2002 No. 834

CONSTITUTIONAL LAW
DEVOLUTION, WALES

REPRESENTATION OF THE PEOPLE

The National Assembly for Wales (Representation of the People) (Amendment) Order 2002

Made - - - - - *25th March 2002*

Coming into force in accordance with article 1

Whereas a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament;

Now therefore, the Secretary of State, in exercise of the powers conferred upon him by section 11 of the Government of Wales Act 1998(**a**), and of all other powers enabling him in that behalf, and having in accordance with section 8(2) and (3)(b) of the Political Parties, Elections and Referendums Act 2000(**b**) considered it expedient in consequence of changes in the value of money to make provision relating to the matters mentioned in subsection (2)(c) of the said section 11(**c**), and after consulting the Electoral Commission(**d**) hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the National Assembly for Wales (Representation of the People) (Amendment) Order 2002 and shall come into force on the day after the day on which it is made, but it shall not apply for the purposes of any election where the last day for the publication of the notice of election in respect of that election precedes that later date.

Interpretation

2. In this Order, "the principal Order" means the National Assembly for Wales (Representation of the People) Order 1999(**e**).

Amendment of the principal Order

3. The principal Order shall be amended in accordance with the following provisions of this Order.

(**a**) 1998 c. 38; section 11 was amended by Schedule 21, paragraph 12(3) and Schedule 22 to the Political Parties, Elections and Referendums Act 2000 (c. 41).
(**b**) 2000 c. 41.
(**c**) The matters mentioned in section 11(2)(c) of the 1998 Act are the limitation of the election expenses of candidates (and the creation of criminal offences in connection with the limitation of such expenses).
(**d**) As required by section 7 of the Political Parties Elections and Referendums Act 2000 (c. 41).
(**e**) S.I. 1999/450, as amended by S.I. 2001/1149.

Article 2 (Interpretation)

4.—(1) Article 2 of the principal Order shall be amended as follows.

(2) In paragraph (1)—

(a) for the definition of "dwelling house" substitute—

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

(b) in each of the definitions of "registered emblem" and "registered political party" for "the Registration of Political Parties Act 1998" substitute "Part II of the 2000 Political Parties Act";

(c) in the definition of "registered nominating officer" for "has the same meaning as in the Registration of Political Parties Act 1998" substitute "means the person registered under Part II of the 2000 Political Parties Act as the officer with responsibility for the matters referred to in section 24(3) of that Act in respect of a registered political party";

(d) in the definition of "service voter", the reference to section 15 of the Representation of the People Act 1983(**a**) is a reference to that section as amended by the Representation of the People Act 2000(**b**);

(e) after the definition of "the 1998 Act" insert—

""the 2000 Act" means the Representation of the People Act 2000,

"the 2000 Political Parties Act" means the Political Parties, Elections and Referendums Act 2000,"; and

(f) after the definition of "the 1986 Regulations" insert—

""the 2001 Regulations" means the Representation of the People (England and Wales) Regulations 2001," (**c**)(**d**).

Article 4 (Register of electors etc.)

5. In article 4(1) of the principal Order, for "section 11(1) or (2)" there shall be substituted "section 13A"(**e**), and for "correction" there shall be substituted "alteration".

Article 7 (Manner of voting at Assembly elections)

6. In article 7 of the principal Order, after paragraph (6) there shall be inserted—

"(6A) Nothing in the preceding provisions of this article applies to—

(a) a person to whom section 7 of the 1983 Act (mental patients who are not detained offenders) applies and who is liable, by virtue of any enactment, to be detained in the mental hospital in question, or

(b) a person to whom section 7A of that Act (persons remanded in custody) applies,

whether he is registered by virtue of that provision or not, and such a person may only vote by post or by proxy (where he is entitled as an elector to vote by post or, as the case may be, by proxy at the election).".

Article 8 (Absent vote etc.)

7.—(1) Article 8 of the principal Order shall be amended as follows.

(2) In the heading, after "for" add "a particular or".

(3) In paragraph (1)—

(a) for the words "for an indefinite period" substitute "(whether for an indefinite period or for a particular period specified in his application)";

(b) in sub-paragraph (a)—

(i) at the beginning insert "in the case of an application to vote by proxy,",

(ii) for the words "for an absent vote" substitute "to vote by proxy", and

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(**a**) 1983 c. 2; section 15 was amended by the 2000 Act, Schedule 1, paragraph 8, and by Schedule 7.
(**b**) 2000 c. 2.
(**c**) S.I. 2001/341, amended by S.I. 2001/700.
(**d**) Another amendment to article 2(1) of the principal Order is made by article 14.
(**e**) Section 13A of the 1983 Act was inserted by the 2000 Act, Schedule 1, paragraph 6.

(iii) omit the words "for an indefinite period".

(4) In paragraph (2)—

(a) for the words "for an absent vote" substitute "to vote by proxy", and omit the words "for an indefinite period";

(b) omit sub-paragraph (b); and

(c) in sub-paragraph (d), at the end add "by reason of his or his spouse's attendance on a course provided by an educational institution, or".

(5) Omit paragraph (3).

(6) In paragraph (4), at the end add "showing whether their applications were to vote by post or proxy for an indefinite or a particular period (specifying that period)."

(7) In paragraph (6)—

(a) in sub-paragraph (b)—

(i) for the words "as a service voter, or", substitute—

"in pursuance of—

(i) a service declaration, or

(ii) a declaration of local connection,";

(b) in sub-paragraph (c),—

(i) at the beginning insert, "in the case of any person shown in the record as voting by proxy,", and

(ii) at the end, add ", or";

and

(c) after sub-paragraph (c) add—

"(d) in the case of a person who applied to vote by post or proxy for a particular period, once that period has expired.".

(8) Omit paragraph (7) and substitute—

"(7) A person shown in the record kept under paragraph (4) as voting by post may subsequently after his choice by applying to the registration officer to vote by proxy instead (whether for an indefinite period or for a particular period specified in his application); and if the registration officer would be required to grant that application if it were an application to vote by proxy under paragraph (1), the registration officer shall amend the record accordingly.

(7A) A person shown in the record kept under paragraph (4) as voting by proxy may subsequently alter his choice by applying to the registration officer to vote by post instead (whether for an indefinite period or for a particular period specified in his application); and if the application meets the requirements of Schedule 2, the registration officer shall amend the record accordingly.".

Article 9 (Absent vote at a particular Assembly election)

8.—(1) Article 9 of the principal Order shall be amended as follows.

(2) In paragraph (1)(a), after "satisfied" insert "in the case of an application to vote by proxy,".

(3) For paragraph (3) substitute—

"(3) The registration officer shall grant an application under paragraph (2) if—

(a) in the case of any application, it meets the requirements set out in Schedule 2; and

(b) in the case of an application to vote by proxy, he is satisfied that the applicant's circumstances on the date of the poll will be or are likely to be such that he cannot reasonably be expected to vote in person at the polling station allotted or likely to be allotted to him under this Order.".

Article 11 (Proxies at Assembly elections)

9.—(1) Article 11 of the principal Order shall be amended as follows.

(2) In paragraph (6), for the words "for an indefinite period" substitute "(whether for an indefinite period or for a particular period specified in his application)".

(3) In paragraph (9), at the end, add ", and where the appointment was for a particular period, the appointment shall cease to be in force once that period expires.".

Article 12 (Voting as proxy at Assembly elections)

10.—(1) Article 12 of the principal Order shall be amended as follows.

(2) For paragraph (4) substitute—

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

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

(b) as proxy at a particular Assembly election,

the registration officer shall (subject to paragraph (12)) grant the application if the conditions set out in paragraph (4A) are satisfied.

(4A) Those conditions are—

(a) that the registration officer is satisfied that the elector is or will be registered in the register of local government electors, and

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

(c) that the application meets the requirements set out in Schedule 2.".

(3) Omit paragraphs (5), (7) and (10).

(4) For paragraph (6) substitute—

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

(a) whether their applications were to vote by post as proxy for an indefinite or a particular period (specifying that period), and

(b) the addresses provided by them in their applications as the addresses to which their ballot papers are to be sent.".

(5) In paragraph (9)—

(a) in sub-paragraph (a), for "that paragraph" substitute "paragraph (4)(a)"; and

(b) in sub-paragraph (b), for "paragraph (7)" substitute "paragraph (4)(b)".

(6) In paragraph (11), for sub-paragraph (b), substitute—

"(b) in the case of a person who applied to vote by post as proxy for a particular period, once that period expires.";

and in sub-paragraph (c), for "10(a)" substitute "(4)(a)".

Article 23 (Effect of registers)

11.—(1) Article 23 of the principal Order shall be amended as follows.

(2) Omit paragraph (1).

(3) In paragraph (2) for "or is" substitute "nor".

(4) In paragraph (4) for "qualifying date", wherever occurring, substitute "relevant date".

(5) After paragraph (4) insert—

"(5) In paragraph (4), the "relevant date" means—

(a) in relation to a person registered in the register of local government electors as published in accordance with section 13(1) of the 1983 Act(**a**), the 15th October immediately preceding the date of publication of the register;

(**a**) Section 13 was substituted by paragraph 6 of Schedule 1 to the Representation of the People Act 2000.

(b) in relation to any other person registered in the register, the relevant date for the purposes of section 4 of the 1983 Act(**a**).”

Article 25 (Discharge of registration duties)

12. In article 25(1) of the principal Order, after “Secretary of State” there shall be inserted “, in accordance with, and on the recommendation of, the Electoral Commission,”.

Voters with disabilities

13. In article 31(5) of the principal Order, for “blind voter” there shall be substituted “voter with disabilities”.

References to documents used in legal proceedings

14.—(1) In article 2(1) of the principal Order, after the definition of “1egal incapacity” there shall be inserted—

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

(2) In article 34 of the principal Order—

(a) in paragraph (1), for “writs, summonses and” there shall be substituted “legal processes and other”; and

(b) in paragraph (3), for “writ, summons or” there shall be substituted “legal process or other”.

(3) In article 60(3) of the principal Order, for “the writ or other process” (in both places) and “a writ or other process” there shall be substituted “legal process”.

(4) In article 93(6) of the principal Order, for the words “as nearly” to “such other” there shall be substituted “in such”.

(5) In article 98(2) of the principal Order, for “on summons directs” there shall be substituted “directs on an application made by the petitioner,”.

(6) In article 147(1) of the principal Order, for “summons, notice or” there shall be substituted “notice, legal process or other”.

Article 36 (making of contracts through election agent)

15. Article 36 of the principal Order shall be omitted.

Election Expenses

16.—(1) The provisions of the principal Order insofar as they relate to the limitation of the election expenses of registered political parties (and the creation of criminal offences in connection with the limitation of such expenses) shall cease to have effect.

(2) For article 37 of the principal Order there shall be substituted—

“**Expenses of constituency candidate**

37. For the purpose of this Part of this Order, sums paid or expenses incurred by, or in respect of, an individual 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 paragraph 5(1) of Schedule 5, are not to be regarded as having been paid or incurred by that party.”.

(3) Articles 39, 40, 43 to 45, 47 to 49, 55, 57 and 65 of the principal Order shall be omitted.

(4) Articles 51, 52, 61 and 62 of the principal Order insofar as they relate to a registered political party or its registered nominating officer shall cease to have effect.

(5) In article 46 of the principal Order—

(a) in paragraph (2)(a)(i) and (ii)—

(i) for “£5,229” there shall be substituted “£5,483”, and

(**a**) Section 4 was substituted by section 1(2) of the Representation of the People Act 2000.

(ii) for the words from "a register" to "(as first published)", there shall be substituted "the register of electors";

(b) in paragraph (2)(a)(i), for "5.9p" there shall be substituted "6.2p";

(c) in paragraph (2)(a)(ii), for "4.4p" there shall be substituted "4.6p"; and

(d) in paragraph (2)(b)(i) and (ii), for the words from "£20,920" to the end, there shall be substituted "£100,000".

(e) for paragraph (3) there shall be substituted—

"(3) In paragraph (2) "the register of electors" means the register of local government electors 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." .

(6) For article 50 of the principal Order there shall be substituted—

"**Power to vary provisions concerning election expenses**

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

(2) This article applies to any of the sums for the time being specified in articles 38(2), 41(1) or (2), or 42(2).

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

(7) In article 51 of the principal Order—

(a) for "within" wherever it occurs there shall be substituted "not later than", and

(b) paragraph (11) shall be omitted.

(8) Article 52(3) of the principal Order shall be omitted.

(9) In articles 58 and 59 of the principal Order, for "articles 54 to 57" there shall be substituted "article 54 or 56".

(10) Article 61(1)) of the principal Order shall be omitted.

Electoral Commission: returns

17. After article 62 of the principal Order there shall be inserted—

"**Duty of appropriate returning officer to forward returns and declarations to Electoral Commission**

62A. Where the appropriate returning officer receives any return or declaration under article 42, 54 or 56 in respect of an election to the Assembly, he shall as soon as reasonably practicable after receiving the return or declaration deliver a copy of it to the Electoral Commission and, if so requested by the Commission, he shall also deliver to them a copy of any accompanying documents.".

Articles 69, 73 to 78 and 80 (Use of Schools, Transports and False Statements as to Candidates)

18.—(1) In article 69(7) of the principal Order, for "private dwellinghouse" there shall be substituted "private dwelling".

(2) Articles 73 to 77, 78(6) and 80 of the principal Order shall be omitted.

Article 90 (Interpretation of Part III of the principal Order)

19. In article 90 of the principal Order—

(a) in the definition of "declaration as to election expenses" the words "or 57" shall be omitted, and

(b) in the definition of "return as to election expenses" the words "or 55(1)" shall be omitted.

Legal Proceedings

20.—(1) Part IV of the principal Order (Legal Proceedings) shall be amended as follows.

(2) Omit article 94(8) of the principal Order.

(3) For article 99 of the principal Order substitute—

"**Petition at issue**

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

(2) In this article "the relevant time" means—

(a) where the petitioner gives the security for costs required by article 98 by a deposit of money equal to the amount of the security required, the time when the security is given; and

(b) in any other case, the time when—

(i) the time prescribed for the making of objections under article 98(4) expires, or

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

whichever happens later.".

(4) Omit articles 110 to 115 of the principal Order.

(5) Omit article 119(5) of the principal Order.

(6) Omit article 121(2) to (4) of the principal Order.

(7) In article 122 of the principal Order—

(a) in paragraph (3)—

(i) after "the provisions of" insert "paragraph (3A) and",

and

(ii) in sub-paragraph (a)(v) and (b) omit "New";

(b) after paragraph (3) insert—

"(3A) The incapacities imposed by sub-paragraph (3)(a) apply only to a candidate or other person reported personally guilty of a corrupt practice under article 27.";

(c) in paragraph (4)—

(i) for "five years" substitute "three years", and

(ii) after "the provisions of" insert "paragraph (4A) and"; and

(d) after paragraph (4) insert—

"(4A) The incapacities imposed by paragraph (4)(a) or, as the case may be, paragraph (4)(b) apply only to a candidate or other person reported personally guilty of an illegal practice under article 28.";

but this paragraph shall not apply in relation to any incapacities arising from a conviction or, as the case may be, a report by an election court where the conviction took place or the report was made before the date this Order comes into force.

(8) In articles 123(2) and 124(3) of the principal Order for "five years" substitute "three years", but this paragraph shall not apply in relation to any incapacities arising from a conviction or, as the case may be, a report by an election court where the conviction took place or the report was made before the date this Order comes into force.

(9) Omit article 131(4) of the principal Order.

(10) Omit article 138(6) of the principal Order.

(11) In article 139 of the principal Order, for the words "illegal payment, employment or hiring" wherever they occur substitute "illegal payment or employment".

(12) After article 143 of the principal Order insert—

"Evidence by certificate of electoral registration

143A. The certificate of a registration officer that any person is or is not, or was or was not at any particular time, duly registered in his register of local government electors in respect of any address shall be sufficient evidence of the facts stated in it; and a document purporting to be such a certificate shall be received in evidence and presumed to be such a certificate unless the contrary is proved.".

(13) In article 148 of the principal Order—

(a) in the definition of "declaration as to election expenses" omit "or 57", and

(b) in the definition of "return as to election expenses" omit "or 55".

Postal Services

21. In article 66 of the principal Order, for paragraph (5) there shall be substituted—

"(5) For the purposes of this article "elector"—

(a) means a person who is registered in the register of local government 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 as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.".

Schedule 1 to the principal Order (Election Lists and Registers: Miscellaneous and Related Provision)

22.—(1) Schedule 1 to the principal Order shall be amended in accordance with this article.

(2) In the Arrangement of Paragraphs, under the sub-heading "Paragraph"—

(a) omit the words between "1" and "2", and between "5" and "7"; and

(b) for "3. Sales of lists and register" substitute "3. Sale of register.".

(3) Omit paragraphs 1, 5 and 6.

(4) In paragraph 2—

(a) in sub-paragraphs (2)(i) and (4)(a)—

(i) for "four copies" and "four such copies" substitute "one copy" and "one such copy", respectively;

(ii) after "only" insert "if supplied in printed form"; and

(iii) for "them" substitute "it";

(b) in sub-paragraph (2)(ii) for "two copies" substitute "one copy";

(c) in sub-paragraph (4)(b) for "two such copies" substitute "one such copy"; and

(d) after sub-paragraph (7) insert—

"(8) In sub-paragraph (1), (2) and (4), the duty to supply one copy of the register means a duty to supply a copy in data form, unless, prior to publication, the recipient has requested in writing a copy in printed form.

(9) In sub-paragraph (7), the duty to supply as many printed copies of the register as the returning officer needs includes a duty to supply one copy in data form.

(10) For the purposes of this paragraph "register" includes any revised version of the register under section 13(1) and (3) of the 1983 Act and any notice under sections 13A(2) and 13B(3) of that Act.".

(5) For paragraph 3 substitute—

"Sale of register

3. Regulation 48 of the 2001 Regulations (sale of register etc.) shall apply to—

(a) the supply by the registration officer under this Schedule of copies of any part or parts of the register to any person, and

(b) the calculation of the payment of fees for such supply by any person (other than any person to whom the registration officer has a duty under this Schedule to supply copies free of charge),

as it applies to the supply of, and calculation of payment of fees for, a copy or copies of the register.".

(6) For paragraph 4 there shall be substituted—

"Supply of Data

4.—(1) The duty on the registration officer to supply data under paragraphs 2 and 3 imposes only a duty to supply such data recorded in the form in which he holds it.

(2) The registration officer shall not supply data which includes information not included in the printed version of the register otherwise than under paragraph 2(7).".

(7) In paragraph 7 (interpretation)—

(a) for the definition of "data" substitute—

""data" means information which is recorded with the intention that it should be processed by means of equipment operating automatically in response to instructions given for that purpose", and

(b) omit the definition of "data controller".

Schedule 2 to the Principal Order (Absent voting at Assembly elections)

23.—(1) Schedule 2 to the principal Order shall be amended in accordance with this article.

(2) In the Arrangement of Paragraphs, under the sub-heading "Paragraph"—

(a) omit the words between "2" and "3";

(b) after "5. Additional requirements for applications" insert "to vote by proxy"; and

(c) omit the words between "7" and "8".

(3) In paragraph 1—

(a) in sub-paragraph (1)—

(i) omit the words "the case of a person applying to vote by post", and

(ii) in paragraph (d), omit the words "under article 8(1), 9(1) or 12(4) or (7)"

and substitute "to vote by proxy";"

(b) in sub-paragraph (2)(a), omit "and", and the reference to section 16(d) of the Representation of the People Act 1983 is to that section as amended by paragraph 9(c) of Schedule 1 to the Representation of the People Act 2000; and

(c) for paragraph (b) of sub-paragraph (2) substitute—

"(b) in the case of a person to whom section 7 of the 1983 Act applies (mental patients who are not detained offenders), the address of the mental hospital or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act(**a**),

(c) in the case of a person to whom section 7A of the 1983 Act applies (person remanded in custody), the address of the place at which he is detained or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act, and

(d) in the case of a homeless person, the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act.";

(d) in sub-paragraph (3), omit "12(7) or (8)" and substitute "12(8)"; and

(e) omit sub-paragraph (6).

(4) Omit paragraph 2.

(5) In paragraph 3(1) after "An application" insert "to vote by proxy for a particular or indefinite period".

(6) In paragraph 4—

(a) in sub-paragraph (1) after "An application" insert "to vote by proxy for a particular or indefinite period",

(b) in sub-paragraph (1)(a), at end add—

"or, as the case may be, whether it is the applicant or his spouse who is attending the course provided by an educational institution in respect of which the application is made".

(**a**) Section 7B was inserted by section 6 of the 2000 Act.

(c) in sub-paragraph (1)(b), for the words from "or employment" to end, substitute ", employment or course provided by an educational institution giving rise to the application,";

(d) for paragraph (d) of sub-paragraph (1) substitute—

"(d) the reason relevant to the general nature of the occupation, service or employment in question or the course provided by an educational institution, why the applicant cannot reasonably be expected to go in person to his allotted polling station.";

(e) in sub-paragraph (2)—

(i) in paragraph (a)(iii) delete "and";

(ii) in paragraph (b), delete "in any other case", and

(iii) after sub-sub-paragraph (b), add—

", and

(c) in the case of a course provided by an educational institution, by the director or tutor of that course or by the principal or head of that institution or an employee to whom this function is delegated by the principal or head.";

and

(f) in sub-paragraph (4)—

(i) in each of paragraphs (a) and (b), after "employed person" add "or the person attending the course"; and

(ii) after sub-paragraph (ii), add—

", or

(iii) in the case of a person who attests under sub-paragraph (2)(c), the post he holds at the institution.".

(7) For paragraph 5 substitute—

"**Additional requirements for applications to vote by proxy in respect of a particular Assembly election**

5. An application under article 9(1) to vote by proxy at a particular election shall set out why the applicant's circumstances on the date of the poll for that election in respect of which it is made will be or are likely to be such that he cannot reasonably be expected to vote in person at his allotted polling station.".

(8) Omit paragraph 7.

(9) In paragraph 8—

(a) for sub-paragraphs (1) and (2) substitute—

"(1) An application—

(a) to vote by post or proxy under article 8(1),

(b) to vote by post or proxy under article 9(1),

(c) for the appointment of a proxy under article 11(6) or 11(7), or

(d) from a proxy to vote by post under article 12(4),

shall be disregarded for the purposes of any particular Assembly election if it is received by the registration officer after 5 p.m. on the sixth day before the date of the poll at that election.

(2) Subject to sub-paragraph (3), an application—

(a) by an absent voter to alter his choice as to the manner of absent voting under article 8(7) or (7A),

(b) by a postal voter for his ballot paper to be sent to a different address or to vote instead by proxy at a particular election under 9(2), or

(c) from a postal proxy for his ballot paper to be sent to a different address at a particular election under article 12(8),

shall be disregarded for the purposes of any particular Assembly election if it is received by the registration officer after 5 p.m. on the eleventh day before the date of the poll at that election.";

(b) omit sub-paragraph (3);

(c) in sub-paragraph (4)—

(i) omit "may be disregarded" and substitute "shall be disregarded", and

(ii) omit the words from "5 pm" to "election" and substitute—

"(i) 5 pm on the eleventh day before the date of the poll at that election in the case of an application by an elector who is entitled to vote by post to be removed from the record kept under article 8(4), and

(ii) 5 pm on the sixth day before the date of the poll at that election in any other case.".

(10) In paragraph 9—

(a) after sub-paragraph (1) insert—

"(1A) Where the registration officer grants an application for the appointment of a proxy, he shall, where practicable, confirm in writing to the elector that the proxy has been appointed, his name and address and the duration of the appointment."; and

(b) after sub-paragraph (4) insert—

"(5) At an Assembly election where the registration officer is not the returning officer for any constituency or part of a constituency for which he is the registration officer, he shall send to that returning officer details of any application to vote by post which he has granted as soon as practicable after doing so.".

(11) In the Appendix of Forms—

(a) in the "Form of proxy paper"—

(i) above the word "Signature" insert "[*This proxy appointment remains valid until.....]";

(ii) in note 2, after "it may be for" in the first sentence, insert "a particular or," and at the end of note 2 insert "If it is for a particular period, your right to vote as proxy expires on the date stated on the form.";

(iii) omit note 7; and

(iv) in note 8, omit the words from "if the electoral registration officer" to "elector's polling station", and for "the eleventh working day" substitute "the sixth working day".

and

(b) in the "Papur Dirprwyo"—

(i) above the word "Llofnod" insert "[*Mae'r penodiad dirprwy hwn yn ddilys tan.....]";

(ii) in note 2, after 'fe all fod am gyfnod" in the first sentence insert "pendant neu", and at the end of note 2 insert "Os yw am gyfnod pendant, bydd eich hawl i bleidleisio yn dod i ben ar y dyddiad a ddatganir ar y papur.";

(iii) omit note 7, and

(iv) in note 8, omit the words from "os yw'r swydddog cofrestru etholiadol" to "yng ngorsaf bleidleisio'r etholwr(aig)", and for "yr unfed diwrnod gwaith ar ddeg" substitute "y chweched diwrnod gwaith".

Schedule 3 (Issue and receipt of postal ballot papers)

24.—(1) Schedule 3 to the principal Order shall be amended in accordance with this article.

(2) In the Arrangement of Paragraphs, under the sub-heading "Paragraph"—

(a) under "4. Regional elections" insert "4A Persons entitled to be present at proceedings on issue of postal ballot papers".;

(b) after "5. Persons entitled to be present" omit "issue and" and substitute "proceedings on".;

(c) omit the words between "7" and "8" and substitute "Time when postal ballot papers are to be issued".;

(d) omit the words between "11" and "12" and substitute "Delivery of postal ballot papers".;

(e) omit the words between "12" and "13".;

(f) under "14. Spoilt postal ballot paper" insert "14A. Lost postal ballot papers."; and

(g) omit the words from "15" to "Forwarding of documents" and substitute—

"16. Notice of opening of postal ballot paper envelopes.

17. Postal ballot boxes and receptacles.

18. Receipt of covering envelope.
19. Opening of postal voters' ballot box.
20. Opening of covering envelopes.
21. Procedure in relation to declarations of identity.
22. Opening of ballot paper envelopes.
23. Lists of rejected postal ballot papers.
24. Checking of lists kept under paragraph 23.
25. Sealing of receptacles.
26. Abandoned poll.
27. Forwarding of documents.".

(3) In paragraph 1—

(a) before the definition of "postal ballot paper," insert ""postal ballot box" means the ballot box referred to in paragraph 17(1))(b),";

(b) in the definition of "postal voters' ballot box", for "12" substitute "17(1)(a)";

(c) omit the words from "receptacle for ballot paper envelopes" to "in paragraph 17(2)", and substitute ""receptacle for ballot paper envelopes", and other references to specified receptacles, means the receptacles referred to in paragraph 17(5)".

(4) After paragraph 4 there shall be inserted—

"**Persons entitled to be present at proceedings on issue of postal ballot papers.**

4A. No person may be present at the proceedings on the issue of postal ballot papers other than the constituency returning officer and his clerks.".

(5) Paragraph 5 shall be amended as follows—

(a) in the heading, omit "issue and" and substitute "proceedings on";

(b) in sub-paragraph (1), omit "issue or"; and

(c) in sub-paragraph (2)—

(i) omit the words from "Where" to "two or more batches,"; and

(ii) omit "not exceeding the number of such batches"; and

(iii) in sub-paragraph (4) omit "this paragraph and" and after "sub-paragraphs" insert "(3),".

(6) For paragraph 7 there shall be substituted—

"**Time when postal ballot papers are to be issued**

7.—(1) In the case of a person shown in the record kept under—

(a) article 8(4), or

(b) article 12(6)

no postal ballot paper (and declaration of identity) shall be issued until after 5 p.m. on the eleventh day before the date of the poll (computed in accordance with paragraph 8(5) of Schedule 2).

(2) In the case of any other person, the postal ballot paper (and declaration of identity) shall be issued by the constituency returning officer as soon as practicable after the registration officer has granted the application to vote by post.".

(7) For paragraph 11 there shall be substituted—

"**Delivery of postal ballot papers**

11.—(1) For the purposes of delivering postal ballot papers, the constituency returning officer may use—

(a) a universal postal service provider;

(b) a commercial delivery firm, or

(c) persons appointed under paragraph 32(4) of Schedule 5.

(2) Where the services of a universal postal service provider or commercial delivery firm are to be used, envelopes addressed to postal voters shall be counted and delivered by the constituency returning officer with such form of receipt to be endorsed by that provider or firm as may be arranged.

(3) Postage shall be prepaid on envelopes addressed to the postal voters (except where paragraph (1)(c) applies).

(4) Return postage shall be prepaid on all covering envelopes where the address provided by the postal voter for the receipt of the postal ballot paper is within the United Kingdom.".

(8) Paragraph 12 shall be omitted.

(9) For paragraph 13 there shall be substituted—

"Sealing up of special lists and counterfoils

13.—(1) As soon as practicable after the issue of each batch of postal ballot papers, the constituency returning officer shall make up into a packet the counterfoils of those ballot papers which have been issued and shall seal such a packet.

(2) As soon as practicable after the last batch of postal ballot papers have been issued, the constituency returning officer shall make up into a packet the marked copy of the absent voters list and the list of postal proxies and shall seal such a packet.

(3) Until the time referred to in paragraph (2), the constituency returning officer shall take proper precautions for the security of the lists referred to in that paragraph.".

(10) Paragraph 14 shall be amended as follows—

(a) in sub-paragraph (3) for the words "too late" to the end, substitute "after 5 p.m. on the day before the day of the poll.";

(b) for sub-paragraph (4), substitute—

"(4) Paragraphs 8 to 13 shall apply to the issue of postal ballot papers under sub-paragraph (3).";

(c) in sub-paragraph (5), after, "it" insert "and"; and

(d) after sub-paragraph (6) insert—

"(7) Where a postal voter applies in person, the constituency returning officer may hand a replacement postal ballot paper to him instead of delivering it in accordance with paragraph 11.

(8) The constituency returning officer shall enter in a list kept for the purpose ("the list of spoilt postal ballot papers")—

(a) the name and number of the elector as stated in the register;

(b) the number of the postal ballot paper (or papers) issued under this paragraph, and

(c) where the postal voter whose ballot paper is spoilt is a proxy, his name and address.".

(11) After paragraph 14 insert—

"**Lost postal ballot papers**

14A—(1) Where a postal voter has not received his postal ballot paper by the fourth day before the day of the poll, he may apply (whether or not in person) to the constituency returning officer for a replacement ballot paper.

(2) Such an application shall include evidence of the voter's identity.

(3) Where the application is received by the constituency returning officer before 5 p.m. on the day before the day of the poll and the constituency returning officer—

(a) is satisfied as to the voter's identity, and

(b) has no reason to doubt that the postal voter did not receive the original postal ballot paper,

he shall issue another postal ballot paper or, as the case may be, postal ballot papers.

(4) The constituency returning officer shall enter in a list kept for the purpose ("the list of lost postal ballot papers")—

(a) the name and number of the elector as stated in the register.

(b) the number of the lost postal ballot paper and of its replacement issued under this paragraph, and

(c) where the postal voter whose ballot paper is lost is a proxy, his name and address.

(5) Paragraphs 8 to 13 shall apply to the issue of postal ballot papers under sub-paragraph (3).

(6) Where a postal voter applies in person, the constituency returning officer may hand a replacement ballot paper to him instead of delivering it in accordance with paragraph 11.

(7) Where the constituency returning officer issues another ballot paper, or as the case may be, postal ballot papers under sub-paragraph (3), the lost ballot paper shall be void and of no effect.".

(12) Omit paragraph 15.

(13) For paragraphs 16 to 21 substitute—

"**Notice of opening of postal ballot paper envelopes**

16.—(1) The constituency returning officer shall give not less than 48 hours' notice in writing of each occasion on which a postal voters' ballot box and the envelopes contained in it is to be opened to each—

(a) candidate, for return as a constituency member, and

(b) except in the case of an election to fill a vacancy in the seat of a constituency member , individual candidate for return as a regional member and the election agent for each registered party standing nominated.

(2) Such a notice shall specify—

(a) the time and place at which such an opening is to take place, and

(b) the number of agents a candidate may appoint under paragraph 5(2) to attend each opening.

Postal ballot boxes and receptacles

17.—(1) The constituency returning officer shall provide a separate ballot box for the reception of—

(a) the covering envelopes when returned by the postal voters ("postal voters' ballot box"), and

(b) postal ballot papers ("postal ballot box").

(2) Each such ballot box shall be marked "postal voters' ballot box" or "postal ballot box", as the case may be, and with the name of the constituency or electoral areas for which the election is, or elections are, held.

(3) The postal ballot box shall be shown to the agents present on the occasion of opening the first postal voters' ballot box as being empty.

(4) The constituency returning officer shall then lock the ballot box and apply his seal in such manner as to prevent its being opened without breaking the seal; any of the agents present who wish to add their seals may then do likewise.

(5) The constituency returning officer shall provide the following receptacles—

(a) the receptacle for rejected votes;

(b) the receptacle for declarations of identity;

(c) the receptacle for ballot paper envelopes; and

(d) the receptacle for rejected ballot paper envelopes.

(6) The constituency returning officer shall take proper precautions for the safe custody of every ballot box and receptacle referred to in this paragraph.

Receipt of covering envelope

18.—(1) The constituency returning officer shall, immediately on receipt (whether by hand or by post) of a covering envelope (or an envelope which is stated to include a postal vote) before the close of the poll, place it unopened in a postal voters' ballot box.

(2) Where an envelope, other than a covering envelope issued by the constituency returning officer—

(a) has been opened, and

(b) contains a ballot paper envelope, declaration of identity or ballot papers,

the first-mentioned envelope together with its contents, shall be placed in a postal voters' ballot box.

Opening of postal voters' ballot box

19.—(1) Each postal voters' ballot box shall be opened by the constituency returning officer in the presence of any agents, if in attendance.

(2) So long as the constituency returning officer ensures that there is at least one sealed postal voters' ballot box for the reception of covering envelopes up to the time of the close the poll, the other postal voters' ballot boxes may previously be opened by him.

(3) The last postal voters' ballot box and the postal ballot box shall be opened at the counting of the votes under paragraph 50 of Schedule 5.

Opening of covering envelopes

20.—(1) When a postal voters' ballot box is opened, the constituency returning officer shall count and record the number of covering envelopes, and shall then open each covering envelope (including any envelope described in paragraph 18(2)) separately.

(2) The procedure in paragraph 21 applies where a covering envelope (including an envelope to which paragraph 18(2) applies) contains both—

(a) a declaration of identity, and

(b) a ballot paper envelope, or if there is no ballot envelope, a ballot paper (or ballot papers).

(3) Where the covering envelope does not contain the declaration of identity separately, the constituency returning officer shall open the ballot paper envelope to ascertain whether the declaration of identity is inside.

(4) Where a covering envelope does not contain both—

(a) a declaration of identity (whether separately or not), and

(b) a ballot paper envelope or, if there is no ballot paper envelope, a ballot paper, (or ballot papers),

the constituency returning officer shall mark the covering envelope "provisionally rejected", attach its contents (if any) and place it in the receptacle for rejected votes.

Procedure in relation to declarations of identity

21.—(1) The constituency returning officer shall satisfy himself that the declaration of identity has been duly signed by the voter and authenticated by a witness who has signed the declaration and given his name and address (referred to as a "valid declaration of identity").

(2) Where the constituency returning officer is not so satisfied, he shall mark the declaration "rejected", attach to it the ballot paper envelope, or if there is no such envelope, the ballot paper (or ballot papers), and, subject to sub-paragraph (3), place it in the receptacle for rejected votes.

(3) Before placing the declaration in the receptacle for rejected votes, the constituency returning officer shall show it to the agents and, if any of them object to his decision, he shall add the words "rejection objected to".

(4) The constituency returning officer shall then compare the number (or numbers) on the declaration of identity against the number (or numbers) on the ballot paper envelope and, where they are the same, he shall place the declaration and the ballot paper envelope respectively in the receptacle for declarations of identity and the receptacle for ballot paper envelopes.

(5) Where there is a valid declaration of identity but no ballot paper envelope, or where the envelope has been opened under paragraph 20(3), he shall place—

(a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the declaration of identity;

(b) in the receptacle for rejected votes, any other ballot paper, to which shall be attached the declaration of identity marked "provisionally rejected"; and

(c) in the receptacle for declarations of identity, any declaration of identity not disposed of under paragraph (b).

(6) Where the number (or numbers) on a valid declaration of identity is (or are) not the same as the number (or numbers) on the ballot paper envelope or where that envelope has no number on it (or only one number where the declaration of identity has more than one), the constituency returning officer shall open the envelope.

(7) Where an envelope has been opened under paragraph 20(3) or sub-paragraph (6), the constituency returning officer shall—

(a) place in the postal ballot box any ballot paper the number on which is the same the number (or one of the numbers) on the valid declaration of identity,

(b) place in the receptacle for rejected votes any other ballot paper, to which shall be attached the declaration of identity marked "provisionally rejected",

(c) place in the receptacle for rejected votes any declaration of identity marked "provisionally rejected" in respect of a ballot paper envelope—

(i) which does not contain a ballot paper, or

(ii) which does not contain a sufficient number of ballot papers if more than one number appears on the declaration,

and shall indicate the missing ballot paper, where that is the case, and

(d) place in the receptacle for declarations of identity, any such declaration not disposed of under paragraph (b) or (c).

Opening of ballot paper envelopes

22.—(1) The constituency returning officer shall open separately each ballot paper envelope placed in the receptacle for ballot paper envelopes.

(2) He shall place—

(a) in the postal ballot box, any ballot paper the number on which is the same as the number (or one of the numbers) on the ballot paper envelope,

(b) in the receptacle for rejected votes, any other ballot paper which shall be marked "provisionally rejected" and to which shall be attached the ballot paper envelope, and

(c) in the receptacle for rejected ballot paper envelopes, any ballot paper envelope which shall be marked "provisionally rejected" because it does not contain either a ballot paper or, where more than one number appears on the ballot paper envelope, a sufficient number of ballot papers (and indicating, in such a case, the missing ballot paper).

Lists of rejected postal ballot papers

23.—(1) In respect of any election, the constituency returning officer shall keep two separate lists of rejected postal ballot papers.

(2) In the first list, he shall record the ballot paper number of any postal ballot paper for which no valid declaration of identity was received with it.

(3) In the second list, he shall record the ballot paper number of any postal ballot paper which is entered on a valid declaration of identity where that ballot paper is not received with the declaration of identity.

Checking of lists kept under paragraph 23

24.—(1) Where the constituency returning officer receives a valid declaration of identity without the postal ballot paper (or papers or, as the case may be, all of the papers) to which it relates, he may, at any time prior to the close of the poll, check the list referred to in paragraph 23(2) to see whether the number (or numbers) of a postal ballot paper to which the declaration relates is entered in that list.

(2) Where the constituency returning officer receives a postal ballot paper without the declaration of identity to which it relates, he may, at any time prior to the close of the poll, check the list referred to in paragraph 23(3) to see whether the number of that ballot paper is entered in that list.

(3) The constituency returning officer shall conduct the checks required by sub-paragraphs (1) and (2) as soon as practicable after the receipt of packets from every polling station in the constituency or, as the case may be, electoral area under paragraph 48 of Schedule 5.

(4) Where the ballot paper number in the list matches that number on a valid declaration of identity or, as the case may be, the postal ballot paper, the constituency returning officer shall retrieve that declaration or paper.

(5) The constituency returning officer shall then take the appropriate steps under this Schedule as though any document earlier marked "provisionally rejected" had not been so marked and shall amend the document accordingly.

Sealing of receptacles

25.—(1) As soon as practicable after the completion of the procedure under paragraph 24(3) and (4), the constituency returning officer shall make up into separate packets the contents of—

(a) the receptacle of rejected votes,

(b) the receptacle of declarations of identity,

(c) the receptacle of rejected ballot paper envelopes, and

(d) the lists of spoilt and lost postal ballot papers,

and shall seal up such packets.

(2) Any document in those packets marked "provisionally rejected" shall be deemed to be marked "rejected".

Abandoned poll

26.—(1) Where a poll is abandoned or countermanded after postal ballot papers have been issued, by reason of the death of a candidate, the constituency returning officer—

(a) shall not take any step or further step to open covering envelopes or deal with the contents in accordance with the provisions of this Schedule, and

(b) shall, notwithstanding paragraphs 20 to 22, treat all unopened covering envelopes and the contents of those that have been opened as if they were counted ballot papers.

(2) Sub-paragraph (1) shall not apply where postal ballot papers for more than one election have been issued together under paragraph 2.

Forwarding of documents

27.—(1) The constituency returning officer shall forward to the Assembly at the same time as he forwards the documents mentioned in paragraph 62 of Schedule 5—

(a) any packets referred to in paragraphs 13, 14(6) and 25, subject to paragraph 26, endorsing on each packet a description of its contents, the date of the election to which it relates and the name of the constituency or electoral area for which the election (or elections) was (or were) held, and

(b) a completed statement in the form "Statement as to postal ballot papers" set out in English and Welsh in the Appendix of Forms, of the number of postal ballot papers issued.

(2) Where—

(a) any covering envelopes are received by the constituency returning officer after the close of the poll (apart from those delivered in accordance with paragraph 50(5A) of Schedule 5),

(b) any envelopes addressed to postal voters are returned as undelivered too late to be readdressed, or

(c) any spoilt postal ballot papers are returned too late to enable other postal ballot papers to be issued,

the constituency returning officer shall put them unopened in a separate packet, seal up such packet and endorse and forward it at a subsequent date in the manner described in sub-paragraph (1).

(3) Paragraphs 61 and 62 of Schedule 5 shall apply to any packet or document forwarded under this paragraph.

(4) A copy of the statement referred to in sub-paragraph (1)(b) shall be provided by the constituency returning officer to the Assembly.".

(14) In the Appendix of Forms—

(a) in the "Form of declaration of identity referred to in paragraph 3(a)"—

(i) at the end of note 3 in English add "Alternatively, they may be delivered to a polling station in this constituency before the close of the poll.", and

(ii) at the end of note 3 in Welsh add "Yn ôl eich dewis yn lle hynny, gellir eu trosglwyddo i orsaf bleidleisio yn yr etholaeth yma cyn i'r pleidleisio ddod i ben.";

(b) in the "Form of declaration of identity referred to in paragraph 3(b)"—

(i) at the end of note 3 in English add "Alternatively, it may be delivered to a polling station in this constituency before the close of the poll."; and

(ii) at the end of note 3 in Welsh add "Yn ôl eich dewis yn lle hynny, gellir ei drosglwyddo i orsaf bleidleisio yn yr etholaeth yma cyn i'r pleidleisio ddod i ben.";

(c) in the "Form of declaration of identity referred to in paragraph 3(c)"—

(i) at the end of note 4 in English add "Alternatively, they may be delivered to a polling station in this constituency before the close of the poll."; and

(ii) at the end of note 4 in Welsh add "Yn ôl eich dewis yn lle hynny, gellir eu trosglwyddo i orsaf bleidleisio yn yr etholaeth yma cyn i'r pleidleisio ddod i ben.";

(d) in the "Form of declaration of identity referred to in paragraph 3(d)"—

(i) at the end of note 3 in English add "Alternatively, they may be delivered to a polling station in this constituency before the close of the poll."; and

(ii) at the end of note 3 in Welsh add "Yn ôl eich dewis yn lle hynny, gellir eu trosglwyddo i orsaf bleidleisio yn yr etholaeth yma cyn i'r pleidleisio ddod i ben.";

and

(e) in the "Form of declaration of identity referred to in paragraph 3(e)"—

(i) at the end of note 3 in English add " Alternatively, they may be delivered to a polling station in this constituency before the close of the poll."; and

(ii) at the end of note 3 in Welsh add "Yn ôl eich dewis yn lle hynny, gellir eu trosglwyddo i orsaf bleidleisio yn yr etholaeth yma cyn i'r pleidleisio ddod i ben.".

Schedule 4 to the principal Order (Combination of Polls)

25.—(1) Schedule 4 to the principal Order shall be amended in accordance with this article.

(2) In the Arrangement of Paragraphs—

(a) for the words between "13" and "14" there shall be substituted "Paragraph 44 of Schedule 5 (voting by persons with disabilities)."; and

(b) for the words between "22" and "23" there shall be substituted "Appendix of forms in Schedule 5 (form of declaration to be made by the companion of a voter with disabilities).".

(3) In paragraph 13, for "blind persons" (in the heading) and "blind voters" substitute "voters with disabilities".

Schedule 5 to the principal Order (Conduct of Assembly elections etc.)

26.—(1) Schedule 5 to the principal Order shall be amended in accordance with this article.

(2) In the Arrangement of Paragraphs—

(a) for the words between "44" and "45" there shall be substituted "Voting by persons with disabilities."; and

(b) in the list of forms under the sub-heading "Appendix of Forms", for the words "Form of declaration to be made by the companion of a blind voter" there shall be substituted "Form of declaration to be made by the companion of a person with disabilities".

(3) In paragraph 4 (nomination of candidates at a constituency election), for sub-paragraph (3) substitute—

"(3) The description, if any, must consist of either—

(a) a description (of not more than six words in length) which is authorised as mentioned in paragraph 5, or

(b) the word "Independent" or, where the equivalent form of words in Welsh is prescribed by an order made under section 26(2) of the Welsh Language Act 1993(**a**) for use at an Assembly election, that form of words, as well as or in place of the word "Independent".".

(**a**) 1993 c. 38. The form of words "Annibynnol" was prescribed by article 2 of S.I. 2001/2914 (W.244) as the form of words which may be used as well as or in place of the word "Independent" at an election to the National Assembly for Wales.

(4) In paragraph 5 (nomination paper: name of registered political party)—

(a) in sub-paragraph (1), after "constituency election," insert "the party is a qualifying party in relation to the constituency and"; and

(b) after sub-paragraph (4) add—

"(4A) In the application of this paragraph and paragraph 6 in relation to an election—

(a) "registered political party" means a party which was registered under Part II of the 2000 Political Parties Act at the time by which the notice of election is required to be published by virtue of paragraph 3 ("the relevant time");

(b) a registered political party is a qualifying party in relation to an Assembly constituency if the party was at the relevant time registered in respect of Wales in the Great Britain register maintained under that Part of that Act.".

(5) In paragraph 6 (nomination of individual candidates at a regional election), for sub-paragraph (3) substitute—

"(3) The description, if any, must consist of either—

(a) a description (of not more than six words in length) which is not likely to lead voters to associate the candidate with a registered political party; or

(b) the word "Independent" or, where the equivalent form of words in Welsh is prescribed by an order made under section 26(2) of the Welsh Language Act l993 for use at an Assembly election, that form of words, as well as or in place of the word "Independent."."

(6) In paragraph 7 (nomination of party list candidates at a regional election), for sub-paragraph (2) substitute—

"(2) Each party nomination paper shall include the name of the party which has been registered under Part II of the 2000 Political Parties Act.".

(7) In paragraph 8(1) (party nomination paper: name of registered political party), for "description" substitute "name".

(8) In paragraph 16 (constituency election: publication of statement of persons nominated), after sub-paragraph (4) add—

"(5) The constituency returning officer shall send to the Electoral Commission—

(a) a copy of the statement; and

(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 paragraph 5, a copy of that certificate as well.".

(9) In paragraph 17 (regional election: publication of statement of persons nominated etc), after sub-paragraph (9) insert—

"(9A) The regional returning officer shall send to the Electoral Commission a copy of the statement.".

(10) In paragraph 34 (equipment of polling stations), after sub-paragraph (4) insert—

"(4A) The constituency returning officer shall also provide each polling station with—

(a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted; and

(b) a device (or devices) of the description set out in sub-paragraphs (4B) and (4C), for enabling voters who are blind or partially-sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of paragraph 44(1)).

(4B) The device referred to in sub-paragraph (4A)(b) must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.

(4C) On one side of the device there shall be tabs of equal size which satisfy the appropriate conditions in sub-paragraphs (4D) to (4G).

(4D) The tabs shall be capable of being positioned on the ballot paper so that each one is above one of the spaces—

(a) in the case of a constituency election, to the right of the particulars of the candidates or,

(b) in the case of a regional election, above the descriptions of the registered political parties or, as the case may be, the particulars of individual candidates,

on which the vote is to be marked ("the relevant space").

(4E) In the case of a constituency election, each tab shall be numbered so that when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate whose particulars are to the left of the relevant space covered by the tab in question.

(4F) Each number on a tab shall be in raised form so that it can be clearly identified by touch.

(4G) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to mark a cross on that space.".

(11) In paragraph 35(7) (appointment of polling and counting agents) omit all the words before "any appointment".

(12) In paragraph 36(a) (notification of requirement of secrecy), for "blind voter" substitute "voter with disabilities", and in paragraph 37(1)(e) (admission to polling station), for "blind voters" substitute "voters with disabilities".

(13) In paragraph 44 (voting by blind persons)—

(a) for the heading and sub-paragraph (1) substitute—

"**Voting by persons with disabilities**

(1) If a voter makes an application to the presiding officer to be allowed, on the ground of—

(a) blindness or other physical incapacity, or

(b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in this Schedule referred to as "the companion"), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.";

(b) in sub-paragraphs (2), (3), (4) and (8) for "blind voter" or "blind voters" (wherever occurring) substitute "voter with disabilities" or, as the case may be, "voters with disabilities"; and for "blind person" substitute "voter with disabilities"; and

(c) in sub-paragraph (3) after "For the purposes of this paragraph," insert "a person is a voter with disabilities if he has made such a declaration as is mentioned in sub-paragraph (1), and".

(14) In paragraphs 48(1)(j) and (2)(g) (procedure on close of poll), for "blind voters", wherever occurring, substitute "voters with disabilities".

(15) In paragraph 50 (the count), for sub-paragraph (5) substitute—

"(5) A postal ballot paper shall not be taken to be duly returned unless before the close of the poll—

(a) it is returned, and

(b) the declaration of identity duly signed and authenticated is returned,

by hand to a polling station in the same constituency, or by hand or by post to the constituency returning officer.

(5A) The presiding officer of the polling station shall deliver or cause to be delivered any postal ballot paper or declaration of identity returned to that polling station to the constituency returning officer in the same manner and at the same time as he delivers, or causes to be delivered, the packets referred to in paragraph 48.".

(16) In paragraphs 62(1)(e) and (2)(c) (delivery of documents to the Assembly), for "blind voters" (whenever occurring) substitute "voters with disabilities".

(17) In paragraph 69 for "the Registration of Political Parties Act 1998" substitute "Part II of the 2000 Political Parties Act".

(18) In the Appendix of Forms, in the form entitled "Form of declaration to be made by the companion of a blind voter"—

(a) for "blind person" or "blind voter" (wherever occurring) substitute "voter with disabilities";

(b) for "person dall" and "bleidleisiwr dall" substitute "pleidleisiwr anabl" and "bleidleisiwr anabl" respectively;

(c) after the words "guilty of an offence" add the following note—

"A voter with disabilities is a voter who has made a declaration under Schedule 5 to the National Assembly for Wales (Representation of the People) Order 1999 that he is so incapacitated by his blindness or other disability, or by his inability to read, as to be unable to vote without assistance."; and

(d) after the words "bydd yn euog o drosedd", add the following note—

"Pleidleisiwr anabl yw pleidleisiwr sydd wedi datgan dan Atodlen 5 i Orchymyn Cynulliad Cenedlaethol Cymru (Cynrychiolaeth y Bobl) 1999 nad yw'n gallu pleidleisio heb gymorth am ei fod yn anabl drwy ei ddallineb neu drwy anabledd arall, neu o achos anallu i ddarllen.".

Schedule 6 to the principal Order (returns and declarations as to election expenses)

27. In Schedule 6 to the principal Order the following forms shall be omitted—

(a) Form of return referred to in article 45(2),

(b) Form of declaration referred to in article 45(2),

(c) Form of return referred to in article 55(1),

(d) Form of declaration referred to in article 57(1), and

(e) Form of declaration referred to in article 57(2).

Paul Murphy

25th March 2002 — Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the National Assembly for Wales (Representation of the People) Order 1999 ("the 1999 Order"). The amendments are needed as a consequence of changes made by the Representation of the People Act 2000, the Political Parties, Elections and Referendums Act 2000 and the Representation of the People (England and Wales) Regulations 2001.

Among the changes made to the 1999 Order are those resulting from the introduction by the Representation of the People Act 2000 of a new system of "rolling registration". Under this system the register of local government electors continues in force indefinitely (although revised versions of it will be produced at least once a year). This contrasts with the previous system under which the Register remained in force for one year and was compiled by reference to residence on a qualifying date.

As eligibility to vote at elections for membership of the National Assembly for Wales depends on registration in the register of local government electors, amendment of the 1999 Order is necessary to reflect, and take account of, the changes made by the recent primary and subordinate legislation.

The main changes made to the 1999 Order concern—

(a) absent voting (articles 7, 8 and 23);
(b) voting by proxy (articles 9 and 10);
(c) the effect of registration (article 11);
(d) voters with disabilities (articles 13, 25 and 26);
(e) expenses of political parties (article 16);
(f) issue and receipt of postal ballot papers (article 24);
(g) changes to Schedule 5 to the 1999 Order (conduct of Assembly elections and return of Assembly members) (article 26).

The changes made by this Order are intended to align the registration and voting procedures at elections for membership of the National Assembly for Wales with election for membership of the House of Commons and at local government elections.

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