

2010 No. 2931

CONSTITUTIONAL LAW

DEVOLUTION, WALES

REPRESENTATION OF THE PEOPLE

**The National Assembly for Wales (Representation of the People)
(Amendment) Order 2010**

Made - - - - 2nd December 2010

Coming into force in accordance with section article 1(1)

This Order is made in exercise of the powers conferred by section 13 of the Government of Wales Act 2006(a). In accordance with section 7 of the Political Parties, Elections and Referendums Act 2000(b), the Secretary for State for Wales has consulted the Electoral Commission.

In accordance with section 13(7) of the Government of Wales Act 2006, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly the Secretary of State for Wales makes the following Order:

Title, commencement and interpretation

1.—(1) This Order may be cited as the National Assembly for Wales (Representation of the People) (Amendment) Order 2010 and comes into force on the day after the day on which it is made.

(2) In this Order “the 2006” Act means the Government of Wales Act 2006.

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

2. The National Assembly for Wales (Representation of the People) Order 2007(c) is amended as follows.

Amendment of Article 2 (Interpretation)

3. In article 2(1)—

(a) 2006 c.32.

(b) 2000 c.41.

(c) S.I. 2007/236, which was made under section 11 of the Government of Wales Act 1998. Paragraph 8 of Schedule 11 to the 2006 Act provides that an order made under section 11 of the Government of Wales Act 1998 is to have effect as if made under section 13 of the Government of Wales Act 2006.

- (a) for the definition of “Assembly constituency” substitute ““Assembly Constituency” is to be construed in accordance with section 2(1) of the 2006 Act;”;
- (b) for the definition of “Assembly electoral region” substitute ““Assembly electoral region” is to be construed in accordance with section 2(3) of, and Schedule 1 to, the 2006 Act;”;
- (c) for the definition of “elector” substitute ““elector” means any person whose name is for the time being on the register to be used at an Assembly election (or in the case of a person who has an anonymous entry in the register, in the record of anonymous entries) but does not include those shown on the register as below voting age on the day fixed for the poll;”.

Amendment of Article 5 (Registration Appeals)

4. In article 5(5), after “takes effect” insert “under this article or under section 13(5) or 13A(2),13B(3) or (3B) of the 1983 Act”.

Amendment of Article 39 (Office of election agent and sub-agent)

5. In article 39(2)(b), for “in the Assembly electoral region” substitute “in Wales”.

Amendment of Article 114 (Members of legal and certain other professions)

6. In paragraphs (a) and (b) of article 114 for “or tribunal” substitute “, tribunal or other body”.

Amendment of Article 133 (Director of Public Prosecutions)

7.—(1) In paragraph 3 of article 133, for “or solicitor” substitute “, a solicitor or an authorised person”.

(2) After that paragraph insert—

“(3A) In paragraph (3) “authorised person” means a person (other than a barrister or solicitor) who, for the purposes of the Legal Services Act 2007(a), is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act).”.

Amendment of Schedule 1 (Absent voting at Assembly elections)

8.—(1) Schedule 1 is amended as follows.

(2) In paragraph 2(1)(a), for “article 8(5) or 12(10)” substitute “article 8(3) or 12(6)”.

(3) In paragraph 4(8), for “paragraphs 3 and 4” substitute “paragraphs 5 and 6”.

(4) In paragraph 6(2)—

(a) for “9” substitute “9(1)”;

(b) for “3” substitute “4”.

(5) In paragraph 7(3)(b), for “7(7)” substitute “7(8)”.

(6) In paragraph 7(4), omit “Subject to sub-paragraph (3),”.

(7) In paragraph 12(8) for “sub-paragraph (4)” substitute “sub-paragraph (7)”.

(8) In paragraph 13(1)(a) and (b), and (7)(a) for “12(6)” substitute “12(8)”.

Amendment of Schedule 3 (Issue and receipt of postal ballot papers)

9. In paragraph 22(6)(b) of Schedule 3, for “paragraph 20(4)” substitute “paragraph 20(5)”.

(a) 2007 c.29.

Schedule 10 (Appendix of Forms)

10.—(1) Schedule 10 is amended as follows.

(2) In Form CD, Welsh version, omit the first 3 lines after the boxes and substitute

Dyddiad.....	Llofnodwyd.....
	Swyddog Canlyniadau yr Etholaeth
Cyfeiriad.....	

(3) For Form CK (Form of ballot paper: Constituency election) substitute form CK in the Schedule to this Order.

(4) For Form CK1 (Directions as to printing the ballot paper: constituency election) substitute form CK1 in the Schedule to this Order.

(5) For Form CL (Form of ballot paper: Regional election) substitute form CL in the Schedule to this Order.

(6) For Form CL1 (Directions as to printing: regional election) substitute form CL1 in the Schedule to this Order.

(7) In Form CN3 (Postal voter’s form of poll card) omit the second paragraph of Welsh words at the bottom of the front of the form, and on the back of the form, omit the text in Welsh in the fourth paragraph and substitute—

“Os collwch neu os difethwch yn ddamweiniol eich papur[au] pleidleisio neu ddatganiad y bleidlais drwy’r post, ffoniwch rif y llinell gymorth cyn gynted ag y bo modd. Ni ellir darparu papurau pleidleisio newydd a datganiadau pleidlais drwy’r post newydd ar ôl 5p.m. ar [dydd/dyddiad y bleidlais]”.

(8) In Form CN4 (Postal proxy voter’s form of poll card) omit the second paragraph of Welsh words at the bottom of the front of the poll card and substitute—

“Os collwch neu os difethwch yn ddamweiniol eich papur[au] pleidleisio neu ddatganiad y bleidlais drwy’r post, ffoniwch [rhif y llinell gymorth] cyn gynted ag y bo modd. Ni ellir darparu papurau pleidleisio newydd a datganiadau pleidlais drwy’r post newydd ar ôl 5p.m. ar [dydd/dyddiad y bleidlais]”.

(9) In Form CN4 (Postal proxy voter’s form of poll card) insert after the third paragraph on the back of the poll card—

If you lose or accidentally spoil your ballot paper[s] or postal voting statement, please call the help line number as soon as possible. Replacement ballot papers and postal voting statements cannot be issued after 5p.m. on [day/date of the poll].	Os collwch neu os difethwch yn ddamweiniol eich papur[au] pleidleisio neu ddatganiad y bleidlais drwy’r post, ffoniwch rif y llinell gymorth cyn gynted ag y bo modd. Ni ellir darparu papurau pleidleisio newydd a datganiadau pleidlais drwy’r post newydd ar ôl 5p.m. ar [dydd/dyddiad y bleidlais].
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Cheryl Gillan
Secretary of State for Wales
2nd December 2010

SCHEDULE

Form CK

Constituency Ballot Paper

National Assembly for Wales election

Etholiad Cynulliad Cenedlaethol Cymru

**Ballot paper to elect the Assembly
Member for the
.....constituency**

**Papur pleidleisio i ethol Aelod Cynulliad ar
gyfer etholaeth.....**

Vote once only

Pleidleisiwch unwaith yn unig

ASHTON Peter
27 Bryn Nant, Abertillery, EN 47 13WA
Labour Party/Y Blaid Lafur



BONDS John
14 Empress Way, Haverfordwest WA28 18SC
Liberal Democrat/Democratiaid Rhyddfrydol



COLE Lindsay
5 Gordon Road, Penarth, IR31 5WA
Plaid Cymru – The Party of Wales



DAILLY Andrea
Chez Moi, Heol Dan y Coed, Newport WA6 35IT
Independent/ Annibynnol



ETHERINGTON David
21 Home Avenue, Frederickstown, WA6 40FR
UK Independence Party/ Plaid Annibyniaeth y DU



FLETCHER Susan
12 Baker Street, Newtown, VB45 6TY
Conservative Party/ Y Blaid Geidwadol



GALE Sarah
65 Justin Street, Brecon, LD93 5YR
Farmers of Wales/ Ffermwyr Cymru



Back of Ballot Paper

Number/Rhif.....

Election for theConstituency on

Etholiad dros Etholaeth.....ar.....

Form CK1:
Directions as to printing the ballot paper: constituency election
Rule 24(3) of Schedule 5

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the arrangements specified in paragraphs 3 to 12 must be observed in the printing of the ballot paper.
3. Nothing in paragraph 2 prohibits the front of the ballot paper containing more than one column of candidates' particulars and boxes for marking the vote if the returning officer thinks it is appropriate for the ballot paper to be printed with more than one column, but in such a case each column must be separated by a double vertical rule.
4. Words printed on the ballot paper must be printed in a clear typeface and in characters of such a size that they are easily legible.
5. No word shall be printed on the front of the ballot paper except—
 - (a) the words set out in the form of constituency ballot paper appearing in each block as described in paragraph 7;
 - (b) the particulars of the candidates; and
 - (c) words forming part of registered emblems.
6. No rule shall be printed on the front of the ballot paper except:
 - (a) the horizontal rules framing the blocks;
 - (b) the horizontal rules separating the particulars of the candidates from one another; and
 - (c) the horizontal rule appearing beneath the candidate whose particulars appear last.
- 7.—(1) This paragraph makes provision in respect of that part of the ballot paper appearing between the two highest horizontal rules.
 - (2) The group of English words to the left and the group of Welsh words to the right are each referred to in these directions as a block (and a block also includes the box and representation in that box of how a vote is to be marked).
 - (3) The blocks may be reversed so that the block with the Welsh words is to the left and the block with the English words is to the right.
 - (4) The following words in this block shall be printed in bold form—
 - (a) “Ballot paper to elect the Assembly Member for the ... constituency”, “Papur pleidleisio i ethol Aelod Cynulliad ar gyfer etholaeth...”
 - (b) “Vote [X] once only”, “Pleidleisiwch [X] unwaith yn unig”.
 - (5) Each component of the block that comprises paragraph 5(a) must be aligned horizontally in one language version with the other language version.
 - (6) The lines of each box in a block are not to be regarded as rules for the purposes of these directions.
- 8.—(1) On the ballot paper the surname of each candidate shall in all cases be printed in large capitals and in bold form with the candidate's first name following three spaces after and printed in ordinary type in the same font size, except that small capitals shall be used—
 - (i) if his surname is the same as another candidate's, for his other names; and
 - (ii) if his other names are also the same as the other candidate's, either for his home address or for his description unless each of them is the same as that of another candidate with the same surname and other names.

(2) The candidate's home address shall be printed in ordinary type, in a smaller font size and below the name as described in sub-paragraph (1).

(3) The details of any registered political party the candidate is representing shall be printed in characters in bold form of the same font size and below the address as described in sub-paragraph (2).

9. Where a registered emblem is to be printed against a candidate's particulars on the ballot paper—

- (a) it shall be printed between the candidate's particulars and the box for marking the vote; and
- (b) its size as printed shall not exceed 2 centimetres square.

10.—(1) The boxes for marking the vote must appear on the right-hand edge of the ballot paper or, if paragraph 3 applies, on the right hand edge of each column.

(2) Each box must be—

- (a) of the same size being 2cm square;
- (b) aligned horizontally.

(3) The lines of each box for marking the vote are not to be regarded as rules for the purposes of these directions.

11. The space on the ballot paper between each horizontal rule and the next horizontal rule below it as described in paragraphs 6(b) and (c) shall be 2.5 centimetres.

12. The number and other unique identifying mark may be printed close to each other on the back of the ballot paper.

Form CL

Regional Ballot Paper

National Assembly for Wales election

Etholiad Cynulliad Cenedlaethol Cymru

**Ballot paper to elect the Assembly
Member for theregion**

**Papur pleidleisio i ethol Aelod Cynulliad ar
gyfer rhanbarth.....**

Vote once only

Pleidleisiwch unwaith yn unig

Conservative Party/ Y Blaid Geidwadol



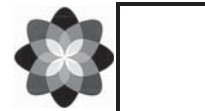
Democratiaid Rhyddfrydol Cymru/ Welsh Liberal Democrats



Labour Party/Y Blaid Lafur



Plaid Cymru – The Party of Wales



UK Independence Party/Plaid Annibyniaeth y DU



Xavier Alfonso
Independent/ Annibynnol



Back of Ballot Paper

Number/Rhif.....

Election for theElectoral Etholiad dros Rhanbarth

Region on..... Etholiadol.....ar.....

.....Constituency Etholaeth.....

The back is to include a mark or other distinguishing feature (which may be part of the number) to identify the Assembly constituency in which the ballot paper is to be used

Form CL1
Directions as to printing the ballot paper: regional election
Rule 25(3) of Schedule 5

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. So far as practicable, the arrangements specified in paragraphs 3 to 12 must be observed in the printing of the ballot paper.
3. Nothing in paragraph 2 prohibits the front of the ballot paper containing more than one column of the particulars of individual candidates and of registered political parties and the boxes for marking the vote if the returning officer thinks it is appropriate for the ballot paper to be printed with more than one column, but in such a case each column must be separated by a double vertical rule.
4. Words printed on the ballot paper must be printed in a clear typeface and in characters of such size that they are easily legible.
5. No word shall be printed on the front of the ballot paper except—
 - (a) the words set out in the form of regional ballot paper appearing in each block as described in paragraph 7;
 - (b) descriptions of registered political parties
 - (c) names and descriptions of individual candidates not representing a registered political party; and
 - (d) words forming part of registered emblems.
6. No rule shall be printed on the front of the ballot paper except for—
 - (a) the horizontal rules framing the blocks;
 - (b) the horizontal rules separating the particulars of the parties and individual candidates from one another; and
 - (c) the horizontal rule appearing beneath the party or individual candidate whose particulars appear last.
- 7.—(1) This paragraph makes provision in respect of that part of the ballot paper appearing between the two highest horizontal rules.
 - (2) The group of English words to the left and the group of Welsh words to the right are each referred to in these directions as a block (and a block also includes the box and representation in that box of how a vote is to be marked).
 - (3) The blocks may be reversed so that the block with the Welsh words is to the left and the block with the English words is to the right.
 - (4) The following words in this block shall be printed in bold form—
 - (a) “Ballot paper to elect the Assembly Members for the ... region”, “Papur pleidleisio i ethol Aelodau Cynulliad ar gyfer rhanbarth ...”;
 - (b) “Vote [X] once only”, “Pleidleisiwch [X] unwaith yn unig”.
 - (5) Each component of the block that comprises paragraph 5(a) must be aligned horizontally in one language version with the other language version.
 - (6) The lines of each box in a block are not to be regarded as rules for the purposes of these directions.
8. The description of the registered political parties, and the name of any independent candidate must be printed in ordinary type in a font larger than the description “Independent”, in English and Welsh printed below the individual candidate’s name.

9. Where a registered emblem is to be printed against a registered political party's description on the ballot paper—

- (a) it shall be printed between the party's description and the box in which a vote may be marked; and
- (b) its size as printed shall not exceed 2 centimetres square.

10.—(1) The boxes for marking the vote must appear on the right-hand edge of the ballot paper or, if paragraph 3 applies, on the right hand edge of each column.

(2) Each box must be—

- (a) of the same size being 2cm square;
- (b) aligned horizontally.

(3) The lines of each box for marking a vote are not to be regarded as rules for the purposes of these directions.

11. The space on the ballot paper between each horizontal rule and the next horizontal rule below it as described in paragraphs 6(b) and (c) shall be 2.5 centimetres.

12. The number and other unique identifying mark may be printed close to each other on the back of the ballot 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 which made provision for the conduct of elections and the return of members to the National Assembly for Wales.

The changes made by this order are—

- (a) to the interpretation article and article 5 so that the references are updated to those in the Government of Wales Act 2006 or to the amendments to the Representation of the People Act 1983 effected by the Electoral Administration Act 2006;
- (b) to the requirement in article 39 that the office of the election agent for a regional election need no longer be located in the Assembly electoral region for which the person is the agent but can be located anywhere in Wales;
- (c) to article 114 and 133 to reflect changes made by the Legal Services Act 2007;
- (d) to Schedule 1 to correct references to articles in the paragraphs of that schedule;
- (e) to forms in the Appendix of Forms to correct errors or omissions and, in respect of the constituency and regional ballot papers, to update the format of those papers to assist voters.

No impact assessment has been carried out for this instrument as it has no significant impact on the costs of business, charities, voluntary bodies or the public sector.

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