

## SCHEDULE 5

### Assembly election rules

## 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

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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;
- (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”(1) 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(2) 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(3); or
- (b) a description of the party registered under section 28A of that Act(4).

(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—

(1) 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).

(2) See paragraph 80 of Schedule 5 to this Order as to the meaning of “a qualifying party”

(3) 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.

(4) 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.

- (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).
- (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(5).
- (5) If it is proposed that a party's registered emblem(6) 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(7),

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.

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(5) 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.

(6) 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)

(7) 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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(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.

### **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)<sup>(8)</sup> and of any Order in Council under section 12(1)(b) of that Act<sup>(9)</sup>; 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

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<sup>(8)</sup> 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).

<sup>(9)</sup> 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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- (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; 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<sup>(10)</sup>.
- (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),

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<sup>(10)</sup> 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.

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.

(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<sup>(11)</sup>,

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.

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<sup>(11)</sup> 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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(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 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<sup>(12)</sup>;
  - (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<sup>(13)</sup>; 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

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<sup>(12)</sup> 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.

<sup>(13)</sup> 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<sup>(14)</sup>; or
  - (c) his candidature is in breach of section 5(5) of the 1998 Act <sup>(15)</sup>.
- (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—

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<sup>(14)</sup> 1981 c. 34.

<sup>(15)</sup> 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.

(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.

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(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).