
WELSH STATUTORY INSTRUMENTS

2008 No. 1848

The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008

Procedures for questioning referendum

11.—(1) A referendum under these Regulations may be questioned by petition (“a referendum petition”)—

- (a) on the ground that the result of the referendum was not in accordance with the votes cast,
- (b) on the ground that the referendum was avoided by such corrupt or illegal practices, within the meaning of the 1983 Act, as are relevant to referendums by virtue of regulation 8 or paragraph (8),
- (c) on the grounds provided by section 164 (avoidance of election for general corruption etc.) of the 1983 Act, as applied for the purposes of these Regulations by paragraph (8), or
- (d) subject to paragraph (3), on the ground that a payment of money or other reward has been made or promised since the referendum in pursuance of a corrupt or illegal practice relevant to the referendum by virtue of regulation 8 or paragraph (8).

(2) A referendum petition on any of the grounds specified in paragraph (1)(a) to (c) must be presented not later than 21 days after the day on which the referendum was held.

(3) A referendum petition on the ground mentioned in paragraph (1)(d) may be presented only with the leave of the High Court.

(4) An application for leave must be made, not later than 28 days after the date of the alleged payment or promise, by application notice to the court at such time and place as the court may appoint.

(5) Not less than seven days before the day so appointed the applicant must—

- (a) serve the application notice on the respondent and the Director of Public Prosecutions and lodge a copy in the election petitions office, and
- (b) publish notice of the intended application in at least one newspaper circulating in the voting area for the referendum to which the application relates.

(6) The application notice must state the grounds on which the application is made.

(7) A referendum petition is to be tried by an election court, that is to say, a court constituted under section 130 (election court for local election in England and Wales, and place of trial) of the 1983 Act for the trial of an election petition, as applied by paragraph (8).

(8) Schedule 5 to these Regulations contains provisions which have effect in relation to the questioning of a referendum as they have effect in relation to the questioning of an election under the Local Government Act 1972, subject to the modifications specified in that Schedule and to any contrary provision of these Regulations.

(9) The Election Petition Rules 1960^{M1} have effect in relation to a referendum petition as they have effect in relation to a local election petition within the meaning of those Rules, subject to the modifications specified in Schedule 6 to these Regulations and to any contrary provision of these Regulations.

Changes to legislation: There are currently no known outstanding effects for the The Local Authorities
(Conduct of Referendums) (Wales) Regulations 2008, Section 11. (See end of Document for details)

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Marginal Citations

M1 [S.I. 1960/543](#); amended by [S.I. 1985/1278](#), 1999/1352 and 2003/972.

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There are currently no known outstanding effects for the The Local Authorities (Conduct of Referendums) (Wales) Regulations 2008, Section 11.