

SCHEDULE 5

Assembly election rules

PART 6

Death of candidate

Constituency election: deceased independent candidate wins

71.—(1) This rule applies if at an election mentioned in rule 70(1) the majority of votes is given to the deceased candidate.

(2) Rule 62(1) (declaration of result) does not apply and the constituency returning officer must not complete a certificate under rule 62(4) but must—

- (a) declare that the majority of votes has been given to the deceased candidate;
- (b) declare that no member is returned;
- (c) give public notice of the total number of votes given for each candidate together with the number of rejected ballot papers under each head shown in the statement under rule 58(5); and
- (d) at an Assembly general election, forthwith notify the regional returning officer for the region containing that constituency that the majority of votes has been given to the deceased candidate and that no member is returned for that constituency.

(3) Rule 65 (return or forfeiture of deposit) does not apply in relation to the remaining candidates.

(4) The proceedings with reference to the election must be commenced afresh subject to the following provisions of this rule.

(5) A new notice of the election (“the new notice”) must be published on the first working day after the end of the period of seven days starting on the day of the poll of the election mentioned in rule 70(1).

(6) No fresh nomination is necessary in the case of a person shown in the previous statement of persons nominated, and no other nomination may be made.

(7) The last day on which a notice of withdrawal of candidature by a person who stands nominated by virtue of paragraph (6) may be delivered is the seventh working day after the day on which the new notice is published.

(8) Rule 10 (deposit) does not apply.

(9) Subject to paragraphs (10) and (11), the poll must be held on a day in the period (“the first period”) which starts 15 working days after the day on which the new notice is published and ends 19 working days after that day.

(10) If any of the days within the first period is Maundy Thursday, then—

- (a) the poll must not be held on Maundy Thursday; but
- (b) the constituency returning officer may fix the day of the poll to be held in the period which starts 20 working days after the day on which the new notice is published and ends 24 working days after that day.

(11) If any of the days within the first period is a day in the period which starts with 22nd December and ends with 2nd January following, the constituency returning officer may fix the day of the poll to be held in the period which starts 20 working days after the day on which the new notice is published and ends 24 working days after that day.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(12) For the purposes of this rule—

- (a) a working day is a day which is not a day mentioned in rule 2; and
- (b) “previous statement of persons nominated” means the statement of persons nominated in operation at the time of the death of the deceased candidate.