
STATUTORY INSTRUMENTS

2007 No. 236

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

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(1).

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.

(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.

(1) 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.

(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(2) or Part 1 or 2 of the Broadcasting Act 1996(3).

(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)—

(2) 1990 c. 42
(3) 1996 c. 55

- (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
- (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⁽⁴⁾;
- (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;

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

- (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.

(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)(5).

(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(6) this provision shall have effect as if contained in an Act of Parliament.

(5) 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](#)).

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

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
- (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(7) 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—

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

- (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
 - (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⁽⁸⁾ 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⁽⁹⁾ 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.

⁽⁸⁾ 2000 c. 26

⁽⁹⁾ 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).

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(10)) 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
- (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⁽¹¹⁾; 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⁽¹²⁾ or Part 1 or 2 of the Broadcasting Act 1996⁽¹³⁾.

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.

⁽¹¹⁾ 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.

⁽¹²⁾ 1990 c. 42

⁽¹³⁾ 1996 c. 55

- (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⁽¹⁴⁾ 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,

⁽¹⁴⁾ see footnote to article 16(6).

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,

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⁽¹⁵⁾; or
 - (d) a day appointed for public thanksgiving or mourning.