
STATUTORY INSTRUMENTS

2007 No. 236

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

PART 3

The election campaign

Printer's name and address on election publications

76.—(1) This article applies to any material which can reasonably be regarded as intended to promote or procure a particular result at an Assembly election (whether or not it can be so regarded as intended to achieve any other purpose as well).

(2) No material to which this article applies shall be published unless—

- (a) in the case of material which is, or is contained in, such a document as is mentioned in paragraph (4), (5) or (6), the requirements of the relevant paragraph are complied with; or
- (b) in the case of any other material, any requirements falling to be complied with in relation to the material by virtue of regulations under paragraph (7) are complied with.

(3) For the purposes of paragraphs (4) to (6), the following details are “the relevant details” in the case of any material falling within paragraph (2)(a), namely—

- (a) the name and address of the printer of the document;
- (b) the name and address of the promoter of the material; and
- (c) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

(4) Where the material is a document consisting (or consisting principally) of a single side of printed matter, the relevant details must appear on the face of the document.

(5) Where the material is a printed document other than one to which paragraph (4) applies, the relevant details must appear either on the first or the last page of the document.

(6) Where the material is an advertisement contained in a newspaper or periodical—

- (a) the name and address of the printer of the newspaper or periodical must appear either on its first or last page; and
- (b) the relevant details specified in paragraph(3)(b) and (c) must be included in the advertisement.

(7) The Secretary of State may, after consulting the Commission, by regulations make provision for and in connection with the imposition of requirements as to the inclusion in material falling within paragraph (2)(b) of the following details, namely—

- (a) the name and address of the promoter of the material; and
- (b) the name and address of any person on behalf of whom the material is being published (and who is not the promoter).

(8) Regulations under paragraph (7) may in particular specify—

- (a) the manner and form in which such details must be included in any such material for the purpose of complying with any such requirement;
- (b) circumstances in which—
 - (i) any such requirement does not have to be complied with by any person of any description specified in the regulations; or
 - (ii) a breach of any such requirement by a person of any description so specified is not to result in the commission of an offence under this article by that person or by a person of any other description;
- (c) circumstances in which material is, or is not, to be taken for the purposes of the regulations to be published or, as the case may be, published by a person of any description so specified.

(9) Where any material within paragraph (2)(a) is published in contravention of paragraph (2), then, subject to paragraphs (11) and (12)—

- (a) the promoter of the material;
- (b) any other person by whom the material is so published; and
- (c) the printer of the document,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(10) Where any material falling within paragraph (2)(b) is published in contravention of paragraph (2), then, subject to regulations made by virtue of paragraph (8)(b) and to paragraphs (11) and (12)—

- (a) the promoter of the material; and
- (b) any other person by whom the material is so published,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(11) It shall be a defence for a person charged with an offence under this article to prove that—

- (a) the contravention of paragraph (2) arose from circumstances beyond his reasonable control; and
- (b) he took all reasonable steps, and exercised due diligence, to ensure that the contravention would not arise.

(12) Where—

- (a) a constituency or individual candidate or his election agent; or
- (b) a party list candidate or the election agent of the registered political party in relation to that party's list,

would (apart from this paragraph) be guilty of an offence under paragraph (9) or (10), he shall instead be guilty of an illegal practice.

(13) The power to make regulations under paragraph (7) shall be—

- (a) exercisable by statutory instrument; and
- (b) subject to annulment in pursuance of a resolution of either House of Parliament,

and for the purpose of section 1 of the Statutory Instruments Act 1946⁽¹⁾ this provision shall have effect as if contained in an Act of Parliament.

(14) For the purpose of determining whether any material is such material as is mentioned in paragraph (1), it is immaterial that it does not expressly mention the name of any candidate.

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

(15) In this article—

“print” means print by whatever means, and “printer” shall be construed accordingly;

“the promoter” in relation to any material to which this article applies, means the person causing the material to be published; and

“publish” means to make available to the public at large, or any section of the public, in whatever form or by whatever means.