

Status: Point in time view as at 12/11/2009.

Changes to legislation: Government of Wales Act 2006, SCHEDULE 6 is up to date with all changes known to be in force on or before 16 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 103

REFERENDUMS ON COMMENCEMENT OF ASSEMBLY ACT PROVISIONS

Entitlement to vote

- 1 (1) The persons entitled to vote in a referendum held by virtue of section 103(1) are those who would be entitled to vote in a general election of Assembly members if one were held on the date of the poll at the referendum (as to which see section 12).
- (2) But an Order in Council under section 103(1) may include provision for disregarding alterations made in a register of electors after a specified date.

Commencement Information

- II** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Conduct etc. of referendum

- 2 (1) An Order in Council under section 103(1) may make provision for and in connection with the referendum which it causes to be held.
- (2) Such an Order in Council may, in particular, apply or incorporate, with or without modification, any enactment relating to referendums, elections or donations.
- (3) In sub-paragraph (2) "donations" means anything which is or corresponds to a donation within the meaning of Part 4 of the Political Parties, Elections and Referendums Act 2000 (c. 41).

Commencement Information

- II** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Referendum question and statement

- 3 (1) An Order in Council under section 103(1)—
 - (a) must specify the question to be included on the ballot paper at the referendum which it causes to be held, and
 - (b) may specify a statement to precede the question on that ballot paper.
- (2) A question or statement specified by virtue of sub-paragraph (1) must be specified in both English and Welsh.
- (3) The Secretary of State must, no later than the time at which paragraph (b) of section 104(4) of the Political Parties, Elections and Referendums Act 2000 (report

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stating views as to intelligibility of referendum question expressed by Electoral Commission) is complied with, send to the First Minister a copy of the report laid before Parliament under that paragraph.

- (4) As soon as is reasonably practicable after the First Minister receives a copy of a report under sub-paragraph (3) the First Minister must lay a copy of the report before the Assembly.

Commencement Information

I3 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Date of referendum

- 4 (1) An Order in Council under section 103(1) must specify the date of the poll at the referendum which it causes to be held.
- (2) The Secretary of State may by order vary the date of the poll specified in such an Order in Council (including a date previously set by virtue of this sub-paragraph) if it appears inappropriate for it to be held on that date.
- (3) No order may be made under sub-paragraph (2) without the consent of the Welsh Ministers.
- (4) A statutory instrument containing an order under sub-paragraph (2) is subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement Information

I4 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Referendum period

- 5 An Order in Council under section 103(1) must determine the referendum period for the purposes of Part 7 of the Political Parties, Elections and Referendums Act 2000 in the case of the referendum which it causes to be held.

Commencement Information

I5 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Combination of polls

- 6 An Order in Council under section 103(1) may make provision for and in connection with the combination of the poll at the referendum which it causes to be held with that at an election or at another referendum (or both).

Commencement Information

I6 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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Encouraging voting

- 7 An Order in Council under section 103(1) may authorise or require the Electoral Commission to do things for the purpose of encouraging voting in the referendum which it causes to be held (including imposing obligations or conferring powers on counting officers or other persons).

Commencement Information

- I7** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Provision of information to voters

- 8 (1) This paragraph applies in relation to a referendum held by virtue of section 103(1) if the Electoral Commission have not, before the appropriate day, designated an organisation under section 108 of the Political Parties, Elections and Referendums Act 2000 (c. 41) (organisations to whom assistance is available under section 110 of that Act) in relation to each possible outcome of the referendum.
- (2) The Electoral Commission may take such steps as they think appropriate to provide such information for persons entitled to vote in the referendum as the Commission think is likely to promote awareness among those persons about the arguments for each answer to the referendum question.
- (3) Information provided in pursuance of sub-paragraph (2) must be provided by whatever means the Electoral Commission think is most likely to secure (in the most cost-effective way) that the information comes to the notice of everyone entitled to vote in the referendum.
- (4) In this paragraph "the appropriate day" means—
- (a) if an order is made under section 109(6) of the Political Parties, Elections and Referendums Act 2000 (variation of period for applications for designation under section 108 or period for determination of applications or both) in the case of the referendum, such day as that order specifies as the appropriate day,
 - (b) if no such order is made and one or more applications are made in relation to each possible outcome of the referendum before the 29th day of the referendum period, the 43rd day of the referendum period, and
 - (c) in any other case in which no such order is made, the 29th day of the referendum period.

Commencement Information

- I8** This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Referendum material

- 9 Section 126 of the Political Parties, Elections and Referendums Act 2000 (details to appear on referendum material) does not apply to any material published for the purposes of a referendum held by virtue of section 103(1) if the publication is required under or by virtue of the Order in Council that causes the referendum to be held.

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Commencement Information

I9 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Funding and accounts

- 10 An Order in Council under section 103(1) must include provision for the funding of costs of the referendum which it causes to be held (and may, in particular, include provision for the costs to be charged on, or payable out of, the Welsh Consolidated Fund).

Commencement Information

I10 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

- 11 An Order in Council under section 103(1) must include provision as to the preparation and audit of accounts relating to payments made by virtue of provision included in the Order in Council under paragraph 10.

Commencement Information

I11 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

No legal challenge to referendum result

- 12 (1) No court may entertain any proceedings for questioning the number of ballot papers counted or votes cast in a referendum held by virtue of section 103(1) as certified by the Chief Counting Officer or a counting officer unless—
- (a) the proceedings are brought by a claim for judicial review, and
 - (b) the claim form is filed before the end of the permitted period.
- (2) In sub-paragraph (1) "the permitted period" means the period of six weeks beginning with—
- (a) the date on which the Chief Counting Officer or counting officer gives a certificate as to the number of ballot papers counted and votes cast in the referendum, or
 - (b) if the Chief Counting Officer or counting officer gives more than one such certificate, the date on which the last is given.

Commencement Information

I12 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Supplementary

- 13 An Order in Council under section 103(1) may include provision creating criminal offences.

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Commencement Information

I13 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

Interpretation

14 Expressions used in this Schedule and in Part 7 of the Political Parties, Elections and Referendums Act 2000 (c. 41) have the same meaning in this Schedule as in that Part.

Commencement Information

I14 This provision in force immediately after "the 2007 election" by s. 161(1) (subject to s. 161(4)(5))

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