
STATUTORY INSTRUMENTS

2003 No. 284

The National Assembly for Wales
(Representation of the People) Order 2003

PART I
GENERAL

Interpretation

2.—(1) In this Order, except where the context requires otherwise—

“appropriate returning officer” means a constituency returning officer in relation to a constituency election and a regional returning officer in relation to a regional election,

“Assembly constituency” is to be construed in accordance with section 2(2) of, and Schedule 1 to, the 1998 Act,

“Assembly election” means a constituency election or a regional election,

“Assembly election petition” means a petition presented in pursuance of Part IV of this Order,

“Assembly electoral region” is to be construed in accordance with section 2(2) of, and Schedule 1 to, the 1998 Act,

“available for inspection” means available for inspection during ordinary office hours,

“citizen of the Union” shall be interpreted in the same way as in section 202(1) of the 1983 Act,

“constituency election” means an election to return an Assembly member for an Assembly constituency,

“constituency returning officer” means the person who is the returning officer for a constituency election,

“constituency vote” means a vote given to a candidate to be an Assembly member for an Assembly constituency,

“dwelling” includes any part of a building where that part is occupied separately as a dwelling,

“election to fill a casual vacancy” means a constituency election held otherwise than at an ordinary election,

“election court” means the judges presiding at the trial of an Assembly election petition,

“elector” means any person whose name is for the time being on the register to be used at an Assembly election, but does not include those shown in the register as below voting age on the day fixed for the poll,

“electoral region vote” means a vote given for—

- (a) a registered political party which has submitted a list of candidates to be Assembly members for an Assembly electoral region, or
- (b) an individual who is a candidate to be an Assembly member for that Assembly electoral region,

“European Parliamentary election” has the same meaning as in section 27(1) of the 1985 Act,
“individual candidate” means a candidate at an Assembly regional election other than a party list candidate,

“legal incapacity” includes (in addition to any incapacity arising by virtue of any subsisting provision of the common law) any disqualification imposed by this Order or by any other enactment,

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

“local government election” includes a mayoral election,

“mayoral election” means an election for the return of an elected mayor of a local authority in Wales,

“ordinary election” means the holding of constituency and regional elections for the return of all Assembly members,

“party list” means a list of not more than twelve candidates (but it may be a list of only one candidate) to be Assembly members for an Assembly electoral region which is to be or has been submitted to a regional returning officer by a registered political party; and references in this Order to a group of party list candidates include a case where there is only one such candidate,

“party list candidate” means a candidate included on a party list; and references in this Order to a group of party list candidates refer to all the candidates included on such a list,

“person” includes (without prejudice to the provisions of the Interpretation Act 1978(1)) an association corporate or unincorporate,

“postal proxy” means a person entitled to vote by post as proxy at an election,

“presiding officer of the Assembly” means the person elected in accordance with—

- (a) section 52(1)(a) of the 1998 Act, or
- (b) section 52(1)(b) of that Act where he is for the time being performing the functions of presiding officer of the Assembly,

“regional election” means an election to return Assembly members for an Assembly electoral region,

“regional returning officer” means the person who is the returning officer for a regional election,

“register” means the register of electors,

“registered emblem” means an emblem registered by a registered political party under Part II of the 2000 Political Parties Act,

“registered nominating officer” 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,

“registered political party” means (subject to paragraph 69 of Schedule 5) a party registered under Part II of the 2000 Political Parties Act,

“registration officer” means an electoral registration officer,

“relevant citizen of the Union” means a citizen of the Union who is not a Commonwealth citizen or a citizen of the Republic of Ireland,

“service voter” means a person who has made a service declaration in accordance with section 15 of the 1983 Act and is registered or entitled to be registered in pursuance of it,

“sub-agent” has the meaning given by article 36(1),

“universal postal service provider” means a universal service provider within the meaning of the Postal Services Act 2000 (2),

“the Assembly” means the National Assembly for Wales established by section 1(1) of the 1998 Act,

“the absent voters list”, in relation to an Assembly election, has the meaning given by article 10(1),

“the list of proxies”, in relation to an Assembly election, has the meaning given by article 10(1)(b),

“the 1983 Act” means the Representation of the People Act 1983(3),

“the 1985 Act” means the Representation of the People Act 1985(4),

“the 1998 Act” means the Government of Wales Act 1998(5),

“the 2000 Act” means the Representation of the People Act 2000(6),

“the 2000 Political Parties Act” means the Political Parties, Elections and Referendums Act 2000(7),

“the 1986 Regulations” means the Representation of the People Regulations 1986(8),

“the 2001 Regulations” means the Representation of the People (England and Wales) Regulations 2001(9), and

“voter” means a person voting at an Assembly election and includes a person voting as proxy and, except in Schedule 5, a person voting by proxy, and “vote” (whether noun or verb) shall be construed accordingly, except that in that Schedule any reference to an elector voting or an elector’s vote shall include a reference to an elector voting by proxy or elector’s vote given by proxy.

(2) References in this Order to the giving of two votes at an ordinary election refer to the giving of a constituency and an electoral region vote.

(3) For the purposes of this Order a person shall be deemed not to have attained a given age until commencement of the relevant anniversary of the day of his birth.

(2) 2000 c. 26.
(3) 1983 c. 2.
(4) 1985 c. 50.
(5) 1998 c. 38.
(6) 2000 c. 2.
(7) 2000 c. 41.
(8) S.I.1986/1081.
(9) S.I. 2001/341.