

2007 No. 1368

REPRESENTATION OF THE PEOPLE

CONSTITUTIONAL LAW

DEVOLUTION, WALES

**The Representation of the People (National Assembly for Wales)
(Access to Election Documents) Regulations 2007**

Made - - - - - *26th April 2007*

Coming into force in accordance with article 1(2).

The Secretary of State makes the following Regulations in exercise of power conferred on him by section 42 of the Electoral Administration Act 2006(a).

In accordance with section 42(9) of that Act, the Secretary of State has consulted the Electoral Commission about these Regulations.

In accordance with section 42(10) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Representation of the People (National Assembly for Wales) (Access to Election Documents) Regulations 2007.

(2) Subject to paragraph (3), these Regulations shall come into force on the day after the day on which they are made.

(3) These Regulations shall not have effect in relation to any election for which the date of the poll specified in the notice of election issued in relation to that election is on or before 2 May 2007.

(4) These Regulations do not extend to Scotland and Northern Ireland.

Amendment of the Representation of the People (England and Wales) Regulations 2001

2. After Part 7 of the Representation of the People (England and Wales) Regulations 2001(b) (access to marked registers and other documents open to public inspection after an election) insert—

(a) 2006 c.22.

(b) S.I.2001/341 amended by S.Is.2001/1700, 2002/881, 2002/1871, 2003/3075, 2004/226, 2004/1771, 2005/2114, 2006/752, 2006/1694 and 2006/2910.

“PART 8

Access to documents after an election to the National Assembly for Wales

Interpretation of Part 8

121. In this Part—

(1) “the 2007 Order” means the National Assembly for Wales (Representation of the People) Order 2007(a);

“Assembly election” means an election to the National Assembly for Wales under Part 1 of the Government of Wales Act 1998(b) or under Part 1 of the Government of Wales Act 2006(c);

“the Assembly list of proxies” means the list kept under article 10(1) and (3) of the 2007 Order;

“the Assembly postal voters list” means the list kept under article 10(1) and (2) of the 2007 Order;

“the Assembly proxy postal voters list” means the list kept under article 12(8) of the 2007 Order;

“the National Assembly for Wales” means the National Assembly for Wales constituted by the Government of Wales Act 2006; and

“relevant Assembly election documents” means such documents relating to an Assembly election as the relevant registration officer is required to retain by rule 69(1) of Schedule 5 to the 2007 Order.

(2) “The marked Assembly register or lists” means any part of the marked copies of—

- (a) the full register;
- (b) the Assembly postal voters list;
- (c) the Assembly list of proxies; and
- (d) the Assembly proxy postal voters list,

forwarded to the relevant registration officer under paragraph 31 of Schedule 3 or rules 67(1)(h) and (2)(f) of Schedule 5 to the 2007 Order.

122. Subject to the modifications specified in regulations 123 to 126, Part 7 of these Regulations shall apply in respect of the marked Assembly register or lists and the other relevant Assembly election documents as it applies in respect of the marked register or lists and other documents open to inspection under that Part.

123. References in Part 7 to “the marked register or lists” shall be construed as references to the marked Assembly register or lists, and any like terms shall be similarly construed.

124. Regulation 116 shall apply as if—

- (a) paragraph (1) were omitted;
- (b) in paragraph (2) the reference to regulation 56 were a reference to paragraph 7 of Schedule 1 to the 2007 Order; and
- (c) in paragraph (4), the reference to a direction by the Secretary of State under section 52(1) of the 1983 Act included a reference to a direction by the Secretary of State under article 28(1) of the 2007 Order.

125. Regulation 117 shall apply as if—

(a) S.I. 2007/236.
(b) 1998 c.38.
(c) 2006 c.32.

- (a) references to “a particular parliamentary or local government election” and to “a particular election” include reference to a particular Assembly election; and
- (b) the reference in paragraph (5) to regulation 61 were a reference to paragraph 13 of Schedule 1 to the 2007 Order.

126. Regulations 118 and 119 shall apply as if references to “documents open to public inspection” were a reference to—

- (a) the Assembly marked register or lists; and
 - (b) the other relevant Assembly election documents except—
 - (i) ballot papers;
 - (ii) completed corresponding number lists;
 - (iii) certificates as to employment on the day of the election,
- and any like terms shall be construed accordingly.”.

Signed on behalf of the Secretary of State

26th April 2007

Nick Ainger
Parliamentary Under Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made by the Secretary of State for Wales under section 42 of the Electoral Administration Act 2006.

They make provision for access to and public inspection of various documents retained by electoral registration officers (relevant registration officers) for county and county borough councils following elections to the National Assembly for Wales under the National Assembly for Wales (Representation of the People) Order 2007 (S.I. 2007/236).

The Regulations do this by inserting a new Part 8 into the Representation of the People (England and Wales) Regulations 2001 (S.I. 2001/341). Part 8 applies, with modifications, Part 7 of those Regulations of 2001 (as inserted by regulation 59 of the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations 2006 (S.I. 2006/2910)).

In consequence, relevant registration officers in Wales are required to supply or make available for public inspection documents that have been used or marked at an Assembly election commencing with the Assembly general election in May 2007.

Conditions are placed on the use of information in those documents. An offence for breach of those conditions is contained in section 43 of the Electoral Administration Act 2006.

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