidate of a description if he knows that the candidate is a candidate in another Assembly constituency election in which the poll is to be held on the same day as the poll at the election to which the certificate relates; or
- (d) a certificate under rule 8 of the Assembly election rules authorising the use by a registered political party of a description if he knows that a candidate on that party's list of candidates is also an individual candidate or a party list candidate for another registered political party at that Assembly election or is a candidate in another Assembly election in which the poll is to be held on the same day as the poll at the election to which the certificate relates.

(2) A person is guilty of a corrupt practice if, in the case of a constituency election, he makes in any document in which he gives his consent to nomination as a candidate—

- (a) a statement of his date of birth;
- (b) a statement as to his qualification for membership of the Assembly; or
- (c) a statement that he is not a candidate at an election for any other constituency the poll for which is to be held on the same day as the poll at the election to which the consent relates,

which he knows to be false in any particular.

(3) A person is guilty of a corrupt practice if, in the case of an individual candidate at a regional election, he makes in any document in which he gives his consent to nomination as a candidate—

- (a) a statement of his date of birth;
- (b) a statement as to his qualification for membership of the Assembly; or
- (c) a statement that he is not a party list candidate at that regional election nor a candidate in another Assembly election the poll for which is to be held on the same day as the poll at the election to which the consent relates,

which he knows to be false in any particular.

(4) A person is guilty of a corrupt practice if, in the case of a party list candidate at a regional election, he makes in any document in which he gives his consent to nomination as a candidate—

- (a) a statement of his date of birth;
- (b) a statement as to his qualification for membership of the Assembly; or
- (c) a statement that he is not an individual candidate or a candidate on the list submitted by another registered political party at that regional election or a candidate at another Assembly election in which the poll is to be held on the same day as the poll at the election to which the consent relates,

which he knows to be false in any particular.

(5) For the purposes of paragraphs (2), (3), and (4) a statement as to the candidate's qualification is a statement that—

- (a) he is qualified for being elected;
- (b) he will be qualified for being elected; or
- (c) to the best of his knowledge and belief he is not disqualified for being elected.

Requirement of secrecy

35.—(1) The following persons attending at a polling station, namely—

- (a) a returning officer;
- (b) a presiding officer or clerk;
- (c) a candidate or election agent or polling agent; or
- (d) a person attending by virtue of any of sections 6A to 6D of the 2000 Political Parties Act,

shall maintain and aid in maintaining the secrecy of voting and shall not, except for some purpose authorised by law, communicate to any person before the poll is closed any information as to—

- (i) the name of any elector or proxy for an elector who has or has not applied for a ballot paper or voted at a polling station;
- (ii) the number on the register of electors of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or
- (iii) the official mark on any ballot paper.

(2) Every person attending at the counting of the votes shall maintain and aid in maintaining the secrecy of voting and shall not—

- (a) ascertain or attempt to ascertain at the counting of votes the number or other unique identifying mark on the back of any ballot paper; or
- (b) communicate any information obtained at the counting of votes as to how any vote is given on any particular ballot paper.

(3) No person shall—

- (a) interfere with or attempt to interfere with a voter when giving his vote;
- (b) otherwise obtain or attempt to obtain in a polling station information as to how a voter in that station is about to vote or has voted;
- (c) communicate at any time to any person any information obtained in a polling station as to how a voter in that station is about to vote or has voted, or as to the number or other unique identifying mark on the back of a ballot paper given to a voter at that station; or
- (d) directly or indirectly induce a voter to display a ballot paper after he has marked it so as to make known to any person how he has or has not voted.

(4) Every person attending the proceedings in connection with the issue or the receipt of ballot papers for persons voting by post shall maintain and aid in maintaining the secrecy of the voting and shall not—

- (a) except for some purpose authorised by law, communicate, before the poll is closed, to any person any information obtained at those proceedings as to the official mark;
- (b) except for some purpose authorised by law, communicate to any person at any time any information obtained at those proceedings as to the number or other unique identifying mark on the back of the ballot paper sent to any person;
- (c) except for some purpose authorised by law, attempt to ascertain at the proceedings in connection with the receipt of ballot papers the number or other unique identifying mark on the back of any ballot paper; or
- (d) attempt to ascertain at the proceedings in connection with the receipt of the ballot papers how any vote is given on any particular ballot paper or communicate any information with respect thereto obtained at those proceedings.

(5) No person having undertaken to assist a voter with disabilities shall communicate at any time to any person any information as to how that voter intends to vote or has voted, or as to the number or other unique identifying mark on the back of the ballot paper given for the use of that voter.

(6) If a person acts in contravention of this article he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

(7) In relation to an offence committed after commencement of section 281(5) of the Criminal Justice Act 2003, the reference in paragraph (6) to 6 months must be taken to be a reference to 51 weeks.

Prohibition on publication of exit polls

36.—(1) No person shall, in the case of an Assembly election, publish before the poll is closed—

- (a) any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted; or
- (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given.

(2) If a person acts in contravention of paragraph (1), he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months.

(3) In relation to an offence committed after commencement of section 281(5) of the Criminal Justice Act 2003, the reference in paragraph (2) to 6 months must be taken to be a reference to 51 weeks.

(4) In this article—

“forecast” includes estimate;

“publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means,

and any reference to the result of an election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.

PART 3

The election campaign

Appointment of election agent

37.—(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 constituency candidate; 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 constituency 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 registered political party submitting a party list as the election agent for that party in relation to that list, and that person's name and address shall be declared in writing by or on behalf of that party's registered nominating officer to the regional returning officer not later than that time.

(4) A candidate included on a registered political party's party list may be named as election agent for that party in relation to that party 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 constituency candidate;
- (b) each individual candidate at a regional election; and
- (c) each registered political party that has submitted a party list 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) a constituency or an individual candidate; or
- (b) in relation to a registered political party that has submitted a party list, the 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

38.—(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 or 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

39.—(1) Every election agent and every sub-agent shall have an office to which all claims, notices, legal processes and other 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 under article 37(9)(a) or 38(3)(a); and
 - (c) in the case of a regional election, stated in the notice to the constituency returning officers under article 37(9)(b) or 38(3)(b).
- (2) The office—
- (a) 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) 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, legal process or other 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 or sub-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

40.—(1) If no person's name and address is given as required by article 37 as the election agent of a constituency or individual candidate who remains validly nominated at the latest time for delivery of notices of withdrawal of candidature, 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.

(2) If no person's name and address is given as required by article 37 as the election agent of a registered political party which has submitted a party list at the latest time for delivery of notices of withdrawal of candidature, the candidate whose name appears first on the list shall be deemed at that time to have been named as election agent and any appointment of another person as that party's election agent shall be deemed to have been revoked.

(3) This paragraph applies if—

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

(4) Where paragraph (3) applies—

- (a) in the case of a constituency candidate 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 registered political party 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 (3) 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.

(5) If the appointment of an election agent is revoked without a new appointment being made—

- (a) in the case of a constituency candidate 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 registered political party the candidate whose name appears first on that party's list shall be deemed to have been appointed (or re-appointed) election agent.

(6) The deemed appointment of an election agent may be revoked as if it were an actual appointment.

(7) 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 for that purpose in his consent to nomination under rule 9 of Schedule 5.

(8) 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 37 and 39.

Control of donations to constituency and individual candidates

41.—(1) In the case of any constituency or individual candidate at an Assembly election, any money or other property provided (whether as a gift or loan)—

(a) by any person other than the candidate or his election agent; and

(b) for the purpose of meeting election expenses incurred by or on behalf of the candidate, must be provided to the candidate or his election agent.

(2) Paragraph (1) does not apply to any money or other property so provided for the purpose of meeting any such expenses which may be lawfully paid by a person other than the candidate, his election agent or any sub-agent.

(3) A person who provides any money or other property in contravention of paragraph (1) shall be guilty of an illegal practice.

(4) Schedule 6 has effect for the purpose of controlling donations to constituency and individual candidates at an Assembly election.

(5) In this article and that Schedule "property" includes any description of property and references to the provision of property accordingly include the supply of goods.

Expenses of constituency candidate

42. For the purpose of this Part of this Order, sums paid or expenses incurred by, or in respect of, a candidate at a constituency election in respect of whom the constituency returning officer has received a certificate issued by the registered nominating officer of a registered political party under rule 5(1) or, as the case may be, (3) of Schedule 5, are not to be regarded as having been paid or incurred by that party⁽³³⁾.

Constituency and individual candidates: payment of expenses by or through election agent

43.—(1) Subject to paragraph (4), no payment (of whatever nature) shall be made by—

(a) a constituency or individual candidate at an Assembly election; or

(b) any other person,

in respect of election expenses incurred by or on behalf of the candidate unless it is made by or through the candidate's election agent.

(2) Every payment made by an election agent in respect of any election expenses shall, except where less than £20, be vouched for by a bill stating the particulars or by a receipt.

(33) In relation to party list candidates, their expenses are generally treated as expenditure by the registered political party on whose list they appear and is regulated by Part 5 of the Political Parties, Elections and Referendums Act 2000.

(3) The references in paragraphs (1) and (2) to an election agent shall be taken as references to the election agent acting by himself or by a sub-agent.

(4) This article does not apply to—

- (a) any expenses which are, in accordance with article 44(1) or (2), 49(6) or 50(2), paid by the candidate;
- (b) any expenses which are paid in accordance with article 44(4) by a person authorised as mentioned in that provision;
- (c) any expenses included in a declaration made by the election agent under article 45; or
- (d) any expenses which are regarded as incurred by or on behalf of the candidate by virtue of article 63(5).

(5) A person who makes any payment (of whatever nature) in contravention of paragraph (1) shall be guilty of an illegal practice.

Expenses which may be paid otherwise than by election agent

44.—(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 shall not exceed—

- (a) £600, in the case of a constituency candidate; 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) A candidate at an Assembly election may also pay any election expenses (other than expenses falling within paragraph (1)) which were incurred by him or on his behalf and in respect of which payment falls to be made before the date on which he appoints (or is deemed to have appointed) an election agent.

(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 expenses paid as mentioned in paragraph (1) or (2) 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.

(6) Articles 49 and 50 do not apply to expenses which, in accordance with any provision of this article, are paid otherwise than by the candidate's election agent.

Expenses incurred otherwise than for election purposes

45.—(1) Articles 43, 49 and 50 shall not apply to election expenses—

- (a) which are incurred by or on behalf of the candidate otherwise than for the purposes of the candidate's election; but
- (b) which by virtue of article 63(1) fall to be regarded as election expenses by reason of the property, services or facilities in respect of which they are incurred being used for the purposes of the candidate's election.

(2) The candidate's election agent shall make a declaration of the amount of any election expenses falling within paragraph (1).

(3) In this article "for the purposes of the candidate's election" has the same meaning as in articles 63 and 64.

Constituency and individual candidates: prohibition of expenses not authorised by election agent etc

46.—(1) No expenses shall, with a view to promoting or procuring the election of a constituency or individual candidate at an Assembly election, be incurred after he becomes a candidate at that election by any person other than the candidate, his election agent and persons authorised in writing by the election agent on account—

- (a) of holding public meetings or organising any public display; or
- (b) of issuing advertisements, circulars or publications; or
- (c) 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
- (d) 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 a registered political party or any or all of its party list candidates.

(2) Sub-paragraph (c) or (d) of paragraph (1) does not restrict the publication of any matter relating to the election in—

- (a) a newspaper or other periodical;
- (b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru; or
- (c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990⁽³⁴⁾ or Part 1 or 2 of the Broadcasting Act 1996⁽³⁵⁾.

(3) Paragraph (1) does not apply to any expenses incurred by any person—

- (a) which do not exceed in the aggregate the permitted sum (and are not incurred by that person as part of a concerted plan of action); or
- (b) in travelling or living away from home or similar personal expenses.

(4) For the purposes of paragraph (3)(a)—

- (a) expenses shall be regarded as incurred by a person "as part of a concerted plan of action" if they are incurred by that person in pursuance of any plan or other arrangement whereby that person and one or more other persons are to incur, with a view to promoting or procuring the election of the same candidate, expenses which (disregarding paragraph (3)(a)) fall within paragraph (1); and
- (b) "the permitted sum" is £500 in the case of a constituency election and £1,000 in the case of a regional election.

(5) Where a person incurs any expenses in respect of a 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 of the election is 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

⁽³⁴⁾ 1990 c. 42

⁽³⁵⁾ 1996 c. 55

- (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.

(6) The return and declaration under the foregoing provisions of this article shall be in forms CU and CV set out in English and Welsh in Schedule 10, and the authority received from the election agent shall be annexed to and deemed to be part of the return.

(7) The appropriate returning officer shall forward to the relevant registration officer every document sent to him in pursuance of paragraph (5), and rule 69(1) of Schedule 5 shall apply to any document sent to the relevant registration officer under this paragraph.

(8) 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 (5) falsely,

he shall be guilty of a corrupt practice.

(9) 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.

(10) The court before whom a person is convicted under paragraph (8) or (9) may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of article 123.

(11) A candidate shall not be liable, nor shall his election be avoided, for a corrupt or illegal practice under paragraph (8) or (9) committed by an agent without his consent or connivance.

(12) 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.

(13) For the purposes of paragraph (1) expenditure incurred before the date when a person becomes a candidate at the election is to be treated as having been incurred after that date if it is incurred in connection with anything which is used or takes place after that date.

Constituency and individual candidates: limitation of election expenses

47.—(1) The election expenses incurred by or on behalf of a constituency or individual candidate at an Assembly election must not in the aggregate exceed the appropriate maximum amount specified in paragraph (3).

(2) Where any election expenses are incurred in excess of the appropriate maximum amount specified in paragraph (3), any candidate or election agent who—

- (a) incurred, or authorised the incurring of, the election expenses; and
- (b) knew or ought reasonably to have known that the expenses would be incurred in excess of that maximum amount,

shall be guilty of an illegal practice.

- (3) The maximum amount is—
- (a) at an Assembly general election, for a constituency candidate—
 - (i) for an Assembly constituency which is coterminous with a parliamentary constituency which is a county constituency, £7,150 together with an additional 7p for every entry in the register of electors; and
 - (ii) for an Assembly constituency which is coterminous with a parliamentary constituency which is a borough constituency, £7,150 together with an additional 5p for every entry in the register of electors;
 - (b) for a constituency candidate at an election to fill a casual vacancy, £100,000; and
 - (c) for an individual candidate at a regional 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.

(4) In paragraph (3) “the register of electors” means the register for the Assembly constituency or Assembly electoral region in question as it has effect on the last day for publication of notice of the election.

(5) The maximum amount mentioned in paragraph (3) for a candidate at an Assembly election is not required to cover his personal expenses.

- (6) Where at a constituency election—
- (a) notice of poll is countermanded or the poll is abandoned by reason of a candidate’s death pursuant to rule 73 of Schedule 5; or
 - (b) the majority of votes at a poll is given to a deceased candidate and a new notice of election is published pursuant to rule 71 of Schedule 5,

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.

(7) The maximum amount mentioned in paragraph (3) 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.

Power to vary provisions concerning election expenses

- 48.**—(1) The Secretary of State may by order vary any of the sums to which this article applies—
- (a) where he considers that the variation is expedient in consequence of changes in the value of money; or
 - (b) in order to give effect to a recommendation of the Commission.

(2) This article applies to any of the sums for the time being specified in articles 43(2), 44(1), or 47(3).

(3) A statutory instrument containing an order under paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament and for the purpose of section 1 of the Statutory Instruments Act 1946 this provision shall have effect as if contained in an Act of Parliament.

Time for sending in and paying claims

- 49.**—(1) Every claim against—

- (a) a constituency candidate or his election agent; 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) All election expenses shall be paid not later than 28 days after the day set out in paragraph (1).

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

(4) 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 the candidate—

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

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

- (a) a claimant; or
- (b) a constituency or individual candidate or his election agent,

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.

(6) Any sum specified in the order of leave under paragraph (5) 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 (2).

Disputed claims

50.—(1) If an election agent disputes any claim sent in within the period of 21 days mentioned in article 49(1) or refuses or fails to pay the claim within the period of 28 days mentioned in article 49(2) 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 a constituency or an individual candidate in pursuance of the judgement or order of the court shall not be deemed to be in contravention of article 43(1) or 49(2).

(3) Article 49(5) and (6), 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

51. 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.

Constituency and individual candidates: return as to election expenses

52.—(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 in manner as provided for in paragraph (8), containing as respects that candidate—

- (i) a statement of all election expenses incurred by or on behalf of the candidate; and
 - (ii) a statement of all payments made by the election agent together with all bills or receipts relating to the payments.
- (2) A return under this section must—
- (a) specify the poll by virtue of which the return is required;
 - (b) specify the name of the candidate to whom the return relates and of the candidate’s election agent; and
 - (c) deal under a separate heading with any expenses in respect of which a return is required by virtue of article 46(5).
- (3) The return shall also contain as respects that candidate—
- (a) a statement relating to such other expenses in connection with which provision is made by this Part as the Commission provide in regulations(36);
 - (b) a statement relating to such claims (whether paid, unpaid or disputed) in connection with such election expenses or such other expenses mentioned in sub-paragraph (a) as the Commission so provide; and
 - (c) a statement relating to such other matters as the Commission may provide in regulations.
- (4) Until the coming into force of the first regulations made by the Commission under paragraph (3), the return shall also contain as respects that candidate—
- (a) a statement of all payments made—
 - (i) by the candidate in accordance with article 44(1) or (2); or
 - (ii) by any other person in accordance with article 44(4),together with all bills or receipts relating to any such payments made;
 - (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;
 - (d) any declarations of value falling to be made by the candidate’s election agent by virtue of article 45(2) or 64(2);
 - (e) a declaration of the amount of expenses which are to be regarded as election expenses incurred by or on behalf of the candidate by virtue of article 63(5)(b);
 - (f) a statement of donations made to the candidate or his election agent which complies with the requirements of paragraphs 11 and 12 of Schedule 6; and
 - (g) a statement of the amount, if any, of money provided by the candidate from his own resources for the purpose of meeting election expenses incurred by him or on his behalf.
- (5) Paragraph (6) shall apply where, after the date at which the return as to election expenses is delivered, leave is given by the court under article 49(5) for any claims to be paid.
- (6) The candidate or, as the case may be, 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 the requirements of this article without such authorised excuse as is mentioned in article 58.

(36) *see* Paragraphs 21 to 23 of Schedule 1 to the Political Parties, Elections and Referendums Act 2000 as to regulations made by the Commission.

(7) Any regulations under paragraph (3) may make different provision for different purposes and may contain such incidental, supplemental, saving or transitional provisions as the Commission thinks fit.

(8) The return shall be in form CW set out in English and Welsh in Schedule 10.

Constituency and individual candidates: declaration as to election expenses

53.—(1) Each return delivered under article 52(1) shall be accompanied by a declaration made by the election agent in form CX set out in English and Welsh in Schedule 10.

(2) At the same time as the election agent delivers that return, or within seven days thereafter each constituency or individual candidate shall deliver to the appropriate returning officer a declaration made by him in the form CX 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) Where a constituency candidate or an individual candidate 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 CX set out in English and Welsh in Schedule 10.

(5) If a candidate or election agent knowingly makes the declaration required by this article falsely, he shall be guilty of a corrupt practice.

Party list candidates: declarations as to election expenses

54.—(1) At the same time as the treasurer of a registered political party delivers a return under section 80 of the 2000 Political Parties Act, or within 7 days thereafter, each candidate on a party list submitted by that party shall deliver to the regional returning officer a declaration made by that candidate in form CY set out in English and Welsh in Schedule 10.

(2) Where any such candidate is out of the United Kingdom when the return is so delivered—

(a) the declaration required by paragraph (1) may be made by him within 14 days after his return to the United Kingdom; and

(b) in that case, the declaration shall forthwith be delivered to the regional returning officer, but the delay authorised by this article in making the declaration shall not exonerate the treasurer of the registered political party from complying with the provisions of the 2000 Political Parties Act relating to the return of party expenditure.

(3) If a person knowingly makes the declaration required by this article falsely, he shall be guilty of a corrupt practice.

Circumstances in which no return or declaration is required

55. Notwithstanding anything in article 52, 53 or 54, 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 or declarations

56. Subject to the provisions of article 58, if any candidate or election agent fails to comply with the requirements of article 52, 53 or 54 he shall be guilty of an illegal practice.

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

57.—(1) If—

- (a) in the case of a constituency or individual candidate, 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; or
- (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.

(2) If he sits or votes in contravention of paragraph (1) he shall forfeit £100 for every day on which he so sits or votes.

(3) 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.

(4) For the purpose of paragraph (3)—

- (a) where the service or execution of legal process on or against the alleged offender is prevented by the absconding or concealment or act of the alleged offender, the issue of legal 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 legal 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

58.—(1) A candidate or an election agent may apply for relief under this article to the High Court, an election court or a county court.

(2) Where an application is made under this article the person or persons 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 a 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; or
- (b) 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.

(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 his election agent or sub-agent; or
 - (ii) of any clerk or officer of such agent;
 - (c) where the applicant is an election agent—
 - (i) by reason of the death or illness of any prior election agent of the candidate; or
 - (ii) by reason of the absence, death, illness or misconduct of any sub-agent, clerk or officer of any election agent of the candidate; or
 - (d) 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 a 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.

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

59.—(1) Where on an application under article 58 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; or
- (b) an individual candidate and his election agent 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 shows 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.

Duty of appropriate returning officer to forward returns and declarations to the Commission

60. Where the appropriate returning officer receives any return or declaration under article 46, 52, 53 or 54, he shall as soon as reasonably practicable after receiving the return or declaration deliver a copy of it to the Commission and, if so requested by the Commission, he shall also deliver to them a copy of any accompanying documents.

Publication of time and place of inspection of returns and declarations

61.—(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 the registered nominating officer of each registered political party that stood nominated and to each of the election agents for individual candidates,a notice of the time and place at which the returns and declarations (including the accompanying documents) can be inspected.

(2) But if any return or declaration has not been received by the appropriate returning officer 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 an election agent who is in default or an election agent for a candidate who is in default.

Constituency and individual candidates: inspection of returns and declarations

62.—(1) Where the appropriate returning officer receives any return or declaration under article 46, 52, 53 or 54 he shall—

- (a) as soon as reasonably practicable after receiving the return or declaration make a copy of it, and any accompanying documents, available for public inspection at his office, or some other convenient place chosen by him, for a period of two years beginning with the date when the return is received by him; and
- (b) if requested to do so by any person, and on payment of the fee specified in paragraph (4), supply that person with a copy of the return or declaration and any accompanying documents.

(2) If any such return contains a statement of donations in accordance with paragraph 10 of Schedule 6, the appropriate officer shall secure that the copy of the statement made available

for public inspection under sub-paragraph (1)(a) or (as the case may be) supplied under sub-paragraph (1)(b) does not include, in the case of any donation by an individual, the donor's address.

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

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

(5) 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 where appropriate, his election agent so requires, shall return them to the candidate.

(6) Any returns or declarations delivered under article 46 shall be returned not to a candidate (if he or his election agent so requires) but to the person delivering them if he so requires.

(7) The Assembly may by order vary the amount of any fee payable under paragraph (3) or (4)(37).

(8) The power to make orders under paragraph (7) shall be exercisable by statutory instrument and for the purpose of section 1 of the Statutory Instruments Act 1946(38) this provision shall have effect as if contained in an Act of Parliament.

Meaning of “election expenses”

63.—(1) In this Part “election expenses”, in relation to a constituency or individual candidate, means (subject to paragraph (3) and article 64) any expenses incurred at any time in respect of any matter specified in Part 1 of Schedule 7 which is used for the purposes of the candidate's election after the date when he becomes a candidate at the election.

(2) No election expenses are to be regarded as incurred by virtue of paragraph (1) or article 64 in respect of any matter specified in Part 2 of Schedule 7.

(3) In this article and in article 64, “for the purposes of the candidate's election” means with a view to, or otherwise in connection with, promoting or procuring the candidate's election at the election.

(4) For the purposes of this Part, election expenses are incurred by or on behalf of a candidate at an Assembly election if they are incurred—

- (a) by the candidate or his election agent; or
- (b) by any person authorised by the candidate or his election agent to incur the expenses.

(5) In this Part, any reference to election expenses incurred by or on behalf of a candidate at an Assembly election includes expenses—

- (a) which are incurred as mentioned in paragraph (1) before the date when he becomes a candidate at the election but

(37) see footnote to the definition of “the Assembly” in article 2 as to the vesting in Welsh Ministers of the function of “the Assembly” under article 62(7). The order making power of the Welsh Ministers will be subject to a draft of the Order being laid before and approved by resolution of the National Assembly for Wales constituted by the Government of Wales Act 2006: see paragraph 34 of Schedule 11 to the Government of Wales Act 2006 having regard to the corresponding power of the Secretary of State under section 89(1) of the Representation of the People Act 1983 (as substituted by paragraph 10 of Schedule 18 to the Political Parties, Elections and Referendums Act 2000) and the procedures applying to that power of the Secretary of State under section 201 (regulations) of that Act of 1983 and having regard to the meaning of “prescribed” as defined in section 202(1) of that Act of 1983. Section 202 was amended by paragraph 69 of Schedule 4 to the Representation of the People Act 1985, article 5(b) of [S.I. 1991/1728](#), paragraph 21 of Schedule 1 to the Representation of the People Act 2000, paragraphs 6(7) and 22 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (but in relation to paragraph 6(7)(b) of Schedule 21 subject to paragraph 7 of Part 2 to Schedule 1 to [S.I. 2001/222](#)).

(38) see footnote to article 16(6).

(b) which by virtue of that paragraph fall to be regarded as election expenses.

(6) In this Part and in Part 4, any reference (in whatever terms) to promoting or procuring a candidate's election at an election includes doing so by prejudicing the electoral prospects of another candidate or registered political party at the election.

(7) Schedule 7 has effect.

(8) A Code of Practice issued by the Secretary of State under the provisions of paragraph 14 of Schedule 4A to the 1983 Act⁽³⁹⁾ shall apply to Schedule 7 as it does to Schedule 4A to the 1983 Act.

Property, goods, services etc. provided free of charge or at a discount

64.—(1) This article applies where, in the case of a constituency or individual candidate at an Assembly election—

(a) either—

(i) property or goods is or are transferred to the candidate or his election agent free of charge or at a discount of more than 10 per cent of the market value of the property or goods; or

(ii) property, goods, services or facilities is or are provided for the use or benefit of the candidate free of charge or at a discount of more than 10 per cent of the commercial rate for the use of the property or for the provision of the goods, services or facilities,

and

(b) the property, goods, services or facilities is or are made use of by or on behalf of the candidate in circumstances such that, if any expenses were to be (or are) actually incurred by or on behalf of the candidate in respect of that use, they would be (or are) election expenses incurred by or on behalf of the candidate.

(2) Where this article applies—

(a) an amount of election expenses determined in accordance with this article (“the appropriate amount”) shall be treated, for the purposes of this Part, as incurred by the candidate; and (in that case),

(b) the candidate's election agent shall make a declaration of that amount,

unless that amount is not more than £50.

This paragraph has effect subject to Part 2 of Schedule 7.

(3) Where paragraph (1)(a)(i) applies, the appropriate amount is such proportion of either—

(a) the market value of the property or goods (where the property or goods is or are transferred free of charge); or

(b) the difference between the market value of the property or goods and the amount of expenses actually incurred by or on behalf of the candidate in respect of the property or goods (where the property or goods is or are transferred at a discount),

as is reasonably attributable to the use made of the property or goods as mentioned in paragraph (1)(b).

(4) Where paragraph (1)(a)(ii) applies, the appropriate amount is such proportion of either—

(a) the commercial rate for the use of the property or the provision of the goods, services or facilities (where the property, goods, services or facilities is or are provided free of charge); or

⁽³⁹⁾ Schedule 4A was inserted into the Representation of the People Act 1983 by section 27(5) of the Electoral Administration Act 2006.

- (b) the difference between that commercial rate and the amount of expenses actually incurred by or on behalf of the candidate in respect of the use of the property or the provision of the services or facilities (where the property, goods, services or facilities is or are provided at a discount),

as is reasonably attributable to the use made of the property, goods, services or facilities as mentioned in paragraph (1)(b).

(5) Where the services of an employee are made available by his employer for the use or benefit of a candidate, then for the purposes of this article the commercial rate for the provision of those services shall be the amount of the remuneration and allowances payable to the employee by his employer in respect of the period for which his services are so made available (but shall not include any amount in respect of any contributions or other payments for which the employer is liable in respect of the employee).

(6) In this article “market value”, in relation to any property or goods, means the price which might reasonably be expected to be paid for the property or goods on a sale in the open market; and paragraph 2(6)(a) of Schedule 6 shall apply with any necessary modifications for the purpose of determining, for the purposes of paragraph (1), whether property or goods is or are transferred to a candidate or his election agent.

Right to send election address post free

65.—(1) At an Assembly election, each constituency or individual candidate or registered nominating officer of a registered political party which has submitted a list of candidates at such an election (subject to such reasonable terms and conditions as the universal service provider concerned may specify) is entitled to send free of any charge for postage which would otherwise be made by a universal service provider 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 terms and conditions, constitutes a delivery point for the purposes of this article; or
- (b) one such postal communication addressed to each elector.

(2) Any such candidate or, as the case may be, registered nominating officer shall also, subject as mentioned in paragraph (1), be entitled to send free of any such charge for postage as is mentioned in that paragraph to each person entered in the list of proxies for the election one such communication as mentioned in paragraph (1) for each appointment in respect of which that person is so entered.

(3) Any such candidate or, as the case may be, registered nominating officer may require the returning officer to make arrangements with the universal service provider for communications under paragraph (1)(b) to be sent to persons who have anonymous entries in the register.

(4) Arrangements under paragraph (3) shall be such as to ensure that it is not disclosed to any other person that the addressee of such a communication has an anonymous entry.

(5) In relation to a candidate at a constituency election or to an individual candidate at a regional election, a 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 the 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 universal service provider concerned for the payment of postage should he not be shown as standing nominated as mentioned above.

(6) In relation to a registered political party at a regional election, such a party shall not be deemed to have submitted a list of candidates for the purposes of this article unless the party is shown as standing nominated in the statement of parties and other persons nominated; but, until the

publication of that statement, the registered nominating officer of a party which has submitted a list of candidates 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 universal service provider should the party not be shown as standing nominated as mentioned above.

(7) The regional returning officer shall be entitled to treat any purported exercise by the registered nominating officer of a registered political party of the right of free postage conferred by this article through the party election agent as a valid exercise of that right.

(8) If at a regional election the area of the regional returning officer is situated in the area of more than one official designated by a universal service provider, the controlling designated official shall be determined by that regional returning officer.

(9) A universal service provider who provides a postal service free of charge pursuant to this article shall be entitled to be remunerated for that service at the rate determined by or in accordance with a scheme made under section 89 of the Postal Services Act 2000⁽⁴⁰⁾ and the amount of such remuneration shall be paid by the Assembly.

(10) In respect of any Assembly election after the 2007 Assembly general election, the sums payable by the Welsh Ministers⁽⁴¹⁾ under paragraph (9) shall be charged on the Welsh Consolidated Fund.

(11) For the purposes of this article “elector”—

- (a) means a person who is registered in the register of electors for the Assembly constituency or electoral region on the last day for publication of notice of the election; and
- (b) includes a person then shown in that register (or, in the case of a person who has an anonymous entry in the register, in the record of anonymous entries) as below voting age if (but only if) it appears from the register (or from the record) that he will be of voting age on the day fixed for the poll.

Broadcasting from outside United Kingdom

66.—(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⁽⁴²⁾) 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 Office of Communications,

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 123.

(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

⁽⁴⁰⁾ 2000 c. 26

⁽⁴¹⁾ see the footnote to the definition of “the Assembly” in article 2(1) as to the vesting in the Welsh Ministers of the function of “the Assembly” under article 65(9).

⁽⁴²⁾ 1990 c. 42

- (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.

Broadcasting of local items during election period.

67.—(1) Each broadcasting authority shall adopt a code of practice with respect to the participation of candidates at an Assembly election in items about the constituency or electoral region in question which are included in relevant services during the election period.

(2) The code for the time being adopted by a broadcasting authority under this article shall be either—

- (a) a code drawn up by that authority, whether on their own or jointly with one or more other broadcasting authorities; or
- (b) a code drawn up by one or more other such authorities,

and a broadcasting authority shall from time to time consider whether the code for the time being so adopted by them should be replaced by a further code falling within sub-paragraph (a) or (b).

(3) Before drawing up a code under this article a broadcasting authority shall have regard to any views expressed by the Commission and any such code may make different provision for different cases.

(4) The Office of Communications shall do all that they can to secure that the code for the time being adopted by them under this article is observed in the provision of relevant services; and the British Broadcasting Corporation and Sianel Pedwar Cymru shall each observe in the provision of relevant services the code so adopted by them.

(5) For the purpose of paragraph (1) “the election period”, means the period beginning with—

- (a) in relation to the 2007 Assembly general election, the last date for publication of notice of the election;
- (b) in relation to any other Assembly general election, the date of dissolution of the Assembly; and
- (c) in relation to any election to fill a casual vacancy, the date of the occurrence of the vacancy, and

in each case ending with the close of the poll.

(6) In this article—

“broadcasting authority” means the British Broadcasting Corporation, the Office of Communications or Sianel Pedwar Cymru;

“candidate”, means a candidate (including a party list candidate) standing nominated⁽⁴³⁾; and

“relevant services”—

- (a) in relation to the British Broadcasting Corporation or Sianel Pedwar Cymru, means services broadcast by that body; and
- (b) in relation to the Office of Communications, means services licensed under Part 1 or 3 of the Broadcasting Act 1990⁽⁴⁴⁾ or Part 1 or 2 of the Broadcasting Act 1996⁽⁴⁵⁾.

⁽⁴³⁾ As to candidates which stand nominated, see rule 16 of Schedule 5, in relation to constituency candidates; and rule 17 of Schedule 5 in relation to individual candidates and party list candidates.

⁽⁴⁴⁾ 1990 c. 42

⁽⁴⁵⁾ 1996 c. 55

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 66(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 a constituency or an individual candidate; or
- (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 rule 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; or
- (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 constituency 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 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 8 (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, 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.

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 rule 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 person appointed under article 20(1);
- (d) any officer or clerk appointed under Schedule 5; or
- (e) any partner or clerk of any such person,

acts as an agent for any candidate or registered political party which has submitted a list of candidates in the conduct or management of the election, he shall be guilty of an offence, but nothing in this article prevents a constituency or an individual candidate from acting as his own election agent or a party list candidate from acting as election agent for the registered political party on whose list he is a candidate.

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

False statements as to candidates

73.—(1) A person who, or any director of any body or association corporate which—

- (a) before or during an Assembly election; and
- (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 the personal character or conduct of any candidate 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) Except in a case to which paragraph (3) applies, 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 a constituency or an individual candidate, by his agent other than his election agent;
- (b) in the case of a party list candidate, by the agent of the registered political party on whose list he is a candidate other than its election agent in relation to that list.

(3) This paragraph applies where—

- (i) it can be shown that the candidate (including, in the case of a party list candidate another candidate on the list) or the election agent 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.

(4) 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.

(5) Any person who, before or during an Assembly election, knowingly publishes a false statement of the withdrawal of any candidate at the election for the purpose of promoting or procuring a particular result at the election shall be guilty of an illegal practice.

(6) A candidate shall not be liable, nor shall his election be avoided, for any illegal practice under paragraph (5) committed—

- (a) in the case of a constituency or 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 the registered political party on whose list he is a candidate other than that party's election agent in relation to that list.

Corrupt withdrawal from candidature

74. 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.

Payments for exhibition of election notices

75.—(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 such 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

76.—(1) This article applies to any material which can reasonably be regarded as intended to promote or procure a particular result at an Assembly election (whether or not it can be so regarded as intended to achieve any other purpose as well).

(2) No material to which this article applies shall be published unless—

- (a) in the case of material which is, or is contained in, such a document as is mentioned in paragraph (4), (5) or (6), the requirements of the relevant paragraph are complied with; or
- (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under paragraph (7) are complied with.

(3) For the purposes of paragraphs (4) to (6), the following details are “the relevant details” in the case of any material falling within paragraph (2)(a), namely—

- (a) the name and address of the printer of the document;
- (b) the name and address of the promoter of the material; and
- (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

(4) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.

(5) Where the material is a printed document other than one to which paragraph (4) applies, the relevant details must appear either on the first or the last page of the document.

(6) Where the material is an advertisement contained in a newspaper or periodical—

- (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and
- (b) the relevant details specified in paragraph(3)(b) and (c) must be included in the advertisement.

(7) The Secretary of State may, after consulting the Commission, by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within paragraph (2)(b) of the following details, namely—

- (a) the name and address of the promoter of the material; and
 - (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).
- (8) Regulations under paragraph (7) may in particular specify—
- (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
 - (b) circumstances in which—
 - (i) any such requirement does not have to be complied with by any person of any description specified in the regulations; or
 - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this article by that person or by a person of any other description;
 - (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or, as the case may be, published by a person of any description so specified.
- (9) Where any material within paragraph (2)(a) is published in contravention of paragraph (2), then, subject to paragraphs (11) and (12)—
- (a) the promoter of the material;
 - (b) any other person by whom the material is so published; and
 - (c) the printer of the document,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(10) Where any material falling within paragraph (2)(b) is published in contravention of paragraph (2), then, subject to regulations made by virtue of paragraph (8)(b) and to paragraphs (11) and (12)—

- (a) the promoter of the material; and
- (b) any other person by whom the material is so published,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

- (11) It shall be a defence for a person charged with an offence under this article to prove that—
- (a) the contravention of paragraph (2) arose from circumstances beyond his reasonable control; and
 - (b) he took all reasonable steps, and exercised due diligence, to ensure that the contravention would not arise.

(12) Where—

- (a) a constituency or individual candidate or his election agent; or
- (b) a party list candidate or the election agent of the registered political party in relation to that party's list,

would (apart from this paragraph) be guilty of an offence under paragraph (9) or (10), he shall instead be guilty of an illegal practice.

(13) The power to make regulations under paragraph (7) shall be—

- (a) exercisable by statutory instrument; and
- (b) subject to annulment in pursuance of a resolution of either House of Parliament,

and for the purpose of section 1 of the Statutory Instruments Act 1946⁽⁴⁶⁾ this provision shall have effect as if contained in an Act of Parliament.

(14) For the purpose of determining whether any material is such material as is mentioned in paragraph (1), it is immaterial that it does not expressly mention the name of any candidate.

(15) In this article—

“print” means print by whatever means, and “printer” shall be construed accordingly;

“the promoter” in relation to any material to which this article applies, means the person causing the material to be published; and

“publish” means to make available to the public at large, or any section of the public, in whatever form or by whatever means.

Prohibition of paid canvassers

77. 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

78. 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 119 to be an exception, that person shall be guilty of an illegal payment.

Bribery

79.—(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,

⁽⁴⁶⁾ see footnote to article 16(6).

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

80.—(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

81.—(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, or intends to impede or prevent, the free exercise of the franchise of an elector or proxy for an elector, or so compels, induces or prevails upon, or intends so to compel, induce or prevail upon, an elector or proxy for an elector either to vote or to refrain from voting.

Rights of creditors

82. 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

83.—(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 electors at Assembly elections 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 3

84.—(1) In this Part, except where the context otherwise requires—

“candidate” shall be construed in accordance with paragraph (2);

“date of the allowance of an authorised excuse” has the meaning given by article 58(9);

“disputed claim” has the meaning given by article 50(1) as extended by article 51;

“money” and “pecuniary reward” shall (except in articles 41, 79 and 80 and Schedule 6) 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 52(1).

(2) A person becomes a “candidate” in relation to—

(a) the 2007 Assembly general election—

(i) on the last day for publication of notice of the election if on or before that day he is declared by himself or by others to be a candidate at the election; and

(ii) otherwise, on the day on which he is so declared by himself or by others or on which he is nominated as a candidate at the election (whichever is the earlier); and

(b) in relation to any subsequent Assembly election—

(i) on the date—

(aa) of the dissolution of the Assembly; or

(bb) in the case of an election to fill a casual vacancy, of the occurrence of the vacancy if on or before that date he is declared by himself or others to be a candidate at the election; and

(ii) otherwise, on the day on which he is so declared by himself or others or on which he is nominated as a candidate at the election (whichever is the earlier).

Computation of time for purposes of Part 3

85.—(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, or Good Friday;

(c) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(47); or

(d) a day appointed for public thanksgiving or mourning.

PART 4

Legal proceedings

Method of questioning Assembly election

86.—(1) No Assembly election and no return to the Assembly shall be questioned except by a petition complaining of an undue election or undue return (“an Assembly election petition”) presented in accordance with this Part; and “Assembly election petition” includes a petition complaining of an undue return in respect of a vacancy in an electoral region.

(2) A petition complaining of no return shall be deemed to be an Assembly election petition and the High Court—

- (a) may make such order on the petition as they think expedient for compelling a return to be made; or
- (b) may allow the petition to be heard by an election court as provided with respect to ordinary Assembly election petitions.

(3) In this Part, the expression “return” as the context requires refers to a return following an Assembly election and “vacancy return” refers to a return in respect of a vacancy in an electoral region.

Presentation and service of Assembly election petition

87.—(1) An Assembly election petition may be presented by one or more of the following persons—

- (a) a person who voted as an elector at the election or who had a right so to vote;
- (b) a person claiming to have had a right to be elected or returned at the election;
- (c) a person alleging himself to have been a candidate at the election; or
- (d) a person claiming to have had a right to be returned in an electoral region vacancy.

(2) The reference in paragraph (1)(a) to a person who voted as an elector at the election or who had the right so to vote does not include a person who had an anonymous entry in the register of electors.

(3) Any Assembly member whose election or return is complained of is hereinafter referred to as a respondent but if the petition complains of the conduct of a constituency or a regional returning officer, the returning officer shall for the purposes of this Part be deemed to be a respondent.

(4) Paragraph (3) also applies if the petition complains of the conduct of a constituency returning officer in the exercise of his functions in relation to a regional election.

(5) The petition shall be in the prescribed form, state the prescribed matters and be signed by the petitioner, or all the petitioners if more than one, and shall be presented to the High Court⁽⁴⁸⁾.

(6) The petition shall be presented by delivering it to the prescribed officer or otherwise dealing with it in the prescribed manner; and the prescribed officer shall send a copy of it to the returning officer of the Assembly constituency or electoral region to which the petition relates, who shall forthwith publish it in that Assembly constituency or electoral region.

(7) The petition shall be served in such manner as may be prescribed.

Time for presentation or amendment of Assembly election petition

88.—(1) Subject to the provisions of this article, an Assembly election petition shall be presented within 21 days after the day on which the name of any member to whose election or return the

(48) “prescribed” is defined in article 137(1).

petition relates has been returned to the Clerk or, as the case may be, notified to the Presiding Officer of the Assembly in accordance with Schedule 5 (the Assembly election rules)(49).

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

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

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

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

- (a) where that member was a constituency or an individual candidate, that day on which the appropriate returning officer receives the return and declarations as to election expenses by that member and his election agent;
- (b) where that member was a party list candidate, that day on which —
 - (i) the Commission receives the return and declaration as to election expenses by the treasurer of the registered political party, and
 - (ii) the regional returning officer receives the declaration as to election expenses by that member;
- (c) where the return and declarations are received on different days, the last of those days; or
- (d) where there is an authorised excuse for failing to make the return and declarations, the date of the allowance of the excuse, or if there was a failure as regards two or more of them, and the excuse was allowed at different times, the date of the allowance of the last excuse.

(5) An Assembly election petition presented within the time limited by paragraph (1) or (2) may, for the purpose of questioning the election or return upon an allegation of an illegal practice, be amended with the leave of the High Court within the time within which a petition questioning the election upon the allegation of that illegal practice could be presented under paragraph (3).

(6) Paragraphs (3), (4) and (5) apply—

- (a) notwithstanding that the act constituting the alleged illegal practice amounted to a corrupt practice; and
- (b) to a corrupt practice under article 46, as if it were an illegal practice.

(7) For the purposes of this article, an allegation that an election is avoided under article 116 shall be deemed to be an allegation of corrupt practices, notwithstanding that the offences alleged are or include offences other than corrupt practices.

Constitution of election court and place of trial

89.—(1) An Assembly election petition shall be tried by two judges on the rota for the trial of parliamentary election petitions, and the judges for the time being on that rota shall, unless they otherwise agree, try the election petitions standing for trial according to their seniority, and the judges presiding at the trial of an Assembly election petition are hereinafter referred to as the election court.

(2) The election court has, subject to the provisions of this Order, the same powers, jurisdiction and authority as a judge of the High Court and shall be a court of record.

(3) The place of trial shall be within the Assembly constituency or electoral region for which the election was held (or, where article 87(1)(d) applies, within the Assembly electoral region for which a person claims to have had a right to be returned to fill an electoral region vacancy), but the High Court, may on being satisfied that special circumstances exist rendering it desirable that the petition should be tried elsewhere, appoint some other convenient place for the trial.

(4) The election court may adjourn the trial from one place to another within the Assembly constituency or electoral region.

Judges' expenses and reception

90. In relation to the trial of an Assembly election petition, the travelling and other expenses of the judges and all expenses properly incurred in providing them with necessary accommodation and with a proper court shall be defrayed by the Secretary of State out of money provided by Parliament.

Attendance of shorthand writer

91.—(1) The Assembly shall require a shorthand writer to attend the trial of an Assembly election petition and that person shall be sworn by one of the judges of the election court faithfully and truly to take down the evidence given at the trial and from time to time as occasion requires to transcribe that evidence or cause it to be transcribed.

(2) The shorthand writer shall take down the evidence and from time to time transcribe it or cause it to be transcribed and a copy of the evidence shall accompany the certificate given by the election court to the Presiding Officer of the Assembly.

Security for costs

92.—(1) At the time of presenting an Assembly election petition or within three days afterwards the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent.

(2) The security shall be such amount not exceeding £5,000 as the High Court, or a judge of the High Court, directs on an application made by the petitioner, and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.

(3) Within the prescribed time after giving the security the petitioner shall serve on the respondent in the prescribed manner—

- (a) a notice of the presentation of the petition and of the amount and nature of the security; and
- (b) a copy of the petition.

(4) Within a further prescribed time, the respondent may object in writing to any recognisance on the ground that any surety is insufficient or is dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the recognisance.

(5) An objection to a recognisance shall be decided in the prescribed manner.

(6) If the objection is allowed, the petitioner may within a further prescribed time remove it by deposit in the prescribed manner of such sum of money as will, in the opinion of the court or officer having cognisance of the matter, make the security sufficient.

(7) If no security is given as required by this article or any objection is allowed and not removed as mentioned above, no further proceedings shall be had on the petition.

Petition at issue

93.—(1) The Assembly election petition shall be at issue as from the relevant time, as defined by paragraph (2).

(2) In this article “the relevant time” means—

(a) where the petitioner gives the security for costs required by article 92 by a deposit of money equal to the amount of the security required, the time when the security is given; and

(b) in any other case, the time when—

(i) the time prescribed for the making of objections under article 92(4) expires; or

(ii) if such an objection is made, that objection is disallowed or removed,

whichever happens later.

List of petitions

94.—(1) The prescribed officer shall—

(a) as soon as may be, make out a list of all Assembly election petitions at issue presented to the court of which he is officer, placing them in the order in which they were presented; and

(b) keep at his office a copy of the list, open to inspection in the prescribed manner.

(2) The petitions shall, so far as convenient, be tried in the order in which they stand in the list.

(3) Where more petitions than one are presented relating to the same Assembly election (or the return in respect of the same electoral region), all those petitions shall be bracketed together in the election list and shall be dealt with as one petition, standing, unless the High Court otherwise direct, in the election list in the place where the last of them would have stood if it had been the only petition presented.

Trial of petition

95.—(1) An Assembly election petition shall be tried in open court, without a jury, and notice of the time and place of trial shall be given in the prescribed manner not less than fourteen days before the day of trial.

(2) The election court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistent with the interests of justice in respect of the trial, be continued from day to day on every lawful day until its conclusion.

(3) The trial of an Assembly election petition shall be proceeded with notwithstanding a respondent resigning his seat or becoming disqualified from being an Assembly member so that the seat is vacant.

(4) On the trial of an Assembly election petition, unless the court otherwise directs, any charge of a corrupt practice may be gone into, and evidence in relation to it received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt practice.

(5) On the trial of an Assembly election petition complaining of an undue election or return and claiming a seat for some person, a respondent may give evidence to prove that that person was not duly elected or was incapable of being duly returned in the same manner as if he had presented a petition against the election or return of that person.

(6) This paragraph applies if, in relation to an Assembly election petition, it appears that—

(a) there is an equality of votes between any candidates at a constituency election; or

- (b) two or more individual candidates or registered political parties at a regional election have the same electoral region figure⁽⁵⁰⁾,

and that the addition of a vote would entitle any of those individual candidates or any party list candidate of those parties to be declared elected, as provided for in the Assembly Election Rules (Schedule 5).

(7) Where paragraph (6) applies—

(a) any decision under the provisions in—

- (i) rule 60 of Schedule 5, in the case of a constituency election; or
(ii) rule 63 of Schedule 5, in the case of a regional election,

as to equality of votes shall, in so far as it determines the question as to who is elected, be effective also for the purposes of the petition; and

- (b) in so far as that question is not determined by such a decision, the court shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

Witnesses

96.—(1) At the trial of an Assembly election petition witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit as in an action tried in the High Court.

(2) On the trial a member of the election court may, by order signed by him, require any person who appears to him to have been concerned in the Assembly election or return to a vacancy in an electoral region to attend as a witness, and any person refusing to obey the order shall be guilty of contempt of court.

(3) The election court may examine any person so required to attend or who is in court although he is not called and examined by any party to the Assembly election petition.

(4) A witness may, after his examination by the court, be cross-examined by or on behalf of the petitioner and a respondent, or either of them.

(5) The Director of Public Prosecutions shall without any direction from the court cause any person appearing to him to be able to give material evidence as to the subject of the trial to attend the trial and shall, with the leave of the court, examine him as a witness.

Duty to answer relevant questions

97.—(1) A person called as a witness respecting an Assembly election or return to a vacancy in an electoral region before any election court shall not be excused from answering any question relating to any offence at or connected with the election or return—

- (a) on the ground that the answer to it may incriminate or tend to incriminate that person or that person's spouse or civil partner; or
(b) on the ground of privilege.

(2) An answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be in any proceeding, civil or criminal, admissible in evidence against that person or that person's spouse or civil partner.

⁽⁵⁰⁾ “electoral region figure” is defined in section 6(3) of the Government of Wales Act 1998 (for the 2007 Assembly general election) and section 8(5) of the Government of Wales Act 2006 for all subsequent elections.

Expenses of witnesses

98.—(1) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an Assembly election petition, according to the scale allowed to witnesses on the trial of civil actions, may be allowed to him by a certificate of the election court or of the prescribed officer.

(2) If the witness was called and examined by virtue of article 96(2), the expenses referred to in paragraph (1) shall be deemed part of the expenses of providing a court, but otherwise they shall be deemed costs of the petition.

Conclusion of trial of Assembly election petition

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

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

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

(4) If the judges constituting the election court—

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

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

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

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

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

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

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

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

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

Election court determination in respect of a constituency election etc

100.—(1) Where by virtue of article 99 the election court determine at a constituency election that—

- (a) an Assembly member was not duly elected or returned; or
- (b) the election was void,

and the return of the member at that election was taken into account for the purposes of deciding which members were to be returned for the Assembly electoral region in which the Assembly constituency is situated—

- (i) the determination by the election court; or
- (ii) the subsequent return of an Assembly member for that constituency,

shall not affect the validity of the return of those members for that electoral region.

(2) Where by virtue of article 99(4)(b) a constituency election is deemed to be void, the election court shall be treated as having determined that election to be void for the purposes of paragraph (1) (b).

Regional election determined to be void by election court

101.—(1) Where by virtue of article 99 the election court determine that a regional election was void, the Presiding Officer of the Assembly shall (subject to paragraph (3)) forthwith after receipt of the certificate from the election court under article 99(3)—

- (a) fix a date in accordance with paragraph (2) for a poll to be held at another election in the Assembly electoral region for which the regional election is determined to be void, and
- (b) send a notice in accordance with paragraph (4) to the returning officer for the Assembly electoral region in which the election was held.

(2) The date fixed shall not be later than three months after receipt of the certificate from the election court.

(3) But an election shall not be held if it appears to the Presiding Officer of the Assembly that the latest date which may be fixed for the poll would fall within the period of three months preceding an Assembly general election.

(4) A notice under paragraph (1)(b) shall—

- (a) state that the election has been determined to be void;
- (b) require that the election is held again for the purpose of returning the members for that Assembly electoral region; and
- (c) state the date fixed for the poll at the election.

(5) The regional returning officer shall on receipt of a notice under paragraph (1)(b) inform each constituency returning officer for an Assembly constituency in the Assembly electoral region as to the contents of that notice.

(6) The results of the constituency elections in the Assembly electoral region for which the election is held at the last Assembly general election shall have effect for the purposes of ascertaining the results of the regional election.

Special case for determination of High Court

102.—(1) If, on the application of any party to an Assembly election petition made in the prescribed manner to the High Court, it appears to the High Court that the case raised by the petition can be conveniently stated as a special case, the High Court may direct it to be stated accordingly and the special case shall be heard before the High Court.

(2) The High Court shall certify to the Presiding Officer of the Assembly its decision on the special case.

(3) If it appears to the election court on the trial of an Assembly election petition that any question of law as to the admissibility of evidence or otherwise requires further consideration by the High Court, the election court may postpone the granting of a certificate until the question has been determined by the High Court, and for this purpose may reserve the question by stating a case for the decision of the High Court.

(4) The Presiding Officer of the Assembly shall publish any certificate received by him under paragraph (2).

Withdrawal of petition

103.—(1) A petitioner shall not withdraw an Assembly election petition without the leave of the election court or High Court on special application, made in the prescribed manner and at the prescribed time and place.

(2) The application shall not be made until the prescribed notice of the intention to make it has been given in the Assembly constituency or electoral region to which the petition relates.

(3) Where there is more than one petitioner, the application shall not be made except with the consent of all the petitioners.

(4) If a petition is withdrawn the petitioner shall be liable to pay the costs of a respondent.

Costs of petition

104.—(1) All costs of and incidental to the presentation of an Assembly election petition and the proceedings consequent on it, except such as are by this Order otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportions as the election court or High Court may determine.

(2) In particular—

(a) any costs which in the opinion of the election court or High Court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part either of a petitioner or of a respondent; and

(b) any needless expense incurred or caused on the part of a petitioner or respondent,

may be ordered to be defrayed by the parties by whom it has been incurred or caused whether or not they are on the whole successful.

Neglect or refusal to pay costs

105.—(1) Paragraph (2) applies if, in relation to an Assembly election petition, a petitioner neglects or refuses, for six months after demand, to pay to any person summoned as a witness on his behalf, or to the respondent, any sum certified to be due to that person or the respondent for his costs, and the neglect or refusal is, within one year after the demand, proved to the satisfaction of the High Court.

(2) Where paragraph (1) applies, every person who under this Order entered into a recognisance relating to that petition shall be held to be in default of the recognisance; and

(a) the prescribed officer shall thereupon certify the recognisance to be forfeited; and

(b) it shall be dealt with as if forfeited by the Crown Court.

Further provision as to costs

106.—(1) Where upon the trial of an Assembly election petition it appears to the election court—

- (a) that a corrupt practice has not been proved to have been committed in relation to an Assembly election by or with the knowledge and consent of the respondent to the petition; and
- (b) that the respondent took all reasonable means to prevent corrupt practices being committed on his behalf,

the court may, subject to the provisions of paragraph (2), make such order with respect to the whole or part of the costs of the petition as is mentioned in that paragraph.

(2) If it appears to the court that any person or persons is or are proved, whether by providing money or otherwise, to have been extensively engaged in corrupt practices, or to have encouraged or promoted extensive corrupt practices in relation to the Assembly election, the court may, after giving that person or those persons an opportunity of being heard by counsel or solicitor and examining and cross examining witnesses to show cause why the order should not be made—

- (a) order the whole or part of the costs to be paid by that person, or those persons or any of them; and
- (b) order that if the costs cannot be recovered from one or more of those persons they shall be paid by some other of those persons or by either of the parties to the petition.

(3) Where any person appears to the court to have been guilty of a corrupt or illegal practice, the court may, after giving that person an opportunity of making a statement to show why the order should not be made, order the whole or any part of the costs of or incidental to any proceedings before the court in relation to that offence or to that person to be paid by that person to such person or persons as the court may direct.

Appeals and jurisdiction

107.—(1) No appeal lies without the special leave of the High Court from the decision of the High Court on any question of law, whether on appeal or otherwise, under the foregoing provisions of this Part, and if leave to appeal is granted the decision of the Court of Appeal in the case shall be final and conclusive.

(2) Subject to the provisions of this Order, the principles, practice and rules on which committees of the House of Commons used to act in dealing with parliamentary election petitions shall be observed, so far as may be, by the High Court and election court in the case of Assembly election petitions.

(3) The High Court has, subject to the provisions of this Order, the same powers, jurisdiction and authority with respect to an Assembly election petition and the proceedings on it as if the petition were an ordinary action within its jurisdiction.

(4) The duties to be performed in relation to Assembly elections by the prescribed officer under this Part shall be performed by such one or more of the masters of the Supreme Court (Queen's Bench Division) as the Lord Chief Justice may determine.

Report as to candidate guilty of a corrupt or illegal practice

108.—(1) Other than where the petition relates to a vacancy return, the report of an election court under article 99 shall state whether any corrupt or illegal practice has or has not been proved to have been committed by or with the knowledge and consent of any candidate at the Assembly election, and the nature of the corrupt or illegal practice.

(2) For the purposes of articles 109 and 110—

- (a) if it is reported that a corrupt practice other than treating or undue influence was committed with the knowledge and consent of a candidate, he shall be treated as having been reported personally guilty of that corrupt practice; and

- (b) if it is reported that an illegal practice was committed with the knowledge and consent of a candidate, he shall be treated as having been reported personally guilty of that illegal practice.

(3) The report shall also state whether any of the candidates has at that Assembly election been guilty by his agents of any corrupt or illegal practice in relation to the election; but if a candidate is reported guilty by his agents of treating, undue influence or any illegal practice, and the court further reports that the candidate has proved to the court—

- (a) that no corrupt or illegal practice was committed at the election by the candidate or his election agent and the offences mentioned in the report were committed contrary to the orders and without the sanction or connivance of the candidate or his election agent;
- (b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at the election;
- (c) that the offences mentioned in the report were of a trivial, unimportant and limited character; and
- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate and of his agents,

then the candidate shall not be treated for the purposes of article 109 as having been reported guilty by his agents of the offences mentioned in the report.

(4) References in this article to a candidate and his agent, or as the case may be, his election agent shall as appropriate apply to a party list candidate and the agent or, as the case may be, the election agent of the registered political party in relation to the list submitted by that party and on which that party list candidate is included.

Candidate reported guilty of corrupt or illegal practice

109. If a candidate who has been elected is reported by an election court personally guilty or guilty by his agents of any corrupt or illegal practice his election shall be void.

Persons reported personally guilty of corrupt or illegal practices

110.—(1) Other than where the petition relates to a vacancy return, the report of the election court under article 99 shall state the names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt or illegal practice, but in the case of someone—

- (a) who is not a party to the petition; or
- (b) who is not a candidate on behalf of whom the seat is claimed by the petition,

the election court shall first cause notice to be given to him, and if he appears in pursuance of the notice shall give him an opportunity of being heard by himself and of calling evidence in his defence to show why he should not be so reported.

(2) The report shall be laid before the Director of Public Prosecutions.

(3) Subject to the provisions of paragraph (4) and article 126, a candidate or other person reported by an election court personally guilty of a corrupt or illegal practice shall during the relevant period specified in paragraph (5) be incapable—

- (a) of being registered as an elector or voting at any—
 - (i) Assembly election;
 - (ii) election to the House of Commons;
 - (iii) election to the European Parliament;
 - (iv) election to the Scottish Parliament;

- (v) election to the Northern Ireland Assembly; or
 - (vi) local government election; or
 - (b) of being elected to the Assembly, the House of Commons, the European Parliament, the Scottish Parliament, the Northern Ireland Assembly or as a member of a local authority, and if already elected to a seat in the Assembly or holding another elective office, shall vacate the seat or office as from the date of the report.
- (4) The incapacities imposed by paragraph (3)(a) apply only to a candidate or other person reported personally guilty of a corrupt practice under article 14(11) or 30 or of an illegal practice under article 31.
- (5) For the purposes of paragraph (3) the relevant period is the period beginning with the date of the report and ending—
- (a) in the case of a person reported personally guilty of a corrupt practice, five years after that date; and
 - (b) in the case of a person reported personally guilty of an illegal practice, three years after that date.
- (6) The provisions of this article as to the consequences of the report that a candidate was guilty by his agents of a corrupt or illegal practice have effect subject to the express provisions of this Order relating to particular acts which are declared to be corrupt or illegal practices.

Persons reported personally guilty of corrupt or illegal practices at parliamentary elections or local government elections

111. Subject to the provisions of section 174 of the 1983 Act, if a person is reported by an election court personally guilty of a corrupt or illegal practice under that Act, in addition to being subject to the incapacities set out in section 160 of that Act, he shall for the relevant period specified in article 110(5) from the date of that report be incapable of being elected to and sitting in the Assembly, and if already elected to the Assembly, he shall from that date vacate the seat.

Persons reported personally guilty of corrupt or illegal practices at European parliamentary elections

112. A person reported by an election court personally guilty of a corrupt or illegal practice under the European Parliamentary Elections Regulations 2004(51) in addition to being subject to the incapacities set out in regulation 107 of those regulations shall, for the relevant period specified in article 110(5), from the date of that report be incapable of being elected to and sitting in the Assembly and, if already elected to the Assembly, he shall from that date vacate the seat.

Justice of the peace

113. Where a justice of the peace is reported by an election court to have been guilty of any corrupt practice in relation to an Assembly election the court shall report the case to the Lord Chancellor and the Lord Chief Justice, or in the case of a justice of the peace for any area in Scotland to the Secretary of State with such evidence as may have been given of the corrupt practice.

Members of legal and certain other professions

114. Where a barrister, advocate, solicitor or any person who belongs to any profession the admission to which is regulated by law is reported by an election court to have been guilty of any corrupt practice in relation to an Assembly election—

(51) [S.I. 2004/293](#).

- (a) the court shall bring the matter before the Inn of Court, Faculty of Advocates, High Court or tribunal having power to take cognizance of any misconduct of the person in his profession; and
- (b) the Inn of Court, Faculty of Advocates, High Court or tribunal may deal with him as if the corrupt practice were misconduct by him in his profession.

Holder of licence or certificate under Licensing Acts

115.—(1) If it appears to an election court that a person holding a licence or certificate under the Licensing Acts has knowingly permitted any bribery or treating in relation to any Assembly election to take place upon his licensed premises—

- (a) the court shall, after affording him such rights as are conferred on those about to be reported under article 110(1), report the fact; and
- (b) the court shall bring the report before the licensing authority from whom, or on whose certificate, that person obtained his licence, and the licensing authority shall cause the report to be entered in the proper register of licences.

(2) The entry of the report in that register shall be taken into consideration by the licensing authority in determining whether they will or will not grant a renewal of the licence or certificate of the person reported and may be a ground, if the authority think fit, for refusing renewal.

Avoidance of election for general corruption etc

116.—(1) Where on an Assembly election petition it is shown that corrupt or illegal practices or illegal payments or employments committed in relation to an Assembly election for the purpose of promoting or procuring the election of any person at the election have so extensively prevailed that they may be reasonably supposed to have affected the result—

- (a) his election, if he has been elected, shall be void; and
- (b) he shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election was held.

(2) Where on an Assembly election petition it is shown that corrupt or illegal practices or illegal payments or employments have prevailed in relation to a regional election for the purpose of promoting or procuring the giving of votes for a registered political party at the election, such acts, for the purposes of paragraph (1), shall be treated as having prevailed for the purpose of promoting or procuring the election of each candidate on that party's list.

(3) An election shall not be liable to be avoided otherwise than under this article by reason of general corruption, bribery, treating or intimidation.

Avoidance of election for employing corrupt agent

117.—(1) Subject to paragraph (3),—

- (a) if a constituency or an individual candidate for an Assembly constituency or a regional election or his election agent personally engages; or
- (b) if a party list candidate or the election agent of the registered political party on whose list he is a candidate personally engages,

as a canvasser or agent for the conduct or management of the election any person whom he knows or has reasonable grounds for supposing to be subject to an incapacity to vote at the election, the candidate shall be incapable of being elected to fill the vacancy or any of the vacancies for which the election is held.

(2) For the purposes of paragraph (1) a person shall be subject to an incapacity to vote if—

- (a) he has been convicted of or reported for any corrupt or illegal practice within the meaning of this Order, the 1983 Act, or of any enactment relating to elections to the European Parliament, the Northern Ireland Assembly or the Scottish Parliament; or
 - (b) he has been convicted more than once of an offence under the Public Bodies Corrupt Practices Act 1889(52),
- (3) In relation to party list candidates at a regional election, the incapacity imposed by paragraph (1) shall apply—
- (a) where the election agent engages such a person, to each candidate on the list; or
 - (b) where the election agent does not engage such a person, only to that candidate who engages, or those candidates who engage, that person.
- (4) A vote given—
- (a) at a constituency or regional election for a constituency or, (as the case may be) individual candidate who, at the time of the election, was by virtue of this article incapable of being elected; or
 - (b) at a regional election for a registered political party where, at the time of the election, each candidate included on the party's list was by virtue of this article incapable of being elected,

shall not, by reason of that incapacity, be deemed to be thrown away so as to entitle another candidate to be declared elected, unless given at a poll consequent on the decision of an election court that he was so incapable.

Votes to be struck off for corrupt or illegal practices

118.—(1) Where, on an Assembly election petition claiming the seat for any person, a candidate is proved to have been guilty by himself, or by any person on his behalf, of bribery, treating or undue influence in respect of any person who voted at the Assembly election there shall, on a scrutiny, be struck off from the number of votes appearing to have been given—

- (a) to that individual candidate in either a constituency or an electoral region; or
- (b) to the registered political party in an electoral region where the candidate is a candidate on that party's list of candidates,

one vote for every person who voted at the election and is proved to have been so bribed, treated or unduly influenced.

(2) If any person who is guilty of a corrupt or illegal practice or of illegal payment or employment at an Assembly election votes at the election, his vote shall be void.

(3) If any person who is subject under any enactment relating to corrupt or illegal practices to an incapacity to vote at—

- (a) an Assembly election;
- (b) an election to the House of Commons;
- (c) an election to the European Parliament;
- (d) an election to the Scottish Parliament;
- (e) an election to the Northern Ireland Assembly; or
- (f) a local government election,

votes at that Assembly election, his vote shall be void.

Application for relief

119.—(1) An application for relief under this article may be made to the High Court or an election court or else, if in respect of a payment made in contravention of article 49(1), (2) or (3), to a county court.

(2) Where a person makes an application under this article he shall notify the Director of Public Prosecutions of the application and the Director or his assistant or representative may attend the hearing of the application and make representations at the hearing in respect of it.

(3) If it is shown to the court by such evidence as to the court seems sufficient—

- (a) that any act or omission of any person would apart from this article by reason of being in contravention of this Order be an illegal practice, payment or employment;
- (b) that the act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and
- (c) that such notice of the application has been given in the Assembly constituency or electoral region for which the election was held, as to the court seems fit,

and under the circumstances it seems to the court to be just that either that or any other person should not be subject to any of the consequences under this Order of the act or omission, the court may make an order allowing the act or omission to be an exception from the provisions of this Order making it an illegal practice, payment or employment and upon the making of the order no person shall be subject to any of the consequences under this Order of that act or omission.

Prosecutions for corrupt practices

120.—(1) A person who is guilty of a corrupt practice shall be liable—

- (a) on conviction on indictment—
 - (i) in the case of a corrupt practice under article 14(11) or 30, to imprisonment for a term not exceeding two years, or to a fine, or to both;
 - (ii) in any other case, to imprisonment for a term not exceeding one year, or to a fine, or to both; or
- (b) on summary conviction, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both.

(2) In relation to an offence committed after commencement of section 281(5) of the Criminal Justice Act 2003, the reference in paragraph (1)(b) to 6 months must be taken to be a reference to 51 weeks.

(3) If it appears to the court by which any person holding a licence or certificate under the Licensing Acts is convicted of the offence of bribery or treating that the offence was committed on his licensed premises—

- (a) the court shall direct the conviction to be entered in the proper register of licences; and
- (b) the entry shall be taken into consideration by the licensing authority in determining whether they will or will not grant a renewal of the licence or certificate, and may be a ground, if the authority think fit, for refusing its renewal.

Prosecutions for illegal practices

121. A person guilty of an illegal practice shall on summary conviction be liable to a fine not exceeding level 5 on the standard scale; and on a prosecution for an illegal practice it shall be sufficient to allege that the person charged was guilty of an illegal practice.

Conviction of illegal practice on charge of corrupt practice etc

122. A person charged with a corrupt practice may, if the circumstances warrant such finding, be found guilty of an illegal practice (which offence shall for that purpose be an indictable offence), and a person charged with an illegal practice may be found guilty of that offence notwithstanding that the act constituting the offence amounted to a corrupt practice.

Incapacities on conviction of corrupt or illegal practice

123.—(1) Subject to paragraph (3), a person convicted of a corrupt or illegal practice shall during the relevant period specified in sub-paragraph (4) be incapable of—

(a) being registered as an elector or voting at any—

- (i) Assembly election;
- (ii) election to the House of Commons;
- (iii) election to the European Parliament;
- (iv) election to the Scottish Parliament;
- (v) election to the Northern Ireland Assembly; or
- (vi) local government election; or

(b) being elected to the Assembly, the House of Commons, the European Parliament, the Scottish Parliament, the Northern Ireland Assembly or as a member of a local authority.

(2) If already elected to a seat in the Assembly or holding an elective office (as listed in paragraph (1)(b)), a person convicted of a corrupt or illegal practice shall vacate the seat or office in accordance with paragraphs (5) and (6).

(3) The incapacity imposed by paragraph (1)(a) applies only to a person convicted of a corrupt practice under article 14(11) or 30, or of an illegal practice under article 31.

(4) For the purposes of paragraph (1) the relevant period is the period beginning with the date of conviction and ending—

- (a) in the case of a person convicted of a corrupt practice, five years after that date; or
- (b) in the case of a person convicted of an illegal practice, three years after that date,

except that if (at any time within that period of five or three years) a court determines on an appeal by that person against the conviction that it should not be upheld, the relevant period shall end at that time instead.

(5) Where paragraph (2) applies to any person, he shall (subject to paragraph (6)) vacate the seat or office in question at the appropriate time for the purposes of this section, namely—

(a) the end of the period which is the period prescribed by law within which notice of appeal may be given, or an application for leave to appeal may be made, by him in respect of the conviction; or

(b) if (at any time within that period) that period is extended—

- (i) the end of the period as so extended; or
- (ii) the end of the period of three months beginning with the date of the conviction,

whichever is the earlier.

(6) If (before the appropriate time mentioned in paragraph (5)) notice of appeal is given, or an application for leave to appeal is made, by such a person in respect of the conviction, he shall vacate the seat or office in question at the end of the period of three months beginning with the date of conviction unless—

- (a) such an appeal is dismissed or abandoned at any earlier time (in which case he shall vacate the seat or office at that time); or
- (b) at any time within that period of three months the court determines on such an appeal that the conviction should not be upheld (in which case the seat or office shall not be vacated by him).

(7) Where such a person vacates a seat or office in accordance with paragraph (5) or (6), no subsequent determination of a court that his conviction should not be upheld shall entitle him to resume his seat or office.

(8) If a person convicted of a corrupt or illegal practice has already been elected to a seat in the Assembly or to an elective office as listed in paragraph (1)(b), he shall (in addition to being subject to the incapacities mentioned in paragraph(1)(a) and (b)) be suspended from performing any of his functions as an Assembly member, or (as the case may be) any of the functions of that office, during the period of suspension specified in paragraph (9).

(9) For the purposes of paragraph (8) the period of suspension is the period beginning with the date of the conviction and ending with—

- (a) the date on which the seat or office is vacated in accordance with paragraph (5) or (6); or
- (b) where paragraph (6)(b) applies, the date on which the court determines that the conviction should not be upheld.

(10) Any incapacity or other requirement applying to a person by virtue of paragraphs (1), (2) and (8) apply in addition to any punishment imposed under articles 120 or 121 but each of those paragraphs has effect subject to article 126.

Incapacities on conviction of corrupt or illegal practice at parliamentary or local government elections

124.—(1) A person convicted of a corrupt or illegal practice under the 1983 Act shall be subject to the incapacities imposed by article 111 as if at the date of the conviction he had been reported personally guilty of that corrupt or illegal practice.

(2) Section 174 of the 1983 Act shall apply to any incapacity imposed under this article as if the incapacity was imposed under section 160 of that Act.

Incapacities on conviction of corrupt or illegal practice at European parliamentary elections

125. A person convicted of a corrupt or illegal practice under the European Parliamentary Regulations 2004(**53**), in addition to the incapacities set out in those regulations, shall for the relevant period set out in article 123(4) be incapable of being elected to or sitting in the Assembly, and if already elected to the Assembly, he shall vacate the seat as from the date of conviction.

Mitigation and remission etc

126.—(1) Where—

- (a) any person is subject to any incapacity by virtue of the report of an election court; and
- (b) he or some other person in respect of whose acts the incapacity was imposed is on a prosecution acquitted of any of the matters in respect of which the incapacity was imposed,

the court may order that the incapacity shall thenceforth cease so far as it is imposed in respect of those matters.

(2) Where any person who is subject to any incapacity as mentioned above is on a prosecution convicted of any such matters as are mentioned above, no further incapacity shall be taken to be imposed by reason of the conviction, and the court shall have the like power (if any) to mitigate or remit for the future the incapacity so far as it is imposed by article 110 in respect of the matters of which he is convicted, as if the incapacity had been imposed by reason of the conviction.

(3) A court exercising any of the powers conferred by paragraphs (1) and (2) shall make an order declaring how far, if at all, the incapacities imposed by virtue of the relevant report remain unaffected by the exercise of that power, and that order shall be conclusive for all purposes.

(4) Where a person convicted of a corrupt or illegal practice is subsequently reported to have been guilty of that practice by an election court, no further incapacity shall be imposed on him under article 110 by reason of the report.

(5) Where any person is subject to any incapacity by virtue of a conviction or of the report of an election court, and any witness who gave evidence against that person upon the proceeding for the conviction or report is convicted of perjury in respect of that evidence, the incapacitated person may apply to the High Court, and the court, if satisfied that the conviction or report so far as respects that person was based upon perjury, may order that the incapacity shall thenceforth cease.

Illegal payments etc

127.—(1) A person guilty of an offence of illegal payment or employment shall, on summary conviction, be liable to a fine not exceeding level 5 on the standard scale; and on a prosecution for such an offence it shall be sufficient to allege that the person charged was guilty of an illegal payment or employment as the case may be.

(2) A candidate or election agent who is personally guilty of an offence of illegal payment or employment shall be guilty of an illegal practice.

(3) Any person charged with an offence of illegal payment or employment may be found guilty of that offence, notwithstanding that the act constituting the offence amounted to a corrupt or illegal practice.

Time limit for prosecutions

128.—(1) A proceeding against a person in respect of any offence under any provision contained in this Order shall be commenced within one year after the offence was committed, and the time so limited by this article shall, in the case of any proceedings under the Magistrates' Courts Act 1980⁽⁵⁴⁾ for any such offence, be substituted for any limitation of time contained in that Act.

(2) For the purposes of this article the laying of an information shall be deemed to be the commencement of a proceeding.

(3) A magistrates' court may act under paragraph (4) if it is satisfied on an application by a constable or Crown Prosecutor—

- (a) that there are exceptional circumstances which justify the granting of the application; and
- (b) that there has been no undue delay in the investigation of the offence to which the application relates.

(4) The magistrates' court may extend the time within which the proceedings must be commenced in pursuance of paragraph (1) to not more than 24 months after the offence was committed.

(5) If the magistrates' court acts under paragraph (4), it may also make an order under paragraph (6) if it is satisfied, on an application by a constable or Crown Prosecutor, that documents retained by the relevant registration officer in pursuance of rule 69 of Schedule 5 may provide evidence relating to the offence.

(54) 1980 c. 43.

- (6) An order under this paragraph is an order—
- (a) directing the relevant registration officer not to cause the documents to be destroyed at the expiry of the period of one year mentioned in rule 69 of Schedule 5; and
 - (b) extending the period for which he is required to retain them under that rule by such further period not exceeding 12 months as is specified in the order.

(7) The making of an order under paragraph (6) does not affect any other power to require the retention of the documents.

(8) An application under this article must be made not more than one year after the offence was committed.

- (9) Any party to—
- (a) an application under paragraph (3); or
 - (b) an application under paragraph (5),

who is aggrieved by the refusal of the magistrates' court to act under paragraph (4) or to make an order under paragraph(6) (as the case may be) may appeal to the Crown Court.

Prosecution of offences committed outside the United Kingdom

129. Proceedings in respect of an offence under this Order alleged to have been committed outside the United Kingdom by a Commonwealth citizen or citizen of the Republic of Ireland or a relevant citizen of the Union may be taken, and the offence may for all incidental purposes be treated as having been committed, in any place in the United Kingdom.

Offences by associations

- 130.** Where—
- (a) any corrupt or illegal practice or any illegal payment or employment; or
 - (b) any offence under article 76,

is committed by any association or body of persons, corporate or unincorporate, the members of the association or body who have taken part in the commission of the offence shall be liable to any fine or punishment imposed for that offence by this Order.

Evidence by certificate of holding of Assembly elections

- 131.** On—
- (a) any prosecution for a corrupt or illegal practice or for any illegal payment or employment; and
 - (b) any proceedings for a penalty under article 57,

the certificate of the appropriate returning officer at an Assembly election—

- (i) that the election mentioned in the certificate was duly held; and
- (ii) that the person named in the certificate was a candidate at the election,

shall be sufficient evidence of the facts stated in it.

Evidence by certificate of electoral registration

132. The certificate of a registration officer that any person is or is not, or was or was not at any particular time, duly registered in his register in respect of any address shall be sufficient evidence of

the facts stated in it; and a document purporting to be such a certificate shall be received in evidence and presumed to be such a certificate unless the contrary is proved.

Director of Public Prosecutions

133.—(1) Where information is given to the Director of Public Prosecutions that any offence under this Order has been committed it is his duty to make such inquiries and institute such prosecutions as the circumstances of the case appear to him to require.

(2) The Director by himself or by his assistant or by his representative appointed under paragraph (3) may and, if the election court so requests him, shall attend the trial of every Assembly election petition.

(3) The Director may nominate a barrister or solicitor to be his representative for the purposes of this Part.

(4) There shall be allowed to the Director and his assistant or representative for the purposes of this Part (other than his general duties under paragraph (1)) such allowances for expenses as the Treasury may approve.

(5) The costs incurred in defraying the expenses of the Director incurred for those purposes (including the remuneration of his representative) shall, in the first instance, be paid by the Treasury, and shall be deemed to be expenses of the election court; but if for any reasonable cause it seems just to the court so to do, the court shall order all or part of those costs to be repaid to the Treasury by the parties to the petition, or such of them as the court may direct.

Rules of procedure

134.—(1) The authority having for the time being power to make rules of court for the Supreme Court⁽⁵⁵⁾ may make rules for the purposes of Part 3 of this Order and this Part.

(2) In relation to the power conferred under paragraph (1) to make rules—

- (a) that power shall be exercisable by statutory instrument, and be treated for the purposes of the Statutory Instruments Act 1946 as if conferred by an Act of Parliament on a Minister of the Crown, and
- (b) a statutory instrument containing rules under paragraph (1) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Subject to any rules made under paragraph 1, the Election Petition Rules 1960⁽⁵⁶⁾ shall have effect (subject to the modifications set out in Schedule 9) in relation to an Assembly election petition as if made in the exercise of the power conferred by paragraph (1).

Costs

135.—(1) The rules of the Supreme Court with respect to costs to be allowed in actions, causes and matters in the High Court shall in principle and so far as practicable apply to the costs of petition and other proceedings under Part 3 of this Order or this Part and the taxing officer shall not allow any costs higher than would be allowed in any action, cause or matter in the High Court on a standard basis.

(2) Where any costs or other sums are, under the order of an election court or otherwise under this Part, to be paid by any person, those costs or sums shall be due from that person to the person or persons to whom they are to be paid and, if payable to the Treasury, shall be a debt due to Her Majesty and in either case may be recovered accordingly.

⁽⁵⁵⁾ When section 59(1) of the Constitutional Reform Act 2005 (c. 4) comes into force, references to “Supreme Court” are to be construed as references to the “senior courts of England and Wales”.

⁽⁵⁶⁾ S.I.1960/543 and see the footnote to paragraph 1 of Schedule 9.

Service of notices

136.—(1) Any notice, legal process or other document required to be served on any person with reference to any proceeding for the purpose of causing him to appear before the High Court, a county court, or any election court, or otherwise or of giving him an opportunity of making a statement, or showing cause, or being heard by himself before any court for any purpose of this Part may be served—

- (a) by delivering it to that person, or by leaving it at, or sending it by post by a registered letter or by the recorded delivery service to his last known place of abode in the Assembly constituency or, as the case may be, electoral region for which the election was held; or
- (b) if the proceeding is before any court in such other manner as the court may direct.

(2) In proving service by post under this article it shall be sufficient to prove that the letter was prepaid, properly addressed, and registered or recorded with the postal operator (within the meaning of the Postal Services Act 2000(57)) concerned.

Interpretation of Part 4

137.—(1) In this Part, unless the context otherwise requires—

“candidate” has the same meaning as in Part 3 of this Order and the saving in article 83(1) applies in relation to this Part as in relation to Part 3;

“costs” include charges and expenses;

“date of the allowance of an authorised excuse” has the meaning assigned to it by article 58(9);

“Licensing Acts” means the Licensing Act 2003(58) and the Acts amending that Act, or the corresponding enactments forming part of the law of Scotland or Northern Ireland;

“money” and “pecuniary reward” shall 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;

“prescribed” means prescribed by rules of court; and

“return as to election expenses” means a return made under article 52.

(2) For the purposes of section 119 of the 1998 Act(59) anything required by this Part to be published by the Presiding Officer of the Assembly shall be treated as being required to be published by the Assembly.

Computation of time for purposes of Part 4

138. Article 85 applies in computing any period of time for the purposes of this Part as it applies for the purposes of Part 3 of this Order.

(57) 2000 c. 26 (section 125(1)).

(58) 2003 c. 17.

(59) This provision will be repealed at the end of the initial period, and it will be a matter for the new Presiding Officer of the Assembly and the new National Assembly for Wales to determine how publication shall be effected.

PART 5

Miscellaneous and supplemental

Advertisements

139. The Town and Country Planning (Control of Advertisement) Regulations 1992(**60**) shall have effect in relation to the display, on any site in Wales, of an advertisement relating specifically to an Assembly election or Assembly elections as they have effect in relation to the display of an advertisement relating specifically to a parliamentary election.

Assembly constituencies not wholly within a county or county borough

140. Where an Assembly constituency is not coterminous with, or wholly situated in, a county or county borough—

- (a) the registration officer for any part of the Assembly constituency shall, if he is not the returning officer for the constituency, consult him concerning the form of so much of—
 - (i) the register;
 - (ii) the electors lists; or
 - (iii) the postal voters list, the list of proxies and the proxy postal voters list,
 as relate to the constituency in order to ensure that, so far as practicable, they are in a form similar to those in use elsewhere in the constituency, and
- (b) if the registration officer for any part of the Assembly constituency at an Assembly election is not the returning officer for the constituency, he shall forthwith supply to the constituency returning officer a copy of the lists compiled under article 10 and 12(8) on completion of the compilation of them.

Translations etc. of certain documents

141.—(1) Paragraphs (2) and (3) apply to any document which under or by virtue of this Order is required or authorised to be given to voters or displayed in any place for the purposes of an Assembly election.

(2) The person who is required or authorised to give or display the document must give or display or otherwise make available in such form as he thinks appropriate—

- (a) the document in Braille;
- (b) the document in languages other than English and Welsh;
- (c) graphical representations of the information contained in the document; and
- (d) other means of making the information contained in the document accessible to persons who might not otherwise have reasonable access to the information.

(3) The person required or authorised to give or display the document must also make available the information contained in the document in such audible form as he thinks appropriate.

(4) Paragraphs (2) and (3) do not apply to—

- (a) the nomination paper;
- (b) the ballot paper.

(5) The constituency returning officer at an Assembly election must cause to be displayed at every polling station in the election an enlarged sample copy of the ballot paper.

(60) S.I.1992/666. These regulations were extended to include European Parliamentary elections by S.I. 1994/2351.

- (6) The sample copy mentioned in paragraph (5)—
- (a) in the case of a constituency election, must have printed the words “VOTE FOR ONE CANDIDATE ONLY” and “PLEIDLEISIWCH DROS UN YMGEISYDD YN UNIG” both at the top and immediately below the list of candidates;
 - (b) in the case of a regional election, must have printed the words “VOTE ONCE ONLY” and “PLEIDLEISIWCH UNWAITH YN UNIG” both at the top and bottom of the front of the ballot paper; and
 - (c) in each case, below the second occurrence of those words may include a translation of those words into such other languages as the constituency returning officer thinks appropriate.
- (7) The constituency returning officer at an Assembly election must provide at every polling station in the election an enlarged hand-held sample copy of the ballot paper for the assistance of voters who are partially sighted.
- (8) The sample copy mentioned in paragraph (7) must be clearly marked as a specimen provided only for the guidance of voters.

Forms: general

142.—(1) Subject to paragraph (2), the forms set out in this Order may be used with such variations as the circumstances may require.

(2) Paragraph (1) does not apply to the forms of ballot paper to be used at constituency and regional elections set out in Schedule 10.

(3) Without prejudice to the power conferred by paragraph (1), where any form to which that paragraph applies is set out in English and Welsh in this Order so that it is set out in English first and then in Welsh, that form may be varied so that—

- (a) the English and Welsh parts are combined; or
- (b) it is set out in Welsh first and then in English.

(4) Where any form is required to be completed by any person, and it is a form set out in this Order referred to in paragraph (3), such form may be validly completed by completion of either the English or Welsh parts.

Public notices, and declarations

143.—(1) A public notice required by or under this Order to be given by a constituency or regional returning officer at an Assembly election shall be given by posting the notice in some conspicuous place or places—

- (a) in the case of a constituency election, in the Assembly constituency; and
- (b) in the case of a regional election, in each Assembly constituency in the Assembly electoral region for which the election is held,

and may also be given in such other manner as he thinks desirable for publicising it.

(2) Any person before whom a declaration is authorised to be made under this Order may take the declaration.

Sending of applications and notices; electronic signatures and related certificates

144.—(1) The requirement in this Order that any application, notice, representation or objection should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it—

- (a) is transmitted by electronic means;

- (b) is received in legible form; and
 - (c) is capable of being used for future reference.
- (2) The requirement in this Order for an application, notice, representation or objection to be signed is satisfied (as an alternative to a signature given by hand) where there is—
- (a) an electronic signature incorporated into or logically associated with a particular electronic communication; and
 - (b) the certification by any person of such a signature.
- (3) For the purposes of this Order an electronic signature is so much of anything in electronic form as—
- (a) is incorporated into or otherwise logically associated with any electronic communication or both; and
 - (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication, the integrity of the communication or both.
- (4) For the purposes of this Order an electronic signature incorporated into or associated with a particular electronic communication is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—
- (a) the signature;
 - (b) a means of producing, communicating or verifying the signature; or
 - (c) a procedure applied to the signature,
- is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication, the integrity of the communication or both.

Publication of documents

145.—(1) Any failure to publish a document in accordance with this Order shall not invalidate the document, but this provision shall not relieve any person from any penalty for such a failure.

(2) Where a document is made available for inspection, any person may make a copy (whether in handwriting or by other means) of the whole or any part of such a document.

Interference with notices etc

146. If any person without lawful authority destroys, mutilates, defaces or removes any notice published by a registration officer in connection with his registration duties under this Order or any copies of a document which have been made available for inspection in pursuance of those duties, he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Premises used for election purposes

147. In relation to premises in Wales, section 65(6) of the Local Government Finance Act 1988(**61**) (occupation for election meetings and polls) shall have effect as if—

- (a) the reference to public meetings in furtherance of a person's candidature at an election included a reference to public meetings promoting a particular result at an Assembly election; and
- (b) the reference to use by a returning officer for the purpose of taking the poll in an election included a reference to use by a constituency returning officer in taking a poll at an Assembly election in accordance with Schedule 5.

(61) 1988 c. 41.

Dissolution of the Assembly

148. The “minimum period” for the purpose of section 3(2)(a) of the 2006 Act⁽⁶²⁾ is a period of 21 days, computed in accordance with rule 2 of Schedule 5.

Saving and transitional provision as to incapacities in respect of Assembly elections

149.—(1) Any incapacity imposed by or under Part 4 of the National Assembly for Wales (Representation of the People) Order 2003 or by or under Part 4 of this Order (legal proceedings) on any person from—

(a) voting in any election under Part 1 of the 1998 Act; or

(b) being, acting as or remaining a member of the Assembly constituted by that Act,

shall also apply to the like extent in relation to that person—

(i) voting in any election under Part 1 of the 2006 Act; or

(ii) being, acting as or remaining a member of the Assembly constituted by the 2006 Act.

(2) Nothing in paragraph (1) prejudices the operation of sections 16 and 17 of the Interpretation Act 1978⁽⁶³⁾ in respect of the revocation of the National Assembly for Wales (Representation of the People) Order 2003 by this Order.

31st January 2007

Peter Hain
Secretary of State for Wales

⁽⁶²⁾ Section 3(2)(a) of the Government of Wales Act 2006 makes provision for a minimum period between the dissolution of the National Assembly for Wales constituted by that Act and the day of the poll at the subsequent Assembly ordinary general election.

⁽⁶³⁾ 1978 c. 30.

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

SCHEDULE 1

Article 15(2)

Absent voting at Assembly elections

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Explanatory Note

General requirements for applications

- 1.—(1) Applications under article 8, 9, 11 or 12 must state—
 - (a) the applicant’s full name;
 - (b) the address in respect of which the applicant is registered or has applied to be (or is treated as having applied to be) registered in the register except in the case of an application under article 12(4) and (7);
 - (c) in the case of such an application, the proxy’s address together with the name of the elector for whom he will act as proxy and the elector’s address for the purposes of subparagraph (b);
 - (d) in the case of a person applying to vote by post, the address to which the ballot paper should be sent;
 - (e) in the case of an application to vote by proxy, the grounds on which the elector claims to be entitled to an absent vote;
 - (f) in the case of a person who is unable to provide a signature, the reasons for his request for a waiver of any requirement under article 8, 9 or 12 to provide a signature and the name and address of any person who has assisted him to complete his application; and
 - (g) where the applicant has, or has applied for, an anonymous entry, that fact.

(2) The application shall be made in writing and be dated.

(3) Where an application is required to contain a signature and date of birth, the information must be set out in a manner that is sufficiently clear and unambiguous as to be capable of electronic scanning into the record by configuring the information as follows—

- (a) the signature shall appear against a background of white unlined paper of at least five centimetres long and two centimetres high; and
- (b) the applicant's date of birth shall be set out numerically configured in the sequence of date, month, year namely [d][d] [m][m] [y][y][y][y].

(4) Where the application contains a request that the registration officer dispense with a requirement for a signature, sub-paragraph (3)(a) shall not apply.

- (a) (5) (a) An application under article 8(1), 11(6) or 12(4)(a) which is made for an indefinite period or the period specified in the application must state that it is so made;
- (b) an application under article 9(1), (2), (3), 11(7) or 12(7) which is made for a particular Assembly election must state that it is so made,

but, where the poll for an Assembly election falls on the same day as the poll at another election, the same application may be used for both elections.

(6) The registration officer may satisfy himself—

- (a) that an application under articles 8, 9, 11 or 12 meets any requirements that it has been signed by the applicant and states his date of birth by referring to any signature and date of birth—
 - (i) previously provided by the applicant to the registration officer or the returning officer; or
 - (ii) previously provided by the applicant to the county or county borough council, or registrar of births and deaths which the registration officer is authorised to inspect for the purposes of his registration duties; and
- (b) as to whether the applicant is unable to provide a signature or a consistent signature due to disability or inability to read or write.
- (a) (7) (a) Where—
 - (i) in the case of an application to vote by post under articles 8(1), (7) or 9(1) the addresses stated in accordance with sub-paragraph (1)(b) and (d) are different; or
 - (ii) in the case of an application by a proxy to vote by post under article 12(4), the proxy's address stated in accordance with sub-paragraph (1)(c) and the address stated in accordance with sub-paragraph (1)(d) are different,

the application must set out why the applicant's circumstances will be or are likely to be such that he requires the ballot paper to be sent to the address stated in accordance with sub-paragraph (1)(d).

(b) This sub-paragraph does not apply where an applicant has, or has applied for, an anonymous entry.

- (a) (8) (a) An application under—
 - (i) article 9(3)(a) by a person shown as voting by post in the record kept under Article 8; or
 - (ii) article 12(7) by a person shown as voting by post in the record kept under Article 12 (6),

for his ballot paper to be sent to a different address from that shown in the record shall set out why the applicant's circumstances will be or are likely to be such that he requires his ballot paper to be sent to that address.

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- (b) this paragraph does not apply where the applicant has, or has applied for, an anonymous entry.
- (9) For the purposes of sub-paragraph (1)(b), the address in respect of which the applicant is or has applied to be (or is treated as having applied to be) registered includes—
 - (a) in the case of a service voter, the address given in the service declaration in accordance with section 16(d) of the 1983 Act;
 - (b) in the case of a person to whom section 7 of the 1983 Act applies (mental patients who are not detained offenders), the address of the mental hospital or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act;
 - (c) in the case of a person to whom section 7A of the 1983 Act applies (person remanded in custody), the address of the place at which he is detained or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act; and
 - (d) in the case of a homeless person, the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act.

The personal identifiers record

- 2.—(1) The registration officer shall maintain a record (“the personal identifiers record”) apart from the other records and lists which he is required to keep under this Order, of the signatures and dates of birth provided by persons whose applications under article 8(1), 9(1) or 12(4)(a) or (b) were granted, until the expiry of twelve months from—
- (a) the date on which a person is removed from the record kept pursuant to article 8(5) or article 12(10); or
 - (b) the date of the poll for the purposes of which the person’s application for an absent vote was granted under article 9(1) or 12(4)(b).
- (2) The personal identifiers record shall contain the following information in respect of each absent voter on the postal voters list, list of proxies or proxy postal voters list—
- (a) his name;
 - (b) his date of birth; and
 - (c) his signature, or a record of waiver by the registration officer of the requirement for his signature.
- (3) The registration officer may disclose information held in the personal identifiers record to—
- (a) any candidate or agent attending proceedings on receipt of postal ballot papers, in accordance with and for the purposes referred to in paragraph 23 and 24 of Schedule 3;
 - (b) any person attending proceedings on receipt of postal ballot papers, who is entitled to do so by virtue of any of sections 6A to 6D of the 2000 Political Parties Act but only to the extent required to permit them to observe the proceedings.

Additional requirements for applications for appointment of a proxy

3. An application for the appointment of a proxy under article 8 or 9 shall state the full name and address of the person whom the applicant wishes to appoint as his proxy, together with his family relationship, if any, with the applicant, and—
- (a) if it is signed only by the applicant, shall contain a statement by him that he has consulted the person so named and that that person is capable of being and willing to be appointed to vote as his proxy; or
 - (b) if it is also signed by the person to be appointed, shall contain a statement by that person that he is capable of being and willing to be appointed to vote as the applicant’s proxy.

Additional requirements for applications on grounds of blindness or other disability

4.—(1) An application to vote by proxy for a particular or indefinite period under article 8(2)(c) shall specify the disability by reason of which the application is made.

- (2) Subject to sub-paragraph (3) such an application shall be attested and signed by—
- (a) a registered medical practitioner;
 - (b) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001(64) by virtue of qualifications in nursing;
 - (c) a registered dentist as defined by section 53(1) of the Dentists Act 1984(65);
 - (d) a registered dispensing optician or a registered optometrist within the meaning of the Opticians Act 1989(66);
 - (e) a registered pharmaceutical chemist as defined by section 24(1) of the Pharmacy Act 1954(67);
 - (f) a registered osteopath as defined by section 41 of the Osteopaths Act 1993(68);
 - (g) a registered chiropractor as defined by section 43 of the Chiropractors Act 1994(69);
 - (h) a Christian Science practitioner;
 - (i) a person for the time being listed in the British Psychological Society’s Register of Chartered Psychologists;
 - (j) a person registered as a member of a profession to which the Health Professions Order 2001(70) for the time being extends;
 - (k) the person carrying on a care home registered under Part 2 of the Care Standards Act 2000(71);
 - (l) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he resides in such premises;
 - (m) a manager within the meaning of section 145(1) of the Mental Health Act 1983(72) or on behalf of such a manager; or
 - (n) a person registered in a register for social workers maintained in accordance with section 56 of the Care Standards Act 2000.
- (3) A person who qualifies—
- (a) by virtue of any of sub-paragraph (a) to (j) of paragraph (2), may not attest an application for these purposes unless—
 - (i) he is treating the applicant for the disability specified in the application; or
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (b) by virtue of sub-paragraph (2)(n), may not attest an application for these purposes unless—

(64) S.I. 2002/253.

(65) 1984 c. 24.

(66) 1989 c. 44.

(67) 1954 c. 61.

(68) 1993 c. 21.

(69) 1994 c. 17.

(70) S.I. 2002/254.

(71) 2000 c. 14.

(72) 1983 c. 20. The interpretation of “managers” in section 145(1) has been amended by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedule 2 Part 2 paragraph 49; S.I. 2001/2469; the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 107(14); Health Act 1999(c. 8), sections 41(2) and 65; the National Health Service and Community Care Act 1990 (c. 19), Schedule 9 paragraph 16; the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4 paragraph 57; the Care Standards Act 2000 (c. 14), Schedule 4 paragraph 9.

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- (i) he is treating the applicant for the disability specified in the application;
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (iii) he has arranged care or assistance for the person in respect of his disability.
- (4) The person attesting the application shall state—
 - (a) his name and address and the qualification by virtue of which he attests the application,
 - (b) where the person who attests the application is a person referred to in paragraph (3)(a), that—
 - (i) he is treating the applicant for the disability specified in the application; or
 - (ii) the applicant is receiving care from him in respect of that disability;
 - (c) where the person who attests the application is a person referred to in paragraph (3)(b), that—
 - (i) he is treating the applicant for the disability specified in the application;
 - (ii) the applicant is receiving care from him in respect of that disability; or
 - (iii) he has arranged care or assistance for the applicant in respect of that disability;
 - (d) that, to the best of his knowledge and belief, the applicant has the disability specified in the application and that he cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there by reason of that disability; and
 - (e) that, to the best of his knowledge and belief, the disability specified in the application is likely to continue either indefinitely or for a period specified by the person attesting the application.
- (5) Sub-paragraphs (2) to (4) shall not apply where—
 - (a) the application is based on the applicant’s blindness and the applicant is registered as a blind person by a local authority, which is specified in the application, under section 29(4)(g) of the National Assistance Act 1948(73); or
 - (b) the application states that the applicant is in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 73 of the Social Security Contributions and Benefits Act 1992(74)) because of the disability specified in the application.
- (6) A person who qualifies by virtue of sub-paragraph (3)(m) shall, instead of the matters specified in sub-paragraph (4)(a), state in the attestation—
 - (a) his name;
 - (b) his position in the hospital at which the applicant is liable to be detained or at which he is receiving treatment;
 - (c) that he is a person authorised to make the attestation; and
 - (d) in the case of an applicant who is liable to be detained in hospital, the statutory provision under which the applicant is liable to be so detained.
- (7) The fact that an applicant is registered with a local authority under section 29(4)(g) of the National Assistance Act 1948 shall be deemed sufficient evidence that he is eligible for an absent vote on the grounds set out in article 8(2)(c).
- (8) In this paragraph and paragraphs 3 and 4, “his allotted polling station”, in relation to an elector, means the polling station allotted or likely to be allotted to him under this Order.

(73) 1948 c. 29.

(74) 1992 c. 4.

Additional requirements for applications for a proxy vote based on occupation, service, employment or attendance on a course

5.—(1) An application to vote by proxy for a particular or indefinite period under article 8(2) (d) shall state—

- (a) whether the occupation, service or employment, in respect of which it is made, is that of the applicant or his spouse or civil partner or, as the case may be, whether it is the applicant or his spouse or civil partner who is attending the course provided by an educational institution in respect of which the application is made;
- (b) the nature of the occupation, service, employment or course provided by an educational institution giving rise to the application;
- (c) where the person in respect of whose occupation, service or employment it is made (in this paragraph referred to as “the employed person”) is self-employed, that fact; and, in any other case, the name of that person’s employer; and
- (d) the reason relevant to the general nature of the occupation, service or employment in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.

(2) Such an application shall be attested and signed—

- (a) where the employed person is self-employed, by a person who—
 - (i) is aged 18 years or over;
 - (ii) knows the employed person; and
 - (iii) is not related to him;
- (b) by the employer of the employed person or by another employee to whom this function is delegated by the employer; or
- (c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the principal or head.

(3) The person attesting an application under sub-paragraph (2) shall—

- (a) where the applicant is the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraph (1)(a) to (d) are true; or
- (b) where the applicant is the spouse or civil partner of the employed person or the person attending the course, certify that the statements included in the application in accordance with the requirements of sub-paragraph (1)(a) to (c) are true.

(4) The person attesting an application under sub-paragraph (2) shall also state—

- (a) in the case of a person who attests an application under sub-paragraph (2)(a), his name and address, and that he is aged 18 years or over, knows the employed person, but is not related to him; or
- (b) in the case of a person who attests an application under sub-paragraph (2)(b), either that he is the employer of the employed person or the position he holds in the employment of that employer; or
- (c) in the case of a person who attests under sub-paragraph (2)(c), the post he holds at the institution.

(5) For the purpose of sub-paragraphs (2)(a) and (4)(a), one person is related to another if he is the spouse, civil partner, parent, grand-parent, brother, sister, child or grandchild of the other.

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Additional requirements for applications to vote by proxy in respect of a particular Assembly election

6.—(1) An application under article 9(1) to vote by proxy at a particular election shall set out why the applicant's circumstances on the date of the poll for that election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.

(2) Where an application under article 9—

- (a) is made on the grounds of the applicant's disability; and
- (b) is made after 5 pm on the sixth day before the date of the poll at the election for which it is made,

the requirements of paragraphs 1 and 3 of this Schedule as to the matters to be specified and the attestation shall apply.

(3) Where an application mentioned in sub-paragraph (2) is made, the person who attests the application shall state, in addition to those matters specified in paragraph 3, to the best of his knowledge and belief, the date upon which the applicant became disabled.

(4) Where an application under article 9(1) is made by a person to whom article 7(7) applies after 5 pm on the sixth day before the date of the poll at the election for which it is made, the requirements of sub-paragraph (5) as to the matters to be specified and as to attestation shall apply.

(5) Where an application mentioned in paragraph (4) is made—

- (a) the application shall additionally state the name and address of the hospital at which the applicant is liable to be detained;
- (b) the application shall be attested by or on behalf of the managers responsible for the administration of the hospital within the meaning of section 145(1) of the Mental Health Act 1983 at which the applicant is liable to be detained, and the attestation shall state—
 - (i) the name of the person attesting the application;
 - (ii) his position in the hospital at which the applicant is liable to be detained;
 - (iii) that he is a person authorised to make the attestation; and
 - (iv) the statutory provision under which the applicant is liable to be detained in the hospital.

(6) This paragraph does not apply where the applicant has an anonymous entry.

Closing dates for applications

7.—(1) An application—

- (a) to vote by post under article 8(1) or 9(1); or
- (b) from a proxy to vote by post under article 12(4),

shall be disregarded for the purposes of any particular Assembly election if it is received by the registration officer after 5pm on the eleventh day before the date of the poll at that election.

(2) Subject to sub-paragraph (3) an application—

- (a) to vote by proxy under article 8(1) or 9(1); or
- (b) for the appointment of a proxy under article 11(6) or (7),

shall be disregarded for the purposes of any particular Assembly election if it is received by the registration officer after 5pm on the sixth day before the date of the poll at that election.

(3) Where an application under article 9(1) is made—

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(a) on the grounds of the applicant's disability and the applicant became disabled after 5pm on the sixth day before the poll at the election for which it is made; or

(b) by a person to whom article 7(7) applies,

the application, or an application under article 11(7) made by virtue of that application, shall be refused if it is received after 5pm on the day of the poll at the election for which it is made.

(4) Subject to sub-paragraph (3), an application—

(a) by an absent voter to alter his choice as to the manner of absent voting under article 8(6) or (7);

(b) by a postal voter for his ballot paper to be sent to a different address or to vote instead by proxy at a particular election under article 9(3); or

(c) from a postal proxy for his ballot paper to be sent to a different address at a particular election under article 12(7),

shall be refused for the purposes of any particular Assembly election if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll at that election.

(5) The following, namely—

(a) an application under article 8(5)(a) by an elector to be removed from the record kept under article 8(3);

(b) an application under article 12(10)(a) by a proxy to be removed from the record kept under article 12(6); and

(c) a notice under article 11(9) of the cancellation of a proxy's appointment,

shall be disregarded for the purposes of any particular Assembly election if it is received by the registration officer after 5 pm on the eleventh day before the date of the poll at that election for which it is made.

(6) In computing a period of days for the purposes of this paragraph, Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday, or a bank holiday shall be disregarded.

(7) In paragraph (6) "bank holiday" means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(75) in Wales.

Grant or refusal of applications

8.—(1) Where the registration officer grants an application to vote by post he shall notify the applicant of his decision.

(2) Where the registration officer grants an application for the appointment of a proxy, he shall confirm in writing to the elector that the proxy has been appointed, his name and address and the duration of the appointment.

(3) The proxy paper to be issued by the registration officer on the appointment of a proxy shall be in form CA set out in English and Welsh in Schedule 10 (but this may be combined with another form of proxy paper if the registration officer is issuing a proxy paper appointing that person as proxy for the same elector in respect of another election or other elections).

(4) Where the registration officer refuses an application for an absent vote he shall notify the applicant of his decision and the reason for it.

(5) Where the registration officer grants an application made under —

(a) article 9(3)(a) by a person shown as voting by post in the record kept under article 8(3); or

(b) article 12(7) by a person shown as voting by post in the record kept under article 12(6),

(75) 1971 c. 80.

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he shall notify the applicant of this.

(6) Where a person is removed from the record kept pursuant to article 8(3), the registration officer shall, where practicable notify him of this and the reason for it.

(7) Where the appointment of a proxy is cancelled by the elector or otherwise ceases to be in force, the registration officer shall, where practicable notify the elector that the appointment has been cancelled or, as the case may be, notify him that the appointment has ceased and the reason for it.

(8) Where under paragraph 7 of this Schedule the registration officer refuses or disregards an application for the purposes of any Assembly election, he shall notify the applicant of this.

(9) At an Assembly election where the registration officer is not the returning officer for any constituency or part of a constituency in the area for which he is the registration officer, he shall send to that returning officer details of any application to vote by post which he has granted as soon as practicable after doing so.

Notice of appeal

9.—(1) A person desiring to appeal under article 5(1) against the decision of a registration officer must give notice of the appeal to the registration officer within 14 days of the receipt of the notice given under paragraph 8(4) of this Schedule specifying the grounds of the appeal.

(2) The registration officer shall forward any such notice to the county court in the manner directed by rules of court together in each case with a statement of the material facts which in his opinion have been established in the case, of his decision upon the whole case and on any point which may be specified as a ground of appeal.

(3) Where it appears to the registration officer that any notices of appeal given to him are based on similar grounds, he shall inform the county court of this to enable the court (if it thinks fit) to consolidate the appeals or select a case as a test case.

Cancellation of proxy appointment

10. Where the appointment of a proxy is cancelled by notice given to the registration officer under article 11(9) or ceases to be in force under that provision or is no longer in force under article 11(10)(b), the registration officer shall—

- (a) notify the person whose appointment as proxy has been cancelled, expired or ceases to be or is no longer in force, unless the registration officer has previously been notified by that person that he no longer wishes to act as proxy; and
- (b) remove his name from the record kept under article 8(3).

Inquiries by registration officer

11.—(1) The registration officer may, at such times as he thinks fit, make inquiries of a person—

- (a) who is shown as voting by proxy in the record kept under article 8(3) in pursuance of an application granted on the grounds set out in article 8(2)(c) or (d); or
- (b) who immediately before 11th March 1999⁽⁷⁶⁾ was entitled to vote by proxy at parliamentary elections or local government elections or both in pursuance of an application granted on grounds corresponding to those set out in article 8(2)(c) or (d) (disability, blindness, occupation, service or employment),

for the purpose of determining whether there has been a material change of circumstances.

(76) Proxies at Assembly elections were introduced by The National Assembly for Wales (Representation of the People) Order 1999 (S.I. 1999/450) which came into force on 11th March 1999.

(2) Where the grant of an application for a proxy vote for an indefinite or particular period was based on grounds referred to in article 8(2)(d) (or grounds corresponding to those grounds), the registration officer shall make the inquiries referred to not later than three years after the granting of the application or the last such inquiries as the case may be.

(3) The registration officer may treat the failure by a person of whom inquiries have been made under sub-paragraph (1) or (2) to respond to such inquiries within one month of the date on which they were made as sufficient evidence of a material change in circumstances.

Requirement to provide fresh signatures at five yearly intervals

12.—(1) — The registration officer shall, every year by 31st January send to every person who remains an absent voter and whose signature held on the personal identifiers record is more than five years old a notice in writing—

- (a) requiring him to provide a fresh signature; and
- (b) informing him of the date (six weeks from the date of sending the notice) on which he would cease to be entitled to vote by post or proxy in the event of a failure or refusal to provide a fresh signature.

(2) The notice must be sent by the registration officer to the current or last known address of the absent voter.

(3) The registration officer must, if the absent voter has not responded to the notice within three weeks from the date on which the notice was sent, as soon as practicable send a copy of the notice to him.

(4) Where a notice or copy of a notice is sent by post, the registration officer may use—

- (a) a universal service provider; or
- (b) a commercial delivery firm,

and postage shall be prepaid.

(5) A notice or copy of a notice sent to an absent voter in accordance with sub-paragraph (1) or (3) must be accompanied by a pre-addressed reply paid envelope and, in the case of a notice or copy of a notice sent to an address in the United Kingdom, return postage must be prepaid.

(6) Upon the expiration of the period specified in the notice sent to the absent voter the registration officer shall determine whether the absent voter has failed or refused to provide a fresh signature.

(7) Where the registration officer determines that the absent voter has refused or failed to provide a fresh signature within the specified period, he must remove that person's entry from the records kept pursuant to article 8(3) or 12(6) and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept under article 10(2), 10(3) or 12(8).

(8) Where the registration officer removes an absent voter's entry in the circumstances to which sub-paragraph (4) refers—

- (a) the registration officer shall inform the absent voter, where appropriate, of the location of the polling station allotted or likely to be allotted to him under this Order;
- (b) paragraphs 8(4), 8(6), 8(7) and 9 of this Schedule shall apply as if the registration officer were refusing an application in accordance with this Schedule;
- (c) in the case of an entry removed from the proxy postal voters list, the registration officer must also notify the elector who appointed the proxy whose entry has been removed.

(9) The registration officer shall include in the notice to be sent to an absent voter regarding his removal from the records kept pursuant to article 8(3) or 12(6) and from the postal voters list, list of proxies or proxy postal voters list (as the case may be) kept pursuant to articles 10(2), 10(3) or 12(8), information—

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- (a) explaining the effect of such removal; and
- (b) reminding the absent voter that he may make a fresh application under article 8(1), 9(1) or 12(4) to vote by post or proxy (as the case may be).

Records and lists kept under articles 8, 10 and 12

13.—(1) Any of the persons listed in sub-paragraph (2) entitled to copies of the full register in accordance with the provisions of regulations 103, 105, 106 and 108 of the 2001 Regulations are also entitled, subject to this paragraph and paragraph 14 of this Schedule, to request that the registration officer supply free of charge the relevant parts (within the meaning of the 2001 Regulations) of a copy of any of the following information which he keeps—

- (a) the current version of the information which would, in the event of a particular Assembly election, be included in the postal voters lists, the list of proxies or the proxy postal voters lists which he is required to keep under article 10 or 12(6);
- (b) the current or final version of the postal voters list, the list of proxies or the proxy postal voters list kept under article 10 or 12(6).

(2) The persons are—

- (a) each member of the National Assembly for Wales for any constituency or Assembly electoral region wholly or partly within the registration area;
- (b) a candidate or his agent for an Assembly constituency election;
- (c) an individual candidate or the candidates or election agent for a registered political party standing nominated in an Assembly electoral region; or
- (d) any person nominated to act for the purposes of this paragraph by the registered nominating officer of a registered political party provided that not more than one person may be nominated in respect of the same registered political party and registration area.

(3) A request under sub-paragraph (1) shall be made in writing and shall—

- (a) specify which records or lists (or the relevant parts of such records or lists) are requested;
- (b) state whether the request is made only in respect of current lists or whether it includes a request for the supply of any final list; and
- (c) state whether a printed copy of the records or lists is requested or a copy in data form⁽⁷⁷⁾.

(4) A person who obtains a copy of a list under this paragraph may use it only for the permitted purposes specified in paragraph 14 of this Schedule, and any restrictions—

- (a) specified in that paragraph; or
- (b) which would apply to the use of the full register under whichever of regulations 103, 105, 106 and 108 of the 2001 Regulations entitled that person to obtain that document,

shall apply to such use.

(5) The registration officer shall supply a current copy of relevant information requested under sub-paragraph (1)(a) or (b) as soon as practicable after receipt of a request duly made.

(6) The registration officer shall supply a final copy of the postal voters list kept under article 10(2)(a) as soon as practicable after 5pm on the eleventh day before the day of the poll, in response to a request that has been duly made under sub-paragraph (1).

(7) As soon as practicable after 5pm on the sixth day before the day of the poll the registration officer shall—

(77) “data form” means information which is in a form which is being capable of being processed by means of equipment operating automatically in response to instructions given for that purpose.

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- (a) make a copy of the lists kept under articles 10 and 12(6) available for inspection at his office in accordance with sub-paragraphs (11) to (16); and
- (b) supply a final copy of the postal voters list or the list of proxies in response to every request that has been duly made under sub-paragraph (1).

(8) The registration officer shall supply a final copy of the list of proxies kept under article 10(3), updated to include any additions to those lists made in consequence of any applications granted in accordance with paragraph 6 of this Schedule, as soon as practicable after 5pm on the day of the poll, to every person who received that list in accordance with sub-paragraph 7(b).

(9) Any person who has obtained or is entitled to obtain a copy of information covered by sub-paragraph (1) may—

- (a) supply a copy of the information to a processor for the purpose of processing the information contained in the information; or
- (b) procure that a processor processes and supplies to them any copy of the information which the processor has obtained under this paragraph,

for use in respect of the purposes for which that person is entitled to obtain such information.

(10) The provisions contained in paragraphs (2), (3) and (9) of regulation 92 of the 2001 Regulations shall be taken to apply to the supply and processing of information or lists supplied under this paragraph as they apply to the supply and processing of the full register.

(11) Any person is entitled to request that the registration officer make available for inspection a copy of any of the information specified in (a) and (b) of sub-paragraph (1).

(12) A request under sub-paragraph (11) shall be made in writing and shall specify—

- (a) the information (or relevant parts of the information) requested;
- (b) whether the request is made only in respect of the current lists or whether it includes a request for the inspection of any final list;
- (c) who will be inspecting the information;
- (d) the date on which he wishes to inspect the information; and
- (e) whether he would prefer to inspect the information in a printed or data form.

(13) The registration officer shall make a copy of the information available for inspection under supervision as soon as practicable after the date of receipt of a request that has been duly made.

(14) Where inspection takes place by providing a copy of the information on a computer screen or otherwise in data form, the registration officer shall ensure that the manner in, and equipment on, which that copy is provided do not permit any person consulting that copy to—

- (a) search it by electronic means by reference to the name of any person; or
- (b) copy or transmit any part of that copy by electronic, or any other means.

(15) A person who inspects a copy of the information, whether a printed copy or in data form, may not—

- (a) make copies of any part of it; nor
- (b) record any particulars in it,

otherwise than by means of hand-written notes.

(16) Subject to any direction by the Secretary of State under section 52(1) of the 1983 Act, any duty on a registration officer to supply a copy or make information available for inspection under this paragraph, imposes only a duty to provide that information in the form in which he holds it.

(17) For the purposes of this paragraph—

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- (a) a “current copy” of records or lists is a copy of the records or lists as kept by the registration officer at 9am on the date it is supplied; and
- (b) any period of days shall be calculated in accordance with paragraph 7.
- (a) (18) (a) The registration officer shall ensure that where he supplies or discloses information covered by sub-paragraph (1)(a) in accordance with this paragraph, he does not supply or disclose any record relating to a person specified in (b).
- (b) The persons specified in this sub-paragraph are—
 - (i) a person who has an anonymous entry; and
 - (ii) the proxy of a person who has an anonymous entry.

Conditions on the use, supply and inspection of absent voter records or lists

14. The provisions of regulations 94 and 96 of the 2001 Regulations shall apply to information covered by paragraph 13(1)(a) and (b) of this Schedule as they apply to restrictions on the supply, disclosure and use of the full register, except that permitted purposes for the purpose of paragraph 13(1)(a) and (b) means either—

- (a) research purposes within the meaning of that term in section 33 of the Data Protection Act 1998⁽⁷⁸⁾; or
- (b) electoral purposes.

Marked register for polling stations

15. To indicate that an elector or his proxy is entitled to vote by post and is for that reason not entitled to vote in person, the letter “A” shall be placed against the entry for that elector in any copy of the register, or part of it, provided for a polling station.

Certificate of employment at an Assembly election

16. The certificate as to the employment of constables and persons employed by a returning officer on the date of the poll at an Assembly election (to enable such a constable or person to vote elsewhere than at his own polling station) shall be in form CB set out in English and Welsh in Schedule 10 and shall be signed, in the case of a constable, by an officer of a police force of or above the rank of inspector⁽⁷⁹⁾.

Notification by registration officer

17. Where a registration officer is required by this Schedule to notify any person, such notification shall be in writing and may be sent by post—

- (a) in the case of a person other than a service voter, to the address provided by that person for the purpose of such notification or of any record or, if there is no such address, to the last known place of abode of that person;
- (b) in the case of a service voter, to any address provided by him for the purpose of such notification or of any record or to the address provided for the purpose by the appropriate government department (as defined by section 59(3B) of the 1983 Act⁽⁸⁰⁾) or, as the case may be, the British Council.

⁽⁷⁸⁾ 1998 c. 29.

⁽⁷⁹⁾ See rule 41(5) of Schedule 5.

⁽⁸⁰⁾ As amended by section 13 of the Electoral Administration Act 2006 (c. 22).

SCHEDULE 2

Article 15(3)

Absent voting (transitional provisions)

CONTENTS

1. Requiring personal identifiers from existing absent voters
 2. Required information to be provided to existing absent voters
 3. Additional steps and determination by registration officer
 4. Removal from absent voting records
 5. Pending applications
- Signature
Explanatory Note

Requiring personal identifiers from existing absent voters

1.—(1) A registration officer must, by 7th February 2007, send a notice in writing to every person who has on 1st February 2007 an entry as an absent elector or postal proxy in his absent voting records kept in accordance with the National Assembly for Wales (Representation of the People) Order 2003.

(2) The notice must require the absent elector or postal proxy (as the case may be) to provide the registration officer within 42 days with a specimen of his signature and his date of birth (“the required personal identifiers”) in accordance with this Schedule.

(3) The notice must be sent by the registration officer to the current or last known address of the absent elector or postal proxy (as the case may be).

(4) Where a notice is sent by post, the registration officer may use—

- (a) a universal service provider; or
- (b) a commercial delivery firm,

and postage shall be prepaid on any such notice sent by post.

(5) Any notice must be accompanied by a reply envelope addressed to the registration officer and, in the case of any notice sent to an address within the United Kingdom, return postage shall be prepaid.

(6) Where a registration officer has been provided with the required personal identifiers by an applicant for an absent vote under the Representation of the People (England and Wales) (Amendment)(No. 2) Regulations 2006⁽⁸¹⁾ or the Absent Voting (Transitional Provisions)(England and Wales) Regulations 2006⁽⁸²⁾ before the date specified in the notice in accordance with paragraph 2(2)(d), he may use them for the purposes of Assembly elections and enter them in his records kept in accordance with article 12(13)⁽⁸³⁾.

⁽⁸¹⁾ S.I. 2006/2910.

⁽⁸²⁾ S.I. 2006/2973

⁽⁸³⁾ The Representation of the People (England and Wales)(Amendment)(No. 2) Regulations 2006 apply to new applicants for absent votes, and the Absent Voting (Transitional Provisions)(England and Wales) Regulations 2006 to existing absent voters for parliamentary and local government elections after 1st January 2007.

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Required information to be provided to existing absent voters

2.—(1) Where a registration officer sends a notice pursuant to paragraph 1, he must also provide information—

- (a) explaining how the required personal identifiers will be used and how the personal identifiers will assist in deterring misuse of the entitlement to vote;
 - (b) explaining that, in the event of a failure or refusal to provide the required personal identifiers, the absent elector will lose his entitlement to vote by post or by proxy, and a postal proxy will cease to be entitled to vote by post as proxy;
 - (c) explaining the circumstances in which a registration officer may dispense with the requirement to provide a signature; and
 - (d) explaining that loss of the entitlement to vote by post or by proxy or as a postal proxy under this Order does not prevent him from making a fresh application under articles 8, 9 or 12 to be entitled to vote by post or by proxy or to act as a postal proxy.
- (2) The notice must specify the following matters—
- (a) that the absent elector or postal proxy would cease to be entitled to vote by post or by proxy, or to act as a postal proxy in Assembly elections if he does not provide the required personal identifiers;
 - (b) whether the person has an entry in the absent voting records as voting by post, by proxy or as a postal proxy or in more than one capacity;
 - (c) as regards a postal proxy, the names and addresses of each absent elector for whom he is entitled to vote;
 - (d) in the case of an absent elector, the date (not less than 49 days from the sending of the initial notice) from which he will cease to be entitled to vote by post or by proxy in the event of his failure or refusal to provide the required personal identifiers; and
 - (e) in the case of a postal proxy, the date (not less than 49 days from the sending of the initial notice) from which he will cease to be entitled to act as a postal proxy in the event of his failure or refusal to provide the required personal identifiers.

Additional steps and determination by registration officer

3.—(1) The registration officer must, if the absent elector or postal proxy has not responded to the notice within 21 days from the date on which the notice was sent, send a second copy of the notice.

(2) The registration officer must, no later than the date specified in the notice sent to the absent elector or postal proxy in accordance with paragraph 2(2)(d) or (e), determine whether the absent elector or postal proxy has refused or failed to provide the required personal identifiers.

Removal from absent voting records

4.—(1) Where the registration officer determines that there has been a refusal or failure to provide the required personal identifiers, he shall forthwith remove the entry relating to the absent voter or the postal proxy (as the case may be) from his records and special lists kept under articles 10(2), (3) and 12(8).

(2) Paragraph 8(4), (6) and (7) of Schedule 1 shall apply upon the removal of an absent elector from the absent voting records as if the registration officer had refused an application by an elector to vote by post.

(3) The registration officer shall include in the written notice to be sent to the elector, to any person appointed as his proxy and to any postal proxy regarding his removal from the absent voting records, information—

- (a) explaining the effect of removal from the absent voting records;
- (b) reminding the elector that he may make a fresh application under article 8, 9 or 11 to vote by post or proxy;
- (c) reminding a person who was a postal proxy that he may make a fresh application under article 12 to act as postal proxy; and
- (d) informing the elector or the proxy, where appropriate, of the location of the polling station allotted or likely to be allotted to him under rule 34 of Schedule 5.

Pending applications

5. Where a person has made an application under article 8(1), 9(1), or 12(4) of the National Assembly for Wales (Representation of the People) Order 2003 prior to 31st January 2007 that has not been determined on or before 31st January 2007, the registration officer must not grant the application unless the applicant has provided to the registration officer a specimen of their signature and their date of birth.

SCHEDULE 3

Article 15(4)

Issue and receipt of postal ballot papers

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Explanatory Note

Interpretation

1. For the purposes of this Schedule, unless the context requires otherwise—
 - “agent” includes an election agent and a person appointed to attend in the election agent’s place;
 - “ballot paper envelope” and “covering envelope” mean the envelopes referred to in paragraph 11;
 - “issue” includes the original and any subsequent issue;
 - “postal ballot box” means the ballot box referred to in paragraph 17(1)(b);
 - “postal voters' ballot box” means the ballot box referred to in paragraph 17(1)(a);
 - “receptacle for ballot paper envelopes”, and other references to specified receptacles, means the receptacles referred to in paragraph 17(5); and
 - “spoilt postal ballot paper” means a ballot paper referred to in paragraph 14(1);

Issue of postal ballot papers

Combination of polls

2. Where the polls at elections are taken together under article 16(1) or (2) the proceedings on the issue and receipt of postal ballot papers in respect of each election may, if the returning officers agree, be taken together.

Form of postal voting statement

3. The form of the postal voting statement sent with the postal ballot paper (prescribed in Rule 33 of Schedule 5) to a postal voter shall be—
 - (a) in form CC1 set out in English and Welsh in Schedule 10 at an Assembly election the poll at which is not taken together with another election under article 16(1) or (2);
 - (b) in form CC2 set out in English and Welsh in Schedule 10 at an Assembly election where the proceedings on the issue and receipt of postal ballot papers are taken together under paragraph 2 with those proceedings at another election;

- (c) in form CC3 set out in English and Welsh in Schedule 10 at an Assembly election, the polls at which are taken together with the poll at another election under article 16(1) or (2) in any part of an Assembly constituency, but where the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2, for use in that part of the constituency in which polls at more than one election are taken together under article 16(1) or (2).

Regional elections

4. At a regional election the functions connected with the issue and receipt of postal ballot papers are to be exercised in relation to each Assembly constituency in an Assembly electoral region by the returning officer for such a constituency.

Persons entitled to be present at proceedings on issue of postal ballot papers.

5. Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the 2000 Political Parties Act, no person may be present at the proceedings on the issue of postal ballot papers other than the constituency returning officer and his clerks.

Persons entitled to be present at proceedings on receipt of postal ballot papers

6.—(1) Without prejudice to the provisions of section 6A, 6B, 6C, 6D or 6E of the 2000 Political Parties Act, no person may be present at the proceedings on the receipt of postal ballot papers other than—

- (a) the constituency returning officer and his clerks;
- (b) the regional returning officer in the case of a regional election;
- (c) a candidate;
- (d) an election agent or any person appointed by—
 - (i) a candidate to attend in his election agent's place in the case of a constituency election;
 - (ii) an individual candidate to attend in his election agent's place in the case of a regional election; or
 - (iii) the election agent of a registered political party standing nominated or by the registered nominating officer of that party to attend in the place of that party's election agent in the case of a regional election; or
- (e) any agents appointed under sub-paragraph (2).

(2) Each—

- (a) candidate in the case of a constituency election; and
- (b) individual candidate and election agent for a registered political party standing nominated, in the case of a regional election,

may appoint one or more agents up to the number as may be authorised by the constituency returning officer to appoint; provided, however, that the number authorised shall be the same in the case of each candidate or, as the case may be, election agent for a registered political party standing nominated.

(3) Notice in writing of the appointment stating the names and addresses of the persons appointed shall be given by the candidate or election agent to the constituency returning officer before the time fixed for the opening of the postal voters' ballot boxes.

(4) Where the postal ballot papers for more than one election are issued together under paragraph 2, the constituency returning officer to whom notice shall be given under sub-paragraphs (3), (5) and (6) is the returning officer who issues the postal ballot papers.

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(5) If an agent dies or becomes incapable of acting, the candidate or election agent for a registered political party, as the case may be, may appoint another agent in his place and shall forthwith give to the constituency returning officer notice in writing of the name and address of the agent appointed.

(6) Agents may be appointed and notice of appointment given to the constituency returning officer by the election agent for a candidate who is otherwise authorised to make an appointment under sub-paragraph (2).

(7) In this Schedule references to agents shall be taken as references to agents whose appointments have been duly made and notified and, in the case of agents appointed under sub-paragraph (2), who are within the number authorised by the constituency returning officer.

(8) Any of the following persons, namely—

- (a) a candidate in a constituency election;
- (b) an individual candidate in a regional election; or
- (c) the election agent of a registered political party standing nominated,

may himself do any act or thing which any agent of his or of the registered political party on whose list he is a candidate, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.

(9) Where in this Schedule any act or thing is required or authorised to be done in the presence of the candidates or their agents, the non-attendance of any such person at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

7. The constituency returning officer shall make such arrangements as he thinks fit to ensure that every person attending the proceedings in connection with the issue or receipt of postal ballot papers has been given a copy in writing of the provisions of article 35(4) and (6).

Time when postal ballot papers are to be issued

8.—(1) In the case of a person shown in the record kept under—

- (a) article 8(3); or
- (b) article 12(6),

no postal ballot paper and postal voting statement shall be issued until after 5 pm on the eleventh day before the date of the poll (computed in accordance with paragraph 7(6) of Schedule 1).

(2) In the case of any other person, the postal ballot paper and postal voting statement shall be issued by the constituency returning officer as soon as practicable after the registration officer has granted the application to vote by post.

Procedure on issue of postal ballot paper

9.—(1) The number of the elector as stated in the register shall be marked on the corresponding number list, next to the number and unique identifying mark of the ballot paper issued to that elector.

(2) Where an elector is entitled to give two votes, the constituency ballot paper and the regional ballot paper shall have the same number.

(3) A mark shall be placed in the postal voters list or the proxy postal voters list against the number of the elector to denote that a ballot paper has been issued to the elector or his proxy but without showing the particular ballot paper issued.

(4) The number of a postal ballot paper shall be marked on the postal voting statement sent with that paper.

- (5) Where postal ballot papers for more than one election are issued together—
- (a) one mark shall be placed in the postal voters list or the proxy postal voters list under sub-paragraph (3) to denote that ballot papers have been issued in respect of all of those elections; except that, where ballot papers are not so issued a different mark shall be placed in the postal voters list or proxy postal voters list to identify the election in respect of which the ballot paper was issued; and
 - (b) the number of each ballot paper shall be marked on the postal voting statement under sub-paragraph (4).
- (6) Where the poll at an Assembly election is taken with the poll at another election under article 16(1) or (2) but the proceedings on the issue and receipt of postal ballot papers are not taken together under paragraph 2, the colour of the postal ballot paper (or colours of the postal ballot papers) shall also be marked on the postal voting statement sent with that paper.
- (7) Subject to sub-paragraph (8), the address to which the postal ballot paper, postal voting statement and the envelopes referred to in paragraph 11 are to be sent is—
- (a) in the case of an elector, the address shown in the postal voters list;
 - (b) in the case of a proxy, the address shown in the proxy postal voters list.
- (8) Where a person has an anonymous entry in the register, the items specified in sub-paragraph (7) must be sent (as the case may be) to the address to which postal ballot papers should be sent—
- (a) as shown in the record kept under article 8(3) or 12(6); or
 - (b) as given in pursuance of an application made under article 9(1) or 12(4)(b).

Refusal to issue postal ballot papers

10. Where a constituency returning officer is satisfied that two or more entries in either the postal voters list, or the proxy postal voters list or in each of those lists relate to the same elector he shall not issue more than one ballot paper in respect of the same elector for the same Assembly election.

Envelopes

11.—(1) The envelope which the constituency returning officer is required by rule 33 of Schedule 5 to send to a postal voter for the return of the postal ballot paper or, as the case may be, ballot papers and the postal voting statement (referred to as a “covering envelope”) shall be marked with the letter “B”.

(2) In addition to the documents referred to in sub-paragraph (1), the constituency returning officer shall send to a postal voter a smaller envelope (referred to as a “ballot paper envelope”) which shall be marked with—

- (a) the letter “A”;
- (b) the words—
 - (i) “Ballot paper envelope”;
 - (ii) “Amlen papur pleidleisio”; and
- (c) the number of the ballot paper or, as the case may be, ballot papers.

(3) Where the poll at an Assembly election is taken together with the poll at another election under article 16(1) or (2) but the proceedings on the issue and receipt of postal ballot papers are not to be taken together under paragraph 2—

- (a) the envelope referred to in sub-paragraph (1) shall also be marked—

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- (i) “Covering envelope for the [*insert colour of ballot paper(s)*] coloured ballot paper(s)”;
 - (ii) “Prif amlen ar gyfer y papur(au) pleidleisio lliw [*nodwch liw'r papur(au) pleidleisio*]”; and
- (b) on the envelope referred to in sub-paragraph (2), after the words—
- (i) “Ballot paper envelope” there shall be added the words “for the [*insert colour of ballot paper(s)*] coloured ballot paper(s)”;
 - (ii) “Amlen papur pleidleisio” there shall be added “ar gyfer y papur(au) pleidleisio lliw [*nodwch liw'r papur(au) pleidleisio*]”.

Sealing up of completed corresponding number lists and security of special lists

12.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the constituency returning officer shall make up into a packet the completed corresponding number lists⁽⁸⁴⁾ of those ballot papers which have been issued and shall seal such a packet.

(2) Until the time referred to in paragraph 20(11), the returning officer shall take all proper precautions for the security of the marked copy of the postal voters list and the proxy postal voters list.

Delivery of postal ballot papers

13.—(1) For the purposes of delivering postal ballot papers, the constituency returning officer may use—

- (a) a universal service provider;
- (b) a commercial delivery firm; or
- (c) persons appointed under rule 35(1) of Schedule 5.

(2) Where the services of a universal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the constituency returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where sub-paragraph (1)(c) applies).

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.

Spoilt postal ballot paper

14.—(1) If a postal voter has inadvertently dealt with his ballot paper or postal voting statement in such a manner that it cannot be conveniently used as a ballot paper (referred to as “a spoilt ballot paper”) or, as the case may be, a postal voting statement (referred to as “a spoilt postal voting statement”) he may return (either by hand or by post) to the constituency returning officer the spoilt ballot paper or, as the case may be, the spoilt postal voting statement.

(2) Where the postal voter exercises the entitlement conferred by sub-paragraph (1), he shall also return—

- (a) the postal ballot paper or, as the case may be, the postal voting statement, whether spoilt or not;

⁽⁸⁴⁾ “Completed corresponding number lists” is defined in rule 53(1)(g) of Schedule 5.

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(b) where postal ballot papers for more than one election have been issued together (including under paragraph 2 of this Schedule), all other ballot papers so issued, whether spoilt or not; and

(c) the envelopes supplied for the return of the documents mentioned in sub-paragraph (1) and paragraphs (a) and (b) of this sub-paragraph.

(3) Subject to sub-paragraph (4) on receipt of the documents referred to in sub-paragraphs (1) and, where applicable, (2) the constituency returning officer shall issue another postal ballot paper or, as the case may be, ballot papers except where those documents are received after 5 pm on the day of the poll.

(4) Where the constituency returning officer receives the documents referred to in sub-paragraph (1) and, where applicable sub-paragraph (2), after 5pm on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, ballot papers if the postal voter returned the documents by hand.

(5) Paragraphs 9 (except sub-paragraph(3))to 12 and, subject to sub-paragraph (8), 13 shall apply to the issue of a replacement postal ballot paper under sub-paragraph (3).

(6) Any postal ballot paper or postal voting statement, whether spoilt or not, returned in accordance with paragraph (1) or (2) shall be immediately cancelled.

(7) The constituency returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall then be again made up and sealed.

(8) Where a postal voter applies in person—

(a) by 5pm on the day before the day of the poll, the constituency returning officer may hand a replacement postal ballot paper to him; or

(b) after 5pm on the day before the day of the poll, the constituency returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with paragraph 13.

(9) The constituency returning officer shall enter in a list kept for the purpose (“the list of spoilt postal ballot papers”)—

(a) the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, his electoral number alone);

(b) the number of the postal ballot paper (or papers) issued under this paragraph; and

(c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.

Lost postal ballot papers

15.—(1) Where a postal voter claims either to have lost or not to have received

(a) his postal ballot paper; or

(b) the postal voting statement; or

(c) one or more of the envelopes supplied for their return,

by the fourth day before the day of the poll, he may apply (whether or not in person) to the constituency returning officer for a replacement ballot paper.

(2) Such an application shall include evidence of the voter’s identity.

(3) Where a postal voter exercises the entitlement conferred by sub-paragraph (1), he shall return—

(a) the documents referred to in sub-paragraph (1)(a), (b) and (c); and

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(b) where postal ballot papers for more than one election have been issued together (including under paragraph 2 of this Schedule), all other ballot papers so issued, which he has received and which have not been lost.

(4) Any postal ballot paper or postal voting statement returned in accordance with sub-paragraph (3) shall be immediately cancelled.

(5) The constituency returning officer, as soon as practicable after cancelling those documents, shall make up those documents in a separate packet and shall seal the packet; and if on any subsequent occasion documents are cancelled as mentioned above, the sealed packet shall be opened and the additional cancelled documents included in it and the packet shall be again made up and sealed.

(6) Subject to sub-paragraph (7) where the application is received by the constituency returning officer before 5 pm on the day of the poll and the constituency returning officer—

- (a) is satisfied as to the voter's identity; and
- (b) has no reason to doubt that the postal voter has lost or did not receive the original postal ballot paper or the postal voting statement or one or more of the envelopes provided for their return,

he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

(7) Where the application is received by the constituency returning officer after 5pm on the day before the day of the poll, he shall only issue another postal ballot paper or, as the case may be, other ballot papers if the postal voter applied in person.

(8) The constituency returning officer shall enter in a list kept for the purpose ("the list of lost postal ballot papers")—

- (a) the name and number of the elector as stated in the register (or, in the case of an elector who has an anonymous entry, his electoral number alone);
- (b) the number of the postal ballot paper which has been lost or not received and of its replacement issued under this paragraph; and
- (c) where the postal voter is a proxy, his name and address.

(9) Paragraphs 9 (except sub-paragraph (3)) to 12, and subject to sub-paragraph (10), 13 of this Schedule shall apply to the issue of a replacement postal ballot papers under sub-paragraph (6).

(10) Where the postal voter applies in person—

- (a) by 5pm on the day before the day of the poll, the constituency returning officer may hand a replacement paper to him; or
- (b) after 5pm on the day before the day of the poll, the constituency returning officer may only hand a replacement postal ballot paper to him,

instead of delivering it in accordance with paragraph 13 of this Schedule.

(11) Where the constituency returning officer issues another postal ballot paper, or as the case may be, postal ballot papers under sub-paragraph (6), the ballot paper which has been lost or not received shall be cancelled and of no effect.

Receipt of postal ballot papers

Notice of opening of postal ballot paper envelopes

16.—(1) The constituency returning officer shall give not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it are to be opened to—

- (a) each candidate in a constituency election; and

- (b) in the case of an election for an Assembly electoral region, each individual candidate and the election agent for each registered party standing nominated.
- (2) Such a notice shall specify—
 - (a) the time and place at which such an opening is to take place; and
 - (b) the number of agents a candidate or registered political party may appoint under paragraph 6(2) to attend each opening.

Postal ballot boxes and receptacles

17.—(1) The constituency returning officer shall provide a separate ballot box for the reception of—

- (a) the covering envelopes when returned by the postal voters (“postal voters' ballot box”); and
- (b) postal ballot papers (“postal ballot box”).

(2) Each such ballot box shall be marked “postal voters' ballot box” or “postal ballot box”, as the case may be, and with the name of the constituency or electoral region for which the election is, or elections are, held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The constituency returning officer shall then apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The constituency returning officer shall provide the following receptacles—

- (a) the receptacle for rejected votes;
- (b) the receptacle for postal voting statements;
- (c) the receptacle for ballot paper envelopes;
- (d) the receptacle for rejected ballot paper envelopes;
- (e) the receptacle for rejected votes (verification procedure); and
- (f) the receptacle for postal voting statements (verification procedure).

(6) The constituency returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

Receipt of covering envelope

18.—(1) The constituency returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the constituency returning officer—

- (a) has been opened; and
- (b) contains a ballot paper envelope, postal voting statement or ballot paper,

the first-mentioned envelope together with its contents, shall be placed in a postal voters' ballot box.

Opening of postal voters' ballot box

19.—(1) Each postal voters' ballot box shall be opened by the constituency returning officer in the presence of any agents, if in attendance.

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(2) So long as the constituency returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close of the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under rule 55 of Schedule 5.

Opening of covering envelopes

20.—(1) When a postal voters' ballot box is opened, the constituency returning officer shall count and record the number of covering envelopes (including any envelope which is stated to include a postal vote and any envelope described in paragraph 18).

(2) He shall set aside for personal identifier verification a percentage, not less than 20%, of the envelopes recorded on that occasion.

(3) He shall open separately each covering envelope (including an envelope described in paragraph 18(2)).

(4) The procedure in paragraph 22 or 23 applies where a covering envelope (including an envelope to which paragraph 18 applies) contains both—

- (a) a postal voting statement; and
- (b) a ballot paper envelope, or if there is no ballot paper envelope, a ballot paper (or ballot papers).

(5) Where the covering envelope does not contain the postal voting statement separately, the constituency returning officer shall open the ballot paper envelope to ascertain whether the postal voting statement is inside.

(6) Where a covering envelope does not contain both—

- (a) a postal voting statement (whether separately or not); and
- (b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper, (or ballot papers),

the constituency returning officer shall mark the covering envelope “provisionally rejected”, attach its contents (if any) and place it in the receptacle for rejected votes.

(7) Where—

- (a) an envelope contains the postal voting statement of an elector with an anonymous entry; and
- (b) sub-paragraph (6) does not apply,

the constituency returning officer shall set aside that envelope and its contents for personal identifier verification in accordance with paragraph 23.

(8) In carrying out the procedures in this paragraph and paragraphs 22 to 28 the returning officer—

- (a) shall keep the ballot papers face downwards and shall take all proper precautions for preventing any person from seeing the votes made on the ballot papers; and
- (b) shall not be permitted to view the corresponding number list used at the issue of postal ballot papers.

(9) Where an envelope opened in accordance with sub-paragraph (3) contains a postal voting statement, the constituency returning officer shall place a mark in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned.

(10) A mark made under sub-paragraph (9) shall be distinguishable from and shall not obscure the mark made under paragraph 9 of this schedule.

(11) As soon as practicable after the last covering envelope has been opened, the constituency returning officer shall make up into a packet the copies of the marked postal voters list and proxy postal voters list that have been marked in accordance with sub-paragraph (9) and shall seal such a packet.

Confirming receipt of postal voting statements

21.—(1) An elector or a proxy voter who is shown in the postal voters list or proxy postal voters list may make a request, at any time between the first issue of postal ballots under paragraph 9 of this Schedule and the close of poll, that the constituency returning officer confirm—

- (a) whether a mark is shown in the marked copy of the postal voters list or proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned; and
- (b) whether the number of the ballot paper issued to the elector or his proxy has been recorded on either of the lists of provisionally rejected votes kept by the constituency returning officer under paragraph 27.

(2) A request under sub-paragraph (1) shall—

- (a) be made by any method specified by the returning officer; and
- (b) include any evidence of the voter's identity requested by the constituency returning officer.

(3) Where a request is received in accordance with sub-paragraph (2) the constituency returning officer shall satisfy himself that the request has been made by the elector or his proxy and where he is so satisfied provide confirmation of the matters under sub-paragraph (1).

Procedure in relation to postal voting statements

22.—(1) This paragraph applies to any postal voting statement contained in an envelope that has not been set aside for personal identifier verification in accordance with paragraph 20(2) or (7).

(2) The constituency returning officer must satisfy himself that the postal voting statement is duly completed.

(3) Where the constituency returning officer is not so satisfied, he shall mark the statement "rejected", attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper (or ballot papers), and, subject to sub-paragraph (4), place it in the receptacle for rejected votes.

(4) The constituency returning officer shall then examine the number (or numbers) on the postal voting statement against the number (or numbers) on the ballot paper envelope and, where they are the same, he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements and the receptacle for ballot paper envelopes.

(5) Where—

- (a) the number (or numbers) on a valid postal voting statement is not the same as the number (or numbers) on the ballot paper envelope; or
- (b) the envelope has no number on it (or only one number when the postal voting statement has more than one),

the constituency returning officer shall open the envelope.

(6) Sub-paragraph (7) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 20(4) or sub-paragraph (7).

(7) In the circumstances described in sub-paragraph (6), the constituency returning officer shall place—

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- (a) in the postal ballot box any ballot paper the number on which is the same as the number (or one of the numbers) on the valid postal voting statement;
- (b) in the receptacle for rejected votes any other ballot paper, with the postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes any valid postal voting statement marked “provisionally rejected” where—
 - (i) there is no ballot paper; or
 - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing;
- (d) in the receptacle for postal voting statements, any valid statement not disposed of under sub-paragraph (b) or (c).

Procedure in relation to postal voting statements: personal identifier verification

23.—(1) This paragraph applies to any postal voting statement contained in an envelope that is set aside for personal identifier verification in accordance with paragraph 20(2) or (7).

(2) The constituency returning officer must satisfy himself that the postal voting statement is duly completed and as part of that process must compare the date of birth and the signature on the postal voting statement against the date of birth and signature contained in the personal identifier record relating to the person to whom the postal ballot paper was addressed.

(3) Where the constituency returning officer is not so satisfied, he shall mark the statement “rejected”, attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper, and subject to sub-paragraph (4), place it in the receptacle for rejected votes (verification procedure).

(4) Before placing any postal voting statement in the receptacle for rejected votes (verification procedure), the constituency returning officer must show it to the agents and, must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal voting statement was addressed, and if any of them object to his decision, he shall add the words “rejection objected to”.

(5) The constituency returning officer shall then examine the number (or numbers) on the postal voting statement against the number (or numbers) on the ballot paper envelope and, where they are the same, he shall place the statement and the ballot paper envelope respectively in the receptacle for postal voting statements (verification procedure) and the receptacle for ballot paper envelopes.

(6) Where—

- (a) the number on a valid postal voting statement is not the same as the number on the ballot paper envelope; or
- (b) the envelope has no number on it (or only one number when the postal voting statement has more than one),

the constituency returning officer shall open the envelope.

(7) Sub-paragraph (8) applies where—

- (a) there is a valid postal voting statement but no ballot paper envelope; or
- (b) the ballot paper envelope has been opened under paragraph 20(5) or sub-paragraph (6).

(8) In the circumstances described in sub-paragraph (7), the constituency returning officer shall place—

- (a) in the postal ballot box any ballot paper the number on which is the same as the number on the valid postal voting statement;

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- (b) in the receptacle for rejected votes (verification procedure), any other ballot paper, with the postal voting statement attached and marked “provisionally rejected”;
- (c) in the receptacle for rejected votes (verification procedure) any valid postal voting statement marked “provisionally rejected” where—
 - (i) there is no ballot paper; or
 - (ii) in the case of a statement on which the number of more than one ballot paper appears, there is not a sufficient number of ballot papers and, in such a case, shall mark the statement to indicate which ballot paper is missing; and
- (d) in the receptacle for postal voting statements (verification procedure), any valid statement not disposed of under sub-paragraph (b) or (c).

Postal voting statements: additional personal identifier verification

24.—(1) The constituency returning officer may on any occasion at which a postal voters' ballot box is opened in accordance with paragraph 19 undertake verification of the personal identifiers on any postal voting statement that has on a prior occasion been placed in the receptacle for postal voting statements.

(2) Where the returning officer undertakes additional verification of personal identifiers, he must—

- (a) remove as many postal voting statements from the receptacle for postal voting statements as he wishes to subject to additional verification; and
- (b) compare the date of birth and the signature on each such postal voting statement against the date of birth and signature contained in the personal identifiers record relating to the person to whom the postal ballot paper was addressed.

(3) Where the constituency returning officer is no longer satisfied that the postal voting statement has been duly completed he must mark the statement “rejected”, and before placing the postal voting statement in the receptacle for rejected votes (verification procedure) he must—

- (a) show it to the agents and must permit them to view the entries in the personal identifiers record which relate to the person to whom the postal ballot paper was addressed, and if any of them object to his decision, he must add the words “rejection objected to”;
- (b) open any postal ballot box and retrieve the ballot paper corresponding to the ballot paper on the postal voting statement;
- (c) show the ballot paper number on the retrieved ballot paper to the agents; and
- (d) attach the ballot paper to the postal voting statement.

(4) Following the removal of a postal ballot paper from a postal ballot box the constituency returning officer must reseal the postal ballot box in the presence of the agents.

Opening of ballot paper envelopes

25.—(1) The constituency returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

- (a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope;
- (b) in the receptacle for rejected votes, any other ballot paper which shall be marked “provisionally rejected” and to which shall be attached the ballot paper envelope; and

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- (c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked “provisionally rejected” because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

Retrieval of cancelled postal ballot papers

26.—(1) Where it appears to the constituency returning officer that a cancelled postal ballot paper has been placed—

- (a) in a postal voters' ballot box; or
- (b) in the receptacle for ballot paper envelopes; or
- (c) a postal ballot box,

he shall proceed as follows.

(2) He shall, on at least one occasion on which a postal voters ballot box is opened in accordance with paragraph 19 of this Schedule, also open any postal ballot box and the receptacle for ballot paper envelopes and—

- (a) retrieve the cancelled ballot paper;
- (b) show the ballot paper number on the cancelled ballot paper to the agents;
- (c) retrieve the postal voting statement that relates to a cancelled ballot paper from the receptacle for postal voting statements;
- (d) attach any cancelled postal ballot paper to the postal voting statement to which it relates;
- (e) place the cancelled documents in a separate packet and deal with that packet in the manner provided for by paragraph 14(7) of this Schedule; and
- (f) unless the postal ballot box has been opened for the purposes of counting the votes under rule 55 of Schedule 5 reseal the postal ballot box in the presence of the agents.

Lists of rejected postal ballot papers

27.—(1) In respect of any Assembly election, the constituency returning officer shall keep two separate lists of rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper for which no valid postal voting statement was received with it.

(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid postal voting statement where that ballot paper is not received with the postal voting statement.

Checking of lists kept under paragraph 27

28.—(1) Where the constituency returning officer receives a valid postal voting statement without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list referred to in paragraph 27(2) to see whether the number (or numbers) of a postal ballot paper to which the statement relates is entered in that list.

(2) Where the constituency returning officer receives a postal ballot paper without the postal voting statement to which it relates, he may, at any time prior to the close of the poll, check the list referred to in paragraph 27(3) to see whether the number of that ballot paper is entered in that list.

(3) The constituency returning officer shall conduct the checks required by sub-paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station in the constituency or, as the case may be, electoral area under rule 53 of Schedule 5.

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(4) Where the ballot paper number in the list matches that number on a valid postal voting statement or, as the case may be, the postal ballot paper, the constituency returning officer shall retrieve that statement or paper.

(5) The constituency returning officer shall then take the appropriate steps under this Schedule as though any document earlier marked “provisionally rejected” had not been so marked and shall amend the document accordingly.

Sealing of receptacles

29.—(1) As soon as practicable after the completion of the procedure under paragraph 28(3) and (4), the constituency returning officer shall make up into separate packets the contents of—

- (a) the receptacle of rejected votes;
- (b) the receptacle of postal voting statements;
- (c) the receptacle of rejected ballot paper envelopes;
- (d) the lists of spoilt and lost postal ballot papers; and
- (e) the receptacle of rejected votes (verification procedure); and
- (f) the receptacle of postal voting statements (verification procedure),

and shall seal up such packets.

(2) Any document in those packets marked “provisionally rejected” shall be deemed to be marked “rejected”.

Abandoned poll

30.—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the constituency returning officer—

- (a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Schedule; and
- (b) shall, notwithstanding paragraphs 20 to 26, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

(2) Sub-paragraph (1) shall not apply where postal ballot papers for more than one election have been issued together under paragraph 2.

Forwarding of documents

31.—(1) The constituency returning officer shall forward to the relevant registration officer at the same time as he forwards the documents mentioned in rule 67 of Schedule 5—

- (a) any packets referred to in paragraphs 12, 14(7), 15(5), 20(11) and 29, subject to paragraph 30, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency or electoral area for which the election (or elections) was (or were) held; and
- (b) a completed statement in the form CD “Statement as to postal ballot papers” set out in English and Welsh in Schedule 10, of the number of postal ballot papers issued.

(2) Where—

- (a) any covering envelopes are received by the constituency returning officer after the close of the poll (apart from those delivered in accordance with rule 55(7) of Schedule 5);
- (b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed; or

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(c) any spoiled postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the constituency returning officer shall put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in sub-paragraph (1).

(3) Rules 68 and 69 of Schedule 5 shall apply to any packet or document forwarded under this paragraph.

(4) A copy of the statement referred to in sub-paragraph (1)(b) shall be provided by the constituency returning officer to the Commission in the period which starts 10 days after the day of the poll and ends 15 days after that day.

SCHEDULE 4

Article 16(7)

Combination of polls

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Explanatory Note

PART 1

General

Returning officers and polling stations

1.—(1) Where the polls at an Assembly general election and an ordinary local government election are taken together under article 16(1)—

- (a) those functions of the returning officer at the local government election which are specified in paragraph 2 shall be discharged by the constituency returning officer for an Assembly constituency for such part of the local government area as is situated in the constituency; and
- (b) only polling stations used for the Assembly general election shall be used for the local government election.

(2) Subject to sub-paragraph (4) where the polls at an Assembly and a local government election for related areas (within the meaning of article 16(3)) are taken together under article 16(2)—

- (a) the returning officers for those elections shall decide which returning officer shall discharge in the area in which the polls are combined (“the combined area”) those functions of the other which are specified in paragraph 2; and
- (b) the only polling stations which shall be used in the combined area at such elections are the polling stations used at the election for which the returning officer who discharges the functions referred to in paragraph (a) acts as returning officer.

(3) Where by virtue of sub-paragraph (2)(a) functions in respect of another election fall to be discharged by a regional returning officer, he in turn shall delegate the discharge of those functions to the constituency returning officer for an Assembly constituency that is wholly or partly situated in the combined area in relation to such part of the combined area as is situated in the Assembly constituency; and where functions are so delegated subsequent references in this Part to the returning officer who discharges the functions specified in paragraph 2 are to be treated as references to such a constituency returning officer.

(4) Where the polls at an Assembly general election and a local government election for related areas are taken together under article 16(2), sub-paragraphs (1)(a) and (b) shall apply.

Functions at combined polls

2.—(1) The functions referred to in paragraph 1 are the functions conferred—

- (a) in the case of an Assembly election, by Schedule 5 and which are specified in sub-paragraph (2);
- (b) in the case of a local government election which is not a mayoral election, by those of the rules made under section 36 of the 1983 Act which correspond to the provisions specified in sub-paragraph (2); and
- (c) in the case of a local government election which is a mayoral election, by those rules made under section 44 of the Local Government Act 2000⁽⁸⁵⁾ which correspond to the provisions specified in sub-paragraph (2),

and where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3, the functions conferred by that Schedule and by Part 5 of the 2001 Regulations⁽⁸⁶⁾.

(2) The functions referred to in sub-paragraph (1) are those functions in Schedule 5 conferred or by—

- (a) rule 27 (corresponding number list);
- (b) rule 32(2) and (3) (notice of situation of polling stations etc);
- (c) rule 33 (postal ballot papers) where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3 and rule 55 (the count) of Schedule 5;
- (d) rule 34 (provision of polling stations);
- (e) rule 35(1) and (3) (appointment of presiding officers and clerks) to the extent that the paragraph concerns the appointment of presiding officers and clerks to assist them;
- (f) rule 37 (equipment of polling stations);
- (g) rule 39(a) (notification of requirement of secrecy at polling station);
- (h) rule 40 (return of postal ballot papers) where the proceedings on the issue and receipt of postal ballot papers at two or more elections are taken together under paragraph 2 of Schedule 3;
- (i) rule 41(5) (signature of certificate as to employment);
- (j) rule 42(2)(b) (authorisation to order removal from polling station); and
- (k) paragraphs (1)(as substituted by paragraph 20 of this Schedule) and paragraph (8) of rule 55 (the count).

Modification of provisions about expenses in this Order and the 1983 Act

3.—(1) Where those functions of a returning officer at an election which are specified in paragraph 2 are discharged by the returning officer at another election under paragraph 1, references to the returning officer or his charges or expenditure—

- (a) in article 23(1) to (4), (7), (9) and (10) (payments by and to returning officer);
- (b) in article 24 (detailed assessment of returning officer's account); and
- (c) in section 36(4) and (5A) of the 1983 Act⁽⁸⁷⁾ (expenses at local elections),

shall, to the extent that such functions are so discharged, be construed as references to the returning officer who discharges those functions and his charges or expenditure in respect of those functions.

⁽⁸⁵⁾ 2000 c. 22.

⁽⁸⁶⁾ In part 5 Regulation 72 was amended by Regulation 12 of S.I. 2002/1871, Regulation 77 was amended by Regulation 13(1), (2) and (3) of S.I. 2002/1871 and Regulation 85 by Regulation 2(1) of S.I. 2002/1871. Regulation 64 was amended by regulation 48, regulations 72 and 73 by regulation 49, regulation 75 by regulation 50, regulation 84 by regulations 51 and 52 and regulation 91 by regulation 53 all of S.I. 2006/2910.

⁽⁸⁷⁾ Sub-section (5A) was added by Schedule 16 to the Local Government (Wales) Act 1994 c. 19.

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(2) The reference in section 36(6) of the 1983 Act to the returning officer or person acting as returning officer requesting an advance in respect of his expenses shall, to the extent that those expenses relate to the functions specified in paragraph 2, include a reference to the returning officer who under paragraph 1 discharges those functions at the local government election.

(3) In relation to elections the polls at which are taken together under article 16(1) or (2), the Assembly may under article 23(1) include special provision for services properly rendered, or expenses properly incurred, in respect of the discharge of functions specified in paragraph 2, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1.

(4) In relation to elections the polls at which are taken together under article 16(1) or (2), a county or county borough council may, in fixing a scale under—

- (a) section 36(4) of the 1983 Act (fixing a scale at an election to the council etc); or
- (b) section 36(5A) of that Act (fixing a scale at an election for a community within the area of the council etc),

include special provision for expenses incurred in respect of the discharge of functions specified in paragraph 2, and in respect of the remuneration of presiding officers and clerks, by the returning officer who discharges those functions by virtue of paragraph 1.

PART 2

Modifications to Schedule 5 to apply where the poll at an Assembly election is taken together with a poll at a local government election under Article 16 (1) or (2)

Modifications to Schedule 5: general provision

4. Where the poll at an Assembly election is taken with the poll at a local government election under article 16(1) or (2), Schedule 5 shall have effect subject to the modifications set out in the remaining paragraphs of this Part.

Rule 28 of Schedule 5 (colour of ballot papers)

5. At the end of rule 28 of Schedule 5 add—

“And the ballot paper to be used at an Assembly election shall be of a different colour from that of any ballot paper to be used at a local government election the poll for which is taken together with the poll for the Assembly election.”.

Rule 32 of Schedule 5 (notice of poll)

6. At the end of rule 32 of Schedule 5 add—

“(5) Where the poll at an Assembly election is taken together with a poll at a local government election the notice published under paragraph (2) or (3) shall—

- (a) state that the poll at the Assembly election is to be taken together with the poll at a local government election;
- (b) specify the relevant local authority and, in the case of a local government election to fill a casual vacancy, the electoral area for which the election is held; and
- (c) where the polls are to be taken together in part of an Assembly constituency only, specify that part.”.

Rule 36 of Schedule 5 (issue of official poll cards)

7. At the end of rule 36 of Schedule 5 add—

“(10) Where a poll at an Assembly election is taken together with a poll at a local government election an official poll card issued under this paragraph may be combined with an official poll card issued at the local government election.”.

Rule 37 of Schedule 5 (equipment of polling stations)

8.—(1) After rule 37(4) of Schedule 5 insert—

“(4A) The same ballot box may be used for the poll at the Assembly election and for the poll at the local government election.

(4B) Where the same ballot box is not used under paragraph (4A) each ballot box shall be clearly marked with—

- (a) the election to which it relates, as shown on the ballot papers for that election; and
- (b) the words “Place the [*specify the colour of the ballot papers in question*] ballot paper here, Rhowch y papur pleidleisio [*nodwch liw'r papurau pleidleisio dan sylw*] yma.”.

(2) For rules 37(14) to (15) of Schedule 5 substitute—

“(14) Where a poll at an Assembly election is taken together with a poll at a local government election, the notice in form CP set out in English and Welsh in Schedule 10, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(15) Where the poll at an Assembly election is taken together with a poll at a local government election in every compartment of every polling station there shall be exhibited the notice—

(a) in respect of a constituency election—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”;

(b) in respect of a regional election—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”;

(c) in respect of a local government election—

(i) where there is more than one candidate to be returned for an electoral area—

“Vote for no more than . . . candidates on the local government ballot paper coloured [*colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.

Peidiwch â phleidleisio dros fwy na(g) . . . o ymgeiswyr ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi

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unrhyw farciau eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidleisiau eu cyfrif.”; or

(ii) where there is one candidate to be returned for an electoral area—

“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol lliw [*Iliw' papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; and

(d) in respect of a local government election which is a mayoral election —

“[*Vote for one candidate only*] [*Vote once for your first choice and once for your second choice*] on the mayoral ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.”

“[Pleidleisiwch dros un ymgeisydd yn unig] [Pleidleisiwch unwaith dros eich dewisiad cyntaf ac unwaith dros eich ail ddewisiad] ar y papur pleidleisio maerol lliw [*Iliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”,

and paragraph (16) does not apply.”.

Rule 38 of Schedule 5 (appointment of polling and counting agents)

9. After rule 38(7) of Schedule 5 insert—

“(7A) Where the poll at an Assembly election is taken together with a poll at a local government election notices of the appointment of polling agents which are required by paragraphs (5), (6) and (7) to be given to the returning officer shall be given to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4.”.

Rule 41 of Schedule 5 (admission to polling station)

10. After paragraph (1)(h) of rule 41 insert—

“(i) persons entitled to be admitted to the polling station at the local government election.”.

Rule 44 of Schedule 5 (questions to be put to voters)

11.—(1) In questions 1(b), 2, 3(a) and (b), 4, 5(b), 6 and 7 in column (2) of the Table to rule 44 of Schedule 5, before “election” insert “Assembly”.

(2) In questions 1(b), 2, 3(a) and (b), 4, 5(b), 6 and 7 in column (2) of the Table to rule 44 of Schedule 5, after “yr etholiad hwn” insert “i'r Cynulliad”.

Rule 46 of Schedule 5 (voting procedure)

12. At the end of rule 46 of Schedule 5 add—

“(8) Where the poll at an Assembly election is taken together with a poll at a local government election the same copy of the register of electors or where paragraph (3) applies, the same copy of the notice may be used under paragraph (1) for each election and—

(a) one mark may be placed in that register or on that notice under paragraph (1)(c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been received in respect of each election; and

- (b) where a ballot paper has not been issued in respect of each election, a different mark shall be placed in the register, on the notice or list so as to identify the election in respect of which the ballot paper was issued.”.

Rule 47 of Schedule 5 (votes marked by presiding officer)

13. At the end of rule 47 of Schedule 5 add—

“(6) Where the poll at an Assembly election is taken together with a poll at a local government election the same list of votes marked by the presiding officer may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which a ballot paper was so marked.”.

Rule 48 of Schedule 5 (voting by persons with disabilities)

14. At the end of rule 48 of Schedule 5 add—

“(10) Where the poll at an Assembly election is taken together with a poll at a local government election the same list of voters with disabilities assisted by companions may be used for each election and, where it is so used, an entry in that list shall be taken to mean the votes were so given in respect of each election, unless the list identifies the election at which a vote was so given.”.

Rule 49 of Schedule 5 (tendered ballot papers)

15. At the end of rule 49 of Schedule 5 add—

“(13) Where the poll at an Assembly election is taken together with a poll at a local government election the same tendered votes list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was so marked.”.

Rule 51 of Schedule 5 (correction of errors on the day of poll)

16. At the end of rule 51 of Schedule 5 add—

“Where the poll at an Assembly election is taken together with a poll at a local government election the same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that ballot papers were issued in respect of each election, unless the list identifies the election for which a ballot paper was issued”.

Rule 52 of Schedule 5 (adjournment of poll in case of riot)

17. After rule 52(1) of Schedule 5 insert—

“(1A) Where the poll at an Assembly election is taken together with a poll at a local government election, and the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 is not a constituency returning officer, the notice required to be given under paragraph (1)(b) or (c) shall also be given to the first mentioned returning officer.”.

Rule 53 of Schedule 5 (procedure on close of poll)

- 18.—(1) After rule 53(1) of Schedule 5 insert—

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“(1A) Where paragraph (1) applies and the poll is taken together with a poll at a local government election the contents of the packets referred to in paragraph (1)(b) to (e), (g) and (h) shall not be combined with the contents of packets made under the corresponding rule that applies at a local government election; nor shall the statement prepared under paragraph (4) be so combined.”

(2) After rule 53(2) of Schedule 5 insert—

“(2A) Where paragraph (2) applies and the poll is taken together with a poll at a local government election—

- (a) the contents of the packets referred to in paragraph (2)(b), (c), (e) and (f) shall not be combined with the contents of packets made under the corresponding rule that applies at a local government election; nor shall the statement prepared under paragraph (4) be so combined; and
- (b) references to the constituency returning officer in paragraph (3) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4.”

Rule 54 of Schedule 5 (time of, and attendance at, counting of votes)

19.—(1) After rule 54(2) of Schedule 5 insert—

“(2A) Where the poll at an Assembly election is taken together with a poll at a local government election and a constituency returning officer at the Assembly election does not discharge the functions specified in paragraph 2 of Schedule 4 (so that sub-paragraph (1) does not apply), the constituency returning officer shall make arrangements for counting the votes in the presence of the counting agents after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and he shall also give to the counting agents notice in writing of the time and place he will begin to count the votes if he has by then received the ballot papers.

(2B) At a regional election notice under paragraph (2A) shall also be given to the regional returning officer.”

(2) In rule 54(6), before “the efficient” insert “the efficient separating of the ballot papers or, as the case may be,”

Rule 55 of Schedule 5 (the count)

20.—(1) For rules 55(1) to (3) of Schedule 5 substitute—

“(1) Where the poll at an Assembly election is taken together with the poll at a local government election and if the constituency returning officer for the Assembly constituency discharges the functions specified in paragraph 2 of Schedule 4, he must—

- (a) in the presence of the counting agents appointed for the purposes of the Assembly and local government elections open each ballot box and record separately the number of ballot papers in each box for each election;
- (b) in the presence of the election agents appointed for the purposes of the Assembly and local government elections verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to each election;
- (e) make up into packets the ballot papers for each election other than the Assembly elections and seal them up in separate containers endorsing on each a description of the area to which the ballot papers relate;

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- (f) deliver, or cause to be delivered, to the returning officer at the election to which the ballot papers relate—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and
- (g) at the same time deliver, or cause to be delivered, to that officer packets that so relate containing,—
 - (i) the unused and spoiled ballot papers;
 - (ii) the tendered ballot papers; and
 - (iii) the completed corresponding number lists and the certificates as to employment on duty on the day of the poll.

(2) Where separate ballot boxes have been used, no vote shall be rendered invalid solely by the ballot paper being placed in the wrong ballot box.

(2A) After the completion of the proceedings under paragraph (1) the returning officer shall separately mix together all the ballot papers used at the Assembly constituency election and those used at the Assembly regional election (or if only one poll is held in respect of an Assembly election, the ballot papers used at that election) and count the votes given on them.

(2B) Where the poll at an Assembly election is taken together with a poll at a local government election and a constituency returning officer does not discharge the functions specified in paragraph 2 of Schedule 4 he must—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 54(2A), in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 3, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) in respect of each Assembly election, mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them;

and paragraph (12) shall not apply to these proceedings

(3) The proceedings described in paragraph (1) may be undertaken at a different place (or at different places) than a place at which the votes at an Assembly election are counted; but if the power is so exercised paragraph (4) does not apply with respect to the ballot papers and other documents relating to the local government election.”

(2) Paragraphs (16) to (18) of rule 55 shall not apply to these proceedings.

Rule 67 of Schedule 5 (delivery of documents to relevant registration officer)

21. After rule 67(2) of Schedule 5 insert—

“(3) Where the poll at an Assembly election is taken together with a poll at a local government election and a constituency returning officer does not discharge the functions specified in paragraph 2 of Schedule 4, paragraph (2) shall have effect as if paragraphs (c) and (f) were omitted.”

Rule 70 of Schedule 5 (constituency election: death of independent candidate)

22. After rule 70(5) of Schedule 5 insert—

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“(6) neither the countermand of the notice of poll at the Assembly election nor the direction that the poll be abandoned shall affect the poll at the local government election.”.

Rule 73 of Schedule 5 (constituency election: death of party candidate)

23.—(1) After rule 73(2) of Schedule 5 insert—

“(2A) Neither the countermand of the notice of poll at the Assembly election nor the direction that the poll be abandoned shall affect the poll at the local government election.”.

(2) In paragraph (4) after “with reference to the” insert “Assembly”.

Rule 76 of Schedule 5 (abandoned poll)

24. After rule 76(10) of Schedule 5 insert—

“(11) Where the poll at an Assembly election is taken together with a poll at a local government election and the poll at the Assembly election is abandoned by reason of a candidate’s death (and paragraph (10) does not apply) the steps required by the presiding officer at such a polling station by paragraph (2) shall take place at the close of poll; and in paragraph (3)—

- (a) references to the constituency returning officer shall be construed as references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 5; and
- (b) “having separated the ballot papers relating to the local government election,” shall be construed as having been inserted after “constituency returning officer”.

Schedule 10 (appendix of forms)(form CP)

25. In Schedule 10, after form CP insert—

Form CPI Form of directions for the guidance of voters in voting

Rule 37(14) of Schedule 5 as substituted by paragraph 8(2) of Schedule 4

Guidance for Voters

1. When you are given the ballot papers go to one of the compartments.
2. At an Assembly election you may vote once on **[each][the]* ballot paper. Mark your choice with a cross (X) in the box on the right hand side of the paper opposite the name of the candidate or party for whom you are voting.
3. At the local government election **[s]*, **[each][the]* ballot paper *[s]* state *[s]* how many times you may vote. Mark your choice *[s]* with a cross (X) in the box on the right hand side of the paper *[s]* opposite the name *[s]* of the candidate *[s]* for whom you are voting.
4. Vote only for the number of candidates specified on *[each][the]* ballot paper. Put no other mark on the ballot paper or your vote may not be counted.
5. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.
6. Fold the ballot papers so as to conceal your vote and to show the back of the ballot paper to disclose the number and unique identifying mark to the presiding officer. Do not let anyone see your vote. Put each ballot paper in the *[appropriate]* ballot box and leave the polling station.

Cyfarwyddyd i Bleidleiswyr

1. Pan gewch chi'r papurau pleidleisio, ewch i un o'r bythau.
2. Mewn etholiad ar gyfer y Cynulliad, gallwch bleidleisio unwaith ar **[bob]* *[y]* papur pleidleisio. Marciwch eich dewis â chroes (X) yn y blwch ar ochr dde y papur gyferbyn ag enw'r ymgeisydd neu'r blaid yr ydych yn pleidleisio drosto/drosti.
3. Yn yr etholiad **[au]* llywodraeth leol, mae **[pob]* *[y]* papur *[au]* pleidleisio yn datgan faint o weithiau y cewch chi bleidleisio. Marciwch eich dewis *[iadau]* â chroes (X) yn y blwch ar ochr dde y papur *[au]* gyferbyn ag enw *[au]*'r ymgeisydd *[ymgeiswyr]* yr ydych yn pleidleisio drosto/drostynt.
4. Pleidleisiwch dros nifer yr ymgeiswyr a bennir ar *[bob][y]* papur pleidleisio – dim mwy, dim llai. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.
5. Os byddwch chi'n difetha papur pleidleisio trwy gamgymeriad, dangoswch ef i'r swyddog llywyddu a gofyn am un arall.
6. Plygwch y papurau pleidleisio fel eich bod yn cuddio eich pleidlais ac yn dangos cefn y papur pleidleisio i ddangos y rhif a'r marc adnabod unigryw i'r swyddog llywyddu. Peidiwch â gadael i newb weld eich pleidlais. Rhowch bob papur pleidleisio yn y blwch pleidleisio *[priodol]* a gadael ye orsaf bleidleisio.
** delete as appropriate..*

Schedule 10 (appendix of forms) (form CQ)

26.—(1) In Schedule 10, the form CQ shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In that part of the form in English for “the Assembly election now being held in this *[constituency]* *[and]* *[electoral region]*” substitute “the elections now being held in this Assembly constituency *[, Assembly electoral region]* and, in the case of a local government election which is not a mayoral election, *[name of electoral area for which election is held and name of local government area]* or, in the case of a local government election which is a mayoral election, *[name of local government area]*”.

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(3) In that part of the form in Welsh for “yn etholiad y Cynulliad a gynhelir yn awr yn yr [etholaeth hon] [a'r] [rhanbarth etholiadol hwn]” substitute “yr etholiadau a gynhelir yn awr yn yr etholaeth y cynulliad hon [, y rhanbarth etholiadol Cynulliad hwn] ac, yn achos etholiad llywodraeth leol nad yw yn etholiad maerol, [enw'r ardal etholiadol y cynhelir yr etholiad hwn ar ei chyfer ac enw'r ardal llywodraeth leol] neu, yn achos etholiad llywodraeth leol sydd yn etholiad maerol, [enw'r ardal llywodraeth leol]”.

PART 3

Modifications to election rules to apply where the poll at an election of county or county borough councillors is taken together with a poll at an Assembly election under Article 16(1) or (2)

Modifications to principal area election rules: general provision

27.—(1) Where the poll at an election of county or county borough councillors is taken together with the poll at an Assembly election under article 16(1) or (2), Schedule 3 to the Local Elections (Principal Areas)(England and Wales) Rules 2006(88) (rules for conduct of an election of councillors of a principal area) shall have effect subject to the modifications set out in the remaining paragraphs of this Part.

(2) In this Part the rules in that Schedule referred to in sub-paragraph (1) are referred to as the principal area election rules.

Rule 16 of principal area election rules (the ballot papers)

28.—(1) After rule 16(2)(d) of the principal area election rules insert—

“(e) must be of a different colour from that of any ballot papers used at an Assembly election and at any local government election the polls of which are taken together with the poll at the principal area election.”.

(2) At the end of rule 16 of the principal area election rules add—

“(6) References to an Assembly election in paragraph (2)(e) and elsewhere in these rules refer to an election to the National Assembly for Wales; and references to an Assembly election (and to a poll at such an election) include a reference to Assembly elections (and to polls at such elections) where the context so requires.”.

Rule 21 of principal area election rules (notice of poll)

29. In rule 21 of the principal area election rules for paragraph (4) substitute—

“(4) The notice published under paragraph (3) must:

- (a) state that the poll at the principal area election is to be taken together with the poll at an Assembly election and any other local government election;
- (b) specify the Assembly constituency or electoral region and any relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held; and
- (c) where the polls are to be taken together in part of the local government area only, specify that part.”.

Rule 25 of principal area election rules (issue of official poll cards)

30. At the end of rule 25 add—

“(7) An official poll card issued under this rule may be combined with the official poll card issued at an Assembly election and any other local government election.”

Rule 26 of principal area election rules (equipment of polling stations)

31.—(1) For rule 26(2) of the principal area election rules substitute—

“(2) The same ballot box may be used for the poll at the principal area election and for the polls at the Assembly election and any other local government election if the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007 so decides and a decision may make different provision for different polling stations.”

(2) For rule 26(7) of the principal area election rules substitute—

“(7) Where the same ballot box is not used under paragraph (2) each ballot box shall be clearly marked with—

- (a) the election to which it relates, as shown on the ballot papers for that election; and
- (b) the words “Place the [*specify the colour of the ballot papers in question*] ballot paper here, Rhowch y papur pleidleisio [*nodwch liw'r papurau pleidleisio dan sylw*] yma.”

(3) For rule 26(10) of the principal area election rules substitute—

“(10) In every compartment of every polling station there shall be exhibited the notice—

(a) in respect of a local government election—

(i) where there is more than one candidate to be returned for an electoral area—

“Vote for no more than ... candidates on the local government ballot paper coloured [*colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.

Peidiwch â phleidleisio dros fwy nag ... o ymgeiswyr ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farciau eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidleisiau eu cyfrif.”; or

(ii) where there is one candidate to be returned for an electoral area—

“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”;

(b) in respect of an Assembly election for an Assembly constituency—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; and

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- (c) in respect of an Assembly election for an Assembly electoral region—
- “Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.
- Pleidleiswch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*Iliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”.

Rule 27 of principal area election rules (appointment of polling and counting agents)

32. For rule 27(6) of the principal area election rules substitute—
- “(6) Notices of the appointment of polling agents which are required by this paragraph and paragraphs (7) and (8) to be given to the returning officer shall be given to that returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007.”.

Rule 35 of principal area election rules (voting procedure)

33. For rule 35(6) of the principal area election rules substitute—
- “(6) The same copy of the register of electors which is used under paragraph (1) for the principal area election or, where paragraph (3) applies, the same copy of the notice issued under section 13(3B) or (3D) of the 1983 Act may be used for the Assembly election—
- (a) and one mark may be placed in that register under paragraph (1)(c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been received in respect of each election;
- (b) but where a ballot paper has been issued in respect of one election only, a different mark must be placed in the register or, as the case may be, on that notice or in that list so as to identify the election in respect of which the ballot paper was issued.”.

Rule 36 of principal area election rules (votes marked by presiding officer)

34. For rule 36(4) of the principal area election rules substitute—
- “The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

Rule 37 of principal area election rules (voting by persons with disabilities)

35. For rule 37(6) of the principal area election rules substitute—
- “The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which the vote was so given.”.

Rule 39 of principal area election rules (tendered ballot papers, general provisions)

36. For rule 39(3) of the principal area election rules substitute—
- “(3) The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was so marked.”.

Rule 42 of principal area election rules (adjournment of poll in case of riot)

37. In rule 42(1) of the principal area election rules substitute—

“(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings until the following day and must forthwith give notice—

- (a) to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007; and
- (b) in the case of a regional election, whether or not the poll is taken with the poll at a constituency election, to the regional returning officer.”.

Rule 43 of principal area election rules (procedure on close of poll)

38.—(1) For rule 43(2) of the principal area election rules substitute—

“(2) The contents of the packets referred to in paragraph (1)(b), (c) (e) and (f) shall not be combined with the contents of the packets made under the corresponding provisions that apply to an Assembly election and any other local government election; nor shall the statement prepared under paragraph (3) be so combined.”.

(2) For rule 43(3) of the principal area election rules substitute—

“(3) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007.”.

Rule 44 of principal area election rules (attendance at counting of votes)

39. For rule 44(1) and (2) of the principal area election rules substitute—

“(1) Where the returning officer at the principal area election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

- (a) make arrangements for—
 - (i) discharging the functions under rule 45(1) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007) in the presence of the counting agents appointed for the purposes of the principal area election and Assembly election as soon as practicable after the close of the poll; and
 - (ii) thereafter counting the votes at the principal area election in the presence of the agents appointed for the purpose of that election; and
- (b) give to the counting agents appointed for the purpose of those elections notice in writing of the time and place at which he will begin to discharge the functions under rule 45(1) (as so substituted).

(2) Where the returning officer at the principal area election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he shall make arrangements for counting the votes in the presence of the counting agents appointed for the purposes of the principal area election as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions, and shall give to the counting agents notice in writing of the time at which he will begin to count the votes if by then he has received the ballot papers and of the place at which that count will take place.”.

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Rule 45 of principal area election rules (the count)

40. For rule 45(1) of the principal area election rules substitute—

“(1) Where the returning officer at the principal area election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he shall—

- (a) in the presence of the counting agents appointed for the purposes of the principal area election and Assembly election open each ballot box and record separately the number of ballot papers used in each election;
- (b) in the presence of the election agents appointed for the purposes of the principal area election and Assembly election verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to each election;
- (e) make up into packets the ballot papers for each election other than the principal area election and seal them up in separate containers endorsing on each a description of the election to which the ballot papers relate;
- (f) deliver, or cause to be delivered, to the returning officer for the election to which the ballot papers relate (or, in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the votes were given on those ballot papers)—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and
- (g) at the same time deliver, or cause to be delivered, to that officer packets that so relate containing (as appropriate)—
 - (i) the unused and spoilt ballot papers;
 - (ii) the tendered ballot papers;
 - (iii) the completed corresponding number lists; and
 - (iv) the certificates as to employment on duty on the day of the poll.

(1A) Where the returning officer at the principal area election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 44(2) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007), in the presence of the counting agents open each container;
- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, count such of the postal ballot papers as have been duly returned and record the number counted; and
- (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.

Paragraph (11) does not apply to these proceedings.”.

Rule 52 of principal area election rules (delivery of documents to relevant registration officer)

41. At the end of rule 52(1) of the principal area election rules add—

“At an election where the returning officer does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, this paragraph shall have effect as if sub-paragraphs (c) and (f) were omitted.”.

Rule 55 of principal area election rules (countermand or abandonment of poll on death of candidate)

42.—(1) For rule 55(2) of the principal area election rules substitute—

“(2) Neither the countermand of the notice of the poll at the principal area election nor the direction that that poll be abandoned shall affect the poll at the Assembly election and any other local government election.”.

(2) For rule 55(3) of the principal area election rules substitute—

“(3) Where the poll at the principal area election is abandoned by reason of a candidate’s death, no further ballot papers shall be delivered in any polling station and, at the close of the poll for the Assembly election and any other local government election, the presiding officer shall take the like steps for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the principal area election had not been abandoned, and the returning officer shall dispose of ballot papers used at the principal area election as he is required to do on the completion in due course of the counting of the votes, but—

- (a) it shall not be necessary for any ballot paper account at that election to be prepared or verified; and
- (b) the returning officer, having separated the ballot papers relating to the Assembly election and any other local government election, shall take no step or further step for the counting of the ballot papers used at the principal area election or of the votes and shall seal up all of those ballot papers, whether the votes on them have been counted or not, and it shall not be necessary to seal up counted and rejected ballot papers in separate packets.”.

(3) Paragraphs (4) to (8) of rule 53 shall not apply.

Appendix of forms to principal area election rules (postal voting statement)

43.—(1) In the Appendix of forms to the principal area election rules, for the form of postal voting statement substitute—

- (a) the form set out in sub-paragraph (2) where the proceedings on the issue and receipt of postal ballot papers at the principal area election are taken together with those proceedings at an Assembly election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007; and
- (b) the form set out in sub-paragraph (3) where those proceedings are not taken together.

(2) Where sub-paragraph (1)(a) applies, substitute form CC2 in English and Welsh referred to in paragraph 3(b) in Schedule 3 and shown in Schedule 10.

(3) The following form shall be substituted where sub-paragraph (1)(b) applies—

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<p>Front of form Representation of the People Acts</p>	
<p>Voter's name.....</p>	<p>Ballot paper number.....(Colour)</p>
<p><i>*(Returning officer to insert name but omit where ballot paper is sent to an elector with anonymous registration).</i></p>	
<p>You must provide your [# signature and] date of birth. If you do not your postal voting statement will be invalid and your vote will not be counted.</p>	
<p>I AM THE PERSON TO WHOM THE BALLOT PAPERS NUMBERED AS ABOVE WERE SENT.</p>	
<p>date of birth</p>	<p style="text-align: right;">Voter's date of birth</p>
<p># Signature</p>	<div style="border: 1px solid black; width: 100%; height: 40px; margin: 5px 0;"></div> <p style="text-align: right;">(voter' signature) IMPORTANT – Keep signature within border</p>
<p><i>*(Returning officer to omit where a person has been granted a waiver)</i></p>	
<p>Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.</p>	
<p>Issued by the returning officer</p>	
<p>Instructions to the Voter</p>	
<p>Complete the ballot paper yourself and in private. If you need help contact the returning officer's staff as shown below. [Contact details for assistance include address as appropriate]</p>	

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Electoral fraud is a crime. You must not vote using a ballot paper which is not addressed to you or interfere with another’s ballot paper.
1.This postal voting statement relates to the ballot paper for the local government election only.
2.You must provide your [# signature and] date of birth. You must do this even if you have already signed a postal voting statement in respect of another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not be counted.
3.The ballot paper and postal voting statement must be received by the returning officer by 10pm on [date]. You can deliver your completed postal vote to any polling station in the constituency on polling day.
4.If you need help voting, the person helping you must not tell anyone how you have voted.
5.The local government election ballot paper tells you how many times you may vote on that paper. Mark a cross (X) opposite the candidate[s] you wish to vote for. Put no other mark on the ballot paper or your vote may not be counted.
6.Different colours are used for the ballot papers for each election. Each type of election has its own ballot paper envelope (marked A), postal voting statement and return envelope (marked B).The return envelope and postal voting statement for each election refer to the colour of the relevant ballot paper or papers. It is important that you use the correct envelopes and postal voting statement or your vote may not be counted. You may find it helpful to sort the documents into separate sets.
7.Put the ballot paper in the appropriate small envelope marked A and seal it.
8.Complete the postal voting statement by signing it and providing your date of birth.
9.Then put the envelope marked A together with the postal voting statement in the larger envelope marked B . Return it straightaway.
10.After receiving this postal vote, you cannot vote in person at a polling station in this election.
11.If you accidentally spoil the local government election postal ballot paper, you can apply to the returning officer for a replacement before 5pm on [day/date of poll]. You must return, the spoiled ballot paper, the postal voting statement and the envelopes marked ‘ A ’ and ‘ B ’. Make sure you contact the returning officer as soon as possible.
Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter’s ballot paper.
To vote more times than stated on the ballot paper is illegal
<i># (Returning officer to omit where a person has been granted a waiver.)</i>

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Tu blaen y ffurflen	
Cynulliad Cenedlaethol Cymru	
Enw'r pleidleisiwr.....	Rhif y papur pleidleisio(lliw)
<i>*(Y swyddog canlyniadau i nodi'r enw ond ei adael allan pan anfonir y papur pleidleisio at etholwr gyda chofrestriad dienw).</i>	
Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Os na fyddwch yn gwneud hyn, bydd eich datganiad pleidleisio drwy'r post yn annilys ac ni chaiff eich pleidlais ei chyfrif.	
FI YW'R PERSON YR ANFONWYD Y PAPURAU PLEIDLEISIO SYDD WEDI'U RHIFO UCHOD ATO/ATI.	
dyddiad geni	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Dyddiad geni'r pleidleisiwr
#Llofnod	<div style="border: 1px solid black; width: 200px; height: 40px; margin: 5px auto;"></div> (llofnod y pleidleisiwr) PWYSIG – Cadwch y llofnod o fewn y border
<i>*(Y swyddog canlyniadau i'w adael allan pan fo person wedi cael hepgoriad)</i>	
Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall.	
Cyhoeddwyd gan y swyddog canlyniadau	
Cyfarwyddiadau i'r Pleidleisiwr	

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<p>Llenwch y papur pleidleisio eich hun ac mewn preifatrwydd. Os bydd angen cymorth arnoch, cysylltwch â staff y swyddog canlyniadau fel y dangosir isod. [Manylion cyswllt i gael cymorth rhowch y cyfeiriad fel sy'n briodol] Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio rhywun arall.</p>
<p>1. Mae'r datganiad pleidleisio drwy'r post hwn yn berthnasol i'r papur pleidleisio ar gyfer yr etholiad llywodraeth leol yn unig.</p>
<p>2. Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Rhaid i chi wneud hyn hyd yn oed os ydych chi eisoes wedi llofnodi datganiad pleidleisio drwy'r post ar gyfer etholiad arall i'w gynnal ar yr un diwrnod. Os na fyddwch yn gwneud hyn, bydd y datganiad pleidleisio drwy'r post hwn yn annilys ac ni chaiff eich pleidlais ei chyfrif.</p>
<p>3. Rhaid i'r swyddog canlyniadau dderbyn y papur pleidleisio a'r datganiad pleidleisio drwy'r post erbyn 10pm ar [dyddiad]. Gallwch ddychwelyd eich pleidlais drwy'r post wedi'i llenwi i unrhyw orsaf bleidleisio yn yr etholaeth ar ddiwrnod y pleidleisio.</p>
<p>4. Os bydd angen help arnoch i bleidleisio, ni chaiff y sawl sy'n eich cynorthwyo ddweud wrth neb sut rydych chi wedi pleidleisio.</p>
<p>5. Mae papur pleidleisio'r etholiad llywodraeth leol yn datgan faint o weithiau y cewch chi bleidleisio ar y papur hwnnw. Rhowch groes (x) gyferbyn â'r ymgeisydd[ymgeiswyr] yr ydych am bleidleisio drosto/drosti [drostynt]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.</p>
<p>6. Defnyddir gwahanol liwiau ar gyfer y papurau pleidleisio ar gyfer pob etholiad. Mae gan bob etholiad amlen ar gyfer y papur pleidleisio (wedi'i marcio gydag A), datganiad pleidleisio drwy'r post ac amlen ddychwelyd (wedi'i marcio gyda B) ei hun. Mae'r amlen ddychwelyd a'r datganiad pleidleisio drwy'r post ar gyfer pob etholiad yn cyfeirio at liw'r papur neu bapurau pleidleisio perthnasol. Mae'n bwysig eich bod yn defnyddio'r amlenni a'r datganiad pleidleisio drwy'r post cywir, neu mae'n bosibl na fydd eich pleidlais yn cael ei chyfrif. Byddai'n help o bosib rhoi'r dogfennau mewn setiau ar wahân.</p>
<p>7. Rhowch y papur pleidleisio yn yr amlen fach briodol ag A arni a'i selio.</p>
<p>8. Llenwch y datganiad pleidleisio drwy'r post drwy ei lofnodi a rhoi eich dyddiad geni.</p>
<p>9. Yna, rhowch yr amlen ag A arni, ynghyd â'r datganiad pleidleisio drwy'r post, yn yr amlen fwy â B arni a'i dychwelyd yn syth.</p>
<p>10. Ar ôl derbyn y bleidlais drwy'r post hon, chewch chi ddim pleidleisio eich hun mewn gorsaf bleidleisio yn yr etholiad hwn.</p>
<p>11. Os byddwch chi'n difetha'r papur pleidleisio drwy'r post ar gyfer yr etholiad llywodraeth leol drwy gamgymeriad, cewch ofyn i'r swyddog canlyniadau am un arall cyn 5 p.m. ar [diwrnod/dyddiad y pleidleisio]. Rhaid i chi ddychwelyd y papur pleidleisio sydd wedi'i ddifetha, y datganiad pleidleisio drwy'r post a'r amlenni sydd wedi'u marcio ag 'A' a 'B'. Gwnewch yn siŵr eich bod yn cysylltu â'r swyddog canlyniadau cyn gynted â phosib.</p>
<p>Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall.</p>
<p>Mae'n anghyfreithlon pleidleisio'n amlach nag a nodir ar y papur pleidleisio</p>
<p><i>#(Y swyddog canlyniadau i'w adael allan pan fo person wedi cael hepgoriad.)</i></p>

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Appendix of forms to principal area election rules (directions for the guidance of the voters in voting)

44. In the Appendix of forms to the principal area election rules, for the form of directions for the guidance of the voters in voting there shall be substituted the same form of directions as is set out in paragraph 25.

Appendix of forms to principal area election rules (declaration to be made by the companion of a voter with disabilities)

45. In the Appendix of forms in the principal area election rules, for the form of declaration to be made by the companion of a voter with disabilities there shall be substituted the following form—

Elections to [The National Assembly for Wales, **(insert name)* County [Borough] Council and **(insert name)* [Town][Community] Council]

Form of declaration to be made by the companion of a voter with disabilities

I,.....(*name of companion*)
of.....(*address of companion*)
having been requested to assist.....(*name of elector*)
[*in the case of a voter with disabilities voting as proxy, add "voting as proxy for*
.....(*name of elector*)] whose number on the register
isto record their vote at the election now being held in this
[*community][*local government area][*Assembly constituency][*Assembly electoral region]
**(delete as appropriate)*

hereby declare that

- I am entitled to vote as an elector at the said elections.
- I am the (*state relationship of the companion to the voter*) of the said voter and have attained the age of 18 years, and
- I have not previously assisted any voter with disabilities [except, (*name of elector*), of.....(*address of other elector*)] to vote at the said elections.

Signed(*companion*)

Date.....

I, the undersigned, being the presiding officer for(*polling station*) for theelectoral division/ward of hereby certify that the above declaration, having been first read to the above named companion and was signed by the companion in my presence.

Signed(*presiding officer*)

Date.....Time(*am/pm*)

Note

1. If a person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.
2. A voter with disabilities is a voter who has made a declaration under local elections rules that he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

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Etholiadau i [Gynulliad Cenedlaethol Cymru, Cyngor [Bwrdeistref] Sir *(*rhowch enw*) a
[Chyngor [Tref]][Cymuned] *(*rhowch enw*)]

Form Title

Ffurf ar ddatganiad sydd i'w wneud gan gydymaith pleidleisiwr gydag anableddau
Yr wyf i,.....(*enw'r cydymaith*)
o(*cyfeiriad y cydymaith*)
wedi derbyn cais i gynorthwyo(*enw'r etholwr*)
[*yn achos etholwr gydag anableddau yn pleidleisio fel dirprwy, ychwaneger* "yn pleidleisio fel
dirprwy ar ran
.....(*enw'r etholwr*)] y mae ei rif ar y gofrestr fel a ganlyn
.....i gofnodi eu pleidlais yn yr etholiad a gynhelir yn awr yn y
[*gymuned][*ardal llywodraeth leol][*Etholaeth y Cynulliad][*Rhanbarth etholiadol y Cynulliad]
*(*dileer fel sy'n briodol*)

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yn datgan drwy hyn

- Fod gennyf hawl i bleidleisio fel etholwr yn y cyfryw etholiadau.
- Mai fi yw (*nodwch berthynas y cydymaith â'r pleidleisiwr*) y cyfryw bleidleisiwr, fy mod yn 18 oed neu drosodd, ac
- Nad wyf yn flaenorol wedi cynorthwyo unrhyw bleidleisiwr gydag anableddau [ac eithrio (*enw'r etholwr*), o(*cyfeiriad yr etholwr arall*)] i bleidleisio yn y cyfryw etholiadau.

Llofnodwyd.....(*cydymaith*)

Dyddiad:.....

Yr wyf i, sydd wedi llofnodi isod, sef y swyddog llywyddu dros(*gorsaf bleidleisio*) ar gyfer

Ward/ardal etholiadol o drwy hyn yn tystio bod y datganiad uchod, wedi iddo gael ei ddarllen yn gyntaf i'r cydymaith a enwir uchod, wedi'i lofnodi gan y datganydd yn fy ngŵydd.

Llofnod(*swyddog llywyddu*)

DyddiadAmser.....(*am/pm*)

Sylwer

1. Os bydd person sy'n gwneud y datganiad uchod yn datgan anwiredd perthnasol yn fwriadol a chan wybod hynny, bydd yn euog o drosedd.
2. Pleidleisiwr gydag anableddau yw pleidleisiwr sydd wedi gwneud datganiad dan reolau etholiadau lleol ei fod wedi'i analluogi gymaint gan ei ddallineb neu anabledd arall, neu gan ei anallu i ddarllen, fel na all bleidleisio heb gymorth.

PART 4

Modifications to election rules to apply where the poll at an election of community councillors is taken together with the poll at an Assembly election under Article 16(1) or (2)

Modifications to community election rules: general provision

46.—(1) Where the poll at an election of community councillors is taken together with the poll at an Assembly election under article 16(1) or (2), Schedule 3 to the Local Elections (Parishes and Communities)(England and Wales) Rules 2006⁽⁸⁹⁾ shall have effect subject to the modifications set out in to the remaining paragraphs of this Part.

(2) In this Part the rules in that Schedule referred to in sub-paragraph (1) are referred to as the community election rules.

Rule 16 of community election rules (the ballot papers)

47.—(1) At the end of rule 16(2) of the community election rules add—

“(e) must be of a different colour from that of any ballot papers used at an Assembly election and any local government election the polls at which are taken together with the poll at the community election.”.

(2) At the end of rule 16 of the community election rules add—

“(6) References to an Assembly election in paragraph (2)(e) and elsewhere in these rules refer to an election to the National Assembly for Wales; and references to an Assembly election (and to a poll at such an election) include a reference to Assembly elections (and to polls at such elections) where the context so requires.”.

Rule 21 of community election rules (notice of poll)

48. For rule 21(4) of the community election rules substitute—

“(4) The notice published under paragraph (3) shall:

- (a) state that the poll at the community election is to be taken together with the poll at an Assembly election and any other local government election;
- (b) specify the Assembly constituency or electoral region and any relevant local authority and, in the case of an election to fill a casual vacancy, the electoral area for which the other election is held; and
- (c) where the polls are to be taken together in part of the local government area only, specify that part.”.

Rule 25 of community election rules (issue of official poll cards)

49. At the end of rule 25 to the community election rules add—

“(8) An official poll card issued under this rule may be combined with the official poll card issued at an Assembly election and any other local government election.”.

Rule 26 of community election rules (equipment of polling stations)

50.—(1) For rule 26(2) of the community election rules substitute—

⁽⁸⁹⁾ S.I. 2006/3305.

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“(2) The same ballot box may be used for the poll at the community election and for the polls at the Assembly election and any other local government election if the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007 so decides and a decision may make different provision for different polling stations.”.

(2) For rule 26(7) of the community election rules substitute—

“(7) Where the same ballot box is not used under paragraph (2) each ballot box shall be clearly marked with—

- (a) the election to which it relates, as shown on the ballot papers for that election; and
- (b) the words “Place the [*specify the colour of the ballot papers in question*] ballot paper here, Rhowch y papur pleidleisio [*nodwch liw'r papurau pleidleisio dan sylw*] yma.”.

(3) For rule 26(10) of the community election rules substitute—

“(10) In every compartment of every polling station there shall be exhibited the notice—

(a) in respect of a local government election—

(i) where there is more than one candidate to be returned for an electoral area—

“Vote for no more than candidates on the local government ballot paper coloured [**colour of ballot paper*]. Put no other marks on the ballot paper or your votes may not be counted.

Peidiwch â phleidleisio dros fwy nag o ymgeiswyr ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farciau eraill ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; or

(ii) where there is one candidate to be returned for an electoral area—

“Vote for no more than one candidate on the local government ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Peidiwch â phleidleisio dros fwy nag un ymgeisydd ar y papur pleidleisio llywodraeth leol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; and

(b) in respect of an Assembly election for an Assembly constituency—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; and

(c) in respect of an Assembly election for an Assembly electoral region—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleiswch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”.

Rule 27 of community election rules (appointment of polling and counting agents)

51. For rule 27(6) of the community election rules substitute—

“(6) Notices of appointment of polling and election agents which are required by paragraphs (5) and (7) to be given to the returning officer shall be given to that returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007”.

Rule 35 of community election rules (voting procedure)

52. For rule 35(6) of the community election rules substitute—

“(6) The same copy of the register of electors which is used for the community election under paragraph (1), or where paragraph (3) applies, the same copy of the notice issued under section 13(3B) or (3D) of the 1983 Act, may be used for the Assembly election—

- (a) and one mark may be placed in that register or on that notice under paragraph (1) (c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been issued in respect of each election;
- (b) but where a ballot paper has been issued in respect of one election only, a different mark must be placed in the register or, as the case may be, on that notice or in that list so as to identify the election in respect of which a ballot paper was issued.”.

Rule 36 of community election rules (votes marked by presiding officer)

53. For rule 36(4) of the community election rules substitute—

“(4) The same list may be used for the community election and for an Assembly election and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies an election at which a ballot paper was so marked.”.

Rule 37 of community election rules (voting by persons with disabilities)

54. For rule 37(6) of the community election rules substitute—

“(6) The same list may be used for the community election and for an Assembly election, and where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies an election at which a vote was so given.”.

Rule 39 of community election rules (tendered ballot papers; general provisions)

55. For rule 39(3) of the community election rules substitute—

“(3) The same list may be used for each election and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of the community election and an Assembly election, unless the list identifies an election at which a tendered ballot paper was so marked.”.

Rule 42 of community election rules (adjournment of poll in case of riot)

56. For rule 42(1) of the community election rules substitute—

“(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer must adjourn the proceedings until the following day and must forthwith give notice—

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- (a) to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007; and
- (b) in the case of a regional election, whether or not the poll is taken with the poll at a constituency election, to the regional returning officer.”.

Rule 43 of community election rules (procedure on close of poll)

57.—(1) For rule 43(2) of the community election rules substitute—

“(2) The contents of the packets referred to in paragraph (1)(b), (c), (e) and (f) shall not be combined with the contents of the packets made under the corresponding provisions that apply at an Assembly election and any other local government election; nor shall the statement prepared under paragraph (5) be so combined”.

(2) For rule 43(3) substitute—

“(3) References to the returning officer in paragraph (1) are references to the returning officer who discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007.”.

Rule 44 of community election rules (attendance at counting of votes)

58.—(1) For rule 44(1) and (2) of the community election rules substitute—

“(1) Where the returning officer at the community election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

(a) make arrangements for—

(i) discharging the functions under rule 45(1) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007) in the presence of the counting agents appointed for the purposes of the community election and Assembly election as soon as practicable after the close of the poll; and

(ii) thereafter counting the votes at the community election in the presence of the agents appointed for that election; and

(b) give to those counting agents appointed for the purposes of the community election and Assembly election notice in writing of the time and place at which he will begin to discharge the functions under rule 45(1).

(2) Where the returning officer at the community election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

(a) make arrangements for counting the votes in the presence of the counting agents appointed for the purposes of the community election as soon as practicable after the delivery of the ballot papers to him by the returning officer who does discharge those functions; and

(b) must give to the counting agents notice in writing of the time at which he will begin to count the votes, if by then he has received the ballot papers and the place at which the count will take place.”.

(2) In rule 44(3) of the community election rules after “at the counting of the votes” insert “in accordance with rule 45(1) (as substituted) or”.

Rule 45 of community election rules (the count)

59.—(1) For rule 45(1) of the community election rules substitute—

“(1) Where the returning officer at the community election discharges the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he must—

- (a) in the presence of the counting agents appointed for the purposes of the poll at the community election and Assembly election open each ballot box and count and record separately the number of ballot papers used in each election;
- (b) in the presence of the counting agents appointed for the purposes of the poll at the community election and the election agents appointed for the purposes of the Assembly elections, verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted at each election;
- (d) separate the ballot papers relating to each election;
- (e) make up into packets the ballot papers for each election other than the community election and seal them up in separate containers endorsing on each a description of the election to which the ballot papers relate;
- (f) deliver, or cause to be delivered, to the returning officer for the election to which the ballot papers relate (or, in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the votes were given on those ballot papers)—
 - (i) those containers, together with a list of them and of the contents of each; and
 - (ii) the ballot paper accounts together with a copy of the statement as to the result of their verification in respect of that election; and
- (g) at the same time deliver, or cause to be delivered, to that officer packets that so relate containing (as appropriate)—
 - (i) the unused and spoilt ballot papers;
 - (ii) the tendered ballot papers;
 - (iii) the completed corresponding number lists; and
 - (iv) the certificates as to employment on duty on the day of the poll.”.

(2) For rule 45(2) substitute—

“(2) Where separate ballot boxes are used for the community election and Assembly election no vote for any candidate shall be rendered invalid by the ballot papers being placed in the wrong ballot box.”.

(3) For rule 45(3) and (4) substitute—

“(3) After completion of the proceedings under paragraph (1), the returning officer shall mix together all of the ballot papers used at the community election and count the votes given on them.

(4) Where the returning officer at the community election does not discharge the functions specified in paragraph 2 of Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007, he shall—

- (a) on receipt of containers from the returning officer who does discharge those functions, and after the time specified in the notice given under rule 44(2) (as substituted by Schedule 4 to the National Assembly for Wales (Representation of the People) Order 2007), in the presence of the counting agents open each container;

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- (b) where the proceedings on the issue and receipt of postal ballot papers are not taken together with those proceedings at another election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007, count such of the postal ballot papers as have been duly returned and record the number counted; and
 - (c) mix together the postal ballot papers and the ballot papers from all of the containers and count the votes given on them.”.
- (4) Rule 45(10) does not apply to these proceedings.

Rule 55 of community election rules (countermand or abandonment of poll on death of candidate)

- 60.—(1) For rule 55(2) of the community election rules substitute—
- “(2) Neither the countermand of the notice of the poll at the community election nor the direction that that poll be abandoned shall affect the poll at the Assembly election and any other local government election.”.
- (2) For rule 55(4) of the community election rules substitute—
- “(4) At the close of the poll for the Assembly election and any other local government election, the presiding officer shall take the like steps (so far as not already taken) for the delivery to the returning officer of ballot boxes and of ballot papers and other documents as he would be required to do if the poll at the community election had not been abandoned.”.
- (3) For rule 55(7) substitute—
- “(7) Having separated the ballot papers relating to the Assembly election and local government election (as the case may be) the returning officer must take no step or further step for the counting of the ballot papers used at the community election (at which the candidate has died) or of the votes.”.

Appendix of forms to community election rules (postal voting statement)

61. In the Appendix of forms to the community election rules, for the form of postal voting statement substitute—
- (a) the form set out in paragraph 43(2) where the proceedings on the issue and receipt of postal ballot papers at the community election are taken together with those proceedings at an Assembly election under paragraph 2 of Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007; and
 - (b) the form set out in paragraph 43(3) where those proceedings are not taken together.

Appendix of forms to community election rules (directions for the guidance of the voters in voting)

62. In the Appendix of forms to the community election rules, for the form of directions for the guidance of the voters in voting substitute the same form of directions as is set out in paragraph 25.

Appendix of forms to community election rules (declaration to be made by the companion of a voter with disabilities)

63. In the Appendix of forms to the community election rules, for the form of declaration to be made by the companion of a voter with disabilities, substitute the form set out in paragraph 45.

SCHEDULE 5

Article 17(1)

Assembly election rules

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PART 1

Provision as to time

Timetable

1.—(1) The proceedings at an Assembly election shall be conducted in accordance with the following Table—

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election.	Not later than the twenty-fifth day before the day of election
Delivery of nomination papers.	Between— (a) the hours of 10 in the morning and 4 in the afternoon on any day after the date of publication of notice of election but before the nineteenth day before the day of election, and

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<i>Proceeding</i>	<i>Time</i>
The making of objections to nomination papers.	<p>(b) the hours of 10 in the morning and noon on the nineteenth day before the day of election.</p> <p>During the hours allowed for delivery of nomination papers on the last day for their delivery and the hour following, but—</p> <p>(a) no objection may be made in the afternoon of that last day except to a nomination paper delivered within 24 hours of the last time for its delivery and, in the case of a nomination paper so delivered, no objection may be so made to the sufficiency or nature of the particulars of a candidate unless made at or immediately after the time of the delivery of the nomination paper, and</p> <p>(b) the foregoing provisions do not apply to objections made under rule 19(2).</p>
Delivery of notices of withdrawal of candidature.	Not later than noon on the seventeenth day before the day of election.
Publication of statement of persons nominated.	Not later than noon on the sixteenth day before the day of the election.
Polling.	Between the hours of 7 in the morning and 10 at night on the day of election.

(2) In the Table, “making of objections to nomination papers”, in the case of making of an objection to a party nomination paper includes the making of an objection to the nomination of any party list candidate on the list of candidates accompanying a party nomination paper.

Computation of time

2. In computing any period of time for the purposes of the Timetable—

- (a) a Saturday or a Sunday;
- (b) Christmas Eve, Christmas Day or Good Friday;
- (c) a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971⁽⁹⁰⁾; or
- (d) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall a constituency returning officer be obliged to proceed with the counting of votes on such a day.

⁽⁹⁰⁾ 1971 c. 80.

PART 2

Stages common to contested and uncontested elections

Notice of election

Notice of election: constituency election and regional election

3.—(1) At a constituency election, the constituency returning officer shall publish notice of the election stating—

- (a) the place and times at which nomination papers are to be delivered;
- (b) that forms of nomination paper may be obtained at that place and at those times; and
- (c) the date of the poll in the event of a contest.

(2) At a regional election, the regional returning officer shall prepare a notice of election stating—

- (a) the place or places and times at which nomination papers are to be delivered;
- (b) that forms of nomination papers may be obtained at that place or those places and at those times; and
- (c) the date of the poll in the event of a contest,

and he shall deliver, or cause to be delivered, the notice to each constituency returning officer for an Assembly constituency in the Assembly electoral region.

(3) A notice of election under paragraph (1) or (2) must also state—

- (a) the arrangements which apply for the payment of the deposit required by rule 10 to be made by means of electronic transfer of funds; and
- (b) the date by which—

- (i) applications to vote by post or proxy; and
- (ii) other applications and notices about postal or proxy voting,

must reach the registration officer in order that they may be effective for the election.

(4) On receipt of a notice under paragraph (2) a constituency returning officer shall publish it.

Nomination

Nomination of candidates at a constituency election

4.—(1) Each candidate at a constituency election shall be nominated by a separate nomination paper (“constituency nomination paper”), in form CE set out in English and Welsh in Schedule 10, delivered—

- (a) by the candidate himself; or
- (b) in a case where in respect of the candidate a certificate issued under rule 5(1) or (3) is also delivered, by the registered nominating officer of a registered political party,

to the constituency returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate’s behalf by his election agent if the agent’s name and address have been previously given to the returning officer as required by article 37 or are so given at the time the paper is delivered.

(2) The constituency nomination paper shall state the candidate’s—

- (a) full names;

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- (b) home address in full; and
 - (c) if desired (but subject to paragraph (4)), description,
- and the surname shall be placed first in the list of his names.
- (3) If a candidate commonly uses—
 - (a) a surname which is different from any other surname he has; or
 - (b) a forename which is different from any other forename he has,
 the constituency nomination paper may state the commonly used surname or forename in addition to the other name.
 - (4) The description, if any, must consist of either—
 - (a) a description which is authorised as mentioned in rule 5(1) or (3); or
 - (b) the word “Independent” or the word “Annibynnol”(91) or both.
 - (5) Each constituency nomination paper delivered under this rule shall be subscribed by one person who shall also (if he is not the candidate) set out his full name and address.
 - (6) The constituency returning officer shall supply any person upon request with a form of constituency nomination paper at the place, and during the time, for delivery of nomination papers but it is not necessary for a nomination to be on a form supplied by the constituency returning officer.

Constituency nomination paper: name or description of registered political party

- 5.—(1) A constituency nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with a registered political party unless the party is a qualifying party(92) in relation to the constituency and the description is authorised by a certificate in form CF set out in English and Welsh in Schedule 10—
- (a) issued by the party’s registered nominating officer; and
 - (b) received by the constituency returning officer at some time during the period for the delivery of nomination papers set out in the Table in rule 1(1).
- (2) In paragraph (1) an authorised description may be either—
- (a) the name or names of the party registered under section 28 of the 2000 Political Parties Act(93); or
 - (b) a description of the party registered under section 28A of that Act(94).
- (3) A nomination paper may not include a description of a candidate which is likely to lead electors to associate the candidate with two or more registered political parties unless the parties are each qualifying parties in relation to the constituency and the description is a registered description authorised by a certificate in form CG set out in English and Welsh in Schedule 10—
- (a) issued by the registered nominating officer of each of the parties; and
 - (b) received by the constituency returning officer at some time during the period for the delivery of nomination papers set out in the Table in rule 1(1).

(91) The word “independent” is specified by section 23(3)(a)(i) of the Political Parties, Elections and Referendums Act 2000. “Annibynnol” is the Welsh form of “Independent” and is prescribed by the National Assembly for Wales (Elections: Nomination Papers)(Welsh Form) Order 2001 (S.I 2001/2914).

(92) See paragraph 80 of Schedule 5 to this Order as to the meaning of “a qualifying party”

(93) By virtue of section 28 as read with paragraph 2(1)(b) of Schedule 4 to the Political Parties, Elections and Referendums Act 2000, a party registered in the Great Britain register may have a name in Welsh and a name in English to be the party’s registered names. There are amendments to section 28 not relevant for the purposes of this Order.

(94) Section 28A is inserted into the Political Parties, Elections and Referendums Act 2000 by section 49(1) of the Electoral Administration Act 2006 (c. 22) from 1st January 2007.

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(4) For the purposes of paragraph (3), a description is a registered description if it is a description registered for use by the parties under section 28B of the 2000 Political Parties Act⁽⁹⁵⁾.

(5) If it is proposed that a party's registered emblem⁽⁹⁶⁾ is to be shown on the ballot paper against the candidate's particulars, a certificate issued under paragraph (1) or (3) shall request that it be so shown; but so that—

- (a) in a case in which a party has more than one registered emblem, only one of its emblems may be requested to be shown on the ballot paper; and
- (b) in a case to which paragraph (3) applies, the registered emblem of only one of the parties may be requested to be shown on the ballot paper.

(6) A certificate issued under paragraph (1) or (3) may be combined with a constituency nomination paper delivered under rule 4(1).

(7) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised, by virtue of rule 81, to issue a certificate under paragraph (1) or (3) on behalf of a party's registered nominating officer.

Nomination of individual candidates at a regional election

6.—(1) Each individual candidate at a regional election shall be nominated by a separate nomination paper (“individual nomination paper”), in form CH set out in English and Welsh in Schedule 10, delivered by the candidate himself to the regional returning officer at the place or a place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by article 37 or are so given at the time the paper is delivered.

- (2) The individual nomination paper shall state the candidate's—
- (a) full names;
 - (b) home address in full; and
 - (c) if desired, a description consisting of the word “Independent” or the word “Annibynno!” or both⁽⁹⁷⁾,

and the surname shall be placed first in the list of his names.

- (3) If a candidate commonly uses—
- (a) a surname which is different from any other surname he has; or
 - (b) a forename which is different from any other forename he has,

the nomination paper may state the commonly used surname or forename in addition to the other name.

(4) Each individual nomination paper delivered under this rule shall be subscribed by one person who shall also (if he is not the candidate) set out his full name and address.

(5) The regional returning officer shall supply any person upon request with a form of individual nomination paper at the place or a place, and during the time, for delivery of individual or party nomination papers but it is not necessary for a nomination to be on a form supplied by the regional returning officer.

⁽⁹⁵⁾ Section 28B is inserted into the Political Parties, Elections and Referendums Act 2000 by section 49(1) of the Electoral Administration Act 2006 (c. 22) from 1st January 2007.

⁽⁹⁶⁾ As to registered emblems of registered political parties, see section 29 of the Political Parties, Elections and Referendums Act 2000 as amended by paragraph 142 of Schedule 1 to the Electoral Administration Act 2006 (c. 22)

⁽⁹⁷⁾ As to the restriction on such candidates representing a registered political party, see section 5(6) of the Government of Wales Act 1998, as amended by paragraph 5(3) of Schedule 11 to the Government of Wales Act 2006, in relation to the Assembly general election in 2007 held under section 3 of that Act of 1998; and, in respect of a subsequent Assembly election, see section 7(6) of that Act of 2006.

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Nomination of parties and party list candidates at a regional election

7.—(1) A registered political party may stand for election at a regional election if it is a qualifying party in relation to that region and is nominated by a separate nomination paper (“party nomination paper”) in form CI set out in English and Welsh in Schedule 10 and delivered by that party’s registered nominating officer to the regional returning officer at the place or a place fixed for the purpose.

(2) A party nomination paper shall, in accordance with rule 8, include either—

- (a) the name or names of the party registered under section 28 of the 2000 Political Parties Act; or
- (b) a description of the party registered under section 28A of that Act.

(3) A party nomination paper shall include the list (“party list”) of candidates (“party list candidates”) submitted by the party for that regional election and the party nomination paper shall be the nomination paper for each candidate on that list.

(4) In respect of each party list candidate, the party list shall state the candidate’s—

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

and the surname shall be placed first in the list of his names.

(5) If a party list candidate commonly uses—

- (a) a surname which is different from any other surname he has; or
- (b) a forename which is different from any other forename he has,

the party list may state as regards that candidate the commonly used surname or forename in addition to the other name.

(6) A party nomination paper shall be subscribed by one person who shall also (if he is not a party list candidate) set out his full name and address.

(7) The regional returning officer shall supply any person on request with a form of party nomination paper at the place or a place, and during the time, for delivery of individual or party nomination papers but it is not necessary for a party nomination paper to be on a form supplied by the regional returning officer.

Party nomination paper: name or description of registered political party

8.—(1) The name (or, as the case may be, names) or description required by rule 7(2) to be contained in a party nomination paper shall be authorised by a certificate in form CJ set out in English and Welsh in Schedule 10 issued by the registered nominating officer of the registered political party.

(2) If it is proposed that the party’s registered emblem is to be shown on the ballot paper against the party’s name or description the certificate issued under paragraph (1) shall request that it be so shown; but so that in a case in which a party has more than one registered emblem, only one of its emblems may be requested to be shown on the ballot paper.

(3) A certificate issued under paragraph (1) shall be combined with the party nomination paper delivered under rule 7(1).

(4) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised by virtue of rule 81 to issue a certificate under paragraph (1) on behalf of a party’s registered nominating officer.

Consent to nomination

9.—(1) Subject to paragraph (3), at a constituency election a person shall not be validly nominated unless his consent to nomination—

- (a) is given and dated in writing on, or within one month before, the day fixed as the last day for the delivery of constituency nomination papers;
- (b) is attested by one witness; and
- (c) is delivered at the place, and within the time, for the delivery of nomination papers.

(2) Subject to paragraph (3), at a regional election a person shall not be validly nominated (whether as an individual or party list candidate) unless his consent to nomination—

- (a) is given and dated in writing on, or within one month before, the day fixed as the last day for the delivery of individual nomination papers or party nomination papers;
- (b) is attested by one witness; and
- (c) is delivered at the place or a place, and within the time, for the delivery of individual nomination papers or party nomination papers.

(3) If the appropriate returning officer is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given as mentioned, a facsimile communication (or any similar means of communication) consenting to his nomination and purporting to have been sent by him shall be deemed for the purposes of this rule to be consent in writing by him on the day on which it purports to have been sent, and attestation of his consent shall not be required.

(4) Subject to paragraph (7), a candidate's consent given under this rule—

- (a) shall state the day, month and year of his birth;
- (b) shall state an address within the relevant area that shall be deemed to be his office as an election agent for the purposes of article 40(7);
- (c) shall state—
 - (i) that he is aware of the provisions of sections 12 to 15 of the 1998 Act (disqualification)⁽⁹⁸⁾ and of any Order in Council under section 12(1)(b) of that Act⁽⁹⁹⁾; and
 - (ii) that to the best of his knowledge and belief he is not disqualified for membership of the Assembly;
- (d) shall, in the case of a candidate at a constituency election, state that he is not a candidate at an election for any other constituency, the poll for which is to be held on the same day as that for the election to which the consent relates or, in the case of an election to fill a casual vacancy, that he is not an Assembly member;
- (e) shall, in the case of an individual candidate at a regional election, state that he is not—
 - (i) a party list candidate in the election for that region; nor
 - (ii) a candidate at a constituency election; nor
 - (iii) an individual or party list candidate at an election for any other region,

⁽⁹⁸⁾ Section 12 is amended by paragraph 62(a) and (b) of Schedule 6 to the Public Services Ombudsman (Wales) Act 2005, ; and section 13 is amended by paragraph 3 of Schedule 1 to the House of Commons (Removal of Clergy) Disqualification Act 2001, and also by paragraph 63 of Schedule 6 of the said Act of 2005. Sections 12 to 15 are repealed by Schedule 12 to the Government of Wales Act 2006 (see section 161(2) of that Act to the commencement of that repeal).

⁽⁹⁹⁾ see the National Assembly for Wales (Disqualification) Order 2006 (S.I 2006/3335) which was made on 14 December 2006 and revoked the National Assembly for Wales (Disqualification) Order 2003. Paragraph 10 of Schedule 11 to the Government of Wales Act 1998 makes transitional provision in relation to disqualification orders.

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the poll for which is to be held on the same day as that for the election to which the consent relates; and

- (f) shall, in the case of a party list candidate at a regional election, state that he is not—
- (i) an individual candidate or a candidate on any other party list in the election for that region; nor
 - (ii) a candidate at a constituency election; nor
 - (iii) an individual or party list candidate at an election for any other region,
- the poll for which is to be held on the same day as that for the election to which the consent relates⁽¹⁰⁰⁾.

(5) A candidate is required to give his consent under this rule notwithstanding that he has subscribed the nomination paper by virtue of which he is nominated.

(6) For the purposes of paragraph (4)(b), “the relevant area” shall be construed in accordance with—

- (a) in relation to a constituency election, article 39(2)(a); and
- (b) in relation to a regional election, article 39(2)(b).

(7) In respect of an Assembly election after the 2007 Assembly general election, rule 4(c)(i) shall have effect as if—

- (a) the references to sections 12 to 15 of the 1998 Act were a reference to sections 16 to 19 of the 2006 Act; and
- (b) the reference to any Order in Council under section 12(1)(b) of the 1998 Act included a reference to any Order in Council under section 16(1)(b) of the 2006 Act.

Deposit

10.—(1) A person shall not be validly nominated as a candidate at a constituency election unless the sum of £500 is deposited by him, or on his behalf, with the constituency returning officer at the place and during the time for delivery of constituency nomination papers.

(2) A person shall not be validly nominated as an individual candidate at a regional election unless the sum of £500 is deposited by him, or on his behalf, with the regional returning officer at the place or a place, and during the time, for delivery of individual nomination papers.

(3) A registered political party and each of the party list candidates on the list it has submitted shall not be validly nominated at a regional election unless the sum of £500 is deposited by the party’s registered nominating officer (or by or on behalf of one of the party list candidates) with the regional returning officer at the place or a place, and during the time, for delivery of a party list.

(4) The deposit may be made either—

- (a) by the deposit of any legal tender;
- (b) by means of a banker’s draft; or
- (c) with the appropriate returning officer’s consent, in any other manner (including by means of a debit or credit card or the electronic transfer of funds),

but the appropriate returning officer may refuse to accept a deposit sought to be made by means of a banker’s draft if he does not know that the drawer carries on business as a banker in the United Kingdom.

⁽¹⁰⁰⁾As to rule 9(4)(d) to (f), see in relation to the 2007 Assembly general election sections 4(7), 5(5), (6) and 8(7) of the Government of Wales Act 1998 (section 5(5) and (6) is amended by paragraph 5 of Schedule 11 to the Government of Wales Act 2006); and thereafter see sections 7(1), (5), (6) and 10(9) of that Act of 2006.

(5) Where the deposit is made on behalf of a candidate at a constituency election or an individual candidate at a regional election, the person making the deposit shall at the time he makes it give his name and address to the appropriate returning officer unless that information has previously been given to him under article 37.

(6) Where the deposit is made on behalf of a registered political party and its party list candidates at a regional election the person making the deposit shall at the time he makes it—

- (a) if he is the registered political party's registered nominating officer, state that fact to the regional returning officer; or
- (b) if he is not the party's registered nominating officer, give his name and address to the regional returning officer unless that information has previously been given to him under article 37.

Place for delivery of nomination papers

11.—(1) In relation to a constituency election, the constituency returning officer shall fix the place at which constituency nomination papers are to be delivered to him, and shall attend there during the time for their delivery and for the making of objections to them.

(2) The place in relation to a constituency election shall be in—

- (a) the Assembly constituency; or
- (b) the registration area which includes the whole or any part of the Assembly constituency.

(3) In relation to a regional election, the regional returning officer shall fix the place or places at which individual nomination papers or party nomination papers are to be delivered to him, and he shall attend there during the time for their delivery and for the making of objections to them.

(4) A place in relation to a regional election shall be in the Assembly electoral region.

(5) For the purposes of paragraph (2)(b) “registration area” means the area of two or more Assembly constituencies which have the same registration officer.

Right to attend nomination

12.—(1) In relation to a constituency election, except for the purpose of delivering a constituency nomination paper or of assisting the constituency returning officer, and subject to paragraph (6), no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—

- (a) a person standing nominated as a candidate;
- (b) the election agent of such a person;
- (c) the registered nominating officer of a registered political party that has delivered a certificate under paragraph 5(1) or (3) in respect of a candidate; or
- (d) a person who is entitled to attend by virtue of section 6A or 6B of the 2000 Political Parties Act(101),

but where a candidate acts as his own election agent he may name one other person who shall be entitled to attend in place of his election agent.

(2) In relation to a regional election, except for the purpose of delivering an individual nomination paper or a party nomination paper or of assisting the regional returning officer, and subject to paragraph (6), no person is entitled to attend the proceedings during the time for delivery of

(101) Sections 6A and 6B are inserted into the Political Parties, Elections and Referendums Act 2000 by section 29 of the Electoral Administration Act 2006 from 1st January 2007.

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individual nomination papers or party nomination papers or for making objections to them unless he is—

- (a) a person standing nominated as an individual candidate;
- (b) the election agent of such a person;
- (c) a party list candidate;
- (d) the registered nominating officer of a registered political party that has submitted a party list, or the election agent of that party in respect of that list;
- (e) a person who is entitled to attend by virtue of section 6A or 6B of the 2000 Political Parties Act,

but where an individual candidate acts as his own election agent, or a party list candidate acts as election agent of that party in relation to that list, he may name one other person who shall be entitled to attend in place of the election agent for that individual candidate or, as the case may be party.

(3) In relation to a constituency election, the right to attend conferred by this rule includes the right—

- (a) to inspect; and
- (b) to object to the validity of,

any constituency nomination paper.

(4) In relation to a regional election, the right to attend conferred by this rule includes the right—

- (a) to inspect; and
- (b) to object to the validity of,

any individual nomination paper or any party nomination paper (including the nomination of any party list candidate on the party list submitted with that party nomination paper).

(5) Paragraphs (3) and (4) do not apply to a person mentioned in paragraph (1)(d) or (2)(e).

(6) One other person chosen by the candidate is entitled to be present at the delivery of the nomination paper by which that candidate is nominated, and may afterwards, so long as the candidate stands nominated, attend the proceedings referred to in paragraph (1) or, as the case may be, (2), but without any such right as is conferred by paragraph (3) or, as the case may be, (4).

Decisions as to validity of individual and constituency nomination papers

13.—(1) A candidate to whom this rule applies shall be deemed to stand nominated where the nomination paper by which he is nominated and his consent to nomination are delivered and a deposit is made in accordance with these rules; and such candidate shall be deemed to stand nominated unless and until—

- (a) the appropriate returning officer decides that the nomination paper is invalid;
- (b) proof is given to the appropriate returning officer's satisfaction of the candidate's death; or
- (c) the candidate withdraws.

(2) The appropriate returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—

- (a) that the particulars of the candidate are not as required by law (including, at a constituency election, that a nomination paper breaches rule 5(1) or (3));
- (b) that the paper is not subscribed as so required;

- (c) that the candidate is disqualified by the Representation of the People Act 1981⁽¹⁰²⁾;
 - (d) in the case of an individual candidate at a regional election, that his candidature is in breach of section 5(6) of the 1998 Act⁽¹⁰³⁾; or
 - (e) in the case of a candidate at a constituency election, that his candidature is in breach of section 4(7) of the 1998 Act.
- (3) Subject to paragraph (4), the appropriate returning officer shall give his decision on any objection to a nomination paper—
- (a) as soon as practicable after it is made; and
 - (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of constituency nomination papers set out in the Table in rule 1(1).
- (4) If in the constituency returning officer's opinion a constituency nomination paper breaches rule 5(1) or (3), he shall give a decision to that effect—
- (a) as soon as practicable after the delivery of the nomination paper; and
 - (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1(1).
- (5) Where the appropriate returning officer decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.
- (6) The appropriate returning officer's decision that a nomination paper is valid shall be final and shall not be questioned in any proceedings whatsoever.
- (7) Subject to paragraph (6), nothing in this rule prevents the validity of a nomination being questioned on an Assembly election petition.
- (8) In respect of an Assembly election held after the 2007 Assembly general election, paragraph (2) shall have effect as if—
- (a) in sub-paragraph (d) the reference to section 5(6) of the 1998 Act were a reference to section 7(6) of the 2006 Act; and
 - (b) in sub-paragraph (e) the reference to section 4(7) of the 1998 Act were a reference to section 7(1), or as the case may be, section 10(9) of the 2006 Act.
- (9) This rule applies to a constituency candidate and an individual candidate.

Decisions as to validity of party nomination papers

14.—(1) Where a party nomination paper, together with its party list and the consent of each candidate in that list, is delivered and a deposit is made in accordance with these rules the party and (subject to paragraphs (3) and (4)) each candidate on its list shall be deemed to stand nominated unless and until the regional returning officer decides that the party nomination paper is invalid.

(2) The regional returning officer is entitled to hold a party nomination paper invalid only on one of the following grounds—

- (a) that it breaches rule 7(2) or (3);
- (b) that it breaches rule 8(1) or (3);
- (c) that it is not subscribed as so required;
- (d) that the party list includes more than twelve persons; or

⁽¹⁰²⁾1981 c. 34. That Act of 1981 is applied to membership of the National Assembly for Wales constituted by the Government of Wales Act 1998 by virtue of section 12(2) of the Government of Wales Act 1998 and to membership of the National Assembly for Wales constituted by the Government of Wales Act 2006 by virtue of section 16(2) of that Act of 2006.

⁽¹⁰³⁾Section 5(6) of the Government of Wales Act 1998 is amended by paragraph 5(3) of Schedule 11 to the Government of Wales Act 2006.

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- (e) that each candidate included on the party list has, in accordance with paragraphs (3) and (4), ceased to stand nominated.
- (3) Where, in respect of a party list candidate—
- (a) proof is given to the regional returning officer's satisfaction of his death; or
 - (b) he withdraws or his candidature is withdrawn in accordance with rule 15(4),
- he shall cease to stand nominated.
- (4) The regional returning officer is entitled to hold that a party list candidate shall cease to stand nominated where—
- (a) his particulars are not as required by law; or
 - (b) he is disqualified by the Representation of the People Act 1981⁽¹⁰⁴⁾; or
 - (c) his candidature is in breach of section 5(5) of the 1998 Act ⁽¹⁰⁵⁾.
- (5) Where a candidate ceases to stand nominated by virtue of paragraph (4) it shall not of itself prevent any other candidate included on the party list from continuing to stand nominated.
- (6) Subject to paragraph (7), the regional returning officer shall give his decision on any objection to a party nomination paper or to a party list candidate—
- (a) as soon as practicable after it is made; and
 - (b) in any event, before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1(1).
- (7) If in the regional returning officer's opinion a party nomination paper breaches rule 7(2), 8(1) or 8(3), he shall give a decision to that effect—
- (a) as soon as practicable after the delivery of the nomination paper; and
 - (b) in any event before the end of the period of 24 hours starting with the close of the period for delivery of nomination papers set out in the Table in rule 1(1).
- (8) Where the regional returning officer decides that—
- (a) a party nomination paper is invalid; or
 - (b) the name and address of a candidate shall be deleted from a party list,
- he shall endorse and sign on the paper the fact and reasons for his decision.
- (9) The regional returning officer's decision that—
- (a) a party nomination paper is valid; or
 - (b) the name and address of a candidate should not be removed from a party list,
- shall be final and shall not be questioned in any proceedings whatsoever.
- (10) Subject to paragraph (9), nothing in this rule prevents the validity of a nomination being questioned on an Assembly election petition.
- (11) In respect of an Assembly election held after the 2007 Assembly general election, paragraph (4)(c) shall have effect as if the reference to section 5(5) of the 1998 Act were a reference to section 7(5) of the 2006 Act.

Withdrawal of candidates

15.—(1) Subject to paragraph (3), a candidate at a constituency election may withdraw his candidature by notice of withdrawal—

⁽¹⁰⁴⁾1981 c. 34.

⁽¹⁰⁵⁾Section 5(5) of the Government of Wales Act 1998 is amended by paragraph 5(2) of Schedule 11 to the Government of Wales Act 2006

- (a) signed by him and attested by one witness; and
 - (b) delivered to the constituency returning officer at the place for delivery of constituency nomination papers.
- (2) Subject to paragraph (3), an individual or party list candidate at a regional election may withdraw his candidature by notice of withdrawal—
- (a) signed by him and attested by one witness; and
 - (b) delivered to the regional returning officer at the place or a place for delivery of individual nomination papers or party nomination papers.
- (3) Where a candidate is outside the United Kingdom, a notice of withdrawal signed by a person and accompanied—
- (a) by a written declaration also so signed of the candidate's absence from the United Kingdom; and
 - (b) by a written statement signed by the candidate that the person giving the notice is authorised to do so on the candidate's behalf during his absence from the United Kingdom,
- shall be of the same effect as a notice of withdrawal signed by the candidate.
- (4) At a regional election a registered political party may withdraw the candidature of any or all of the candidates included in a party list of that party by notice of withdrawal—
- (a) signed by the party's registered nominating officer; and
 - (b) delivered to the regional returning officer at the place or a place for the delivery of individual nomination papers or party nomination papers.

Constituency election: publication of statement of persons nominated

16.—(1) At a constituency election the constituency returning officer shall prepare and publish a statement showing the persons who have been and stand nominated and any other persons who have been nominated, with the reason why they no longer stand nominated.

(2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their constituency nomination papers.

(3) If a person's constituency nomination paper gives a commonly used surname or forename in addition to another name, the statement shall show the person's commonly used surname or forename (as the case may be) instead of any other name.

(4) Paragraph (3) does not apply if the returning officer thinks—

- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors; or
- (b) that the commonly used name is obscene or offensive.

(5) If paragraph (4) applies, the returning officer must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

(6) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames and, if there are two or more of them with the same surname, of their other names.

(7) In the case of a person nominated by more than one constituency nomination paper, the constituency returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

(8) The constituency returning officer shall send to the Commission—

- (a) a copy of the statement; and

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- (b) in the case of each candidate standing nominated in respect of whom a certificate has been received by the returning officer in accordance with rule 5(1) or (3), a copy of that certificate as well.

Regional election: publication of statement of parties and other persons nominated

17.—(1) At a regional election the regional returning officer shall prepare a statement showing—

- (a) the names of the persons who have been and stand nominated as individual candidates;
- (b) the registered political parties which have been and stand nominated (together with in respect of each such party the list of candidates it has submitted and who have been and stand nominated as the candidates of that party); and
- (c) any other persons or parties who have been nominated together with the reason why they are no longer nominated,

and he shall deliver, or cause to be delivered, the statement to each constituency returning officer for an Assembly constituency in the Assembly electoral region.

(2) On receipt of a statement under paragraph (1) a constituency returning officer shall publish it.

(3) The statement shall show—

- (a) in respect of individual candidates, the names, addresses and descriptions of the persons nominated as given in their individual nomination papers; and
- (b) in respect of the registered political parties who have submitted a party list, the names of those parties together with, in respect of each such party—
 - (i) the name, names or description referred to in rule 7(2); and
 - (ii) the names and addresses of the persons nominated as appear in that party's list.

(4) If an individual candidate's nomination paper gives a commonly used surname or forename in addition to another name, the statement shall show the person's commonly used surname or forename (as the case may be) instead of any other name.

(5) If as regards a candidate included in a party list, the party list gives a commonly used surname or forename in addition to another name, the statement shall show the person's commonly used surname or forename (as the case may be) instead of any other name.

(6) Paragraph (4) and (5) do not apply if the regional returning officer thinks—

- (a) that the use of the person's commonly used name may be likely to mislead or confuse electors, or
- (b) that the commonly used name is obscene or offensive.

(7) If paragraph (6) applies, the regional returning officer must give notice in writing to the candidate of his reasons for refusing to allow the use of a commonly used name.

(8) The statement shall show—

- (a) the individual candidates standing nominated arranged together alphabetically; and
- (b) the registered political parties which have submitted a party list arranged together alphabetically and (in respect of each such party) the candidates standing nominated arranged (immediately after the entry for the relevant party) in the order that they appear on the party list.

(9) The arrangement of registered political parties referred to in paragraph (8)(b) is to be shown in the statement before the arrangement of individual candidates referred to in paragraph (8)(a) is so shown.

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(10) For the purposes of paragraph (8)(a) alphabetical order is to be determined by reference to the surnames of the individual candidates and, if there are two or more of them with the same surname, of their other names.

(11) For the purposes of paragraph (8)(b)—

(a) a registered political party is to be shown in the statement by reference to the name (or names) or, as the case may be, the description referred to in rule 7(2) in respect of the party; and

(b) alphabetical order is to be determined by disregarding the definite or indefinite article and, where there are two or more words in the name or names or, as the case may be, description (having disregarded the definite or indefinite article), by reference to the first of those words and, if there are two or more parties with the same first word, of the other words.

(12) In the case of a person nominated by more than one individual nomination paper, the regional returning officer shall take the particulars required by the foregoing provisions of this paragraph from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

(13) In the case of a registered political party which has delivered more than one party nomination paper (and where party list candidates of that party stand nominated by more than one party list submitted with those papers), the regional returning officer shall take the particulars required by the foregoing provisions of this paragraph from such one of the papers and the party list with that paper as the registered nominating officer of the party (or the returning officer in default of that registered nominating officer) may select; and if any candidate is shown standing nominated by a list not so selected but is not so shown in the selected list he shall no longer stand nominated.

(14) The regional returning officer shall send to the Commission a copy of the statement.

(15) Other than in rule 19 the statement required by this paragraph is referred to in this Order as a statement of persons nominated.

Correction of minor errors

18.—(1) A returning officer may, if he thinks fit, at any time before the publication under paragraph 16 or 17 of the statement of persons nominated, correct minor errors in a nomination paper (including in a party list submitted with a party nomination paper).

(2) Errors which may be corrected include obvious errors of spelling in relation to the details of a candidate or of those of a registered political party.

(3) Anything done by a returning officer in pursuance of this rule must not be questioned in any proceedings other than proceedings on an Assembly election petition.

(4) A returning officer must have regard to any guidance issued by the Commission for the purposes of this rule.

Disqualification by Representation of the People Act 1981

19.—(1) If it appears to the appropriate returning officer that any person nominated as a constituency candidate or as an individual candidate or as a party list candidate might be disqualified by the Representation of the People Act 1981 he shall, as soon as practicable after the expiry of the time allowed for the delivery of—

(a) constituency nomination papers, in the case of a constituency election; or

(b) individual nomination papers or party nomination papers, in the case of a regional election, prepare and publish a draft of the statement required by rule 16 or, as the case may be, 17.

(2) The draft shall be headed—

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(a) in the case of a constituency election—

“Draft statement of persons nominated

Datganiad drafft o'r personau a enwebwyd”; or

(b) in the case of a regional election—

“Draft statement of registered political parties and other persons nominated

Datganiad drafft y pleidiau gwleidyddol cofrestredig a phobl eraill a enwebwyd”,

and shall contain a notice stating that any person who wishes to object to the nomination of any candidate on the ground that he is disqualified for nomination under the Representation of the People Act 1981 may do so between the hours of 10 in the morning and 4 in the afternoon on the day and at the place specified in the notice; and the day so specified shall be the day next after the last day for the delivery of nomination papers.

Adjournment of nomination proceedings in the case of riot

20.—(1) Where, the proceedings for, or in connection with, nomination are on any day interrupted or obstructed by riot or open violence—

(a) the proceedings shall be abandoned for that day; and

(b) if that day is the last day for the delivery of—

(i) constituency nomination papers, in the case of a constituency election; or

(ii) individual nomination papers and party nomination papers, in the case of a regional election,

the proceedings shall be continued on the next day as if that were the last day of such delivery, and that day shall be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this paragraph in the event of interruption or obstruction on that day).

(2) Where proceedings are abandoned by virtue of this rule nothing—

(a) may be done after they are continued if the time for doing it had passed at the time of the abandonment; or

(b) done before the abandonment shall be invalidated by reason of the abandonment.

Method of election at a constituency election

21. At a constituency election—

(a) if the statement of persons nominated shows more than one person standing nominated, a poll shall be taken in accordance with Part 3 of these rules; or

(b) if the statement of persons nominated shows only one person standing nominated, that person shall be declared to be elected in accordance with Part 4 of these rules.

Method of election at a regional election

22.—(1) Subject to paragraph (2), if the statement of persons standing nominated at a regional election shows more persons standing nominated (whether as individual candidates or party list candidates) than the number of seats for that Assembly electoral region a poll shall be taken in accordance with Part 3 of these rules.

(2) Where each person is included on the same party list, those persons shall be declared to be elected in accordance with Part 4 of these rules in the order that they are included on that list (starting with the highest) up to the number of seats for the Assembly electoral region.

(3) But if the statement of persons standing nominated shows the number of persons standing nominated (whether as individual candidates or party list candidates) is the same as, or fewer than, the number of seats for the Assembly electoral region, those persons standing nominated shall be declared to be elected in accordance with Part 4 of these rules.

(4) Paragraph (2) or, as the case may be, (3) shall also apply where notice of poll at a regional election is countermanded or the poll is abandoned under rule 75(1) (election becomes uncontested through death of candidate).

PART 3

Contested elections

General provisions

Poll to be taken by ballot

23.—(1) At a constituency election the votes at the poll shall be given by ballot and the result shall be ascertained, after counting the votes given to each candidate, in accordance with section 4(4) of the 1998 Act; and the candidate to whom the majority of votes has been given shall be declared to have been elected.

(2) At a regional election the votes at the poll shall be given by ballot and the results shall be ascertained, after counting the electoral region votes given to each individual candidate or registered political party, in accordance with sections 4(5) and (6) and 5 to 7(106) of the 1998 Act; and the candidates who, in accordance with those provisions, are returned as Assembly members shall be declared to have been elected.

(3) In respect of an Assembly election held after the 2007 Assembly general election—

- (a) paragraph (1) shall have effect as if the reference to section 4(4) of the 1998 Act were a reference to section 6(4) of the 2006 Act; and
- (b) paragraph (2) shall have effect as if the references to sections 4(5) and (6) and 5 to 7 of the 1998 Act were a reference to sections 6(5) and 7 to 9 of the 2006 Act.

The ballot paper at a constituency election

24.—(1) At a constituency election, the ballot of every voter shall consist of a ballot paper.

(2) The persons shown in the statement of persons nominated as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.

(3) Every ballot paper shall be in form CK in Schedule 10, and shall be printed in accordance with the directions in form CK1 in that Schedule and—

- (a) shall contain the names and other particulars of the candidates shown in the statement of persons nominated;
- (b) shall be capable of being folded up; and
- (c) shall have a number and other unique identifying mark printed on the back.

(4) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

(5) If a certificate received by the constituency returning officer under rule 5(1) or (3) has requested that a registered political party's registered emblem (or, as the case may be, one of the

(106) Sections 5 and 7 are amended by respectively paragraphs 5 and 6 of Schedule 11 to the Government of Wales Act 2006

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party's registered emblems) is to be shown on the ballot paper against the candidate's particulars, the ballot paper shall contain that emblem in that way.

The ballot paper at a regional election

25.—(1) At a regional election, the ballot of every voter shall consist of a ballot paper.

(2) The following, namely—

- (a) the persons shown in the statement of persons nominated standing nominated as individual candidates; and
- (b) the registered political parties which have submitted a party list and are shown in the statement of persons nominated as standing nominated, together with the party list candidates appearing on the party list of each such party and as standing nominated,

and no others, shall be entitled to have their names and descriptions inserted in the ballot paper.

(3) Every ballot paper shall be in form CL in Schedule 10, and shall be printed in accordance with the directions in form CL1 in that Schedule, and—

- (a) shall contain the names and descriptions of the individual candidates shown in the statement of persons nominated;
- (b) shall contain the names or, as the case may be, descriptions of the registered political parties shown in the statement of persons nominated together with the names of the candidates included on those parties' lists;
- (c) shall be capable of being folded up; and
- (d) shall have a number and other unique identifying mark printed on the back (together with a mark or other distinguishing feature by which the Assembly constituency can be identified in which the vote is to be given in relation to the ballot paper).

(4) The order of—

- (a) the names of the individual candidates; and
- (b) the names or, as the case may be, descriptions of the registered political parties (together with, in respect of each such name (or names) or, as the case may be, description of a registered political party, the names of its party list candidates),

in the ballot paper shall be the same order as in the statement of persons nominated.

(5) If a certificate received by the regional returning officer under rule 8(1) has requested that the registered political party's registered emblem (or, as the case may be, one of the party's registered emblems) is to be shown on the ballot paper against the party's description, the ballot paper shall contain that emblem in that way.

Polls with two ballot papers

26.—(1) Where the poll at a regional election is to be taken together with the poll at a constituency election for a relevant constituency, the constituency returning officer shall ensure that the number on the back of a constituency ballot paper is the same as the number on the back of one (but not more than one) regional ballot paper.

(2) A constituency is a relevant constituency for the purposes of paragraph (1) if it is situated in the region in respect of which the regional election is being held.

Corresponding number list

27.—(1) The constituency returning officer must prepare a list containing the numbers and other unique identifying marks of all ballot papers to be issued by him in pursuance of rule 33(1) or provided by him in pursuance of rule 37(1).

(2) The list shall be in form CM as set out in English and Welsh in Schedule 10.

Colour of ballot papers

28. Where at Assembly elections, an elector is entitled to give two votes, the ballot paper for each vote shall be of a different colour.

The official mark

29.—(1) Every ballot paper must contain an appropriate security marking (in this rule and in rule 58 referred to as “the official mark”).

(2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark—

(a) at elections for the same Assembly constituency; or

(b) in relation to the same Assembly constituency, at elections in the same Assembly electoral region.

(3) The appropriate returning officer may use a different official mark for different purposes at the same election.

Prohibition of disclosure of vote

30. No person who has voted at an Assembly election shall, in any legal proceedings to question the election or return, be required to state how he voted.

Use of schools and public rooms

31.—(1) At an Assembly election the constituency returning officer may use, free of charge, for the purpose of taking the poll—

(a) a room in a school to which this paragraph applies; or

(b) a room, the expense of maintaining which is payable wholly or mainly out of public funds.

(2) This rule applies to a school maintained or assisted by a local education authority, or a school in respect of which grants are made out of money provided by the Assembly or by Parliament to the person or body of persons responsible for the management of the school.

(3) The constituency returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as mentioned by reason of its being used for the purpose of taking the poll.

Action to be taken before the poll

Notice of poll

32.—(1) The appropriate returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which and the hours during which the poll will be taken.

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(2) In the case of a constituency election, the constituency returning officer shall also prepare and publish a notice (which may be combined with the statement of persons nominated under paragraph 16) setting out—

- (a) the situation of each polling station; and
- (b) the description of voters entitled to vote there,

and he shall as soon as practicable after publishing such notice give a copy of it to each of the election agents.

(3) In the case of a regional election, the constituency returning officer for each Assembly constituency in the Assembly electoral region shall prepare and publish a notice (which may be combined with the statement of persons nominated under rule 17) setting out—

- (a) the situation of each polling station in the Assembly constituency for which he is returning officer; and
- (b) the description of voters entitled to vote there,

and he shall as soon as practicable after publishing such notice—

- (i) give a copy of it to each of the election agents; and
- (ii) deliver, or cause to be delivered, a copy of it to the regional returning officer.

(4) Where the polls at a constituency election and a regional election are to be taken together the notices prepared by a constituency returning officer under paragraphs (2) and (3) may be combined.

Postal ballot papers

33.—(1) Subject to paragraph (2), at an Assembly election the constituency returning officer shall in accordance with Schedule 3 issue to those entitled to vote by post—

- (a) a ballot paper; and
- (b) a postal voting statement,

in the appropriate forms set out in Schedule 10 together with such envelopes for their return in accordance with paragraph 11 of Schedule 3.

(2) In the case of a person who is entitled to give a constituency vote and an electoral region vote by post the provisions of paragraph (1) shall apply save the reference in paragraph (1) to “a ballot paper” shall be construed as a reference to a constituency ballot paper and a regional ballot paper and following references in this rule to “ballot paper” shall be construed accordingly.

(3) In the case of a ballot paper issued to a person resident in the United Kingdom, the constituency returning officer must ensure that the return of the ballot paper and postal voting statement is free of charge to the voter.

(4) The constituency returning officer must also issue to those entitled to vote by post such information as he thinks appropriate about how to obtain—

- (a) translations into languages other than English and Welsh of any directions to and guidance for voters sent with the ballot paper;
- (b) a translation into Braille of such directions or guidance;
- (c) graphical representations of such directions or guidance; or
- (d) the directions or guidance in any other form (including any audible form).

Provision of polling stations

34.—(1) At an Assembly election the constituency returning officer shall provide a sufficient number of polling stations and, subject to the following provisions of this rule, shall allot the electors to the polling stations in such manner as he thinks most convenient.

(2) One or more polling stations may be provided in the same room.

(3) The polling station allotted to electors from any polling district shall be in the polling place for that district.

(4) The constituency returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

Appointment of presiding officers and clerks

35.—(1) At an Assembly election the constituency returning officer shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed by or on behalf of—

(a) a candidate; or

(b) a registered political party,

in or about the election.

(2) At a regional election the regional returning officer shall appoint and pay such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed in the circumstances described in paragraph (1)(a) or (b).

(3) The constituency returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a constituency returning officer so presiding with the necessary modifications as to things to be done by the constituency returning officer to the presiding officer or by the presiding officer to the constituency returning officer.

(4) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from the polling station.

Issue of official poll cards

36.—(1) At an Assembly election the constituency returning officer shall as soon as practicable after the publication of notice of the election send to electors and their proxies an official poll card.

(2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.

(3) In accordance with the following provisions of this rule, the official poll card shall set out—

(a) the name of the Assembly constituency or electoral region for which the election is to be held, or, where the polls at a constituency election and a regional election are to be taken together, both such areas;

(b) the elector's name, qualifying address and number on the register;

(c) the date and hours of the poll and the situation of the elector's polling station; and

(d) such other information, not relating to any candidate or registered political party, as the constituency returning officer considers appropriate,

and different information may be provided in pursuance of sub-paragraph (d) to different electors or descriptions of electors.

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(4) In the case of an elector with an anonymous entry, instead of containing the matter mentioned in paragraph (3)(b), the official poll card shall contain such matter as is specified in the appropriate form referred to in paragraph (5), (6), (7) or (8).

(5) The official poll card issued to an elector shall be in form CN1 set out in English and Welsh in Schedule 10.

(6) The official poll card issued to the proxy of an elector shall be in form CN2 set out in English and Welsh in Schedule 10.

(7) The official postal poll card issued to an elector shall be in form CN3 set out in English and Welsh in Schedule 10.

(8) The official postal poll card issued to the proxy of an elector shall be in form CN4 set out in English and Welsh in Schedule 10.

(9) In this rule—

“elector” means a person—

- (a) who is registered in the register for the Assembly constituency or as the case may be, Assembly electoral region on the last day for publication of notice of the election in question; and
- (b) includes a person then shown in that register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.

Equipment of polling stations

37.—(1) At an Assembly election the constituency returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the constituency returning officer’s opinion may be necessary.

(2) Where the polls at a constituency election and a regional election are to be taken together, the same ballot box may be used for the receipt of ballot papers at the regional election and at the constituency election if the constituency returning officer so determines and a determination may make different provision for different polling stations.

(3) Where separate ballot boxes are to be used for the receipt of ballot papers at a constituency election and at a regional election, each ballot box shall be clearly marked with—

- (a) the Assembly election to which it relates; and
- (b) the words “Place the [*specify the colour of the ballot papers in question*] ballot paper here, Rhowch y papur pleidleisio [*nodwch liw'r papurau pleidleisio dan sylw*] yma”.

(4) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it without the seal being broken.

(5) The constituency returning officer shall provide each polling station with—

- (a) materials to enable voters to mark the ballot papers;
- (b) copies of the register or such part of it as contains the entries relating to the electors allotted to the station;
- (c) the parts of any special lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (b); and
- (d) a list consisting of that part of the list prepared under rule 27 which contains the numbers (but not the other unique identifying marks) corresponding to those on the ballot papers provided to the presiding officer of the polling station in the form CO set out in Schedule 10.

(6) The reference in paragraph (5)(b) to the copies of the register of electors includes a reference to copies of any notices issued under section 13B(3B) or (3D) of the 1983 Act in respect of alterations to the register.

(7) The constituency returning officer shall for the assistance of voters who are partially-sighted provide each polling station with—

- (a) at least one large version of the ballot paper which complies with the relevant provision of article 141(6) and which shall be displayed inside the polling station;
- (b) an enlarged hand-held copy of the ballot paper which complies with the relevant provisions of article 141(7) and (8); and
- (c) a device of the description set out in paragraphs (8) and (9), for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 48(1)).

(8) The device referred to in paragraph (7)(c) must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(9) On one side of the device there shall be tabs of equal size which satisfy the conditions in paragraphs (10) to (13).

(10) The tabs must be capable of being positioned on the ballot paper so that each one is above one of the spaces to the right of—

- (a) in the case of a constituency election, the particulars of a constituency candidate; or
- (b) in the case of a regional election—
 - (i) the name or names or, as the case may be, description of a registered political party; or
 - (ii) the particulars of an individual candidate,

and on which the vote is to be marked (“the relevant space”).

(11) Each tab shall be numbered so that when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate, or as the case may be, registered political party, whose details (as referred to in paragraph (10)) are to the left of the relevant space covered by the tab in question.

(12) Each number on a tab shall be in raised form so that it can be clearly identified by touch.

(13) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.

(14) A notice in the form of form CP set out in English and Welsh in Schedule 10, giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited inside and outside every polling station.

(15) Where there is a contested constituency election, in every compartment of every polling station there shall be exhibited the notice—

- (a) in the case where votes are also given at the polling station in respect of a contested regional election—

“Vote for one candidate only on the constituency ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio etholaeth Iliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; or

- (b) in any other case—

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“Vote for one candidate only on the ballot paper. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch dros un ymgeisydd yn unig ar y papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”

(16) Where there is a contested regional election, in every compartment of every polling station there shall be exhibited the notice—

(a) in the case where votes are also given at the polling station in respect of a contested constituency election—

“Vote once only on the regional ballot paper coloured [*colour of ballot paper*]. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch unwaith yn unig ar y papur pleidleisio rhanbarthol lliw [*lliw'r papur pleidleisio*]. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”; or

(b) in any other case—

“Vote once only on the ballot paper. Put no other mark on the ballot paper or your vote may not be counted.

Pleidleisiwch unwaith yn unig ar y papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu fe all na chaiff eich pleidlais ei chyfrif.”

(17) The appropriate statement of persons nominated referred to in rule 16 and rule 17 shall be printed in conspicuous characters and exhibited inside and outside every polling station.

Appointment of polling and counting agents

38.—(1) Subject to paragraph (2), at a constituency election each candidate may, before the commencement of the poll, appoint—

(a) polling agents to attend at polling stations for the purpose of detecting personation; and

(b) counting agents to attend at the counting of the votes.

(2) The constituency returning officer may limit the number of counting agents that may be appointed under paragraph (1), so that—

(a) the number shall be the same in the case of each candidate; and

(b) the number allowed to a candidate shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the number of candidates.

(3) Subject to paragraph (4), at a regional election each—

(a) individual candidate; and

(b) election agent for a registered political party standing nominated,

may, before the commencement of the poll, appoint in relation to each Assembly constituency in the Assembly electoral region—

(i) polling agents to attend at polling stations for the purpose of detecting personation; and

(ii) counting agents to attend at the counting of the votes.

(4) The constituency returning officer may, in relation to the Assembly constituency for which he is the returning officer, limit the number of counting agents that may be appointed under paragraph (3), so that—

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- (a) the number shall be the same in the case of each individual candidate or registered political party; and
 - (b) the number allowed to an individual candidate or registered political party shall not (except in special circumstances) be less than the number obtained by dividing the number of clerks employed on the counting by the total of the number of individual candidates and registered political parties standing nominated.
- (5) Notice in writing of an appointment under paragraph (1) or (3), stating the name and address of the person appointed, shall be given by the person making the appointment to the constituency returning officer and shall be so given not later than the second day (computed like any period of time set out in the Table in rule 1(1)) before the day of the poll.
- (6) If an agent dies, or becomes incapable of acting, the person who appointed him may appoint another agent in his place, and shall forthwith give to the constituency returning officer notice in writing of the name and address of the agent appointed.
- (7) Any appointment authorised by this rule to be made by a constituency or an individual candidate may be made, and the notice of appointment given to the constituency returning officer, by the candidate's election agent instead of by the candidate.
- (8) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents—
- (a) whose appointments have been duly made and notified; and
 - (b) where the number of agents is restricted, who are within the permitted number.
- (9) Any notice required to be given to a counting agent by the constituency returning officer may be delivered at or sent by post to the address stated in the notice of appointment.
- (10) Any candidate may do himself any act or thing which any polling or counting agent, if appointed by him or on his behalf, would have been authorised to do, or may assist such agent in doing any such act or thing.
- (11) An election agent for a constituency or an individual candidate or a registered political party standing nominated may do or assist in doing anything which a polling or counting agent of that candidate or party is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of such an election agent instead of such polling or counting agents.
- (12) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

39. At an Assembly election the constituency returning officer shall make such arrangements as he thinks fit to ensure that—

- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a voter with disabilities to vote or as a constable on duty there) has been given a copy in writing of the provisions of article 35(1), (3) and (6); and
- (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of article 35(2) and (6).

Return of postal ballot papers

40.—(1) Where—

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- (a) a postal vote has been returned in respect of a person who is entered on the postal voters list; or
- (b) a proxy postal vote has been returned in respect of a proxy who is entered on the proxy postal voters list,

the constituency returning officer must mark the appropriate list accordingly.

(2) Rule 55(6) does not apply for the purposes of determining whether, for the purposes of this paragraph, a postal vote or a proxy postal vote is returned.

The poll

Admission to polling station

41.—(1) The presiding officer shall exclude all persons from the polling station except—

- (a) voters;
- (b) persons under the age of 18 who accompany voters to the polling station;
- (c) the candidates and the election agents of any constituency or individual candidates or in relation to any registered political party standing nominated, the election agent of such party in respect of the list it has submitted;
- (d) the polling agents appointed to attend at the polling station;
- (e) the clerks appointed to attend the polling station;
- (f) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Political Parties Act(107);
- (g) the constables on duty; and
- (h) the companions of voters with disabilities.

(2) The presiding officer shall regulate the total number of voters and persons under the age of 18 who accompany them to be admitted to the polling station at the same time.

(3) Not more than one party list candidate from the same party list submitted by a registered political party shall be admitted at the same time to a polling station.

(4) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same constituency or individual candidate or on behalf of the same registered political party.

(5) A constable or person employed by a constituency or regional returning officer shall not be admitted to vote in person elsewhere than at his own polling station under the relevant provision of this Order, except on production and surrender of a certificate as to his employment, which shall be in form CB set out in Schedule 10 and signed by an officer of police of the rank of inspector or above or by the returning officer, as the case may be.

(6) Any certificate surrendered under this rule shall forthwith be cancelled.

Keeping of order in the polling station

42.—(1) It is the presiding officer's duty to keep order at his polling station.

(2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—

(107) Sections 6A to 6D of the Political Parties, Elections and Referendums Act 2000 were inserted by section 29 of the Electoral Administration Act 2006 (c. 22).

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- (a) by a constable in or near that station; or
- (b) by any other person authorised in writing by the constituency returning officer to remove him,

and the person so removed shall not, without the presiding officer's permission, enter the polling station again during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.

(4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

43. Immediately before the commencement of the poll, the presiding officer shall—

- (a) show each ballot box proposed to be used for the purposes of the poll empty to such persons, if any, as are present in the polling station, so that they may see that each box is empty;
- (b) place his seal on it in such a manner as to prevent it being opened without breaking the seal;
- (c) place each box in his view for the receipt of ballot papers; and
- (d) keep it so sealed.

Questions to be put to voters

44.—(1) At the time that a person described in an entry in column 1 of the Table to this rule (“the Table”) applies for a ballot paper (but not afterwards) the presiding officer may put to that person the appropriate question (or if more than one any of them) set out opposite that entry.

(2) A question may be asked in English (as set out in column (2) of the Table) or Welsh (as set out in column (3) of the Table).

(3) In respect of a person described in entries 2, 4 or 6 of the Table, the questions set out opposite those entries may be asked only where the polls at a constituency election and a regional election are taken together.

(4) Where the letter “R” appears after a question the presiding officer shall put that question to the person described opposite if the candidate or his election or polling agent (including such an agent of a registered political party standing nominated) so requires.

(5) In the case of an elector in respect of whom a notice has been issued under section 13B (3B) or 13B(3D) of the 1983 Act, the references in the questions at 1(a), 5(a), (b) (c) and 6 to reading from the register must be taken as references to reading from the notice issued under section 13B (3B) or 13B (3D)(108).

(6) A ballot paper shall not be delivered to any person required to answer any of the questions unless that person has answered each question satisfactorily.

(7) Except as authorised by this rule, no inquiry shall be permitted as to the right of any person to vote.

(108) Section 13B was inserted into the Representation of the People Act 1983 by paragraph 6 of Schedule 1 to the Representation of the People Act 2000 (c. 2). Subsections (3B) and (3D) were inserted into section 13B by section 11(4) of the Electoral Administration Act 2006 (c. 22).

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Table

<i>Column (1)</i>	<i>Column(2)</i>	<i>Column (3)</i>
Person applying for a ballot paper	Question to be asked in English	Question to be asked in Welsh
1. A person applying as an elector	<p>(a) “Are you the person registered in the register of local government electors as follows(<i>read out the whole entry from the register</i>)?”[R]</p> <p>(b) “Have you already voted, here or elsewhere, at this election, otherwise than as proxy for some other person?”[R]</p>	<p>(a) “Ai chi yw'r person sydd wedi ei gofrestru ar y gofrestr o etholwyr llywodraeth leol fel a ganlyn (<i>darllen allan y cofnod cyfan o'r gofrestr</i>)?”[R]</p> <p>(b) “A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn yr etholiad hwn, ar wahân i fel dirprwy dros berson arall?”[R]</p>
2. A person applying as an elector where that person is entitled to give two votes at the polling station and the presiding officer has asked that person one or more of the questions at entry 1(a) and 1(b)	“Have you already cast a constituency vote and an electoral region vote at this election, here or elsewhere, otherwise than as a proxy for some person?”[R]	“A ydych eisoes wedi bwrw pleidlais etholaedol a phleidlais rhanbarth etholiadol yn yr etholiad hwn, yma neu yn rhywle arall, ar wahân i fel dirprwy dros berson arall?”[R]
3. A person applying as proxy	<p>(a) “Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?”[R]</p> <p>(b) “Have you already voted, here or elsewhere, at this election, as proxy on behalf of C.D.?”[R]</p> <p>(c) “Are you the spouse, civil partner, parent, grandparent, brother/ sister, child or grandchild of C.D.?”[R]</p>	<p>(a) “Ai chi yw'r person y mae eich enw yn ymddangos fel A.B. ar y rhestr o ddirprwyon ar gyfer yr etholiad hwn fel rhywun sydd â hawl i fwrw pleidlais ddirprwy ar ran C.D.?”[R]</p> <p>(b) “A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn yr etholiad hwn, fel dirprwy ar ran C.D.?”[R]</p> <p>(c) “Ai chi yw priod, partner sifil, rhiant, nain neu daid, brawd / chwaer, plentyn neu wŷr / wyres C.D.?”[R]</p>
4. A person applying as proxy on behalf of an elector who is entitled to give two votes at the polling station if the presiding officer has asked that person one or more of the questions at entry 3(a) and 3(b).	“Have you already cast a constituency vote and an electoral region vote, at this election here or elsewhere, on behalf of C.D.?”[R]	“A ydych eisoes wedi bwrw pleidlais etholiadol a phleidlais rhanbarth etholiadol, yn yr etholiad hwn neu yn rhywle arall, ar ran C.D.?”[R]
5. A person applying as proxy for an elector with an anonymous entry, instead of the questions at entry 3.	(a) “Are you the person entitled to vote as proxy on behalf of the elector whose number on the register of electors is	(a) “Ai chi yw'r person sydd â hawl i bleidleisio fel dirprwy ar ran yr etholwr sydd â'r rhif canlynol ar y gofrestr

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Column (1)	Column(2)	Column (3)
	<i>(read out the number from the register)?</i> ”[R]	etholwyr ar ei gyfer (darllen allan y rhif o'r gofrestr)?”[R]
	(b) “Have you already voted, here or elsewhere, at this election, as proxy on behalf of the elector whose number on the register of electors is <i>(read out the number from the register)?</i> ”[R]	(b) “A ydych eisoes wedi pleidleisio, yma neu yn rhywle arall, yn yr etholiad hwn, fel dirprwy ar ran yr etholwr sydd â'r rhif canlynol ar y gofrestr etholwyr ar ei gyfer (darllen allan y rhif o'r gofrestr)?”[R]
	(c) “Are you the spouse, civil partner, parent, grandparent, brother/ sister, child or grandchild of the elector whose number on the register of electors is <i>(read out the number from the register)?</i> ”[R]	(c) “ Ai chi yw priod, partner sifil, rhiant, nain neu daid, brawd / chwaer, plentyn neu wŷyr / wyres yr etholwr sydd â'r rhif canlynol ar y gofrestr etholwyr (darllen allan y rhif o'r gofrestr)?”[R]
6. A person applying as proxy on behalf of an elector with an anonymous entry and that elector is entitled to give two votes at the polling station, if the presiding officer has asked the person applying to vote as proxy one or more of the questions at entry 5(a) and 5(b).	“Have you already cast a constituency vote and an electoral region vote, here or elsewhere, at this election, on behalf of the elector whose number on the register of electors is <i>(read out the number from the register)?</i> ”[R]	“A ydych eisoes wedi bwrw pleidlais etholiadol a phleidlais rhanbarth etholiadol, yma neu yn rhywle arall, yn yr etholiad hwn, ar ran yr etholwr sydd â'r rhif canlynol ar y gofrestr etholwyr ar ei gyfer (darllen allan y rhif o'r gofrestr)?”[R]
7. A person applying as proxy, if the question at entry 3(c) or 5(c) is not answered in the affirmative.	“Have you at this election already voted in this constituency on behalf of two persons of whom you are not the spouse, civil partner, parent, grandparent, brother/ sister, child or grandchild?”[R]	“A ydych yn yr etholiad hwn eisoes wedi pleidleisio yn yr etholaeth hon ar ran dau berson a chithau heb fod yn briod, partner sifil, rhiant, nain neu daid, brawd / chwaer, plentyn neu wŷyr / wyres iddynt?”[R]
8. A person applying as an elector in relation to whom there is an entry in the postal voters list.	(a) “Did you apply to vote by post?” (b) “ Why have you not voted by post?”	(a) “A wnaethoch wneud cais i bleidleisio drwy'r post?” (b) “ Pam na wnaethoch bleidleisio drwy'r post?”
9. A person applying as proxy who is named in the proxy postal voters list.	(a) “Did you apply to vote by post as proxy?” (b) “Why have you not voted by post as proxy?”	(a) “ A wnaethoch wneud cais i bleidleisio drwy'r post fel dirprwy?” (b) “Pam na wnaethoch bleidleisio drwy'r post fel dirprwy?”

Challenge of voter

45. A person shall not be prevented from voting by reason only that—

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- (a) a candidate or his election or polling agent declares that he has reasonable cause to believe that the person has committed an offence of personation⁽¹⁰⁹⁾; or
- (b) the person is arrested on the grounds that he is suspected of committing or of being about to commit such an offence.

Voting procedure

46.—(1) A ballot paper shall be delivered to a voter who applies for one, and immediately before delivery—

- (a) the number and (unless paragraph (2) applies) name of the elector as stated in the copy of the register shall be called out;
- (b) the number of the elector shall be marked on the list mentioned in rule 37(5)(d) beside the number of the ballot paper to be issued to him;
- (c) a mark shall be placed in that copy of the register against the number of the elector to note that a ballot paper has been received but without showing the particular ballot paper which has been received; and
- (d) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.

(2) In the case of an elector who has an anonymous entry, he must show the presiding officer his official poll card and only his number shall be called out in pursuance of paragraph (1)(a).

(3) In the case of an elector who is added to the register in pursuance of a notice issued under section 13B(3B) or (3D) of the 1983 Act paragraph (1) is modified as follows—

- (a) in paragraph 1(a), for “copy of the register of electors” substitute “copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”;
- (b) in paragraph 1(c), for “in the register of electors” substitute “on the copy of the notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(4) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the number and other unique identifying mark, and put the ballot paper so folded up into the ballot box in the presiding officer’s presence.

(5) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

(6) Where the polls at a constituency election and a regional election are to be taken together the same copy of the register of electors or copy of the notice may be used under paragraph (1) for a constituency election and a regional election and one mark may be placed in that register or on that copy under paragraph (1)(c) or in the list of proxies under paragraph (1)(d) to denote that a ballot paper has been received in respect of each election except that, where a ballot paper has been issued in respect of one election only, a different mark shall be placed in the register or, as the case may be, on the copy or in the list so as to identify the election in respect of which the ballot paper was issued.

(7) Subject to rule 50(4) where a voter is entitled to two votes, the constituency ballot paper and the regional ballot paper delivered to a voter shall bear the same number.

Votes marked by presiding officer

47.—(1) The presiding officer on the application of a voter—

⁽¹⁰⁹⁾Personation is defined in article 30.

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(a) who is incapacitated by blindness or other disability from voting in a manner directed by these rules; or

(b) who declares orally that he is unable to read,

shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in a manner directed by the voter, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in this Schedule called "the list of votes marked by the presiding officer").

(3) For the purposes of paragraph (2) in the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

(4) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (2) applies as if for "on the register of electors of every voter" there were substituted "relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act".

(5) Where the polls at a constituency election and a regional election are to be taken together, the same list of votes marked by the presiding officer may be used for the constituency and regional elections at which the voters are entitled to vote and, where it is so used, an entry in that list shall be taken to mean that the ballot papers were so marked in respect of each election, unless the list identifies the election at which the ballot paper was so marked.

Voting by persons with disabilities

48.—(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

(a) blindness or other disability; or

(b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these rules referred to as "the companion"), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance.

(2) If the presiding officer—

(a) is satisfied that the voter is so incapacitated; and

(b) is also satisfied by a written declaration made by the companion (in these rules referred to as "the declaration made by the companion of a voter with disabilities") that the companion—

(i) is a qualified person within the meaning of these rules; and

(ii) has not previously assisted more than one voter with disabilities to vote at the Assembly election,

the presiding officer shall grant the application, and then anything which is by this Schedule required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

(3) For the purposes of this rule, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1), and a person shall be qualified to assist a voter with disabilities to vote, if that person is either—

(a) a person who is entitled to vote as an elector at the Assembly election; or

(b) the father, mother, brother, sister, spouse, civil partner, son or daughter of the voter with disabilities and has attained the age of 18 years.

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(4) The name and number in the register of every voter whose vote is given in accordance with this paragraph and the name and address of the companion shall be entered on a list (in these rules referred to as “the list of voters with disabilities assisted by companions”).

(5) For the purposes of paragraph (4), in the case of a person voting as proxy for an elector, the number to be entered together with the voter’s name shall be the elector’s number.

(6) In the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act, paragraph (4) applies as if for “in the register of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act”.

(7) The declaration made by the companion—

- (a) shall be in form CQ set out in English and Welsh in Schedule 10;
- (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(8) No fee or other payment shall be charged in respect of the declaration.

(9) Where the polls at a constituency election and a regional election are to be taken together, the same list of voters with disabilities assisted by companions may be used for the constituency and regional elections at which the voters are entitled to vote and, where it is so used, an entry in that list shall be taken to mean that the votes were so given in respect of each election, unless the list identifies the election at which a vote was so given.

Tendered ballot papers

49.—(1) If a person, representing himself to be—

- (a) a particular elector named on the register and not named in the postal voters list; or
- (b) a particular person named in the list of proxies as proxy for an elector and not entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as “a tendered ballot paper”) in the same manner as any other voter.

(2) Paragraph (4) applies if—

- (a) a person applies for a ballot paper representing himself to be a particular elector named on the register;
- (b) he is also named in the postal voters list; and
- (c) he claims that he did not make an application to vote by post at the election.

(3) Paragraph (4) also applies if—

- (a) a person applies for a ballot paper representing himself to be a particular person named as a proxy in the list of proxies;
- (b) he is also named in the proxy postal voters list; and
- (c) he claims that he did not make an application to vote by post as proxy.

(4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(5) Paragraph (6) applies if before the close of the poll but after the last time at which a person may apply for a replacement postal ballot paper, a person represents himself to be—

- (a) a particular elector named on the register and who is also named in the postal voters list; or
- (b) a particular person named as a proxy in the list of proxies and who is also named in the proxy postal voters list,

and claims that he has lost or has not received his postal ballot paper.

(6) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a “tendered ballot paper”) in the same manner as any other voter.

(7) A tendered ballot paper shall—

- (a) be of a colour different from the other ballot papers; and
- (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number on the register, and set aside in a separate packet.

(8) The name of the voter and his number on the register shall be entered on a list (in these rules referred to as the “tendered votes list”).

(9) In the case of a person voting as proxy for an elector, the number to be endorsed or entered together with the voter’s name shall be the number of that elector.

(10) This rule applies to an elector who has an anonymous entry subject to the following modifications—

- (a) in paragraphs (7)(b) and (8) the references to the name of the voter must be ignored;
- (b) otherwise, a reference to a person named on a register or in a list must be construed as a reference to a person whose number appears on the register or in the list (as the case may be).

(11) This rule applies in the case of a person in respect of whom a notice has been issued under section 13B(3B) or (3D) of the 1983 Act as if—

- (a) in paragraphs (1)(a), (2)(a) and (5)(a) for “named on the register” there were substituted “in respect of whom a notice under section 13B(3B) or (3D) of the 1983 Act has been issued”; and
- (b) in paragraphs (7)(b) and (8) for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13B(3B) or (3D) of the 1983 Act”.

(12) Where the polls at a constituency election and a regional election are to be taken together, the same tendered votes list for the constituency and regional elections at which the voters are entitled to vote may be used and, where it is so used, an entry in that list shall be taken to mean that tendered ballot papers were so marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was so marked.

Spoilt ballot papers

50.—(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction the fact of the inadvertence, obtain another ballot paper (“the replacement ballot paper”) in the place of the ballot paper so delivered (in these rules referred to as a “spoilt ballot paper”), and the spoilt ballot paper shall be immediately cancelled.

(2) Paragraph (1) shall also apply in a case where a voter is entitled to give two votes at a polling station, but subject to paragraphs (3) and (4).

(3) Subject to paragraph (4), if the voter proves to the satisfaction of the presiding officer that only one ballot paper is spoilt inadvertently—

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- (a) he shall nevertheless deliver both ballot papers (“the surrendered ballot papers”) to the presiding officer;
 - (b) the presiding officer shall deliver to the voter two replacement ballot papers; and
 - (c) the presiding officer shall treat both of the surrendered ballot papers as spoilt ballot papers and shall immediately cancel them.
- (4) If a voter proves to the satisfaction of the presiding officer that one ballot paper is spoilt inadvertently and that the other ballot paper (“the used ballot paper”) has been placed in the ballot box—
- (a) the voter shall deliver the spoilt ballot paper (“the returned ballot paper”) to the presiding officer;
 - (b) the presiding officer shall deliver to the voter a replacement ballot paper in place of the returned ballot paper notwithstanding that the number on the replacement ballot paper is not the same as the number on the used ballot paper previously delivered to the voter; and
 - (c) the presiding officer in addition to cancelling the returned ballot paper shall treat the constituency or, as the case may be, regional ballot paper that has the same number as the replacement ballot paper delivered to the voter as a spoilt ballot paper and shall also immediately cancel it.

Correction of errors on the day of poll

51. The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13B(3B) or (3D) of the 1983 Act which takes effect on the day of the poll.

Adjournment of poll in case of riot

52.—(1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings till the following day and shall forthwith give notice—

- (a) in the case where the polls at a constituency election and at a regional election are taken together, to the constituency and to the regional returning officer; but otherwise
 - (b) in the case of a constituency election, to the constituency returning officer; or
 - (c) in the case of a regional election, to the constituency returning officer for the Assembly constituency in which the polling station is situated and to the regional returning officer.
- (2) Where the poll is adjourned at any polling station—
- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
 - (b) references in this Order to the close of the poll shall be construed accordingly.

Procedure on close of poll

53.—(1) As soon as practicable after the close of the polls where the polls at a constituency election and at a regional election have been taken together, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened;
- (b) the unused and spoilt ballot papers placed together relating to the constituency election;

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- (c) the unused and spoilt ballot papers placed together relating to the regional election;
- (d) the tendered ballot papers relating to the constituency election;
- (e) the tendered ballot papers relating to the regional election;
- (f) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (g) the lists prepared under rule 27, including the parts which were completed in accordance with rule 46(1)(b) (together referred to in these rules as “the completed corresponding number lists”);
- (h) the certificates as to employment on duty on the day of the poll; and
- (i) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 51 and the declarations made by the companions of voters with disabilities.

(2) Where paragraph (1) does not apply at an Assembly election, as soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—

- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened;
- (b) the unused and spoilt ballot papers placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the list of proxies;
- (e) the completed corresponding number lists;
- (f) the certificates as to employment on duty on the day of the poll; and
- (g) the tendered votes list, the list of voters with disabilities assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads “disability” and “unable to read”, the list maintained under rule 51 and the declarations made by the companions of voters with disabilities.

(3) The presiding officer shall deliver the packets made up under paragraph (1) or (2), or cause them to be delivered, to the constituency returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the constituency returning officer, the arrangements for their delivery shall require the constituency returning officer’s approval.

(4) The packets shall be accompanied by—

- (a) a separate statement relating to each Assembly election where paragraph (1) applies; or
- (b) a statement relating to the Assembly election where paragraph (2) applies,

(in these rules referred to as “the ballot paper account”) made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

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Counting of votes

Time of, and attendance at, counting of votes

54.—(1) At an Assembly election the constituency returning officer shall—

- (a) (subject to paragraph (2)) make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll; and
- (b) give to the counting agents and, in the case of a regional election, to the regional returning officer, notice in writing—
 - (i) of the time and place at which the proceedings described in rule 55(1) will begin;
 - (ii) in the case where the power conferred by rule 55(3) is exercised, of the time and the place at which he will count the votes following completion of the proceedings described in rule 55(1); and
 - (iii) in the case of a direction under paragraph (2), of the time and the place at which he will count the votes following completion of the proceedings described in rule 55(1),

and a notice under this paragraph may be combined with another such notice.

(2) At an Assembly general election where there are polls at—

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

the Secretary of State may direct each constituency returning officer for any constituency within that Assembly electoral region that the counting of votes (as provided for in rule 55(5)) in respect of the regional and each constituency election shall not begin before such time between the hours of 9 in the morning and noon on the day following the close of polls for those elections (disregarding any day mentioned in rule 2) as is specified in the direction.

(3) A direction given under paragraph (2) shall be given not later than 28 days before the date of the poll at the Assembly general election in question.

(4) Where a direction is given under paragraph (2), then during the period beginning with the conclusion of the proceedings described in rule 55(1) and ending with the time specified in the direction, the constituency returning officer shall—

- (a) place the ballot papers and other documents relating to each election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

(5) No person other than—

- (a) the constituency returning officer and his clerks;
- (b) the candidates and one other person chosen by each of them;
- (c) the election agents;
- (d) the counting agents;
- (e) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Political Parties Act; and
- (f) in the case of a regional election, the regional returning officer,

may be present at the proceedings described in rule 55(1) or at the counting of the votes, unless permitted by the constituency returning officer.

(6) A person not entitled to attend at the proceedings described in rule 55(1) or at the counting of the votes shall not be permitted to do so by the constituency returning officer unless he—

- (a) is satisfied that the efficient counting of the votes will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

(7) The constituency returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings, and all such information with respect to them, as he can give them consistently with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

- (8) In particular, where the votes are counted by sorting the ballot papers according to—
- (a) a candidate for whom a vote is given in the case of a constituency election; or
 - (b) an individual candidate for whom, or a registered political party for which, a vote is given in the case of a regional election,

and then counting the number of ballot papers for each such candidate or party, the counting agents shall be entitled to satisfy themselves that the ballot papers are correctly sorted.

The count

55.—(1) Subject to paragraph (8) where the polls at a regional election and at a constituency election for a constituency situated in that region are held on the same day, the constituency returning officer shall—

- (a) in the presence of the counting agents appointed for the purposes of each election open each ballot box and count and record separately the number of ballot papers in each box for each election;
- (b) in the presence of the election agents appointed for the purposes of each election verify each ballot paper account;
- (c) count such of the postal ballot papers as have been duly returned and record separately the number counted for each election; and
- (d) separate the ballot papers relating to each election.

(2) Where separate ballot boxes are used at polls in respect of a regional election and a constituency election for a constituency situated within that region, no vote shall be rendered invalid solely by the ballot paper being placed in the wrong ballot box.

(3) The proceedings described in paragraph (1) may be undertaken at a different place (or at different places) than a place at which the votes given on ballot papers are counted.

(4) But if the power in paragraph (3) is exercised, during the period beginning with the conclusion of the proceedings described in paragraph (1) and ending with the commencement of proceedings described in paragraph (5), the constituency returning officer shall—

- (a) place the ballot papers and other documents relating to each election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

(5) Subject to paragraphs (3) and (4) and any direction under rule 54(2), following completion of the proceedings described in sub-paragraph (1) the constituency returning officer shall in respect of the ballot papers relating to each election mix together all the ballot papers used at that election and count the votes given on them.

- (6) A postal ballot paper shall not be taken to be duly returned unless—
- (a) before the close of the poll—
 - (i) it is returned by hand or post and reaches the constituency returning officer; or
 - (ii) it is returned by hand to a polling station in the same constituency as that for which that returning officer is appointed;

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- (b) the postal voting statement duly signed is, before that time also returned either—
 - (i) by hand or post and reaches the constituency returning officer; or
 - (ii) by hand and reaches such a polling station;
- (c) the postal voting statement also states the date of birth of the elector or, as the case may be, proxy; and
- (d) in a case where the constituency returning officer takes steps to verify the date of birth and signature of the elector or, as the case may be, proxy in accordance with paragraph 23 or, as the case may be, 24 of Schedule 3, he so verifies the date of birth and signature of that elector or, as the case may be, proxy.

(7) The presiding officer of the polling station shall deliver or cause to be delivered any postal ballot paper or postal voting statement returned to that polling station to the constituency returning officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in rule 53.

(8) The constituency returning officer may collect, or cause to be collected, any postal ballot paper or postal voting statement which by virtue of paragraph (7) the presiding officer of a polling station would otherwise be required to deliver or cause to be delivered to him.

(9) Where the constituency returning officer collects, or causes to be collected, any postal ballot paper or postal voting statement in accordance with paragraph (8) the presiding officer shall first make it (or them) up into a packet (or packets) sealed with his own seal and the seals of such polling agents as are present and desire to affix their seals.

(10) The constituency returning officer shall not count any tendered ballot paper.

(11) The constituency returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers or other unique identifying marks printed on the back of the papers.

(12) The constituency returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoiled ballot papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoiled ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent appointed for the purposes of that election may copy; but where the power conferred by paragraph (3) is exercised in respect of more than one place a statement shall be drawn up in respect of each such place.

(13) The constituency returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents appointed for the purpose of that election agree, exclude the hours between 7 in the evening and 9 on the following morning.

(14) For the purposes of the exception in paragraph (13), the agreement of—

- (a) in the case of a constituency election, a candidate or his election agent; or
- (b) in the case of a regional election, an individual candidate or his election agent or the election agent for a registered political party,

shall be as effective as the agreement of his or its counting agents.

(15) During the time so excluded the constituency returning officer shall—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

(16) In relation to an Assembly election to which paragraph (1) does not apply—

- (a) paragraph (17) shall apply in its place;
 - (b) the references in paragraphs (3) and (4) and in rule 54(1), (5) and (6) to paragraph (1) shall be construed as references to paragraph (17);
 - (c) “each election” in paragraph (4)(a) shall be construed as a reference to “the election”; and
 - (d) paragraph (18) shall apply in place of paragraph (5) and the reference to paragraph (5) in paragraph (4) shall be construed as a reference to paragraph (18).
- (17) The constituency returning officer shall—
- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in those boxes;
 - (b) in the presence of the election agents verify each ballot paper account; and
 - (c) count such of the postal ballot papers as have been duly returned and record the number counted.
- (18) Subject to paragraphs (3) and (4), following completion of the proceedings described in paragraph (17) the constituency returning officer shall count the votes given on the ballot papers after—
- (a) in the case of postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and
 - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.

Re-count at a constituency election

56.—(1) At a constituency election a candidate or his election agent may, if present when the counting or any re-count of the votes is completed, require the constituency returning officer to have the votes re-counted or again re-counted but the constituency returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates and election agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

Re-count of electoral region votes in an Assembly constituency

57.—(1) At a regional election and prior to the certification required by rule 61(1)—

- (a) an individual candidate or his election agent;
- (b) a party list candidate or an election agent for a registered political party standing nominated; or
- (c) subject to paragraph (3), a counting agent for an individual candidate or a registered political party standing nominated,

may, if present when the counting or any re-count of the votes is completed in a constituency, require the constituency returning officer to have the votes re-counted or again re-counted but the constituency returning officer may refuse to do so if in his opinion the request is unreasonable.

(2) No step shall be taken on the completion of the counting or any re-count of votes until the candidates, election agents and counting agents present at its completion have been given a reasonable opportunity to exercise the right conferred by this rule.

(3) Where no candidate or election agent is present on the completion of the counting or any re-count of votes, the right conferred on that person by this rule (if he had been present) may be exercised by a counting agent referred to in paragraph (1)(c) so present provided that in his terms

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of appointment as a counting agent he is authorised to exercise the right conferred by this rule; but not more than one such counting agent for the same individual candidate or registered political party standing nominated may be appointed for the purposes of this rule in relation to the same Assembly constituency.

Rejected ballot papers

58.—(1) Any ballot paper—

- (a) which does not bear the official mark;
- (b) on which more than one vote is given;
- (c) on which anything is written or marked by which the voter can be identified except the printed number or other unique identifying mark on the back; or
- (d) which is unmarked or void for uncertainty,

shall, subject to the provisions of paragraph (2), be void and not counted.

(2) A ballot paper on which the vote is marked—

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross; or
- (c) by more than one mark,

shall not for such reason be deemed to be void if an intention how the vote is to be given clearly appears, and the way the paper is marked does not of itself identify the voter and it is not shown that he can be identified by it.

(3) At a regional election, a ballot paper on which a vote is marked for a particular party list candidate on the party list of a registered political party shall, if otherwise valid, be treated as a vote for that party, whether or not there is also a vote marked for that party.

(4) The constituency returning officer shall endorse the word “rejected” on any ballot paper which under this rule is not to be counted, and shall add to the endorsement the words “rejection objected to” if an objection is made by a counting agent to his decision.

(5) The constituency returning officer shall draw up a statement showing the number of ballot papers rejected under the several heads of—

- (a) want of official mark;
- (b) giving more than one vote;
- (c) writing or mark by which voter could be identified; and
- (d) unmarked or void for uncertainty.

Decisions on ballot papers

59. The decision of the constituency returning officer at an Assembly election on any question arising in respect of a ballot paper shall be final, but shall be subject to review on an Assembly election petition.

Equality of votes at a constituency election

60. At a constituency election, where, after the counting of the votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the constituency returning officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Regional election: conveying results of count etc. to regional returning officer

61.—(1) At the conclusion of the count of ballot papers in an Assembly constituency at a regional election the constituency returning officer shall, in accordance with any directions given by the regional returning officer, certify—

- (a) the number of ballot papers counted by him and the total number of votes given for each individual candidate or registered political party; and
- (b) the number of rejected ballot papers under each head shown in the statement under rule 58(5), and

forthwith convey that information to the regional returning officer.

(2) Where the regional returning officer has received the information required to be conveyed to him under paragraph (1) from each constituency returning officer for an Assembly constituency in the Assembly electoral region, he shall certify the totals of the numbers referred to in paragraph (1) for the electoral region.

(3) After a constituency returning officer has conveyed to the regional returning officer the information required to be conveyed under paragraph (1) he may, subject to paragraph (4) give public notice in such manner as he considers appropriate of the information so conveyed.

(4) The regional returning officer may direct that the constituency returning officer may only give the notice referred to in paragraph (3) after the regional returning officer has given the notice that he is required to give under rule 64(1)(d).

PART 4

Final proceedings in contested and uncontested elections

Declaration of result at a constituency election

62.—(1) At a contested constituency election, when the result of the poll has been ascertained, the constituency returning officer shall forthwith—

- (a) declare to be elected the candidate to whom the majority of votes has been given;
- (b) return his name and, if a certificate has been received by the constituency returning officer issued by the registered nominating officer of one or more registered political parties under rule 5(1) or (3) in respect of the candidate, the name of the party or, as the case may be, parties to the Clerk in accordance with paragraph (4);
- (c) give public notice of—
 - (i) his name and, if applicable, the name of any registered political party referred to in paragraph (1)(b); and
 - (ii) the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers under rule 58(5).

(2) At an uncontested constituency election, the statement of persons nominated, in addition to showing the person standing nominated, shall also declare that person elected, and the constituency returning officer shall forthwith return his name and, if a certificate has been received by the constituency returning officer issued by the registered nominating officer of one or more registered political parties under rule 5(1) or (3) in respect of the candidate, the name of the party or, as the case may be, parties to the Clerk in accordance with paragraph (4).

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(3) Where paragraph (1) or (2) applies at an Assembly general election, the constituency returning officer shall forthwith also notify the regional returning officer for the Assembly electoral region in which the Assembly constituency is situated as to—

- (a) the name of the candidate who has been returned; and
- (b) if applicable, the name of the registered political party or parties referred to in paragraph (1) (b), or as the case may be, paragraph (2) and for which party or parties the candidate is, for the purposes of ascertaining the result at that regional election, returned as the Assembly member for that constituency.

(4) For the purposes of paragraph (1)(b) and (2), the constituency returning officer shall return those names required to be returned by—

- (a) completing a certificate in form CR set out in English and Welsh in Schedule 10 declaring the candidate to be returned⁽¹¹⁰⁾; and
- (b) delivering it, or causing it to be delivered, to the Clerk.

(5) References to “the Clerk” in paragraphs (1), (2) and (4) and in rule 64 shall, in relation to the 2007 Assembly general election, include the Clerk to the Assembly constituted by the 1998 Act⁽¹¹¹⁾.

(6) In this rule and in rule 63, references to “ascertaining the result” shall in relation to a contested regional election, mean—

- (a) calculating the electoral region figure of each individual candidate and of each registered political party standing nominated at that election; and
- (b) allocating the seats to the electoral region members for that region⁽¹¹²⁾,

and like terms shall be construed accordingly.

Ascertainment of results at a contested regional election

63.—(1) At a contested regional election, the regional returning officer shall make arrangements for ascertaining the results of the poll as soon as practicable after he has—

- (a) given the certification required by rule 61(2); and
- (b) subject to rule 74(1), received the notification required by rule 62(3) from each constituency returning officer for an Assembly constituency in the Assembly electoral region.

(2) At a contested regional election the regional returning officer shall give notice in writing to the election agents and to each constituency returning officer for an Assembly constituency in the Assembly electoral region for which the election is held of the place and time at which he will begin to ascertain the results of the poll (together with such other information as he considers appropriate).

(3) No person other than—

- (a) the regional returning officer and his clerks;
- (b) the individual and party list candidates and one other person chosen by each of them;
- (c) the election agents;
- (d) persons who are entitled to attend by virtue of any of sections 6A to 6D of the 2000 Political Parties Act; and

⁽¹¹⁰⁾ By virtue of section 14(6) of the Government of Wales Act 2006, the term of office of an Assembly member begins when the Assembly member is declared to be returned. Paragraph 9 of Schedule 11 to the Government of Wales Act 2006 contains transitional provision in respect of the 2007 Assembly general election.

⁽¹¹¹⁾ As to the Clerk to the National Assembly for Wales constituted by the Government of Wales Act 1998, see the post with that title held by a member of staff of that Assembly as provided for in its standing orders.

⁽¹¹²⁾ As to the calculation of electoral region figures and allocation of seats for an Assembly electoral region, see sections 6 and 7 of the Government of Wales Act 1998 as amended by paragraph 6 of Schedule 11 to the Government of Wales Act 2006 in relation to the Assembly general election in 2007.

(e) the constituency returning officer for any Assembly constituency in the Assembly electoral region for which the election is held,
may be present at the proceedings on the ascertainment of the results, unless permitted by the regional returning officer to attend.

(4) A person not entitled to attend at the proceedings shall not be permitted to do so by the regional returning officer unless he—

- (a) is satisfied that the efficient ascertainment of the results will not be impeded; and
- (b) has either consulted the election agents or thought it impracticable to do so.

(5) The regional returning officer shall give the election agents and candidates all such reasonable facilities for overseeing the proceedings and all such information with respect to them (including for satisfying themselves that the ascertainment of the result that he is required to make is accurate), as he can give them consistent with the orderly conduct of the proceedings and the discharge of his duties in connection with them.

(6) The regional returning officer shall provisionally ascertain the results of the poll and notify that provisional ascertainment to such of the following persons who are present, namely—

- (a) an individual candidate or his election agent; and
- (b) the election agent for a registered political party standing nominated or (in his absence) one of the candidates on the list submitted by that party.

(7) A person to whom notification under paragraph (6) has been given may require the regional returning officer to ascertain provisionally those results again but the regional returning officer may refuse to do so if in his opinion the request is unreasonable.

(8) No step shall be taken to complete the ascertainment of the result until the persons notified under paragraph (6) have been given a reasonable opportunity to exercise the right conferred under paragraph (7).

(9) Where the regional returning officer has provisionally ascertained the results again under paragraph (7), paragraphs (6), (7) and (8) and this paragraph shall apply to the further provisional ascertainment.

(10) If in ascertaining the results of the poll the regional returning officer is required to draw lots⁽¹¹³⁾, he shall allocate the seat to the individual candidate or party on whom the lot falls.

(11) The regional returning officer shall have completed ascertaining the results of the poll when following a provisional ascertainment—

- (a) there is no request under paragraph (7) for him to make a further provisional ascertainment; or
- (b) if there is such a request, the regional returning officer refuses to make a further provisional ascertainment.

(12) This paragraph applies where the regional returning officer is notified under rule 62(3) that a candidate who is returned as the Assembly member for a constituency is the candidate of more than one registered political party.

(13) In a case to which paragraph (12) applies, the regional returning officer shall, in calculating the electoral region figure of a registered political party named in the notification, include that candidate as a candidate of that party; and in doing so shall disregard the fact that, for the purposes of calculating the electoral region figure of another registered political party named in that notification, the candidate is also included as the candidate of that other registered political party.

⁽¹¹³⁾ See section 7(9) of the Government of Wales Act 1998 in relation to the Assembly general election in 2007; and see section 9(9) of the Government of Wales Act 2006 in relation to any subsequent Assembly general election.

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Declaration of results at a regional election

64.—(1) After the regional returning officer has ascertained the results of the poll, he shall forthwith—

- (a) announce the individual candidates or the registered political parties to whom seats have been allocated (together with the names of the party list candidates who are to fill such seats);
- (b) declare those individual or party list candidates to have been elected;
- (c) return the names of those persons to the Clerk (and, in respect of any party list candidate, the name of the registered political party for which he was such a candidate) in accordance with paragraph (3); and
- (d) give public notice—
 - (i) of the name of any individual candidate elected;
 - (ii) of the name of any party list candidate elected (and the name of the registered political party for which he was such a candidate);
 - (iii) of the total number of votes given for each individual candidate or registered political party together with the number of rejected ballot papers under each head shown in the statement of rejected ballot papers; and
 - (iv) in respect of the number of votes referred to in sub-paragraph (iii), a breakdown of the number of votes given for each such candidate or party in each Assembly constituency in the Assembly electoral region.

(2) At an uncontested regional election the statement of persons nominated, in addition to showing the registered political parties and other persons standing nominated, shall also—

- (a) set out the individual candidates or the registered political parties to whom seats have been allocated (together with the names of the party list candidates who are to fill such seats); and
- (b) declare those individual or party list candidates to have been elected and returned,

and the regional returning officer shall forthwith return the names of those persons to the Clerk (and, in respect of any party list candidate, the name of the registered political party for which he was such a candidate) in accordance with paragraph (3).

(3) For the purposes of paragraphs (1)(c) and (2) the regional returning officer shall return those names required to be returned, by—

- (a) completing a certificate in form CS set out in English and Welsh in Schedule 10, (declaring the candidate to be returned); and
- (b) delivering it, or causing it to be delivered, to the Clerk.

Return or forfeiture of deposit

65.—(1) The deposit made at an Assembly election under rule 10 shall either be—

- (a) returned to the person making it or his personal representatives, in the case of a candidate at a constituency election or an individual candidate at a regional election;
- (b) returned to the registered nominating officer of a registered political party which has submitted a party list, in the case of a regional election; or
- (c) forfeited to the Secretary of State.

(2) Except in the cases mentioned in this rule, the deposit shall be returned not later than the next day after that on which the result or results of the election are declared.

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

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- (a) a day shall be disregarded if it would be disregarded under rule 2 in computing any period of time for the purposes of the timetable for the election; and
- (b) the deposit shall be treated as being returned on a day if a cheque for the amount of the deposit is posted on that day.

(4) If, in the case of a constituency election, a candidate is not shown as standing nominated in the statement of persons nominated, or if the poll is countermanded or abandoned by reason of his death, his deposit shall be returned as soon as practicable after the publication of the statement or after his death⁽¹¹⁴⁾, as the case may be.

(5) If, in the case of a regional election, an individual candidate or a registered political party is not shown as standing nominated in the statement of persons nominated, his or their deposit shall be returned as soon as practicable after publication of the statement.

(6) Subject to paragraph (4) the deposit shall be forfeited if in the case of a candidate for return as a constituency member, a poll is taken and after the counting of the votes by the constituency returning officer (including any re-count) is completed, the candidate is found to have polled not more than one twentieth of the total number of votes polled by all candidates in the constituency.

(7) Subject to paragraph (5), the deposit shall be forfeited if, in the case of a registered political party standing nominated or an individual candidate for return as a regional member, a poll is taken and after the total number of votes given for each registered party and each individual candidate has been counted, the registered political party or individual candidate is found to have polled not more than one twentieth of the total number of votes polled by all registered political parties and individual candidates in the region.

(8) Notwithstanding anything in paragraphs (2) to (7), if at an Assembly election a person is standing nominated as—

- (a) a candidate at a constituency election; or
- (b) an individual or party list candidate at a regional election,

and by virtue of such nomination he is in breach of—

- (i) in relation to a constituency candidate, section 4(7) or section 8(7) of the 1998 Act; or
- (ii) in relation to an individual or party list candidate, section 5(5) or, as the case may be section 5(6) of the 1998 Act⁽¹¹⁵⁾,

then not more than one of the deposits shall be returned and, if necessary, the Secretary of State shall determine which it is to be.

(9) In respect of an Assembly election held after the 2007 Assembly general election, paragraph (8) shall have effect as if—

- (a) in sub-paragraph (i), the references to sections 4(7) and 8(7) of the 1998 Act were respectively a reference to sections 7(1) and 10(9) of the 2006 Act; and
- (b) in sub-paragraph (ii), the references to section 5(5) and section 5(6) of the 1998 Act, were respectively a reference to section 7(5) and section 7(6) of the 2006 Act.

⁽¹¹⁴⁾ See also Part 6 (Death of candidate) for further provision as to the return of deposits.

⁽¹¹⁵⁾ Section 5(5) and (6) of the Government of Wales Act is amended by paragraph 5 of Schedule 11 to the Government of Wales Act 2006.

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PART 5

Disposal of documents

Sealing up of ballot papers

66.—(1) On the completion of the counting at a contested Assembly election the constituency returning officer shall seal up in separate packets the counted and rejected ballot papers.

(2) Where the polls at a constituency election and a regional election are taken together packets sealed up under paragraph (1) shall not contain ballot papers relating to different elections.

(3) The constituency returning officer shall not open the sealed packets of—

- (a) tendered ballot papers;
- (b) the completed corresponding number lists;
- (c) certificates as to employment on duty on the day of the poll; or
- (d) marked copies of the register of electors (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and lists of proxies.

Delivery of documents to relevant registration officer

67.—(1) Where a constituency returning officer has conducted a count where the poll at a constituency election and a regional election have been taken together, he shall then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in his possession relating to a constituency election;
- (b) the packets of ballot papers in his possession relating to a regional election;
- (c) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts relating to a constituency election;
- (d) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts relating to a regional election;
- (e) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 51 and the declarations made by the companions of voters with disabilities relating to the election, or as the case may be, elections;
- (f) the packets of the completed corresponding number lists;
- (g) the packets of the certificates as to employment on duty on the day of the poll relating to the election, or as the case may be, elections; and
- (h) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of lists of proxies and of the proxy postal voters list relating to the election, or as the case may be elections,

endorsing on each packet—

- (i) a description of its contents;
- (ii) the date of the election or elections to which they relate;
- (iii) where the packet relates to a constituency election, the name of the Assembly constituency for which the election was held;
- (iv) where the packet relates to a regional election, the name of the Assembly electoral region for which the election was held and the name of the Assembly constituency in which the electoral region votes were given; and

(v) where the packet relates to both a constituency and a regional election, the name of the Assembly constituency and electoral region for which the elections were held.

(2) Where a constituency returning officer has conducted a count at an Assembly election and paragraph (1) does not apply, he shall then forward to the relevant registration officer the following documents—

- (a) the packets of ballot papers in his possession;
- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts;
- (c) the tendered votes lists, the lists of voters with disabilities assisted by companions, the lists of votes marked by the presiding officer and the related statements, the lists maintained under rule 51 and the declarations made by the companions of voters with disabilities;
- (d) the packets of the completed corresponding number lists;
- (e) the packets of the certificates as to employment on duty on the day of the poll; and
- (f) the packets containing marked copies of registers (including any marked copy notices issued under section 13B(3B) or (3D) of the 1983 Act) and of the postal voters list, of lists of proxies and of the proxy postal voters list,

endorsing on each packet—

- (i) a description of its contents;
- (ii) the date of the election to which they relate;
- (iii) the name of the Assembly constituency or electoral region for which the election was held; and
- (iv) in the case of a regional election, the name of the Assembly constituency in which the electoral region votes were given.

Order for production of documents

68.—(1) An order—

- (a) for the inspection or production of any rejected ballot papers in the custody of the relevant registration officer; or
- (b) for the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on duty on the day of the poll or the inspection of any counted ballot papers in his custody,

may be made if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an Assembly election petition, by the High Court or a county court.

(2) An order for the opening of a sealed packet referred to in paragraph (1)(b) or for the inspection of any counted ballot papers in the relevant registration officer's custody may be made by an election court.

(3) An order under this paragraph may be made subject to such conditions as to—

- (a) persons;
- (b) time;
- (c) place and mode of inspection; or
- (d) production or opening,

as the court making the order may think expedient; but in making and carrying into effect an order for the opening of a sealed packet referred to in paragraph (1)(b) or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—

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- (i) that his vote was given; and
- (ii) that the vote has been declared by a competent court to be invalid.
- (4) An appeal lies to the High Court from any order of a county court under this paragraph.
- (5) Any power given under this rule to the High Court, or to a county court, may be exercised by any judge of the court otherwise than in open court.
- (6) Where an order is made for the production by the relevant registration officer of any document in his possession relating to any specified election—
 - (a) the production by him or his agent of the document ordered in such manner as may be directed by that order shall be conclusive evidence that the document relates to the specified election; and
 - (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.
- (7) The production from proper custody of—
 - (a) a ballot paper purporting to have been used at any election; and
 - (b) a completed corresponding number list with a number marked in writing beside the number of the ballot paper,

shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person whose entry in the register of electors or on a notice issued under section 13B(3B) or(3D) of the 1983 Act at the time of the election contained the same number as the number written as mentioned in sub-paragraph (b).

(8) Save as provided by this rule, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the relevant registration officer or to open any sealed packets referred to in paragraph (1)(b).

Retention and public inspection of documents

69.—(1) The relevant registration officer shall retain for a year all documents⁽¹¹⁶⁾ relating to an election forwarded to him in pursuance of these rules by a constituency returning officer and then, unless otherwise directed by order of the High Court, the Crown Court or a magistrates' court, shall cause them to be destroyed.

(2) Notwithstanding the revocation of the National Assembly for Wales (Representation of the People) Order 2003, rule 64 of Schedule 5 to that Order shall, in relation to documents forwarded to the Assembly under that Schedule and to which that paragraph applied, continue to have effect as if incorporated in this Order.

PART 6

Death of candidate

Constituency election: death of independent candidate

70.—(1) This rule applies if at a contested constituency election proof is given to the constituency returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named in the ballot paper as an independent candidate has died.

⁽¹¹⁶⁾ See sections 42 to 44 of the Electoral Administration Act 2006 (c. 22) as to access to and inspection of such documents. These sections commence on 1st January 2007.

(2) Subject to this rule and rules 71 and 72, these rules apply to the election as if the candidate had not died.

(3) The following provisions of these rules do not apply in relation to the deceased candidate—

- (a) rule 41(1)(c) and (d) (admission to polling station);
- (b) rule 54(5)(b) to (d) (attendance at count); and
- (c) rule 65(6) (forfeiture of deposit).

(4) If only two persons are shown as standing nominated in the statement of persons nominated the returning officer must—

- (a) if polling has not begun, countermand the notice of poll;
- (b) if polling has begun, direct that the poll is abandoned; and
- (c) subject to rule 76, treat the election as an uncontested election.

(5) For the purposes of this rule a person is named or to be named in the ballot paper as an independent candidate if the description (if any) on his nomination paper is not authorised as mentioned in rule 5(1) or (3).

Constituency election: deceased independent candidate wins

71.—(1) This rule applies if at an election mentioned in rule 70(1) the majority of votes is given to the deceased candidate.

(2) Rule 62(1) (declaration of result) does not apply and the constituency returning officer must not complete a certificate under rule 62(4) but must—

- (a) declare that the majority of votes has been given to the deceased candidate;
- (b) declare that no member is returned;
- (c) give public notice of the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement under rule 58(5); and
- (d) at an Assembly general election, forthwith notify the regional returning officer for the region containing that constituency that the majority of votes has been given to the deceased candidate and that no member is returned for that constituency.

(3) Rule 65 (return or forfeiture of deposit) does not apply in relation to the remaining candidates.

(4) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.

(5) A new notice of the election (“the new notice”) must be published on the first working day after the end of the period of seven days starting on the day of the poll of the election mentioned in rule 70(1).

(6) No fresh nomination is necessary in the case of a person shown in the previous statement of persons nominated, and no other nomination may be made.

(7) The last day on which a notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (6) may be delivered is the seventh working day after the day on which the new notice is published.

(8) Rule 10 (deposit) does not apply.

(9) Subject to paragraphs (10) and (11), the poll must be held on a day in the period (“the first period”) which starts 15 working days after the day on which the new notice is published and ends 19 working days after that day.

(10) If any of the days within the first period is Maundy Thursday, then—

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- (a) the poll must not be held on Maundy Thursday; but
- (b) the constituency returning officer may fix the day of the poll to be held in the period which starts 20 working days after the day on which the new notice is published and ends 24 working days after that day.

(11) If any of the days within the first period is a day in the period which starts with 22nd December and ends with 2nd January following, the constituency returning officer may fix the day of the poll to be held in the period which starts 20 working days after the day on which the new notice is published and ends 24 working days after that day.

(12) For the purposes of this rule—

- (a) a working day is a day which is not a day mentioned in rule 2; and
- (b) “previous statement of persons nominated” means the statement of persons nominated in operation at the time of the death of the deceased candidate.

Constituency election: deceased independent candidate with equality of votes

72. In an election mentioned in rule 70(1), if—

- (a) rule 60 (equality of votes) applies; and
- (b) any of the candidates to whom that paragraph applies is a deceased candidate,

the deceased candidate must be ignored.

Constituency election: death of party candidate

73.—(1) This rule applies if—

- (a) at a contested constituency election proof is given to the constituency returning officer’s satisfaction before the result of the election is declared that one of the persons named or to be named in the ballot paper has died; and
- (b) that person is standing in the name of a registered political party.

(2) The returning officer must—

- (a) countermand notice of the poll; or
- (b) if polling has begun, direct that the poll be abandoned.

(3) At an Assembly general election, the constituency returning officer must forthwith notify the regional returning officer for the region containing that constituency that notice of the poll at that constituency election has been countermanded or, as the case may be, that the poll has been abandoned and that no member is returned for that constituency.

(4) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.

(5) A new notice of the election (“the new notice”) must be published on the first working day after the end of the period of seven days starting on the day the proof of death is given to the constituency returning officer.

(6) No fresh nomination is necessary in the case of a person shown in the previous statement of persons nominated as standing nominated.

(7) No other nomination may be made except for a person standing in the name of the same registered political party in whose name the deceased candidate was standing.

(8) The last day on which a nomination mentioned in paragraph (7) may be delivered is the seventh working day after the day on which the new notice of the election is published.

(9) The last day on which a notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (6) or in pursuance of paragraph (7) may be delivered is the seventh working day after the day on which the new notice of the election is published.

(10) Subject to paragraphs (11) and (12) the poll must be held on a day in the period (“the first period”) which starts 15 working days after the day on which the new notice is published and ends 19 working days after that day.

(11) If any of the days within the first period is Maundy Thursday, then—

- (a) the poll must not be held on Maundy Thursday; but
- (b) the constituency returning officer may fix the day of the poll to be held in the period which starts 20 working days after the day on which the new notice is published and ends 24 working days after that day.

(12) If any of the days within the first period is a day in the period which starts with 22nd December and ends with 2nd January following, the constituency returning officer may fix the day of the poll to be held in the period which starts 20 working days after the day on which the new notice is published and ends 24 working days after that day.

(13) For the purposes of this rule—

- (a) a person stands in the name of a registered political party if his nomination paper contains a description which is authorised as mentioned in rule 5(1) or (3) and where the description is authorised under rule 5(3), references to “party” shall be construed as referring to each party by whom use of that description is authorised;
- (b) a working day is a day which is not specified in rule 2(a) to (d); and
- (c) “previous statement of person nominated” means the statement of persons nominated in operation at the time of the death of the person standing in the name of the registered political party.

Regional election: effect of countermand or abandonment of constituency poll

74.—(1) Where at an Assembly general election, there is a contested regional election and the poll or declaration of result at a constituency election for an Assembly constituency in the Assembly electoral region is postponed in accordance with rule 71 or 73, rule 63(1)(b) shall be satisfied when the regional returning officer has received the notification required by rule 62(3) in respect of each of the other Assembly constituencies in the Assembly electoral region (other than in respect of an Assembly constituency to which this sub-paragraph also applies).

(2) Where paragraph (1) applies, the subsequent election of a candidate for the Assembly constituency shall have no effect upon the validity of the election and return of any member at the regional election.

Regional election: death of candidate

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

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

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

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

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

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

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

Abandoned poll

76.—(1) This rule applies to—

- (a) a poll which is abandoned in pursuance of rule 70(4)(b) or 75(1)(b) as if it were a poll at a contested election; and
- (b) a poll which is abandoned in pursuance of rule 73(2)(b).

(2) Subject to paragraph (10) the presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery to the constituency returning officer of ballot boxes and of ballot papers and other documents as he is required to take on the close of the poll.

(3) The constituency returning officer must dispose of ballot papers and other documents in his possession as he is required to do on the completion of the counting of the votes.

(4) It is not necessary for a ballot paper account to be prepared or verified.

(5) No step or further step is to be taken for the counting of the ballot papers or of the votes.

(6) The constituency returning officer must seal up all the ballot papers (whether the votes on them have been counted or not) and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(7) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply subject to paragraphs (8) and (9).

(8) Ballot papers on which the votes were neither counted nor rejected must be treated as counted ballot papers.

(9) No order is to be made for—

- (a) the production or inspection of any ballot papers; or
- (b) the opening of a sealed packet of the completed corresponding number lists or of certificates as to employment on the day of the poll,

unless the order is made by a court with reference to a prosecution.

(10) Where the polls at a regional election and at a constituency election for a constituency within that region are held on the same day but the poll at one election is abandoned in any of the circumstances mentioned in paragraph (1)—

- (a) the steps which the presiding officer is required to take at such a polling station by sub-paragraph (2) shall take place at the close of the poll at the other election; and
- (b) sub-paragraph (3) shall have effect as if after “the constituency returning officer”, there was inserted “having separated the ballot papers relating to the other Assembly election”, and

paragraphs (4) to (9) shall apply only to the election at which the poll has been abandoned.

PART 7

Miscellaneous

Vacancies: Assembly constituency seats

77. Where the date of the poll to fill a vacant seat for an Assembly constituency is fixed by the Presiding Officer of the Assembly(**117**) he shall forthwith send a notice to the returning officer for the Assembly constituency stating—

- (a) that the vacancy exists; and
- (b) the date fixed for the poll to fill that vacancy.

Vacancies: return of electoral region members

78.—(1) Other than where article 101 applies, where it comes to the notice of the Presiding Officer of the Assembly that the seat of an Assembly member returned from a party list for an Assembly electoral region is vacant, he shall forthwith send a notice in accordance with paragraph (2) to the returning officer for the Assembly electoral region(**118**).

- (2) A notice under paragraph (1) shall—
 - (a) state that a vacancy exists; and
 - (b) set out the name of the person who had been returned to fill that seat, together with the name of the registered political party on whose list he was included.
- (3) Where a regional returning officer receives a notice under paragraph (1), he shall ascertain from the list submitted at the previous Assembly general election by the registered political party named in the notice the name and address of the person whose name now appears highest on that list (“the prospective member”).
- (4) The regional returning officer shall take such steps as appear to him to be reasonable—
 - (a) to contact the prospective member to ask whether he will state that he is willing to serve as an Assembly member for the Assembly electoral region; and
 - (b) to contact the registered nominating officer of the registered political party on whose list that person is included and notify that officer of the action he is taking under sub-paragraph (a).
- (5) Where within such period as the regional returning officer considers reasonable—

(117) See Section 10(4) of the Government of Wales Act 2006. By virtue of section 8(6) of the Government of Wales Act 1998, section 8 of that Act of 1998 is now spent in relation to such vacancies occurring before the Assembly general election in 2007.

(118) In relation to a vacancy occurring before the Assembly general election in 2007, see section 9 of that Act of 1998 and in relation to subsequent vacancies see section 11 of that Act of 2006 as modified by paragraph 7 of Schedule 11 to that Act of 2006.

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- (a) he decides that the steps he has taken to contact the prospective member have been unsuccessful; or
- (b) he has not received from the prospective member a statement in writing that he is willing to serve as an Assembly member for the Assembly electoral region; or
- (c) the prospective member has stated in writing he is not willing to so serve as an Assembly member; or
- (d) the regional returning officer—
 - (i) is satisfied that the prospective member is not a member of the registered political party on whose list he is included; and
 - (ii) receives notice signed by the registered nominating officer of that party that the prospective member's name is not to be notified to the Presiding Officer of the Assembly as the name of the person who is to fill the vacancy⁽¹¹⁹⁾,

the prospective member shall be treated as ceasing to be included on that list for the purposes of filling that vacancy.

(6) Where a person is so treated, the regional returning officer shall repeat the procedure required by paragraph (4) in respect of the person (if any) whose name and address appears next highest on that list; and paragraph (5) and this paragraph shall also apply with respect to that person.

(7) The regional returning officer shall continue to repeat the procedure until he has notified to the Presiding Officer of the Assembly the name of the person who is to fill the vacancy or the names on that list are exhausted.

(8) Subject to paragraph (5)(d), where a prospective member states in writing in response to the question from the regional returning officer under paragraph (4)(a) (including that sub-paragraph as applied by paragraph (6)) that he is willing to serve as an Assembly member for the Assembly electoral region, the regional returning officer shall forthwith notify to the Presiding Officer of the Assembly the name of that person as the person to fill the vacancy⁽¹²⁰⁾.

(9) The regional returning officer shall forthwith give public notice of the name—

- (a) of the member to be returned; and
- (b) of the registered political party for which such a member was a party list candidate.

(10) Where following the application of this rule the seat continues to be vacant the regional returning officer shall forthwith—

- (a) give public notice that the vacancy cannot be filled and that the seat will remain vacant until the next Assembly general election by virtue of the relevant enactment;
- (b) complete a certificate in form CT set out in English and Welsh in Schedule 10; and
- (c) deliver it, or cause it to be delivered, to the Clerk.

(11) In paragraph (10) “the relevant enactment” means, in respect of a vacancy occurring before the 2007 Assembly general election, section 9(7)(b) of the 1998 Act and in respect of vacancies occurring after that election, section 11(7)(b) of the 2006 Act.

(12) References to “the Clerk” in paragraph (10)(c) and in rule 79(1) shall, in relation to any vacancy in an Assembly electoral region occurring before the 2007 Assembly general election, be construed as references to the Clerk to the Assembly constituted by the 1998 Act.

⁽¹¹⁹⁾ See section 9(4) of the Government of Wales Act 1998 in relation to a vacancy occurring before the Assembly general election in 2007; for subsequent elections see section 11(4) of the Government of Wales Act 2006.

⁽¹²⁰⁾ That person is treated as having been declared to be returned as an Assembly regional member on the day the notification is received by the Presiding Officer of the Assembly, see section 9(6) of the Government of Wales Act 1998 in relation to a vacancy occurring before the 2007 Assembly general election; and section 11(6) of the Government of Wales Act 2006 in relation to subsequent vacancies.

Return of Assembly members and record of returns etc

79.—(1) The Clerk shall on receipt of a certificate delivered under rule 62(4), 64(3) or 78(10) enter the information contained in the certificate in a book kept for that purpose at the Assembly (in this paragraph referred to as “the returns book”).

(2) Where the Presiding Officer of the Assembly sends a notice under rule 77 or 78(1), he shall record in the returns book the fact of the vacancy in the Assembly constituency or electoral region concerned.

(3) Where the Presiding Officer of the Assembly is notified under rule 78(8) of the name of the person who is to fill an Assembly electoral region vacancy, he shall record in the returns book the name of that person, the name of the relevant Assembly electoral region and also the date on which he received that notification.

(4) Where a vacancy in an Assembly constituency can not be filled because, under the relevant enactment, an election to fill that vacancy must not be held⁽¹²¹⁾, the Presiding Officer of the Assembly shall record in the returns book that—

- (a) there is a vacancy in the Assembly constituency concerned; and
- (b) under the relevant enactment, the seat is to remain vacant until the next Assembly general election.

(5) Where it comes to the notice of the Presiding Officer of the Assembly that—

- (a) the seat of an Assembly member returned for an Assembly electoral region is vacant; and
- (b) the person was returned as an individual candidate,

he shall record in the returns book that—

- (i) there is a vacancy in the Assembly electoral region concerned; and
- (ii) under the relevant enactment, the seat is to remain vacant until the next Assembly general election.

(6) The returns book shall be open to public inspection at reasonable times and any person may, on payment of a reasonable fee, obtain copies from the book.

(7) “The relevant enactment” means in relation to—

- (a) a vacancy in an Assembly constituency, section 8(6) of the 1998 Act, in respect of a vacancy occurring before the 2007 Assembly general election and section 10(7) of the 2006 Act in relation to a vacancy occurring after that election; and
- (b) a vacancy in an Assembly electoral region for which an individual candidate was the member, section 9(7)(a) of the 1998 Act, in respect of a vacancy occurring before the 2007 Assembly general election and section 11(7)(a) of the 2006 Act in relation to a vacancy occurring after that election.

Registered political parties

80.—(1) For the purposes of the application of these rules in relation to an Assembly election “registered political party” means a party which was registered under Part 2 of the 2000 Political Parties Act on the day (“the relevant day”) which is two days before the last day for the delivery of nomination papers at the election in accordance with the Table in rule 1(1).

(2) A registered political party is a qualifying party in relation to an Assembly constituency or electoral region if the party was on the relevant day registered in respect of Wales in the Great Britain register maintained under that Part of that Act.

⁽¹²¹⁾As to the circumstances in which elections to fill vacancies in Assembly constituencies must be held and when they must not, see section 8 of the Government of Wales Act 1998 in respect of vacancies occurring before the Assembly general election to be held in 2007; and section 10 of the Government of Wales Act 2006 in respect of vacancies occurring after that election.

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(3) For the purposes of paragraph (1) any day as mentioned in rule 2 should be disregarded.

Party’s registered nominating officer: discharge of functions

81.—(1) A registered nominating officer for a registered political party may, in writing, appoint one or more persons to discharge all or any of his functions conferred or imposed by these rules.

(2) Where an appointment is made under paragraph (1), a copy of the document which records the writing required by that paragraph shall be delivered—

- (a) to the constituency returning officer, in the case of a constituency election;
- (b) to the regional returning officer, in the case of a regional election; and
- (c) to each constituency returning officer for an Assembly constituency in the Assembly electoral region, in the case of a regional election.

(3) Where a returning officer does not receive a copy of the document required to be delivered to him under paragraph (2), he shall be entitled to treat any function of the registered nominating officer purportedly exercised (or to be exercised) on his behalf by another person as not so exercised (or exercisable).

SCHEDULE 6

Article 41(4)

Control of donations to candidates

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PART 1

General

Interpretation

1.—(1) This Schedule has effect for controlling donations to constituency and individual candidates at an Assembly election and in the following provisions of this Schedule references to “candidate” shall be construed accordingly.

(2) For the purposes of this Schedule, except where the context otherwise requires—

“relevant donation”, in relation to a candidate at an Assembly election, means a donation to the candidate or his election agent for the purpose of meeting election expenses incurred by or on behalf of the candidate; and

“donation” shall be construed in accordance with paragraphs 2 to 4.

(3) In the definition of “relevant donation”, the reference to a donation for the purpose of meeting election expenses incurred by or on behalf of a candidate includes a reference to a donation for the purpose of securing that any such expenses are not so incurred; and a donation shall be taken to be a donation for either of those purposes if, having regard to all the circumstances, it must reasonably be assumed to be such a donation.

(4) In relation to a donation received by a candidate at an Assembly election, references to a permissible donor falling within section 54(2) of the 2000 Political Parties Act are to be read as if section 54(2) did not include a party registered in the Northern Ireland register maintained by the Commission under Part 2 of that Act of 2000(122).

Donations: general rules

2.—(1) “Donation”, in relation to a candidate at an Assembly election, means (subject to paragraph 4)—

- (a) any gift to the candidate or his election agent of money or other property;
- (b) any sponsorship provided in relation to a candidate (as defined by paragraph 3);
- (c) any money spent (otherwise than by the candidate, his election agent or any sub-agent) in paying any election expenses incurred by or on behalf of the candidate;
- (d) any money lent to the candidate or his election agent otherwise than on commercial terms; or
- (e) the provision otherwise than on commercial terms of any property, services or facilities for the use or benefit of the candidate (including the services of any person).

(2) Where—

- (a) any money or other property is transferred to a candidate or his election agent pursuant to any transaction or arrangement involving the provision by or on behalf of the candidate of any property, services or facilities or other consideration of monetary value; and

(122) Section 54(2) was amended by [S.I. 2004/366](#), see article 4(2) and paragraphs 1 and 12(a) of the Schedule to that S.I. Section 11 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) has extended until 31st October 2007 the disapplication of Part 4 of the Political Parties, Elections and Referendums Act 2000 in respect of a party registered in Northern Ireland and makes specific provisions in respect of section 54.

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- (b) the total value in monetary terms of the consideration so provided by or on behalf of the candidate is less than the value of the money or (as the case may be) the market value of the property transferred,

the transfer of the money or property shall (subject to sub-paragraph (4)) constitute a gift to the candidate or (as the case may be) his election agent for the purposes of sub-paragraph (1)(a).

(3) In determining—

- (a) for the purposes of sub-paragraph (1)(d), whether any money lent to a candidate or his election agent is so lent otherwise than on commercial terms; or
- (b) for the purposes of sub-paragraph (1)(e), whether any property, services or facilities provided for the use or benefit of a candidate is or are so provided otherwise than on such terms,

regard shall be had to the total value in monetary terms of the consideration provided by or on behalf of the candidate in respect of the loan or the provision of the property, services or facilities.

(4) Where (apart from this sub-paragraph) anything would be a donation both by virtue of sub-paragraph (1)(b) and by virtue of any other provision of this paragraph, sub-paragraph (1)(b) (together with paragraph 3) shall apply in relation to it to the exclusion of the other provision of this paragraph.

(5) The reference in sub-paragraph (1)(c) to money spent as mentioned in that provision is a reference to money so spent by a person, other than the candidate, his election agent or any sub-agent, out of his own resources (with no right to reimbursement out of the resources of any such other person); and where, by virtue of sub-paragraph (1)(c), money so spent constitutes a donation to the candidate, the candidate shall be treated as receiving an equivalent amount on the date on which the money is paid to the creditor in respect of the expenses in question.

(6) In this paragraph—

- (a) any reference to anything being given or transferred to a candidate or his election agent includes a reference to its being given or transferred either directly or indirectly through any third person; and
- (b) “gift” includes a bequest or any other form of testamentary disposition.

Sponsorship

3.—(1) For the purposes of this Schedule sponsorship is provided in relation to a candidate if—

- (a) any money or other property is transferred to the candidate or to any person for the benefit of the candidate; and
- (b) the purpose (or one of the purposes) of the transfer is (or must, having regard to all the circumstances, reasonably be assumed to be)—
 - (i) to help the candidate with meeting, or to meet, to any extent any defined expenses incurred or to be incurred by or on behalf of the candidate; or
 - (ii) to secure that to any extent any such expenses are not so incurred.

(2) In sub-paragraph (1) “defined expenses” means expenses in connection with—

- (a) any conference, meeting or other event organised by or on behalf of the candidate;
- (b) the preparation, production or dissemination of any publication by or on behalf of the candidate; or
- (c) any study or research organised by or on behalf of the candidate.

(3) The following do not, however, constitute sponsorship by virtue of sub-paragraph (1)—

- (a) the making of any payment in respect of—

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- (i) any charge for admission to any conference, meeting or other event; or
 - (ii) the purchase price of, or any charge for access to, any publication; or
 - (b) the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication.
- (4) In this paragraph “publication” means a publication made available in whatever form and by whatever means (whether or not to the public at large or any section of the public).

Payments etc. not to be regarded as donations

- 4.—(1) None of the following shall be regarded as a donation—
- (a) the provision of any facilities provided in pursuance of any right conferred on a candidate at an election by this Order;
 - (b) the provision by an individual of his own services which he provides voluntarily in his own time and free of charge; or
 - (c) any interest accruing to a candidate or his election agent in respect of any donation which is dealt with by the candidate or (as the case may be) his election agent in accordance with section 56(2)(a) or (b) of the 2000 Political Parties Act (as applied by paragraph 7).
- (2) There shall also be disregarded any donation whose value (determined in accordance with paragraph 5) is not more than £50.

Value of donations

- 5.—(1) The value of any donation falling within paragraph 2(1)(a) (other than money) shall be taken to be the market value of the property in question.
- (2) Where, however, paragraph 2(1)(a) applies by virtue of paragraph 2(2), the value of the donation shall be taken to be the difference between—
- (a) the value of the money, or the market value of the property, in question; and
 - (b) the total value in monetary terms of the consideration provided by or on behalf of the candidate or his election agent.
- (3) The value of any donation falling within paragraph 2(1)(b) shall be taken to be the value of the money, or (as the case may be) the market value of the property, transferred as mentioned in paragraph 3(1); and accordingly any value in monetary terms of any benefit conferred on the person providing the sponsorship in question shall be disregarded.
- (4) The value of any donation falling within paragraph 2(1)(d) or (e) shall be taken to be the amount representing the difference between—
- (a) the total value in monetary terms of the consideration that would have had to be provided by or on behalf of the candidate or his election agent in respect of the loan or the provision of the property, services or facilities if—
 - (i) the loan had been made; or
 - (ii) the property, services or facilities had been provided, on commercial terms; and
 - (b) the total value in monetary terms of the consideration (if any) actually so provided by or on behalf of the candidate or his election agent.
- (5) Where a donation such as is mentioned in sub-paragraph (4) confers an enduring benefit on the donee over a particular period, the value of the donation—

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- (a) shall be determined at the time when it is made; but
 - (b) shall be so determined by reference to the total benefit accruing to the donee over that period.
- (6) In this paragraph “market value” in relation to any property, means the price which might reasonably be expected to be paid for the property on a sale in the open market.

PART 2

Controls on donations

Prohibition on accepting donations from impermissible donors

6.—(1) A relevant donation received by a candidate or his election agent must not be accepted if—

- (a) the person by whom the donation would be made is not, at the time of its receipt by the candidate or (as the case may be) his election agent, a permissible donor falling within section 54(2) of the 2000 Political Parties Act; or
- (b) the candidate or (as the case may be) his election agent is (whether because the donation is given anonymously or by reason of any deception or concealment or otherwise) unable to ascertain the identity of the person offering the donation.

(2) For the purposes of this Schedule any relevant donation received by a candidate or his election agent which is an exempt trust donation shall be regarded as a relevant donation received by the candidate or his election agent from a permissible donor; and section 162 of the 2000 Political Parties Act (interpretation: exempt trust donations) shall apply for the purposes of this Schedule as it applies for the purposes of that Act.

(3) But, for the purposes of this Schedule, any relevant donation received by a candidate or his election agent from a trustee of any property (in his capacity as such) which is not—

- (a) an exempt trust donation; or
- (b) a relevant donation transmitted by the trustee to the candidate or his election agent on behalf of beneficiaries under the trust who are—
 - (i) persons who at the time of its receipt by the candidate or his election agent are permissible donors falling within section 54(2) of the 2000 Political Parties Act; or
 - (ii) the members of an unincorporated association which at that time is such a permissible donor,

shall be regarded as a relevant donation received by the candidate or his election agent from a person who is not such a permissible donor.

(4) Where any person (“the principal donor”) causes an amount (“the principal donation”) to be received by a candidate or his election agent by way of a relevant donation—

- (a) on behalf of himself and one or more other persons; or
- (b) on behalf of two or more other persons,

then for the purposes of this Part each individual contribution by a person falling within paragraph (a) or (b) of more than £50 shall be treated as if it were a separate donation received from that person.

(5) In relation to each such separate donation, the principal donor must ensure that, at the time when the principal donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given—

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- (a) (except in the case of a donation which the principal donor is treated as making) all such details in respect of the person treated as making the donation as are required by virtue of paragraph 11(c); and
 - (b) (in any case) all such details in respect of the donation as are required by virtue of paragraph 11(a).
- (6) Where—
- (a) any person (“the agent”) causes an amount to be received by a candidate or his election agent by way of a donation on behalf of another person (“the donor”); and
 - (b) the amount of the donation is more than £50,

the agent must ensure that, at the time when the donation is received by the candidate or his election agent, the candidate or (as the case may be) his election agent is given all such details in respect of the donor as are required by virtue of paragraph 11(c).

(7) A person commits an offence if, without reasonable excuse, he fails to comply with sub-paragraph (5) or (6).

- (8) A person guilty of an offence under sub-paragraph (7) shall be liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 6 months (or both);
 - (b) on conviction on indictment, to a fine or to a term of imprisonment not exceeding one year (or both).

(9) In relation to an offence committed after commencement of section 281(5) of the Criminal Justice Act 2003, the reference in sub-paragraph (8)(a) to 6 months must be taken to be a reference to 51 weeks.

Acceptance or return of donations

7.—(1) Sections 56 to 60(**123**) of the 2000 Political Parties Act shall apply for the purposes of this Schedule in relation to—

- (a) a relevant donation received by a candidate or by his election agent; and
- (b) the candidate or (as the case may be) the election agent,

as they apply in relation to a donation received by a registered party and the registered party.

- (2) In the application of sections 56 to 60 of that Act in accordance with sub-paragraph (1)—
- (a) section 56(1) shall have effect as if the reference to the particulars relating to a donor which would be required to be included in a donation report by virtue of paragraph 2 of Schedule 6 to the 2000 Political Parties Act(**124**) (if the donation were a recordable donation within the meaning of that Schedule) were construed as a reference to the particulars which are required to be included in a return by virtue of paragraph 11(c);
 - (b) section 56(3) shall have effect as if the reference to the party were omitted and the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent; and
 - (c) section 56(4) shall have effect as if the reference to the treasurer of the party were construed as a reference to the candidate or (as the case may be) his election agent.

(**123**) Section 57A was inserted and sections 58, 59 and 60 were amended by [S.I. 2004/366](#); see article 4(2) of and paragraphs 14 to 17 of the Schedule to that S.I..

(**124**) Paragraph 2 of Schedule 6 was amended by [S.I. 2004/366](#) (see article 4(2) of and paragraphs 1 and 33 of the Schedule to that S.I.) and is amended by the Electoral Administration Act 2006 (see section 10(2) of and paragraphs 24 to 26 of Schedule 1 to that Act) from 1st January 2007.

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Transfer of donations received by candidate to election agent

8.—(1) Sub-paragraph (2) applies in relation to any relevant donation received by a candidate after the deadline for appointing an election agent (unless the candidate is, or is deemed to be, his own election agent at the time of receipt of the donation).

(2) The candidate shall, on receipt of any such donation as is mentioned in sub-paragraph (1), forthwith deliver to his election agent—

- (a) the donation;
- (b) where paragraph 6(5) or (6) applies in relation to the donation, the information provided to the candidate in pursuance of that provision; and
- (c) any other information which the candidate has about the donation and its donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under this Part or Part 3 of this Schedule.

(3) Where a donation is delivered to an election agent in accordance with sub-paragraph (2), the donation shall be treated for the purposes of paragraph 6(1) to (4) and the provisions applied by paragraph 7 as if it had been—

- (a) originally received by the election agent; and
- (b) so received by him on the date on which it was received by the candidate.

(4) Where a candidate receives a relevant donation before the deadline for appointing an election agent but at a time when an appointment of a person (other than the candidate himself) as election agent is in force he shall either—

- (a) forthwith deliver the donation and the information mentioned in sub-paragraph (2)(b) and (c) to the agent; or
- (b) (if he fails to do so) deal with the donation in accordance with section 56 of the 2000 Political Parties Act.

(5) Sub-paragraph (3) shall have effect in relation to any relevant donation delivered to an election agent in accordance with sub-paragraph (4)(a) as it has effect in relation to a donation delivered to him in accordance with sub-paragraph (2).

(6) Sub-paragraph (7) applies where—

- (a) a relevant donation received by a candidate before the deadline for appointing an election agent has been dealt with by the candidate in accordance with section 56 of the 2000 Political Parties Act either because—
 - (i) it was received by him at a time when no appointment of another person as his election agent was in force; or
 - (ii) although such an appointment was in force, he was by virtue of sub-paragraph (4)(b) required to deal with the donation; and
- (b) an appointment of a person (other than the candidate himself) as election agent is in force at, or at any time after—
 - (i) the deadline for appointing an election agent; or
 - (ii) if later, the time when the candidate has dealt with the donation in accordance with section 56 of the 2000 Political Parties Act.

(7) Subject to sub-paragraph (9), the candidate shall, as soon as reasonably practicable after the relevant time, deliver to the election agent—

- (a) the donation (if it has been accepted by him); and

- (b) any information which he has about the donation and the donor which might reasonably be expected to assist the election agent in the discharge of any duties imposed on him, in relation to the donation, under Part 3 of this Schedule.
- (8) The relevant time for the purposes of sub-paragraph (7) is—
 - (a) the time mentioned in sub-paragraph (6)(b)(i) or (ii) (as the case may be) if the appointment of another person as election agent is in force at that time; or
 - (b) otherwise, the time when any such appointment subsequently comes into force.
- (9) The duty imposed on a candidate by sub-paragraph (7)(a) does not apply to any relevant donation to the extent to which it has been lawfully used by the candidate for the purpose of paying election expenses.
- (10) In this paragraph—
 - (a) any reference to the deadline for appointing an election agent is a reference to the latest time by which an election agent may in accordance with article 37 of this Order be named as election agent by the candidate; and
 - (b) any reference to any provision of section 56 of the 2000 Political Parties Act is a reference to that provision as applied by paragraph 7.

Evasion of restrictions on donations

- 9. Section 61 of the 2000 Political Parties Act shall apply for the purposes of this Schedule as if—
 - (a) any reference to donations were to relevant donations;
 - (b) any reference to a registered political party were, in relation to a relevant donation, a reference to a candidate or (as the case may be) his election agent; and
 - (c) any reference in subsection (2) to the treasurer of a registered political party were, in relation to a relevant donation, a reference to either the candidate or his election agent (or both).

PART 3

Reporting of donations

Statement of relevant donations

10.—(1) The candidate’s election agent must include in any return to be delivered under article 52 of this Order a statement of relevant donations which complies with paragraphs 11 and 12.

(2) If the statement states that the election agent has seen, in relation to an individual donor, a certificate of anonymous registration, the statement must be accompanied by a copy of that certificate.

(3) For the purpose of sub-paragraph (2), “certificate of anonymous registration” means a certificate issued in pursuance of regulation 45G of the 2001 Regulations(125).

Donations from permissible donors

11. The statement must record, in relation to each relevant donation accepted by the candidate or his election agent—

(125) Regulation 45G was inserted into the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341) by regulation 18 of the Representation of the People (England and Wales)(Amendment)(No.2) Regulations 2006 (S.I. 2006/2910).

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- (a) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
- (b) the date when the donation was accepted by the candidate or his election agent;
- (c) the information about the donor which is, in connection with recordable donations to registered political parties, required to be recorded in donation reports by virtue of paragraph 2 of Schedule 6 to the 2000 Political Parties Act; and
- (d) such other information as may be required by regulations made by the Commission⁽¹²⁶⁾.

Donations from impermissible donors

- 12.**—(1) This paragraph applies to relevant donations falling within paragraph 6(1)(a) or (b).
- (2) Where paragraph 6(1)(a) applies, the statement must record—
- (a) the name and address of the donor;
 - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
 - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(a) of the 2000 Political Parties Act; and
 - (d) such other information as is required by regulations made by the Commission.
- (3) Where paragraph 6(1)(b) applies, the statement must record—
- (a) details of the manner in which the donation was made;
 - (b) the amount of the donation (if a donation of money, in cash or otherwise) or (in any other case) the nature of the donation and its value as determined in accordance with paragraph 5;
 - (c) the date when the donation was received, and the date when, and the manner in which, it was dealt with in accordance with section 56(2)(b) of the 2000 Political Parties Act; and
 - (d) such other information as is required by regulations made by the Commission.
- (4) In this paragraph any reference to any provision of section 56 of the 2000 Political Parties Act is a reference to that provision as applied by paragraph 7.

SCHEDULE 7

Article 63(7)

Election expenses

PART 1

List of matters

1. Advertising of any nature (whatever the medium used).

Expenses in respect of such advertising include agency fees, design costs and other costs in connection with preparing, producing, distributing or otherwise disseminating such advertising or anything incorporating such advertising and intended to be distributed for the purpose of disseminating it.

⁽¹²⁶⁾see Paragraphs 21 to 23 of Schedule 1 to the Political Parties, Elections and Referendums Act 2000 as to regulations made by the Commission.

2. Unsolicited material addressed to electors (whether addressed to them by name or intended for delivery to households within any particular area).

Expenses in respect of such material include design costs and other costs in connection with preparing, producing or distributing such material (including the cost of postage).

3. Transport (by any means) of persons to any place.

Expenses in respect of the transport of such persons include the costs of hiring a means of transport for a particular period.

4. Public meetings (of any kind).

Expenses in respect of such meetings include costs incurred in connection with the attendance of persons at such meetings, the hire of premises for the purposes of such meetings or the provision of goods, services or facilities at them.

5. The services of an election agent or any other person whose services are engaged in connection with the candidate's election.

6. Accommodation and administrative costs.

PART 2

General exclusions

7. The payment of any deposit required by rule 10 of Schedule 5.

8. The publication of any matter, other than an advertisement, relating to the election in—

(a) a newspaper or periodical;

(b) a broadcast made by the British Broadcasting Corporation or by Sianel Pedwar Cymru; or

(c) a programme included in any service licensed under Part 1 or 3 of the Broadcasting Act 1990(127) or Part 1 or 2 of the Broadcasting Act 1996(128).

9. The provision of any facilities provided in pursuance of any right conferred on candidates at an election by this Order other than facilities in respect of which expenses fall to be defrayed by virtue of article 69(4).

10. The provision by an individual of his own services which he provides voluntarily in his own time and free of charge.

11.—(1) Accommodation which is the candidate's sole or main residence.

(2) The provision by any other individual of accommodation which is his sole or main residence if the provision is made free of charge.

12.—(1) Transport by a means of transport which was acquired by the candidate principally for his own personal use.

(2) Transport provided free of charge by any other individual if the means of transport was acquired by him principally for his own personal use.

13.—(1) Computing or printing equipment which was acquired by the candidate principally for his own personal use.

(127) 1990.c.42.

(128) 1996.c.55.

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(2) The provision by any other individual of computing or printing equipment which was acquired by the individual principally for his own personal use if the provision is made free of charge.

SCHEDULE 8

Article 69(6)

Use for Assembly election meetings of rooms in school premises and of meeting rooms

CONTENTS

1. Use of rooms in school premises
 2. Lists of rooms in school premises
 3. Lists of meeting rooms
 4. Lists to be kept by registration officer etc
 5. Inspection etc. of lists
- Signature
Explanatory Note

Use of rooms in school premises

1.—(1) Any arrangements for the use of a room in school premises shall be made with the local education authority maintaining the school or, in the case of a room in the premises of a foundation or voluntary aided school, with the governing body of the school.

(2) Any question—

- (a) as to the rooms in school premises which a candidate in any Assembly constituency or electoral region is entitled to use;
- (b) as to the times at which he is entitled to use them; or
- (c) as to the notice which is reasonable,

shall be determined by the Secretary of State.

Lists of rooms in school premises

2.—(1) Every local education authority shall prepare, keep under review and from time to time, as it considers appropriate, revise for its area, lists of the rooms in school premises which candidates for return as Assembly members are entitled to use.

(2) In relation to an Assembly constituency, the list shall include the rooms in premises within any of the authority's area outside, as well as those in premises in, the constituency.

Lists of meeting rooms

3.—(1) Each county and county borough council shall prepare, keep under review and from time to time, as it considers appropriate, revise for its area a list of the meeting rooms which candidates for return as Assembly members are entitled to use.

(2) The list shall indicate the person to whom applications for the use of such a room are to be made in each case.

(3) The list shall not include any room if the person maintaining it disputes the right of candidates at an Assembly election to use it.

Lists to be kept by registration officer etc

4. The lists of rooms in school premises and of meeting rooms prepared for each Assembly constituency and electoral region shall be kept by the registration officer, and those lists and particulars of any change made on their revision shall (where necessary) be forwarded to him by the relevant local education authority or, as the case may be county or county borough council.

Inspection etc. of lists

5. In the event of notice of election being published in accordance with the Table in paragraph 1(1) of Schedule 5, any person stating himself to be, or to be authorised by,—

- (a) a constituency or individual candidate at that election or his election agent; or
- (b) a party list candidate at that election or the registered nominating officer of the registered political party on whose list he is a candidate or that party's election agent in relation to that list of candidates,

shall be entitled at all reasonable hours to inspect those lists or a copy of them.

SCHEDULE 9

Article 134(3)

Modification of Election Petition Rules 1960

CONTENTS

1. Assembly election petition: modification of the Election Petition Rules 1960
 2. Rule 2(2) of the 1960 Rules (definitions)
 3. Rule 2(3) of the 1960 Rules (prescribed officer)
 4. Rule 4(1) of the 1960 Rules (form of petition)
 5. Rule 9(3) of the 1960 Rules (display etc. of notice of time and place of trial)
 6. Rule 10(1) of the 1960 Rules (identifying votes at issue)
 7. References to “election” in the 1960 Rules
 8. Form of election petition in the 1960 Rules
 9. References to the 1983 Act
- Signature
Explanatory Note

Assembly election petition: modification of the Election Petition Rules 1960

1. The Election Petition Rules 1960(129) (“the 1960 Rules”) shall apply to an Assembly election petition subject to the following modifications.

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Rule 2(2) of the 1960 Rules (definitions)

2. In rule 2(2) of the 1960 Rules(**130**), the following definitions shall be modified as follows—
- (a) “the Act” shall (except in rule 2(3)) be construed as meaning this Order and a reference to a provision of the 1983 Act in the 1960 Rules shall be construed as a reference to the corresponding provision in this Order as set out in paragraph 9 of this Schedule;
 - (b) “local election petition” shall be disregarded as shall be rule 18 of the 1960 Rules and any reference in the 1960 Rules which is a reference to a provision of the 1983 Act that applies only to such a local election petition;
 - (c) “petition” shall be construed as meaning an Assembly election petition;
 - (d) “constituency” shall be construed as meaning—
 - (i) in the case of a petition relating to a constituency election, the Assembly constituency to which the petition relates;
 - (ii) in the case of a petition relating to a regional election, to the Assembly electoral region to which the petition relates; and
 - (iii) in the case of a petition relating to a return in respect of an electoral region vacancy, to the Assembly electoral region to which the petition relates; and
 - (e) “returning officer” shall be construed as meaning the constituency returning officer in the case of a petition relating to a constituency election and the regional returning officer in the case of a petition relating to a regional election, or as the case may be, an electoral regional vacancy.

Rule 2(3) of the 1960 Rules (prescribed officer)

3. Rule 2(3) of the 1960 Rules(**131**) shall apply as if for “the prescribed officer in relation to elections under the Local Government Act” there were substituted “the prescribed officer in relation to elections under Part 1 of the Government of Wales Act 1998 or, as the case may be, under Part 1 of the Government of Wales Act 2006”.

Rule 4(1) of the 1960 Rules (form of petition)

- 4.—(1) Rule 4 of the 1960 Rules shall apply with the following modifications.
- (2) In rule 4(1)(b)—
- (a) “in the case of a parliamentary election” shall be disregarded;
 - (b) “the Clerk of the Crown” shall be construed as a reference to the Assembly constituted by the 1998 Act in respect of a return made before the 2007 Assembly general election and as a reference to the Clerk in respect of any subsequent return; and
 - (c) in the case of a regional election, “result”, “return was” and “member” shall be construed as “results”, “returns were” and “members” respectively.
- (3) Rule 4(1) shall be construed as if after paragraph (1)(b) there were inserted—
- “(ba) in the case of a petition relating to a return in respect of an electoral region vacancy the date on which the person was declared to be returned as an Assembly member;”.

Rule 9(3) of the 1960 Rules (display etc. of notice of time and place of trial)

5. In rule 9(3) of the 1960 Rules(**132**)—

(130) Rule 2(2) was amended by [S.I. 1985/1278](#).

(131) Rule 2(3) was amended by [S.I. 1985/1278](#).

(132) Rule 9(3) was amended by [S.I. 1985/1278](#).

- (a) “a parliamentary election petition” shall be construed as “an Assembly election petition”
- (b) “and in any other case not less than seven days” shall be disregarded.

Rule 10(1) of the 1960 Rules (identifying votes at issue)

6. In rule 10(1) of the 1960 Rules, in the case of a regional election, “he had a majority of lawful votes,” shall be construed as “he or the registered political party on whose list he was a candidate had a higher electoral figure(133) than that of another individual candidate or of another registered party to whom a seat in that Assembly electoral region was allocated.

References to “election” in the 1960 Rules

7.—(1) Rule 10(2) and (4)(b) of the 1960 rules(134) shall apply to an Assembly election petition complaining of an undue return in respect of an electoral regional vacancy as it applies to an Assembly election petition complaining of an undue election; and references in those paragraphs to “undue election” “duly elected”, and “election” shall be construed accordingly.

(2) In rules 12(3), 14(2) and 16(3) of the 1960 Rules(135), references to “election” shall, in the case of an Assembly election petition relating to a return in respect of an electoral region vacancy, be construed as references to such a return.

Form of election petition in the 1960 Rules

8. The form of election petition in the Schedule to the 1960 Rules(136) shall apply in relation to an Assembly election petition as if—

- (a) for the words after “Queen’s Bench Division” to before “The Petition of A.B. of”, there were substituted—

- (i) in the case of an electoral region vacancy occurring before the 2007 Assembly general election—

“In the Matter of the Government of Wales Act 1998 and the National Assembly for Wales (Representation of the People) Order 2007

And in the Matter of a return of an Assembly member under section 9 of the Government of Wales Act 1998 for the electoral region and made on theday of20”;

- (ii) in the case of any subsequent electoral regional vacancy—

“In the Matter of the Government of Wales Act 2006 and the National Assembly for Wales (Representation of the People) Order 2007

And in the Matter of a return of an Assembly member under section 11 of the Government of Wales Act 2006 for the dotfill;electoral region and made on the day of 20”;

- (iii) in the case of an Assembly election at the 2007 Assembly general election—

“In the Matter of the Government of Wales Act 1998 and the National Assembly for Wales (Representation of the People) Order 2007

(133) In relation to the 2007 Assembly general election, see sections 6 and 7 of the Government of Wales Act 1998 and in relation to subsequent Assembly general elections, see sections 8 and 9 of the Government of Wales Act 2006.

(134) Rule 10(2) was amended by [S.I. 1985/1278](#).

(135) Rules 14(2) and 16(3) were amended by [S.I. 1999/1352](#).

(136) The Schedule to the 1960 Rules was amended by [S.I. 1985/1278](#).

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And in the Matter of an Assembly election for [state place] held on the day of 2007”; and

(iv) in the case of any subsequent Assembly election—

“In the Matter of the Government of Wales Act 2006 and the National Assembly for Wales (Representation of the People) Order 2007

And in the Matter of an Assembly election for [state place] held on the day of 20

(b) but subject to sub-paragraph (c), for paragraphs 1 and 2, there were substituted—

“1. That the Petitioner A.B. is a person who voted [or had a right to vote] at the above election [or was a candidate at the above election][or claims to have had a right to be elected or returned at the above election] [or, in the case of a return under section 9 of the Government of Wales Act 1998 or, as the case may be, under section 11 of the Government of Wales Act 2006, claims to have had a right to be returned under section 9 of the Government of Wales Act 1998 (or, as the case may be, section 11 of the Government of Wales Act 2006)] and the Petitioner C.D.[state similarly the capacity in which he presents the petition].

2. That the election was held on the day of 20 when [[in the case of an election for an Assembly constituency, insert names of candidates] were candidates][[or, in the case of a regional election insert names] were individual candidates and there were candidates for [insert names of registered political parties appearing on the ballot paper] the names of those candidates in respect of each such party are set down below*/annexed hereto* (*delete as appropriate)], and on the day of 20 , the returning officer returned [insert name[s] of candidate[s]] to the Clerk of the National Assembly for Wales as being duly elected.

[*at an election for an Assembly electoral region set out the name of each registered political party appearing on the ballot paper and after the name of each party the names of the candidates of that party appearing on the ballot paper.]”;

(c) in the case of a petition relating to a return in respect of an electoral region vacancy instead of paragraph 2 set out in sub-paragraph (b) substitute—

“2. That in respect of a vacancy in the [insert name of Assembly electoral region]electoral region, on the day of 20 the returning officer notified the Presiding Officer of the National Assembly for Wales that E.F. was to fill that vacancy and pursuant to *section 9(6) of the Government of Wales Act 1998/ *section 11(6) of the Government of Wales Act 2006 (*delete as appropriate) was on the day of 20 treated as having been declared to be returned.”;

(d) in paragraph 4, for “section 122(2) or (3) or section 129(2), (3) or (4) of the above Act” there were substituted “article 88(2) or (3) of the above Order”; and

(e) for paragraph (1) of the prayer, there were substituted—

(i) in the case of a petition in relation to an election—

“(1) That it may be determined that the said [insert name] was not duly elected [or returned] and that the election was void [or that the said [insert name] was duly elected and ought to have been returned] [or as the case may be].”; and

(ii) in the case of a petition in relation to a vacancy in respect of an electoral region—

“(1) That it may be determined that the said [insert name] was not duly returned and that the said [insert name] ought to have been returned under *section 9 of the

Government of Wales Act 1998 / *under section 11 of the Government of Wales Act 2006 (*delete as appropriate)[or as the case may be].”.

References to the 1983 Act

9. In the Table below references in column (2) to a numbered section of the 1983 Act set out opposite to a numbered rule of the 1960 Rules in column (1) shall be construed as a reference to the appropriate numbered article in this Order set out in column (3)—

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
rule 4(1)(a)	section 121(1)	article 87(1)
rule 4(1)(c)	section 122(2) or (3)	article 88(2) or (3)
rule 5(1)	section 136	article 92
rule 6(1)	section 121(2)	article 87(3)
rule 7	section 136(4)	article 92(4)
rule 8	section 138(1)	article 94(1)
rule 10(2)	section 139(5)	article 95(5)
rule 11	section 146(1)	article 102(1)
rule 19(1)	section 119	article 85
rule 19(2)	section 119(2)	article 85(2)
rule 21(2)(b)	section 184	article 136

SCHEDULE 10

Appendix of forms

CONTENTS

Form CA: Form of proxy paper

Form CB: Form of certificate of employment

Form CC1: Form of postal voting statement

Form CC2: Form of postal voting statement

Form CC3: Form of postal voting statement

Form CD: Statement as to postal ballot papers

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

Form CE: Form of nomination paper: constituency election

Form CF: Form of certificate referred to in rule 5(1)

Form CG: Form of certificate referred to in rule 5(3)

Form CH: Form of individual nomination paper: regional election

Form CI: Form of party nomination paper: regional election

Form CJ: Form of certificate referred to in rule 8(1)

Form CK: Form of Ballot paper: Constituency Election

Form CK1: Directions as to printing the ballot paper: constituency election

Form CL: Form of Ballot paper: Regional Election

Form CL1: Directions as to printing the ballot paper: regional election

Form CM: Form of corresponding number list

Form CN1: Elector's form of poll card

Form CN2: Proxy's form of poll card

Form CN3: Postal voter's form of poll card

Form CN4: Postal proxy voter's form of poll card

Form CO: Form of corresponding number list for use by presiding officers in polling stations

Form CP: Form of directions for the guidance of voters in voting

Form CQ: Form of declaration to be made by the companion of a voter with disabilities

Form CR: Form of certificate declaring candidate to be returned at a constituency election

Form CS: Form of certificate declaring candidates to be returned at a regional election

Form CT: Form of certificate: electoral region; seat to remain vacant until next Assembly general election

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Form CU: Form of return: expenses incurred in support of a candidate

Form CV: Form of declaration: expenses incurred in support of a candidate

Form CW: Return of candidate's election expenses

Form CX: Form of declaration by constituency or individual candidate as to election expenses

Form CY: Form of declaration by party list candidates as to election expenses

Signature

Explanatory Note

Note – Subject to Article 142(2), the forms contained in this appendix may be adapted so far as circumstances require.

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

Form CA: Form of proxy paper

Paragraph 8(3) of Schedule 1

Election to the National Assembly for Wales Proxy Paper

Constituency:
Electoral Region:
Polling District:
Name of Proxy:
Address:

is hereby appointed as proxy for:
(Name of elector):

who is qualified to be registered for:
(Qualifying Address):.

to vote for him/her at
*the Assembly election(s) for the above [*constituency] [*and] [*electoral region] on (date)

.
*any Assembly election for the above constituency and electoral region.

*This proxy appointment is not valid until.

*This proxy appointment remains valid until

Signature:.

Electoral Registration Officer:.

Address:.

.

Date:

**Delete whichever is inapplicable.*

Your right to vote as proxy

1. This proxy paper gives you the right to vote as proxy, at an Assembly election or Assembly elections only, on behalf of the elector whose name is given above.
2. Your appointment as proxy may be for an Assembly election or Assembly elections on a particular day or it may be for a particular or an indefinite period. If it is for an election or elections on a particular day, you have the right to vote only at the election or elections specified in the proxy paper. If it is for an indefinite period you have in general the right to vote at any Assembly election until the electoral registration officer informs you to the contrary. If it is for a particular period, your right to vote as proxy expires on the date stated on the form.
3. When the elector applied for you to be appointed as proxy EITHER he or she was asked to state that he or she had consulted you and that you were capable of being, and willing to be, appointed as proxy OR you signed a statement stating that you were capable of being, and willing to be, appointed. You are capable of being appointed as proxy if you are at least 18 years old on polling day, a British or other Commonwealth citizen, a citizen of the Republic of Ireland, or a citizen of any other Member State of the European Union, and not for any reason disqualified from voting. If for some reason you are not capable of being, or willing to be, appointed as proxy, please write to the elector asking him or her to cancel the appointment.
4. You may vote as proxy at the polling station allotted to the elector on whose behalf you are appointed. However, you may not vote as proxy—
—at an Assembly general election in the same Assembly constituency or constituencies in the same Assembly electoral region;
or
—in any other case, at the same election,
for more than two electors of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild.
5. Shortly before polling day you will be sent a proxy poll card telling you where the polling station is. You do not need to take either the poll card or this proxy paper to the polling station but it will be helpful to do so. Remember that the elector may still vote in person. If he or she applies for a ballot paper at the polling station before you do you will not be able to vote as proxy on his or her behalf.
6. If you cannot vote in person at the polling station the electoral registration officer may be able to allow you to vote as proxy by post.
7. You may vote by post at an Assembly election or elections on a particular day. But the electoral registration officer cannot allow an application to vote by post at an Assembly election or elections on a particular day if he receives it after 5 pm on the eleventh working day before the poll.

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**Ethol i Gynulliad Cenedlaethol Cymru
Papur Dirprwy**

Etholaeth:
Rhanbarth Etholiadol:
Dosbarth Pleidleisio:
Enw'r Dirprwy:
Cyfeiriad:

Penodir yr uchod drwy hyn yn ddirprwy dros:
(Enw'r etholwr(aig)):

sy'n gymwys i'w gofrestru/chofrestru ar gyfer:
(Cyfeiriad Cymhwys):

i bleidleisio drosto/drosti yn

*yr etholiad(au) i'r Cynulliad ar gyfer yr [*etholaethl [*a'r] [*rhanbarth etholiadol] uchod ar
(dyddiad)

*mewn unrhyw etholiad i'r Cynulliad ar gyfer yr etholaeth a'r rhanbarth etholiadol uchod.

*Nid yw'r penodiad dirprwy hwn yn ddilys tan.

Llofnod:

Swyddog Cofrestru Etholiadol:

Cyfeiriad:

Dyddiad:

**Dileer pa un bynnag sy'n anghymwys.*

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

Eich Hawl I Bleidleisio Fel Dirprwy

1. Rhydd y papur dirprwy hwn hawl i chi bleidleisio fel dirprwy, mewn etholiad i'r Cynulliad neu etholiadau i'r Cynulliad yn unig, dros yr etholwr(aig) a enwir uchod.
2. Gall eich penodiad fel dirprwy fod ar gyfer etholiad i'r Cynulliad neu etholiadau i'r Cynulliad ar ddiwrnod penodol neu fe all fod am gyfnod amhendant. Os yw ar gyfer etholiad neu etholiadau ar ddiwrnod penodol, mae gennych hawl i bleidleisio yn yr etholiad neu'r etholiadau a bennir yn y papur dirprwy yn unig. Os yw am gyfnod amhendant, yn gyffredinol mae gennych hawl i bleidleisio mewn unrhyw etholiad i'r Cynulliad nes bod y swyddog cofrestru etholiadol yn eich hysbysu i'r gwrthwyneb. Os yw am gyfnod arbennig, bydd eich hawl i bleidleisio fel dirprwy'n dod i ben ar y dyddiad a bennir ar y ffurflen.
3. Pan wnaeth yr etholwr(aig) gais i chi gael eich penodi yn ddirprwy, NAILL AI gofynnwyd iddo/iddi ddatgan iddo/iddi ymgynghori â chi a'ch bod yn gymwys i fod yn ddirprwy ac yn fodlon cael eich penodi NEU bu i chi lofnodi datganiad eich bod yn gymwys i fod yn ddirprwy ac yn fodlon cael eich penodi. Fe allwch gael eich penodi'n ddirprwy os ydych chi'n 18 oed o leiaf ar y diwrnod pleidleisio, yn ddinesydd Prydeinig neu'n ddinesydd un o wledydd eraill y Gymanwlad, yn ddinesydd Gweriniaeth Iwerddon, neu'n ddinesydd unrhyw Aelod Wladwriaeth arall o'r Undeb Ewropeaidd, ac nad ydych wedi'ch gwahardd rhag pleidleisio am unrhyw reswm. Os na allwch chi gael eich penodi'n ddirprwy, neu os ydych chi'n amharod i gael eich penodi, ysgrifennwch at yr etholwr gan ofyn iddo/iddi ganslo'r penodiad.
4. Cewch bleidleisio fel dirprwy yn yr orsaf bleidleisio a bennwyd i'r etholwr(aig) y penodwyd chi drosto/drostri. Er hynny, ni chewch bleidleisio fel dirprwy—
 - yn achos etholiad cyffredin, yn yr un etholiad rhanbarthol neu yn yr etholiadau etholaeth ar gyfer etholaethau'r Cynulliad yn y rhanbarth etholiadol Cynulliad y cynhelir yr etholiad rhanbarthol ar ei gyfer, neu
 - ym mhob achos arall, yn yr un etholiadar ran dau neu fwy o etholwyr nad ydych yn briod, partner sifil, rhiant, tad-cu neu fam-gu (taid neu nain), brawd, chwaer, plentyn, wyr neu wyres iddynt.
5. Ychydig cyn y dyddiad pleidleisio anfonir cerdyn pleidleisio dirprwy atoch yn dweud lle mae'r orsaf bleidleisio. Nid oes angen i chi fynd a'r cerdyn pleidleisio na'r papur dirprwy hwn gyda chi i'r orsaf bleidleisio, ond bydd o gymorth i chi wneud hynny. Cofiwch y caiff yr etholwr(aig) ddal i bleidleisio yn bersonol. Os bydd iddo/iddi wneud cais am bapur pleidleisio yn yr orsaf bleidleisio cyn i chi wneud hynny, ni allwch bleidleisio fel dirprwy drosto/drostri.
6. Os na allwch bleidleisio yn bersonol yn yr orsaf bleidleisio, hwyrach y gall y swyddog cofrestru etholiadol ganiatai i chi bleidleisio fel dirprwy drwy'r post.
7. Cewch bleidleisio drwy'r post mewn etholiad neu etholiadau i'r Cynulliad ar ddiwrnod penodol. Ond ni all y swyddog cofrestru etholiadol ganiatai cais am bleidleisio drwy'r post yn un neu fwy nag un o etholiadau'r Cynulliad ar ddiwrnod penodol os bydd yn ei dderbyn ar ôl 5 pm ar yr unfed diwrnod gweithio ar ddeg cyn y bleidlais.

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

Form CB: Form of certificate of employment

Paragraph 16 of Schedule 1 and rule 41(5) of Schedule 5

Election to the National Assembly for Wales

Election in*Constituency and*Electoral Region

I certify that (name).....who is numberedin the register of electors for the constituency/ electoral region named above, cannot reasonably be expected to go in person to the polling station allotted to him or her at the election on (date of poll)..... by reason of the particular circumstances of his employment on that date for a purpose connected with the election.

* delete whichever is inapplicable

* (a) as a constable

* (b) by me.

Signature:.....

*Returning Officer/*Police Officer (Inspector or above)

Date.....

Note—The person named above is entitled to vote at any polling station of the above constituency on production and surrender of this certificate to the presiding officer.

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

Ethol i Gynulliad Cenedlaethol Cymru

Etholiad yn *Etholaeth a *Rhanbarth Etholiadol.....
Yr wyf yn ardystio nad oes disgwyl I (enw)sydd wedi ei r(h)ifo
yng nghofrestr yr etholwyr ar gyfer yr etholaeth/rhanbarth etholiadol a enwyd uchod, fynd yn bersono
I'r orsaf bleidleisio a bennwyd ar ei gyfer/chyfer yn yr etholiad ar (dyddiad y
bleidlais).....oherwydd amgylchiadau neilltuol ei gyflogaeth/chyfiogaeth ar y dyddiad hwnnw at
bwrpas sy'n gysylltiedig a'r etholiad.

- * Dilcera p'un bynnag sy'n anghymwys
 - *(a) fel cwnstabl
 - *(b) gennyf fi
 - Llofnod.....
 - Swyddog Canlyniadau/*Swyddog Heddlu (Arolygydd neu'n uwch)
 - Dyddiad

Nodyn— Mae gan y person a enwyd uchod hawl I bleidleisio mewn unrhyw orsaf bleidleisio yn yr etholaeth uchod ar yr amod ei fod/bod yn dangos ac yn ildio'r dystysgrif hon I'r swyddog llywyddu.

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

Form CC1: Form of postal voting statement

Paragraph 3(a) of Schedule 3

Election to the National Assembly for Wales	
Postal Voting Statement	
Voter's name:Ballot paper number.	
<i>*(Returning officer to insert name but omit where ballot paper sent to an elector with anonymous registration)</i>	
You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.	
I AM THE PERSON TO WHOM THE BALLOT PAPER[S] NUMBERED ABOVE WERE SENT	
Date of birth	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (day/month/year)
#Signature	<div style="border: 1px solid black; width: 300px; height: 50px; margin: 5px 0;"></div> <p style="margin: 0;">(voter's signature) IMPORTANT – Keep signature within border</p>
<i>#(Returning officer to omit where a person has been granted a waiver)</i>	
Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.	
Issued by the Returning Officer	

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

INSTRUCTIONS TO THE VOTER	
Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below	
<i>[contact details for assistance include address as appropriate]</i>	
1.	You have [a] ballot paper[s] for the constituency election [and the regional election].
2.	You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.
3.	The ballot paper and the postal voting statement must be received by the Returning Officer by 10pm on [day/date of poll]. You can deliver your completed postal vote to any polling station in the constituency on polling day.
4.	If you need help voting, the person helping you must not tell anyone how you voted.
5.	You may only vote once on each ballot paper. Mark a cross (X) opposite the candidate or party you wish to vote for. Put no other mark on the ballot paper, or your vote may not be counted.
6.	Put the ballot papers in the small envelope marked A and seal it.
7.	Complete the postal voting statement by signing it, and providing your date of birth.
8.	Then put the envelope marked A together with the postal voting statement in the larger envelope marked B. Return it straightaway.
9.	After receiving this postal vote, you cannot vote in person at a polling station at this election.
10.	If you accidentally spoil a ballot paper, you can ask the Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return both ballot papers, this postal voting statement, and the envelopes marked A and B. Make sure you contact the Returning Officer as soon as possible.
Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.	
You may vote once at the constituency election [and once at the regional election]. To vote more than once at [either][this] election is illegal (unless you are appointed as a proxy for another elector).	
<i>#[Returning Officer to omit where a person has been granted a waiver]</i>	

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

Ethol i Gynulliad Cenedlaethol Cymru	
Datganiad Pleidleisio drwy'r Post	
Enw'r pleidleisiwr:Rhif y papur pleidleisio	
<i>*(Y swyddog canlyniadau i nodi'r enw ond ei adael allan pan anfonir y papur pleidleisio i etholwr gyda chofrestriad dienw)</i>	
Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Os na fyddwch yn gwneud hyn, bydd eich datganiad pleidleisio drwy'r post yn annilys ac ni chaiff eich pleidlais ei chyfrif.	
FI YW'R PERSON YR ANFONWYD Y PAPUR PLEIDLEISIO SYDD WEDI'U RHIFO UCHOD ATO/ATI	
Dyddiad geni	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (dydd/mis/blwyddyn)
#Llofnod	<input type="text"/> (llofnod y pleidleisiwr) PWYSIG – Cadwch y llofnod o fewn y border
<i>#(Y swyddog canlyniadau i'w adael allan pan fo person wedi cael hepgoriad)</i>	
Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall.	
Cyhoeddwyd gan y Swyddog Canlyniadau	

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

CYFARWYDDIADAU I'R PLEIDLEISIWR

Llenwch y papur pleidleisio eich hun ac mewn preifatrwydd. Os bydd angen cymorth arnoch, cysylltwch â staff y Swyddog Canlyniadau fel y dangosir isod

[manylion cyswllt i gael cymorth rhwch y cyfeiriad fel sy'n briodol]

1. Mae gennych bapur[au] pleidleisio ar gyfer yr etholiad etholaethol [a'r etholiad rhanbarthol].
 2. Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Os na fyddwch yn gwneud hyn, bydd eich datganiad pleidleisio drwy'r post yn annilys ac ni chaiff eich pleidlais ei chyfrif.
 3. Rhaid i'r Swyddog Canlyniadau dderbyn y papur pleidleisio a'r datganiad pleidleisio drwy'r post erbyn 10pm ar [diwrnod/dyddiad y pleidleisio]. Gallwch ddychwelyd eich pleidlais drwy'r post wedi llenwi i unrhyw orsaf bleidleisio yn yr etholaeth ar ddiwrnod y pleidleisio.
 4. Os bydd angen help arnoch i bleidleisio, ni chaiff y sawl sy'n eich cynorthwyo ddweud wrth neb sut rydych chi wedi pleidleisio.
 5. Dim ond unwaith y cewch chi bleidleisio ar [bob][y] papur pleidleisio. Rhwch groes (X) gyferbyn ag enw'r ymgeisydd neu'r blaid yr ydych am bleidleisio drosto/drosti. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.
 6. Rhwch y papurau pleidleisio yn yr amlen fach ag A arni a'i selio.
 7. Llenwch y datganiad pleidleisio drwy'r post drwy ei lofnodi, a rhoi eich dyddiad geni.
 8. Yna, rhwch yr amlen ag A arni, ynghyd â'r datganiad pleidleisio drwy'r post, yn yr amlen fwy gyda B arni a'i dychwelyd yn syth.
 - 9. Ar ôl derbyn y bleidlais drwy'r post hon, chewch chi ddim pleidleisio eich hun mewn gorsaf bleidleisio yn yr etholiad hwn.**
 10. Os byddwch chi'n difetha'ch papur pleidleisio trwy gamgymeriad, cewch ofyn i'r Swyddog Canlyniadau am un arall cyn 5 p.m. ar [diwrnod/dyddiad y pleidleisio]. Rhaid i chi ddychwelyd y ddau bapur pleidleisio, y datganiad pleidleisio drwy'r post hwn, a'r amlenni gydag A a B arnynt. Gwnewch yn siŵr eich bod yn cysylltu â'r Swyddog Canlyniadau cyn gynted ag y bo modd.
- Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall. Mi gewch chi bleidleisio unwaith yn yr etholiad etholaethol [ac unwaith yn yr etholiad rhanbarthol]. Mae'n anghyfreithlon pleidleisio mwy nag unwaith yn [y naill etholiad a'r llall][y etholiad] (oni chewch eich penodi'n ddirprwy i etholwr arall).**

#(Y Swyddog Canlyniadau i'w adael allan pan fo person wedi cael hepgoriad)

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

Form CC2: Form of postal voting statement

Paragraph 3(b) of Schedule 3

Election to the National Assembly for Wales and [name of local authority]		
Postal Voting Statement		
Voter's name:Ballot paper numbers.		
<i>*(Returning officer to insert name but omit where ballot papers sent to an elector with anonymous registration)</i>		
You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.		
I AM THE PERSON TO WHOM THE BALLOT PAPERS NUMBERED ABOVE WERE SENT		
Date of birth	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	(day/month/year)
#Signature	<div style="border: 1px solid black; height: 40px; width: 100%;"></div>	(voter's signature) IMPORTANT – Keep signature within border
<i>#(Returning Officer to omit where a person has been granted a waiver)</i>		
Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.		
Issued by the Returning Officer		

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

INSTRUCTIONS TO THE VOTER
<p>Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below <i>[contact details for assistance include address as appropriate]</i></p>
<p>1. You have ballot papers for the National Assembly constituency election [and the regional election] and also for the local government election(s).</p>
<p>2. You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.</p>
<p>3. The ballot papers and the postal voting statement must be received by the Returning Officer by 10pm on [day/date of poll]. You can deliver your completed postal vote to any polling station in the constituency on polling day.</p>
<p>4. If you need help voting, the person helping you must not tell anyone how you voted.</p>
<p>5. When you are voting in the National Assembly election[s] [<i>insert colour(s) of ballot paper(s)</i>] mark a cross (X) in the box on the right hand side of the ballot paper opposite the name of the candidate [or party] you are voting for. Vote once only on [each of the][the] ballot paper[s]. Put no other marks on the ballot papers, or your vote may not be counted.</p>
<p>6. When you are voting in the local government election[s][<i>insert colour of ballot paper(s)</i>] ballot paper), mark a cross (X) in the box on the right hand side of [the][each] ballot paper opposite the name of each candidate you are voting for. Vote for no more than [...] candidates. Put no other marks on the ballot paper[s], or your vote may not be counted.</p>
<p>7. Put the ballot papers in the small envelope marked A and seal it.</p>
<p>8. Complete the postal voting statement by signing it, and providing your date of birth.</p>
<p>9. Then put the envelope marked A together with the postal voting statement in the larger envelope marked B. Return it straightaway.</p>
<p>10. After receiving this postal vote, you cannot vote in person at a polling station at this election.</p>
<p>11. If you accidentally spoil a ballot paper, you can ask the Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return both ballot papers, this postal voting statement, and the envelopes marked A and B. Make sure you contact the Returning Officer as soon as possible.</p>
<p>Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper. You may vote once at the constituency election [and once at the regional election], and the number of times specified on the ballot paper[s] at the local government election[s]. To cast your vote more than once at either election is illegal (unless you are appointed as a proxy for another elector).</p>

#(Returning Officer to omit where a person has been granted a waiver)

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

Ethol i Gynulliad Cenedlaethol Cymru a [rhowch enw'r awdurdod lleol]	
Datganiad Pleidleisio drwy'r Post	
Enw'r pleidleisiwr:Rhifau'r papurau pleidleisio.	
<i>*(Y swyddog canlyniadau i nodi'r enw ond ei adael allan pan anfonir y papurau pleidleisio i etholwr gyda chofrestriad dienw)</i>	
Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Os na fyddwch yn gwneud hyn, bydd eich datganiad pleidleisio drwy'r post yn annilys ac ni chaiff eich pleidlais ei chyfrif.	
FI YW'R PERSON YR ANFONWYD Y PAPURAU PLEIDLEISIO SYDD WEDI'U RHIFO	
UCHOD ATO/ATI	
Dyddiad geni	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (dydd/mis/blwyddyn)
#Llofnod	<input type="text"/> (llofnod y pleidleisiwr) PWYSIG – Cadwch y llofnod c fewn y border
<i>#(Y Swyddog Canlyniadau i'w adael allan pan fo person wedi cael hepgoriad)</i>	
Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall.	
Cyhoeddwyd gan y Swyddog Canlyniadau	

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

CYFARWYDDIADAU I'R PLEIDLEISIWR
<p>Llenwch y papur pleidleisio eich hun ac mewn preifatrwydd. Os bydd angen cymorth arnoch, cysylltwch â staff y Swyddog Canlyniadau fel y dangosir isod <i>[manyllion cyswllt i gael cymorth rhwch y cyfeiriad fel sy'n briodol]</i></p>
1. Mae gennyh bapurau pleidleisio ar gyfer etholiad etholaethol [ac etholiad rhanbarthol] y Cynulliad Cenedlaethol a hefyd ar gyfer etholiad[au] llywodraeth leol.
2. Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Os na fyddwch yn gwneud hyn, bydd eich datganiad pleidleisio drwy'r post yn annilys ac ni chaiff eich pleidlais ei chyfrif.
3. Rhaid i'r Swyddog Canlyniadau dderbyn y papurau pleidleisio a'r datganiad pleidleisio drwy'r post erbyn 10pm ar <i>[diwrnod/dyddiad y pleidleisio]</i> . Gallwch ddechyd eich pleidlais drwy'r post wedi'i llenwi i unrhyw orsaf pleidleisio yn yr etholaeth ar ddiwrnod y pleidleisio.
4. Os bydd angen help arnoch i bleidleisio, ni chaiff y sawl sy'n eich cynorthwyo ddweud wrth neb sut rydych chi wedi pleidleisio.
5. Pan fyddwch yn pleidleisio yn etholiad[au] y Cynulliad Cenedlaethol <i>[rhowch liw'r papur(au) pleidleisio]</i> , rhowch groes (X) yn y blwch ar ochr dde'r papur pleidleisio gyferbyn ag enw'r ymgeisydd rydych chi'n pleidleisio drosto/droستی. Pleidleiswch unwaith yn unig ar [bob un o'r][y] papur[au] pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papurau pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.
6. Pan fyddwch chi'n pleidleisio mewn etholiad[au] llywodraeth leol <i>[rhowch liw'r papur(au) pleidleisio]</i> , rhowch groes (X) ar ochr dde [y] [pob] papur pleidleisio gyferbyn ag enw pob ymgeisydd rydych chi'n pleidleisio drosto/droستی. Peidiwch â phleidleisio dros fwy na [...] o ymgeiswyr. Peidiwch â rhoi unrhyw farc arall ar y papur[au] pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.
7. Rhowch y papurau pleidleisio yn yr amlen fach ag A arni a'i selio.
8. Llenwch y datganiad pleidleisio drwy'r post drwy ei lofnodi, a rhoi eich dyddiad geni.
9. Yna, rhowch yr amlen ag A arni, ynghyd â'r datganiad pleidleisio drwy'r post, yn yr amlen fwy â B arni a'i dychwelyd yn syth.
10. Ar ôl derbyn y bleidlais drwy'r post hon, chewch chi ddim pleidleisio eich hun mewn gorsaf bleidleisio yn yr etholiad hwn.
11. Os byddwch chi'n difetha'ch papur pleidleisio trwy gamgymeriad, ceuwch ofyn i'r Swyddog Canlyniadau am un arall cyn 5 p.m. a <i>[diwrnod/dyddiad y pleidleisio]</i> . Rhaid i chi ddechyd y ddau bapur pleidleisio, y datganiad pleidleisio drwy'r post hwn, a'r amlenni gydag A a B arnynt. Gwnewch yn siŵr eich bod yn cysylltu â'r Swyddog Canlyniadau cyn gynted ag y bo modd.
<p>Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall. Cewch bleidleisio unwaith yn yr etholiad etholaethol [ac unwaith yn yr etholiad rhanbarthol] a'r nifer o weithiau a bennir ar papur(au) pleidleisio yn yr etholiad(au) llywodraeth leol. Mae'n anghyfreithlon pleidleisio fwy nag unwaith yn y naill etholiad neu'r llall (oni chewch eich penodi'n ddirprwy i etholwr arall).</p>

#(Y Swyddog Canlyniadau i'w adael allan pan fo person wedi cael hepgoriad)

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

Form CC3: Form of postal voting statement

Paragraph 3(c) of Schedule 3

Election to the National Assembly for Wales	
Postal Voting Statement	
Voter's name:Ballot paper number.(insert colour)	
<i>*(Returning officer to insert name but omit where ballot paper sent to an elector with anonymous registration)</i>	
You must provide your [# signature and] date of birth. If you do not, the postal voting statement will be invalid and your vote will not be counted.	
I AM THE PERSON TO WHOM THE BALLOT PAPER NUMBERED ABOVE WERE SENT	
Date of birth	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (day/month/year)
#Signature	<div style="border: 1px solid black; height: 40px; width: 100%;"></div> (voter's signature) IMPORTANT – Keep signature within border
<i>#(Returning officer to omit where a person has been granted a waiver)</i>	
Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.	
Issued by the Returning Officer	

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INSTRUCTIONS TO THE VOTER
Complete the ballot paper yourself and in private. If you need help contact the Returning Officer's staff as shown below <i>[contact details for assistance include address as appropriate]</i>
1. You have [a] ballot paper[s] for the constituency election [and the regional election].
2. You must provide your [# signature and] date of birth. You must do this even if you have already signed a postal voting statement in respect of another election to be held on the same day. If you do not, this postal voting statement will be invalid and your vote will not be counted.
3. The ballot paper and the postal voting statement must be received by the Returning Officer by 10pm on [day/date of poll]. You can deliver your completed postal vote to any polling station in the constituency on polling day.
4. If you need help voting, the person helping you must not tell anyone how you voted.
5. You may only vote once on [each][the] ballot paper. Mark a cross (X) opposite the candidate or party you wish to vote for. Put no other mark on the ballot paper, or your vote may not be counted.
6. Different colours are used for the ballot papers for each election. Each type of election has its own ballot paper envelope (marked A), postal voting statement and return envelope (marked B). The return envelope and postal voting statement for each election refer to the colour of the relevant ballot paper or papers. It is important that you use the correct envelopes and postal voting statement or your vote may not be counted. You may find it helpful to sort the documents into separate sets.
7. Put the ballot papers in the appropriate small envelope marked A and seal it.
8. Complete the postal voting statement by signing it, and providing your date of birth.
9. Then put the envelope marked A together with the postal voting statement in the larger envelope marked B. Return it straightaway.
10. After receiving this postal vote, you cannot vote in person at a polling station at this election.
11. If you accidentally spoil a ballot paper, you can ask the Returning Officer for a replacement before 5 p.m. on [day/date of poll]. You must return both ballot papers, this postal voting statement, and the envelopes marked A and B. Make sure you contact the Returning Officer as soon as possible.
Electoral fraud is a crime. You must not vote using a ballot paper that is not addressed to you or interfere with another voter's ballot paper.
You may vote once at the constituency election [and once at the regional election], to vote more than once at [either][the] election is illegal (unless you are appointed as a proxy for another elector).

#{Returning Officer to omit where a person has been granted a waiver}

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

Ethol i Gynulliad Cenedlaethol Cymru	
Datganiad Pleidleisio drwy'r post	
Enw'r pleidleisiwr:	Rhif y papur pleidleisio(rhowch liw)
<i>*(Y swyddog canlyniadau i nodi'r enw ond ei adael allan pan anfonir y papu[au] pleidleisio i etholwr gyda chofrestriad dienw)</i>	
Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Os na fyddwch yn gwneud hyn, bydd eich datganiad pleidleisio drwy'r post yn annilys ac ni chaiff eich pleidlais ei chyfrif.	
FI YW'R PERSON YR ANFONWYD Y PAPUR[AU] PLEIDLEISIO SYDD WEDI'U RHIFO UCHOD ATO/ATI	
Dyddiad geni	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (dydd/mis/blwyddyn)
#Llofnod	<input type="text"/> (llofnod y pleidleisiwr) PWYSIG – Cadwch y llofnod o fewn y border
<i>#(Y swyddog canlyniadau i'w adael allan pan fo person wedi cael hepgoriad)</i>	
Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall.	
Cyhoeddwyd gan y Swyddog Canlyniadau	

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CYFARWYDDIADAU I'R PLEIDLEISIWR
<p>Llenwch y papur pleidleisio eich hun ac mewn preifatrwydd. Os bydd angen cymorth arnoch, cysylltwch â staff y Swyddog Canlyniadau fel y dangosir isod <i>[manyllion cyswllt i gael cymorth rhwch y cyfeiriad fel sy'n briodol]</i></p>
<p>1. Mae gennych bapurau pleidleisio ar gyfer yr etholiad etholaethol [a'r etholiad rhanbarthol].</p>
<p>2. Rhaid i chi ddarparu eich [# llofnod a'ch] dyddiad geni. Rhaid i chi wneud hyn hyd yn oed os ydych chi eisoes wedi llofnodi datganiad pleidleisio drwy'r post ar gyfer etholiad arall i'w gynnal ar yr un diwrnod. Os na fyddwch yn gwneud hyn, bydd y datganiad pleidleisio drwy'r post hwn yn annilyd ac ni chaiff eich pleidlais ei chyfrif.</p>
<p>3. Rhaid i'r Swyddog Canlyniadau dderbyn y papur pleidleisio a'r datganiad pleidleisio drwy'r post erbyn 10pm ar [diwrnod/dyddiad y pleidleisio]. Gallwch ddychwelyd eich pleidlais drwy'r post wedi'i llenwi i unrhyw orsaf bleidleisio yn yr etholaeth ar ddiwrnod y pleidleisio.</p>
<p>4. Os bydd angen help arnoch i bleidleisio, ni chaiff y sawl sy'n eich cynorthwyo ddweud wrth neb sut rydych chi wedi pleidleisio.</p>
<p>5. Dim ond unwaith y cewch chi bleidleisio ar [bob][y] papur pleidleisio. Rhwch groes (X) gyferbyn ag enw'r ymgeisydd neu'r blaic yr ydych am bleidleisio drosto/drosti. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.</p>
<p>6. Defnyddir gwahanol liwiau ar gyfer y papurau pleidleisio ar gyfer pob etholiad. Mae gan bob etholiad amlen ar gyfer y papur pleidleisio (wedi'i marcio ag A), datganiad pleidleisio drwy'r post ac amlen ddychwelyd (wedi'i marcio â B) ei hun. Mae'r amlen ddychwelyd a'r datganiad pleidleisio drwy'r post ar gyfer pob etholiad yn cyfeirio at liw'r papur neu bapurau pleidleisio perthnasol. Mae'n bwysig eich bod yn defnyddio'r amlenni a'r datganiad pleidleisio drwy'r post cywir, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif. Byddai'n help o bosib rhoi'r dogfennau mewn setiau ar wahân.</p>
<p>7. Rhwch y papurau pleidleisio yn yr amlen fach briodol ag A arni a'i selio.</p>
<p>8. Llenwch y datganiad pleidleisio drwy'r post drwy ei lofnodi, a rhoi eich dyddiad geni.</p>
<p>9. Yna, rhwch yr amlen ag A arni, ynghyd â'r datganiad pleidleisio drwy'r post, yn yr amlen fwy â B arni a'i dychwelyd yn syth.</p>
<p>10. Ar ôl derbyn y bleidlais drwy'r post hon, chewch chi ddim pleidleisio eich hun mewn gorsaf bleidleisio yn yr etholiad hwn.</p>
<p>11. Os byddwch chi'n difetha'ch papur pleidleisio trwy gamgymeriad, cewch ofyn i'r Swyddog Canlyniadau am un arall cyn 5 p.m. a [diwrnod/dyddiad y pleidleisio]. Rhaid i chi ddychwelyd y ddau bapur pleidleisio, y datganiad pleidleisio drwy'r post hwn, a'r amlenni gydag A a B arnynt. Gwnewch yn siŵr eich bod yn cysylltu â'r Swyddog Canlyniadau cyn gynted ag y bo modd.</p>
<p>Mae twyllo mewn etholiadau'n drosedd. Chewch chi ddim pleidleisio gan ddefnyddio papur pleidleisio nad yw wedi'i gyfeirio atoch chi nac ymyrryd â phapur pleidleisio pleidleisiwr arall.</p>
<p>Mi gewch chi bleidleisio unwaith mewn etholiad etholaethol [ac unwaith mewn etholiad rhanbarthol]. Mae'n anghyfreithlon pleidleisio mwy nag unwaith yn [y naill etholiad a'r llall][yr etholiad] (oni chewch eich penodi'n ddirprwy i etholwr arall).</p>

#(Y Swyddog Canlyniadau i'w adael allan pan fo person wedi cael hepgoriad)

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Form CD: Statement as to postal ballot papers

Paragraph 31(1)(b) of Schedule 3

Election to the National Assembly for Wales

Constituency:

Electoral Region (and, where there is no constituency poll, the name of the Assembly Constituency to which the statement relates):

Date of Poll;

<i>A. Issue of postal ballot papers</i>	Number for Constituency	Number for Electoral Region
1. Total number of postal ballot papers issued under paragraph 8 of Schedule 3		
2. Total number of postal ballot papers issued under paragraphs 14 (spoilt and returned for cancellation) and 15 (lost and not received) of Schedule 3.		
3. Total number of postal ballot papers cancelled under paragraph 26 of Schedule 3 (where the first ballot paper was cancelled and retrieved).		
4. Total number of postal ballot papers issued (1+2+3)		

<i>B.(1) Receipt of ballot papers and replacements</i>	Number for Constituency	Number for Electoral Region
5. Number of covering envelopes received by the returning officer or at a polling station before the close of poll (excluding any undelivered or returned under paragraphs 14 (spoilt), 15 (lost) and 26 (cancelled ballot papers) of Schedule 3)		
6. Number of covering envelopes received by the returning officer after the close of poll, excluding any returned as undelivered.		
7. Number of postal ballot papers returned spoilt for cancellation in time for another ballot paper to be issued.		
8. Number of postal ballot papers identified as lost or not received in time for another ballot paper to be issued.		
9. Number of ballot papers cancelled and retrieved in time for another ballot paper to be issued		
10. Number of postal ballot papers returned as spoilt too late for another ballot paper to be issued.		
11. Number of covering envelopes returned as undelivered (up to the date of this statement).		
12. Number of covering envelopes not received by the returning officer by the date of this statement.		
13. Total numbers 5 to 12 (This number should be the same as that in 4 above).		

<i>B.(2) Receipt of postal ballot papers – Postal voting statements.</i>		
14. Number of covering envelopes set aside for the verification of personal identifiers on postal voting statements.		
15. Number of postal voting statements not subject to verification procedure rejected as not completed (excluding prior cancellations).		

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16. Number of postal voting statements subject to verification procedure rejected as not completed (excluding prior cancellations).		
17. Number of postal voting statements rejected following verification procedures due to personal identifiers on the postal voting statement not matching those in the personal identifiers record (excluding prior cancellations).		

<i>C. Count of postal ballot papers</i>	Number for Constituency	Number for Electoral Region
18. Number of ballot papers returned by postal voters which were included in the count of ballot papers		
19. Number of cases in which a covering envelope or its contents were marked "rejected" (cancellations under paragraphs 14, 15 and 26 of Schedule 3 are not rejections and should be included in items 2, 3, 7, 8 and 9 above.		

Date Signed
 Constituency Returning Officer
 Address

NOTES

1. The first column is to be completed in the case of a constituency election.
2. The second column is to be completed in the case of a regional election in respect of the postal ballot papers issued in a constituency for that regional election.
3. Where both columns are to be completed, the figure to be inserted against items B5, B6, B11, B12, B14, B15, B16, B17 and C19 will be the same in each column as only one covering envelope and postal voting statement will have been issued for both elections.
4. The references to Schedule 3 are references to Schedule 3 to the National Assembly for Wales (Representation of the People) Order 2007.

Ethol i Gynulliad Cenedlaethol Cymru

Etholiad:
 Rhanbarth Etholiadol (a, lle nad oes pleidlais etholaethol, enw Etholaeth y Cynulliad y mae'r datganiad yn berthnasol iddi):
 Dyddiad Pleidleisio:

<i>A Y papurau pleidleisio drwy'r post a ddsbarthwyd</i>	Nifer ar gyfer yr Etholaeth	Nifer ar gyfer y Rhanbarth Etholiadol
1 Cyfanswm y papurau pleidleisio drwy'r post a ddsbarthwyd o dan baragraff 8 o Atodlen 3		
2. Cyfanswm y papurau pleidleisio drwy'r post a ddsbarthwyd dan baragraff 14 (difethwyd a'u dychwelyd i'w canslo) (ar goll a heb eu derbyn) Atodlen 3.		
3. Cyfanswm y papurau pleidleisio drwy'r post a gafodd eu canslo dan baragraff 26 Atodlen 3 (lle cafodd y papur pleidleisio cyntaf ei ganslo a'i gael yn ôl).		
Cyfanswm y papurau pleidleisio drwy'r post a ddsbarthwyd (1+2+3)		
<i>B.(1) Derbyn papurau pleidleisio a phapurau pleidleisio newydd</i>	Nifer ar gyfer yr Etholaeth	Nifer ar gyfer y Rhanbarth Etholiadol
5. Nifer yr amlenni mawr a dderbyniwyd gan y swyddog canlyniadau neu mewn gorsaf bleidleisio cyn diwedd y pleidleisio (ac eithrio unrhyw rai nas danfonwyd neu a ddychwelwyd dan baragraff 14 (wedi'u difetha), (15) (ar goll) a 26 (papurau pleidleisio wedi'u canslo) Atodlen 3)		
6. Nifer yr amlenni mawr a ddaeth i law'r swyddog canlyniadau ar ôl diwedd y pleidleisio, ac eithrio unrhyw rai a ddychwelwyd fel rhai nas danfonwyd.		
7. Nifer y papurau pleidleisio drwy'r post a ddychwelwyd wedi'u difetha i'w canslo mewn pryd i ddsbarthu papur pleidleisio arall.		
8. Nifer y papurau pleidleisio drwy'r post y cafwyd gwybod eu bod wedi mynd ar goll neu nad oeddynt wedi'u derbyn mewn pryd i ddsbarthu papur pleidleisio arall.		
9. Nifer y papurau pleidleisio a gafodd eu canslo a'u cael yn ôl mewn pryd i ddsbarthu papur pleidleisio arall		
10. Nifer y papurau pleidleisio drwy'r post a ddychwelwyd wedi'u difetha yn rhy hwyr i ddsbarthu papur pleidleisio arall.		
11. Nifer yr amlenni mawr a ddychwelwyd fel rhai nas danfonwyd (hyd at ddyddiad y datganiad hwn).		
12. Nifer yr amlenni mawr na ddaeth i law'r swyddog canlyniadau erbyn dyddiad y datganiad hwn.		
13. Cyfanswm rhifau 5 i 12 (Dylai'r rhif hwn fod yr un fath â'r rhif yn 4 uchod).		
<i>B.(2) Y papurau pleidleisio drwy'r post a ddaeth i law – datganiadau pleidleisio drwy'r post</i>		
14. Nifer yr amlenni mawr a neilltuwyd ar gyfer dilysu'r dynodyddion personol ar y datganiadau pleidleisio drwy'r post		

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15. Nifer y datganiadau pleidleisio drwy'r post na chawsant eu dilysu ac a gafodd eu gwrthod fel rhai heb eu cwblhau (heb gynnwys y rhai a gafodd eu canslo'n flaenorol)		
16. Nifer y datganiadau pleidleisio drwy'r post a gafodd eu dilysu ac a gafodd eu gwrthod fel rhai heb eu cwblhau (heb gynnwys y rhai a gafodd eu canslo'n flaenorol).		
17. Nifer y datganiadau pleidleisio drwy'r post a gafodd eu gwrthod yn dilyn y drefn ddilysu oherwydd nad oedd y dynodyddion personol ar y datganiad pleidleisio drwy'r post yn cyfateb i'r rhai yn y cofnod dynodyddion personol (heb gynnwys y rhai a gafodd eu canslo'n flaenorol).		
<i>C Cyfrif y papurau pleidleisio drwy'r post</i>	Nifer ar gyfer yr Etholaeth	Nifer ar gyfer y Rhanbarth Etholiadol
18. Nifer y papurau pleidleisio a ddychwelwyd gan bleidleiswyr drwy'r post ac a gafodd eu cynnwys wrth gyfri'r papurau pleidleisio.		
19. Nifer yr achosion lle'r oedd amlen fawr neu ei chynnwys wedi'u marcio â'r gair "gwrthodwyd" (nid yw papurau a gafodd eu canslo dan baragraffau 14, 15 a 26 Atodlen 3 yn rhai a wrthodwyd, ac fe ddylid eu cynnwys yn eitemau 2, 3, 7, 8 a 9 uchod)		

Lofnod

Dyddiad

Swyddog Etholiadol yr Etholaeth

Cyfeiriad.....

NODIADAU

1. Y golofn gyntaf i'w llenwi adeg etholiad etholaethol.
2. Yr ail golofn i'w llenwi adeg etholiad rhanbarthol yng nghyswllt y papurau pleidleisio drwy'r post ddsbarthwyd mewn etholaeth ar gyfer yr etholiad rhanbarthol hwnnw.
3. Os bydd angen llenwi'r ddwy golofn, bydd y ffigur i'w roi yn erbyn eitemau B5, B6, B11, B12, B14, B15, B16, B17 a C19 yr un fath ym mhob colofn gan mai dim ond un amlen fawr a datganiad pleidleisio drwy'r post fydd wedi'u darparu ar gyfer y ddau etholiad.
4. Cyfeirio at Atodlen 3 Gorchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007 y mae'r cyfeiriadau at Atodlen 3.

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Form CE: Form of nomination paper: constituency election

Rule 4(1) of Schedule 5

Election of a member to serve in the National Assembly for Wales

.....Constituency

Date of election:

The under-mentioned person is hereby nominated as a candidate at the above election.

(Please complete in capitals)

Candidate's surname	Other name(s) in full	Commonly used surname (if any)	Commonly used forenames (if any)	Description (if any)	Home address in full (please also include telephone number)

Signed:Date:

Name:

Address:

.....

.....

Notes

1. Your attention is drawn to the rules concerning completion of nomination papers and other rules relating to nomination contained in Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2007.
2. Where a candidate is commonly known by some title, that title may be used as if it were the candidate's surname.
3. Where a candidate commonly uses a name which is different from any other name he or she has, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
4. But the ballot paper will show the other name if the returning officer thinks—
 - (a) that the use of the commonly used name may be likely to mislead or confuse electors, or
 - (b) that the commonly used name is obscene or offensive.

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Ethol aelod i wasanaethu yng Nghynulliad Cenedlaethol Cymru

Etholaeth

Dyddiad yr etholiad:

Enwebir drwy hyn y person a grybwyllir isod i fod yn ymgeisydd yn yr etholiad uchod.

(Defnyddiwch brfitythrennau wrth lenwi'r blychau)

Cyfenw'r ymgeisydd	Enw arall/enwau eraill yn llawn	Cyfenw a ddefnyddir fel arfer (os o gwbl)	Enwau blaen a ddefnyddir fel arfer (os o gwbl)	Disgrifiad (os o gwbl)	Cyfeiriad cartref yn llawn (cynhwyswch y rhif ffôn hefyd)

Llofnodwyd: Dyddiad:

Enw:

Cyfeiriad:

.

.

Nodiadau

1. Tynnir sylw personau at y rheolau ynglyn â llenwi papurau enwebu a rheolau eraill sy'n ymwneud ag enwebu a gynhwysir yn Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007.
2. Os bydd ymgeisydd yn cael ei adnabod wrth deitl penodol, gellir defnyddio'r teitl hwnnw fel petai'n gyfenw'r ymgeisydd.
3. Pan fydd ymgeisydd fel arfer yn defnyddio enw sy'n wahanol i unrhyw enw arall sydd ganddo, ga yr enw a ddefnyddir fel arfer hefyd ymddangos ar y papur enwebu, ond os yw hynny'n digwydd, yr enw a ddefnyddir fel arfer (yn hytrach nag unrhyw enw arall) fydd yn ymddangos ar y papur pleidleisio.
4. Ond bydd y papur pleidleisio yn dangos yr enw arall os yw'r swyddog canlyniadau yn credu—
 (a) bod defnyddio'r enw a ddefnyddir fel arfer yn debygol o gamarwain neu ddrysu etholwyr, neu
 (b) bod yr enw a ddefnyddir fel arfer yn anwedus neu'n dramgwyddus.

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Form CF: Form of certificate referred to in rule 5(1)

Rule 5(1) of Schedule 5

In accordance with rule 5(1) of Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2007, I hereby certify—

that is the official candidate of (name of registered political party) at the election in the Assembly Constituency on and that the description ⁽¹⁾ of the candidate appearing in the nomination paper by which he is nominated as a candidate is authorised by the party.

Signed Name
Address (registered nominating officer)
Date.

⁽²⁾ I also request that the party's registered emblem [*or if there is more than one registered emblem*
⁽³⁾ *specify which one*] should appear on the ballot paper against the candidate's name.

Signed (registered nominating officer)

Date.

⁽¹⁾The description means either the registered name or names of the party or a description registered under section 28A of the Political Parties, Elections and Referendums Act 2000.

⁽²⁾If this paragraph is not completed a registered emblem of the party will not appear on the ballot paper against the candidate's name.

⁽³⁾Where there is more than one registered emblem it would be helpful if the emblem requested to appear on the ballot paper is specified by reference to a representation of the emblem that accompanies this certificate.

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Yn unol â rheol 5(1) o Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007, yr wyf drwy hyn yn ardystio—
 mai yw ymgeisydd swyddogol (enw'r blaid
 wleidyddol gofrestredig) yn yr etholiad yn Etholaeth Gynulliad ar .
 a bod y
 disgrifiad ⁽¹⁾ o'r ymgeisydd sy'n ymddangos yn y papur enwebu y mae wedi'i enwebu drwyddo
 fel ymgeisydd wedi'i awdurdodi gan y blaid.
 Llofnodwyd: Enw
 (swyddog enwebu Cyfeiriad cofrestredig)
 Dyddiad:

⁽²⁾ Yr wyf yn gofyn hefyd i arwyddlun cofrestredig y blaid [neu, os oes mwy nag un arwyddlun
 cofrestredig⁽³⁾, nodwch pa un] ymddangos ar y papur pleidleisio gyferbyn ag enw'r ymgeisydd.
 Llofnodwyd: (swyddog enwebu cofrestredig)

Dyddiad:

⁽¹⁾Mae'r disgrifiad yn golygu naill ai enw neu enwau cofrestredig y blaid neu ddisgrifiad a gofrestrwyd dan adran 28A o Ddeddf
 Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000.

⁽²⁾Os na chaiff y paragraff hwn ei lenwi, ni fydd un o arwyddluniau cofrestredig y blaid yn ymddangos ar y papur pleidleisio
 gyferbyn ag enw'r ymgeisydd.

⁽³⁾Lle bo mwy nag un arwyddlun cofrestredig, byddai o gymorth pe bai'r arwyddlun y gofynnid iddo ymddangos ar y papur
 pleidleisio yn cael ei nodi drwy gyfeirio at ddarluniad o'r arwyddlun a amgaeir gyda'r dystysgrif hon.

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Form CG: Form of certificate referred to in rule 5(3)

Rule 5(3) of Schedule 5

In accordance with rule 5(3) of Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2007, we hereby certify that

..... is the official candidate of
(name of registered political party) and (name of registered political party) at the election in the Assembly Constituency on
The description⁽¹⁾ of the candidate appearing on the nomination paper by which he is nominated as a candidate is authorised by both parties.

Signed. Name
Registered nominating officer of [name of party] Address.
Date.
Signed. Name
Registered nominating officer of [name of party] Address.
Date.

⁽²⁾We request that the attached emblem being a registered emblem of
(name of political party) appear on the ballot paper against the candidate's name.

Signed. Registered nominating officer
Date. [name of party]

Signed. Registered nominating officer
Date. [name of party]

⁽¹⁾The description must be a description registered under section 28B of the Political Parties, Elections and Referendums Act 2000.

⁽²⁾If this paragraph is not completed no registered emblem will appear on the ballot paper against the candidate's name.

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

Yn unol â rheol 5(3) o Atodlen 5 o Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007, rydym drwy hyn yn tystio mai
. yw'r ymgeisydd swyddogol ar gyfer
(enw'r blaid wleidyddol gofrestredig) a (enw'r blaid wleidyddol
gofrestredig) yn yr etholiad yn Etholaeth Cynulliad ar
Mae'r disgrifiad ⁽¹⁾ o'r ymgeisydd sy'n ymddangos ar y papur enwebu drwy'r hwn yr enwebir ef
fel ymgeisydd wedi ei awdurdodi gan y ddwy blaid.

Llofnod. Enw.
Swyddog enwebu cofrestredig [enw'r blaid] Cyfeiriad.
Dyddiad.
Llofnod. Enw.
Swyddog enwebu cofrestredig [enw'r blaid] Cyfeiriad.
Dyddiad.

⁽²⁾Gofynnwn am i'r arwyddlun amgaeedig sef arwyddlun cofrestredig
(enw'r blaid wleidyddol) ymddangos ar y papur pleidleisio yn erbyn enw'r ymgeisydd.

Llofnod. Swyddog enwebu cofrestredig
Dyddiad. [enw'r blaid]

Llofnod. Swyddog enwebu cofrestredig
Dyddiad. [enw'r blaid]

⁽¹⁾ Rhaid i'r disgrifiad fod yn ddisgrifiad sydd wedi'r gofrestru o dan adran 28B o Ddeddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000.
⁽²⁾ Os nad yw'r paragraff hwn wedi ei gwblhau, ni fydd arwyddlun cofrestredig yn ymddangos ar y papur pleidleisio yn erbyn enw'r ymgeisydd.

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

Form CH: Form of individual nomination paper: regional election

Rule 6(1) of Schedule 5

Election of a member to serve in the National Assembly for Wales

.....Electoral Region

Date of election:

The under-mentioned person is hereby nominated as an individual candidate at the above election.
(Please complete in capitals)

Candidate's surname	Other name(s) in full	Commonly used surname (if any)	Commonly used forename(s) (if any)	Description (if any)	Home address in full (please also include telephone number)

Signed: Date:

Name:

Address:

.....

.....

Notes

- Your attention is drawn to the rules concerning completion of nomination papers and other rules relating to nomination contained in Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2007.
- Where a candidate is commonly known by some title, that title may be used as if it were the candidate's surname.
- Where a candidate commonly uses a name which is different from any other name he or she has, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
- But the ballot paper will show the other name if the returning officer thinks—
 - that the use of the commonly used name may be likely to mislead or confuse electors, or
 - that the commonly used name is obscene or offensive.

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

Ethol aelod i wasanaethu yng Nghynulliad Cenedlaethol Cymru

Rhanbarth Etholiadol

Dyddiad yr etholiad:

Enwebir drwy hyn y person a grybwyllir isod i fod yn ymgeisydd unigol yn yr etholiad uchod.

(Defnyddiwch brfitythrennau wrth lenwi'r blychau)

Cyfenw'r ymgeisydd	Enw arall/enwau eraill yn llawn	cyfenw a ddefnyddir fel arfer (os o gwbl)	enwau blaen a ddefnyddir fel arfer (os o gwbl)	Disgrifiad (os o gwbl)	Cyfeiriad cartref yn llawn (cynhwyswch y rhif ffôn hefyd)

Llofnodwyd: Dyddiad:

Enw:

Cyfeiriad

.

.

Nodiadau

1. Tynnir sylw personau at y rheolau ynglyn â llenwi papurau enwebu a rheolau eraill sy'n ymwneud ag enwebu a gynhwysir yn Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007.
2. Os bydd ymgeisydd yn cael ei adnabod wrth deitl penodol, gellir defnyddio'r teitl hwnnw fel petai'n gyfenw'r ymgeisydd.
3. Pan fydd ymgeisydd fel arfer yn defnyddio enw sy'n wahanol i unrhyw enw arall sydd ganddo, gall yr enw a ddefnyddir fel arfer hefyd ymddangos ar y papur enwebu, ond os yw hynny'n digwydd, yr enw a ddefnyddir fel arfer (yn hytrach nag unrhyw enw arall) fydd yn ymddangos ar y papur pleidleisio.
4. Ond bydd y papur pleidleisio yn dangos yr enw arall os yw'r swyddog canlyniadau yn credu—
 - (a) bod defnyddio'r enw a ddefnyddir fel arfer yn debygol o gamarwain neu ddrysu etholwyr, neu
 - (b) bod yr enw a ddefnyddir fel arfer yn anweddu neu'n dramgwyddus.

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

Form CI: Form of party nomination paper: regional election

Rule 7(1) of Schedule 5

Election of members to serve in the National Assembly for Wales

. Electoral Region

Date of election:

Name(s) of registered political party.

The said party is hereby nominated at the election in the following names(s)/ description

. (see note 5)

The list of candidates submitted by the party in respect of the election is set out in the Schedule.

The undermentioned person[s] is/are hereby nominated as [a] party list candidate[s] at the election.

(Please complete in capitals)

Schedule				
List of candidates				
Candidate's surname	Other names in full	Commonly used surname (if any)	Commonly used forename(s) (if any)	Home address in full (please also include telephone number)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

Signed: Date:

Name:

Address:

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

Notes

1. Your attention is drawn to the rules concerning completion of nomination papers and other rules relating to nomination contained in Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2007.
2. Where a candidate is commonly known by some title that title may be used as if it were the candidate's surname.
3. Where a candidate commonly uses a name which is different from any other name he or she has, the commonly used name may also appear on the nomination paper, but if it does so, the commonly used name (instead of any other name) will appear on the ballot paper.
4. But the ballot paper will show the other name if the returning officer thinks—
 - (a) that the use of the commonly used name may be likely to mislead or confuse electors, or
 - (b) that the commonly used name is obscene or offensive.
5. Insert either the name or (if registered in English and Welsh) the names of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000 or a (but not more than one) description of the party registered under section 28A of that Act that shall be used in the ballot paper.

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

Ethol aelodau i wasanaethu yng Nghynulliad Cenedlaethol Cymru

Rhanbarth Etholiadol:

Dyddiad yr etholiad:

Enw(au) y blaid wleidyddol gofrestredig.

Drwy hyn enwebir y blaid hon yn yr etholiad dan yr enw(au)/disgrifiad canlynol

. (gweler nodyn 5)

Nodir rhestr yr ymgeiswyr a gyflwynwyd gan y blaid ar gyfer yr etholiad yn yr Atodlen.

Enwebir drwy hyn yr unigolyn[ion] a enwir isod fel ymgeisydd[ymgeiswyr] rhestr plaid yn yr etholiad.

(Defnyddiwch briflythrennau os gwelwch yn dda)

Atodlen				
Rhestr ymgeiswyr				
Cyfenw'r ymgeisydd	Enwau eraill yn llawn	Cyfenw a ddefnyddir fel arfer (os o gwbl)	Enwau blaen a ddefnyddir fel arfer (os o gwbl)	Cyfeiriad cartref yn llawn (cynhwyswch y rhif ffôn hefyd)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

Llofnodwyd: Dyddiad:

Enw:

Cyfeiriad:

.

.

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

Nodiadau

1. Tynnir sylw personau at y rheolau ynglyn â llenwi papurau enwebu a rheolau eraill sy'n ymwneud ag enwebu a gynhwysir yn Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007.
2. Os bydd ymgeisydd yn cael ei adnabod wrth deitl penodol, gellir defnyddio'r teitl hwnnw fel petai'n gyfenw'r ymgeisydd.
3. Pan fydd ymgeisydd fel arfer yn defnyddio enw sy'n wahanol i unrhyw enw arall sydd ganddo, gall yr enw a ddefnyddir fel arfer hefyd ymddangos ar y papur enwebu, ond os yw hynny'n digwydd, yr enw a ddefnyddir fel arfer (yn hytrach nag unrhyw enw arall) fydd yn ymddangos ar y papur pleidleisio.
4. Ond bydd y papur pleidleisio yn dangos yr enw arall os yw'r swyddog canlyniadau yn credu—
 - (a) bod defnyddio'r enw a ddefnyddir fel arfer yn debygol o gamarwain neu ddrysu etholwyr, neu
 - (b) bod yr enw a ddefnyddir fel arfer yn anwedus neu'n dramgwyddus.
5. Ysgrifennwch naill ai enw neu (os yw wedi'i chofrestru yn Gymraeg ac yn Saesneg) enwau'r blaid a gofrestrwyd dan adran 28 Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 neu (ond nid mwy nag un) ddisgrifiad o'r blaid a gofrestrwyd dan adran 28A y Ddeddf honno a fydd yn cael ei ddefnyddio ar y papur pleidleisio.

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

Form CJ: Form of certificate referred to in rule 8(1)

Rule 8(1) of Schedule 5

In accordance with rule 8(1) of Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2007, I hereby certify—

that is/are the official candidate(s) of (name of registered political party) at the election in the Electoral Region on and that the description ⁽¹⁾ of the party appearing in the nomination paper by which the candidate(s) is/are nominated is authorised by the party.

Signed (registered nominating officer)

Date

⁽²⁾I also request that the party's registered emblem [or if there is more than one registered emblem⁽³⁾, specify which one] appear on the ballot paper against the party's name.

Signed (registered nominating officer)

Date

⁽¹⁾ The description means either the registered name or names of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000 or a (but not more than one) description registered under section 28A of that Act.

⁽²⁾ If this paragraph is not completed a registered emblem of the party will not appear on the ballot paper against the party's name.

⁽³⁾ Where there is more than one registered emblem it would be helpful if the emblem requested to appear on the ballot paper is specified by reference to a representation of the emblem that accompanies this certificate.

Yn unol â rheol 8(1) o Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007, yr wyf drwy hyn yn ardystio—

mai yw ymgeisydd/ymgeiswyr swyddogol (enw'r blaid wleidyddol gofrestredig) yn yr etholiad yn Rhanbarth Etholiadol ar a bod y

disgrifiad⁽¹⁾ o'r blaid sy'n ymddangos yn y papur enwebu y mae'r ymgeisydd wedi'i enwebu/ymgeiswyr wedi'u henwebu drwyddo wedi'i awdurdodi gan y blaid.

Llofnodwyd: (swyddog enwebu cofrestredig)

Dyddiad:

⁽²⁾ Yr wyf yn gofyn hefyd i arwyddlun cofrestredig y blaid [neu, os oes mwy nag un arwyddlun cofrestredig⁽³⁾, nodwch ba un] ymddangos ar y papur pleidleisio gyferbyn ag enw'r blaid.

Llofnodwyd: (swyddog enwebu cofrestredig)

Dyddiad:

⁽¹⁾ Mae'r disgrifiad yn golygu naill ai enw neu enwau'r blaid a gofrestrwyd dan adran 28 Deddf Pleidiau Gwleidyddol, Etholiadau a Refferenda 2000 neu (ond nid mwy nag un) ddisgrifiad a gofrestrwyd dan adran 28A y Ddeddf honno.

⁽²⁾ Os na chaff y paragraff hwn ei lenwi, ni fydd un o arwyddluniau cofrestredig y blaid yn ymddangos ar y papur pleidleisio gyferbyn ag enw'r blaid.

⁽³⁾ Lle bo mwy nag un arwyddlun cofrestredig byddai o gymorth pe bai'r arwyddlun y gofynnid iddo ymddangos ar y papur pleidleisio yn cael ei nodi drwy gyfeirio at ddarluniad o'r arwyddlun a amgaeir gyda'r dystysgrif hon.

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

Form CK: Form of Ballot paper: Constituency Election

Rule 24(3) of Schedule 5

Front of ballot paper

**NATIONAL ASSEMBLY FOR WALES
CONSTITUENCY BALLOT**

**CYNULLIAD CENEDLAETHOL
CYMRU**







PLEIDLAIS ETHOLAETH

Pleidleisiwch dros un ymgeisydd yn unig

Vote for one candidate only

Mark an in one box

Marciwch mewn un bwloch

1	<p>BURTON PAUL JOHN 27 Bryn Nant, Abertillery, EN47 13WA Labour Party/Y Blaid Lafur</p>		
2	<p>BURTON RACHEL LOUISE 14 Empress Way, Haverfordwest, WA28 18SC Liberal Democrat/Democratiaid Rhyddfrydol</p>		
3	<p>DAVIES Bryn 5 Gordon Road, Penarth, IR31 5WA Plaid Cymru – The Party of Wales</p>		
4	<p>EVANS Ivor Chez Moi, Heol Dan y Coed, Newport, WA6 35IT Independent/ Annibynnol</p>		
5	<p>SMITH John 21 Home Avenue, Frederickstown, WA6 40FR United Kingdom Independence Party/Plaid Annibyniaeth Y Deyrnas Unedig</p>		
6	<p>WALKER Rodney 12 Baker Street, Newtown, VB45 6TY Conservative Party/ Y Blaid Geidwadol</p>		
7	<p>WILSON Pauline 65 Justin Street, Brecon, LD93 5YR Farmers of Wales / Ffermwyr Cymru</p>		

Back of Ballot Paper

Number/Rhif.....

Election for the Constituency on

Etholiad dros Etholaethar.....

**Form CK1: Directions as to printing
the ballot paper: constituency election**

Rule 24(3) of Schedule 5

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the arrangements set down below shall be observed in the printing of the ballot paper.
3. Nothing in paragraph 2 prohibits the front of the ballot paper containing more than one column of numbers, candidates' particulars and spaces where the vote is to be marked if the returning officer thinks it is appropriate for the ballot paper to be printed with more than one column, but in such a case each column must be separated by a double vertical rule.
- 4.—(1) This paragraph makes provision in respect of that part of the ballot paper appearing above the highest horizontal rule.
 - (2) The group of words in English to the left and the group of words in Welsh to the right are each referred to in these directions as a block (and a block also includes the rectangle and representation in that rectangle of how a vote is to be marked).
 - (3) The blocks may be reversed so that the block with the Welsh words is to the left and the block with the English words is to the right.
 - (4) The first two lines of each block shall be printed in large capitals.
 - (5) The lines of each rectangle in a block are not to be regarded as rules for the purposes of these directions.
5. No word shall be printed on the front of the ballot paper except the words set out in the form of constituency ballot paper appearing in each block, the particulars of the candidates and words forming part of registered emblems.

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

6. The blocks, numbers, particulars of the candidates (except their addresses) and sides of the rectangles in which a vote is to be marked shall be printed in bold form on the ballot paper.
7. No rule shall be printed on the front of the ballot paper except—
 - (a) the first horizontal rule below the blocks, the horizontal rules separating the particulars of the candidates from one another and the horizontal rule appearing beneath the candidate whose particulars appear last; and
 - (b) the vertical rules separating those particulars from the numbers on the left hand side and the spaces on the right where the vote is to be marked (together with the vertical rule to the left of the numbers so mentioned and the vertical rule to the right of the spaces so mentioned).
8. The space on the ballot paper between each horizontal rule and the next horizontal rule below it shall be 2.5 centimetres.
9. On the ballot paper the surname of each candidate shall in all cases be printed by itself in large capitals, and his full particulars (except his surname) shall be set out below it and shall be printed in ordinary type except that small capitals shall be used—
 - (a) if his surname is the same as another candidate's, for his other names; and
 - (b) if his other names are also the same as the other candidate's, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.
10. Where a registered emblem is to be printed against a candidate's particulars on the ballot paper—
 - (a) it shall be printed between the candidate's particulars and the vertical rule separating the candidate's particulars from the space where the vote may be marked; and
 - (b) its size as printed shall not exceed 2 centimetres square.
11. The number and other unique identifying mark may be printed close to each other on the back of the ballot paper.

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

Form CL: Form of Ballot paper: Regional Election

Rule 25(3) of Schedule 5

Front of ballot paper

**NATIONAL ASSEMBLY FOR
WALES
REGIONAL BALLOT**

.....REGION

Vote once only






Mark an in one box

**CYNULLIAD CENEDLAETHOL CYMRU
PLEIDLAIS RHANBARTHOL**

RHANBARTH.....

Pleileisiwch unwaith yn unig

Marciwch mewn un bwloch

1	<p>Conservative Party/ Y Blaid Geidwadol</p> <p>1. David Brandon 5. Claire Williams 9. Andrew Williams 2. Paul David Evans 6. Mushaq Singh 10. Cherie Bold 3. Sue Mulraney 7. Heather Painter 11. Owain Green 4. Nick Webb 8. Joan Hazel Smith 12. Diana Green</p>	
2	<p>Democratiaid Rhyddfrydol Cymru/ Welsh Liberal Democrats</p> <p>1. Roberta Watson 5. George Mason 9. David Fitzroy 2. Stephen Jones 6. William Richards 10. James Stuart 3. Trisha Phillips 7. Kate Walker 11. William Trip 4. Wendy Pelham 8. Margaret Sullivan 12. Lucy Cavendish</p>	
3	<p>Labour Party/ Y Blaid Lafur</p> <p>1. Tony John Fisher 5. Ceri Brown 9. David Hart 2. Charles Cook 6. Iqbal Khan 10. Emma Heslop 3. Kathleen Hughes 7. Margaret Davies 11. Ioan Hurst 4. Robin Mason 8. Paula Katie Smith 12. Jason George</p>	
4	<p>Plaid Cymru – The Party of Wales</p> <p>1. Sheila Stacey 5. Rhian Helen 9. Denise Pike 2. Fiona Chambers Collins 10. Hugh Phipps 3. Michael Cole 6. Megan Dixon 11. Gerald Griffiths 4. Shekeer Mohammed 7. Janice Farr 12. Clement Morris 8. Cerys Singer</p>	
5	<p>United Kingdom Independence Party/ Plaid Annibyniaeth Y Deyrnas Unedig</p> <p>1. Hugh David Jones 5. Yvonne Brown 9. William Parry 2. Seren Cole 6. Desmond Wallis 10. Paul Ryan Jones 3. Herbert Cole 7. Grace Walsh 11. Jim Donald 4. Roger Thomas 8. Joan Susan Maynard 12. Mary Foulkes</p>	
6	<p>Xavier Alfonso</p> <p>Independent/ Annibynnol</p>	

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

Back of ballot paper

Number /Rhif

Election for the	Etholiad dros ranbarth etholiadol
Electoral Region on	ar.....
.....Constituency	Etholaeth.....

Note: The back is to include a mark or other distinguishing feature (which may be part of the number) to identify the Assembly constituency in which the ballot paper is to be used

Form CL1: Directions as to printing the ballot paper: regional election

Rule 25(3) of Schedule 5

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the arrangements set down below shall be observed in the printing of the ballot paper.
3. Nothing in paragraph 2 prohibits the front of the ballot paper containing more than one column of numbers, particulars of individual candidates, of registered political parties, the names of candidates on party lists and spaces where the vote is to be marked if the returning officer thinks it is appropriate for the ballot paper to be printed with more than one column, but in such a case each column must be separated by a double vertical rule

4.—(1) This paragraph makes provision in respect of that part of the ballot paper appearing above the higher horizontal rule.

(2) The group of words in English to the left and the group of words in Welsh to the right are each referred to in these directions as a block (and a block also includes the rectangle and representation in that rectangle of how a vote is to be marked).

(3) The blocks may be reversed so that the block with the Welsh words is to the left and the block with the English words is to the right.

(4) The first three lines of each block shall be printed in large capitals.

(5) The lines of each rectangle in a block are not to be regarded as rules for the purposes of these directions.

5. No word shall be printed on the front of the ballot paper except the words set out in the form of regional ballot paper appearing in each block, the descriptions of registered political parties, the names of party list candidates, the names and descriptions of individual candidates, and words forming part of registered emblems.

6. The blocks, numbers, descriptions of registered political parties, names of individual candidates and sides of the rectangles in which a vote is to be marked shall be printed in bold form on the ballot paper.

7. No rule shall be printed on the front of the ballot paper except—

- (a) the first horizontal rule below the blocks, the horizontal rules separating the particulars of the parties and individual candidates from one another and the horizontal rule appearing beneath the party or individual candidate whose particulars appear last; and
- (b) the vertical rules separating those particulars from the numbers on the left hand side and the spaces on the right where the vote is to be marked (together with the vertical rule to the left of the numbers so mentioned and the vertical rule to the right of the spaces so mentioned).

8. The space on the ballot paper between each horizontal rule and the next horizontal rule below it shall be 3.5 centimetres.

9. On the ballot paper the name of each individual and party list candidate shall be printed so that his surname is placed after his other name or names.

10. The names of the party list candidates shall appear—

- (a) in the same order as on the party's list of candidates and they shall be numbered in that order;
- (b) in ordinary type; and
- (c) arranged in columns or rows as the returning officer thinks appropriate.

11. Where a registered emblem is to be printed against a registered political party's description on the ballot paper—

- (a) it shall be printed between the party's description and the rectangle in which a vote may be marked; and
- (b) its size as printed shall not exceed 2 centimetres square.

12. The number and other unique identifying mark may be printed close to each other on the back of the ballot paper.

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

Form CN1: Elector's form of poll card

Rule 36(5) of Schedule 5

Front of poll card

Election to the National Assembly for Wales Official Poll Card	Ethol i Gynulliad Cenedlaethol Cymru Cerdyn Pleidleisio Swyddogol
Constituency/Etholaeth [Electoral region/Rhanbarth etholiadol] Polling day/dyddiad pleidleisio Your polling station will be/Yr orsaf bleidleisio i chi fydd..... Polling hours 7 a.m. to 10 pm. Oriau pleidleisio 7 am hyd 10pm.	Number on register/Rhif ar y gofrestr *Name/ Enw *Address /Cyferiad
(*To be omitted where the poll card is being sent to an elector with anonymous registration. Poll card being sent to an elector with anonymous registration must be delivered in a sealed envelope.)	
SEE FURTHER INFORMATION ON THE BACK OF THIS CARD GWELER YR WYBODAETH YCHWANEGOL AR GEFN Y CERDYN HWN	

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

Back of poll card

Constituency [and Regional] Assembly election[s]	Etholiad[au] Etholaethol [a Rhanbarthol] y Cynulliad
(1) This card is for information only. You can vote without it, but it will save time if you take it to the polling station and show it to the clerk there.	1) Er gwybodaeth yn unig mae'r cerdyn hwn. Fe gewch chi bleidleisio hebddo, ond bydd yn arbed amser os ewch chi ag ef i'r orsaf bleidleisio a'i ddangos i'r clerc yno.
(2) When you go to the polling station, tell the clerk your name and address, as shown on the front of this card.	2) Pan fyddwch chi'n mynd i'r orsaf bleidleisio, rhowch eich enw a'ch cyfeiriad i'r clerc, fel y'u dangosir ar du blaen y cerdyn.
(3) The clerk will confirm the details on the register and give you your ballot paper[s].	(3) Bydd y clerc yn cadarnhau'r manylion ar y gofrestr ac yn rhoi eich papur[au] pleidleisio i chi.
When you are given the ballot paper[s], go to one of the polling booths. Mark a cross (X) in the box on the right hand side of the [insert colour of constituency] ballot paper opposite the name of the candidate [and on the [insert colour of regional] ballot paper opposite the name of the party or candidate] for whom who are voting.	Pan gewch chi'r papur[au] pleidleisio, ewch i un o'r bythau pleidleisio. Rhowch groes (X) yn y blwch ar ochr dde'r papur pleidleisio [insert colour of constituency] gyferbyn ag enw'r ymgeisydd [ac ar y papur pleidleisio [insert colour of regional] gyferbyn ag enw'r blaid neu'r ymgeisydd] rydych chi'n pleidleisio drosto/drosti.
Vote once on [each][the] ballot paper. Do not put any other mark on the ballot paper[s], or your vote[s] may not be counted.	Pleidleiswch unwaith ar [bob] [y] papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur[au] pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif.
If you spoil a ballot paper by mistake, show it to the presiding officer and ask for a replacement.	Os byddwch chi'n difetha papur pleidleisio trwy gamgymeriad, dangoswch ef i'r swyddog llywyddu a gofyn am un arall.
Fold the ballot paper[s] so as to conceal your vote(s). Show the presiding officer the number and other unique identifying mark on the back of the ballot paper[s], but do not let anyone see your vote[s]. Put [each][the] ballot paper in the [appropriate] ballot box and leave the polling station.	Plygwch??y??papur[au]??pleidleisio??er??mwyn??cuddio' ch??pleidlais??pleidleisiau????Dangoswch??y??rhif??a' r??marc??adnabod??unigryw??arall??ar??gef n??y??papur[au]??pleidleisio??i' r??swyddog??llywyddu????ond??peidiwch??a??gadael??i??neb??weld??eic h??pleidlais[pleidleisiau]????Rhowch??[bob]??[y]??papur??pleidleisio??yn??y??blwch??pleidleisio??[pr

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<p>If you will be away on the date of the poll—</p> <ul style="list-style-type: none"> ➤ You can apply for a proxy vote (this means someone else can vote on your behalf). You must do this before 5pm on [insert date]. If you appoint a proxy, you can still vote in person at this election if you do so before your proxy has voted on your behalf ➤ You or your proxy can apply to vote by post. You must do this before 5pm on [insert date]. If you are given a postal vote, you or your proxy will not be entitled to vote in person at this election. 	<p>Os byddwch i ffwrdd ar ddiwrnod y pleidleisio—</p> <ul style="list-style-type: none"> ➤ Gallwch wneud cais am bleidlais drwy ddirprwy (mae hyn yn golygu y gall rhywun arall bleidleisio ar eich rhan). Rhaid ichi wneud hyn cyn 5pm ar [insert date]. Os byddwch yn penodi dirprwy, gallwch barhau i bleidleisio eich hun yn yr etholiad hwn os gwnewch hynny cyn i'ch dirprwy bleidleisio ar eich rhan. ➤ Gallwch chi neu eich dirprwy wneud cais i bleidleisio drwy'r post. Rhaid ichi wneud hyn cyn 5pm ar [insert date]. Os rhoddir pleidlais bost i chi, ni chewch chi na'ch dirprwy bleidleisio'n bersonol yn yr etholiad hwn.
<p>If you have a medical emergency after 5pm on [insert date] which will prevent you from voting in person, you can apply for an emergency proxy vote.</p>	<p>Os cewch argyfwng meddygol ar ôl 5pm ar [insert date] a fydd yn eich rhwystro rhag pleidleisio'n bersonol, gallwch wneud cais am bleidlais frys drwy ddirprwy</p>
<p>To change any of your voting arrangements, please contact [Help line number] as soon as possible.</p>	<p>I newid unrhyw rai o'ch trefniadau pleidleisio, ffoniwch [Help line number] cyn gynted â phosibl.</p>
<p>It is illegal to vote more than once (other than as proxy for another elector) at the same election</p>	<p>Mae'n anghyfreithlon pleidleisio fwy nag unwaith (heblaw am fel dirprwy i etholwr arall) yn yr un etholiad.</p>
<p>Issued by the Returning Officer under the National Assembly for Wales (Representation of the People) Order 2007</p>	<p>Cyhoeddwyd gan y Swyddog Canlyniadau dan Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007</p>
<p><i>[When the poll card is being sent to a voter with anonymous registration, substitute the paragraphs marked, 1,2 & 3 above with the corresponding paragraphs below.</i></p>	<p><i>[When the poll card is being sent to a voter with anonymous registration, substitute the paragraphs marked, 1,2 & 3 above with the corresponding paragraphs below.</i></p>
<p>(1) You must have this card with you when you vote. You cannot vote without it.</p>	<p>(1) Mae'n rhaid i chi fynd â'r cerdyn hwn gyda chi pan fyddwch yn pleidleisio. Chewch chi ddim pleidleisio hebddo.</p>
<p>(2) When you go to the polling station, ask to speak to the presiding officer and show him this card.</p>	<p>(2) Pan fyddwch chi'n mynd i'r orsaf bleidleisio, gofynnwch am gael siarad â'r swyddog llywyddu a dangos y cerdyn hwn iddo.</p>
<p>(3) The presiding officer will confirm your entry on the register and give you your ballot paper[s].</p>	<p>(3) Bydd y swyddog llywyddu'n cadarnhau eich cofnod ar y gofrestr ac yn rhoi eich papur[au] pleidleisio i chi.]</p>

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Form CN2: Proxy's form of poll card

Rule 36(6) of Schedule 5

Front of poll card

Election to the National Assembly for Wales Official Proxy poll card.	Ethol i Gynulliad Cenedlaethol Cymru Cerdyn pleidleisio swyddogol dirprwy.
Constituency Etholaeth [Electoral region/ Rhanbarth etholiadol] Polling day/ Dyddiad pleidleisio Elector's polling station will be/ Yr orsaf bleidliesio i chi fydd.....	This notice is to advise you that for this election you are appointed as a proxy for the elector named opposite. Pwrpas yr hysbysiad hwn yw rhoi gwybod i chi eich bod wedi'ch penodi'n ddirprwy ar ran yr etholwr a enwir gyferbyn
Polling hours 7 a.m. to 10 p.m. Oriau pleidleisio 7 a.m hyd 10 a.m *(elector's name / enw'r etholwr) *(Elector's address/cyfeiriad yr etholwr) (Elector's number on register / rhif yr etholwr ar y gofrestr).....	<div style="border: 1px solid black; padding: 5px;"> *Proxy's name/Enw'r dirprwy..... *Proxy's address/Cyfeiriad y dirprwy..... </div> (*To be omitted where the poll card is being sent to the proxy of an elector with anonymous registration. Poll card being sent to the proxy of an elector with anonymous registration must be delivered in a sealed envelope)
SEE FURTHER INFORMATION ON THE BACK OF THIS CARD GWELER YR WYBODAETH YCHWANEGOL AR GEFN Y CERDYN HWN	

Back of poll card

Constituency [and Regional] Assembly election[s]	Etholiad[au] Etholaethol [a Rhanbarthol] y Cynulliad
(1) This card is for information only. You can vote without it but it will save time if you take it to the polling station and show it to the clerk there.	(1) Er gwybodaeth yn unig mae'r cerdyn hwn. Fe gewch chi bleidleisio hebdo, ond bydd yn arbed amser os ewch chi ag ef i'r orsaf bleidleisio a'i ddangos i'r clerc yno.
(2) When you go to the polling station, tell the clerk that wish to vote as proxy on behalf of the elector shown on the front of this card.	(2) Pan fyddwch chi'n mynd i'r orsaf bleidleisio, dywedwch wrth y clerc eich bod am bleidleisio fel dirprwy ar ran yr etholwr a ddangosir ar du blaen y cerdyn hwn.
(3) The clerk will confirm the details in the register and give you your ballot paper[s].	(3) Bydd y clerc yn cadarnhau'r manylion yn y gofrestr ac yn rhoi eich papur[au] pleidleisio i chi.
When you are given the ballot paper[s], go to one of the compartments. Mark a cross (X) in the box on the right hand side of the [insert colour of constituency] ballot paper opposite the name of the candidate [and on the [insert colour of regional] ballot paper opposite the name of the party or candidate] for whom who are voting.	Pan gewch chi'r papur[au] pleidleisio, ewch i un o'r bythau. Rhwch groes (X) yn y blwch ar ochr dde'r papur pleidleisio [insert colour of constituency] gyferbyn ag enw'r ymgeisydd [ac ar y papur pleidleisio [insert colour of regional] gyferbyn ag enw'r blaid neu'r ymgeisydd] rydych chi'n pleidleisio drosto/drosti.
Vote once on [each][the] ballot paper. Put no other mark on the ballot paper[s]. If you do so your vote may not be counted.	Pleidleiswch unwaith ar [bob] [y] papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papurau pleidleisio. Os gwnewch hynny mae'n bosibl na chaiff eich pleidlais ei chyfrif.
If by mistake you spoil a ballot paper, show it to the presiding officer and ask for a replacement.	Os byddwch chi'n difetha papur pleidleisio trwy gamgymeriad, dangoswch ef i'r swyddog llywyddu a gofyn am un arall.

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<p>Fold the ballot paper[s] so as to conceal your vote. Show the back of the ballot paper[s] to the presiding officer, so as to disclose the number or other unique identifying mark. Do not let anyone see your vote. Put [each][the] ballot paper(s) in the [appropriate] ballot box and leave the polling station.</p>	<p>Plygwch y papur[au] pleidleisio er mwyn cuddio'ch pleidlais. Dangoswch gefn y papur[au] pleidleisio i'r swyddog llywyddu er mwyn dangos y rhif a'r marc adnabod unigryw arall. Peidiwch â gadael i neb weld eich pleidlais. Rhowch [bob] [y] papur[au] pleidleisio yn y blwch pleidleisio [priodol] a gadael yr orsaf bleidleisio.</p>
<p>If you will be away on the date of the poll—</p> <ul style="list-style-type: none"> ➤ You can apply to vote by post. You must do this before 5pm on [insert date]. If you are given a postal vote, you will not be entitled to vote in person at this election. 	<p>Os byddwch i ffwrdd ar ddiwrnod y pleidleisio—</p> <ul style="list-style-type: none"> ➤ Gallwch wneud cais i bleidleisio drwy'r post. Rhaid ichi wneud hyn cyn 5pm ar [insert date]. Os rhoddir pleidlais drwy'r post i chi, ni chewch chi bleidleisio'n bersonol yn yr etholiad hwn.
<p>The person who appointed you as proxy may vote in person at this election if he/she is able, and wishes to do so and does so before you vote on his behalf.</p>	<p>Caiff y sawl sydd wedi'ch penodi chi'n ddirprwy bleidleisio i hun yn bersonol yn yr etholiad os gall ac os yw'n dymuno gwneud hynny, ac yn gwneud hynny cyn i chi bleidleisio drosto/i.</p>
<p>It is illegal to do any of the following</p> <ul style="list-style-type: none"> ➤ to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote. ➤ to vote as a proxy at the same election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild. ➤ to vote more than once (other than as proxy for another elector) at the same election. 	<p>Mae'n anghyfreithlon gwneud unrhyw un o'r canlynol</p> <ul style="list-style-type: none"> ➤ pleidleisio fel dirprwy ar ran rhywun arall gan wybod bod y person hwnn'n anghymwys i bleidleisio yn ôl y gyfraith. ➤ pleidleisio fel dirprwy yn yr un etholiad dros fwy na dau berson nad ydych chi'n wŕ, yn wraig, yn bartner sifil, yn rhiant, yn nain neu'n daid, yn frawd, yn chwaer, yn blentyn neu'n wŕ neu'n wyres iddynt. ➤ pleidleisio mwy nag unwaith (heblaw am fod yn ddirprwy i etholwr arall) yn yr un etholiad.
<p>Issued by the Returning Officer under the National Assembly for Wales (Representation of the People) Order 2007</p>	<p>Cyhoeddwyd gan y Swyddog Canlyniadau dan Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007</p>
<p><i>[Where the poll card is sent to the proxy of an elector with anonymous registration, substitute the paragraphs marked 1,2 and 3 above with the corresponding paragraphs below</i></p>	<p><i>[Where the poll card is sent to the proxy of an elector with anonymous registration, substitute the paragraphs marked 1,2 and 3 above with the corresponding paragraphs below</i></p>
<p>(1) You must have this card with you when you vote. You cannot vote as proxy without it.</p>	<p>(1) Mae'n rhaid i chi fynd â'r cerdyn hwn gyda chi pan fyddwch yn pleidleisio. Chewch chi ddim pleidleisio fel dirprwy hebdo.</p>
<p>(2) To vote as proxy you must go to the polling station shown on the front of this card. Ask to speak to the presiding officer and show him this card.</p>	<p>(2) I bleidleisio fel dirprwy, rhaid i chi fynd i'r orsaf bleidleisio a ddangosir ar du blaen y cerdyn hwn. Gofynnwch am gael siarad â'r swyddog llywyddu a dangos y cerdyn hwn iddo.</p>
<p>(3) The presiding officer will confirm the entry on the register and give you your ballot paper[s].</p>	<p>(3) Bydd y swyddog llywyddu'n cadarnhau'r cofnod ar y gofrestr ac yn rhoi eich papur[au] pleidleisio i chi..]</p>

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Form CN3: Postal voter's form of poll card

Rule 36(7) of Schedule 5

Front of poll card

<p>Election to the National Assembly for Wales Official Postal voter's poll card.</p>	<p>Ethol i Gynulliad Cenedlaethol Cymru Cerdyn pleidleisio swyddogol pleidleisiwr drwy'r post.</p>
<p>Constituency/ Etholaeth [Electoral region/ Rhanbarth etholiadol] Polling day/ Dyddiad pleidleisio Polling hours 7 a.m. to 10 p.m. Oriau pleidleisio 7 a.m hyd 10 a.m Number on register/Rhif ar y gofrestr *Name/Enw.....</p>	<p>This notice is to tell you that you have asked to vote by post for this election and you will not be able to vote at a polling station. Pwrpas yr hysbysiad hwn yw dweud wrthy ch eich bod wedi gofyn am gael pleidleisio drwy'r post yn yr etholiad hwn ac ni fyddwch yn gallu pleidleisio mewn gorsaf bleidleisio. Your postal voting papers will be delivered on or soon after [insert day/date] addressed to Anfonir eich papurau pleidleisio drwy'r post ar [insert day/date] neu'n fuan wedi hynny at</p>
<p>*Address/ Cyferiad</p>	<p>[name and address]</p>
<p><i>(*To be omitted where the poll card is being sent to an elector with anonymous registration. Poll card being sent to an elector with anonymous registration must be delivered in a sealed envelope.)</i></p>	
<p>If your postal voting papers have not been delivered by [insert day/date] please telephone [help line number] for assistance</p>	
<p>Os na fydd eich papurau pleidleisio drwy'r post wedi cyrraedd erbyn [insert day/date] ffoniwch [help line number] i gael cymorth</p>	
<p>If you wish to cancel your postal vote please telephone [help line number] before 5pm on [insert date]. If you lose or accidentally spoil your postal ballot paper[s] or postal voting statement, please telephone [help line number] as soon as possible. Replacement ballot papers and postal voting statements cannot be issued after 5pm on [date of poll] This card is for information only. You cannot vote in person at a polling station.</p>	
<p>SEE FURTHER INFORMATION ON THE BACK OF THIS CARD</p>	
<p>Os byddwch yn dymuno canslo eich pleidlais drwy'r post, ffoniwch [help line number] cyn 5pm ar [insert date]. Os collwch neu os difethwch yn ddamweiniol eich papur[au] pleidleisio neu ddatganiad y bleidlais drwy'r post, ffoniwch [help line number] cyn gynted â phosibl. Ni ellir darparu papurau pleidleisio a datganiadau pleidlais drwy'r post eraill ar ôl 5pm ar [date of poll] Er gwybodaeth yn unig mae'r cerdyn hwn. Chewch chi ddim pleidleisio eich hun mewn gorsaf bleidleisio. Pwrpas y cerdyn hwn yw rhoi gwybodaeth i chi am bleidleisio drwy'r post</p>	
<p>GWELER YR WYBODAETH YCHWANEGOL AR GEFN Y CERDYN HWN</p>	

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Back of poll card

Constituency [and Regional] Assembly election[s]	Etholiad[au] Etholaethol [a Rhanbarthol] y Cynulliad
When you receive your postal voting pack, please read the instructions with it carefully before completing your postal ballot paper[s].	Pan fyddwch yn derbyn eich pecyn pleidleisio drwy'r post, darllenwch y cyfarwyddiadau'n ofalus cyn llenwi eich papur[au] pleidleisio drwy'r post.
Do not let anyone see your vote. If you need help to vote, the person helping you must not tell anyone how you have voted. You can get independent help from the returning officer; please call our help line on [Insert help line number].	Peidiwch â gadael i neb weld eich pleidlais. Os oes angen help arnoch i bleidleisio, ni chaiff y sawl sy'n eich cynorthwyo ddweud sut rydych chi wedi pleidleisio. Gallwch gael cymorth annibynnol gan y swyddog canlyniadau; ffoniwch ein llinell gymorth ar [Insert help line number].
You must sign (or mark) the postal voting statement (unless you have been granted a waiver by prior arrangement with the returning officer) and provide your date of birth. This is a security measure. It does not affect your vote or mean it can be identified. Without your signature and date of birth, the statement is not valid and your vote will not be counted. The returning officer can cross check your signature against other records that he holds.	Rhaid i chi lofnodi (neu farcio) datganiad y bleidlais drwy'r post (onid ydych chi wedi cael hepgoriad drwy drefniant ymlaen llaw gyda'r swyddog canlyniadau) a rhoi eich dyddiad geni. Mesur diogelwch yw hyn. Nid yw'n effeithio ar eich pleidlais nac yn golygu y gellir ei hadnabod. Heb eich llofnod a'ch dyddiad geni, nid yw'r datganiad yn ddilys ac ni chaiff eich pleidlais ei chyfrif. Gall y swyddog canlyniadau groeswiro eich llofnod gyda chofnodion eraill sydd yn ei feddiant.
If you lose or accidentally spoil your ballot paper[s] or postal voting statement, please call the help line number as soon as possible. Replacement ballot papers and postal voting statements cannot be issued after 5pm on [date of poll].	Os collwch neu os difethwch yn ddamweiniol eich papur[au] pleidleisio neu ddatganiad y bleidlais drwy'r post, ffoniwch y llinell gymorth cyn gynted â phosibl. Ni ellir darparu papurau pleidleisio a datganiadau pleidlais drwy'r post eraill ar ôl 5pm ar [date of poll].
Complete and return your postal vote as soon as possible. The returning officer must receive your postal vote by 10pm on [day/date of the poll] If you have not posted your vote by the day of the poll, you can deliver your vote to any polling station in your constituency.	Llenwch a dychwelwch eich pleidlais drwy'r post cyn gynted ag y bo modd. Rhaid i'r swyddog canlyniadau dderbyn eich pleidlais drwy'r post erbyn 10pm ar [day/date of the poll]. Os na fyddwch wedi postio eich pleidlais erbyn diwrnod yr etholiad, gallwch fynd â'ch pleidlais i unrhyw orsaf bleidleisio yn eich etholaeth.
It is an offence to vote using a ballot paper that was not addressed to you.	Mae'n drosedd pleidleisio gan ddefnyddio papur pleidleisio nad oedd wedi'i gyfeirio atoch chi.
If you want to vote in person at [these elections][this election] you must cancel your postal vote before 5pm on [insert date].	Os ydych chi eisiau pleidleisio'n bersonol yn [yr etholiadau hyn] [yr etholiad hwn] rhaid i chi ganslo'ch pleidlais drwy'r post cyn 5pm ar [insert date].
If you need any assistance, please call our help line on [Help line number].	Os oes angen cymorth arnoch, ffoniwch ein llinell gymorth ar [Help line number].
Issued by the Returning Officer under the National Assembly for Wales (Representation of the People) Order 2007	Cyhoeddwyd gan y Swyddog Canlyniadau dan Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007

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Form CN4: Postal proxy voter’s form of poll card

Rule 36(8) of Schedule 5

Front of poll card

<p>Election to the National Assembly for Wales Official Postal proxy voter’s poll card.</p>	<p>Ethol i Gynulliad Cenedlaethol Cymru Cerdyn pleidleisio swyddogol pleidleisiwr drwy’r post fel dirprwy</p>
<p>Constituency Etholaeth [Electoral region/ Rhanbarth etholiadol] Polling day/ Dyddiad pleidleisio Polling hours 7 a.m. to 10 p.m. Oriau pleidleisio 7 a.m hyd 10 a.m Number on register/Rhif ar y gofrestr *Name/Enw</p>	<p>This poll card is to tell you that for this election, the elector named opposite has appointed you as his/her proxy and you have decided to vote by post. You will not be able to vote on behalf of the elector at a polling station Pwrpas y cerdyn pleidleisio hwn yw dweud wrthyhch fod yr etholwr a enwir gyferbyn, ar gyfer yr etholiad hwn, wedi’ch penodi chi’n ddirprwy iddo/iddi ac rydych wedi penderfynu pleidleisio drwy’r post. Ni fyddwch yn gallu pleidleisio ar ran yr etholwr mewn gorsaf bleidleisio</p>
<p>*Address/ Cyferiad <i>(*To be omitted where the poll card is being sent to the proxy of an elector with anonymous registration. Poll card being sent to the proxy of an elector with anonymous registration must be delivered in a sealed envelope)</i> If your postal voting papers have not been delivered by [insert day/date] please telephone [help line number] for assistance Os na fydd eich papurau pleidleisio drwy’r post wedi cyrraedd erbyn [insert day/date] ffoniwch [help line number] i gael cymorth</p>	<p>Your postal proxy voting papers will be delivered on or soon after [insert day/date] addressed to Anfonir eich papurau pleidleisio drwy’r post fel dirprwy ar [insert day/date] neu’n fuan wedyn at *[name and address [Proxy]]</p>
<p>If you wish to cancel your postal proxy vote please telephone[help line number] before 5pm on [insert date]. If you lose or accidentally spoil the postal ballot paper[s] or postal voting statement, please telephone[help line Number] as soon as possible. Replacement ballot papers and postal voting statements cannot be issued after 5pm on [date of poll] This card is for information only. You cannot vote in person at a polling station.</p>	
<p>SEE FURTHER INFORMATION SEE THE BACK OF THIS CARD</p>	
<p>Os byddwch yn dymuno canslo eich pleidlais drwy’r post fel dirprwy, ffoniwch [help line number] cyn 5pm ar [insert date]. Os collwch neu os difethwch yn ddamweiniol bapur[au] pleidleisio drwy’r post neu’r datganiad pleidlais drwy’r post, ffoniwch [help line number] cyn gynted â phosibl. Ni ellir darparu papurau pleidleisio a datganiadau pleidlais drwy’r post eraill ar ôl 5pm ar [date of poll] Er gwybodaeth yn unig mae’r cerdyn hwn. Chewch chi ddim pleidleisio eich hun mewn gorsaf bleidleisio.</p>	
<p>GWELER Y WYBODAETH YCHWANEGOL AR GEFN Y CERDYN HWN</p>	

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Back of poll card

Constituency [and Regional] Assembly election[s]	Etholiad[au] Etholaethol [a Rhanbarthol] y Cynulliad
When you receive the postal voting pack, please read the instructions with it very carefully before completing the postal ballot paper[s].	Pan fyddwch yn derbyn y pecyn pleidleisio drwy'r post, darllenwch y cyfarwyddiadau'n ofalus iawn cyn llenwi'r papur[au] pleidleisio drwy'r post.
Do not let anyone see your vote If you need help to vote, the person helping you must not disclose how you voted.	Peidiwch â gadael i neb weld eich pleidlais. Os oes angen help amoch i bleidleisio, ni chaiff y sawl sy'n eich cynorthwyo ddweud sut rydych chi wedi pleidleisio.
You must sign (or mark) the postal voting statement (unless you have been granted a waiver by prior arrangement with the returning officer) and provide your date of birth. This is a security measure. It does not affect your vote or mean it can be identified. Without your signature and date of birth, the statement is not valid and your vote will not be counted. The returning officer can cross check your signature against other records he holds.	Rhaid i chi lofnodi (neu farcio) datganiad y bleidlais drwy'r post (onid ydych wedi cael hepgoriad drwy drefniant ymlaen llaw gyda'r swyddog canlyniadau) a rhoi eich dyddiad geni. Mesur diogelwch yw hyn. Nid yw'n effeithio ar eich pleidlais nac yn golygu y gellir ei hadnabod. Heb eich llofnod a'ch dyddiad geni, nid yw'r datganiad yn ddilys ac ni chaiff eich pleidlais ei chyfrif. Gall y swyddog canlyniadau groeswiro eich llofnod gyda chofnodion eraill sydd yn ei feddiant.
Complete and return the postal vote as soon as possible. The returning officer must receive the postal vote by 10pm on [day/date of poll]. If you have not posted your vote by the day of the poll, you can deliver your vote to any polling station in the constituency.	Llenwch a dychwelwch y bleidlais drwy'r post cyn gynted ag y bo modd. Rhaid i'r swyddog canlyniadau dderbyn y bleidlais drwy'r post erbyn 10pm ar [day/date of poll]. Os na fyddwch wedi postio eich pleidlais erbyn diwrnod yr etholiad, gallwch fynd â'ch pleidlais i unrhyw orsaf bleidleisio yn yr etholaeth.
It is an offence to vote using a ballot paper that was not to addressed you.	Mae'n drosedd pleidleisio gan ddefnyddio papur pleidleisio nad oedd wedi'i gyfeirio atoch chi.
It is illegal to do any of the following <ul style="list-style-type: none"> ➤ to vote as proxy for some other person if you know that that person is subject to a legal incapacity to vote. ➤ to vote as proxy at the same election for more than two persons of whom you are not the spouse, civil partner, parent, grandparent, brother, sister, child or grandchild. ➤ to vote more than once (other than as proxy for another elector) at the same election. 	Mae'n anghyfreithlon gwneud unrhyw un o'r canlynol <ul style="list-style-type: none"> ➤ pleidleisio fel dirprwy ar ran rhywun arall gan wybod bod y person hwnnw'n anghymwys i bleidleisio yn ôl y gyfraith. ➤ pleidleisio fel dirprwy yn yr un etholiad dros fwy na dau berson nad ydych chi'n wr, yn wraig, yn bartner sifil, yn rhiant, yn nain neu'n daid, yn frawd, yn chwaer, yn blentyn neu'n wŷr neu'n wyres iddynt. ➤ pleidleisio mwy nag unwaith (heblaw am fod yn ddirprwy i etholwr arall) yn yr un etholiad.
If you want to vote in person as a proxy at [these elections][this election] at a polling station you must cancel your postal proxy vote before 5pm on [insert date].	Os ydych chi eisiau pleidleisio'n bersonol fel dirprwy yn [yr etholiadau hyn] [yr etholiad hwn] mewn gorsaf bleidleisio rhaid i chi ganslo'ch pleidlais drwy'r post fel dirprwy cyn 5pm ar [insert date].
Issued by the Returning Officer under the National Assembly for Wales (Representation of the People) Order 2007.	Cyhoeddwyd gan y Swyddog Canlyniadau dan Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007.

Form CP: Form of directions for the guidance of voters in voting

Rule 37(14) of Schedule 5

Guidance for Voters

1. When you are given the ballot paper[s] go to one of the compartments. Mark your choice with a cross (X) in the box on the right hand side of the ballot paper[s].
 2. Vote once only on [each][the] ballot paper. Put no other mark on the ballot paper, or your vote may not be counted. Do not let anyone see your vote.
 3. If by mistake you spoil a ballot paper, show it to the presiding officer and ask for another one.
 4. Fold the ballot paper[s] so as to conceal your vote. Show the back of the ballot paper[s] to the presiding officer so as to disclose the number and other unique identifying mark. Put [the][each] ballot paper in the [appropriate] ballot box and leave the polling station.
-

Cyfarwyddyd I Bleidleiswyr

1. Pan gewch chi bapur[au] pleidleisio, ewch i un o'r bythau. Rhewch groes (X) ar eich dewis yn y blwch ar ochr dde'r papur pleidleisio.
2. Pleidleiswch unwaith yn unig ar [bob][y] papur pleidleisio. Peidiwch â rhoi unrhyw farc arall ar y papur pleidleisio, neu mae'n bosibl na chaiff eich pleidlais ei chyfrif. Peidiwch â gadael i neb weld eich pleidlais.
3. Os bydd i chi drwy gamgymeriad ddifetha papur pleidleisio, dangoswch ef i'r swyddog llywyddu a gofyn am un arall.
4. Plygwch y papur[au] pleidleisio er mwyn cuddio eich pleidlais. Dangoswch gefn y papur[au] pleidleisio i'r swyddog llywyddol er mwyn dangos y rhif a'r marc unigryw arall. Rhewch y papur[au] pleidleisio yn y blwch pleidleisio [priodol] a gadael yr orsaf bleidleisio.

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

Form CQ: Form of declaration to be made by the companion of a voter with disabilities

Rule 48(7) of Schedule 5

Election to The National Assembly for Wales

I, A.B., of, having been requested to assist C.D., (in the case of a voter with disabilities voting as proxy add [voting as proxy for M.N.]) whose number on the register isto record [his][her] vote at the Assembly election(s) now being held in this [constituency] [and] [electoral region], hereby declare that [I am entitled to vote as an elector at the said election(s)] [I am the [father] [mother] [brother] [sister] [spouse] [civil partner] [son] [daughter] of the said voter and have attained the age of 18 years], and that I have not previously assisted any voter with disabilities [except E.F., of] to vote at the said election(s).

(Signed) A.B.,
.day of

I, the undersigned, being the presiding officer for the polling station in the Constituency, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed) G.H.,.day of
atminutes pasto'clock (am) (pm)

NOTE—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.
A voter with disabilities is a voter who has made a declaration under Schedule 5 to the National Assembly for Wales (Representation of the People) Order 2007 that he or she is so incapacitated by his or her blindness or other disability, or by his or her inability to read, as to be unable to vote without assistance.

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

Ethol i Gynulliad Cenedlauthol Cymru

Yr wyf fi, A.B. o., ar ôl cael cais i gynorthwyo C. D., (*yn achos pleidleisiwr anabl sy'n gweithredu fel dirprwy* [ychwaneger sy'n pleidleisio fel dirprwy ar ran M.N.]), sef rhif. ar y gofrestr, i gofnodi ei bleidlais yn yr etholiad(au) i'r Cynulliad a gynhelir yn awr yn yr [etholaeth hon] [â'r] [rhanbarth etholiadol hwn], yn datgan drwy hyn [fod gennyf hawl i bleidleisio fel etholwr yn yr etholiad(au) a enwyd] [mai fi yw [tad] [mam] [brawd] [chwaer] [priod] [partner sifil] [mab] [merch] y pleidleisiwr a enwyd ac wedi cyrraedd fy 18 mlwydd oed], ac na fu i mi o'r blaen gynorthwyo unrhyw bleidleisiwr anabl [ac eithrio E.F., o.] i bleidleisio yn yr etholiad(au) a enwyd.

(Llofnodwyd) A.B.,

y. dydd o fis.

Yr wyf fi, y gwelir fy llofnod isod, sef swyddog llywyddu gorsaf bleidleisio.
. ar gyfer Etholaeth, yn ardystio drwy hyn fod y datganiad uchod wedi ei ddarllen I ddechrau yng nghlyw'r datganydd a enwir uchod, a bod y datganydd wedi ei lofnodi wedyn yn fy ngwydd.

(Llofnodwyd) G.H., y. dydd o fis.

am. munud wedi. o'r gloch (am) (pm)

NODYN—Os bydd y person sy'n gwneud y datganiad uchod yn ymwybodol ac yn fwriadol yn dweud rhywbeth ffug ynglyn ag unrhyw fater o bwys, bydd yn euog o drosedd.

Pleidleisiwr gydag anabledau yw pleidleisiwr sydd wedi gwneud datganiad dan Atodlen 5 Gorchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007 ei fod ef/ei bod hi wedi'i h/analluogi gymaint gan ei dd/dallineb neu analluedd arall, neu gan ei h/anallu i ddarllen, fel na all bleidleisio heb gymorth.

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

Form CR: Form of certificate declaring candidate to be returned at a constituency election

Rule 62(4)(a) of Schedule 5

Election to The National Assembly for Wales

Certification by the constituency returning officer in respect of the election and return of a member for an Assembly constituency

I hereby certify that the Member elected and returned to the National Assembly for Wales for the Constituency at the election on [date of poll] is:

.....(Full name of member)

.....(name of registered political party, if applicable)

Address of Member:

.....
.....
.....
.....
.....

signed

Constituency Returning Officer

Date



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

Ethol i Gynulliad Cenedlaethol Cymru

Ardystiad gan y swyddog canlyniadau etholaethol yng nghyswllt ethol a dychwelyd aelod dros un o etholaethau'r Cynulliad

Ardystiaf drwy hyn mai'r Aelod a etholwyd ac a ddychwelwyd i Gynulliad Cenedlaethol Cymru dros Etholaethyn yr etholiad ar [dyddiad yr etholiad] yw:

.....(Enw llawn yr aelod)
.....(enw'r blaidd wleidyddol gofrestredig, os yw'n berthnasol)

Cyfeiriad yr Aelod:

.....
.....
.....
.....
.....

Dyddiad

Llofnod.....
Swyddog Canlyniadau'r Etholaeth

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

Form CS: Form of certificate declaring candidates to be returned at a regional election

Rule 64(3)(a) of Schedule 5

Election to The National Assembly for Wales

Certification by the regional returning officer in respect of the election and return of members for an Assembly electoral region

I hereby certify that the persons elected and returned to the National Assembly for Wales to serve as Members for theElectoral Region at the election held on [date of poll] are:

1. [Full name of member]	[Name of registered political party, if applicable]
.....
Address of Member:
.....
2. [Full name of member]	[Name of registered political party, if applicable]
.....
Address of Member:
.....
3. [Full name of member]	[Name of registered political party, if applicable]
.....
Address of Member:
.....
4. [Full name of member]	[Name of registered political party, if applicable]
.....
Address of Member:
.....

Signed.....
Regional Returning Officer

Date.....

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

Ethol i Gynulliad Cenedlaethol Cymru

Ardystiad gan y swyddog canlyniadau rhanbarthol yng nghyswllt ethol a dychwelyd aelodau dros un o ranbarthau etholiadol y Cynulliad

Ardystiaf drwy hyn mai'r sawl a etholwyd ac a ddechwelwyd i Gynulliad Cenedlaethol Cymru i wasanaethu'n Aelodau dros Ranbarth Etholiadol yn yr etholiad a gynhaliwyd ar [dyddiad yr etholiad] yw:

1. [Enw llawn yr aelod]	[Enw'r blaid wleidyddol gofrestredig, os yw'n berthnasol]
Cyfeiriad yr aelod:
2. [Enw llawn yr aelod]	[Enw'r blaid wleidyddol gofrestredig, os yw'n berthnasol]
Cyfeiriad yr aelod:
3. [Enw llawn yr aelod]	[Enw'r blaid wleidyddol gofrestredig, os yw'n berthnasol]
Cyfeiriad yr aelod:
4. [Enw llawn yr aelod]	[Enw'r blaid wleidyddol gofrestredig, os yw'n berthnasol]
Cyfeiriad yr aelod:

Llofnodwyd
Swyddog Canlyniadau Rhanbarthol

Dyddiad

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

Form CT: Form of certificate: electoral region; seat to remain vacant until next Assembly general election

Rule 78(10)(b) of Schedule 5

Election to The National Assembly for Wales

Certification by the regional returning officer that by virtue of section 11(7)(b) of the Government of Wales Act 2006 a vacancy in an Assembly electoral region shall remain vacant until the next Assembly general election

I hereby certify that in accordance with the provisions of section 11(7)(b) of the Government of Wales Act 2006 the seat which is vacant in the under-mentioned electoral region shall remain vacant until the next general election to the National Assembly for Wales.

.....Electoral Region

(Signed)

Regional Returning Officer

Date

Ethol i Gynulliad Cenedlaethol Cymru

Ardystiad gan y swyddog canlyniadau rhanbarthol y bydd sedd wag yn un o ranbarthau etholiadol y Cynulliad yn aros yn wag tan yr etholiad cyffredinol nesaf y Cynulliad, yn rhinwedd adran 11(7)(b) o Ddeddf Llywodraeth Cymru 2006

Yn unol â darpariaethau adran 11(7)(b) o Ddeddf Llywodraeth Cymru 2006 yr wyf drwy hyn yn ardystio y bydd y sedd sy'n wag yn y rhanbarth etholiadol a enwir isod yn aros yn wag tan Etholiad Cyffredinol nesaf Cynulliad Cenedlaethol Cymru.

.....Rhanbarth Etholiadol

(Llofnodwyd)

Swyddog Canlyniadau Rhanbarthol

Dyddiad

Form CU: Form of return: expenses incurred in support of a candidate

Article 46(6)

Election to The National Assembly for Wales

Election in the. [Assembly constituency] [Assembly electoral region].

Date of publication of notice of election.

Name of candidate.

1. The expenses incurred at the above election in support of the above candidate by.
. *(insert name of person or association or body of persons incurring the expenses)*
being expenses required by article 46 of the National Assembly for Wales (Representation of the People) Order 2007 to be authorised in writing by the election agent amounted to £.

2. That written authority is annexed to this return.

Signature.

Date.

Ethol i Gynulliad Cenedlaethol Cymru

Etholiad yn [etholaeth Gynulliad] [rhanbarth etholiadol Cynulliad]

Dyddiad cyhoeddi'r hysbysiad am yr etholiad.

Enw'r ymgeisydd.

1. Yr oedd y treuliau a dynnwyd yn yr etholiad uchod i gefnogi'r ymgeisydd uchod gan.
. *(rhowch enw'r person neu'r gymdeithas neu'r corff o bersonau a dynnodd y treuliau)* sef treuliau y mae'n ofynnol o dan erthygl 46 o Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007 iddynt gael eu hawdurdodi'n ysgrifenedig gan yr asiant etholiad yn dod i £.

2. Mae'r awdurdod ysgrifenedig hwnnw wedi ei gysylltu wrth y cofnod hwn.

Llofnod.

Dyddiad.

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

Form CV: Form of declaration: expenses incurred in support of a candidate

Article 46(6)

Election to The National Assembly for Wales

Election in the [Assembly constituency] [Assembly electoral region].

Date of publication of notice of election.

I hereby declare that—

1. I am the person (or in the case of an association or a body of persons [[director] [general manager] [secretary] [or similar officer] of the association or body of persons)) named as incurring expenses in the accompanying return, marked., of expenses required by article 46 of the National Assembly for Wales (Representation of the People) Order 2007 to be authorised in writing by an election agent.

2. To the best of my knowledge and belief that return is complete and correct.

3. The matters for which the expenses referred to in that return were incurred are as follows.

.
.
.

Signature.

Office held.

(In the case of an association or body of persons)

Date.

Ethol i Gynulliad Cenedlaethol Cymru

Etholiad yn [etholaeth Gynulliad] [rhanbarth etholiadol Cynulliad]

Dyddiad cyhoeddi'r hysbysiad am yr etholiad.

Yr wyf drwy hyn y datgan—

1. Mai fi yw'r person (neu yn achos cymdeithas neu gorff o bersonau [[cyfarwyddydd] [rheolwr cyffredinol] [ysgrifennydd] [neu swyddog tebyg] y gymdeithas neu'r corff o bersonau) a enwyd fel y sawl a dynnodd y treuliau yn y cofnod cysylltiedig, sydd wedi ei farcio., o dreuliau sy'n ofynnol o dan erthygl 46 o Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007 iddynt gael eu hawdurdodi'n ysgrifenedig gan yr asiant etholiad.

2. Hyd eithaf fy ngwybodaeth a'm cred, mae'r cofnod hwnnw'n gyflawn ac yn gywir.

3. Dyma'r materion y tynnwyd y treuliau y cyfeirir atynt yn y cofnod hwnnw ar eu cyfer.

.
.
.

Llofnod.

Swydd.

(Yn achos cymdeithas neu gorif o bersonau)

Dyddiad.

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

Form CW: Return of candidate's election expenses

Mark as per candidate's declaration

Election to the National Assembly for Wales Return of candidate's election expenditure

For full information on how to complete this return and how to categorise election expenditure you are advised to read the Commission's latest explanatory notes.

Form CW: Return of candidate's election expenses
Article 52(8)

Election in the [constituency][Assembly electoral region] ⁽¹⁾ of	
Date of election	
Date election result declared	
Full name of candidate	
Date on which person became a candidate ⁽²⁾	
Registered party (if applicable)	
Statutory maximum expenses limit for this candidate £	
Based on electorate of ⁽³⁾	
Name of election agent	Date appointed
<p>1. I am the person named [as election agent at this election][as candidate at this election, and was my own election agent]⁽¹⁾.</p> <p>2. I hereby make the following return of [the candidate's][my]⁽¹⁾ election expenditure at this election.</p>	
Signature of agent	Date

This return must be submitted to the returning officer within 35 days after the date the result of the election is declared and must be accompanied by a separate declaration signed by the election agent verifying this return. Within 7 days of the date this return is delivered, the candidate must also submit a signed declaration verifying this return.

This return must not be used by candidates standing for election on a regional list on behalf of a party. All their spending should be accounted for in the party's campaign spending return.

⁽¹⁾Delete as appropriate

⁽²⁾See article 84 of the National Assembly for Wales (Representation of the People) Order 2007.

⁽³⁾The relevant register of electors is the register of local government electors for the electoral area as on the last day for publication of notice of the election.

Part 1: Summary of spending			
Ia: Types of payment			
Manner of payment	£	p	Note: do not include personal expenses in section 1a or 1b but enter these amounts in section 4. A deposit is not regarded as an election expense and should not be included on this form. Each item of spending should appear in only one category. The "payments made" box should include, items paid by the election agent, payments made by the candidate before the agent was appointed, petty expenditure authorised by the agent, items of article 46 spending (see Part 3) and spending before the person became a candidate on items used during the regulated period.
Unpaid claims			
Disputed claims			
Value of notional expenditure			
Payments made			
Total election spending*			
Ib: Categories of spending			
Purpose	£	p	Each item of spending should be applied to only one purpose. While some items can be categorised easily, others may appear to fit more than one purpose. In these cases you must judge under which purpose to include the item. Generally, items should be placed under the purpose they naturally fall into, e.g. the transport costs of the candidate should be included under transport even if the transport is in connection with participation at a public meeting; publicity materials e.g. balloons should be included under advertising even if distributed at events. Purpose A: Advertising of any nature (by whatever medium, e.g. posters or in newspapers) includes agency fees, design costs and any costs in connection with preparing, producing, distributing or otherwise disseminating advertising or anything incorporating advertising. Purpose B: Unsolicited material addressed to electors (whether addressed or for delivery to all electors in the area) includes design costs and all other costs in connection with preparing, producing and distributing such material (including the cost of postage but excluding any entitlement to send an election address post free). Purpose C: Transport includes hire costs but excludes the use of personal cars where no charge has been made by the owner Purpose D: Public meetings includes costs in connection with people's attendance at meetings, the hire of premises for the purposes of meetings or the provision of goods, services or facilities at them. Purpose E: Services of an election agent or anyone else whose services are engaged in connection with the candidate's election. Purpose F: Accommodation and administrative costs.
A. Advertising			
B. Unsolicited material sent to electors			
C. Transport			
D. Public meetings			
E. Agent and other staff costs			
F. Accommodation and administration			
Total election spending*			
*totals in 1a and 1b should be the same			

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Part 2: Spending breakdown

Details of all expenditure making up the total election expenditure figure should be provided.

To allow cross-referencing between each item of expenditure reported here and the category sub-totals provided in Part 1b, please ensure that the correct category reference is provided for every reported item.

Item No.	Purpose (A-F) (see Part 1b)	Receipt or invoice submitted ⁽¹⁾ (Y/N)	Item/Service	Name of supplier (and address if not included on receipt/invoice)	Name of person who made payment	Date expense incurred	Date receipt received	Date expense paid	Value of item ⁽²⁾		Amount paid (only if different from value and indicating where the amount paid was nil)	Unpaid or disputed? ⁽³⁾
									£	p		
Total of Part 2 (should equal totals in Part 1)												
<p>Note: Each item of spending should be listed separately. If there is not enough room on this page, please attach a separate sheet.</p> <p>⁽¹⁾A receipt or invoice is required for each item of spending over £20 except notional expenditure.</p> <p>⁽²⁾For notional expenditure, please give the full market value of the item or service. In other cases, give the amount paid.</p> <p>⁽³⁾Indicate whether claim is unpaid or disputed. For unpaid/disputed claims, attach a separate sheet with the following information: Unpaid claims: the name of the court to which an application has been/is to be made and the date of the applications; Disputed claims: nature of dispute and action to be taken.</p>												

Part 3: Statement of all expenditure reported for which a return is also required under article 46 of the national Assembly for Wales (Representation of the People) Order 2007		
Amount	Name of person who incurred expenditure	
	£	p
Total:		

Any person authorised in writing to incur expenditure, other than petty expenditure, is required under article 46 of the National Assembly for Wales (Representation of the People) Order 2007 to submit a return of that expenditure to the returning officer within 21 days of the day the result of the election has been declared.
 Please enter details of such spending in the space provided. These items must also be included in Parts 1 and 2.
 Under article 46 any person may be authorised to incur election expenditure but not to make payments.

Part 4: Statement of all personal expenses incurred						
Item	Name of person who made payment (i.e. candidate or election agent)	Amount		Date expense incurred	Date receipt received	Date paid
		£	p			
Total						

Note: Personal expenses are the reasonable travel and living expenses of the candidate for the purposes of and in relation to the election. Personal expenses **do not** count against the candidate's limit and items in Part 4 should not be included in Parts 1 and 2.

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Part 5: Donations						
5a	Amount (if any) provided by the candidate to meet election expenditure				£	
5b	Total value of all donations up to £50 (does not include notional donations)				£	
5c	Donations (of over £50) including donations from constituency party and notional donations					
Permissible donations received (please note that for donations from exempt trusts, an attachment sheet containing all relevant information is required)						
Name address and status of donor (company registration number if relevant)		Date		Cash amount/value		Nature (if notional)
		Received	Accepted	£	p	
		Total				
Total of 5a, 5b and 5c (should be greater than or equal to total spending in Part 1)						
5d	Donations received from impermissible/unidentifiable donors.					
Name and address of donor (if known) or manner in which donation was made		Date received	Cash amount/value		Nature	Date and manner in which donation dealt with
			£	p		

Part 6: Additional information required by regulations made by the Electoral Commission ⁽¹⁾	
⁽¹⁾ Please check the Commission's explanatory notes for information about what, if any, additional information is required.	

Marc yn ôl datganiad yr ymgeisydd

**Ethol i Gynulliad Cenedlaethol Cymru
Ffurflen gwariant etholiad yr ymgeisydd**

Am wybodaeth lawn am sut i lenwi'r ffurflen hon a sut i gatgoreiddio gwariant etholiad, cyngborir chi i ddarllen nodiadau esboniadol diweddaraf y Comisiwn.

Etholiad yn [etholaeth] [rhanbarth etholiadol y Cynulliad yn] ⁽¹⁾	
Dyddiad yr etholiad.....	
Dyddiad datgan canlyniad yr etholiad.....	
Enw llawn yr ymgeisydd.....	
Dyddiad y daeth y person yn ymgeisydd ⁽²⁾	
Plaid gofrestredig (os yn berthnasol).....	
Terfyn uchafswm treuliau statudol yr ymgeisydd hwn £.....	
Ar sail etholaeth o ⁽³⁾	
Enw'r asiant etholiad.....	Dyddiad penodi.....
1. Fi yw'r person a enwir [fel asiant etholiad ar gyfer yr etholiad hwn][fel ymgeisydd ar gyfer yr etholiad hwn, a fi oedd fy asiant etholiad fy hun]⁽¹⁾.	
2. Yr wyf drwy hyn yn cyflwyno'r ffurflen hon ar wariant etholiad [yr ymgeisydd][myfi fy hun]⁽¹⁾ ar gyfer yr etholiad hwn.	
Llofnod yr asiant.....	Dyddiad.....

Rhaid i'r ffurflen hon gael ei chyflwyno i'r swyddog canlyniadau o fewn 35 diwrnod i ddyddiad datgan canlyniad yr etholiad a rhaid cynnwys datganiad ar wahân wedi'i lofnodi gan yr asiant etholiad yn dilyn yr ffurflen hon. O fewn 7 diwrnod i'r dyddiad y cyflwynir y ffurflen hon, rhaid i'r ymgeisydd hefyd gyflwyno datganiad wedi'i lofnodi yn dilyn yr ffurflen wariant hon.

Ni ddylai'r ffurflen hon gael ei defnyddio gan ymgeiswyr sy'n sefyll etholiad ar restr ranbarthol ar ran plaid. Dylid cynnwys holl wariant yr ymgeiswyr hynny ar ffurflen gwariant ymgyrch y blaid.

⁽¹⁾Dylech ddileu yr un amberthnasol.

⁽²⁾Gweler erthygl 84 o Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007.

⁽³⁾Y gofrestr etholwyr berthnasol yw'r gofrestr etholwyr ar gyfer yr ardal etholiadol fel ag yr oedd ar ddiwrnod olaf cyhoeddi'r hysbysiad ar gyfer yr etholiad.

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Rhan 1: Crynodeb o'r gwariant			
Ia: Mathau o daliadau			
Dull y taliad	£	c	Dalier sylw: ni ddylech gymwys treuliau personol yn adran 1a na 1b, dylid rhoi'r symiau hyn yn adran 4. Nid yw blaendal yn cael ei ystyried i fod yn draul etholiad ac ni ddylid ei gymwys ar y ffurflen hon. Dylai pob eitem wariant ymddangos mewn un categori yn unig. Dylai'r blwch 'taliadau a wnaed' gymwys, eitemau wedi eu talu amdanynt gan yr asiant etholiad, taliadau a wnaed gan yr ymgeisydd cyn penodi'r asiant, mân wariant wedi'i awdurdodi gan yr asiant, eitemau gwariant o dan erthygl 46 (gweler Rhan 3) a gwariant cyn i'r person ddod yn ymgeisydd ar eitemau a ddefnyddiwyd dros y cyfnod rheoleddig.
Hawliadau heb eu talu			
Hawliadau y mae anghydfod yn eu cylch			
Gwerth y gwariant tybiannol			
Taliadau a wnaed			
Cyfanswm y gwariant ar yr etholiad *			
Ib: Categoriâu'r gwariant			
Pwrpas	£	c	Dylid cymhysu pob eitem wariant i un pwrpas yn unig. Er ei bod yn hawdd categorioeddio rhai eitemau, bydd eraill efallai'n gysylltiedig â mwy nag un pwrpas. Yn yr achosion hyn rhaid ichi farnu o dan ba bwrpas i gymwys yr eitem dan sylw. Fel rheol, dylid gosod eitemau o dan y pwrpas y byddent yn disgyn yn naturiol iddo, e.e. dylid cymwys costau cludiant yr ymgeisydd o dan drafnidiaeth, hyd yn oed os yw'r drafnidiaeth mewn cysylltiad â chymryd rhan mewn cyfarfod cyhoeddus; dylid cymwys deunyddiau cyhoeddusurwydd, e.e. balŵns, o dan hysbysebu, hyd yn oed os cawsant eu dosbarthu mewn digwyddiad. Pwrpas A: Mae hysbysebu o unrhyw fath (drwy ba brynnaig gyfrwng, e.e. posteri neu mewn papur newydd) yn cymwys ffoedd asiantaeth, costau dylunio ac unrhyw gostau mewn cysylltiad â pharatoi, cynhyrchu, dosbarthu neu fel arall ledaenu hysbysebu neu unrhyw beth yn ymgorffori hysbysebu. Pwrpas B: Mae deunydd digymell wedi'i gyfeirio at etholwyr (p'un ai wedi ei gyfeirio at neu i'w ddanfod at yr holl etholwyr yn yr ardal) yn cymwys costau dylunio a'r holl gostau eraill mewn cysylltiad â pharatoi, cynhyrchu a dosbarthu deunydd o'r fath (gan gymwys costau postio, ond ac eithrio unrhyw hawl i anfon anerchiad etholiadol drwy radbost). Pwrpas C: Mae cludiant yn cymwys costau llogi ond yn eithrio defnydd a wnaed o geir personol lle nad yw'r perchennog wedi codi am hynny. Pwrpas D: Mae cyfarfodydd cyhoeddus yn cymwys costau mewn cysylltiad â phobl yn mynychu cyfarfodydd, llogi adeiladau i bwrpas cyfarfodydd, neu ddarparu nwyddau, gwasanaethau neu gyfleusterau ynddynt. Pwrpas E: Gwasanaethau asiant etholiad neu unrhyw un arall lle defnyddir eu gwasanaethau mewn cysylltiad ag etholiad yr ymgeisydd. Pwrpas F: Costau llety a gweinyddol.
A. Hysbysebu			
B. Deunydd a anfonwyd at etholwyr			
C. Cludiant			
D. Cyfarfodydd cyhoeddus			
E. Costau asiant a chostau staff eraill			
F. Llety a gweinyddu			
Cyfanswm y gwariant ar yr etholiad*			
*dylai'r cyfansymiau yn 1A ac 1B fod yr un fath			

Rhan 2: Dadansoddiad o'r gwariant

Dylech ddarparu manylion yr holl wariant sy'n cyfrannu at ffigur cyfanswm y gwariant ar yr etholiad.

I ganiatáu croesgyfeirio rhwng pob eitem wariant sy'n cael ei hadrodd yma, a'r is-gyfansymiau categori yn Rhan 1b, i siorhau bod y cyfeirnod categori cywir yn cael ei ddarparu ar gyfer pob eitem sy'n cael ei hadrodd.

Eitem rhif	Pwrpas (A-F) (gweler Rhan 1b)	Derbynneb neu anfoneb wedi'i chyflwyno ⁽¹⁾ (Do / Naddo)	Eitem / Gwasanaeth	Enw'r cyflenwr (a'r cyfeiriad os nad yw ar y dderbynneb / anfoneb)	Enw'r person a wnaeth y taliad	Dyddiad yr achoswyd y traul	Dyddiad derbyn y dderbynneb	Dyddiad y talwyd y traul	Gwerth yr eitem ⁽²⁾		Swm a dalwyd (dim ond os yw hyn yn wahanol i'r gwerth ac yn nodi lle'r oedd y swm a dalwyd yn nil)	Heb ei dalu neu anghydfod yn ei gylch ^{(3)?}
									£	c		
Cyfanswm Rhan 2 (dylai fod yr un fath â'r cyfansymiau yn Rhan 1)												
<p>Dalier sylw: Dylid rhestru pob eitem wariant ar wahân. Os nad oes digon o le ar y dudalen hon, dylid defnyddio dalen arall.</p> <p>⁽¹⁾Mae angen derbynneb neu anfoneb ar gyfer pob eitem wariant dros £20 ar wahân i wariant tybiannol.</p> <p>⁽²⁾Ar gyfer gwariant tybiannol, rhowch werth marchnad llawn yr eitem neu'r gwasanaeth. Mewn achosion eraill, rhowch y swm a dalwyd</p> <p>⁽³⁾Nodwch a ydyw'r hawliad heb ei dalu neu a oes anghydfod yn ei gylch. Ar gyfer hawliadau heb eu talu / lle mae anghydfod yn eu cylch, dylech ddefnyddio dalen ar wahân i roi'r wybodaeth ganlynol arni:</p> <p>Hawliadau heb eu talu: enw'r llys lle gwnaed / bwriedir gwneud cais iddo, a dyddiad y ceisiadau;</p> <p>Hawliadau lle mae anghydfod yn eu cylch: natur yr anghydfod a'r camau sydd i'w cymryd.</p>												

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Rhan 3: Datganiad ar yr holl wariant sydd wedi'i adrodd – mae hefyd angen ichi ddychwelyd ffurflen ar gyfer hyn o dan erthygl 46			
Swm		Enw'r person a achosodd y gwariant	Rhaid i unrhyw berson sydd wedi'i awdurdodi'n ysgrifenedig i achosi gwariant, ar wahân i fin wariant, o dan erthygl 46 o Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 2007, gyflwyno ffurflen yn nodi'r gwariant honnw i'r swyddog canlyniadau o fewn 21 diwrnod i ddyddiad datgan canlyniad yr etholiad. Os gwelwch yn dda, rhwch fanylion y gwariant hwn yn y gofod a ddarperir. Rhaid hefyd cynnwys yr eitemau hyn yn Rhannau 1 a 2. O dan erthygl 46, gellir awdurdodi unrhyw berson i achosi gwariant etholiad, ond nid i wneud taliadau.
£	c		
Cyfanswm			

Rhan 4: Datganiad ar yr holl dreuliau personol a achoswyd							
Eitem	Enw'r person a wnaeth y taliad (h.y. ymgeisydd neu'r asiant etholiad)	Swm		Dyddiad yr achoswyd y traul	Dyddiad derbyn y dderbynneb	Dyddiad y taliwyd	Dalier sylw: Treuliau personol yw treulïau teithio a byw rhesymol yr ymgeisydd i bwrpas ac yng nghyswllt yr etholiad. Nid yw treuliau personol yn cyfrif yn erbyn terfyn treuliau'r ymgeisydd ac ni ddylid cynnwys eitemau yn rhan 4 yn Rhannau 1 a 2.
		£	c				
Cyfanswm							

Rhan 5: Rhoddion						
5a	Swm (os oes un) a ddarparwyd gan yr ymgeisydd i gwrdd â'r gwariant ar yr etholiad				£	
5b	Cyfanswm gwerth yr holl rhoddion hyd at £50 (nid yw hyn yn cynnwys rhoddion tybiannol)				£	
5c	Rhoddion (dros £50) gan gynnwys rhoddion gan bleidiau etholiadol a rhoddion tybiannol					
Rhoddion a ganiateir a dderbyniwyd (cofiwch ar gyfer rhoddion gan ymddiriedolaethau wedi'u heithrio, fod angen dalen ar wahân yn cynnwys yr holl wybodaeth berthnasol)						
Enw, cyfeiriad a statws y rhoddwr (Rhif cofrestru'r cwmni, os yn berthnasol)		Dyddiad		Swm yr arian / gwerth		Natur (os tybiannol)
		Derbyniwyd	Wedi'i dderbyn	£	c	
		Cyfanswm				
Cyfanswm 5a, 5b a 5c (dylai fod yn fwy na, neu yr un fath â chyfanswm y gwariant yn Rhan 1)						
5d	Rhoddion a dderbyniwyd gan roddwyr nas caniateir / anhysbys.					
Enw a chyfeiriad y rhoddwr (os yw'n wybyddus) neu sut y gwnaed y rhodd		Dyddiad y derbyniwyd	Swm yr arian / gwerth		Natur	Dyddiad a sut yr ymderiniwyd â'r rhodd
			£	c		

Rhan 6: Gwybodaeth ychwanegol sydd ei hangen o dan reoliadau gan y Comisiwn Etholiadol ⁽¹⁾					
⁽¹⁾ Darllenwch nodiadau esboniadol y Comisiwn i weld pa wybodaeth ychwanegol sydd ei hangen os o gwbl.					

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Form CX: Form of declaration by constituency or individual candidate as to election expenses

Article 53(1) and (2)

Election to The National Assembly for Wales

Election in the [Assembly constituency] [Assembly electoral region].

Date of publication of notice of election.

Name of candidate.

1. I [am the person named above as a candidate at this election] [and was my own election agent] or [was at this election the election agent of the person named above as a candidate].

2. I have examined the return of election expenses [about to be] [delivered] [by my election agent] [by me] to the returning officer, of which a copy is now shown to me and marked., and to the best of my knowledge and belief it is a complete and correct return as required by law.

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by my election agent [by me], except as otherwise stated in relation to my [the candidate's] personal expenses.

4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature Date

(NOTE Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses.)

Ethol i Gynulliad Cenedlaethol Cymru

Etholiad yn [etholaeth Gynulliad] [rhanbarth etholiadol Cynulliad]

Dyddiad cyhoeddi'r hysbysiad am yr etholiad.

Enw'r ymgeisydd.

1. Fi [yw'r person a enwyd uchod fel ymgeisydd yn yr etholiad hwn] [ac yr oeddwn yn asiant etholiad i mi fy hun] neu [yr oeddwn yn yr etholiad hwn yn asiant etholiad i'r person a enwyd uchod fel ymgeisydd].

2. Yr wyf wedi archwilio'r cofnod treuliau etholiad sydd [ar fin cael ei gyflwyno] [wedi'i gyflwyno] gan f'asiant etholiad [gennyf fi] i'r swyddog canlyniadau, a chopi ohono'n cael ei ddangos i mi nawr a'i farcio., a hyd eithaf fy ngwybodaeth a'm cred y mae'n gofnod cyflawn a chywir fel y mae'r gyfraith yn mynnu.

3. Hyd eithaf fy ngwybodaeth a'm cred, cafodd yr holl dreuliau a nodir yn y cofnod eu talu gan f'asiant etholiad [gennyf fi], ac eithrio lle dywedir yn wahanol mewn perthynas â'm treuliau personol i [treuliau personol yr ymgeisydd].

4. Yr wyf yn deall nad yw'r gyfraith yn caniatáu talu unrhyw dreuliau etholiad sydd heb eu nodi yn y cofnod hwn, ac eithrio'n unol â gorchymyn llys.

Llofnod Dyddiad

(NODYN Lle bydd asiant etholiad wedi newid, gellir cyflwyno amrywiadau addas yn y datganiad am dreuliau.)

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Form CY: Form of declaration by party list candidates as to election expenses

Article 54

Election to the National Assembly for Wales

Election in theAssembly electoral region
 Date of publication of the notice of election
 Name of registered political party

1. I am one of those persons named below as candidate at this election.
2. I have examined the return of election expenses [about to be] [delivered] by the party's nominating officer [treasurer] to the Electoral Commission, of which a copy is now shown to me and marked, and to the best of my knowledge and belief it is a complete and correct return as required by law in respect of expenses relating to the election for which I was a candidate and I have no reason to doubt that it is otherwise a complete and correct return.
3. To the best of my knowledge and belief, all expenses shown in the return as paid in respect of the election at which I was a candidate were paid as is therein described.
4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Names of candidates (Each candidate is to be listed in the order in which he is included in the party list)	Signature of candidate	Date
1.....		
2.....(etc)		

Ethol i Gynulliad Cenedlaethol Cymru

Etholiad yn rhanbarth etholiadol y Cynulliad
 Dyddiad cyhoeddi'r hysbysiad am yr etholiad.....
 Enw'r blaid wleidyddol gofrestredig.....

1. Fi yw un o'r rhai a enwir isod fel ymgeisydd yn yr etholiad hwn.
2. Yr wyf wedi archwilio'r ffurflen cofnodi treuliau etholiad [sydd ar fin] [sydd wedi] [cael ei hanfon] gan swyddog enwebu'r [trysorydd y] blaid at y Comisiwn Etholiadol, y mae copi ohoni bellach yn cael ei dangos i mi ac sydd wedi'i nodi....., a hyd eithaf fy ngwybodaeth a'm cred, mae'n gofnod cyflawn a chywir fel sy'n ofynnol yn ôl y gyfraith mewn perthynas â threuliau sy'n ymwneud â'r etholiad yr oeddwn yn ymgeisydd ynddo ac nid oes gennyf unrhyw reswm i amau nad ydyw yn gofnod cyflawn a chywir.
3. Hyd eithaf fy ngwybodaeth a'm cred, talwyd yr holl dreuliau y nodir ar y ffurflen gofnodi eu bod yn rhai a dalwyd mewn perthynas â'r etholiad yr oeddwn yn ymgeisydd ynddo yn y modd a ddisgrifir ynddi.
4. Yr wyf yn deall nad yw'r gyfraith yn caniatáu i unrhyw dreuliau etholiad nad ydynt wedi'u nodi ar y ffurflen gofnodi hon gael eu talu ac eithrio yn dilyn gorchymyn llys.

Enwau'r ymgeiswyr(Dylid rhestru pob ymgeisydd yn yr un drefn ag y cynhwysir ef/hi ar restr y blaid)	Llofnod yr ymgeiswyr	Dyddiad
1.....		
2.....(etc.)		

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the conduct of elections and the return of members to the National Assembly for Wales as constituted under the Government of Wales Act 2006, and other related matters. It replaces The National Assembly for Wales (Representation of the People) Order 2003 as amended by The National Assembly for Wales (Representation of the People) (Amendment) Order 2006, which are both revoked.

The first Order relating to the conduct of Assembly elections was made in 1999, and many of the provisions are reproduced in this order. It also reflects changes made by the Electoral Administration Act 2006.

The principal changes made by this Order are:

1. —as a result of the Electoral Administration Act 2006—

(1) The requirement for personal identifiers (signature and date of birth) to be provided by applicants for an absent vote (article 8 and Schedule 1).

(2) Transitional provisions for existing absent voters requiring them to provide personal identifiers and in default to lose the right to exercise an absent vote (Schedule 2).

(3) The maintenance of a personal identifiers record by requiring fresh signatures every five years (paragraphs 2 and 12 of schedule 1).

(4) The creation of new absent voters lists for postal, proxy and postal proxy voters (articles 10 and 12) and a right to receive copies of those lists during an election (paragraph 13 of schedule 1).

(5) The creation of a new offence of providing false information in connection with an application for an absent vote (article 14).

(6) Changes to the procedure for nominating candidates for election including the introduction of new means to pay the deposit on nomination enabling credit or debit cards to be used (rule 10 of Schedule 5).

(7) Changes to the rules on the conduct of Assembly elections including giving the Electoral Commission a power to prescribe the information to be included on candidates' election expenses returns (article 52); dealing with the death of a candidate at an Assembly constituency election (rules 70- to 73 of Schedule 5) and giving a power for returning officers to correct procedural errors made by themselves or others in the conduct of an election (article 21).

2. —as a result of the Government of Wales Act 2006—

(1) Changes to the rules on candidates giving consent to nomination to reflect the new provision preventing a candidate standing at an Assembly constituency election from also standing at an Assembly regional election at the same time (rule 9 of Schedule 5);

(2) Changes reflecting generally the abolition, following the Assembly general election in May 2007, of the Assembly constituted by The Government of Wales Act 1998 and the establishment of the Assembly constituted by the Government of Wales Act 2006, the National Assembly Commission (see section 27 of that Act of 2006) and the Welsh Ministers (article 2(1), the definition of “the Assembly”).

3. In addition the creation of a consistent scheme for incapacities for corrupt and illegal practices (articles 110 and 123);

Part 1 of the Order makes general provision including definitions of terms;

Part 2 makes provision for voting at an Assembly election, including absent votes and the duties of returning officers;

Part 3 makes rules for the election campaign in relation to both constituencies and electoral regions and creates offences in connection to that campaign;

Part 4 makes provision for the conduct of legal proceedings arising from the election campaign and the penalties for the commission of offences;

Part 5 – Miscellaneous and supplemental;

Schedule 1 makes detailed provision for applications for absent voting and the maintenance of records in connection with such applications;

Schedule 2 makes transitional provisions in relation to existing absent voters;

Schedule 3 makes provision for the form of postal voting statements and the issue and receipt of postal ballot papers;

Schedule 4 deals with the combination of polls and modifies Schedule 5, the Principal Area election rules and the community election rules as appropriate where the election to the Assembly is combined with local government elections;

Schedule 5 contains the rules for the conduct of Assembly elections and the return of Assembly members;

Schedule 6 makes provision controlling donations to constituency candidates and individual candidates in electoral regions. Registered political parties and the candidates on the lists they submit for Assembly regional elections will continue to be regulated under separate provision in the Political Parties, Elections and Referendums Act 2000 which is not affected by this Order.

Schedule 7 makes provision in connection with election expenses;

Schedule 8 makes provision for the use of rooms in school premises and meeting rooms in connection with Assembly election meetings;

Schedule 9 modifies the Election Petition Rules 1960; and

Schedule 10 contains an appendix of forms prescribed for use under this Order.