



# Electoral Law Act (Northern Ireland) 1962

## 1962 CHAPTER 14

### PART XI

#### MISCELLANEOUS AND GENERAL

*S.121 rep. by 1989 c. 3*

#### **122 Effect of incapacities with respect to the Parliament of the United Kingdom.**

- (1) So long as any person is subject, by virtue of the Representation of the People Acts, to any incapacity with respect to the Parliament of the United Kingdom, he shall be subject to the like incapacity with respect to the [<sup>F1</sup> Assembly.]
- (2) Where by reason of anything done in reference to an election a person is subject to an incapacity with respect to the Parliament of the United Kingdom and the incapacity is limited to a particular constituency or constituencies then the like incapacities imposed by this section with respect to the [<sup>F1</sup> Assembly] shall be limited to any constituency which is included in whole or in part in the area for which the said election was held.

**F1** SI 1973/2163

#### **123 Publication of notices and documents.**

- (1) Where by or under this Act a person is required to give public notice of any matter or to publish any document and the method of giving such notice or publishing such document is not specifically provided for, the notice shall be given and the document shall be published by such means and in such manner as the person so required considers necessary and adequate for bringing the matter or document to the knowledge of those whom it concerns.
- (2) Failure to publish a document in accordance with the provisions of this Act shall not invalidate the document but this provision shall not relieve any officer from any penalty to which he may be liable by virtue of such failure.

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#### **124 Misnomer, inaccurate description, etc.**

Subject to any enactment or established practice of law to the contrary, no misnomer or inaccurate description of any person or place named in a register of electors or in any list, record, proxy paper, nomination paper, ballot paper, notice or other document required for the purposes of this Act shall affect the full operation of the document with respect to that person or place in any case where the description of the person or place is such as to be commonly understood.

#### **125 Use of mark in place of signature.**

Where a signatory affixes his mark in place of any signature required by or under this Act, such mark shall be witnessed by one person who shall append his signature and address.

#### **126 Amendment of forms in Tenth Schedule.**

The forms contained in the Tenth Schedule may be varied by an Order in Council; but the Governor shall not be advised to make any such Order unless a draft thereof (which shall be subject to negative resolution) has been laid before Parliament.

*S.126A rep. by 1969 c.26 (NI)*

#### **127 Electoral regulations.**

- (1) Without prejudice to section seventeen of the Interpretation Act (Northern Ireland), 1954, the Ministry may by electoral regulations make provision—
  - (a) for anything which under this Act is to be prescribed;
  - (b) for anything which appears to the Ministry to be necessary for giving full effect to the provisions of this Act; and
  - (c) subject to any enactment of the Parliament of the United Kingdom for the time being in force, for the making of arrangements whereby—
    - (i) registers prepared for the purposes of any such enactment may be utilised for the purposes of this Act;
    - (ii) registers prepared for the purposes of this Act may be adapted and utilised for the purposes of any such enactment.
- (2) All regulations made under this Act shall be made by the Ministry and shall be subject to negative resolution.

#### **128 Financial provisions.**

All expenses incurred by the Ministry and by the Ministry of Finance<sup>F2</sup> for the purposes of this Act and not otherwise provided for under this Act shall be defrayed out of moneys provided by [<sup>F3</sup> the Parliament of the United Kingdom].

**F2** Now Treasury and Minister for Civil Service, SI 1973/2163

**F3** SI 1973/2163

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## 129

Without prejudice to sub-section (4) of section thirty-nine of the Interpretation Act (Northern Ireland), 1954, in computing any period of not more than seven days for the purposes of Parts VI and IX, a Sunday or a public holiday shall be disregarded.

[<sup>F4</sup>In respect of a local election and an election petition relating to a local election the foregoing provisions shall not have effect and any period of time shall be computed as follows:

- (a) where the day or the last day on which anything is required or permitted to be done by or in pursuance of Parts VI and IX is any of the days mentioned in paragraph (b), the requirement or permission shall be deemed to relate to the first day thereafter which is not one of those days; and in computing any period of not more than 7 days for the purposes of those Parts any of the days so mentioned shall be disregarded;
- (b) the days referred to in paragraph (a) are Saturday, Sunday, Christmas Eve, Maundy Thursday or a public holiday.]

F4 SI 1987/168

## 130 Interpretation.

- (1) In this Act the expression—<sup>F5</sup> absent voters list means, in relation to any local election, the list kept under paragraph 2(4) of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (as substituted by Schedule 2 to the Local Elections (Northern Ireland) (Amendment) Order 1987) for that election;] <sup>F6</sup> Chief Electoral Officer means the Chief Electoral Officer for Northern Ireland appointed under section 14 and, in relation to any function, includes a person to whom that function is delegated under section 14A(2) of this Act or Article 9(2) of the Electoral Law (Northern Ireland) Order 1972 ;] <sup>F7</sup> citizen of the Union shall be construed in accordance with Article 8.1 of the Treaty establishing the European Community (as amended by Title II of the Treaty on European Union), and relevant citizen of the Union means such a citizen who is not a Commonwealth citizen or a citizen of the Republic of Ireland;] Clerk of the Crown means Clerk of the Crown for Northern Ireland; committee room shall not include any house or room occupied by the candidate as a dwelling, by reason only of the candidate there transacting business with his agents in relation to the election, and no room or building shall be deemed to be a committee room by reason only of the candidate or any agent of the candidate addressing therein electors, committeemen or others; *Definition rep. by 1969 c.26 (NI)* constituency means a parliamentary constituency as designated in the Second Schedule; corporate office means the office of lord mayor, mayor, chairman, ...<sup>F8</sup>, councillor or member of a local authority, ...<sup>F8</sup>, or member (whether elected or not) of any committee appointed by a local authority for the purpose of the performance of their functions under any enactment; costs includes charges and expenses; the count means the counting of the votes given to the several candidates at a contested election; current , in relation to a register at any time, means operative at that time, and in relation to any election current register means the register or part of the register in force for the constituency,<sup>F9</sup> or district electoral area for which the election is being held] ; day of election in relation to a parliamentary election—

- (a) where the election is contested, means—

*Sub-para.(i) rep. by 1968 c.20 (NI)*

- (ii) ...<sup>F10</sup>, the polling day;

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(b) where the election for any constituency is not contested, means the nomination day for that constituency;

deposit means, in relation to any candidate, the sum required by section sixty to be deposited with the returning officer by that candidate;

election includes a parliamentary and a local election and in relation to a parliamentary election means an election in a constituency and in relation to a<sup>F9</sup> local election means an election in a district electoral area] ...<sup>F8</sup>;

*Definition rep. by SLR 1976*

election court means such a court as is referred to in section seventy-two;

[<sup>F9</sup>election day has the meaning given in section 11(1) and (1A);]

electors means registered electors, and includes parliamentary electors and local electors;

[<sup>F11</sup>elective office means any office to which a local election is held in Northern Ireland;]

functions means functions conferred by this Act;

general election means an election of members to serve in a new parliament;

[<sup>F6</sup> local general election means a local election held in a local election year not being an election to fill a casual vacancy;]

judicial office includes the office of justice of the peace;

[<sup>F12</sup>legal incapacity has the same meaning as in the Elected Authorities (Northern Ireland) Act 1989];

[<sup>F13</sup> local authority means a district council;]

local election and local elector mean respectively<sup>F9</sup> an election in a district electoral area for a] local authority, and a person entitled to vote at a local election;

local election year means a year specified in section eleven;

Local Elections Rules means the local elections rules in the Fifth Schedule;

local government electoral area means the area for which a local authority is or is to be elected;

merchant seaman means a person (other than a pilot) whose usual place of residence is in Northern Ireland and who is employed in any capacity on board any ship;

Minister and Ministry mean respectively the Minister<sup>F14</sup> and the Ministry<sup>F14</sup> of Home Affairs;

nomination day, in relation to any election, means the day on which candidates at that election may be nominated under this Act;

parliamentary election and parliamentary elector mean respectively an election in a constituency of a member or members to serve in the House of Commons, and a person entitled to vote at a parliamentary election;

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Parliamentary Elections Rules means the parliamentary elections rules in the Fourth Schedule;

payment includes any pecuniary or other reward; and pecuniary reward and money shall be deemed to include any office, place, or employment and any valuable security or equivalent for money, and any valuable consideration, and expressions referring to money shall be construed accordingly;

personal expenses, in relation to the expenditure of any candidate in connection with any election, includes the reasonable travelling expenses of that candidate, and the reasonable expenses of his living at hotels and elsewhere for the purposes of and in relation to the election;

polling day, in relation to a contested election, means the day on which the poll is or is to be taken at that election;

[<sup>F12</sup>polling district means a ward;]

postal voting area, ...<sup>F10</sup>, means Great Britain, the Isle of Man, the Channel Islands and the Republic of Ireland...<sup>F10</sup>;

prescribed means prescribed by electoral regulations under section one hundred and twenty-seven;

proxy means a person duly appointed under section sixty-seven by an elector;

*Definition rep. by SI 2001/417*

*Definition rep. by 1989 c. 3*

qualifying address means a dwelling-house or premises the residence in ...<sup>F15</sup> which by a person...<sup>F15</sup> entitles [<sup>F16</sup>him to be] registered as an elector;

register means a register of electors prepared in accordance with this Act;

*Definitions rep. by 1989 c. 3*

relevant rules means, as the context requires, the parliamentary elections rules or the local elections rules respectively set out in the Fourth and Fifth Schedules;

service elector means an elector registered by virtue of a service qualification;

Speaker means the Speaker of the House of Commons and includes the Deputy Speaker and, when the office of Speaker is vacant, the Clerk of the Parliaments or any other officer for the time being performing the duties of the Clerk of the Parliaments;

[<sup>F6</sup>statutory provisions has the meaning assigned to it by section 1( f) of the Interpretation Act (Northern Ireland) 1954;]

*Definitions rep. by 1968 c.20 (NI); 1969 c.26 (NI); 1972 NI 13*

vehicle includes any vehicle or carriage intended or adapted for use on roads;

voter includes an elector and a proxy for an elector:

voting includes voting in person and by post (whether on one's own behalf or as a proxy);

writ means a writ for a parliamentary election.

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*Subs.(2) rep. by 1972 NI 13*

- (3) In Parts VI, IX and X and in the Eighth and Ninth Schedules the expression candidate
- (a) in relation to a parliamentary election, means a person who is elected to serve in Parliament at the election or a person who is nominated as a candidate at the election, or is declared by himself or by others to be a candidate on or after the day of the issue of the writ for the election, or after the dissolution or vacancy in consequence of which the writ was issued;
  - (b) in relation to a local election means a person elected or having been nominated or having been declared by himself or by others to be a candidate for election, to the office to be filled at the election;

but where a person has been declared by others to be a candidate at an election without his consent, nothing in this Act shall be construed to impose any liability on that person by virtue of his having been so declared, unless he has afterwards given his assent to the declaration or has been nominated.

- <sup>F17</sup>(4) For purposes of this Act, a person shall be deemed, according to the law in Northern Ireland, not to have attained a given age until the commencement of the relevant anniversary of the day of his birth.]

- (5) The date on which an election shall be taken to be initiated shall be—
- (a) in the case of a parliamentary general election, the date of the Proclamation of the Governor in Her Majesty's name summoning a new parliament;
  - (b) in the case of a parliamentary bye-election, the date on which the writ is received; and
  - (c) in the case of a local election, the date of publication of the notice of election.

<b>F5</b>	SI 1987/168
<b>F6</b>	1972 NI 13
<b>F7</b>	SI 1995/1948
<b>F8</b>	1972 NI 13
<b>F9</b>	SI 1985/454
<b>F10</b>	<a href="#">1968 c.20 (NI)</a>
<b>F11</b>	SI 2001/417
<b>F12</b>	<a href="#">1989 c. 3</a>
<b>F13</b>	1972 NI 13
<b>F14</b>	Functions transf. to S of S, SI 1973/2163
<b>F15</b>	<a href="#">1969 c.26 (NI)</a>
<b>F16</b>	<a href="#">1969 c.26 (NI)</a>
<b>F17</b>	<a href="#">1969 c.26 (NI)</a>

## 131 Savings.

*Subs.(1) rep. by SLR 1973*

- (2) Without prejudice to the provisions of the Interpretation Act (Northern Ireland), 1954 , nothing in sub-section (1) shall—
- (a) affect any incapacity imposed by or under any enactment repealed by this Act and any such incapacity shall for the purposes of this Act be treated as having been imposed under the corresponding provisions of this Act;
  - (b) extend to any enactment so far as it is applied by any local or private Act.

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**132 Short title.**

(1) This Act may be cited as the Electoral Law Act (Northern Ireland), 1962.

*Subs.(2) rep. by SLR 1973*

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