



Northern
Ireland
Office

CONSULTATION PAPER

Improving the Administration of Elections to the Northern Ireland Assembly

Includes proposals relating to filling
vacancies in the Northern Ireland
Assembly and European Parliament

July 2008

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ANNEX A – The Draft Northern Ireland Assembly (Elections) (Amendment) Order 2008

CHAPTER 1

Introduction

- 1.1 The NIO is responsible for maintaining the legal framework for the administration of Northern Ireland Assembly elections and intends to bring forward legislation in autumn 2008 to make technical amendments that are required following recent changes to the legislation governing Westminster elections. An initial draft of the Northern Ireland Assembly (Elections) (Amendment) Order 2008 incorporating these changes is attached at **Annex A**.
- 1.2 Bringing forward this legislation will provide an opportunity for other changes to be made and this consultation seeks views on a number of issues with a view to improving the administration of Assembly elections. These issues are discussed in detail in Chapter 3.¹
- 1.3 A key issue to be considered as part of the consultation is the method of filling seats that have been vacated by members of the Assembly (MLAs) during term. The NIO is also aware of concerns relating to the filling of seats vacated by Northern Ireland members of the European Parliament (MEPs) during term. Although any changes to the method of replacing MEPs would require primary legislation at Westminster, it would nevertheless be important to consult on this issue and reach a policy decision at an early stage to ensure that the NIO is ready to act as soon as a suitable legislative vehicle is available. For this reason, the consultation also seeks views on the methods of filling seats vacated by Northern Ireland MEPs during term.
- 1.4 The deadline for responses to the issues raised in this consultation is **8 October 2008**. Further details on responding to this consultation are set out in Chapter 6.

¹ The draft Order at Annex A does not yet contain provision relating to any of the changes discussed in Chapter 3, with the exception of the minor issues set out at paragraph 3.9.

CHAPTER 2

Background

- 2.1 Elections, including the franchise, in respect of the Northern Ireland Assembly, European Parliament and district councils are excepted matters under the Northern Ireland Act 1998 (“the 1998 Act”).² Section 34 of the 1998 Act permits the Secretary of State to make provision by order relating to Assembly elections and section 35 allows the Secretary of State to make provision for the filling of vacancies occurring in the Assembly’s membership.
- 2.2 The Northern Ireland Assembly (Elections) Order 2001 (“the 2001 Order”) sets out the current framework for conducting elections to the Northern Ireland Assembly and for filling vacant seats. The 2001 Order, in effect, applies key provisions relating to Westminster elections³ but with modifications deemed appropriate and necessary for the conduct of Assembly elections.
- 2.3 On 1 July 2008, the Representation of the People (Northern Ireland) Regulations 2008 came into force. These Regulations replaced the Representation of the People (Northern Ireland) Regulations 2001, which are currently applied as noted above with modification to Assembly elections. It is essential therefore that the 2001 Order is updated to take account of this and also changes to electoral law made by the Electoral Administration Act 2006. The draft Northern Ireland Assembly (Elections) (Amendment) Order 2008, which would make the relevant changes, is attached at **Annex A**.
- 2.4 Amending the 2001 Order also provides an opportunity to make other legislative amendments that would further improve the administration of

² See paragraph 12 of Schedule 2 to the 1998 Act.

³ In particular, provisions of the Representation of the People Acts 1983 and 1985 and the Representation of the People (Northern Ireland) Regulations 2001.

Assembly elections, particularly as a result of lessons learnt following the March 2007 election.

- 2.5 The Chief Electoral Officer is the returning officer for all elections in Northern Ireland and also leads and manages the Electoral Office of Northern Ireland. Many of the issues relating to the administration of Assembly elections contained in this paper have been raised by the Chief Electoral Officer. The NIO is grateful to the Chief Electoral Officer for highlighting these issues.

- 2.6 The Electoral Commission pursues the objective of ensuring that elections in Northern Ireland are well-run and produce results that are accepted. It also has a duty to report on elections and produced a substantial report on the Northern Ireland Assembly election of 2007. The NIO is grateful to the Electoral Commission for publishing its report, which has assisted greatly in the preparation of this paper.

CHAPTER 3

Issues for consideration

3.1 Filling vacancies

3.1.1 Section 35(1) of the 1998 Act allows the Secretary of State to make provision for the filling of vacancies in the Assembly. Currently, the 2001 Order provides for candidates to submit a list of up to six substitutes ranked in order of preference when delivering their nomination papers. This list of substitutes is then used to fill any vacancy arising should a seat be vacated, for example, because an MLA resigns or dies during the course of an Assembly term.

3.1.2 However, this can be problematic in situations where those designated as substitutes may be unable or unwilling to fill the seat at the time the vacancy arises, particularly if they have assumed other responsibilities during the course of the Assembly term or other factors have emerged that did not exist at the time the person was first listed as a substitute (such as illness or family commitments). If none of the substitutes listed are willing and able to fill the vacant seat, a by-election must be held.

3.1.3 The single transferable vote (STV) system is used in Northern Ireland Assembly elections and this ensures proportionate representation from Assembly constituencies. By-elections under the STV system are considered generally undesirable because, when only one seat is available, the result is likely to favour the strongest party overall in a constituency.

3.1.4 The NIO proposes legislative changes that would allow for the nomination of persons to fill vacant seats in the Northern Ireland Assembly to occur **at the time the seat becomes vacant**. This can be

achieved by permitting the nominating officer of a registered political party⁴ to nominate someone to replace the MLA.

3.1.5 However, further consideration is needed in respect of the definition of the nominating officer who would be permitted to make the nomination: should this be the nominating officer of the party that the MLA belonged to at the time the vacancy arose; or the nominating officer of the party that the MLA belonged to at the time he or she was elected? In most cases there will be no difference, but this may be important in circumstances where the MLA has changed party during term.

3.1.6 The NIO believes that, on balance, it would be preferable for the nominating officer of the party that the MLA belonged to at the time he or she was elected to make the nomination. It is generally the case that when electors vote for representatives of political parties, they do so because they support the party's position on certain matters in line with that party's manifesto. Should a vacancy arise, it makes sense for that party to decide who should fill the seat.

3.1.7 The position of independent MLAs requires additional consideration because they do not have a "nominating officer". For the reasons outlined above, it may be considered inappropriate for a vacant seat formerly held by an independent MLA to be filled by by-election. The NIO believes that the status quo of providing a list of substitutes at the time the candidate submits his or her nomination papers should continue in respect of independent candidates. However, additional provision should be made to allow the MLA to change the list of substitutes at any time during the course of an Assembly term to ensure that those listed will be able and willing to fill the seat if necessary.⁵

⁴ Within the meaning of Part II of the Political Parties, Elections and Referendums Act 2000

⁵ The substitutes system for filling a seat would also apply in circumstances where a person was elected as an independent MLA, but subsequently joined a political party during an Assembly term. In circumstances where a person was a party member when elected, but became an independent during

Key Questions on Filling MLA vacancies

- Does the current substitutes system require reform?
- In respect of registered political parties, should the nominating officer of the party decide who should fill a seat vacated by a party member?
- Should this be the nominating officer of the party the MLA belonged to at the time he or she was elected? Or the party he or she belonged to at the time the seat was vacated?
- Should a variation of the substitutes system remain for independents?

3.2 Abolition of Subscribers

3.2.1 Under current rules nomination papers must be signed by a proposer, a seconder and eight other subscribers.⁶ Although this replicates the subscriber system for Westminster elections, it is worth noting that only one subscriber is required for Welsh Assembly elections and subscribers have been abolished completely in respect of elections to the Scottish Parliament.

3.2.2 The subscriber system may be considered useful to demonstrate that the prospective candidate has some degree of support within the community. However, the system places an administrative burden on those seeking to be candidates and also on those responsible for verifying that the subscribers are in fact genuine. This administrative burden would appear to outweigh any benefits derived from the subscriber system. Views are sought on whether this system should be abolished entirely or whether the numbers of subscribers required should be significantly reduced.

Key Questions on Abolition of subscribers

Should there be reform of the rules requiring subscribers at nomination?

Should the system be abolished entirely? Or should the number of subscribers required be significantly reduced?

term, the nominating officer of the party the MLA belonged to at the time s/he was elected would decide who would fill the seat if it became vacant.

⁶ Schedule 1 to the 2001 Order which applies Rule 7 of the Parliamentary Elections Rules

3.3 Deposits

3.3.1 Deposits are a well-known feature of elections generally. For elections to the Northern Ireland Assembly, a deposit of £150 must be submitted. This is in contrast to Westminster elections and elections to the Welsh Assembly and Scottish Parliament where a deposit of £500 must be submitted. For local elections in Northern Ireland, no deposit at all is required.

3.3.2 There are concerns that the figure of £150 is insufficient to deter those who would receive very few votes from standing for election. It is worth noting the administrative burden on both political parties and Electoral Office staff in submitting, processing and returning deposits. If the current figure is deemed to be insufficient, consideration should be given to either raising the figure to be more in line with other UK legislatures or abolishing deposits altogether for Northern Ireland Assembly elections.

Key Questions on **Deposits**

- Should the £150 deposit figure be retained or even increased?
- Or should deposits be abolished altogether in respect of NI Assembly elections?

3.4. Role of polling agents

3.4.1 The legislation currently provides for each candidate to appoint “polling agents to attend at polling stations for the purpose of detecting personation”.⁷ However the requirement for photographic ID at polling stations in Northern Ireland has provided an effective check against personation and consideration needs to be given to whether polling agents are still required.

⁷ Rule 30(1) of the Parliamentary Election Rules as applied without modification by Schedule 1 to the 2001 Order.

3.4.2 In addition to this, in its report on the 2007 Assembly election, the Electoral Commission noted that a small minority of polling agents were causing disruption at polling stations and that there was major concern in relation to a small number of polling agents transmitting information on who had voted to people outside the polling station in breach of the secrecy requirements.⁸

3.4.3 It would appear that the various anti-fraud measures in place in Northern Ireland have been largely successful in addressing the problem of personation and it may be the case that polling agents are no longer required to assist in this regard. However, this need not mean the abolition of polling agents entirely and views are sought on what other functions polling agents could fulfil at polling stations and whether further provision regulating the conduct of polling agents at Assembly elections is required.⁹

3.4.4 Removing the requirement for the electoral number of electors to be called out may assist in preventing the transmission of information on the identities of those who have voted.¹⁰ Calling out the electoral number is a further measure aimed at combating personation, and is therefore largely redundant in Northern Ireland. Views are also sought on whether this provision should be removed for Assembly elections.

Key questions on **Role of polling agents**

- Should polling agents be abolished at Assembly elections? Or should their role simply be modified?
- Should specific provision regulating the conduct of polling agents at Assembly elections be brought forward?
- Should the requirement that elector numbers be called out be removed?

⁸ 'Official Report on The Northern Ireland Assembly Elections March 2007' Electoral Commission (2007) Pg 26.

⁹ Section 66 of the Representation of the People Act 1983 already places a secrecy requirement on polling agents with a maximum penalty on conviction of six months imprisonment.

¹⁰ Schedule 1 to the 2001 Order applies Rule 37(1)(b) of the Parliamentary Election Rules which provides that "the number and name of the elector as stated in the copy of the register of electors shall be called out".

3.5 Restrictions on sub-agents

3.5.1 Under current rules, election agents in county constituencies¹¹ are entitled to appoint “not more than one” sub-agent “to act in any part of the constituency”¹². As “part of the constituency” is not further defined, this leaves open the possibility of large numbers of sub-agents being appointed to various parts of a constituency. The Chief Electoral Officer has reported concerns relating to the use of this power by some election agents to appoint unjustifiably large numbers of sub-agents in some areas, particularly close to election time.

3.5.2 Sub-agents can play an important role in rural constituencies where the election agent may find it difficult to fulfil his or her duties effectively due to the need to travel long distances. However, as the sub-agent has the same rights and responsibilities as their principal election agents, it is important that their numbers are restricted. There is a case for placing a maximum number of sub-agents per constituency at Assembly elections and views are sought on what this number should be.

Key Questions on **Restriction of sub-agents**

- Should a maximum number of sub-agents per constituency be set at Assembly elections?
- What should the maximum number be?

3.6 Suspension of the count

3.6.1 For local elections, the vote count is automatically suspended between 11:00pm and 9:00am, unless both the returning officer and all election agents agree that it should continue. In Assembly elections the count

¹¹ In Northern Ireland this refers to all constituencies with the exception of Belfast North, Belfast South, Belfast East and Belfast West (see The Parliamentary Constituencies (Northern Ireland) Order 2008)

¹² See Section 68 of the Representation of the People Act 1983

may be suspended between 7:00pm and 9:00am, but only if the returning officer and election agents agree to this.¹³

3.6.2 Assembly election counts very rarely finish before 7:00pm due to the use of STV and it is usual practice for agents and the returning officer to agree to suspend the count at a specified time if it appears that the count is unlikely to be concluded that evening.

3.6.3 However, It appears that this practice was not observed in a number of constituencies at the last Assembly election because agreement could not be reached between all agents on suspending the count that evening. The result was that these counts continued well into the night, with the last constituency declaring in the early hours the following day.

3.6.4 The NIO believes that, in an STV system where the counting is complex and can continue long into the night, a mechanism must be in place for the returning officer to be able to suspend the count in these circumstances without needing the consent of every election agent.

3.6.5 One way of doing this would be to bring the rules for Assembly election counts in line with those that apply for local government election counts so that the count is automatically suspended at a certain time unless the election agents and returning officer all agree that it should continue.

Key Questions on Suspension of the count

- Should the count be suspended automatically at a set time, unless there is agreement that it should continue, in line with the practice at local government elections?

¹³ This is also the case for European and Westminster elections.

3.7 Provision of information by presiding officer

3.7.1 Presiding officers are often faced with requests by party members to release information on the number of ballot papers that have been issued on election day. This allows the party to direct its workers to focus their efforts on areas where the turnout would appear to be low.

3.7.2 There is currently no statutory provision regulating how and when presiding officers should release information on the number of ballot papers that have been issued on election day. This has led to perceptions that the process is not being conducted even-handedly in some polling stations. In others, presiding officers often have to endure excessive demands for this information. At the 2007 Assembly election, the Chief Electoral Officer directed that presiding officers should not release this information at all.

3.7.3 Views are sought on whether this information should in fact be released. If there is sufficient justification for this, there should be further consideration on regulating how and when this information is released. For example, the Chief Electoral Officer has proposed that the NIO brings forward statutory provision to ensure that the presiding officer publishes this information by way of notice at polling stations at regular intervals on the day of election (for example at noon, 5:00pm, 9:00pm etc). The times could be specified in statute or left to the discretion of the Chief Electoral Officer on the day.

Key Questions on **Provision of information by presiding officer**

- Should information on the number of ballot papers issued at Assembly elections be released to party workers (and the public more generally) on election day?
- If so, should there be a system where this information is released at set intervals?
- Should the intervals be specified in legislation or by the Chief Electoral Officer on the day of the election?

3.8 Publication of statement of persons nominated

3.8.1 Currently, the statement of persons nominated must be published “at the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of”.¹⁴ Nomination papers must be delivered by 4:00pm on the 16th day before the date of the poll. There is then a period of one hour when objections may be made after which the statement of persons nominated must be published.

3.8.2 The Chief Electoral Officer has expressed concern that the period for publication of the statement of persons nominated is too short, particularly considering the higher number of candidates at Assembly elections compared with European or Westminster elections. It is important that the electorate is aware of who will be standing in a constituency as soon as possible after the deadline for nominations has expired. However, it is also important to ensure that any statement of persons nominated is accurate and that all candidates are included.

3.8.3 This issue could be resolved if the deadline for the delivery of nomination papers was brought forward to 1:00pm¹⁵ on the 16th day before the date of the poll. The deadline for publication of the statement of persons nominated could be extended to 6:00pm to ensure that electoral office staff have sufficient time to compile and verify the statement. Further provision could allow for the statement to be published after the deadline but only if this could be shown to be reasonable under the circumstances.

3.8.4 Bringing forward the deadline for the delivery of nomination papers may appear to allow less time for nominations to be made. However, as paragraphs 3.9.2 and 3.9.3 below make clear, the intention is to

¹⁴ Schedule 1 to the 2001 Order, which applies Rule 1 of the Parliamentary Election Rules with modifications.

¹⁵ The period allowed for objections could be extended to 3:00pm to take account of lunchtime.

extend considerably the period in which nominations can be made more generally.

Key Questions on Publication of statement of persons nominated

- Are there any reasons why the extended time frames set out in paragraph 3.8.3 for publication of the statement of persons nominated should not be applied?

3.9 Minor issues

Multiple Voting

3.9.1 The NIO is clear that electors are only able to vote once in Assembly elections and commit an offence if they vote more than once. However, to make this clear on the face of the 2001 Order, article 5 of the draft Assembly Order attached at **Annex A** makes specific provision for this.

Period taken for nominations

3.9.2 Under the current law, nominations can only be made “between the hours of 10:00am and 4:00pm on the 16th and 17th day before the date of the poll”.¹⁶ This leaves a very small window in which nominations can be made placing pressure on prospective candidates and electoral office staff alike, particularly due to the large numbers of candidates at Assembly elections compared with Westminster or European elections.

3.9.3 The NIO believes there is sufficient justification to extend this period to between the 25th and 16th day before the date of the poll. The draft Assembly Order at **Annex A** has been amended accordingly.

Party Emblems

3.9.4 The current rules provide for each individual candidate to apply to the returning officer to include a registered party emblem on the relevant

¹⁶ Schedule 1 to the 2001 Order, which applies Rule 1 of the Parliamentary Elections Rules with modifications.

ballot paper.¹⁷ This places an administrative burden on both Electoral Office staff and candidates and also leaves open the possibility of individual party candidates forgetting to make the application or a rush of last minute applications to the returning officer at an already busy time.

3.9.5 It would make sense for nominating officers of political parties to make the application on behalf of all of the party's candidates directly to the Chief Electoral Officer. Schedule 1 to the draft Order attached at **Annex A** provides that this will be the case at future Assembly elections.

¹⁷ Rule 19(2A) of the Parliamentary Elections Rules, as applied by Schedule 1 to the 2001 Order

CHAPTER 4

Replacing MEPs

- 4.1 Northern Ireland is a single constituency for the purposes of European elections. The Single Transferable Vote (STV) system is used and Northern Ireland is entitled to return three MEPs. Unlike the rest of the UK, a by-election is automatically held when a seat becomes vacant.
- 4.2 The by-election will only be held in respect of the vacant seat and all Northern Ireland electors will be eligible to vote. It is therefore likely that the candidate from the strongest party at that time in Northern Ireland would be returned. This could result in that party gaining a disproportionate share of Northern Ireland European parliamentary seats.
- 4.3 The NIO proposes reforming the current system in line with the proposed reform of the method of filling vacant seats in the Assembly set out in paragraphs 3.1.5 to 3.1.7. That is, when a vacancy arises, the nominating officer of the political party that the vacating MEP belonged to at the time he or she was elected may nominate a replacement to fill the seat.
- 4.4 The rules relating to filling vacant UK seats in the European Parliament are contained in the European Parliamentary Elections Act 2002. Primary legislation will therefore be required to make any change.

Key questions on **Replacing MEPs**

- Do you agree that the automatic by-election model requires reform?
- If so, do you agree with a system of replacing MEPs in line with that proposed for replacing MLAs in this paper?

CHAPTER 5

Equality and Regulatory Considerations

5.1 Equality Screening

5.1.1 Under section 75 of the Northern Ireland Act 1998, public authorities are required to have due regard to the need to promote equality of opportunity between:

- People of different religious belief, political opinion, racial group, marital status or sexual orientation;
- Men and women generally;
- People with disabilities and those without;
- People with dependants and those without.

5.1.2 In addition to this obligation public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. These obligations are designed to ensure that equality and good relations considerations are carefully considered as part of the policy development process and that consultation can take place with those who the policy will impact most on.

5.1.3 The NIO has concluded that the proposals put forward in this paper do not require a full equality impact assessment. The proposals aim to improve the running of Assembly elections by addressing specific issues and to reform the system of filling MEP and MLA vacancies. The proposals suggested would not result in adverse implications to section 75 groups and altering the proposals would not result in better community relations or equality of opportunity.

5.2 Regulatory screening

5.2.1 Many of the issues considered as part of this consultation address certain administrative practices associated with elections, the reform of which may result in significant savings for Government. For example, removing the need for numerous subscribers¹⁸ would result in less administrative burden for the Electoral Office staff that would need to verify them. Moreover, reducing the likelihood of by-elections in respect of both Assembly and European seats would also result in significant saving.

5.2.2 There may be concern that, if it was recommended that deposits be abolished, this would result in Government losing money. The Chief Electoral Officer has confirmed that of the 257 candidates at the 2007 Assembly election, 90 lost their deposits, resulting in £13,500 being retained by Government. However the Chief Electoral Officer maintains that this amount is insignificant compared with the administrative burden of processing and returning deposits.

¹⁸ See paragraph 3.2

CHAPTER 6

Responding to this consultation

- 6.1 This consultation will run for 12 weeks and responses are therefore requested by **8 October 2008**. Comments on the proposals should be sent by post to:

Head of Elections Unit
Northern Ireland Office
1st Floor
11 Millbank
LONDON
SW1P 4PN

Email responses should be sent to: electionsunit@nio.x.gsi.gov.uk and faxed responses to 02072100248. Please call 02072106569 for queries in relation to this consultation. The NIO textphone number is 02890527668.

- 6.2 This consultation document is available on the NIO website: www.nio.gov.uk under Public Consultation. Printed copies of this consultation document may also be obtained free of charge from the above address. You may make additional copies of this document without seeking permission. This document can also be made available on request in different formats, for individuals with particular needs.
- 6.3 If you are responding on behalf of a group or organisation please make this clear. The NIO is committed to publishing a list of those organisations that comment on these proposals and to making available, to anyone who asks for it, a copy of the comments and our response to them. **If you do not wish your comments to be published in this way, you must make this clear in any response you submit.**

6.4 If you have any concerns or complaints about the consultation process you should contact the NIO's consultation co-ordinator, Donna Knowles on 02890 527015, or e-mail Donna.Knowles@nio.x.gsi.gov.uk or by post:

Donna Knowles
Central Management Unit
Northern Ireland Office
Stormont House Annexe
Stormont Estate
Belfast
BT4 3SH

CHAPTER 7

Responses: Confidentiality and Disclaimer

- 7.1 The information you send us may be passed to colleagues within the Northern Ireland Office, the Government or related agencies. **Individual responses may also be published on the internet at www.nio.gov.uk, unless a respondent has requested otherwise.** Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. These are primarily: the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations (2004).
- 7.2 If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice, with which public authorities must comply, and which deals, amongst other things, with obligations regarding confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.
- 7.3 Please ensure that your response is marked clearly if you wish your response to be kept anonymous. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. Confidential responses, included in any statistical summary of numbers of comments received and views expressed, will be anonymised. The Department will process your personal data strictly in accordance with the Data Protection Act. In most circumstances this will mean that your personal data will not be disclosed to third parties.

ANNEX A

Draft Order laid before Parliament under section 96(2)(b) of the Northern Ireland Act 1998(c.47), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2008 No.

NORTHERN IRELAND

The Northern Ireland Assembly (Elections)(Amendment) Order 2008

Made - - - - 2008

Coming into force - - 2008

In accordance with section 7(1) and (2)(h) of the Political Parties, Elections and Referendums Act 2000⁽¹⁹⁾, the Electoral Commission has been consulted prior to making this Order.

A draft of this Order has been laid before Parliament in accordance with section 96(2)(b) of the Northern Ireland Act 1998⁽²⁰⁾ approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State in exercise of the powers conferred on him by sections 34(4), 34(5), 34(6) and 35(1) of the Northern Ireland Act 1998⁽²¹⁾, makes the following Order:

Citation, commencement and revocation

1.— This Order may be cited as the Northern Ireland Assembly (Elections)(Amendment) Order 2008.

(1) This Order shall come into force on [the fourteenth day after the day on which it was made].

(2) Article 6 shall not apply to any vacancies notified to the Chief Electoral Officer under articles 6 or 7 of the Northern Ireland Assembly (Elections) Order 2001⁽²²⁾ (“2001 Order”) before the coming into force of this Order.

Interpretation

2. In the appropriate place in article 2 of the 2001 Order insert—

““2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008⁽²³⁾;

⁽¹⁹⁾ 2000 c.41.

⁽²⁰⁾ 1998 c.47.

⁽²¹⁾ The powers in section 34(4) are extended by section 34(5) and (6) and those in section 35(1) are extended by section 35(2) and (5).

⁽²²⁾ S.I.2001/2599 as amended by the Northern Ireland Assembly (Elections)(Amendment) Order 2002 (S.I.2002/1964), the Northern Ireland Assembly (Elections)(Amendment) Order 2003 (S.I.2003/2989) and the Northern Ireland Assembly (Elections)(Amendment) Order 2007 (S.I.2007/308).

Application of certain provisions for Assembly elections

3.—For article 3 of the 2001 Order substitute—

“3.—(1) The provisions of the 1983 Act, the Elections (Northern Ireland) Act 1985⁽²⁴⁾ and the 1985 Act which are specified in the left-hand column of Schedule 1 to this Order shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule, and
- (b) the provisions of paragraph (3) below,

apply for the purposes of an Assembly election.

(2) The provisions of the 2008 Regulations, the Election Petition Rules 1964⁽²⁵⁾ and the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992⁽²⁶⁾ which are specified in the left-hand column of Schedule 2 to this Order shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule, and
- (b) the provisions of paragraph (3) below,

apply for the purposes of an Assembly election.

(3) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to this Order—

- (a) any reference to a parliamentary election (except the references specified in paragraph (5) below) shall be construed as a reference to an Assembly election and a reference to a parliamentary general election shall be construed as a reference to a general election to the Assembly;
- (b) any reference to the parliamentary elections rules shall be construed as a reference to those rules as applied for the purposes of Assembly elections;
- (c) any reference to a parliamentary elector shall be construed as a reference to an elector entitled to vote at an Assembly election and references to the register of electors shall be construed accordingly;
- (d) any reference to a parliamentary election petition shall be construed as a reference to an Assembly election petition;
- (e) any reference to an overseas elector shall be disregarded;
- (f) any provision having effect only in Great Britain or any part of it, including a provision relating to a local government election or local government electors, shall be disregarded;
- (g) any reference to a return in the context of a return to the writ of election and return to Parliament shall be construed as a reference to the declaration of result made by the returning officer under rule 50 of the elections rules;
- (h) in the heading of the forms in Schedule 3 to the 2008 Regulations which are applied by this Order, for the words “REPRESENTATION OF THE PEOPLE ACTS” substitute “NORTHERN IRELAND ASSEMBLY ELECTION”;
- (i) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by this Order; and

⁽²³⁾ S.I.2008/xxxx/

⁽²⁴⁾ 1985 c.2.

⁽²⁵⁾ S.R. & O. (N.I.) 1964 No.28 as amended by S.R. & O. (N.I.) 1985 No.347.

⁽²⁶⁾ S.R. & O. (N.I.) 1992 No.448.

- (j) in the event that different provision is made in relation to parliamentary elections in Great Britain and parliamentary elections in Northern Ireland, the provisions relating to parliamentary elections in Northern Ireland are applied by this Order.

(4) Section 35(2)(h) of the Judicature (Northern Ireland) Act 1978⁽²⁷⁾ shall apply to relation to an Assembly election petition as it applies in relation to a parliamentary election petition and as though the references in that section to the 1983 Act were references to that Act as applied by Schedule 1 to this Order.

(5) The references to “parliamentary election” to which paragraph (3)(a) above does not apply are those in section 160(4)(a)(i) of the 1983 Act⁽²⁸⁾ and section 173(1)(a)(i) of that Act⁽²⁹⁾.”

(1) Schedule 1 (substitution of Schedule 1 to the 2001 Order) has effect.

(2) Schedule 2 (substitution of Schedule 2 to the 2001 Order) has effect.

Substitutes

4.—4.5 For Article 6 of the 2001 Order substitute — TBC

Amendment of Article 4

5. In Article 4 (franchise) which shall become sub-paragraph (1) of that Article, at the end add—

“(2) A person is not entitled to vote as an elector—

- (a) more than once in the same constituency at any Assembly election; or
- (b) in more than one constituency at a general election to the Assembly.”

Northern Ireland Office
Date

One of Her Majesty’s Principal Secretaries of State

SCHEDULE 1

Article 3(1)

For Schedule 1 to the 2001 Order substitute—

“SCHEDULE 2

Article 3(2)

APPLICATION WITH MODIFICATIONS OF PROVISIONS OF THE 1983 ACT, THE ELECTIONS (NORTHERN IRELAND) ACT 1985 AND THE 1985 ACT

<i>Provision applied</i>	<i>Modifications</i>
THE REPRESENTATION OF THE PEOPLE ACT 1983	
In section 18A (polling districts at parliamentary elections), subsection (1) ⁽³⁰⁾ .	

⁽²⁷⁾ 1978 c.23; section 35(2)(h) was amended by Schedule 8 to the 1983 Act.

⁽²⁸⁾ Section 160(4) was substituted by Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c.41).

⁽²⁹⁾ Section 173 was substituted by section 136 of the Political Parties, Election and Referendums Act 2000.

In section 18B (polling places at parliamentary elections), subsection (1).	
Section 18E	
Section 23 (rules for parliamentary elections)	
Section 29 (payments by and to returning officer) ⁽³¹⁾	Omit subsection (1) and (2).
	In subsection (5), for the words from “charged need to look at EAA commencement on” to “before”, substitute “paid by the Secretary of State on an account being submitted to him, but he may, if he thinks fit, before”.
	Omit subsection (6).
	Omit subsection (9).
Section 30 (taxation of returning officer’s account)	
Section 49 (effect of registers) ⁽³²⁾	In subsection (5)(b)(iv) for “a local government” substitute “an”.
Section 50 (effect of misdescription)	
In section 52 (discharge of registration duties), subsection (5) ⁽³³⁾	Omit the words from “Subsection” to “but”.
Section 54 (payment of registration expenses) ⁽³⁴⁾	
Section 60 (personation)	

⁽³⁰⁾ Section 18A to E of, and Schedule A1 to, the Representation of the People Act 1983 (c.2) were inserted by section 16 of the Electoral Administration Act 2006 (c.22).

⁽³¹⁾ Section 29(3) and (4) were substituted by section 1(1) and (2) of the Representation of the People Act 1991 (c.11) and were amended by the Transfer of Functions (Returning Officers’ Charges) Order 1991 (S.I. 1991/1728) and the functions formerly conferred on the Treasury have been transferred to the Secretary of State by that Order. The powers in section 29(3) are extended by sections 29(4) to (4C), as so amended. Subsections (3) to (9) of section 29 have been substituted by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c.41) (“2000 Act”), which have yet to be brought into force. The amendments made by the 2000 Act have in turn been amended by paragraph 107 of Schedule 1 to the Electoral Administration Act 2006 (c.22) (“2006 Act”), but these amendments have not been brought into force. Section 68 of the 2006 Act amends section 29 by substituting existing subsections (3) to (4B) with new subsections (3), (3A), (3B) and (3C).

⁽³²⁾ Subsections (1) and (2) of section 49 were repealed by Schedule 6 to the Representation of the People Act 2000 (“the 2000 Act”); subsection (3) was repealed by Schedule 5 to the 1985 Act; subsection (5) was substituted by Schedule 2 to the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 (S.I. 1995/1948) and amended by Schedule 1 to the 2000 Act; subsection (6) was inserted by that Schedule.

⁽³³⁾ Section 52(5) was substituted by paragraph 12 of Schedule 4 to the 1985 Act.

⁽³⁴⁾ Section 54 was amended by Schedule 4 to the 1985 Act.

Section 61 (other voting offences) ⁽³⁵⁾	In paragraphs (a) and (b) of subsection (1) omit the words “or at parliamentary or local government elections” and “or, as the case may be, at elections of that kind”.
Section 62A (offences relating to applications for postal and proxy votes) ⁽³⁶⁾	In subsection (1)(a) omit “local government”. Omit subsection (6).
Section 63 (breach of official duty) ⁽³⁷⁾	In subsection (3) – (a) omit paragraphs (a) and (c); (b) in paragraph (b) omit the words “sheriff clerk”; and (c) in paragraph (e) for the words “(a) to (d)” substitute “(b) and (d)”. Omit subsections (4) and (5) ⁽³⁸⁾ .
Section 65 (tampering with nomination papers, ballot papers etc.) ⁽³⁹⁾	
Section 65A (false statements in nomination papers etc.) ⁽⁴⁰⁾	
Section 66 (requirement of secrecy) ⁽⁴¹⁾	
Section 66A (prohibition on publication of exit polls) ⁽⁴²⁾	
Section 67 (appointment of election agent) ⁽⁴³⁾	
Section 68 (nomination of sub-agent at parliamentary elections) ⁽⁴⁴⁾	
Section 69 (office of election agent and sub-agent) ⁽⁴⁵⁾	
Section 70 (effect of default in election agent’s appointment) ⁽⁴⁶⁾	
Section 71A (control of donations to candidates) ⁽⁴⁷⁾	
Section 73 (payment of expenses through	

⁽³⁵⁾ Section 61 was amended by paragraph 2 of Schedule 2 to the 1985 Act and subsection (6A) was inserted by section 2(5) of the Elections (Northern Ireland) Act 1985 (c.2); other amendments made by the Greater London Authority Act 1999 (c.29) are not relevant to this Order; sub-section (6A) was inserted by section 38 of the Electoral Administration Act 2006 (c.22).

⁽³⁶⁾ Section 62A was inserted by section 40 of the Electoral Administration Act 2006 (c.22).

⁽³⁷⁾ Section 63 was substituted by paragraph 19 of Schedule 4 to the 1985 Act. Subsection (3)(ba) was inserted by section 7 of the Electoral Administration Act 2006 (c.22) but section 7 is not yet in force.

⁽³⁸⁾ Section 63(4) and (5) were inserted by section 46 of the Electoral Administration Act (c.22).

⁽³⁹⁾ Subsections (3) and (4) of section 65 were substituted by paragraph 2 of Schedule 3 to the 1985 Act. Subsection (1)(b) was amended by paragraph 72 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽⁴⁰⁾ Section 65A was inserted by Schedule 6 to the 2000 Act; subsection (1)(c) and (1A) and (1B) were inserted by section 23 of the Electoral Administration Act 2006 (c.22).

⁽⁴¹⁾ Section 66(1) was amended by paragraph 82 of Schedule 1 to the Electoral Administration Act 2006 (c.22); section 66(6) was amended by paragraph 3 of Schedule 3 to the 1985 Act; and paragraph 86 of Schedule 1 to the Electoral Administration Act 2006 (c.22) also amends section 66.

⁽⁴²⁾ Section 66A was inserted by Schedule 6 to the 2000 Act.

⁽⁴³⁾ Section 67(4) was amended by paragraph 20 of Schedule 4 to the 1985 Act.

⁽⁴⁴⁾ Section 68(3) was amended by paragraph 21 of Schedule 4 to the 1985 Act.

⁽⁴⁵⁾ Section 69 was amended by paragraph 22 of Schedule 4 to the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

⁽⁴⁶⁾ Subsection (3A) of section 70 was inserted by paragraph 23 of Schedule 4 to the 1985 Act.

⁽⁴⁷⁾ Section 71A was inserted by section 130(2) of the Political Parties, Elections and Referendums Act 2000.

election agent) ⁽⁴⁸⁾	
Section 74 (candidate's personal expenses and petty expenses) ⁽⁴⁹⁾	

⁽⁴⁸⁾ Section 73 was amended by section 14(1) of the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000 and paragraph 111 of Schedule 1 to the Electoral Administration Act 2006.

⁽⁴⁹⁾ Section 74 was amended by section 14(2) of the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

Section 74A (expenses incurred otherwise than for election purposes) ⁽⁵⁰⁾	
Section 75 (prohibition of expenses not authorised by election agent) ⁽⁵¹⁾	Omit subsection (4), (4A), (4B) and (4C) ⁽⁵²⁾ .
Section 76 (limitation of election expenses) ⁽⁵³⁾	
Section 77 (expenses limit for joint candidates at local election)	In subsection (1), for the words “a local government” substitute “an Assembly”.
Section 78 (time for sending in and paying claims) ⁽⁵⁴⁾	
Section 79 (disputed claims) ⁽⁵⁵⁾	
Section 80 (election agent’s claim)	
Section 81 (return as to election expenses) ⁽⁵⁶⁾	
Section 82 (declarations as to election expenses) ⁽⁵⁷⁾	
Section 83 (where no return and declarations needed at parliamentary elections)	
Section 84 (penalty for failure as respects returns or declarations)	
Section 86 (authorised excuses for failures as to return and declarations) ⁽⁵⁸⁾	
Section 87 (court’s power to require	

⁽⁵⁰⁾ Section 74A was inserted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 and amended by paragraph 112 of Schedule 1 to the Electoral Administration Act 2006.

⁽⁵¹⁾ So far as material, section 75 has been amended as follows: section 75(1)(i) was amended by Schedule 20 to the Broadcasting Act 1990 (c.42) and Schedule 10 to the Broadcasting Act 1996 (c.55); section 75(1)(ii) was amended, and section 75 (1ZA) was inserted, by section 131 of the Political Parties, Elections and Referendums Act 2000; subsections (2), (4) and (5) were amended by Schedule 4 to the 1985 Act; subsections (1ZZA), (1ZZB) and (8) were inserted by section 25 of the Electoral Administration Act 2006 (c.22) and subsection (1) and (1ZA) were amended by that provision.

⁽⁵²⁾ Section 75 (4) to (4C) were substituted by paragraph 113 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽⁵³⁾ Subsections (1) and (2)(aa) of section 76 were substituted, and subsection (1B) was inserted, by section 132 of the Political Parties, Elections and Referendums Act 2000; subsection (2)(a) was amended by section 6 of the Representation of the People Act 1989 (c.28) and the sums in that provision were substituted by S.I. 2001/535; words were omitted from subsection (2) by Schedule 1 to the Representation of the People Act 2000 and subsection (4) was substituted by that Schedule; subsection (3) was repealed by Schedule 4 to the 1985 Act; and subsection (1B) was amended by paragraph 71 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽⁵⁴⁾ Subsections (1) and (4) of section 78 were amended by Schedule 4 to the 1985 Act; subsections (1) and (2) were amended by Schedule 18 to the Political Parties, Elections and Referendums Act 2000; subsection (6) was repealed by, and subsection (7) was substituted, by that Schedule.

⁽⁵⁵⁾ Subsections (1) and (4) of section 79 were amended by paragraph 26 of Schedule 4 to the 1985 Act and subsection (3) was repealed by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

⁽⁵⁶⁾ Section 81 was amended, so far as it is material to this Order, by Schedule 4 to the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000; subsection (3A) was inserted by section 26 of the Electoral Administration Act 2006 (c.22) and subsection (9) was amended by paragraph 114 of Schedule 1 to that Act.

⁽⁵⁷⁾ Section 82 was amended by Schedule 4 to the 1985 Act and subsection (4) was repealed by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.

⁽⁵⁸⁾ Subsection (1A) of section 86 was inserted by paragraph 30(a) of Schedule 4 to 1985 Act and subsection (2) amended by paragraph 30(b) of that Schedule; subsection (10) was substituted, and subsections (9) and (11) were repealed, by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

information from election agent or sub-agent) ⁽⁵⁹⁾	
Section 87A (duty of appropriate officer to forward returns and declarations to Electoral Commission) ⁽⁶⁰⁾	Omit subsection (1) and in subsection (2) for the words from “any election” to “above” substitute “an Assembly election”.
Section 88 (publication of time and place for inspection of returns and declarations) ⁽⁶¹⁾	

⁽⁵⁹⁾ Section 87(3) was amended by paragraph 31 of Schedule 4 to the 1985 Act.

⁽⁶⁰⁾ Section 87A was inserted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

⁽⁶¹⁾ Section 88 was amended, so far as material, by Schedule 4 to the 1985 Act

Section 89 (inspection of returns and declarations) ⁽⁶²⁾	In subsections (1) and (2), for the words “two years”, in each place where they occur, substitute “12 months”.
Section 90ZA (meaning of “election expenses”) ⁽⁶³⁾	
Section 90C (property, goods and services etc. provided free of charge or at a discount) ⁽⁶⁴⁾	
Section 91 (candidate’s right to send election address post free) ⁽⁶⁵⁾	
Section 92 (broadcasting from outside United Kingdom) ⁽⁶⁶⁾	
Section 93 (broadcasting of local items during election period) ⁽⁶⁷⁾	
	For subsection (5), substitute the following subsection:
	“(5) For the purposes of subsection (1) “the election period” in relation to an Assembly election means the period beginning with the last date on which notice of election may be published in accordance with elections rules and ending with the date of the poll.”
Section 94 (imitation poll cards) ⁽⁶⁸⁾	
Section 97 (disturbances at election meetings)	For subsection (2), substitute the following subsection:
	“(2) This section applies to a political meeting held in any constituency in connection with an Assembly election on any date between the last date on which notice of an election may be published in accordance with the election rules and the date of the poll.”
Section 98 (premises not affected for rates)	
Section 99 (officials not to act for candidates) ⁽⁶⁹⁾	
Section 100 (illegal canvassing by police officers) ⁽⁷⁰⁾	
Section 106 (false statements as to candidates) ⁽⁷¹⁾	

⁽⁶²⁾ Subsections (1) and (1A) of section 89 were substituted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 and subsection (3) was amended by Schedule 4 to the 1985 Act.

⁽⁶³⁾ Section 90ZA was inserted by section 27 of the Electoral Administration Act 2006 (c.22).

⁽⁶⁴⁾ Section 90C was inserted by section 134(1) of the Political Parties, Elections and Referendums Act 2000.

⁽⁶⁵⁾ Section 91(1) was substituted by Schedule 4 to the 1985 Act; subsections (1), (2) and (3) of section 91 were amended, and subsection (5) was inserted, by Schedule 8 to the Postal Services Act 2000 (c.26); and subsection (4) was substituted by Schedule 4 to the 2000 Act.

⁽⁶⁶⁾ Section 92(1) was substituted by Schedule 20 to the Broadcasting Act 1990 (c.42).

⁽⁶⁷⁾ Section 93 was substituted by section 144 of the Political Parties, Elections and Referendums Act 2000.

⁽⁶⁸⁾ Section 94 was amended by paragraph 36 of Schedule 4 to the 1985 Act but the amendments are not relevant to this Order.

⁽⁶⁹⁾ Section 99(2) was substituted by Schedule 3 to the 1985 Act.

⁽⁷⁰⁾ Section 100(2) was amended by Schedule 3 to the 1985 Act.

Section 107 (corrupt withdrawal from candidature)	
Section 109 (payments for exhibition of election notices)	
Section 110 (printer's name and address on election publications) ⁽⁷²⁾	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)	
Section 114 (treating)	
Section 115 (undue influence)	
Section 116 (rights of creditors)	
Section 117 (savings as to parliamentary elections)	
Section 118 (interpretation of Part II) ⁽⁷³⁾	
Section 118A (meaning of candidate) ⁽⁷⁴⁾	In subsection (2) – (a) for “Parliament” substitute “the Assembly” and (b) for the words “the writ for the election is issued” substitute “the election is held”.
Section 119 (computation of time for purposes of Part II) ⁽⁷⁵⁾	
Section 120 (method of questioning parliamentary election)	
Section 121 (presentation and service of parliamentary election petition) ⁽⁷⁶⁾	
Section 122 (time for presentation or amendment of parliamentary election petition) ⁽⁷⁷⁾	In subsection (1), for the words from “the return” to the end substitute “the day on which the relevant result was declared in accordance with rule 50 of the elections rules”.
	In subsection (2), for the words “that return” substitute “that declaration of the result of the election”.

⁽⁷¹⁾ Section 106(4) was repealed by Schedule 5 to the 1985 Act; section 106(8) was repealed, and section 106(9) was substituted, by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

⁽⁷²⁾ Section 110 was substituted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 but the commencement of the new provisions now rests on an order to be made under section 2(1) of the Election Publications Act 2001 (c.5); the original section 110(3) which has returned into force was amended by Schedule 3 to the 1985 Act.

⁽⁷³⁾ Section 118 was amended by paragraph 43 of Schedule 4 to the 1985 Act, section 135(1) of the Political Parties, Elections and Referendum Act 2000 and Schedule 18 to that Act.

⁽⁷⁴⁾ Section 118A was inserted by section 135(2) of the Political Parties, Elections and Referendums Act 2000.

⁽⁷⁵⁾ Subsections (2) and (3) of section 119 were substituted by section 19(4) of the 1985 Act; and subsection 119(2) was amended by paragraph 51 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽⁷⁶⁾ Section 121(5) was amended by Schedule 8 to the Political Parties, Elections and Referendums Act 2000.

⁽⁷⁷⁾ Section 122(4) was amended by Schedule 4 to the 1985 Act and section 122(8) was repealed by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

Section 123 (constitution of election court and place of trial)	
Section 124 (judges' expenses and reception: England and Wales and Northern Ireland) ⁽⁷⁸⁾	For "the Treasury" substitute "the Secretary of State".
Section 126 (attendance of the House of Commons shorthand writer) ⁽⁷⁹⁾	In subsection (1), for the words "The shorthand writer of the House of Commons or his deputy" substitute "A shorthand writer".
	In subsection (2), for the word "Speaker" substitute "Chief Electoral Officer".
	In subsection (3), omit the words "In Scotland" and for the words "section 125" substitute "section 124".

⁽⁷⁸⁾ Section 124 was repealed in part by Schedule 5 to the 1985 Act.

⁽⁷⁹⁾ Section 126(3) was repealed in part by Schedule 5 to the 1985 Act and amended by Schedule 4 to that Act.

Section 136 (security for costs) ⁽⁸⁰⁾	
Section 137 (petition at issue) ⁽⁸¹⁾	
Section 138 (list of petitions) ⁽⁸²⁾	In subsection (3), omit the words from the beginning of the subsection to “local government Act”.
Section 139 (trial of petition)	In subsection (3) omit the words from “the acceptance” to “notwithstanding”, in the third place where it occurs.
Section 140 (witnesses) ⁽⁸³⁾	
Section 141 (duty to answer relevant questions) ⁽⁸⁴⁾	
Section 143 (expenses of witnesses)	
Section 144 (conclusion of trial of parliamentary election petition)	In subsections (2), (4) and (6), for the word “Speaker”, in each place where it occurs, substitute “Chief Electoral Officer”.
	Omit subsections (5) and (7).
Section 146 (special case for determination of High Court)	In subsection (2), for the word “Speaker” substitute “Chief Electoral Officer”.
Section 147 (withdrawal of petition)	
Section 154 (costs of petition)	
Section 155 (neglect or refusal to pay costs)	
Section 156 (further provision as to costs) ⁽⁸⁵⁾	
Section 157 (appeals and jurisdiction) ⁽⁸⁶⁾	For subsection (2), substitute the following subsection: “(2) Subject to the provisions of this Act and the rules made under it, the principles, practice and rules on which election courts act in dealing with parliamentary election petitions shall be observed, so far as may be, by the High Court and election court in the case of election petitions relating to Assembly elections.”.
Section 158 (report as to candidate guilty of a corrupt or illegal practice)	
Section 159 (candidate reported guilty of corrupt or illegal practice) ⁽⁸⁷⁾	
Section 160 (persons reported personally guilty of corrupt or illegal practices) ⁽⁸⁸⁾	In subsection (4) – (a) After the word “Kingdom” insert “or

⁽⁸⁰⁾ Section 136 was amended by Schedule 4 to the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

⁽⁸¹⁾ Section 137 was substituted by Schedule 17 to the Political Parties, Elections and Referendums Act 2000.

⁽⁸²⁾ Section 138(1) was amended by Schedule 17 to the Political Parties, Elections and Referendums Act 2000.

⁽⁸³⁾ Section 140 was amended by paragraph 49 of Schedule 4 to the 1985 Act.

⁽⁸⁴⁾ Subsections (3) and (4) of section 141 were repealed by Schedule 5 to the 1985 Act and subsections (1)(a)(i) and (2)(a) were amended by paragraph 84 of Schedule 27 to the Civil Partnership Act 2004 (c.33).

⁽⁸⁵⁾ Section 156 was amended by Schedule 4 to the 1985 Act.

⁽⁸⁶⁾ Section 157(5) was repealed by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.

⁽⁸⁷⁾ Section 159(2) was repealed by Schedule 17 to the Political Parties, Elections and Referendums Act 2000.

	local election”; and (b) After the word “Commons”, in each place where it occurs, insert “or the Assembly”.
	Omit subsection (6)
Section 161 (justice of the peace) ⁽⁸⁹⁾	
Section 162 (member of legal and certain other professions)	
Section 163 (holder of licence or certificate under the Licensing Acts)	
Section 164 (avoidance of election for general corruption etc.)	
Section 165 (avoidance of election for employing corrupt agent)	
In section 166 (votes to be struck off for corrupt or illegal practices) subsections (2) and (3)	
Section 167 (application for relief) ⁽⁹⁰⁾	
Section 168 (prosecutions for corrupt practices) ⁽⁹¹⁾	
Section 169 (prosecutions for illegal practices) ⁽⁹²⁾	
Section 170 (conviction of illegal practice on charge or corrupt practice etc.)	

⁽⁸⁸⁾ Words were omitted from subsection (1) of section 160 and subsection (2) was repealed by Schedule 5 to the 1985 Act; subsection (3) was substituted by Schedule 4 to that Act; subsections (4) to (5A) were substituted by Schedule 17 to the Political Parties, Elections and Referendums Act 2000 and subsection (4A) and (5A) were amended by paragraph 120 of Schedule 1 to the Electoral Administration Act 2006 (c.22) and subsection (5B) was inserted by that provision.

⁽⁸⁹⁾ Section 161 to 163 repealed by part by Schedule 5 to the 1985 Act and amended by Schedule 4 to that Act.

⁽⁹⁰⁾ Section 167(1A) was inserted by paragraph 56 of Schedule 4 to the 1985 Act and subsection (4) was omitted, and subsection (5) was substituted, by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

⁽⁹¹⁾ Subsection (1) of section 168 was substituted for subsections (1) to (4) by paragraph 8 of Schedule 3 to the 1985 Act and subsections (5) and (6) were repealed by Schedule 5 to that Act; subsection (1)(a) was amended by paragraph 121 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽⁹²⁾ Section 169 was repealed in part by Schedule 5 to the 1985 Act and amended by paragraph 9 of Schedule 3 to that Act.

Section 173 (incapacities on conviction of corrupt or illegal practice) ⁽⁹³⁾	In subsection (1)— (a) After the word “Kingdom” insert “or local election”; and (b) After the word “Commons”, in each place where it occurs, insert “or the Assembly”. In subsection (7)— (a) For the words from “House” to “elective office” substitute “Assembly”; and (b) For the words from “Parliament” to “that office” substitute “the Assembly”.
	Omit subsection (10).
Section 174 (mitigation and remission etc.) ⁽⁹⁴⁾	
Section 175 (illegal payments etc.) ⁽⁹⁵⁾	
Section 176 (time limit for prosecutions) ⁽⁹⁶⁾	
Section 178 (prosecution of offences committed outside United Kingdom) ⁽⁹⁷⁾	
Section 179 (offences by associations)	
Section 180 (evidence by certificate of holding of elections)	
Section 180A (evidence by certificate of electoral registration) ⁽⁹⁸⁾	
Section 181 (Director of Public Prosecutions) ⁽⁹⁹⁾	
Section 183 (costs)	
Section 184 (service of notices) ⁽¹⁰⁰⁾	
Section 185 (interpretation of Part III) ⁽¹⁰¹⁾	
Section 186 (computation of time for purposes of Part III)	
Section 199	

⁽⁹³⁾ Section 173 was substituted by section 136 of the Political Parties, Elections and Referendums Act 2000 and subsection (2) was amended by paragraph 122 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽⁹⁴⁾ Section 174(6) was repealed by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.

⁽⁹⁵⁾ Section 175(1) was amended by Schedule 21 to the Political Parties, Elections and Referendums Act 2000 and Schedule 3 to the 1985 Act.

⁽⁹⁶⁾ Section 176 was amended by Schedule 4 to the 1985 Act.

⁽⁹⁷⁾ Section 178 was substituted by Schedule 4 to the 1985 Act.

⁽⁹⁸⁾ Section 180A was inserted by Schedule 1 to the 2000 Act.

⁽⁹⁹⁾ Subsections (1), (2) and (3) of section 181 were amended by Schedule 4 to the 1985 Act; subsection (6) was repealed in part by Schedule 5 to that Act; and subsection (8) was repealed by Schedule 2 to the Prosecution of Offences Act 1985 (c.23).

⁽¹⁰⁰⁾ Section 184(1) was amended by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

⁽¹⁰¹⁾ Section 185 was amended by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

	“(2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971 ⁽¹⁰⁶⁾ in Northern Ireland.”.
Rule 5 (notice of election) ⁽¹⁰⁷⁾	
Rule 6 (nomination of candidates) ⁽¹⁰⁸⁾	In paragraph (3)(b), omit the words from “or, where” to the end.
Rule 6A (nomination papers: name of registered political party) ⁽¹⁰⁹⁾	
Rule 7 (subscription of nomination paper) ⁽¹¹⁰⁾	In paragraph (5), for the words from “than one nomination” to “delivered” substitute “nomination papers at the same election than there are vacancies to be filled and, if he does, his signature shall be inoperative on any paper other than the papers first delivered up to the number of vacancies”.
Rule 8 (consent to nomination) ⁽¹¹¹⁾	In paragraph (3)(b), for the words “the House of Commons Disqualification” substitute “the Northern Ireland Assembly Disqualification” and for the words “House of Commons” substitute “Assembly”.
Rule 9 (deposit)	In paragraph (1), for “£500” substitute “£150”.
In Rule 10 (place for delivery of nomination papers), paragraph (1)	
Rule 11 (right to attend nomination) ⁽¹¹²⁾	
Rule 12 (decisions as to validity of nomination papers) ⁽¹¹³⁾	
Rule 13 (withdrawal of candidates)	
Rule 14 (publication of statement of persons nominated) ⁽¹¹⁴⁾	

⁽¹⁰⁵⁾ Rule 2 was amended by section 19(5) of the 1985 Act and paragraph 52 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽¹⁰⁶⁾ 1971 c.80.

⁽¹⁰⁷⁾ Rule 5 was amended by Schedules 2 and 4 to the 1985 Act and Schedule 6 to the 2000 Act and paragraph (1A) was inserted by section 19 of the Electoral Administration Act 2006 (c.22).

⁽¹⁰⁸⁾ Rule 6(3) was substituted by section 38(2) of the Political Parties, Elections and Referendums Act 2000; paragraph (3)(a) was amended by section 19 of the Electoral Administration Act 2006 (c.22) and paragraph (2A) was inserted by section 21 of that Act.

⁽¹⁰⁹⁾ Rule 6A was inserted by Schedule 2 to the Registration of Political Parties Act 1998 (c.48) and amended by section 38(3) of the Political Parties, Elections and Referendums Act 2000, paragraphs (1) and (2) were amended by paragraph 129 of Schedule 1 to the Electoral Administration Act 2006 (c.22); paragraphs (1A) to (1C) were inserted by section 49(3) of the Electoral Administration Act 2006 (c.22) and paragraph (3) was amended by section 52 of that Act and paragraph (4) was inserted by that provision.

⁽¹¹⁰⁾ Rule 7(6) was substituted by Schedule 1 to the 2000 Act.

⁽¹¹¹⁾ Rule 8 (3)(c) was inserted by section 22 of the Electoral Administration Act 2006 (c.22).

⁽¹¹²⁾ Rule 11 was amended by and paragraph 83 of Schedule 1 to, the Electoral Administration Act 2006 (c.22).

⁽¹¹³⁾ Rule 12 was amended by Schedule 2 to the Registration of Political Parties Act 1998 by section 19(6) and (7) of, and paragraph 130 of Schedule 1 to, the Electoral Administration Act 2006 (c.22).

⁽¹¹⁴⁾ Rule 14(5) was inserted by Schedule 21 to the Political Parties, Elections and Referendums Act 2000 and amended by paragraph 131 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

Rule 14A (correction of minor errors) ⁽¹¹⁵⁾	
Rule 15 (disqualification by Representation of the People Act 1981)	
Rule 16 (adjournment of nomination proceedings in case of riot)	
Rule 17 (method of election)	In paragraph (1), for the words “than one person standing nominated” substitute “persons standing nominated than there are members to be elected”.
	In paragraph (2), for the words “only one person standing nominated, that person” substitute “a number of persons standing nominated which is equal to, or less than, the number of members to be elected, those persons”.
Rule 18 (poll to be taken by ballot)	For the words from “result” to the end of the rule, substitute “votes given to each candidate shall be counted and the result of the poll determined in accordance with rules 44A to 44M of these rules”.
Rule 19 (the ballot papers) ⁽¹¹⁶⁾	In paragraph (2A) for the words from “If a candidate” to “so requests” substitute “The registered nominating officer of a party may request in writing on behalf of a candidate who is the subject of that party’s authorisation under rule 6A(1) that”
Rule 19A (corresponding number list) ⁽¹¹⁷⁾	
Rule 20 (the official mark) ⁽¹¹⁸⁾	
Rule 21 (prohibition of disclosure of vote)	
Rule 22 (use of schools and public rooms)	In paragraphs (1) and (2) after the word “poll” insert “or counting the votes”.
Rule 23 (notice of poll) ⁽¹¹⁹⁾	
Rule 24 (postal ballot papers) ⁽¹²⁰⁾	
Rule 25 (provision of polling stations)	
Rule 26 (appointment of presiding officers and clerks) ⁽¹²¹⁾	
Rule 28 (issue of official poll cards) ⁽¹²²⁾	
Rule 29 (equipment of polling stations) ⁽¹²³⁾	In paragraph (5) for the words from “the notice” to the end substitute “the notice set out in the Appendix”.

⁽¹¹⁵⁾ Rule 14A was inserted by section 19(8) of the Electoral Administration Act 2006 (c.22).

⁽¹¹⁶⁾ Rule 19(2)(d) was amended by Schedule 4 to the 1985 Act; paragraphs (2A) and (2B) were inserted by Schedule 2 to the Registration of Political Parties Act 1998 and paragraph (4) was inserted by section 30(2) of the Electoral Administration Act 2006, and paragraph (2) was amended by that section and paragraph 87 of Schedule 1 to that Act.

⁽¹¹⁷⁾ Rule 19A was inserted by the Electoral Administration Act 2006 (c.22).

⁽¹¹⁸⁾ Rule 20 was amended by paragraph 88 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽¹¹⁹⁾ Rule 23 was substituted by Schedule 4 to the 1985 Act and paragraph (2A) was inserted by paragraph 3 of the Schedule to the Elections Act 2001 (c.7).

⁽¹²⁰⁾ Rule 24 was substituted by Schedule 6 to the 2000 Act and then substituted by section 37 of the Electoral Administration Act 2006 (c.22).

⁽¹²¹⁾ Rule 26(3) was amended by section 2(2) of the Elections (Northern Ireland) Act 1985 (c.2).

⁽¹²²⁾ Rule 28 was amended by section 4(6) of, and Schedule 2 to, the 1985 Act and paragraph 70 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

Rule 30 (appointment of polling and counting agents) ⁽¹²⁴⁾	
Rule 31 (notification of requirement of secrecy) ⁽¹²⁵⁾	
Rule 32 (admission to polling station) ⁽¹²⁶⁾	
Rule 33 (keeping of order in station)	
Rule 34 (sealing of ballot boxes)	
Rule 35 (questions to be put to voters) ⁽¹²⁷⁾	
Rule 36 (challenge of voter) ⁽¹²⁸⁾	
Rule 37 (voting procedure) ⁽¹²⁹⁾	In paragraph (1E)(b) for the words from “the United” to the end substitute “a Member State of the European Community”.
	Omit paragraph (1F)
	For paragraph (2), substitute: (2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there shall— (a) secretly record his vote by placing on the ballot paper “1” opposite the name of the candidate of his first choice and, if he wishes, by placing “2” opposite the name of the candidate of his second choice, “3” opposite the name of the candidate of his third choice and so on in the order of his preference; (b) fold the paper so that his vote is concealed; (c) show to the presiding officer the back of the paper so as to disclose the number and other unique identifying mark; and (d) put the folded paper into the ballot box in the presence of the presiding

⁽¹²³⁾ Rule 29 (3A) was inserted by section 13(2) of the 2000 Act and rule 29(5) was amended by Schedule 4 to the 1985 Act; sub-paragraph (3)(b) was omitted by paragraph 89 of Schedule 1 to the Electoral Administration Act 2006 (c.22) and sub-paragraph (3)(e) was inserted by section 31(3) of that Act.

⁽¹²⁴⁾ Rule 30(5) was repealed in part by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.

⁽¹²⁵⁾ Rule 31 was substituted by Schedule 4 to the 1985 Act.

⁽¹²⁶⁾ Rule 32(1) was substituted by, and paragraph (1A) was inserted, by paragraph 84 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽¹²⁷⁾ Rule 35 was substituted by paragraph 74 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽¹²⁸⁾ Rule 36 was substituted by paragraph 132 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽¹²⁹⁾ Rule 37(1) was amended by section 2(3)(a) of the Elections (Northern Ireland) Act 1985 and Schedule 4 to the 1985 Act; paragraph (1A) to (1G) were inserted by section 1(2) of the Elections (Northern Ireland) Act 1985; paragraph (1E) was amended by Schedule 3 to the Road Traffic (Consequential Provisions) Act 1986 (c.54) and regulation 14 of S.I. 2001/400 and paragraphs (1) and (2) were amended by paragraph 90 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

	officer.
Rule 38 (votes marked by presiding officer) ⁽¹³⁰⁾	In paragraph (1) for the words “vote to be marked on a ballot paper” substitute “ballot paper to be marked”.
Rule 39 (voting by persons with disabilities) ⁽¹³¹⁾	
Rule 40 (tendered ballot papers) ⁽¹³²⁾	
Rule 40A (refusal to deliver ballot paper) ⁽¹³³⁾	
Rule 41 (spoilt ballot papers)	
Rule 42 (adjournment of poll in case of riot)	
Rule 43 (procedure on close of poll) ⁽¹³⁴⁾	
Rule 44 (attendance at counting of votes) ⁽¹³⁵⁾	Omit paragraph (5).
	<p>After rule 44 insert the following rules:</p> <p>“Interpretation of rules 44B to 44M</p> <p>44A. In rules 44B to 44M below:</p> <p>“continuing candidate” means any candidate not deemed to be elected and not excluded;</p> <p>“count” means all the operations involved in the counting of the first preferences recorded for candidates, the transfer of the surpluses of elected candidates, and the transfer of the votes of excluded candidates;</p> <p>“deemed to be elected” means deemed to be elected for the purposes of the counting of votes but without prejudice to the declaration of the result of the poll;</p> <p>“mark” means a figure, a word written in the English language or a mark such as “X”;</p> <p>“non-transferable vote” means a ballot paper-</p> <p>(a) on which no second or</p>

⁽¹³⁰⁾ Paragraph (1) of rule 38 was amended by section 2(3)(b) of the Elections (Northern Ireland) Act 1985 and paragraph (1A) was inserted by section 1(3) of that Act. Paragraph (1)(a) was also amended by paragraph 77 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽¹³¹⁾ Rule 39 was substituted by section 13(3) of the 2000 Act and paragraph (1) was amended by paragraph 78 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽¹³²⁾ Paragraph (1)(b) of rule 40 was repealed in part by Schedule 5 to the 1985 Act; paragraphs (1A) to (1C) were inserted by section 1(5) of the Elections (Northern Ireland) Act 1985 and paragraphs (5) and (6) were inserted by section 1(6) of that Act. Paragraph (1ZA) to (1ZE) were inserted by section 38(1) and (2) of the Electoral Administration Act 2006 (c.22) and paragraph (1ZF) was inserted, and paragraph (3) amended, by paragraph 81 of Schedule 1 to that Act.

⁽¹³³⁾ Rule 40A was inserted by section 2(4) of the Elections (Northern Ireland) Act 1985.

⁽¹³⁴⁾ Rule 43(1)(f) was amended by section 13(4) of the 2000 Act and paragraph 79 of Schedule 1 to the Electoral Administration Act 2006 (c.22); paragraph (1)(da) was inserted by section 31(4) of that Act.

⁽¹³⁵⁾ Rule 44(2)(b) was amended by, and rule 44(2)(e) inserted by, paragraph 85 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

subsequent preference is recorded for a continuing candidate, or

- (b) which is excluded by the returning officer under rule 44G(4) below;

“preference” as used in the following contexts has the meaning assigned below-

- (a) “first preference” means the figure “1” or any mark or word which clearly indicates a first (or only) preference;

- (b) “next available preference” means a preference which is the second or, as the case may be, subsequent preference recorded in consecutive order for a continuing candidate (any candidate who is deemed to be elected or is excluded thereby being ignored), and

- (c) in this context, a “second preference” is shown by the figure “2” or any mark or word which clearly indicates a second preference, a third preference by the figure “3” or any mark or word which clearly indicates a third preference, and so on;

“quota” means the number calculated in accordance with rule 44E below;

“surplus” means the number of votes by which the total number of votes for any candidate (whether first preference or transferred votes, or a combination of both) exceeds the quota; but, references in these rules to the transfer of the surplus means the transfer (at a transfer value) of all transferable papers from the candidate who has the surplus;

“stage of the count” means –

⁽¹³⁶⁾ Sections 10, 10A and 13A were substituted by Schedule 1 to the Representation of the People Act 2000 (c.2) and amended by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c.13); section 10(4B) was amended by paragraph 105 of Schedule 1 to the Electoral Administration Act 2006 (c.22); and section 10A(3A) and (5B) were inserted by section 12 of that Act and subsection (5) was amended by that provision; and subsection (1B) was amended by paragraph 106 of Schedule 1 to that Act.

⁽¹³⁷⁾ 1989 c.3; Schedule 1 was amended by Schedule 3 to the Representation of the People Act 2000.

- (a) the determination of the first preference vote for each candidate; or
- (b) the transfer of a surplus of a candidate deemed to be elected; or
- (c) the exclusion of one or more candidates at any given time.

“transferable paper” means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;

“transferred vote” means a vote derived from a ballot paper on which a second or subsequent preference is recorded for the candidate to whom that paper has been transferred;

“transfer value” means the value of a transferred vote calculated in accordance with paragraph (4) or (7) of rule 44F below.

Preliminary proceedings and conduct of the count

44B.—

(1) The returning officer shall—

- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it;
- (b) in the presence of the election agents verify each ballot paper account; and
- (c) count such of the postal ballot papers as have been duly returned and record the number counted.

(2) The returning officer shall not count the votes given on any ballot papers until—

- (a) in the case of the postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and
- (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot

papers from at least one other ballot box.

(3) a postal ballot paper shall not be deemed to be duly returned unless—

(a) it is returned in the proper envelope so as to reach the returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated; and

(b) in the case of an elector, that declaration of identity states the date of birth of the elector and the returning officer is satisfied that the date stated corresponds with the date supplied as the date of the elector's birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of this Act⁽¹³⁶⁾, as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989⁽¹³⁷⁾.

(4) In the case of an elector, unless section 10(4B), 10A(1B) or 13A(2B) of this Act (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989) applies, the declaration of identity referred to in paragraph (3) shall be taken not to be duly signed unless the returning officer is satisfied that the signature on the declaration corresponds with the signature supplied as the elector's signature pursuant to section 10(4A)(a), 10A(1A)(a) or 13A(2A)(a) of this Act (as so applied).

(5) The returning officer shall not count any tendered ballot paper.

(6) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers and other unique identifying mark printed on the back of the papers.

(7) The returning officer shall verify

each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt papers in his possession and the tendered votes list (opening and resealing the packets containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.

(8) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may exclude the hours between 7 in the evening and 9 on the following morning.

For the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

(9) During the time so excluded the returning officer shall –

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

44C.–

(1) Any ballot paper—

- (a) which does not bear the official mark and other unique identifying mark ; or
- (b) on which the figure “1” standing alone is not placed so as to indicate a first preference for any candidate; or
- (c) on which the figure “1” standing alone indicating a first preference is set opposite the name of more than one candidate; or

(d) on which anything (other than the printed number of the back) is written or marked by which the voter can be identified; or

(e) which is unmarked or void for uncertainty,

shall be void and not counted, but the ballot paper shall not be void by reason only of carrying the words “one”, “two”, “three”, (and so on) or any other mark instead of a figure if, in the opinion of the returning officer, the word or mark clearly indicates a preference or preferences.

(2) The returning officer shall endorse “Rejected” on any ballot paper which under this rule is not to be counted and if an election agent objects to his decision shall add to the endorsement the words “rejection objected to”.

(3) The returning officer shall prepare a statement showing the number of ballot papers rejected by him under each of sub-paragraphs (a), (b), (c), (d) and (e) of paragraph (1) above and shall, on request, allow any candidate or agent to copy that statement.

(4) The decision of the returning officer on any question arising in respect of a ballot paper shall be final but shall be subject to review on an election petition.

First stage

44D.—

(1) The returning officer shall sort the ballot papers into parcels according to the candidates for whom first preference votes are given.

(2) The returning officer shall then count the number of first preference votes given on ballot papers for each candidate and shall record those numbers.

(3) The returning officer shall also ascertain and record the number of valid ballot papers.

The quota

44E.—

(1) The returning officer shall divide the number of valid ballot papers by a number exceeding by one the number of members to be elected.

(2) The result, increased by one, of the division under paragraph (1) above (any fraction being disregarded) shall be the number of votes sufficient to secure the election of a candidate (in these rules referred to as “the quota”).

(3) At any stage of the count a candidate whose total votes equals or exceeds the quota shall be deemed to be elected, except that at any election where there is only one vacancy a candidate shall not be deemed to be elected until the procedure set out in paragraphs (1) to (3) of rule 44H below has been complied.

Transfer of votes

44F.—

(1) Where the number of first preference votes for any candidate exceeds the quota, the returning officer shall sort all the ballot papers on which first preference votes are given for that candidate into sub-parcels so that they are grouped—

- (a) according to next available preference given on those papers for any continuing candidate, or
- (b) where no such preference is given, as the sub-parcel of non-transferable votes.

(2) The returning officer shall count the number of ballot papers in each parcel referred to in paragraph (1) above.

(3) The returning officer shall, in accordance with this rule and rule 44G below, transfer each sub-parcel of

ballot papers referred to in paragraph (1)(a) above to the candidate for whom the next available preference is given on those papers.

(4) The vote on each ballot paper transferred under paragraph (3) above shall be at a value (“the transfer value”) which—

- (a) reduces the value of each vote transferred so that the total value of all such votes does not exceed the surplus; and
- (b) is calculated by dividing the surplus of the candidate from whom the votes are being transferred by the total number of the ballot papers on which those votes are given, the calculation being made to two decimal places (ignoring the remainder if any).

(5) Where at the end of any stage of the count involving the transfer of ballot papers, the number of votes for any candidate exceeds the quota, the returning officer shall sort the ballot papers in the sub-parcel of transferred votes which was last received by that candidate into separate sub-parcels so that they are grouped—

- (a) according to the next available preference given on those papers for any continuing candidate, or
- (b) where no such preference is given, as the sub-parcel of non-transferable votes.

(6) The returning officer shall, in accordance with this rule and rule 44G below, transfer each sub-parcel of ballot papers referred to in paragraph (5)(a) above to the candidate for whom the next available preference is given on those papers.

(7) The vote on each ballot paper transferred under paragraph (6) shall be at—

- (a) a transfer value calculated as set out in paragraph (4)(b) above, or

(b) at the value at which that vote was received by the candidate from whom it is now being transferred,

whichever is the less.

(8) Each transfer of a surplus constitutes a stage in the count.

(9) Subject to paragraph (10) below, the returning officer shall proceed to transfer transferable papers until no candidate who is deemed to be elected has a surplus or all the vacancies have been filled.

(10) Transferable papers shall not be liable to be transferred where any surplus or surpluses which, at a particular stage of the count, have not already been transferred, are —

(a) less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote, or

(b) less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the count with the lowest recorded total numbers of votes and the candidate next above such candidates.

(11) This rule shall not apply at an election where there is only one vacancy.

Supplementary provisions on transfer

44G.—

(1) If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the highest surplus shall be transferred first, and if—

(a) the surpluses determined in respect of two or more candidates are equal, the

transferable papers of the candidate who had the highest recorded vote at the earliest preceding stage at which they had unequal votes, shall be transferred first, and

- (b) the votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between those candidates by lot and the transferable papers of the candidate on whom the lot fall shall be transferred first.

(2) The returning officer shall, on each transfer of transferable papers under rule 44F above—

- (a) record the total value of the votes transferred to each candidate;
- (b) add that value to the previous total of votes recorded for each candidate and record the new total;
- (c) record as non-transferable votes the difference between the surplus and the total transfer value of the transferred votes and add that difference to the previously recorded total of non-transferable votes, and
- (d) compare—
 - (i) the total number of votes than recorded for all of the candidates, together with the total number of non-transferable votes, with
 - (ii) the recorded total of valid first preference votes.

(3) All ballot papers transferred under rule 44F above or 44H below shall be clearly marked, either individually or as a sub-parcel, so as to indicate the transfer value recorded at that time to each vote on that paper or, as the case may be, all the papers in that sub-parcel.

(4) Where a ballot paper is so

marked that it is unclear to the returning officer at any stage of the count under rule 44F or 44H for which candidate the next preference is recorded, the returning officer shall treat any vote on that ballot paper as a non-transferable vote; and votes on a ballot paper shall be so treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the opinion of the returning officer, the same order of preference is indicated or the numerical sequence is broken.

Exclusion of candidates

44H.—

(1) If —

- (a) all transferable papers which under the provisions of rule 44F above (including that rule as applied by paragraph (11) below) and this rule are required to be transferred, have been transferred, and
- (b) subject to rule 44J below, one or more vacancies remain to be filled,

the returning officer shall exclude from the election at that stage the candidate with the then lowest vote (or, where paragraph (12) below applies, the candidates with the then lowest votes).

(2) The returning officer shall sort all the ballot papers on which first preference votes are given for the candidates or candidates excluded under paragraph (1) above into two sub-parcels so that they are grouped as—

- (a) ballot papers on which a next available preference is given, and
- (b) ballot papers on which no such preference is given (thereby including ballot papers on which preferences are given only for candidates who are deemed to be elected or are excluded).

(3) The returning officer shall, in accordance with this rule and rule 44G above, transfer each sub-parcel of ballot papers referred to in paragraph (2)(a) above to the candidate for whom the next available preference is given on those papers.

(4) The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.

(5) If, subject to rule 44J below, one or more vacancies still remain to be filled, the returning officer shall then sort the transferable papers, if any, which had been transferred to any candidate excluded under paragraph (1) above into sub-parcels according to their transfer value.

(6) The returning officer shall transfer those papers in the sub-parcel of transferable papers with the highest transfer value to the continuing candidates in accordance with the next available preferences given on those papers (thereby passing over candidates who are deemed to be elected or are excluded).

(7) The vote on each transferable paper transferred under paragraph (6) above shall be at the value at which that vote was received by the candidate excluded under paragraph (1) above.

(8) Any papers on which no next available preferences have been expressed shall be set aside as non-transferable votes.

(9) After the returning officer has completed the transfer of the ballot papers in the sub-parcel of ballot papers with the highest transfer value he shall proceed to transfer in the same way the sub-parcel of ballot papers with the next highest value and so on until he has dealt with each sub-parcel of a candidate excluded under paragraph (1) above.

(10) The returning officer shall after

each stage of the count completed under this rule—

- (a) record —
 - (i) the total value of votes, or
 - (ii) the total transfer value of votes transferred to each candidates;
- (b) add that total to the previous total of votes recorded for each candidate and record the new total;
- (c) record the value of non-transferable votes and add that value to the previous non-transferable votes total; and
- (d) compare—
 - (i) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with
 - (ii) the recorded total of valid first preference votes.

(11) If after a transfer of votes under any provision of this rule, a candidate has a surplus, that surplus shall be dealt with in accordance with paragraphs (5) to (10) of rule 44F and rule 44G.

(12) Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred, is less than the number of votes credited to the next lowest candidate, the returning officer shall in one operation exclude such two or more candidates.

(13) If when a candidate has to be excluded under this rule, two or more candidates each have the same number of votes and are lowest—

- (a) regard shall be had to the total number of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be

excluded; and

- (b) where the number of votes credited to those candidates was equal at all stages, the returning officer shall decide between the candidates by lot and the candidate on whom the lot falls shall be excluded.

Filling of last vacancies

44J.-

(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates shall thereupon be deemed to be elected.

(2) Where only one vacancy remains unfilled and the votes of any one continuing candidate are equal to or greater than the total of votes credited to other continuing candidates together with any surplus not transferred, the candidate shall thereupon be deemed to be elected.

(3) Where the last vacancies can be filled under this rule, no further transfer of votes shall be made.

Re-count

44K.-

(1) The returning officer on completion of each stage of the count shall, before proceeding with the next stage, inform all the candidates and their election agents then present of his intention, subject to a request for a re-count, to proceed to the next stage.

(2) The returning office shall comply with a request from a candidate or his election agent for a re-count of the last completed stage made before the returning officer proceeds to the next stage, but nothing in this rule shall require the returning officer to re-count the same parcel or sub-parcel more than once.

(3) The returning officer may, if he thinks fit, re-count ballot papers either

once or more often.

(4) Where a result of a re-count an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him.

Order of election of candidates

44L.–

(1) The order in which candidates whose votes equal or exceed the quota are deemed to be elected shall be the order in which their respective surpluses were transferred, or would have been transferred but for rule 44F(10) above.

(2) A candidate credited with a number of votes equal to, and not greater than, the quota shall, for the purpose of this rule, be regarded as having had the smallest surplus at the stage of the count at which he obtained the quota.

(3) Where the surpluses of two or more candidates are equal and are not required to be transferred, regard shall be had to the total number of votes credited to such candidates at the earliest stage of the count at which they had an unequal number of votes and the surplus of the candidate who had the greatest number of votes at that stage shall be deemed to be the largest.

(4) Where the number of votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between them by lot and the candidate or whom the lot falls shall be deemed to have been elected first.

Decisions of returning officer

44M.–

The decision of the returning officer, whether expressed or implied, on any question which arises in relation to the exclusion of any candidate under rule 44H or to any ballot paper or transfer of votes shall be final, but may be

	<p>reviewed on an election petition.”.</p>
<p>Rule 50 (declaration of result)</p>	<p>For paragraph (1) substitute the following paragraph:</p> <p>“(1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—</p> <ul style="list-style-type: none"> (e) declare to be elected the candidates who are deemed to be elected under rule 44B to 44M above; (f) notify their names to the Secretary of State; (g) give public notice of— <ul style="list-style-type: none"> (i) the names of those candidates; (ii) the number of first preference votes for each candidate whether elected or not; (iii) any transfer of votes; (iv) the total number of votes for each candidate at each stage of the count at which such transfer took place; and (v) the order in which the successful candidates were elected”.
	<p>In paragraph (2), for the words from “person standing” to the end substitute “person or persons standing nominated, shall also declare that person or persons elected, and the returning officer shall forthwith notify his or</p>

	their names to the Secretary of State”.
Rules 53 (return or forfeiture of candidate’s deposit) ⁽¹³⁸⁾	In paragraph (4), for the words from “after the counting” to the end of the paragraph substitute “if the number of votes credited to the candidate at any stage of the counting of the votes does not exceed one quarter of the quota”.
	Omit paragraph (5)
Rule 54 (sealing up of ballot papers) ⁽¹³⁹⁾	
In rule 55 (delivery of documents to Clerk of the Crown), paragraph (1) ⁽¹⁴⁰⁾	For the words “then forward to the Clerk of the Crown” substitute “retain”.
Rule 56 (orders for production of documents) ⁽¹⁴¹⁾	In paragraph (1), for the words “Clerk of the Crown” substitute “returning officer” and omit sub-paragraph (i).
	In paragraph (2), for the words “Clerk of the Crown’s” substitute “returning officer’s”.
	In paragraph (3), omit the words “House of Commons or”.
	In paragraphs (6) and (8), for the words “Clerk of the Crown”, in each place where they occur, substitute “returning officer”.

⁽¹³⁸⁾ Rule 53 was amended by section 13(b) of, and paragraph 83 of Schedule 4 to, the 1985 Act.

⁽¹³⁹⁾ Rule 54(2) was substituted by section 31(5) of the Electoral Administration Act 2006 (c.22) [when commenced for Northern Ireland].

⁽¹⁴⁰⁾ Rule 55(1)(c) was amended by section 13(4) of the 2000 Act; paragraph (1A) was inserted by section 41(3)(b) of the Electoral Administration Act 2006 (c.22), however, the amendments made to rule 55 by section 41 of the 2006 have effect subject to the provisions of rule 59 as substituted by that section; paragraph (1B) was inserted by paragraph 95 of the Electoral Administration Act 2006; paragraph (1)(ca) was inserted by section 31(6) of the 2006 Act; and paragraph (1)(e) was amended by, and paragraph (1)(f) inserted by section 45(3) of the 2006 Act.

⁽¹⁴¹⁾ Rule 56(1)(b),(2) and(3) were amended by section 31(7) of the Electoral Administration Act 2006 (c.22) and rule 56(7) was substituted by this provision; rule 56 was also amended by section 41 of that Act , however, these amendments have effect subject to rule 59 as substituted by that section.

Rule 57 (retention and public inspection of documents) ⁽¹⁴²⁾	In paragraph (1) – (a) for the words “forwarded to him in pursuance of these rules by a returning officer” substitute “to which rule 55(1) of these rules applies”; and (b) omit the words “House of Commons or”.
Rule 60 (independent candidate) ⁽¹⁴³⁾	Omit paragraph (4)
Rule 61 (deceased independent candidate wins)	In paragraph (4) omit the words “The returning officer must not return the writ and”.
	For paragraph (5) substitute “(5) The day appointed for the poll shall be the first Thursday after the expiry of 30 days starting on the day of the election mentioned in rule 60(1).”
	In paragraph (7) for “seventh” substitute “fourteenth” and for “after the day on which the writ is taken to be received” substitute “before the day appointed for the poll under paragraph (5)”
	Omit paragraph (9)
Rule 63 (party candidate)	For paragraph (4) substitute “(4) The day appointed for the poll shall be the first Thursday after the expiry of 30 days starting on the day the proof is given to the returning officer.”
	In paragraph (7) for “seventh” substitute “fourteenth” and for “after the day on which the writ is taken to be received” substitute “before the day appointed for the poll under paragraph (4)”
	In paragraph (8) from “seventh” to the end substitute “fourteenth working day before the day appointed for the poll under paragraph (4).”
	Omit paragraph (9)
Rule 65 (abandoned poll)	In paragraph (1), omit sub paragraph (a) and in sub paragraph (b) omit the words “or 64(2)(b)”
APPENDIX OF FORMS	
Form of nomination paper ⁽¹⁴⁴⁾	For word “Parliament” substitute “the Northern Ireland Assembly”.

⁽¹⁴²⁾ Rule 57(1A) was inserted by paragraph 95 of the Electoral Administration Act 2006 (c.22) and rule 57(3) was substituted by section 41(5), and paragraphs (4) to (9) were inserted by that section, the amendments made to rule 57 by section 41 must be read in the light of rule 59 as substituted by that section.

⁽¹⁴³⁾ Rules 60 to 65 were substituted for rule 60 by section 24 of the Electoral Administration Act 2006.

Form of ballot paper ⁽¹⁴⁵⁾	For the form of the front of the ballot paper substitute the form set out in the Annex to this Schedule.
Directions as to printing the ballot paper ⁽¹⁴⁶⁾	For the form substitute the form set out in the Annex to this Schedule.
Form of directions for the guidance of the voters in voting ⁽¹⁴⁷⁾	In paragraph 1 omit the words from “mark a cross” to the end. For paragraph 2 substitute: “Number the candidates in order of preference, putting “1” against the candidate of your 1st preference, “2” against your 2nd preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish. Put no other mark on the ballot paper, or your vote may not be counted”.
	Omit paragraph 4 and re-number paragraph 5 accordingly.
Form of declaration to be made by the companion of a voter with disabilities ⁽¹⁴⁸⁾	After the form add the following form: “Form of notice to be displayed in compartments of polling stations REMEMBER USE 1, 2, 3 ETC AT THIS ELECTION This is an election by proportional representation. Number the candidates in order of you preference, putting “1” against the candidate of your 1 st preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish.”.
SCHEDULE 2A (CONTROL OF DONATIONS TO CANDIDATES) ⁽¹⁴⁹⁾	

⁽¹⁴⁴⁾ The form of nomination paper has been amended by section 38(4) of the Political Parties, Elections and Referendums Act 2000 and the notes repealed in part by Schedule 1 to the Representation of the People Act 2000; the form was then substituted by section 21 of the Electoral Administration Act 2006 (c.22) and paragraphs 2A and 2B of the notes following the form of nomination paper were inserted by that provision.

⁽¹⁴⁵⁾ The form of ballot paper was amended by section 31(9) of the Electoral Administration Act 2006 (c.22).

⁽¹⁴⁶⁾ The directions as to printing the ballot paper were amended by section 30(3) of, and paragraph 87 of Schedule 1 to, the Electoral Administration Act 2006 (c.22).

⁽¹⁴⁷⁾ The form of directions was substituted by Schedule 4 to the 1985 Act.

⁽¹⁴⁸⁾ The form of declaration to be made by the companion of a voter with disabilities was amended by section 13(5) of the 2000 Act and paragraph 80 of Schedule 1 to the Electoral Administration Act 2006 (c.22).

⁽¹⁴⁹⁾ Schedule 2A was inserted by Schedule 16 to the Political Parties, Elections and Referendums Act 2000. Section 10(2) and paragraph 16 of Schedule 1 to the Electoral Administration Act 2006 (c.22) amend Schedule 2A but these provisions do not extend to Northern Ireland.

SCHEDULE 3 (DECLARATIONS AS TO ELECTION EXPENSES)	
Form of declarations ⁽¹⁵⁰⁾	
SCHEDULE 4A (ELECTION EXPENSES) ⁽¹⁵¹⁾	
THE ELECTIONS (NORTHERN IRELAND) ACT 1985	
Section 3 (offences relating to specified documents) ⁽¹⁵²⁾	
REPRESENTATION OF THE PEOPLE ACT 1985	
Section 5 (manner of voting at parliamentary elections) ⁽¹⁵³⁾	
Section 7 (absent vote at a particular election and absent voters list)	In subsection (2) – (a) for the words “section 6 of this Act” substitute “paragraph 1 of Part I of Schedule 2 to the 1985 Order ⁽¹⁵⁴⁾ ”; and (b) for the words “parliamentary elections” substitute “local elections”.
	In subsection (4) – (a) for the words “section 6 of this Act as voting by post at parliamentary elections” substitute “paragraph 1 of Part I of Schedule 2 to the 1985 Order as voting by post”; (b) for the words “that section” substitute “that paragraph”; and (c) for the words “section 6 of this Act as voting by proxy at parliamentary elections” substitute “paragraph 1 of Part I of Schedule 2 to the 1985 Order as voting by proxy”.
Section 8 (proxies at elections) ⁽¹⁵⁵⁾	In subsection (3)(b) for the words “the Republic of Ireland” substitute “a Member State of the European Communities”.
	Omit subsection (6).
	Omit subsections (9) and (10).
Section 9 (voting as proxy)	Omit subsections (4) and (6)
	In subsection (8) for the words “subsection (6) above” substitute “paragraph 4(5) of Part I of Schedule 2 to the 1985 Order”.
	In subsection (9) –

⁽¹⁵⁰⁾ The form of declaration was amended by paragraph 88 of Schedule 4 to the 1985 Act.

⁽¹⁵¹⁾ Schedule 4A to the Representation of the People Act 1983 was inserted by section 27 of the Electoral Administration Act 2006 (c.22).

⁽¹⁵²⁾ Section 3(7) was amended by section 25(2) of the 1985 Act.

⁽¹⁵³⁾ Sections 5 to 9 were amended by Schedule 6 to the 2000 Act.

⁽¹⁵⁴⁾ Part I was substituted by Schedule 2 to the Local Elections (Northern Ireland) (Amendment) Order 1987 (S.I. 1987/168).

⁽¹⁵⁵⁾ Section 8(3) was substituted by paragraph 7 of Schedule 2 to S.I. 1995/1948 and section 8(11) was repealed by Part IX of Schedule 27 to the Finance Act 1985 (c.54).

	(a) for the words “subsection (6) above” substitute “paragraph 4(5) of Part I of Schedule 2 to the 1985 Order”; and (b) for the words “that subsection” substitute “that sub-paragraph”.
	Omit subsection (11).
In section 12 (offences as to declarations etc.), subsections (3) and (4)	
Section 27 (interpretation) ⁽¹⁵⁶⁾	In subsection (1), omit the definition of “European Parliamentary election”.
	In subsection (2), omit the words from “and sections 5 to 7A” to the end.

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions
2. The following arrangements shall be observed in the printing of the front of the ballot paper –
 - (1) apart from the instructions “Mark order of preference in space below” in the top left-hand corner no other word or words shall be printed on the ballot paper except the particulars of the candidates and words forming part of emblems;
 - (2) no rules shall be printed on the face except the horizontal rules separating the headings from the particulars of the candidates and the particulars of the candidates from one another and the vertical rule separating those particulars and emblems from the spaces on the left side of the paper where the order of preference is to be marked;
 - (3) the whole space between the top and the bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.
3. Nothing in paragraph 2 prohibits the face of the ballot paper containing more than one column of numbers, candidates particulars and spaces where the vote is to be marked 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.
 - (a) the front of the ballot paper shall contain the names, addresses and descriptions, if any, of the candidates standing nominated. The names shall be arranged alphabetically in the order of surnames, or if there are two or more candidates bearing the same surname, in alphabetical order of their other names, or if the names are the same, in the alphabetical order of their home addresses or descriptions;
 - (b) the surname of each candidate shall be printed by itself in large capitals, and his full name, address and description (as given on the statement of persons nominated) shall be printed underneath in ordinary type;
 - (c) where the surnames of two or more candidates are the same there shall be printed in small capitals the other names of such candidates and if those are the same so much of the descriptions or home addresses of such candidates as will enable the electors to distinguish between them;
 - (d) Subject to paragraph 3 the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing

⁽¹⁵⁶⁾ Section 27(1) was repealed in part by the Schedule to the European Communities (Amendment) Act 1986 (c.58) and subsection (2) was amended by Schedule 6 to the 2000 Act.

from the alphabetical order) as, in the opinion of the returning officer, is best for marking and counting;

- (e) the ballot papers shall be numbered consecutively with the number and other unique identifying mark printed on the back. in or about the centre of the paper.

4. Where an emblem is to be printed against a candidate’s particulars –

- (a) it shall be printed between the candidate’s particulars and the vertical rule separating the candidate’s particulars from the spaces where the vote is to be marked, and
- (b) its size as printed shall not exceed two centimetres square”.

SCHEDULE 2

Article 3(3)

For Schedule 2 to the 2001 Order substitute—

“SCHEDULE 3

Article 3(2)

**APPLICATION AND MODIFICATION OF PROVISIONS OF
THE 2008 REGULATIONS, THE ELECTION PETITIONS
RULES 1964 AND THE PLANNING (CONTROL OF
ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND)
1992**

<i>Provision applied</i>	<i>Modifications</i>
REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) REGULATIONS 2008⁽¹⁵⁷⁾	
Regulation 3 (interpretation)	In paragraph (1) for the definition of “candidate” substitute ““candidate” means a person having been nominated or declared himself a candidate for election as a member of the Assembly;”.
Regulation 4 (forms)	
Regulation 5 (communication of applications, notices, etc.)	
Regulation 6 (electronic signatures and related certificates)	
Regulation 7 (copies of documents)	.
Regulation 8 (time)	
Regulation 9 (official poll card at parliamentary elections)	
Regulation 10 (return and declaration of election expenses)	
Regulation 11 (interference with notices etc.)	
Regulation 12 (device referred to in rule 29 (3A)(b) of the parliamentary elections rules)	
Regulation 54 (interpretation of Part IV)	

⁽¹⁵⁷⁾

Regulation 55 (general requirements for an absent vote)	
Regulation 56 (additional requirements for the appointment of a proxy)	
Regulation 59 (additional requirements for applications in respect of a particular election)	<p>In paragraphs (4)(b) and (6)(d) for the words from “one” to the end of each of those sub-paragraphs, substitute —</p> <p style="padding-left: 40px;">“(i) a registered medical practitioner;</p> <p style="padding-left: 40px;">(ii) a nurse registered on the register maintained by the Nursing and Midwifery Council under article 5 of the Nursing and Midwifery Order 2001⁽¹⁵⁸⁾ by virtue of qualifications in nursing; or</p> <p style="padding-left: 40px;">(iii) a Christian Science practitioner”.</p> <p>In paragraph (8)(b) omit the words from “or any other” to the end.</p>
Regulation 60 (additional requirements for applications by proxies to vote by post at a particular election)	
Regulation 61 (closing date for applications)	<p>In paragraph (1) for the words “section 6(1) or (5), 8(6) or 9(4) of the 1985 Act” substitute “under paragraph 1(1) or (5), 3(5) or 4(4) of Part I of Schedule 2 to the 1985 Order, as those paragraphs have effect for the purposes of the compilation of the special lists under sections 7(4) and 9(9) of the 1985 Act at an Assembly election.”.</p>
	<p>In paragraph (4) for the words from the beginning of sub-paragraph (a) to “section 8(9) of the Act” substitute “under paragraph 1(4)(a) or 4(10)(a) of Part I of Schedule 2 to the 1985 Order and a notice under paragraph 3(8) of that Part, as those paragraphs have effect for the purposes of the compilation of the special lists under sections 7(4) and 9(9) of the 1985 Act at an Assembly election.”.</p>
	<p>In paragraph (6) from the beginning of sub-paragraph (a) to the end of the paragraph substitute “a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹⁵⁹⁾ in Northern Ireland”.</p>
Regulation 62 (grant or refusal of applications)	Omit paragraph (3).
Regulation 66 (record and lists kept under sections 6, 7 and 9 of Act of 1985)	Omit paragraph (2).
Regulation 67 (marked register for polling stations)	
Regulation 68 (certificate of employment)	

⁽¹⁵⁸⁾ S.I. 2002/253

⁽¹⁵⁹⁾ 1971 c.80.

Regulation 69 (form of Corresponding number lists)	
Regulation 70 (interpretation of Part V)	
Regulation 71 (form of declaration of identity)	
Regulation 72 (persons entitled to be present at issue and receipt of postal ballot papers)	
Regulation 73 (agents of candidates who may attend proceedings on issue or receipt of postal ballot papers)	
Regulation 74 (notification of requirement of secrecy)	
Regulation 75 (notice of issue of postal ballot papers)	
Regulation 76 (procedure on issue of postal ballot paper)	
Regulation 77 (refusal to issue postal ballot paper)	
Regulation 78 (envelopes)	
Regulation 79 (sealing up of completed corresponding number lists and security of special lists)	
Regulation 80 (delivery of postal ballot papers)	
Regulation 81 (spoilt postal ballot papers)	
Regulation 82 (notice of opening of postal ballot paper envelopes)	
Regulation 83 (postal ballot boxes and receptacles)	
Regulation 84 (receipt of covering envelopes)	
Regulation 85 (opening of postal voters' ballot box)	In paragraph (3) for the words "rule 45" substitute "rule 44B"
Regulation 86 (opening of covering envelopes)	
Regulation 87 (procedure in relation to declarations of identity)	In paragraph (1)(b), for the words "rule 45(2)(b) and (2A)" substitute "rule 44B(3)(b) and (4)".
Regulation 88 (opening of ballot paper envelopes)	
Regulation 89 (sealing of receptacles)	
Regulation 90 (abandoned poll)	
Regulation 91 (forwarding of documents)	For paragraph (1) substitute the following paragraph: “(1) The returning officer shall retain for the period of one year after the date of the poll any packets referred to in regulations 79, 81(5), and 89 above endorsing on each packet a description of its contents and the name of the constituency and, after the expiry of that period, cause those packets to be destroyed, unless otherwise directed by order of the High Court.”.
	In paragraph (2), for the words "forward it at a subsequent date in the manner described in paragraph (1) above" substitute "retain it and subsequently deal with it in the manner described in paragraph (1) above".
	In paragraph (3) for the word "forwarded"

	substitute “retained”.
	In paragraph (4) for the words “A copy of the statement referred to in paragraph (1)(b) above” substitute “A completed statement in Form N of the number of postal ballot papers issued”.
Regulation 115 (interpretation of part 7)	
Regulation 116 (supply of marked registers and lists after an election)	
Regulation 117 (inspection of documents open to public inspection)	
Regulation 118 (conditions on use, supply and disclosure of documents open to public inspection)	
Regulation 119 (fees relating to the supply of marked registers and lists)	
SCHEDULE 3 (FORMS)	
Form A (elector’s official poll card)	In the back of the form, for the third paragraph substitute: “Go to one of the compartments. Number the candidates in order of your preference, putting “1” against the candidate of your 1st preference, “2” against your 2nd preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish. Put no other mark on the ballot paper, or your vote may not be counted.”.
	Omit the fifth paragraph.
Form B (proxy’s official poll card)	
Form C (return of expenses required by section 75 of the 1983 Act)	
Form D (declaration as to expenses required by section 75 of the 1983 Act)	
Form F (certificate of employment)	
Form G (Corresponding Number List to be used at a parliamentary election taken alone)	
Form H (Corresponding Number List to be used in polling stations at Parliamentary election taken alone)	
Form J (Corresponding Number List to be used when a parliamentary election is combined with another election)	
Form K (Corresponding Number List to be used in polling station when a parliamentary election is combined with another election)	
Form L (declaration of identity)	In the instructions to voters on the back of the form, for paragraphs 2 and 3 substitute: “2. Mark your vote by putting “1” against the candidate of your first choice, “2” against the candidate of your second choice and so on. Do this secretly; if you cannot vote without assistance, the

	<p>person assisting you must not disclose how you have voted.</p> <p>3. You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate. Put no other mark on the ballot paper, or your vote may not be counted”.</p>
Form M (declaration of identity (combined polls))	Changes to instructions TBC
Form N (statement as to postal ballot papers)	
ELECTION PETITION RULES 1964 ⁽¹⁶⁰⁾	
Rule 1 (citation, commencement and application)	
Rule 2 (interpretation)	
Rule 3 (form of petition)	In paragraph (1)(b) omit the words from “and the” to the end of the sub-paragraph.
Rule 4 (security for costs)	
Rule 5	
Rule 5A (notice of presentation of the petition)	
Rule 6 (notice of objection to recognisance)	
Rule 7 (list of petitions)	
Rule 8 (time and place of trial)	
Rule 9 (evidence)	
Rule 10 (order to compel attendance of witness)	
Rule 12 (witnesses expenses)	
Rule 13 (case stated)	
Rule 14 (withdrawal of petition)	
Rule 15 (application to stay or dismiss petition)	
Rule 17 (notice of intention not to oppose petition)	
Rule 19 (duty to file copies)	
Rule 20 (cost of publication)	
Rule 21 (notice of appointment of respondent’s solicitor)	
Rule 22 (service of notices)	

⁽¹⁶⁰⁾ The Rules have been amended by S.R. & O. (N.I.) 1985 No.347.

Rule 23 (forfeiture of recognisance)	
Rule 24 (payment from deposit on default)	
Rule 25 (recognisance and deposit)	
Rule 26 (discharge of recognisance and deposit)	
Rule 27 (time)	
Schedule A (form of petition)	In paragraph 2 omit the words “to the Clerk of the Crown”.
Schedule B (form of order to compel attendance of witness)	
THE PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND) 1992	
Regulation 2 (interpretation)	
Regulation 4 (requirement for consent)	
Schedule 1 (standard conditions)	
In Schedule 2 (classes of advertisements to which the prohibition in regulation 4(1) does not apply), class F ⁽¹⁶¹⁾ ”	

EXPLANATORY NOTE

(This note is not part of the Order)

⁽¹⁶¹⁾ This provision has been amended but the amendment is not relevant to the subject matter of this Order.