
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](#)) (“2007 Order”) to make provision for the combination of polls at Assembly and police and crime commissioner elections and to bring procedures at Assembly elections into line with those at other elections in England and Wales following changes made by the Electoral Registration and Administration Act 2013 ([c. 6](#)).

Part 2 makes provision for the combination of polls at Assembly and police and crime commissioner elections. Article 4 inserts a new article 16A which requires polls at Assembly elections and police and crime commissioner elections to be combined where a general Assembly election and an ordinary election of police and crime commissioners are to be held on the same day. Otherwise, where the polls at an Assembly election and a police and crime commissioner election in a related area are to be taken on the same day, they may be combined if the returning officer for each election thinks fit.

New Schedule 4A to the 2007 Order (which is inserted by new article 16A(5) referred above) sets out the detailed provision for combination. Schedule 4 to the 2007 Order makes provision for the combination of Assembly and local government elections and makes the necessary modifications to the Assembly elections rules for this. Schedule 4A applies these provisions making any further modifications and exceptions as required.

Article 5 amends Schedule 3 to the 2007 Order so that where the polls at an Assembly election and police and crime commissioner election are combined, the issue and receipt of postal ballot papers may also be taken together.

Part 3 makes various other amendments to the 2007 Order most of which reflect amendments made in respect of parliamentary and local elections by the Electoral Registration and Administration Act 2013.

Article 8 revokes article 4 of the 2007 Order. Article 4 is not necessary because equivalent provision is made by section 13B(1) of the Representation of the People Act 1983 ([c. 2](#)).

Article 9 revokes an out of date reference to the Civil Procedure Rules in article 5 of the 2007 Order.

Article 10 expands the definition of constable to include a community support officer. This is in relation to where a constable may vote, but similar amendments are made by article 18 in relation to constables on duty at the counting of the votes and who may be admitted to polling stations.

Article 11 inserts new article 23A into the 2007 Order. This will enable a returning officer’s charges to be reduced by the Welsh Ministers following a recommendation by the Electoral Commission. In making such a recommendation the Commission must have regard to (amongst other things) any report it publishes on the administration of the Assembly election concerned and its assessment of the returning officer’s performance in relation to that election.

Article 12 amends article 38 such that the deadline for appointing sub-agents is put back to the fifth day before the date of the poll (it was the second).

Article 13 increases the limits on election expenses specified in article 47 of the 2007 Order in Assembly constituencies, both county and borough, at general elections. It also removes the reference to Parliamentary constituencies as Assembly and Parliamentary constituencies are no longer necessarily coterminous.

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Article 14 includes certificates amongst the documents that may be transmitted or signed electronically.

Article 15 makes various amendments to Schedule 1 to the 2007 Order (absent voting).

In particular paragraph (2) of article 15 inserts a new paragraph 2A into Schedule 1 to the 2007 Order. Where a postal ballot paper is rejected under paragraph 23 of Schedule 3 to the 2007 Order because the postal voting statement was not duly completed, the returning officer must include the elector's details on a list which is sent to the relevant registration officer. New paragraph 2A requires the registration officer to notify the elector that their ballot paper was rejected and why. New paragraph 12A of Schedule 1 to the 2007 Order (inserted by article 15(6)) enables the registration officer, in those circumstances, to require a fresh signature to be provided which, if it is, will then be kept on the personal identifiers record maintained under paragraph 2 of Schedule 1 to the 2007 Order and the various other records of absent voters' signatures that the registration officer is required to keep.

Paragraphs (3), (4) and (5) of article 15 make provision for emergency proxy applications to be made. An application may now be made after 5pm on the 6th day before the date of the poll if it is made on grounds relating to the elector's work or service and the elector became aware of that reason after that time. Paragraph (4) inserts new paragraph 6A of Schedule 1 to the 2007 Order which sets out the additional evidence which must be provided in respect of such an application.

Article 16 makes various amendments to Schedule 3 to the 2007 Order (issue and receipt of postal ballot papers). Paragraph (2) removes the previous time limit where an absent voter with an indefinite postal or postal proxy vote could not be sent their postal ballot paper until the 11th day before the date of the poll. Now all postal ballot papers must be issued as soon as it is practicable to do so.

Paragraph (3) of article 16 inserts new paragraph 15A of Schedule 3 to the 2007 Order. This requires a returning officer to cancel a postal ballot paper that has already been issued where one of the specified applications is made by a voter. The applications specified include an application to be removed from the record of absent voters and an application to vote by proxy.

Paragraphs (4) to (8) of article 16 make changes to the postal voting statement verification procedure such that 100% of postal voting statements will be checked and where a postal voting statement is not duly completed the postal ballot paper will be rejected (and as to the consequences of that, see amendments made by article 15 described above).

Article 17 amends Schedule 4 (combination of polls at Assembly and local government elections) to reflect that a prescribed form for use by a companion of a voter with disabilities for use at a combined election is being prescribed (new CQ1) and that substituted form CP (form of direction for voters) will be capable of being adapted for use at standalone or combined elections.

Article 18 makes various amendments to Schedule 5 (Assembly election rules).

Paragraph (2) of article 18 amends the time limits for submitting nomination papers and withdrawal of candidature. This will bring time limits at Assembly elections into line with those that apply at other elections. Nomination papers may now be delivered up until 4pm on the 19th day before the date of election (it was midday) but a candidate must also withdraw by that time (previously a candidate could withdraw up until midday on the 17th day before). The statement of persons nominated must now be published by midday on the 18th day before the day of election (it was the 16th).

Paragraph (3) of article 18 amends rule 38(5) such that notice of appointment of polling and counting agents must be given to the returning officer no later than the 5th day before the day of election (it was the 2nd).

Paragraphs (6) and (7) of article 18 make provision for voters to be allowed to vote, or postal ballot papers to be handed in, after 10pm if the voter (or person delivering a postal ballot paper) is in the polling station or in a queue outside the polling station, for the purpose of voting (or for the purpose of returning the postal ballot paper). Again this brings the practice at Assembly elections into line with that at other elections.

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Article 19 substitutes a number of new forms. Again, this is to bring the forms in use at Assembly elections into line with those used at other elections.

Article 20 makes a consequential amendment to the Representation of the People (England and Wales) Regulations 2001 ([S.I. 2001/341](#)) excluding the list prepared under paragraph 27(4) of the 2007 Order (list of rejected ballot papers) from public inspection.

An impact statement has not been prepared for this instrument as no impact on the private or voluntary sector is foreseen.