
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Electoral Law Act (Northern Ireland) 1962. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

EIGHTH SCHEDULE

ELECTION COURTS

Witnesses

- 12 (1) Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit as in an action tried [^{F1} in the High Court].
- (2) On the trial a member of the election court may, by order under his hand, require any person who appears to him to have been concerned in the election to attend as a witness and any person refusing to obey the order shall be guilty of contempt of court.
- (3) The election court may examine any person so required to attend or who is in court although he is not called and examined by any party to the petition.
- (4) A witness may, after his examination by the court, be cross-examined by or on behalf of the petitioner and respondent, or either of them.
- (5) [^{F2}Except in respect of the trial of a local election petition,]^{F3} [^{F4} The Director of Public Prosecutions for Northern Ireland] shall obey any direction given him by the election court with respect to the summoning of any witness to give evidence at the trial and his examination.
- (6) [The Director of Public Prosecutions for Northern Ireland] shall without any direction from the court cause any person appearing to him to be able to give material evidence as to the subject of the trial to attend the trial and shall, with the leave of the court, examine him (or cause him to be examined) as a witness.
- (7) Subject to sub-paragraph (9) a person called as a witness respecting an election before any election court shall not be excused from answering any question relating to any offence at or connected with the election, on the ground that the answer thereto may criminate or tend to criminate [^{F5} that person or the husband or wife of that person] or on the ground of privilege:

Provided that—

(a)

a witness who answers truly all questions which he is required by the election court to answer [^{F2}, other than a witness at a trial of a local election petition,] shall be entitled to receive a certificate of indemnity under the hand of a member of the court stating that the witness has so answered; and

- (b) an answer by a person to a question put by or before any election court shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be in any proceeding, civil or criminal, admissible in evidence against [that person or the husband or wife of that person].

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- (8) The giving or refusal to give a certificate of indemnity to a witness by an election court trying a local election petition shall be final and conclusive.
- (9) A person who has voted at the election shall not, in any legal proceedings to question the election or return, be required to state for whom he voted.
- (10) Where a person has received a certificate of indemnity in relation to an election, and any legal proceeding is at any time instituted against him for any corrupt or illegal practice committed by him previously to the date of the certificate at or in relation to the election, or any illegal payment, employment or hiring or offence under section eighty-six or under paragraph 28 or paragraph 32 of the Ninth Schedule so committed, the court having cognisance of the case shall on production of the certificate stay the proceeding, and may in their discretion award to the said person such costs as he may have been put to in the proceeding.
- (11) Nothing in this paragraph shall be deemed to relieve a person receiving a certificate of indemnity from any incapacity under this Act or from any proceedings to enforce that incapacity (other than a criminal prosecution).
- (12) The reasonable expenses incurred by any person in appearing to give evidence at the trial of an election petition, according to the scale allowed to witnesses on the trial of civil actions in the High Court, may be allowed to him by a certificate of the election court or of the prescribed officer, and if the witness was called and examined by virtue of sub-paragraph (2), shall be deemed part of the expenses of providing a court, but otherwise shall be deemed costs of the petition.

Annotations:

- F1** [1978 c.23](#)
F2 SI 1987/168
F3 continue to am.
[2002 c. 26](#)
F4 1972 NI 1
F5 [1971 c.36 \(NI\)](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Electoral Law Act (Northern Ireland) 1962. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by
[S.I. 2013/3156](#)
[art. 4](#)
- Act modified by
[S.I. 2013/3156](#)
[art. 8](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(4AA)-(4AC) inserted by
[S.I. 2010/1178](#)
[art. 2\(4\)](#)
- s. 11A-11K inserted by
[S.I. 2010/1178](#)
[art. 3](#)
- s. 14A(2A) inserted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 2](#)
- s. 34(4A) inserted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 4](#)
- s. 37A inserted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 5](#)
- s. 40(1A) inserted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 8\(2\)](#)
- s. 40A inserted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 9](#)
- s. 41(1A) inserted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 10\(3\)](#)
- s. 42(1ZA)(1ZB) inserted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 11\(4\)](#)
- s. 42(7) inserted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 11\(6\)](#)
- s. 52A 52B inserted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 16](#)

- s. 57A inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 18
- s. 79(1A) inserted by
[S.I. 2014/1116](#)
art. 6(2)
- s. 112(3) repealed by
[2010 c. 23](#)
Sch. 2
- s. 122A inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 41
- s. 130(3)-(3A) substituted for s. 130(3) by
[S.I. 2010/2977](#)
Sch. 1
para. 43(3)
- Sch. 9 para. 25(1) Sch. 9 para. 25 renumbered as Sch. 9 para. 25(1) by
[S.I. 2010/2977](#)
Sch. 1
para. 37
- Sch. 9 para. 4A inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 30
- Sch. 9 para. 5A(1)(c) and word inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 31(2)
- Sch. 9 para. 5A(2)(3) inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 31(3)
- Sch. 9 para. 12A(7A) inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 32
- Sch. 9 para. 17A inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 35
- Sch. 9 para. 25(2)(3) inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 37
- Sch. 10 Form 4 omitted by
[S.I. 2010/2977](#)
Sch. 1
para. 20(a)
- Sch. 9 para. 5A(1) para. 5A renumbered as para. 5A(1) by
[S.I. 2010/2977](#)
Sch. 1
para. 31(1)
- Sch. 9 para. 5A(1)(b) word omitted by
[S.I. 2010/2977](#)
Sch. 1
para. 31(2)

- Sch. 9 para. 32A(3)(4) words inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 39(3)
- Sch. 10 Form 5 words omitted by
[S.I. 2010/2977](#)
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- Sch. 7 Appendix Form 7A substituted by
[S.I. 2015/566](#)
art. 2(11)
Sch. 7
- Sch. 8 Appendix Form 8 substituted by
[S.I. 2015/566](#)
art. 2(12)
Sch. 8
- Sch. 9 Appendix Form 9 substituted by
[S.I. 2015/566](#)
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- Sch. 10 Appendix Form 10 substituted by
[S.I. 2015/566](#)
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- Sch. 1 Appendix Form 3 substituted by
[S.I. 2015/566](#)
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- Sch. 2 Appendix Form 4 substituted by
[S.I. 2015/566](#)
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- Sch. 3 Appendix Form 5 substituted by
[S.I. 2015/566](#)
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- Sch. 3A para. 10(1) Sch. 3A para. 10 renumbered as Sch. 3A para. 10(1) by
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- Sch. 3A inserted by
[S.I. 2010/2977](#)
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para. 19
- Sch. 3A para. 10(2) inserted by
[S.I. 2014/1116](#)
art. 6(4)(a)
- Sch. 3A para. 11(c) words inserted by
[S.I. 2014/1116](#)
art. 6(4)(b)
- Sch. 3B inserted by
[S.I. 2010/2977](#)
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- Sch. 4 Appendix Form 6 substituted by
[S.I. 2015/566](#)
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- Sch. 5 rule 26 amendment to earlier affecting provision 2001 c. 7 Sch. para. 19 by

- S.I. 2014/1116
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- Sch. 5 form 5ZA amendment to earlier affecting provision SI 2013/3156 Sch. by
S.I. 2014/1116
art. 10(4)
- Sch. 5 rule 59 applied (with modifications) by
2011 c. 1
Sch. 8
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(8)
- Sch. 5 rule 16A(2) excluded by
2011 c. 1
Sch. 8
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- Sch. 5 rule 21(1) excluded by
2011 c. 1
Sch. 8
para. 10
- Sch. 5 rule 26(3ZC) excluded by
2011 c. 1
Sch. 8
para. 16
- Sch. 5 rule 26(4) excluded by
2011 c. 1
Sch. 8
para. 18
- Sch. 5 rule 34(1)(e) excluded by
2011 c. 1
Sch. 8
para. 22(4)
- Sch. 5 rule 36(5)(a) excluded by
2011 c. 1
Sch. 8
para. 25
- Sch. 5 rule 43(1) excluded by
2011 c. 1
Sch. 8
para. 35
- Sch. 5 rule 44 excluded by
2011 c. 1
Sch. 8
para. 35
- Sch. 5 rule 45 excluded by
2011 c. 1
Sch. 8
para. 35
- Sch. 5 rule 64(1)-(6) excluded by
2011 c. 1
Sch. 8
para. 40
- Sch. 5 rule 21(1) excluded in part by
2011 c. 1
Sch. 8
para. 11
- Sch. 5 rule 5A(1A)-(1C) inserted by
S.I. 2010/1178
art. 4(3)(a)
- Sch. 5 rule 5A(3)(c) inserted by

- S.I. 2010/1178
art. 4(3)(c)

– Sch. 5 rule 3A inserted by
S.I. 2010/2977
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para. 47
- Sch. 5 rule 4(ca) inserted by
S.I. 2010/2977
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para. 48
- Sch. 5 rule 5(2A) inserted by
S.I. 2010/2977
Sch. 1
para. 49
- Sch. 5 rule 9(5) inserted by
S.I. 2010/2977
Sch. 1
para. 50(3)
- Sch. 5 rule 12(2A)-(2C) inserted by
S.I. 2010/2977
Sch. 1
para. 52(2)
- Sch. 5 rule 12(5)(6) inserted by
S.I. 2010/2977
Sch. 1
para. 52(3)
- Sch. 5 rule 12A inserted by
S.I. 2010/2977
Sch. 1
para. 53
- Sch. 5 rule 16(2C)(2D) inserted by
S.I. 2010/2977
Sch. 1
para. 54(3)(b)
- Sch. 5 rule 16(4) inserted by
S.I. 2010/2977
Sch. 1
para. 54(4)
- Sch. 5 rule 16A inserted by
S.I. 2010/2977
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para. 55
- Sch. 5 rule 21(3)(4) inserted by
S.I. 2010/2977
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para. 58
- Sch. 5 rule 26(3)(e) inserted by
S.I. 2010/2977
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para. 60(4)
- Sch. 5 rule 26(3ZC)(3ZD)(3ZE) inserted by
S.I. 2010/2977
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- Sch. 5 rule 27(1A) inserted by
S.I. 2010/2977
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para. 61(3)

- Sch. 5 rule 32(5) inserted by
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- Sch. 5 rule 34(6)(j)(k)(l) inserted by
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para. 68(4)(b)
- Sch. 5 rule 34(6A) inserted by
[S.I. 2010/2977](#)
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para. 68(5)
- Sch. 5 rule 34A inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 69
- Sch. 5 rule 41(da) inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 70(3)
- Sch. 5 rule 58(1)(da) inserted by
[S.I. 2010/2977](#)
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para. 75(b)
- Sch. 5 rule 34(1A) inserted by
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- Sch. 5 rule 6(8) inserted by
[S.I. 2014/1116](#)
art. 6(6)
- Sch. 5 rule 25(5)(6) inserted by
[S.I. 2014/1116](#)
art. 6(8)(b)
- Sch. 5 rule 37(10) inserted by
[S.I. 2014/1116](#)
art. 6(10)
- Sch. 5 rule 37A inserted by
[S.I. 2014/1116](#)
art. 6(11)
- Sch. 5 rule 25(2A) inserted by
[S.I. 2014/1880](#)
art. 3(2)(b)
- Sch. 5 rule 37A(10A)(10B) inserted by 2001 c. 7 Sch. para. 24A (as inserted) by
[S.I. 2014/1116](#)
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- Sch. 5 rule 1 modified by
2011 c. 1
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- Sch. 5 rule 29(1) modified by
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Sch. 8
para. 19(3)
- Sch. 5 rule 32 modified by
2011 c. 1
Sch. 8
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- Sch. 5 rule 41(1) modified by

- 2011 c. 1
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- Sch. 5 rule 58(1) modified by
- 2011 c. 1
- Sch. 8
- para. 38(1)
- Sch. 5 rule 59 modified by
- 2011 c. 1
- Sch. 8
- para. 38(2)
- Sch. 5 rule 59(7) modified by
- 2011 c. 1
- Sch. 8
- para. 38(3)
- Sch. 5 rule 37A modified by SI 2013/3156 Sch. para. 13A (as inserted) by
- S.I. 2014/1116
- art. 10(3)
- Sch. 5 rule 16(2)(d) omitted by
- S.I. 2010/2977
- Sch. 1
- para. 54(2)
- Sch. 5 rule 26(3)(b) omitted by
- S.I. 2010/2977
- Sch. 1
- para. 60(3)
- Sch. 5 rule 34(1)(a) omitted by
- S.I. 2010/2977
- Sch. 1
- para. 68(2)
- Sch. 5 rule 60(2)(3) omitted by
- S.I. 2010/2977
- Sch. 1
- para. 77(4)
- Sch. 5 rule 10(3)(3A) substituted by
- S.I. 2010/2977
- Sch. 1
- para. 51
- Sch. 5 rule 33 substituted by
- S.I. 2010/2977
- Sch. 1
- para. 67
- Sch. 5 rule 59(6) substituted by
- S.I. 2010/2977
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- para. 76(4)
- Sch. 5 rule 61-64 substituted for Sch. 5 rule 61 by
- S.I. 2010/2977
- Sch. 1
- para. 78
- Sch. 5 rule 20(2) word omitted by
- S.I. 2010/2977
- Sch. 1
- para. 57
- Sch. 5 rule 29(3)(a) word omitted by
- S.I. 2010/2977
- Sch. 1
- para. 63

- Sch. 5 rule 34(6) word omitted by
[S.I. 2010/2977](#)
Sch. 1
[para. 68\(4\)\(a\)](#)
- Sch. 5 rule 27(2) word substituted by
[S.I. 2010/2977](#)
Sch. 1
[para. 61\(4\)](#)
- Sch. 5 rule 60(1) word substituted by
[S.I. 2010/2977](#)
Sch. 1
[para. 77\(3\)](#)
- Sch. 5 rule 26(6) word substituted by
[S.I. 2015/566](#)
[art. 2\(3\)\(a\)](#)
- Sch. 5 rule 26(7) word substituted by
[S.I. 2015/566](#)
[art. 2\(3\)\(b\)](#)
- Sch. 5 rule 26(8) word substituted by
[S.I. 2015/566](#)
[art. 2\(3\)\(c\)](#)
- Sch. 5 rule 5(3) words inserted by
[S.I. 2010/1178](#)
[art. 4\(2\)\(b\)](#)
- Sch. 5 rule 5A(2) words inserted by
[S.I. 2010/1178](#)
[art. 4\(3\)\(b\)](#)
- Sch. 5 rule 10(3A) words inserted by
[S.I. 2010/1178](#)
[art. 4\(4\)](#)
- Sch. 5 rule 9(1) words inserted by
[S.I. 2010/2977](#)
Sch. 1
[para. 50\(2\)](#)
- Sch. 5 rule 16(2A) words inserted by
[S.I. 2010/2977](#)
Sch. 1
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- Sch. 5 rule 20(2) words inserted by
[S.I. 2010/2977](#)
Sch. 1
[para. 57](#)
- Sch. 5 rule 25(1) words inserted by
[S.I. 2010/2977](#)
Sch. 1
[para. 59\(2\)](#)
- Sch. 5 rule 25(3) words inserted by
[S.I. 2010/2977](#)
Sch. 1
[para. 59\(3\)](#)
- Sch. 5 rule 26(2) words inserted by
[S.I. 2010/2977](#)
Sch. 1
[para. 60\(2\)](#)
- Sch. 5 rule 31 words inserted by
[S.I. 2010/2977](#)
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[para. 65](#)

- Sch. 5 rule 41(1)(a) words inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 70(2)
- Sch. 5 rule 44(1)(b) words inserted by
[S.I. 2010/2977](#)
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para. 71(2)
- Sch. 5 rule 45(4) words inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 72
- Sch. 5 rule 46(1)(d) words inserted by
[S.I. 2010/2977](#)
Sch. 1
para. 73
- Sch. 5 rule 45(3) words inserted by
[S.I. 2014/1116](#)
art. 6(12)(i)
- Sch. 5 rule 45(5) words inserted by
[S.I. 2014/1116](#)
art. 6(12)(ii)
- Sch. 5 rule 57(2) words inserted by
[S.I. 2014/1116](#)
art. 6(13)
- Sch. 5 rule 58(1)(c) words inserted by
[S.I. 2014/1116](#)
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- Sch. 5 rule 45(2A) words inserted by
[S.I. 2018/699](#)
reg. 4(a)
- Sch. 5 rule 5(3) words omitted by
[S.I. 2010/1178](#)
art. 4(2)(a)
- Sch. 5 rule 27(4) words omitted by
[S.I. 2010/2977](#)
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para. 61(5)
- Sch. 5 rule 30(2)(a) words omitted by
[S.I. 2010/2977](#)
Sch. 1
para. 64
- Sch. 5 rule 34(6)(a) words omitted by
[S.I. 2010/2977](#)
Sch. 1
para. 68(4)(c)
- Sch. 5 rule 41(1)(e) words omitted by
[S.I. 2010/2977](#)
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para. 70(4)
- Sch. 5 rule 58(1)(d) words omitted by
[S.I. 2010/2977](#)
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- Sch. 5 rule 60 heading words omitted by
[S.I. 2010/2977](#)
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- Sch. 5 rule 25(1) words omitted by
[S.I. 2014/1116](#)
[art. 6\(8\)\(a\)](#)
- Sch. 5 rule 25(2) words omitted by
[S.I. 2014/1880](#)
[art. 3\(2\)\(a\)](#)
- Sch. 5 rule 1(2) words substituted by
[S.I. 2010/2977](#)
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[para. 45](#)
- Sch. 5 rule 1(3) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 46](#)
- Sch. 5 rule 19(2) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 56](#)
- Sch. 5 rule 27(1)(b) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 61\(2\)](#)
- Sch. 5 rule 28(a) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 62](#)
- Sch. 5 rule 34(1)(c) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 68\(3\)](#)
- Sch. 5 rule 34(8)(c) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 68\(6\)](#)
- Sch. 5 rule 41(2) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 70\(5\)](#)
- Sch. 5 rule 44(2) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 71\(3\)](#)
- Sch. 5 rule 57(2) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 74](#)
- Sch. 5 rule 59(1)(b) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 76\(2\)](#)
- Sch. 5 rule 59(2) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 76\(3\)](#)
- Sch. 5 rule 59(7) words substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 76\(5\)](#)

- Sch. 5 rule 21(1) words substituted by
[S.I. 2014/1116](#)
[art. 6\(7\)](#)
- Sch. 5 rule 26(3)(c) words substituted by
[S.I. 2014/1116](#)
[art. 6\(9\)](#)
- Sch. 5 rule 21(2) words substituted by
[S.I. 2015/566](#)
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- Sch. 5 rule 45(2A) words substituted by
[S.I. 2018/699](#)
[reg. 4\(b\)](#)
- Sch. 5 Appendix of Forms amendment to earlier affecting provision 2001 c. 7 Sch.
para. 29 by
[S.I. 2014/1116](#)
[art. 9\(7\)](#)
- Sch. 5 Appendix of Forms form 5 asterisk and words inserted by
[S.I. 2014/1116](#)
[art. 6\(16\)\(b\)](#)
- Sch. 5 Appendix of Forms form 5 asterisk inserted by
[S.I. 2014/1116](#)
[art. 6\(16\)\(a\)](#)
- Sch. 5 Appendix of Forms Form 6A inserted by
[S.I. 2014/1116](#)
[art. 6\(17\)](#)
[Sch](#)
- Sch. 5 Appendix of Forms Form 7A inserted by
[S.I. 2014/1116](#)
[art. 6\(18\)](#)
[Sch](#)
- Sch. 5 Appendix of Forms substituted by
[S.I. 2010/2977](#)
[Sch. 1](#)
[para. 79](#)
- Sch. 5 Appendix Form 6A substituted by
[S.I. 2015/566](#)
[art. 2\(9\)](#)
[Sch. 5](#)
- Sch. 5 Appendix of Forms form 5 words inserted by
[S.I. 2014/1116](#)
[art. 6\(16\)\(c\)](#)
- Sch. 6 Appendix Form 7 substituted by
[S.I. 2015/566](#)
[art. 2\(10\)](#)
[Sch. 6](#)

Commencement Orders yet to be applied to the Electoral Law Act (Northern Ireland) 1962

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2011/1418](#)
[art. 2](#)
commences (
[2010 c. 23](#)
)
- [S.R. 2014/153](#)
[art. 3](#)

Sch. 2
commences (
2014 c. 8
)
– S.R. 2016/387
art. 2
commences (
2015 c. 9 (N.I.)
)