
WELSH STATUTORY INSTRUMENTS

2020 No. 1558 (W. 329)

CONSTITUTIONAL LAW
REPRESENTATION OF THE PEOPLE, WALES

The Senedd Cymru (Representation of
the People) (Amendment) Order 2020

Made - - - - 16 December 2020

Coming into force - - 17 December 2020

The Welsh Ministers make this Order in exercise of the powers conferred on them by sections 13(1), 13(2) and 157(2)(c) of the Government of Wales Act 2006⁽¹⁾ as extended by section 26(3) of the Welsh Language Act 1993⁽²⁾.

In accordance with section 7(1) and (2)(f) of the Political Parties, Elections and Referendums Act 2000⁽³⁾, the Welsh Ministers have consulted with the Electoral Commission prior to it being made.

In accordance with section 13(7) of the Government of Wales Act 2006, a draft of this instrument has been laid before and approved by a resolution of Senedd Cymru.

PART 1

General

Title, commencement, interpretation and application

1.—(1) The title of this Order is the Senedd Cymru (Representation of the People) (Amendment) Order 2020.

(2) This Order comes into force on 17 December 2020 but articles 3 to 65 only have effect for the purpose of a Senedd Cymru election at which the poll is held on or after 5 April 2021.

(3) In this Order, “the 2007 Order” means the National Assembly for Wales (Representation of the People) Order 2007⁽⁴⁾.

(1) 2006 c. 32. Section 13 was substituted by section 5(1) of the Wales Act 2017 (c. 4) and subsequently amended by the Senedd and Elections (Wales) Act 2020 (anaw 1).

(2) 1993 c. 38.

(3) 2000 c. 41; subsection (2)(f) was substituted by S.I. 2007/1388 and subsequently amended by the Wales Act 2017 (c. 4).

(4) S.I. 2007/236. This Order has been amended by S.I. 2009/1182; S.I. 2010/1142 (W. 101); S.I. 2010/2931; S.I. 2011/1441; S.I. 2011/2085; S.I. 2012/1479; S.I. 2013/388; S.I. 2013/591; S.I. 2015/664; S.I. 2016/272; S.I. 2016/292; section 3 of the Wales Act 2014 (c. 29) and section 27 of the Senedd and Elections (Wales) Act 2020 (anaw 1).

Amendment of the 2007 Order

2. The 2007 Order is amended in accordance with articles 3 to 65.

PART 2

Renaming of the National Assembly for Wales

Change of the name of the National Assembly for Wales

- 3.—(1) Article 2(1) (interpretation) is amended as follows.
 - (2) Omit the definition of “the Assembly”.
 - (3) In the appropriate place, insert—

““Senedd Cymru” means Senedd Cymru constituted by the 2006 Act;”.
4. Schedule 10 (appendix of forms) is amended as follows, and such amendments are made to both the Welsh and English language text of the forms.
5. In form CA (form of proxy paper)—
 - (a) for “the National Assembly for Wales” substitute “Senedd Cymru”;
 - (b) for “Assembly election(s)” substitute “Senedd Cymru election(s)”;
 - (c) for “any Assembly election”, in each place it occurs substitute “any Senedd Cymru election”;
 - (d) for “an Assembly election”, in each place it occurs substitute “a Senedd Cymru election”;
 - (e) for “Assembly elections”, in each place it occurs substitute “Senedd Cymru elections”;
 - (f) for the words from “at an Assembly general election” to “Assembly electoral region” substitute—

“at a Senedd Cymru general election in the same Senedd Cymru constituency or constituencies in the same Senedd Cymru electoral region”.
6. In form CB (form of certificate of employment), for “the National Assembly for Wales” substitute “Senedd Cymru”.
7. In forms CC1, CC2 and CC3 (form of postal voting statement)—
 - (a) for “the National Assembly for Wales”, in each place it occurs substitute “Senedd Cymru”;
 - (b) for “National Assembly constituency members” substitute “Senedd Cymru constituency members”;
 - (c) for “National Assembly regional members” substitute “Senedd Cymru regional members”.
8. In form CD (statement as to postal ballot papers)—
 - (a) for “Election to the National Assembly for Wales” substitute “Election to Senedd Cymru”;
 - (b) for “Assembly Constituency” substitute “Senedd Cymru Constituency”.
9. In form CE (form of nomination paper: constituency election), for “the National Assembly for Wales” in the heading to the form substitute “Senedd Cymru”.
10. In form CF (form of certificate referred to in rule 5(1)), for “Assembly Constituency” substitute “Senedd Cymru Constituency”.
11. In form CG (form of certificate referred to in rule 5(3)), for “Assembly Constituency” substitute “Senedd Cymru Constituency”.

12. In form CH (form of individual nomination paper: regional election), for “the National Assembly for Wales” in the heading to the form substitute “Senedd Cymru”.

13. In form CI (form of party nomination paper: regional election), for “the National Assembly for Wales” in the heading to the form substitute “Senedd Cymru”.

14. In form CK (constituency ballot paper)—

- (a) for “National Assembly for Wales” substitute “Senedd Cymru”;
- (b) for “Assembly Member” substitute “Member of the Senedd”.

15. In form CK1 (directions as to printing the ballot paper: constituency election)—

- (a) for “National Assembly for Wales election” substitute “Senedd Cymru election”;
- (b) for “Assembly member” substitute “Member of the Senedd”.

16. In form CL (regional ballot paper)—

- (a) for “National Assembly for Wales election” substitute “Senedd Cymru election”;
- (b) for “Assembly Member” substitute “Member of the Senedd”;
- (c) for “Assembly constituency” substitute “Senedd Cymru constituency”.

17. In form CL1 (directions as to printing the ballot paper: regional election)—

- (a) for “National Assembly for Wales election” substitute “Senedd Cymru election”;
- (b) for “Assembly member” substitute “Member of the Senedd”;
- (c) for “Assembly constituency” substitute “Senedd Cymru constituency”.

18. In form CM (form of corresponding number list), for “The National Assembly for Wales” substitute “Senedd Cymru”.

19. In form CM1 (form of corresponding number list for combined polls), for “the National Assembly of Wales” substitute “Senedd Cymru”.

20. In form CN1 (elector’s form of poll card), for “the National Assembly for Wales” substitute “Senedd Cymru”.

21. In form CN2 (proxy’s form of poll card), for “the National Assembly for Wales” substitute “Senedd Cymru”.

22. In form CN3 (postal voter’s form of poll card), for “the National Assembly for Wales” substitute “Senedd Cymru”.

23. In form CN4 (postal proxy’s form of poll card), for “the National Assembly for Wales” substitute “Senedd Cymru”.

24. In form CO (form of corresponding number list for use by presiding officers in polling stations), for “The National Assembly for Wales” substitute “Senedd Cymru”.

25. In form CO1 (combined form of corresponding number list for use by presiding officers in polling stations), for “the National Assembly of Wales” substitute “Senedd Cymru”.

26. In form CQ (form of declaration to be made by the companion of a voter with disabilities), for “the National Assembly for Wales” substitute “Senedd Cymru”.

27. In form CQ1 (form of declaration to be made by the companion of a voter with disabilities), for “the National Assembly for Wales”, in each place it occurs substitute “Senedd Cymru”.

28. In form CR (form of certificate declaring candidate to be returned at a constituency election)

- (a) for “The National Assembly for Wales” in the heading to the form substitute “Senedd Cymru”;
 - (b) for “an Assembly constituency” substitute “a Senedd Cymru constituency”;
 - (c) for “the National Assembly for Wales” substitute “Senedd Cymru”.
- 29.** In form CS (form of certificate declaring candidates to be returned at a regional election)—
- (a) for “The National Assembly for Wales” in the heading to the form substitute “Senedd Cymru”;
 - (b) for “an Assembly electoral region” substitute “a Senedd Cymru electoral region”;
 - (c) for “the National Assembly for Wales” substitute “Senedd Cymru”.
- 30.** In form CT (form of certificate: electoral region; seat to remain vacant until next Assembly general election)—
- (a) for “The National Assembly for Wales” in the heading to the form substitute “Senedd Cymru”;
 - (b) for “an Assembly electoral region” substitute “a Senedd Cymru electoral region”;
 - (c) for “Assembly general election” substitute “Senedd Cymru general election”;
 - (d) for “the National Assembly for Wales” substitute “Senedd Cymru”.
- 31.** In form CU (form of return: expenses incurred in support of a candidate)—
- (a) for “The National Assembly for Wales” in the heading to the form substitute “Senedd Cymru”;
 - (b) for “Assembly constituency” substitute “Senedd Cymru constituency”;
 - (c) for “Assembly electoral region” substitute “Senedd Cymru electoral region”.
- 32.** In form CV (form of declaration: expenses incurred in support of a candidate)—
- (a) for “The National Assembly for Wales” in the heading to the form substitute “Senedd Cymru”;
 - (b) for “Assembly constituency” substitute “Senedd Cymru constituency”;
 - (c) for “Assembly electoral region” substitute “Senedd Cymru electoral region”.
- 33.** In form CW (return of candidate’s election expenses)—
- (a) for “the National Assembly for Wales” in the heading to the form substitute “Senedd Cymru”;
 - (b) for “Assembly electoral region” substitute “Senedd Cymru electoral region”.
- 34.** In form CX (form of declaration by constituency or individual candidate as to election expenses)—
- (a) for “The National Assembly for Wales” in the heading to the form substitute “Senedd Cymru”;
 - (b) for “Assembly constituency” substitute “Senedd Cymru constituency”;
 - (c) for “Assembly electoral region” substitute “Senedd Cymru electoral region”.
- 35.** In form CY (form of declaration by party list candidates as to election expenses)—
- (a) for “the National Assembly for Wales” in the heading to the form substitute “Senedd Cymru”;
 - (b) for “Assembly electoral region” substitute “Senedd Cymru electoral region”.

PART 3

Extension of the right to vote

Amendment of article 14 (offences)

36. In paragraph 1 of article 14, after “A person who” insert “has attained voting age and”.

Amendment of Schedule 1 (absent voting at Senedd Cymru elections)

37.—(1) Schedule 1 (absent voting at Senedd Cymru(5) elections) is amended as follows.

(2) In paragraph 1(9)—

- (a) at the end of paragraph (c), omit “and”;
- (b) at the end of paragraph (d), omit “.” and insert “; and”;
- (c) after paragraph (d) insert—

“(e) in the case of a person who is, or has been, a child looked after by a local authority, the address at which they are resident or the address shown on the declaration of local connection in accordance with section 7B(3)(d) of the 1983 Act.”

(3) In paragraph 5(2)(a)(i), for “18” substitute “16”.

(4) In paragraph 5(4)(a), for “18” substitute “16”.

(5) In paragraph 6A(4)(b)(i), for “18” substitute “16”.

(6) In paragraph 6A(6)(b)(ii), for “18” substitute “16”.

(7) After paragraph 14 (conditions on the use, supply and inspection of absent voter records or lists) insert—

“Protection of information about persons aged under 16

14A.—(1) A young person’s information (other than any information by which the person’s date of birth may be ascertained) may be disclosed in a version or copy of an absent voters record or list supplied in accordance with the relevant provisions of this Order in relation to Senedd Cymru elections, but only so far as it is necessary to do so for the purposes of or in connection with an election at which the young person will be entitled to vote.

(2) Save for paragraph 14A(1), a registration officer must not publish, supply or otherwise disclose a young person’s information, except in accordance with section 25, or regulations made under section 26 of the Senedd and Elections (Wales) Act 2020.

(3) In this paragraph—

- (i) “young person’s information” is to be construed in accordance with section 24(2) of the Senedd and Elections (Wales) Act 2020, and
- (ii) “absent voters record or list” is to be construed in accordance with section 24(2) of the Senedd and Elections (Wales) Act 2020 and also includes the records kept under articles 8(9) and 12(13) of this Order.”

Amendment of Schedule 5 (Senedd Cymru election rules)

38. In Schedule 5 (Senedd Cymru election rules)—

(5) References in the 2007 Order to the National Assembly for Wales now have effect as references to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

- (a) in rule 41(1)(b), for “18” substitute “16”;
- (b) in rule 41(2), for “18” substitute “16”;
- (c) in rule 48(3)(b), for “18” substitute “16”.

Amendment of Schedule 10 (appendix of forms)

39. Schedule 10 (appendix of forms) is amended as follows.

40. In form CA (form of proxy paper)—

- (a) for “18” substitute “16”;
- (b) after “Republic of Ireland,” insert “a qualifying foreign citizen”.

41. In form CQ (form of declaration to be made by the companion of a voter with disabilities), for “18” substitute “16”.

42. In form CQ1 (form of declaration to be made by the companion of a voter with disabilities), for “18” substitute “16”.

PART 4

Disqualification

Amendment of article 34 (false statements in nomination papers etc)

43. In article 34(5)—

- (a) omit sub-paragraphs (a), (b) and (c);
- (b) after “a statement that” insert “to the best of their knowledge and belief they are not disqualified from being elected under section 16(A1) of the 2006 Act (disqualification from being a Member of the Senedd).”

Amendment of Schedule 5 (Senedd Cymru election rules)

44.—(1) Schedule 5 (Senedd Cymru election rules) is amended as follows.

(2) In rule 9—

- (a) in paragraph (4)(c)—
 - (i) omit paragraph (i) and (ii);
 - (ii) after “shall state” insert “to the best of their knowledge and belief they are not disqualified from being elected under section 16(A1) of the 2006 Act (disqualification from being a Member of the Senedd)”;
- (b) omit paragraph (7).

(3) In rule 13—

- (a) in paragraph (2)—
 - (i) in sub-paragraph (c), for “by the Representation of the People Act 1981” substitute “under section 16(A1) of the 2006 Act from being a Member of the Senedd and from being a candidate to be a Member of the Senedd”;
 - (ii) in sub-paragraph (d), for “section 5(6) of the 1998 Act” substitute “section 7(6) of the 2006 Act”;

(iii) in sub-paragraph (e), for “section 4(7) of the 1998 Act” substitute “section 7(1) of the 2006 Act”;

(b) omit paragraph (8).

(4) In rule 14(4)(b), for “by the Representation of the People Act 1981” substitute “under section 16(A1) of the 2006 Act from being a Member of the Senedd and from being a candidate to be a Member of the Senedd”.

(5) Omit rule 19.

PART 5

Withholding of candidate’s home address

Amendment of article 37 (appointment of election agent)

45.—(1) Article 37 (appointment of election agent) is amended as follows.

(2) In paragraph (9), after “agent” insert “who is not also a candidate”.

(3) After paragraph (9) insert—

“(10) Upon the name and address of an election agent who is also a candidate being declared to the returning officer—

(a) the appropriate returning officer must give public notice of that name, and save where the agent has requested on a home address form not to make their home address public, the address. If the address is not to be made public, the constituency or country will be released, as required by Schedule 5 to this Order;

(b) in the case of the regional election, the regional returning officer must give notice to the constituency returning officer for each Senedd Cymru constituency in the Senedd Cymru electoral region of the name, and save where the agent has requested on a home address form not to make their home address public, the address. If the address is not to be made public, the constituency or country will be released, as required by Schedule 5 to this Order.”

Amendment of Schedule 5 (Senedd Cymru election rules)

46.—(1) Schedule 5 (Senedd Cymru election rules) is amended as follows.

(2) In rule 4 (nomination of candidates at a constituency election)—

(a) in paragraph (2)—

(i) in sub-paragraph (a), after “names;” insert “and”;

(ii) omit sub-paragraph (b);

(b) after paragraph (4) insert—

“(4A) The constituency nomination paper must be accompanied by a form (in this Schedule referred to as the “home address form”) which states the candidate’s—

(a) full names; and

(b) home address in full.

(4B) The home address form as set out in form CZ in Schedule 10—

(a) may contain a statement made and signed by the candidate that the candidate requires their home address not to be made public; and

- (b) if it does so, must—
 - (i) state the constituency within which that address is situated; or
 - (ii) where the candidate’s home address is outside the United Kingdom, state the country in which it is situated.
- (4C) Where a home address form has been completed and returned with the constituency nomination paper and the candidate has requested that their home address not be made public, the information as provided in paragraph (4B)(b) only will appear on the statement of persons nominated and the ballot paper.”;
- (c) after paragraph (6) insert—
 - (a) “(7) During ordinary office hours on any day, after the latest time for delivery of constituency nomination papers and before the date of the poll, the following persons may inspect the home address form of a candidate (“candidate A”)—
 - (i) a person standing nominated as a candidate (“candidate B”) in the same constituency as candidate A;
 - (ii) the election agent or subscriber of candidate B; or
 - (iii) where candidate B is acting as their own election agent, any person nominated by candidate B;
 - (b) where a person has been nominated by more than one constituency nomination paper, the reference to the subscriber in sub-paragraph (a)(ii) is a reference to—
 - (i) the subscriber on the nomination paper that the candidate may select; or
 - (ii) in the absence of such a selection, the nomination paper which was first delivered in accordance with rule 4(1);
 - (c) nothing in this rule permits any person to take a copy of, or extracts from, any home address form;
 - (d) the returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.
 - (a) (8) The returning officer must destroy each candidate’s home address form—
 - (i) on the next day following the 35th day after the officer has returned the name of the Member elected; or
 - (ii) if an election petition questioning the election or return is presented before that day, as soon as is practicable following the conclusion of proceedings on the petition or on appeal from such proceedings;
 - (b) for the purposes of sub-paragraph (a), any day falling within rule 2 must be disregarded.”
- (3) Rule 6 (nomination of individual candidates at a regional election) is amended as follows.
 - (a) in paragraph (2)—
 - (i) in sub-paragraph (a), after “names;” insert “and”;
 - (ii) omit sub-paragraph (b);
 - (b) after paragraph (4) insert—
 - “(4A) The individual nomination paper must be accompanied by a form (in this Schedule referred to as the “home address form”) which states the candidate’s—

- (a) full names; and
 - (b) home address in full.
- (4B) The home address form as set out in form CZ in Schedule 10—
- (a) may contain a statement made and signed by the candidate that the candidate requires their home address not to be made public; and
 - (b) if it does so, must—
 - (i) state the constituency within which that address is situated; or
 - (ii) where the candidate’s home address is outside the United Kingdom, state the country in which it is situated.
- (4C) Where a home address form has been completed and returned with the regional nomination paper and the candidate has requested that their home address not be made public, the information as provided in paragraph (4B)(b) only will appear on the statement of persons nominated and the ballot paper.”;
- (c) after paragraph (5) insert—
- (a) “(6) During ordinary office hours on any day, after the latest time for delivery of regional nomination papers and before the date of the poll, the following persons may inspect the home address form of a candidate (“candidate A”)—
 - (i) a person standing nominated as a candidate (“candidate B”) in the same region as candidate A;
 - (ii) the election agent or subscriber of candidate B; or
 - (iii) where candidate B is acting as their own election agent, any person nominated by candidate B;
 - (b) where a person has been nominated by more than one regional nomination paper, the reference to the subscriber in sub-paragraph (a)(ii) is a reference to—
 - (i) the subscriber on the nomination paper that the candidate may select; or
 - (ii) in the absence of such a selection, to the nomination paper which was first delivered in accordance with rule 4(1);
 - (c) nothing in this rule permits any person to take a copy of, or extracts from, any home address form;
 - (d) the returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.
- (a) (7) The returning officer must destroy each candidate’s home address form—
- (i) on the next day following the 35th day after the officer has returned the name of the member elected; or
 - (ii) if an election petition questioning the election or return is presented before that day, as soon as is practicable following the conclusion of proceedings on the petition or on appeal from such proceedings;
- (b) for the purposes of sub-paragraph (a), any day falling within rule 2 must be disregarded.”
- (4) Rule 7 (nomination of parties and party list candidates at a regional election) is amended as follows.
- (a) In paragraph (4)—

- (i) in sub-paragraph (a), omit “and”;
 - (ii) omit sub-paragraph (b).
- (b) After paragraph (6) insert—
- “(6A) The party nomination paper must be accompanied by a form (in this Schedule referred to as the “home address form”), in respect of each party list candidate, which states the candidate’s—
- (a) full names; and
 - (b) home address in full.
- (6B) The home address form as set out in form CZ in Schedule 10—
- (a) may contain a statement made and signed by the candidate that the candidate requires their home address not to be made public; and
 - (b) if it does so, must—
 - (i) state the constituency within which that address is situated; or
 - (ii) where the candidate’s home address is outside the United Kingdom, state the country in which it is situated.
- (6C) Where a home address form has been completed and returned with the party nomination paper and the candidate has requested that their home address not be made public, the information as provided in paragraph (6B)(b) only will appear on the statement of persons nominated and the ballot paper.”
- (c) After paragraph (7) insert—
- “(8) During ordinary office hours on any day, after the latest time for delivery of a party nomination paper and before the date of the poll, the following persons may inspect the home address form of a candidate (“candidate A”)—
- (i) a person standing nominated as a candidate (“candidate B”) in the same region as candidate A;
 - (ii) the election agent or subscriber of candidate B; or
 - (iii) where candidate B is acting as their own election agent, any person nominated by candidate B;
- (b) where a person has been nominated by more than one party nomination paper, the reference to the subscriber in sub-paragraph (a)(ii) is a reference to—
- (i) the subscriber on the nomination paper that the candidate may select; or
 - (ii) in the absence of such a selection, the nomination paper which was first delivered in accordance with rule 4(1);
- (c) nothing in this rule permits any person to take a copy of, or extracts from, any home address form;
- (d) the returning officer must not permit a home address form to be inspected otherwise than in accordance with this rule, or for some other purpose authorised by law.
- (9) The returning officer must destroy each candidate’s home address form—
- (i) on the next day following the 35th day after the officer has returned the name of the member elected; or
 - (ii) if an election petition questioning the election or return is presented before that day, as soon as is practicable following the conclusion of proceedings on the petition or on appeal from such proceedings;

(b) for the purposes of sub-paragraph (a), any day falling within rule 2 must be disregarded.”

(5) In paragraph (2) of rule 16 (constituency election: publication of statement of persons nominated), after “addresses” insert “, or such relevant information as provided in the home address form”.

(6) In paragraph (3)(a) of rule 17 (regional election: publication of statement of parties and other persons nominated), after “addresses” insert “, or such relevant information as provided in the home address form”.

(7) In paragraph (3)(a) of rule 24 (the ballot paper at a constituency election), after “nominated” insert “(but must not contain a candidate’s home address where a candidate has completed a home address form and requested that their address not be made public)”.

(8) In paragraph (3)(a) of rule 25 (the ballot paper at a regional election), after “nominated” insert “(but must not contain a candidate’s home address where a candidate has completed a home address form and requested that their address not be made public)”.

Amendment of Schedule 10 (appendix of forms)

47. Schedule 10 (appendix of forms) is amended as follows.

48. Form CE (form of nomination paper: constituency election) is amended as follows.

- (a) Omit the 6th column of the table entitled “Home address in full (please also include telephone number)”;
- (b) insert “Subscriber” before “Signed”, “Name” and “Address” in the signatory clause of the form.

49. Form CH (form of individual nomination paper: regional election) is amended as follows.

- (a) Omit the 6th column of the table entitled “Home address in full (please also include telephone number)”;
- (b) insert “Subscriber” before “Signed”, “Name” and “Address” in the signatory clause of the form.

50. Form CI (form of party nomination paper: regional election) is amended as follows.

- (a) Omit the 5th column of the table entitled “Home address in full (please also include telephone number)”;
- (b) insert “Subscriber” before “Signed”, “Name” and “Address” in the signatory clause of the form.

51. In form CK (constituency ballot paper), after “Schedule 5” insert “and rule 24(3)(a) (the ballot paper at a constituency election) provides that the candidate’s home address be omitted from the Ballot paper where the candidate has completed a home address form requesting that their home address not be disclosed”.

52. After form CY insert the form in the Schedule to this Order.

PART 6

Returning officers’ charges

Returning officers’ charges

53.—(1) Article 23 (payments by and to returning officer) is amended as follows.

(2) For paragraph (1) substitute—

“(1) A constituency or a regional returning officer is entitled to recover their charges in respect of expenses incurred for, or in connection with, a Senedd Cymru election where such expenses were necessarily incurred, for the efficient and effective conduct of the election.”

(3) After paragraph (1), insert—

“(1A) Subject to article 23A, a constituency or a regional returning officer is entitled to recover on behalf of electoral administrators charges in respect of services rendered for, or in connection with, a Senedd Cymru election where such charges were necessarily incurred for the efficient and effective conduct of the election.

(1B) In the case of a constituency returning officer, paragraphs (1) and (1A) apply to services rendered or expenses incurred for, or in connection with, a constituency or a regional election.

(1C) For the purpose of paragraph (1A), the “electoral administrators” include—

- (a) a constituency or regional returning officer appointed under article 18;
- (b) a deputy constituency or regional returning officer appointed under article 20;
- (c) officers of councils responsible for the carrying out of functions related to a Senedd Cymru election under article 19.

(1D) The total charges a constituency or a regional returning officer shall be entitled to recover under paragraphs (1) and (1A) must not exceed the amount (“the overall maximum recoverable amount”) specified in, or determined in accordance with, an order made by the Welsh Ministers for the purposes of this paragraph.”

(4) In paragraph (2) for “(1)”, substitute “(1D)”.

(5) In paragraph (3)—

- (a) in the first place it appears, for “Assembly” substitute “Welsh Ministers”,
- (b) for “the Assembly is” substitute “the Welsh Ministers are”.

(6) In paragraph (5) for “(1)”, substitute “(1D)”.

(7) In paragraph (6)—

- (a) for “(1)”, substitute “(1D)”,
- (b) for “Assembly thinks fit”, substitute “Welsh Ministers think fit”.

(8) In paragraph (7)—

- (a) in the first place it appears, for “Assembly” substitute “Welsh Ministers”,
- (b) for “Assembly may if it thinks fit”, substitute “Welsh Ministers may if they think fit”.

(9) In paragraph (8)—

- (a) in the first place it appears, for “an Assembly” substitute “a Senedd Cymru”,
- (b) in the second and third place it occurs, for “Assembly” substitute “Welsh Ministers”.

(10) In paragraph (9) for “Assembly” substitute “Welsh Ministers”.

(11) In paragraph (10), in each place it occurs, for “Assembly” substitute “Welsh Ministers”.

(12) In paragraph (11)—

- (a) omit “the Assembly or”.
- (b) omit “in the financial year beginning on 1st April 2007 and in subsequent years”.

PART 7

Electoral Commission

Guidance by the Electoral Commission

54. Omit article 63(8).

Amendment of Schedule 7 (election expenses)

55. In Schedule 7 (election expenses), after paragraph 13 insert—

“PART 3

Supplemental

Guidance by the Commission

14.—(1) The Commission may prepare, and from time to time revise, a code of practice for Senedd Cymru elections giving—

- (a) guidance as to the matters which do, or do not, fall within Part 1 or Part 2 of this Schedule;
- (b) guidance supplementing the definition in article 63(3) as to the cases or circumstances in which expenses are, or are not, to be regarded as incurred for the purposes of a candidate’s election.

(2) Once the Commission have prepared a draft code under this paragraph, they must submit it to the Welsh Ministers for approval.

(3) The Welsh Ministers may approve a draft code with or without modifications.

(4) Once the Welsh Ministers have approved a draft code they must lay a copy of the draft, in the form in which they have approved it, before Senedd Cymru.

(5) If the draft incorporates modifications, the Welsh Ministers must at the same time lay before Senedd Cymru a statement of their reasons for making them.

(6) If, within the 40-day period, Senedd Cymru resolves not to approve the draft, the Welsh Ministers must take no further steps in relation to it.

(7) If no such resolution is made within the 40-day period—

- (a) the Welsh Ministers must issue the code in the form of the draft laid before Senedd Cymru,
- (b) the code comes into force on the date appointed by the Welsh Ministers by order, and
- (c) the Commission must arrange for the Code to be published in such manner as the Commission thinks appropriate.

(8) Sub-paragraph (6) does not prevent a new draft code from being laid before Senedd Cymru.

(9) In this paragraph, “the 40-day period”, in relation to a draft code, means the period of 40 days beginning with the day on which the draft is laid before Senedd Cymru, no account being taken of any period during which Senedd Cymru is dissolved or is in recess for more than four days.

(10) In this paragraph, references to a draft code include a revised draft code.”

PART 8

Registered party names

Registered party name to include “Welsh” or “Cymru” in respect of both regional and constituency nomination papers and ballot paper.

56.—(1) Schedule 5 (Senedd Cymru election rules) is amended as follows.

(2) In rule 4 (nomination of candidates at a constituency election), after paragraph (4)(b) insert—

“(c) where the description provided is that of a registered party’s name and the name does not include “Welsh” or “Cymru”, then the registered party’s name may be supplemented with “Welsh” or “Cymru” as set out in rule 5(2A).”

(3) In rule 5 (constituency nomination paper: name or description of registered political party), after paragraph (2) insert—

“(2A) The name of the registered party contained in the constituency nomination paper may (disregarding for this purpose, the word “the” where it is the first word of the registered name)—

- (a) be preceded by the word “Welsh” if the English language name is given;
- (b) be followed by the word “Cymru” if the Welsh language name is given; or
- (c) where a bilingual party name is used, be preceded by the word “Welsh” in the English language text or followed by the word “Cymru” in the Welsh language text;
- (d) where the party name is neither Welsh or English, the name can be preceded by the word “Welsh” or followed by the word “Cymru”,

where the word “Welsh” or “Cymru” is not used in the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000, and where the name of any registered party has been preceded by the word “Welsh” or followed by the word “Cymru”, then these Rules shall apply as if the name of the registered party included that word.”

(4) In rule 7 (nomination of parties and party list candidates at regional election), after paragraph (2)(b) insert —

“(c) where the registered party name is provided and the name does not include “Welsh” or “Cymru”, then the registered party’s name may be supplemented with “Welsh” or “Cymru” as set out in rule 8(1A).”

(5) In rule 8 (party nomination paper: name or description of registered political party), after paragraph (8)(1) insert—

“(1A) The name of the registered party contained in the party nomination paper may (disregarding for this purpose, the word “the” where it is the first word of the registered name)—

- (a) be preceded by the word “Welsh” if the English language name is given;
- (b) be followed by the word “Cymru” if the Welsh language name is given; or
- (c) where a bilingual party name is used, be preceded by the word “Welsh” in the English language text or followed by the word “Cymru” in the Welsh language text;

(d) where the party name is neither Welsh or English, the name can be preceded by the word “Welsh” or followed by the word “Cymru”,

where the word “Welsh” or “Cymru” is not used in the name of the party registered under section 28 of the Political Parties, Elections and Referendums Act 2000, and where the name of any registered party has been preceded by the word “Welsh” or followed by the word “Cymru”, then these Rules shall apply as if the name of the registered party included that word.”

(6) In rule 24 (the ballot paper at a constituency election), after paragraph (3)(a) insert—

“(3) (aa) where the candidate has elected to use the word “Welsh” or “Cymru” in the registered party name as set out in rule 5(2A), then the same must be displayed on the ballot paper.”

(7) In rule 25 (the ballot paper at a regional election), after paragraph (3)(b) insert—

“(3) (ba) where the candidate has elected to use the word “Welsh” or “Cymru” in the registered party name as set out in rule 8(1A), then the same must be displayed on the ballot paper.”

Amendment of Schedule 10 (appendix of forms)

57. Schedule 10 (appendix of forms) is amended as follows.

58.—(1) Form CF (form of certificate referred to in rule 5(1)) is amended as follows.

(2) In the first footnote after “2000.” insert “Where the registered party name is given and the name does not include “Welsh” or “Cymru”, then the registered party’s name may be supplemented with “Welsh” or “Cymru””.

59.—(1) Form CI (form of party nomination paper; regional election referred to in rule 7(1)) is amended as follows.

(2) In the last footnote after “paper.” insert “Where the registered party name is given and the name does not include “Welsh” or “Cymru”, then the registered party’s name may be supplemented with “Welsh” or “Cymru””.

60.—(1) Form CJ (form of certificate referred to in rule 8(1)) is amended as follows.

(2) In the first footnote after “Act.” insert “Where the registered party name is given and the name does not include “Welsh” or “Cymru”, then the registered party’s name may be supplemented with “Welsh” or “Cymru””.

PART 9

Other amendments

Amendment of article 2(1) (interpretation)

61.—(1) Article 2(1) (interpretation) is amended as follows.

(2) Omit the term “the 2007 Assembly general election” and its definition.

(3) For the definition of “Presiding Officer of the Assembly” substitute—

““Presiding Officer of Senedd Cymru” is to be construed in accordance with section 25 of the 2006 Act;”.

Amendment of article 137 (interpretation of Part 4)

62. In article 137 (interpretation of Part 4), omit paragraph (2).

Amendment of article 149 (saving and transitional provision as to incapacities in respect of Senedd Cymru elections)

63. Omit article 149.

Amendment of Schedule 5 (Senedd Cymru election rules)

64.—(1) Schedule 5 (Senedd Cymru election rules) is amended as follows.

- (2) In rule 14 (decisions as to validity of nomination papers)—
- (a) in paragraph (4)(c), for “section 5(5) of the 1998 Act” substitute “section 7(5) of the 2006 Act”;
 - (b) omit paragraph (11).
- (3) In rule 23 (poll to be taken by ballot)—
- (a) in paragraph (1), for “section 4(4) of the 1998 Act” substitute “section 6(4) of the 2006 Act”;
 - (b) in paragraph (2), for “sections 4(5) and (6) and 5 to 7 of the 1998 Act” substitute “sections 6(5) and 7 to 9 of the 2006 Act”;
 - (c) omit paragraph (3).
- (4) In rule 62 (declaration of result at a constituency election), omit paragraph (5).
- (5) In rule 65 (return or forfeiture of deposit)—
- (a) in paragraph (8)—
 - (i) in sub-paragraph (i), for “section 4(7) or section 8(7) of the 1998 Act” substitute “sections 7(1) and 10(9) of the 2006 Act”;
 - (ii) in sub-paragraph (ii), for “section 5(5) or, as the case may be section 5(6) of the 1998 Act” substitute “section 7(5) or, as the case may be section 7(6) of the 2006 Act”;
 - (b) omit paragraph (9).
- (6) In rule 78 (vacancies: return of electoral region members)—
- (a) in paragraph (11), omit “, in respect of a vacancy occurring before the 2007 Assembly general election, section 9(7)(b) of the 1998 Act and in respect of vacancies occurring after that election,”;
 - (b) omit paragraph (12).
- (7) In paragraph (7) of rule 79 (return of Senedd members and record of returns etc)—
- (a) in sub-paragraph (a), for the words from “, section 8(6) of the 1998 Act” until the end substitute “section 10(7) of the 2006 Act; and”;
 - (b) in sub-paragraph (b), for the words from “, section 9(7)(a) of the 1998 Act” until the end substitute “section 11(7)(a) of the 2006 Act.”

Amendment of Schedule 9 (modification of Election Petition Rules 1960)

65.—(1) Schedule 9 (modification of Election Petition Rules 1960) is amended as follows.

(2) In paragraph 3 (rule 2(3) of the 1960 Rules (prescribed officer)), omit “under Part 1 of the Government of Wales Act 1998 or, as the case may be,”.

(3) In paragraph 4 (rule 4(1) of the 1960 Rules (form of petition)), for sub-paragraph (2)(b) substitute—

“(b) “the Clerk of the Crown” shall be construed as a reference to the Clerk; and”.

(4) In paragraph 8—

(a) in sub-paragraph (a)—

(i) omit paragraph (i);

(ii) in paragraph (ii), for “any subsequent” substitute “an”;

(iii) omit paragraph (iii);

(iv) in paragraph (iv), for “any subsequent Assembly” substitute “a Senedd Cymru”;

(b) in sub-paragraph (b), for the words from “[*or, in the case of a return under section 9 of the Government of Wales Act 1998*]” to “[section 11 of the Government of Wales Act 2006]” substitute “[*or, in the case of a return under section 11 of the Government of Wales Act 2006, claims to have had a right to be returned under section 11 of the Government of Wales Act 2006*]”;

(c) in sub-paragraph (c)—

(i) omit “* section 9(6) of the Government of Wales Act 1998/”;

(ii) omit “(**delete as appropriate*)”;

(d) in sub-paragraph (e)(ii)—

(i) omit “* section 9 of the Government of Wales Act 1998/”;

(ii) omit “(**delete as appropriate*)”.

16 December 2020

Mark Drakeford
First Minister of Wales, one of the Welsh
Ministers

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SCHEDULE

Article 52

Inserted form

FORM CZ – Rules 4 (4B) and 6 (4B) of Schedule 5				
Senedd Cymru Elections		Home address form		

Constituency name		Date of election	
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• You must complete Part 1
 • Only complete Part 2 if you do not wish your home address to be made public.

Part 1: To be completed by all candidates	
Full name of candidate	
Home address (in full)	
Postcode	
End of Part 1.	

If you are only completing Part 1 please now deliver this form with the nomination paper to the Returning Officer with the relevant nomination paper.

Part 2: To be completed only if you do not wish your home address to be made public	
If you request that your home address is not made public then your address will not appear on the statement of persons nominated or the ballot paper	
If you choose not to make your home address public, the constituency in which your home address is located (or country, if outside the UK) will appear on the statement of persons nominated and the ballot papers	
Statement: I require my home address not to be made public.	
The constituency which my home address is located in:	(insert name of Senedd Cymru constituency)
	Or
My home address is outside the UK. My home address is located in:	(insert name of country)
Signature of candidate completing Part 2	
Candidate's signature:	
Date:	

Deliver to the Returning Officer with the relevant nomination paper.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the National Assembly for Wales (Representation of the People) Order 2007 (S.I 2007/236) (“the 2007 Order”).

The 2007 Order and subsequent amendment Orders were made by the Secretary of State, but the enabling powers were transferred to the Welsh Ministers by the Wales Act 2017. Consequently, this is the first Order made by the Welsh Ministers in relation to the conduct of Senedd Cymru elections.

The title of this Order contains the term Senedd Cymru due to the change made to the name of the National Assembly for Wales by Part 2 of the Senedd and Elections (Wales) Act 2020 (“the 2020 Act”).

Part 2 of this Order also makes provision in relation to the 2007 Order to reflect the changes made by Part 2 of the 2020 Act. For example, articles 4 to 35 substitute references within these forms to

the National Assembly of Wales with references to the new name in consequence of Part 2 of the 2020 Act.

Part 3 of this Order makes various provision to give effect to and in consequence of Part 3 (elections) of the 2020 Act. Part 3 of that Act makes provision to lower the voting age for and extend the franchise to qualifying foreign citizens at Senedd Cymru elections.

Article 36 amends article 14 of the 2007 Order to ensure that offences committed under the Order in relation to providing false information are applicable only to those who have attained voting age.

Articles 37 and 38 make various amendments to Schedule 1 (absent voting) and Schedule 5 (Senedd Cymru election rules) to the 2007 Order, respectively. These amendments all reflect the fact that Part 3 of the 2020 Act provides that at elections for membership of the Senedd at which the poll is held on or after 5 April 2021, a person who has attained the age of 16 and would otherwise be entitled to, may vote at that election and make provision in consequence of this.

In particular article 37(2) amends paragraph 1(9) of Schedule 1 and inserts a new paragraph (e). When making an application for absent voting at Senedd Cymru elections, a person is required to provide their address to which they are, or will be registered. Paragraph 1(9) of Schedule 1 enables service voters, patients in mental hospitals who are not detained offenders, persons remanded in custody and homeless persons to provide certain addresses for the purpose of an application. The 2020 Act makes provision for persons who are, or have been, looked after children to make a declaration of local connection to (i) an address in Wales at which the person has previously been resident; or (ii) the address of a council of a county or county borough in Wales in which that person has previously been resident. New paragraph 1(9)(e) allows an applicant to use any such address for the purpose of applying to be an absent voter.

Article 37(7) inserts paragraph 14A in Schedule 1 which ensures that information contained within an absent voter record or list which relates to a person under the age of 16 is not disclosed unless it is necessary for the purpose of, or in connection with, an election at which that young person will be entitled to vote.

Article 38 lowers the age of those who are entitled to accompany voters to the polling station by virtue of rule 41(1)(b) of Schedule 5 to 16. Paragraph (b) lowers the age of those who the Presiding Officer may limit admission to a polling station to 16. Paragraph (c) amends rule 48(3)(b) of Schedule 5 to similarly lower the age of those who are entitled to accompany a person who is a voter with disabilities to 16.

Part 4 of this Order amends the 2007 Order in consequence of Part 4 (disqualification) of the 2020 Act.

Article 43 amends article 34 (false statements in nomination papers etc.) of the 2007 Order so as to provide that a statement as to a candidate's qualification for a Senedd Cymru election includes a statement that the candidate is not disqualified under section 16(A1) of the 2006 Act (disqualification from being a Member of the Senedd).

Article 44 makes amendments to various provisions within Schedule 5 to the 2007 Order (Senedd Cymru election rules). The purpose of these amendments is to give effect to the change made in Part 4 of the 2020 Act which introduces a distinction between disqualification from membership of the Senedd and disqualification from candidacy for and membership of the Senedd.

Article 44(5) omits rule 19 of Schedule 5 given that disqualification under the Representation of the People Act 1981 is no longer applicable to Senedd Cymru elections as a result of Part 4 of the 2020 Act.

Part 5 of this Order makes provision for candidates at Senedd Cymru elections to request that their home address not be made public. This provision also applies to those who act as their own agents. Where such persons request that their home address not be made public, their home address will not appear on a statement of persons nominated and the ballot paper. However they are nevertheless

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required to provide, where they are residents in the United Kingdom, the constituency in which they live, or, where they reside outside the United Kingdom, the name of the country in which they live.

Articles 47 to 52 introduce the Schedule to this Order which contains a home address form in which candidates can request that their home address not be made public and make consequential amendments to other prescribed forms in Schedule 10 to the 2007 Order.

Article 53 amends article 23 of the 2007 Order. The amendments made to article 23 will mean that constituency and regional returning officers will recover charges in respect of services rendered in connection with a Senedd Cymru election on behalf of electoral administrators (returning officers, deputy returning officers and officers of a council) and distribute such charges as necessary.

Part 7 of this Order makes provision enabling the Electoral Commission to prepare a code of practice in relation to election expenses for candidates at Senedd Cymru elections. Article 54 revokes article 63(8) of the 2007 Order. This is replaced by the new provision in article 55 to be included within Schedule 7 (election expenses) to the 2007 Order.

In accordance with this, the Welsh Ministers may approve a draft Code prepared by the Commission with or without modifications. They must then lay the Code, in draft form, before Senedd Cymru. Within 40 days, the Senedd may make a resolution not to approve the draft Code. In that event, the Welsh Ministers must take no further steps in relation to it. But if no resolution is made, the Welsh Ministers must issue the Code in the form of the draft laid and the Commission must publish it.

Part 8 of this Order provides for constituency and regional candidates to use the suffix “Cymru” and prefix “Welsh” in the nomination of candidate form and ballot paper where the registered party name does not include “Cymru” or “Welsh”.

Part 9 of this Order makes a number of other amendments to the 2007 Order. Articles 64 and 65 revoke out of date references to the Government of Wales Act 1998 (“the 1998 Act”). These references were transitional in nature and are now unnecessary.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.