
Status: Point in time view as at 01/01/2006.

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

SCHEDULE 1 REP. BY 1989 C. 3

SCHEDULE 2 REP. BY 1968 C.20 (NI); SI 1973/2163

SCHEDULE 3 REP. BY 1989 C. 3

SCHEDULE 4 REP. BY SLR 1980

^{F1}SCHEDULE 5

LOCAL ELECTIONS RULES

F1 SI 1985/454

PART I

PROVISIONS AS TO TIME AND INTERPRETATION

Timetable

- 1 (1) The proceedings at an election shall be conducted in accordance with whichever of the timetables in paragraph (2) or (3) applies for that election.
- (2) The proceedings at an election in a local election year (within the meaning of section 11(1), not being an election to fill a casual vacancy, shall be conducted in accordance with the following timetable—

Status: Point in time view as at 01/01/2006.

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)

TIMETABLE

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election.	Not later than the 25th day before election day.
Delivery of nomination papers.	Between the hours of 10 a.m. and 5 p.m. on the 17th and 16th days before election day.
Delivery of notices of withdrawal of candidature.	Within the time for the delivery of nomination papers at the election.
The making of objections to nomination papers.	During the hours allowed for delivery of nomination papers and on the 16th day before election day during the hour following.
Publication of statement of persons nominated.	At the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of.
Polling.	Between the hours of 7 a.m. and 10 p.m. on election day.

- (3) The proceedings at an election to fill a casual vacancy shall be conducted in accordance with the following timetable—

TIMETABLE

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election.	Within 21 days from the date on which a casual vacancy is deemed to have occurred under section 11(5).
Delivery of nomination papers.	Between the hours of 10 a.m. and 5 p.m. on two consecutive days, the second of which shall not be earlier than the 4th day, nor later than the 7th day after the day of publication of the notice of election.
Delivery of notices of withdrawal of candidature.	Within the time for the delivery of nomination papers at the election.
The making of objections to nomination papers.	During the hours allowed for delivery of nomination papers and on the 2nd day for such delivery during the hour following.
Publication of statement of persons nominated.	At the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of.

Status: Point in time view as at 01/01/2006.

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)

Polling.	Between the hours of 7 a.m. and 10 p.m. on the day fixed by the returning officer, which shall not be earlier than the 18th nor later than the 21st day after the last day for delivery of nomination papers.
----------	---

Computation of time

- 2 In computing any period of time for the purpose of the appropriate Timetable a Saturday, Sunday^{F2}, Christmas Eve, Maundy Thursday] or public holiday shall be disregarded and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll nor shall the returning officer be obliged to proceed with the counting of the votes on such a day.

F2 SI 1987/168

Returning officer

- 3 In these rules returning officer means the Chief Electoral Officer provided that, in respect of any function which that Officer has delegated to a deputy returning officer (within the meaning of Article 9(2) of the Electoral Law (Northern Ireland) Order 1972), it means the deputy returning officer acting under the supervision of the Chief Electoral Officer.

PART II

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

Notice of election

- 4 The returning officer shall publish notice of the election stating in addition to the notification referred to in section 24(2)—
- the place and times at which nomination papers are to be delivered;
 - the number of members to be returned for each district electoral area in the local government district concerned;
 - the last time by which applications to vote by post or proxy or by post as proxy must reach the Chief Electoral Officer in order to be effective for the election;
 - the date and hours of the poll in the event of a contest;
- and the notice shall state that forms of nomination paper may be obtained at the place referred to in paragraph (a).

Nomination of candidates

- 5 (1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix, delivered—
- by the candidate himself, or
 - by his proposer or seconder,

Status: Point in time view as at 01/01/2006.

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)

to the returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by section 34 or are so given at the time the paper is delivered.

- (2) The nomination paper shall state the candidate's—
- (a) full names,
 - (b) home address in full, and
 - (c) if desired, description,
- and the surname shall be placed first in the list of his names.
- [^{F3}(3) The description, if any, must consist of either—
- (a) a description (of not more than 6 words in length) which is authorised as mentioned in rule 5A(1); or
 - (b) the word Independent.]

F3 SI 2001/417

Nomination papers: name of registered political party

- [^{F4}5A (1) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the party is a qualifying party in relation to the district electoral area and the description is authorised by a certificate—
- (a) issued by or on behalf of the registered nominating officer of the party, and
 - (b) received by the returning officer before the last time for the delivery of nomination papers.
- (2) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) on behalf of a registered political party's nominating officer.
- (3) For the purposes of the application of this rule in relation to an election—
- (a) registered political party means a party which was registered under Part II of the Political Parties, Elections and Referendums Act 2000 at the time by which the notice of election is required to be published by virtue of rule 1 (the relevant time);
 - (b) a registered party is a qualifying party in relation to a district electoral area if the party was at the relevant time registered in the Northern Ireland register maintained under that Part of that Act.]

F4 SI 2001/417

Subscription of nomination paper

- 6 (1) The nomination paper shall be subscribed by two electors for the district electoral area as proposer and seconder, and by eight other electors for that area as assenting to the nomination.
- (2) Where a nomination paper bears the signature of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate,

Status: Point in time view as at 01/01/2006.

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)

the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.

- (3) The nomination paper shall give the electoral number of each person subscribing it.
- (4) The returning officer shall—
 - (a) supply any elector with a form of nomination paper at the place and during the time for delivery of nomination papers, and
 - (b) at any elector's request prepare a nomination paper for signature;but it is not necessary for a nomination to be on a form supplied by the returning officer.
- (5) A person shall not subscribe more nomination papers at the same election than there are vacancies to be filled in the district electoral area; but a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first-mentioned paper.
- (6) If a person subscribes nomination papers in contravention of paragraph (5), his signature shall be inoperative on any paper other than those papers (up to the permitted number) which are delivered first.

[^{F5}(7) In this rule elector

- (a) means a person who is registered in the register of local electors for the district electoral area in question on the last day for publication of notice of the election; and
- (b) includes a person then shown in that register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.]

F5 SI 2001/417

Consent to nomination

- 7 A person shall not be validly nominated unless his consent to nomination is—
- (a) given in writing in the form in the Appendix, on or within one month before the day fixed as the last day for the delivery of nomination papers,
 - (b) attested by one witness, and
 - (c) delivered at the place and within the time for the delivery of nomination papers.

Place for delivery of nomination papers

- 8 The returning officer shall fix the place at which nomination papers are to be delivered to him, and shall attend there during the time for their delivery and for the making of objections to them.

Status: Point in time view as at 01/01/2006.

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)

Right to attend nomination

- 9 (1) Except for the purpose of delivering a nomination paper or of assisting the returning officer no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—
- (a) a person standing nominated as a candidate, or
 - (b) the election agent, proposer or seconder of such a person, but where a candidate acts as his own election agent he may name one other person who shall be entitled to attend in place of his election agent.
- (2) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—
- (a) to such one of those papers as he may select, or
 - (b) in default of such a selection, to that one of those papers which is first delivered,
- shall be entitled to attend as his proposer and seconder.
- (3) The right to attend conferred by this rule includes the right—
- (a) to inspect, and
 - (b) to object to the validity of,
- any nomination paper.

Decisions as to validity of nomination papers

- 10 (1) Where a nomination paper and the candidate's consent to it are delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—
- (a) the returning officer decides that the nomination paper is invalid; or
 - (b) proof is given to the returning officer's satisfaction of the candidate's death; or
 - (c) the candidate withdraws.
- (2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—
- (a) that the particulars of the candidate or the person subscribing the paper are not as required by law;
 - (b) that the paper is not subscribed as so required.
- (3) [^{F6}Subject to paragraph (3A),] The returning officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made.
- [^{F6}(3A) If in the returning officer's opinion a nomination paper breaks rule 5A(1), he shall give a decision to that effect as soon as practicable after the last time for the delivery of nomination papers.]
- (4) [^{F6}Where the returning officer] decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.
- (5) The decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceedings whatsoever.
- (6) Subject to paragraph (5), nothing in this rule shall prevent the validity of a nomination being questioned on an election petition.

Status: Point in time view as at 01/01/2006.

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)

F6 SI 2001/417

Withdrawal of candidates

- 11 (1) A candidate may withdraw his candidature by notice of withdrawal—
- (a) signed by him and attested by one witness, and
 - (b) delivered to the returning officer at the place for delivery of nomination papers.
- (2) Where a candidate is out of Northern Ireland, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from Northern Ireland shall be of the same effect as a notice of withdrawal signed by the candidate, but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, but only if—
- (a) it and the accompanying declaration are signed by all the proposers except any one who is, and is stated in that declaration to be, out of Northern Ireland; or
 - (b) it is accompanied, in addition to the declaration, by a written statement signed by the candidate that the proposer giving notice is authorised to do so on the candidate's behalf during his absence from Northern Ireland.

Publication of nominations

- 12 (1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated in each district electoral area and any other persons who have been nominated, with the reason why they no longer stand nominated.
- (2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers, together with the names of the persons subscribing those papers.
- (3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and, if there are two or more of them with the same surname, of their other names.
- (4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

Adjournment of nomination proceedings in case of riot

- 13 (1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—
- (a) the proceedings shall be abandoned for that day, and
 - (b) if that day is the last day for the delivery of nomination papers, the proceedings shall be continued on the next day as if that were the last day of such delivery;
- and that day shall be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this rule in the event of interruption or obstruction on that day).

Status: Point in time view as at 01/01/2006.

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)

- (2) Where proceedings are abandoned by virtue of this rule—
- (a) nothing may be done after they are continued if the time for doing it had passed at the time of the abandonment; and
 - (b) anything done before the abandonment shall not be invalidated by reason of the abandonment.

Method of election

- 14 (1) If the number of persons standing nominated, as shown by the statement of persons nominated, exceeds the number of seats to be filled, a poll shall be taken in accordance with Part III of these rules.
- (2) If the number of persons standing nominated, as so shown, is equal to or less than the number of seats to be filled, the persons standing nominated shall be declared to be elected in accordance with Part V of these rules.

PART III

CONTESTED ELECTIONS

Poll to be taken by ballot

- 15 The votes at the poll shall be given by ballot, the votes given to each candidate shall be counted and the result shall be determined in accordance with Part IV of these rules.

The ballot papers

- 16 (1) The ballot of every voter shall consist of a ballot paper, and the persons shown in the statement of persons nominated as standing nominated, and no others, shall be entitled to have their names inserted in the ballot paper.
- (2) Every ballot paper shall be in the form in the Appendix, and shall be printed in accordance with the directions in that Appendix, and—
- (a) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated;
 - (b) shall be capable of being folded up;
 - (c) shall have a number printed on the back;
 - (d) shall have attached a counterfoil with the same number printed^[F7] on it].
 - ^[F8](e) must be of a different colour from that of any ballot papers used at an election the poll for which is taken together with the poll for the local election.]

^[F9](2A) If a candidate who is the subject of a party's authorisation under rule 5A(1) so requests, the ballot paper shall contain, against the candidate's particulars, the party's registered emblem (or, as the case may be, one of the party's registered emblems).

- (2B) The request must—
- (a) be made in writing to the returning officer, and
 - (b) be received by him before the last time for the delivery of nomination papers.]

Status: Point in time view as at 01/01/2006.

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)

- (3) The order of the names in the ballot paper shall be the same as in the statement of persons nominated.

F7	SI 1987/168
F8	2001 c. 7
F9	SI 2001/417

The official mark

- 17 (1) Every ballot paper shall be marked with an official mark, which shall perforate or emboss the ballot paper.
- (2) The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same district electoral area.
- (3) The official mark used for ballot papers issued for the purpose of voting by post shall not be used at the same election for ballot papers issued for the purpose of voting in person.

Prohibition of disclosure of vote

- 18 No person who has voted at the election shall, in any legal proceeding to question the election, be required to state for whom he voted.

Use of schools and public rooms

- 19 (1) The returning officer may use, free of charge, for the purpose of taking the poll or conducting the count—
- (a) school premises to which this rule applies;
 - (b) a room the expense of maintaining which is payable out of any rate.
- (2) This rule applies to a school which is in receipt of a grant out of moneys appropriated by Measure of the Northern Ireland Assembly.
- (3) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such premises or room as mentioned above by reason of its being used for the purpose of taking the poll or conducting the count.
- (4) The use of a room in an unoccupied house for that purpose does not render a person liable to be rated or to pay any rate for the house.

Notice of poll

- 20 (1) The returning officer shall in the statement of persons nominated include a notice of the poll, stating the day on which the hours during which the poll will be taken.
- (2) The returning officer shall also give public notice (which may be combined with the statement of persons nominated) of—
- (a) the situation of each polling station;
 - (b) the description of voters entitled to vote there;
 - (c) the mode in which voters are to vote; and

Status: Point in time view as at 01/01/2006.

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)

(d) the number of councillors to be elected for each district electoral area.

[^{F10}(3) The notice published under paragraph (2)—

- (a) must state that the poll at the local election is to be taken together with the poll at a parliamentary election;
- (b) must specify the relevant parliamentary constituency.]

F10 2001 c. 7

Postal ballot papers

- 21 (1) The returning officer shall as soon as practicable send to those entitled to vote by post, at the addresses [^{F11} shown in the absent voters list], a ballot paper and a declaration of identity in the [^{F12} relevant] form prescribed in the Appendix, together with an envelope for their return.
- (2) The declaration of identity shall be witnessed by another elector who personally knows the voter.

F11 SI 1987/168

F12 2001 c. 7

Provision of polling stations

- 22 (1) The returning officer shall provide a sufficient number of polling stations and shall allot the electors to the polling stations in such manner as he thinks most convenient.
- (2) One or more polling stations may be provided in the same room.
- (3) The polling station allotted to electors from any polling district shall be in the polling place for that district.
- (4) The returning officer shall provide each polling station with such number of compartments as may be necessary in which the voters can mark their votes screened from observation.

Appointment of presiding officers and clerks

- 23 (1) The returning officer shall appoint and pay a presiding officer to attend at each polling station and such clerks as may be necessary for the purposes of the election, but he shall not appoint any person who has been employed by or on behalf of a candidate in or about the election.
- (2) The returning officer may, if he thinks fit, preside at a polling station and the provisions of these rules relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer or by the presiding officer to the returning officer.
- (3) A presiding officer may do, by the clerks appointed to assist him, any act (including the asking of questions) which he is required or authorised by these rules to do at a polling station except order the arrest, exclusion or removal of any person from

Status: Point in time view as at 01/01/2006.

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)

the polling station or refuse to deliver a ballot paper under paragraph (4) of rule 34 (including that paragraph as applied by rule 35, 36 or 37).

Rule 24 omitted by SI 1987/168

Issue of official poll cards

- 25 (1) The returning officer shall as soon as practicable send to electors and their proxies an official poll card, but a card need not be sent to any person—
- (a) as an elector if he is placed on the absent voters list for the election; or
 - (b) as a proxy if^{F13} he is entitled to vote by post as proxy at the election].
- (2) An elector's official poll card shall be sent or delivered to his qualifying address, and a proxy's to his address as shown in the list of proxies.
- (3) The official poll card shall be in the form prescribed in the Appendix and shall set out—
- (a) the name of the district electoral area;
 - (b) the elector's name, qualifying address and number on the register;
 - (c) the date and hours of the poll and the situation of the elector's polling station.
- ^{F14}(3A) An official poll card issued under this rule may be combined with an official poll card issued at a parliamentary election.]
- (4) Paragraph (7) of rule 6 applies for the interpretation of this rule.

F13 SI 1987/168
F14 2001 c. 7

Equipment of polling stations

- 26 (1) The returning officer shall provide each presiding officer with such number of ballot boxes and ballot papers as in the returning officer's opinion may be necessary.
- (2) Every ballot box shall be so constructed that the ballot papers can be put in it, but cannot be withdrawn from it, without the box being unlocked.
- (3) The returning officer shall provide each polling station with—
- (a) materials to enable voters to mark the ballot papers;
 - (b) instruments for stamping on them the official mark;
 - (c) copies of the register of electors or such part of it as contains the names of the electors allotted to the station;
 - (d) the parts of the absent voters lists prepared for the election corresponding to the register of electors or the part of it provided under sub-paragraph (c).
- ^{F15}(3A) The returning officer shall also provide each polling station with—
- (a) at least one large version of the ballot paper which shall be displayed inside the polling station for the assistance of voters who are partially-sighted;
 - (b) a device falling within the description in paragraphs (5) to (10) for enabling voters who are blind or partially sighted to vote without any need for assistance from the presiding officer or any companion (within the meaning of rule 36(1)).]

Status: Point in time view as at 01/01/2006.

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)

- (4) A notice in the form in the Appendix giving directions for the guidance of the voters in voting, shall be printed in conspicuous characters and exhibited outside every polling station and in every compartment of every polling station.
- [^{F16}(4A) The notice referred to in paragraph (4)—
- (a) must clearly indicate the election to which it relates;
 - (b) must be printed on paper of the same colour as the ballot papers (other than tendered ballot papers) used at the election to which it relates.]
- [^{F15}(5) The device must be capable of being attached firmly to a ballot paper and of being removed from it after use without damage to the paper.
- (6) On the left-hand side of the device there shall be tabs of equal size which satisfy the conditions in paragraphs (7) to (10).
 - (7) The tabs shall be capable of being positioned on the ballot paper so that each one is above one of the spaces to the left of the particulars of the candidates on which the vote is to be marked (the relevant space).
 - (8) Each tab shall be numbered so that, when the device is positioned over a ballot paper, the number of each tab corresponds to that of the candidate whose particulars are to the right of the relevant space covered by the tab in question.
 - (9) Each number on a tab shall be in raised form so that it can be clearly identified by touch.
 - (10) Each tab shall be capable of being lifted so as to reveal the relevant space and so that there is sufficient room to allow a voter to record his vote on that space.]

F15 SI 2001/417

F16 2001 c. 7

Appointment of polling and counting agents

- 27 (1) Each candidate may, before the commencement of the poll, appoint—
- (a) polling agents to attend at polling stations for the purpose of detecting personation; and
 - (b) one counting agent to attend at the counting of the votes.
- (2) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer and shall be so given not later than 5 p.m. on the second day (computed like any period of time in the Timetable) before the day of the poll.
- (3) If an agent dies, or becomes incapable of acting, the candidate may appoint another agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the agent appointed.
- (4) The foregoing provisions of this rule shall be without prejudice to the requirements of subsection (1) of section 38 as to the appointment of paid polling agents, and any appointment authorised by this rule may be made and the notice of appointment given to the returning officer by the candidate's election agent, instead of by the candidate.

Status: Point in time view as at 01/01/2006.

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)

- (5) In the following provisions of these rules references to polling and counting agents shall be taken as references to agents—
- (a) whose appointments have been duly made and notified; and
 - (b) where the number of agents is restricted, who are within the permitted number.
- (6) Any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice of appointment.
- (7) A candidate may himself do any act or thing which any polling or counting agent of his, if appointed, would have been authorised to do, or may assist his agent in doing any such act or thing.
- (8) A candidate's election agent may do or assist in doing anything which a polling or counting agent of his is authorised to do; and anything required or authorised by these rules to be done in the presence of the polling or counting agents may be done in the presence of a candidate's election agent instead of his polling agent or counting agent.
- (9) Where by these rules any act or thing is required or authorised to be done in the presence of the polling or counting agents, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Notification of requirement of secrecy

- [^{F17}28 The returning officer shall make such arrangements as he thinks fit to ensure that—
- (a) every person attending at a polling station (otherwise than for the purpose of voting or assisting a blind voter to vote or as a constable on duty there) has been given a copy in writing of the provisions of paragraph 27(1) and (3) of Schedule 9 and a statement of the penalty prescribed by section 111(2A)(d) (as inserted by paragraph 27 of Schedule 1 to the Local Elections (Northern Ireland) (Amendment) Order 1987); and
 - (b) every person attending at the counting of the votes (other than any constable on duty at the counting) has been given a copy in writing of the provisions of paragraph 27(2) of Schedule 9 and a statement of the penalty prescribed by section 111(2A)(d) (as inserted by paragraph 27 of Schedule 1 to the Local Elections (Northern Ireland) (Amendment) Order 1987).]

F17 SI 1987/168

Admission to polling station

- 29 (1) The presiding officer shall regulate the number of voters to be admitted to the polling station at the same time, and shall exclude all other persons except—
- (a) the candidates and their election agents;
 - (b) the polling agents appointed to attend at the polling station;
 - (c) the clerks appointed to attend at the polling station;
 - (d) the constables on duty;
- Sub-para. (e) omitted by SI 1987/168*
- (f) the companions of [^{F18} voters with disabilities][^{F19}; and]

Status: Point in time view as at 01/01/2006.

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)

- [^{F19}(g)] [^{F19}Electoral Commissioners, members of staff of the Electoral Commission and persons appointed by the Electoral Commission for the purpose of attending at polling stations on behalf of the Commission].
- (2) Not more than one polling agent shall be admitted at the same time to a polling station on behalf of the same candidate.
- (3) A constable,^{F20} . . . or a person employed by a returning officer shall not be admitted to vote in person elsewhere than at the polling station allotted to him, except on production and surrender of a certificate as to his employment, which shall be in the form in the Appendix and shall be signed—
- (a) in the case of a constable, by an officer of the Royal Ulster Constabulary not below the rank of chief inspector;
- Sub-para. (b) omitted by SI 1987/168*
- (c) in the case of a person employed by the returning officer, by that officer.
- (4) Any certificate surrendered under this rule shall forthwith be cancelled.

F18	SI 2001/417
F19	SI 2005/863
F20	SI 1987/168

Keeping of order in station

- 30 (1) It is the presiding officer's duty to keep order at his polling station.
- (2) If a person misconducts himself in a polling station, or fails to obey the presiding officer's lawful orders, he may immediately, by the presiding officer's order, be removed from the polling station—
- (a) by a constable in or near that station, or
- (b) by any other person authorised in writing by the returning officer to remove him,
- and the person so removed shall not, without the presiding officer's permission, again enter the polling station during the day.
- (3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a constable for an offence without a warrant.
- (4) The powers conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

Sealing of ballot boxes

- 31 Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as are present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal on it in such a manner as to prevent its being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Status: Point in time view as at 01/01/2006.

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)

Questions to be put to voters

- 32 (1) The presiding officer may, and if required by a candidate or his election or polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them—
- (a) in the case of a person applying as an elector—
 - (i) Are you the person registered in the register of electors for this election as follows (*read the whole entry from the register*)?
 - (ii) Have you already voted on your own behalf either here or elsewhere in this or any other district electoral area at this [F21]local] election?
 - (b) in the case of a person applying as proxy—
 - (i) Are you the person whose name appears as A.B. in the list of proxies for this election as entitled to vote as proxy on behalf of C.D.?
 - (ii) Have you already voted as proxy on behalf of C.D. either here or elsewhere in this or any other district electoral area at this [F21]local] election?

[F22(1A) In the case of a person applying as an elector, the presiding officer may put the following additional question—

What is your date of birth?.]

- (2) In the case of a person applying as proxy, the presiding officer may, and if required as mentioned[F22 in paragraph (1)] above shall, put the following additional question:—

Are you the husband [wife], parent, grandparent, brother [sister], child or grandchild of C.D.?

and if that question is not answered in the affirmative the following question:—

Have you at this [F21]local] election already voted in this district electoral area on behalf of two persons of whom you are not the husband [wife], parent, grandparent, brother [sister], child or grandchild?

- (3) A ballot paper shall not be delivered to any person required to answer the above questions or any of them unless he has answered the questions or question satisfactorily.
- (4) Save as by this rule authorised, no inquiry shall be permitted as to the right of any person to vote.

F21 2001 c. 7

F22 SI 2002/2835

Challenge of voter

- 33 (1) If at the time a person applies for a ballot paper for the purpose of voting in person, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate or his election or polling agent—
- (a) declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation, and
 - (b) undertakes to substantiate the charge in a court of law,

Status: Point in time view as at 01/01/2006.

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)

the presiding officer may order a constable to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the constable to do so.

- (2) A person against whom a declaration is made under this rule shall not by reason of it be prevented from voting.
- (3) A person arrested under the provisions of this rule shall be dealt with as a person taken into custody by a constable without a warrant.

Voting procedure

- 34 (1) Subject to paragraphs (2) to (7), a ballot paper shall be delivered to a voter who applies for one and immediately before delivery—
 - (a) the ballot paper shall be stamped with the official mark;
 - (b) the number and name of the elector as stated in the copy of the register of electors shall be called out;
 - (c) the number of the elector shall be marked on the counterfoil;
 - (d) a mark shall be placed in the register of electors against the number of the elector to denote that a ballot paper has been received but without showing the particular ballot paper which has been received; and
 - (e) in the case of a person applying for a ballot paper as proxy, a mark shall also be placed against his name in the list of proxies.
- (2) A ballot paper shall not be delivered to a voter unless he has produced a specified document to the presiding officer or a clerk.
- (3) Where a voter produces a specified document, the presiding officer or clerk to whom it is produced shall deliver a ballot paper to the voter unless the officer or clerk decides that
 - [^{F23}(a) the document; or
 - (b) the apparent age of the voter as compared with his age according to the date supplied as the date of his birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989),
 raises a reasonable doubt as to whether the voter is the elector or proxy he represents himself to be.]
- (4) [^{F23}Where in such a case it is a presiding officer who so decides,] he shall refuse to deliver a ballot paper to the voter.
- [^{F23}(5) Where in such a case it is a clerk who so decides, he shall refer the matter and produce the document to the presiding officer, who shall proceed as if it had been to him that the voter had presented himself and produced the document in the first place.]
- (6) For the purposes of this rule a specified document is one which for the time being falls within the following list:—
 - [^{F24}(a) a current licence to drive a motor vehicle if the licence bears the photograph of the person to whom it is issued;]
 - (b) a current passport issued by the Government of the [^{F25}a Member State of the European Community;]

Subs.—paras. (c)—(g) rep. by SI 2003/1245

Status: Point in time view as at 01/01/2006.

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)

[^{F23}(h) a Senior SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;]

[^{F23}(i) a current electoral identity card issued under section 13C of the Representation of the People Act 1983]

[^{F24}In sub-paragraph (a) a licence to drive a motor vehicle is a licence granted under Part 3 of the Road Traffic Act 1972 (excluding a provisional licence), or under Article 8 and 12 of the Road Traffic (Northern Ireland) Order 1981 or any corresponding enactment for the time being in force.]

- (7) References in this rule to producing a document are to producing it for inspection.
- (8) 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 the figure 1 opposite the name of the candidate for whom he votes and in addition, if he so wishes, by placing the figure 2 opposite the name of the candidate of his second choice, the figure 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 official mark; and
 - (d) put the folded ballot paper into the ballot box in the presiding officer's presence.
- (9) The voter shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

[^{F26}(10) The same copy of the register of electors may be used under paragraph (1) for each election.

(11) One mark may be placed in that register under paragraph (1)(d) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been received in respect of each election.

(12) If a ballot paper is issued in respect of one election only a different mark must be placed in the register or list (as the case may be) so as to identify the election in respect of which the ballot paper is issued.]

F23 SI 2002/2835

F24 SI 2003/1245

F25 SI 1995/1948

F26 2001 c. 7

Votes marked by presiding officer

- 35 (1) Subject to paragraph (2), the presiding officer, on the application of a voter—
- (a) who is incapacitated by blindness or other physical cause from voting in manner directed by these rules, or
 - (b) who declares orally that he is unable to read,
- shall, in the presence of the polling agents, cause the voter's vote to be marked on a ballot paper in manner directed by the voter, and the ballot paper to be placed in the ballot box.

Status: Point in time view as at 01/01/2006.

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)

- (2) Paragraphs (2) to (7) of rule 34 apply in the case of a voter who applies under paragraph (1) as they apply in the case of a voter who applies under rule 34(1), but reading references to delivering a ballot paper to a voter as references to causing a voter's vote to be marked on a ballot paper.
- (3) The name and number on the register of electors of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list (in these rules called the list of votes marked by the presiding officer).
- In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.
- [^{F27}(4) The same list may be used for each election.
- (5) If it is, an entry in the list must be taken to mean that the ballot papers were marked in pursuance of this rule in respect of each election unless the list identifies the election at which the ballot paper was so marked.]

F27 2001 c. 7

Voting by persons with disabilities

- [^{F28}36 (1) If a voter makes an application to the presiding officer to be allowed, on the grounds of—
- (a) blindness or other physical incapacity, or
 - (b) inability to read,
- to vote with the assistance of another person by whom he is accompanied (in these rules referred to as the companion), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.
- (2) [^{F29}Subject to paragraph (2A), if] the presiding officer—
- (a) is satisfied that the voter is so incapacitated, and
 - (b) is also satisfied by a written declaration made by the companion (in these rules referred to as the declaration made by the companion of a voter with disabilities) that the companion—
 - (i) is a qualified person within the meaning of this rule, and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer shall grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.
- [Paragraphs (2) to (7) of rule 34 shall apply in the case of a voter who applies under
- ^{F29}(2A) paragraph (1) as they apply in the case of a voter who applies under rule 34(1), but reading references to delivering a ballot paper as references to granting a voter's application.]
- (3) For the purposes of these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person shall be qualified to assist a voter with disabilities to vote if that person—
- (a) is a person who is entitled to vote as an elector at the election; or

Status: Point in time view as at 01/01/2006.

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)

(b) is the father, mother, brother, sister, husband, wife, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as the list of voters with disabilities assisted by companions).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

[The same list may be used for each election.

^{F30}(4A)

(4B) If it is, an entry in the list must be taken to mean that the votes were given in accordance with this rule in respect of each election unless the list identifies the election at which the vote was so given.]

(5) The declaration made by the companion—

- (a) shall be in the form in the Appendix; and
- (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(6) No fee or other payment shall be charged in respect of the declaration.]

F28 SI 2001/417
F29 SI 2002/2835
F30 2001 c. 7

Tendered ballot papers

37 (1) If a person, representing himself to be—

- (a) a particular elector named on the register and not named in the absent voters list, or
- (b) a particular person named in the list of proxies as proxy for an elector and not^{F31} . . . entitled to vote by post as proxy,

applies for a ballot paper after another person has voted in person either as the elector or his proxy, the applicant shall, on satisfactorily answering the questions permitted by law to be asked at the poll, be entitled subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a tendered ballot paper) in the same manner as any other voter.

(2) Paragraphs (2) to (7) of rule 34 shall apply in the case of a person who seeks to mark a tendered ballot paper under paragraph (1) as they apply in the case of a voter who applies for a ballot paper under rule 34(1).

(3) Paragraph (4) applies where

[^{F32}(a)] [^{F32}under paragraph (3) of rule 32 a ballot paper is not delivered to a person following his unsatisfactory answer to the question in paragraph (1A) of that rule; or]

Status: Point in time view as at 01/01/2006.

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)

- [^{F32}(b)] a presiding officer refuses to deliver a ballot paper to a person under paragraph (4) of rule 34 (including that paragraph as applied by rule 35 or 36 or this rule).
- (4) The person shall, on satisfactorily answering the questions permitted by law to be asked at the poll, nevertheless be entitled, subject to the following provisions of this rule, to mark a ballot paper (in these rules referred to as a tendered ballot paper) in the same manner as any other voter.
- (5) A tendered ballot paper shall—
- (a) be of a colour differing from the other ballot papers;
 - (b) instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the voter and his number in the register of electors, and set aside in a separate packet.
- (6) The name of the voter and his number on the register of electors shall be entered on a list (in these rules referred to as the tendered votes list).
- [^{F33}(6A) The same list may be used for each election.
- (6B) If it is, an entry in the list must be taken to mean that the tendered ballot papers were marked in respect of each election unless the list identifies the election at which a tendered ballot paper was marked.]
- (7) In the case of a person voting as proxy for an elector the number to be endorsed or entered together with the voter's name shall be the number of that elector.
- (8) A person who marks a tendered ballot paper under paragraph (4) shall sign the paper, unless it was marked after an application was refused under rule 35 or 36.
- (9) A paper which is required to be signed under paragraph (8) and is not so signed shall be void.

F31 SI 1987/168
F32 SI 2002/2835
F33 2001 c. 7

Refusal to deliver ballot paper

- 38 (1) This rule applies where a presiding officer refuses to deliver a ballot paper under paragraph (4) of rule 34 (including that paragraph as applied by rule 35, 36 or 37).
- (2) The refusal shall be subject to review on an election petition but, subject to that, shall be final and shall not be questioned in any proceeding whatsoever.

Spoilt ballot papers

- 39 A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving to his satisfaction that fact of the inadvertence, obtain another ballot paper in the place of the ballot paper so delivered (in these rules referred to as a spoilt ballot paper), and the spoilt ballot paper shall be immediately cancelled.

Status: Point in time view as at 01/01/2006.

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)

VALID FROM 14/05/2008

Correction of errors on day of poll

[^{F34}39A The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13BA(9) of the 1983 Act which takes effect on the day of the poll.]

F34 Sch. 5 para. 39A inserted (14.5.2008) by Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33), ss. 30(1), 31(3), Sch. 4 para. 1(7); S.I. 2008/1318, art. 2(2)(b)

Adjournment of poll in case of riot

- 40 (1) Where the proceedings at any polling station are interrupted or obstructed by riot or open violence, the presiding officer shall adjourn the proceedings until the following day and shall forthwith give notice to the returning officer.
- (2) Where the poll is adjourned at any polling station—
- (a) the hours of polling on the day to which it is adjourned shall be the same as for the original day; and
 - (b) references in these rules to the close of poll shall be construed accordingly.

Procedure on close of poll

- 41 (1) As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals—
- (a) each ballot box in use at the station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached,
 - (b) the unused and spoil ballot papers placed together,
 - (c) the tendered ballot papers,
 - (d) the marked copies of the register of electors and of the list of proxies,
 - (e) the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll,
 - (f) the tendered votes list, the list of^{F35} voters with disabilities] assisted by companions, the list of votes marked by the presiding officer, a statement of the number of voters whose votes are so marked by the presiding officer under the heads physical incapacity and unable to read, and the declarations made by the companions of^{F35} voters with disabilities],
- and shall deliver the packets or cause them to be delivered to the returning officer to be taken charge of by him; but if the packets are not delivered by the presiding officer personally to the returning officer, the arrangements for their delivery shall require the returning officer's approval.

[^{F36}(1A) Separate packets must be made up in respect of each election for the purpose of each of sub-paragraphs (b), (c) and (e) of paragraph (1).]

Status: Point in time view as at 01/01/2006.

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)

- (2) The marked copies of the register of electors and of the list of proxies shall be in one packet but shall not be in the same packet as the counterfoils of the used ballot papers and the certificates as to employment on duty on the day of the poll.
- (3) The packets shall be accompanied by a statement (in these rules referred to as the ballot paper account) made by the presiding officer^{F36} separately for the purposes of each election] showing the number of ballot papers entrusted to him, and accounting for them under the heads of ballot papers issued and not otherwise accounted for, unused, spoilt and tendered ballot papers.

F35 SI 2001/417

F36 2001 c. 7

PART IV

COUNTING OF VOTES

Interpretation

- 42 In this Part of these rules—
- continuing candidate means any candidate not deemed to be elected and not excluded;
- 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;
- deemed to be elected means deemed to be elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the poll;
- mark means a figure, a word written in the English language or a mark such as X;
- non-transferable vote means a ballot paper—
- (a) on which no second or subsequent preference is recorded for a continuing candidate, or
 - (b) which is excluded by the returning officer under rule 50(4);
- 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 48;
- 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

Status: Point in time view as at 01/01/2006.

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)

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—

- (a) the determination of the first preference vote for each candidate;
- (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 49, as the case may be.

Place and time for, and manner of, counting of votes

43 (1) Subject to paragraph (3), the returning officer shall make arrangements for counting the votes in the presence of the counting agents at 9 in the^{F37} morning on the second day after] the day of the poll and shall give to the counting agents notice in writing of the time and place at which he will begin to count the votes.

^{F37}(1A) For the purpose of determining the day for counting under paragraph (1) a Saturday, a Sunday and a public holiday must be disregarded.]

- (2) There shall be a separate count in respect of each district electoral area in the local government district.
- (3) Nothing in paragraph (1) shall require the returning officer to commence counting the votes for all the district electoral areas in any local government district at the same time.

F37 2001 c. 7

Attendance at counting of votes

44 (1) No person other than—

- (a) the returning officer and his clerks,
- (b) the candidates,
- (c) the election agents,
- (d) the counting agents,
- (e) the constables on duty,

may be present at the counting of the votes, unless permitted by the returning officer to attend.

- (2) A person not entitled to attend at the counting of the votes shall not be permitted to do so by the returning officer unless he is satisfied that the efficient counting of the votes will not be impeded.

Status: Point in time view as at 01/01/2006.

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)

- (3) The returning officer shall give the counting agents all such reasonable facilities for overseeing the proceedings at the counting of the votes (including in particular, facilities for satisfying themselves that the ballot papers are correctly sorted) and all such information with respect thereto as he can give them consistently with the orderly conduct of the proceedings and the performance of his functions.

Preliminary proceedings and conduct of the count

- 45 (1) Before the returning officer proceeds to count the votes, he shall—
- (a) in the presence of the counting agents open each ballot box and, taking out the ballot papers in it, count and record the number of them and in the presence of the election agents verify each ballot paper account;
 - (b) count such of the postal ballot papers as have been duly returned and record the number counted; and
 - (c) then mix together the whole of the ballot papers mentioned in the foregoing sub-paragraphs.
- (2) A postal ballot paper shall not be deemed to be duly returned unless
- [^{F38}(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 corresponds with the date supplied as the date of the elector's birth pursuant to section 10(4A)(b), 10A(1A)(b) or section 13A(2A)(b) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989).]
- [^{F38}(2A) In the case of an elector, unless section 10(4B), 10A(1B) or 13A(2B) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989) applies, the declaration of identity referred to in paragraph (2) 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 the Representation of the People Act 1983 (as so applied)]
- (3) The returning officer shall not count any tendered ballot paper.
 - (4) 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 printed on the back of the papers.
 - (5) 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 ballot 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.
 - (6) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment and excluding (except so far as he

Status: Point in time view as at 01/01/2006.

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)

and the agents otherwise agree) the hours between 11 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.

- (7) 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.

F38 SI 2002/2835

Rejected ballot papers

- 46 (1) Any ballot paper—
- (a) which does not bear the official mark; or
 - (b) on which the figure 1 standing alone is not placed so as to indicate a first preference for some 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 on 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) and shall, on request, allow any candidate or agent of a candidate to copy such 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

- 47 (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.

Status: Point in time view as at 01/01/2006.

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)

The quota

- 48 (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) (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 vote equals or exceeds the quota shall be deemed to be elected, except that at an 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 51 has been complied with.

Transfer of votes

- 49 (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 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.
- (2) The returning officer shall count the number of ballot papers in each parcel referred to in paragraph (1).
- (3) The returning officer shall, in accordance with this rule and rule 50, transfer each sub-parcel of ballot papers referred to in sub-paragraph (a) of paragraph (1) 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) 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 50, transfer each sub-parcel of ballot papers referred to in sub-paragraph (a) of paragraph (5) 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 sub-paragraph (b) of paragraph (4), or

Status: Point in time view as at 01/01/2006.

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)

- (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), 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

- 50 (1) If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the largest 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 votes 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 falls shall be transferred first.
- (2) The returning officer shall, on each transfer of transferable papers under rule 49—
- (a) record the total transfer 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 transferred votes and add that difference to the previously recorded total of non-transferable votes, and
- (d) compare—
- (i) the total number of votes then recorded for all of the candidates, together with total number of non-transferable votes, with
- (ii) the recorded total of valid first preference votes.
- (3) All ballot papers transferred under rule 49 or 51 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 49 or 51 for which candidate the next preference is recorded,

Status: Point in time view as at 01/01/2006.

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)

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

- 51 (1) If—
- (a) all transferable papers which under the provisions of rule 49 (including that rule as applied by paragraph (11)) and this rule are required to be transferred, have been transferred, and
 - (b) subject to rule 52 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) 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 candidate or candidates excluded under paragraph (1) 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 50, transfer each sub-parcel of ballot papers referred to in sub-paragraph (a) of paragraph (2) 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 52, 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) 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) shall be at the value at which that vote was received by the candidate excluded under paragraph (1).
 - (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).
 - (10) The returning officer shall after each stage of the count completed under this rule—
 - (a) record—

Status: Point in time view as at 01/01/2006.

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)

- (i) the total value of votes, or
 - (ii) the total transfer value of votes transferred to each candidate;
 - (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 49 and rule 50.
- (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 where 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

- 52 (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 another or 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

- 53 (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.

Status: Point in time view as at 01/01/2006.

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)

- (2) Before the returning officer so proceeds, any candidate or his election agent present at the count may request that a re-count be undertaken of the last completed stage.
- (3) If a request is made under paragraph (2), the returning officer shall then proceed to carry out the re-count of the last completed stage, but if no such request is made, he shall proceed with the next subsequent stage of the count.
- (4) The returning officer may also, if he thinks fit, re-count ballot papers either once or more often if he is not satisfied as to the accuracy of any stage.
- (5) Nothing in this rule shall require the returning officer to re-count the same parcel or sub-parcel more than once.
- (6) Where as a result of a re-count an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him.

Ballot papers in wrong box

- [^{F39}53A] (1) The returning officer may make arrangements for—
- (a) ballot boxes for the local election to be opened and any ballot papers for the parliamentary election to be taken out;
 - (b) those ballot papers to be taken into account for the purposes of the parliamentary election;
 - (c) ballot boxes for the parliamentary election to be opened and any ballot papers for the local election to be taken out;
 - (d) those ballot papers to be taken into account for the purposes of the local election.
- (2) Paragraph (1) applies notwithstanding anything else in these rules or the parliamentary elections rules.
- (3) Nothing in these rules or the parliamentary elections rules requires the counting agents to be given facilities for overseeing the proceedings mentioned in paragraph (1)(a) or (c).]

F39 2001 c. 7

Order of election of candidates

- 54 (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 49(10).
- (2) A candidate credited with a number of votes equal to and not greater than the quota shall, for the purposes 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.

Status: Point in time view as at 01/01/2006.

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)

- (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 on whom the lot falls shall be deemed to have been elected first.

Decisions of returning officer

- 55 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 51 or to any ballot paper or transfer of votes shall be final, but may be reviewed on an election petition.

PART V

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

Declaration of result

- 56 (1) In a contested election, when the result of the poll has been ascertained in respect of a district electoral area the returning officer shall forthwith—
- (a) declare to be elected the candidates who are deemed to be elected under the rules in Part IV above; and
 - (b) give public notice of—
 - (i) the names of the candidates declared to be elected;
 - (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 candidates were elected.
- (2) In an uncontested election, the statement of persons nominated, in addition to showing the persons standing nominated, shall also declare those persons elected.

PART VI

DISPOSAL OF DOCUMENTS

Sealing up of ballot papers

- 57 (1) On the completion of the counting at a contested election the returning officer shall seal up in separate packets the counted and rejected ballot papers.
- (2) The returning officer shall not open the sealed packets of tendered ballot papers or of counterfoils and certificates as to employment on duty on the day of the poll, or of marked copies of the register of electors and lists of proxies.

Forwarding of documents

- 58 (1) This rule applies to the following documents—
- (a) the packets of ballot papers in the possession of the returning officer,

Status: Point in time view as at 01/01/2006.

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)

- (b) the ballot paper accounts and the statements of rejected ballot papers and of the result of the verification of the ballot paper accounts,
 - (c) the tendered votes lists, the lists of [F40 voters with disabilities] assisted by companions, the lists of votes marked by the presiding officer and the related statements, and the declarations made by the companions of [F40 voters with disabilities],
 - (d) the packets of counterfoils and certificates as to employment on duty on the day of the poll,
 - (e) the packets containing marked copies of registers and of lists of proxies.
- (2) The returning officer shall endorse on each packet to which this rule applies a description of its contents, the date of the election to which they relate and the name of the district electoral area for which the election was held.
- (3) The returning officer shall then forward to the officer of the relevant council who is charged with the duty of looking after them the documents to which this rule applies.
- (4) The officer referred to in paragraph (3) is referred to in rules 59 and 60 as the proper officer of the council; and the expression relevant council in paragraph (3) means the council to which the election in question takes place.

F40 SI 2001/417

Orders for production of documents

- 59 (1) An order for—
- (a) the inspection or production of any rejected ballot papers in the custody of the proper officer of the council, or
 - (b) the opening of a sealed packet of counterfoils and certificates as to employment on duty on the day of the poll or for the inspection of any counted ballot papers in his custody,
- may be made by the High Court, a county court or an election court if satisfied by evidence on oath that the order is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of an election petition.
- (2) An order under this rule may be made subject to such conditions as to—
- (a) persons,
 - (b) time,
 - (c) place and mode of inspection,
 - (d) production or opening,
- as the court making the order may think expedient, but in making and carrying into effect an order for the opening of a packet of counterfoils and certificates or for the inspection of counted ballot papers, care shall be taken that the way in which the vote of any particular elector has been given shall not be disclosed until it has been proved—
- (i) that his vote was given; and
 - (ii) that the vote has been declared by a competent court to be invalid.
- (3) An appeal lies to the High Court from any order of a county court under this rule.

Status: Point in time view as at 01/01/2006.

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)

- (4) Any power given under this rule—
- (a) to the High Court may be exercised by any judge of the court otherwise than in open court; and
 - (b) to a county court, may be exercised in such manner as may be provided by rules of court.
- (5) Where an order is made for the production by the proper officer of the council of any document in his possession relating to any specified election—
- (a) the production by him or his agent of the document ordered in such manner as they be directed by that order shall be conclusive evidence that the document relates to the specified election; and
 - (b) any endorsement on any packet of ballot papers so produced shall be prima facie evidence that the ballot papers are what they are stated to be by the endorsement.
- (6) The production from proper custody of a ballot paper purporting to have been used in any election, and of a counterfoil marked with the same printed number and having a number marked on it in writing, shall be prima facie evidence that the elector whose vote was given by that ballot paper was the person who at the time of the election had affixed to his name in the register of electors the same number as the number written on the counterfoil.
- (7) Save as by this rule provided, no person shall be allowed to inspect any rejected or counted ballot papers in the possession of the proper officer of the council or to open any sealed packets of counterfoils and certificates.

Retention and public inspection of documents

- 60 (1) The proper officer of the council shall retain for six months the documents to which rule 58 applies and then, unless otherwise directed by an order under rule 59, shall cause them to be destroyed.
- (2) The said documents, except those mentioned in sub-paragraphs (a) and (d) of rule 58(1) shall, so long as they are retained by the proper officer of the council, be open to public inspection at a fee of £1 during ordinary office hours.
- (3) The proper officer of the council shall, on request, supply copies of the documents open to public inspection on payment of a fee of 10p for each side of each page of a document so copied.

PART VII

DEATH OF CANDIDATE

Countermand or abandonment of poll on death of candidate

- 61 (1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall—
- (a) countermand notice of the poll, or
 - (b) if polling has begun, direct that the poll be abandoned,

Status: Point in time view as at 01/01/2006.

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)

and the proceedings with reference to the election shall be commenced afresh as if a casual vacancy had occurred and as if the day on which the returning officer is satisfied that a candidate has died is the day on which the casual vacancy is deemed to have occurred; accordingly, the timetable in rule 1(3) shall apply to the fresh proceedings except that no fresh nomination shall be necessary in the case of a person shown in the statement of persons nominated as standing nominated.

[^{F41}(1A) Neither the countermand of the poll at the local election nor the direction that that poll be abandoned affects the poll at the parliamentary election.]

[^{F41}(2) If the poll at the local election is abandoned because of a candidate's death—

- (a) no further ballot papers at that election must be delivered in any polling station;
- (b) at the close of the poll for the parliamentary election the presiding officer must comply with the requirements of rule 41 (as amended by the Schedule to the Elections Act 2001) as if the poll at the local election had not been abandoned;
- (c) the returning officer must dispose of ballot papers used at the local election and other documents in his possession as he is required to do on the completion in due course of the counting of the votes,

but this is subject to paragraph (2A).

(2A) In a case falling within paragraph (2)—

- (a) a ballot paper account for the local election need not be prepared or verified;
- (b) the returning officer, having separated the ballot papers relating to the parliamentary election, must take no step or further step for the counting of the ballot papers used at the local election or of the votes;
- (c) the returning officer must seal up all of those ballot papers whether the votes on them have been counted or not;
- (d) it is not necessary to seal up counted and rejected ballot papers in separate packets.]

(3) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death with the following modifications—

- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
- (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

F41 2001 c. 7

APPENDIX OF FORMS

1. Form of nomination paper(*rule 5*)

Status: Point in time view as at 01/01/2006.

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)

ELECTION OF DISTRICT COUNCILLORS

District of

District Electoral Area

Day of election

We, the undersigned, being electors in the above-mentioned district electoral area do hereby nominate the under-mentioned person as candidate at this election.

Candidate's surname	Other names in full	Description	Home Address in full
#	#	#	#

Signatures

Electoral Number (See Note 3)

Proposer

Seconder

We, the undersigned, being electors for the above-mentioned district electoral area do hereby assent to the foregoing nomination.

1

2

3

4

5

6

7

8

NOTES

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in the local elections rules in Schedule 5 to the Electoral Law Act (Northern Ireland) 1962, as substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 and, in particular, to the need for a candidate to consent to his nomination.

2. Where the candidate is commonly known by some title he may be described by his title as if it were his surname.

Note 3 rep. by SI 2001/417

4. An elector must not sign more nomination papers for the district electoral area than there are vacancies to be filled.

Status: Point in time view as at 01/01/2006.

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)

5. A person whose name is entered in the register^{F42} . . . may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.

F42 SI 2001/417

2. Candidate's consent to nomination(rule 7)

ELECTION OF DISTRICT COUNCILLORS

I (*name in full*)

of (*home address in full*

hereby consent to my nomination as a candidate for election as councillor for the..... district electoral area in the district of

I declare that I have attained the age of 21 years and that I am a Commonwealth citizen or^{F43}, citizen of the Republic of Ireland or a citizen of another Member State of the European Community] and—

F43 SI 1995/1948

**Delete whichever is inappropriate*

* (a) I am a local elector for the district of the council; or

* (b) during the whole of the period of twelve months preceding the day of the poll:—

.....* (i) I have occupied as owner or tenant land in that district, or

.....* (ii) resided in that district; or

* (c) my principal or only place of work during that twelve months has been in that district.

I further declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification contained in section 4 of the Local Government Act (Northern Ireland) 1972, a copy of which is printed overleaf.

[^{F44}I declare that, if elected, I will not by word or deed express support for or approval of—

F44 1989 c. 3

- (a) any organisation that is for the time being a proscribed organisation specified in Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1978; or
- (b) acts of terrorism (that is to say, violence for political ends) connected with the affairs of Northern Ireland.]

Status: Point in time view as at 01/01/2006.

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)

Signed

Date

Signed in my presence





Signature of witness

Name and address.....

of witness (in.....

CAPITAL LETTERS).....

3. Ballot paper(rule 16)

Counter-foil No.	Mark order of preference in space below	Form of front of ballot paper
<p><i>The counterfoil is to have a number to correspond with that on the back of the ballot paper.</i></p>		<p>BLACK (Joseph Black of 5 Down Street, Bangor, Co. Down. Democratic Unionist Party)</p>
		<p>BROWN (RUPERT BROWN of 9 Mourne View, Donaghadee, Co. Down Independent)</p>
		<p> BROWN (VERONICA BROWN of 8 Magilligan Drive, Portaferry, Co. Down. SDLP (Social Democratic and Labour Party))</p>
		<p> GOLD (John Gold of 29 Gilford Place, Millisle, Co. Down. Sinn Féin)</p>
		<p>HAZEL (Horace Hazel of Glen Cottage, Banbridge, Co. Down. Independent)</p>
		<p> LIME (Harry Lime of 7 Gortin Mansions, Dromara, Co. Down, Ulster Unionist Party)</p>
		<p>PLUM (Peter Plum of 3 Strangford Road, Killinchy, Co. Down. Independent)</p>
		<p> ROSE (Ruth Rose of 41 Devenish Drive, Ballynahinch, Co. Down. United Kingdom Unionist Party)</p>
		<p>SILVER (Anthony Silver of 3 Mourne View, Bangor, Co. Down. Independent)</p>
		<p>WRIGHT (Frank Wright of 11 Moira Terrace, Newry, Co. Down. Independent)</p>

Form of back of ballot paper

No. _____

Election for the.....district electoral area.

4. Directions as to printing the ballot paper(rule 16)

- Nothing is to be printed on the ballot paper except in accordance with these directions.

Status: Point in time view as at 01/01/2006.

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)

2. The following arrangements shall be observed in the printing of the front of the ballot paper—

(a) 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^[F45] and words forming part of emblems];

F45 SI 2001/417

(b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidate from one another and the vertical rule separating those particulars^[F45] and emblems] from the spaces on the left side of the paper where the order of preferences is to be marked;

(c) 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.

(a) The front of the ballot paper shall contain the names, addresses, occupations 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 having the same surname, in alphabetical order of their other names, or if their other names are the same, in the alphabetical order of their home addresses or descriptions;

(b) the surname of each candidate and his political description (if given) shall be printed in large capitals, and his full name, address and profession, rank or calling (if given) shall be printed underneath in ordinary type; (and for the purposes of this direction a political description shall include a description such as independent);

(c) where the surnames of two or more candidates are the same there shall also be printed in large 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) the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing 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 on the back, and the front of the counterfoil attached to each ballot paper shall bear the same number. The numbers on the ballot papers shall be printed in the smallest type compatible with legibility and shall be printed on or about the centre of the paper.

^[F45](3A) 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 candidates' particulars from the spaces where the vote is to be marked, and
- (b) its size as printed shall not exceed two centimetres square.]

4. Any reference in these directions to the particulars of a candidate are a reference to those particulars as given in the statement of persons nominated.

5. Declaration of identity(rule 21)

Status: Point in time view as at 01/01/2006.

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)

FRONT OF FORM

ELECTION OF DISTRICT COUNCILLORS

DECLARATION BY VOTER

Ballot Paper No.....

I hereby declare that I am the person to whom the ballot paper numbered above was sent.

[^{F46}Except where the voter is a proxy:

F46 SI 2002/2835

F46 SI 2002/2835

My date of birth is.....]

F46 SI 2002/2835

Voter's signature

CERTIFICATION BY WITNESS

The voter who is personally known to me has signed this declaration in my presence.

Witness's signature.....Date.....

Name of Witness

[^{F47}(WRITE CLEARLY)

F47 SI 1990/595

F47 SI 1990/595

Address

[^{F47}(WRITE CLEARLY)]

F47 SI 1990/595

Status: Point in time view as at 01/01/2006.

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)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

BACK OF FORM

INSTRUCTIONS TO THE VOTER

1. You should place the figure 1 opposite the name of the candidate for whom you wish to vote and in addition you may, if you wish, place the figure 2 opposite the name of the candidate of your second choice, the figure 3 opposite the name of the candidate of your third choice and so on in the order of your preference. You may indicate by figures as many or as few preferences as you wish.

2. The figure or figures should be placed in the spaces provided at the left-hand side of the paper opposite the name of the candidate for whom you intend it.

3. In no circumstances write anything else on the paper; if you do your vote may be invalid.

4. Immediately after voting you must place the marked ballot paper in the enclosed small envelope on which are printed the words Ballot paper envelope and seal it.

5. Then take the sealed ballot paper envelope and the voter's declaration to another elector as a witness and sign the declaration in his presence. He should then certify your signature on the declaration by signing the certification, adding his name and address. Without this, the declaration will be invalid.

6. Enclose the signed and witnessed declaration and the sealed ballot paper envelope in the larger enclosed envelope addressed to the returning officer and despatch it by post without delay. Unless you return the ballot paper at once it may be received by the returning officer too late to be counted.

7. If you receive more than one ballot paper it must be remembered that you can vote only once on your own behalf at this election.

Paras. 8, 9 omitted by SI 1990/595

[^{F48}8.] If you inadvertently spoil your postal ballot paper, you can apply to the returning officer for another one. With you application you must return (in a fresh envelope) the spoilt ballot paper, the declaration of identity and the envelope sent to you with your ballot paper. Remember that there is little time available if a fresh ballot paper is to be issued to you for completion and return before the close of the poll.

F48 SI 1990/595

[^{F49}5A. **Declaration of identity (combined polls)(rule 21) (for use when a parliamentary poll is combined with a local poll)]**

F49 2001 c. 7

Status: Point in time view as at 01/01/2006.

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)

FRONT OF FORM

ELECTION OF DISTRICT COUNCILLORS

DECLARATION OF IDENTITY

To be returned with the [*insert colour of ballot paper*] coloured ballot paper No .

I hereby declare that I am the person to whom the [*insert colour of ballot paper*] coloured ballot paper numbered as above was sent.

Voter's signature

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature

Name of witness (WRITE CLEARLY)

Address of witness (WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

BACK OF FORM

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. *You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day.* That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. You should place the figure 1 opposite the name of the candidate for whom you wish to vote and in addition you may, if you wish, place the figure 2 opposite the name of the candidate of your second choice, the figure 3 opposite the name of the candidate of your third choice and so on in the order of your preference. You may indicate by figures as many or as few preferences as you wish.
3. The figure or figures should be placed in the spaces provided at the left-hand side of the paper opposite the name of the candidate for whom you intend it. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
4. In no circumstances write anything else on the paper; if you do your vote may be invalid.
5. Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked A), declaration of identity and covering

Status: Point in time view as at 01/01/2006.

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)

envelope (the larger envelope marked B). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows—

- (a) place each ballot paper in the correct smaller envelope and seal it;
- (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of poll.

6 If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the *same election*. You are entitled to vote at different elections which are held on the same day.

7. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

8. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked A and B. Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

6. Elector's official poll card*rule 25*

FRONT OF CARD

..... District Council	OFFICIAL POLL CARD
..... District electoral area	Name
Polling day	Number on register
Polling hours 7 a.m. to 10 p.m.	Address

Your polling station is at

VOTING INSTRUCTIONS Mark your vote secretly by placing in the square provided on the left-hand side of the paper the figure 1 opposite the name of the candidate for whom you wish to vote and, if you wish, the figure 2 opposite the name of the candidate of your second choice and so on in the order of your preference.

IMPORTANT—PLEASE READ NOTES ON BACK OF THIS CARD

Status: Point in time view as at 01/01/2006.

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)

BACK OF CARD

THE LAW PREVENTS YOU BEING GIVEN A BALLOT PAPER UNLESS YOU PRODUCE ONE OF THE FOLLOWING DOCUMENTS:—

- (a) a *current* Northern Ireland or Great Britain full driving licence^{F50} or a Northern Ireland provisional licence];
- (b) a *current* United Kingdom or Republic of Ireland passport (including a U.K. Visitor's passport);
- (c) a *current* book for the payment of allowances, benefits or pensions issued by the Dept. of Health and Social Services for Northern Ireland;
- (d) a medical card issued by the Northern Ireland Central Services Agency;
- ^{F50}(e) a *current* British seaman's card;]
- ^{F50}(f) a card made of plastic issued by the Department of Health and Social Security or the Department of Social Security with a name and national insurance number embossed on it;]
- ^{F50}(g)] in the case ONLY of a woman married within 2 years of polling day, a certified copy or extract of an entry of marriage issued by a Registrar General in the U.K.

Issued by the Returning Officer

F50 SI 1991/1715

7. Proxy's official poll card(rule 25)

FRONT OF CARD

.....District Council	PROXY'S OFFICIAL POLL CARD
.....District electoral area	Proxy's name
Polling day	Proxy's address
Polling hours 7 a.m. to 10 p.m.
Elector's polling station is	Elector's name
at	Elector's number on register
.....	Elector's address
.....

INSTRUCTIONS To vote as proxy for the elector named above you must go to the polling station named above. Tell the clerk you wish to vote as proxy and give the name, number and address of elector as given above. The method of voting as proxy is the same as voting

Status: Point in time view as at 01/01/2006.

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)

as an elector. The person who appointed you as his proxy may vote himself if he votes before you.

IMPORTANT: YOU MUST IDENTIFY *YOURSELF* BY ONE OF THE DOCUMENTS SET OUT ON THE BACK OF THIS CARD.

The back of the card is the same as the back of an elector's official poll card set out in Form 6 above.

8. Form of directions for the guidance of voters in voting(rule 26)

DIRECTIONS FOR THE GUIDANCE OF THE VOTER IN VOTING

1. You should make sure that the ballot paper you have received from the presiding officer has the official mark stamped on it. The paper is invalid without it.

2. Go into one of the voting compartments provided. Look at the ballot paper carefully and then record your vote by placing, in the spaces provided at the left-hand side of the paper, the figure 1 opposite the name of the candidate of your first choice and then proceed if you wish by placing the figure 2 opposite the name of the candidate of your second choice; and the figure 3 opposite the name of the candidate of your third choice and so on. You may indicate as many or as few preferences as you wish.

3. In no circumstances write anything else on the ballot paper, if you do your vote may be invalid.

4. To ensure that a ballot paper is a valid vote you must, at least, place the figure 1 opposite the name of the candidate of your first choice. If you fail to place the figure 1 on the ballot paper, or place the figure 1 and some other figure opposite the name of the same candidate, or place any mark or writing on the ballot paper by which you may be identified, your ballot paper will be invalid and your vote will not be counted.

5. If by accident you damage or spoil your paper or if you mark it in such a way that it may be rejected as spoilt, or if you place a wrong mark on it or mark it inadvertently in a wrong place, then take the paper back to the presiding officer, tell him what has happened and ask him for a fresh ballot paper.

6. When you have marked your ballot paper, fold it so that the front of it is hidden and, holding the paper so that the presiding officer can see the official mark on the back of it, put it into the ballot box.

7. You must neither take your ballot paper out of the polling station nor put any other paper into a ballot box. To do so is a serious offence.

8. When you have voted leave the polling station at once.

9. Form of certificate of employment(rule 29(3))

Local government election

..... district electoral area

Status: Point in time view as at 01/01/2006.

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)

I certify that [name]

who is numbered in the register of electors used at this district council election in the district electoral area named above is likely to be unable to go in person to the polling station allotted to him by reason of the particular circumstances of his employment on that date

**Delete whichever is inappropriate*

* (a) as a constable;

Para. (b) omitted by SI 1987/168

* (c) by me for a purpose connected with the election.

#Signature

#*Police officer (Chief Inspector or above)

#*Major or above

#*Returning officer

>Date

Note.—The person named above is entitled to vote at any polling station in the above district electoral area on production and surrender of this certificate to the presiding officer.

10. Form of declaration to be made by the companion of a [^{F51}voter with disabilities](rule 36(6))

F51 SI 2001/417

I, A.B. of, having been requested to assist C.D. (in the case of a [^{F51}voter with disabilities] voting as proxy add voting as proxy for M.N.) whose number on the register is ##, to record his vote at the election now being held in this district electoral area hereby declare that [I am entitled to vote as an elector at the said election] [I am the *## of the said voter and have attained the age of 18 years] and that I have not previously assisted any [^{F51}voter with disabilities] [except E.F. of] to vote at the said election.

*state relationship of companion to voter.

(Signed) A.B.,

.....day of.....19.....

I, the undersigned, being the presiding officer for the polling station for the district electoral area, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed G.H.)

.....day of

Status: Point in time view as at 01/01/2006.

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)

.....19.....

minutes past.....o'clock [a.m.] [p.m.]

NOTE:

[^{F51}1.] If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

[^{F51}2.] A voter with disabilities is a voter who has made a declaration under the elections rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

SCHEDULE 6 REP. BY 1968 C. 20 (NI)

SEVENTH SCHEDULE ^{F52}

Section 67.

PROXIES

F52 Ext., SI 1977/428

PART I

[TITLE REP. BY 1968 C.20 (NI) S.8 SCH.4 PT.I]

1 *Appointment of proxies.*

(1) A registered elector desiring to appoint a proxy shall make an application to the electoral officer in the prescribed form (in this Schedule referred to as a proxy application) in which the applicant—

- (a) shall nominate a person to act as proxy, or may, if he so desires, nominate one person as his first choice and another as his second choice to act as proxy;
- (b) may if he so desires designate a person (who may be a person nominated as aforesaid) authorised by the applicant to furnish to the electoral officer such information as that officer may require for the purpose of determining the application;

and the electoral officer on receiving a proxy application shall satisfy himself that the applicant is entitled under section sixty-seven to appoint a proxy.

(2) A person shall not be appointed or vote as a proxy—

- (a) unless he is a registered elector ...^{F53};
- (b) if he is (whether by virtue of this Act or otherwise) under any legal incapacity to vote;

Status: Point in time view as at 01/01/2006.

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)

- (c) for more than two electors in any constituency [^{F54} or local government electoral area] of whom he is neither the spouse, parent, grandparent, brother, sister, child or grandchild.
- ^{F55}(2A) A person, if otherwise qualified, shall be capable of voting as proxy at an election at which he is of voting age on the date of the poll, and of being appointed proxy for that purpose before he is of voting age.]
- (3) The electoral officer on receiving a proxy application shall, unless he is satisfied that the person nominated or nominated as first choice as aforesaid cannot lawfully be appointed, send to such person a notice (in this Schedule referred to as a notice of appointment) in the prescribed form to the effect that it is proposed to appoint him proxy for the applicant and that, unless within seven days he notifies the electoral officer in writing that he is not willing, or not qualified, to be so appointed, the proxy application will be treated as having so appointed him.
- (4) If, on the expiration of the said seven days, the electoral officer has received no such notice in writing, or if before such expiration the electoral officer is satisfied that the person nominated is willing and qualified to be appointed, he shall transmit to the person nominated a proxy paper in the prescribed form.
- (5) If the electoral officer is satisfied (whether by notice in writing as aforesaid, or otherwise) that the person nominated as first choice is not willing or not qualified to act as proxy, that officer shall proceed in like manner as respects any person nominated as second choice.
- (6) If a notice of appointment is accepted and a proxy paper is issued to any person the electoral officer shall forthwith notify to the applicant—
- (a) the name and address of the proxy; and
 - (b) the period during which the proxy paper will remain in force.
- (7) Where no person nominated as aforesaid is willing and qualified to act as proxy, the electoral officer shall notify the applicant to that effect and shall inform him that he may make a further proxy application; and thereupon unless such further application is made the electoral officer shall take no further steps in relation to the applicant.
- (8) The appointment (whether under this Part or under Rule 24 of the Registration Rules) of a proxy for a service elector registered in any register shall notwithstanding any provision of this Part continue in force—
- (a) so long as the elector is a service elector; or
 - (b) until the death or incapacity of the proxy or the cancellation of his appointment.
- (9) The appointment of a proxy by an elector other than a service elector shall continue in force for such period not exceeding six months as shall be specified in the proxy application.
- (10) An elector may not appoint more than one person as proxy in any one constituency and may not in any case appoint more than two proxies.
- (11) An elector who has appointed a proxy may cancel the appointment by giving written notice of cancellation to the electoral officer.
- (12) Where the appointment of a proxy is cancelled the electoral officer shall notify the proxy and shall delete his name from the record of proxies.

Status: Point in time view as at 01/01/2006.

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)

- (13) Where the appointment of a proxy is cancelled or a proxy dies another proxy may be appointed in accordance with this paragraph.

F53 1969 c.26 (NI)
F54 1969 c.26 (NI)
F55 1969 c.26 (NI)

2 *Record of proxies.*

- (1) The electoral officer shall keep in the prescribed form a record of the proxies appointed under paragraph 1 (in this Schedule referred to as the proxy record), and on receiving notice of the death of a proxy or of the elector who appointed him, the cancellation of the appointment of a proxy, or the appointment of a fresh proxy, shall amend the proxy record accordingly; and the electoral officer shall delete from the proxy record the name of any proxy when the period of his appointment expires or if the person who appointed him ceases to be an elector.
- (2) The proxy record shall set out separately the proxies of service electors; and as soon as a service elector ceases to be qualified as a service elector the electoral officer shall delete from the proxy record the name of the proxy of that elector.
- (3) On the initiation of a parliamentary election the electoral officer shall prepare by reference to the proxy record the list of proxies in the prescribed form for use at that election, and—
- (a) shall omit from the list the name of any proxy whose appointment will, according to the proxy record, expire before the polling day;
 - (b) shall disregard—
 - (i) any appointment of a proxy;
 - (ii) any cancellation of the appointment of a proxy;
 made or as the case may be received later than four days before the nomination day.
- (4) The list of proxies so prepared shall—
- (a) be treated as setting out all the proxies entitled to vote at the election;
 - (b) have effect for the purposes of one election only.
- (5) The electoral officer shall furnish a copy of the list of proxies to the returning officer not later than five o'clock in the afternoon of the nomination day.
- (6) The electoral officer shall permit any interested person during ordinary office hours to examine and make copies of or extracts from any entries in the proxy record or list of proxies, and on the application of any such person shall supply to him copies of such record or list on payment by that person, for the first copy, of a fee of [^{F56} 50p] for any number of names not exceeding one hundred together with [^{F56} 25p] for every further fifty names (or part thereof), and for any subsequent copy half of each of those amounts.

F56 Subst. by virtue of 1969 c.19

3 *Voting by proxies.*

- (1) A person shall not vote as proxy unless he is duly qualified under paragraph 1.

Status: Point in time view as at 01/01/2006.

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)

- (2) A proxy shall vote in person at the polling station to which the elector for whom he is proxy is, or would have been allotted and at no other polling station.
- (3) A service elector who has appointed a proxy may vote in person at any election if he applies for a ballot paper before the issue of a ballot paper to his proxy; and if and so soon as he so receives a ballot paper the appointment of his proxy shall cease to have effect as respects that election.
- (4) A presiding officer shall not deliver a ballot paper to any person applying to vote as proxy unless that person satisfies the presiding officer (whether by production of his proxy paper or otherwise) that he is the person whose name is entered in the list of proxies.
- (5) The provisions of this Act relating to voting shall, save in so far as any such provision is inconsistent therewith, have effect in relation to proxies as they have effect in relation to other voters.

PART II REP. BY 1968 C.20 (NI)

EIGHTH SCHEDULE

Sections 72(5), 130.

ELECTION COURTS

Powers of election courts

- 1 (1) A parliamentary election court shall, subject to the provisions of this Act, have the same powers, jurisdiction and authority as a judge of the High Court, and shall be a court of record.
- (2) A local election court shall have the same powers, jurisdiction and authority as a parliamentary election court.

Place of trial

- 2 (1) The place of trial—
 - (a) of a parliamentary election petition relating to an election for a borough constituency shall be within the county borough or borough containing all or part of the constituency.
 - (b) of a parliamentary election petition relating to an election for a county constituency shall be within [^{F57} a county in which the constituency is wholly or partly situate]

Para.(c) rep. by 1968 c.20 (NI)

- (d) of a local election petition shall be within the area of the local authority for which the election was held;

but the High Court may, on being satisfied that special circumstances exist rendering it desirable that any petition should be tried elsewhere, appoint some other convenient place for the trial.

- (2) An election court may adjourn the trial from any one place to any other place within the county borough, borough, county or area where it is held.

Status: Point in time view as at 01/01/2006.

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)

F57 1968 c.20 (NI)

Reception of and attendance on election judges, etc.

3 *Sub-para.(1) rep. by 1978 c.23*

- (2) The travelling and other expenses of the judges and all expenses properly incurred by the sheriff or other person in receiving the judges and providing them with necessary accommodation and with a proper court shall be defrayed by the Ministry out of moneys provided by [^{F58} the Parliament of the United Kingdom].

Sub-para.(3) rep. by 1978 c.23

F58 SI 1973/2163

Local election courts

- 4 (1) The clerk of the local authority for which the election was held shall provide proper accommodation for holding the local election court and any expenses incurred by him for the purposes of this paragraph shall be paid by that authority.
- (2) All officers and persons having functions in relation to a parliamentary election court shall in so far as the circumstances admit perform the like functions in relation to a local election court.
- (3) A local election court may employ such officers and clerks as may be prescribed.

Shorthand writers

- 5 (1) A shorthand writer shall attend the trial of an election petition and shall be sworn faithfully and truly to take down at length the evidence given at the trial and from time to time as occasion requires to transcribe that evidence or cause it to be transcribed.
- (2) The shorthand writer shall take down the evidence and from time to time transcribe it or cause it to be transcribed.
- (3) In the case of a parliamentary election petition—
- (a) the shorthand writer shall be a shorthand writer appointed by the Clerk of the Parliaments and shall be sworn by one of the judges of the election court;
 - (b) a copy of the evidence shall accompany the certificate given by the election court to the Speaker;
 - (c) the expenses of the shorthand writer shall be deemed to be part of the expenses incurred in providing the court.
- (4) In the case of a local election petition—
- (a) the shorthand writer shall be sworn by the election court;
 - (b) a copy of the evidence shall, if the election court so directs, accompany the certificate of that court.

Status: Point in time view as at 01/01/2006.

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)

Expenses of local election courts

- 6 (1) The remuneration and allowances to be paid to the barrister constituting a local election court and to any officers, clerks or shorthand writers employed under this Schedule in relation to the trial shall be in accordance with a scale fixed by rules of court.

The remuneration and allowances shall be paid in the first instance by the Ministry of Finance^{F59} and shall be repaid to that Ministry on its certificate by the authority for which the election was held ...^{F60}.

- (2) A local election court may, in its discretion, order that the said remuneration and allowances or the expenses incurred by the ...^{F60} clerk of the local authority for providing the election court shall be repaid, wholly or in part, to the Ministry of Finance^{F59} or the ...^{F60} clerk of the authority, as the case may be, in the cases, by the persons following (namely)—
- (a) where, in the opinion of the election court, the petition is frivolous and vexatious, by the petitioner;
 - (b) where, in the opinion of the election court, the respondent has been personally guilty of corrupt practices at the election, by that respondent.
- (3) The order so made for the repayment of any sum by a petitioner or respondent may be enforced as an order for payment of costs, but a deposit made or a security given under this Schedule shall not be applied for any such repayment until all costs and expenses payable by the petitioner or respondent to any party to the petition have been satisfied.

F59 Now Treasury, SI 1973/2163

F60 1972 NI 13

Provisions as to security for costs

- 7 (1) At the time of presenting an election petition or within three days afterwards the petitioner shall give security for all costs which may become payable by him to any witness summoned on his behalf or to any respondent.

- (2) The security shall be—

- (a) in the case of a parliamentary election petition, an amount of one thousand pounds; and
- (b) in the case of a local election petition, such amount not exceeding^{F61} £2,500 as the High Court, or a judge thereof, on summons, directs;

and shall be given in the prescribed manner by recognisance entered into by any number of sureties not exceeding four or by a deposit of money, or partly in one way and partly in the other.

- (3) Within the prescribed time, not exceeding five days after the presentation of the petition, the petitioner shall serve on the respondent a notice of the presentation of the petition, and of the nature of the proposed security, and a copy of the petition.^{F61} In respect of a petition relating to a local election the following provisions shall have effect in substitution for the foregoing provisions of this sub#paragraph:

“Within the prescribed time after giving the security the petitioner shall serve on the respondent in the prescribed manner—

Status: Point in time view as at 01/01/2006.

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)

- (a) a notice of the presentation of the petition and of the amount and nature of the security, and
 - (b) a copy of the petition.”.]
- (4) Within a further prescribed time, not exceeding five days after service of the notice, the respondent may object in writing to any recognisance on the ground that any surety is insufficient or is dead or cannot be found or ascertained for want of a sufficient description in the recognisance, or that a person named in the recognisance has not duly acknowledged the recognisance.^[F61] In respect of a petition relating to a local election this sub#paragraph shall have effect as if the words, not exceeding five days after service of the notice, were omitted.]
- Subs. (5) rep. by SI 1987/168*
- (6) An objection to a recognisance shall be decided in the prescribed manner.
- (7) If the objection is allowed, the petitioner may within a further prescribed time not exceeding five days, remove it by a deposit in the prescribed manner of such sum of money as will, in the opinion of the court or officer having cognisance of the matter, make the security sufficient.^[F61] In respect of a petition relating to a local election this sub#paragraph shall have effect as if the words not exceeding five days were omitted.]
- (8) If no security is given as required by this paragraph or any objection is allowed and not removed as aforesaid, no further proceedings shall be had on the petition.

F61 SI 1987/168

^[F62]*Petition at issue*

F62 SI 2001/417

- 8 (1) The petition shall be at issue as from the relevant time, as defined by sub-paragraph (2).
- (2) In this paragraph the relevant time means—
- (a) where the petitioner gives the security for costs required by paragraph 7 by a deposit of money equal to the amount of the security so required, the time when the security is so given; and
 - (b) in any other case, the time when—
 - (i) the time prescribed for the making of objections under paragraph 7(4) expires, or
 - (ii) if such an objection is made, that objection is disallowed or removed, whichever happens later.]

Lists and trial of election petitions

- 9 (1) The prescribed officer shall as soon as may be make out—
- (a) a list of all parliamentary election petitions;
 - (b) a list of all local election petitions;

Status: Point in time view as at 01/01/2006.

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)

at issue presented to the High Court under Part IX, placing the petitions in the respective lists in the order in which they were presented, and shall keep at his office a copy of each list open to inspection in the prescribed manner.

- (2) All petitions shall, so far as conveniently may be, be tried in the order in which they stand in the respective lists.
- (3) Two or more candidates may be made respondents to any one petition questioning an election ...^{F63} to any one local election petition and their cases may be tried at the same time, but for the purposes of Part IX and this Schedule such a petition shall be deemed to be a separate petition against each respondent.
- (4) Where more petitions than one are presented relating to the same election or to local elections held at the same time for more than one ...^{F64} ward in the same local government electoral area ...^{F64}, all those petitions shall be bracketed together in the list and shall be dealt with as one petition, standing, unless the High Court otherwise direct, in the list in the place where the last of them would have stood if it had been the only petition presented.

F63 1968 c.20 (NI)
F64 1972 NI 13

Preliminary and incidental applications

- 10 Applications for leave to amend petitions and other applications relating to preliminary or incidental matters may, subject to rules of court, be made to a judge of the High Court.

Trial of petitions

- 11 (1) An election petition shall be tried in open court, without a jury, and notice of the time and place of trial shall be given in the prescribed manner, not less than, in the case of a parliamentary election petition, fourteen days and in any other case, seven days, before the day of the trial.
- (2) The election court may in its discretion adjourn the trial from time to time, but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day until its conclusion.
- (3) The trial of a parliamentary election petition shall be proceeded with notwithstanding the acceptance by the respondent of an office which disqualifies him for membership of the House of Commons and notwithstanding, prorogation of Parliament; and the trial of a local election petition shall be proceeded with notwithstanding that the respondent has ceased to hold the office his election to which is questioned by the petition.
- (4) On the trial of a petition, unless the court otherwise directs, any charge of a corrupt or illegal practice may be gone into, and evidence in relation thereto received, before any proof has been given of agency on behalf of any candidate in respect of the corrupt or illegal practice.
- (5) On the trial of a petition complaining of an undue election and claiming the seat or office for some person, the respondent may give evidence to prove that that person

Status: Point in time view as at 01/01/2006.

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)

was not duly elected, in the same manner as if he had presented a petition against the election of that person.

- (6) If on the trial of an election petition it appears to the court that there is an equality of votes between any candidates at the election, and that the addition of a vote would entitle any of those candidates to be declared elected, then—
- (a) any decision under the provisions as to equality of votes in the Parliamentary or Local Elections Rules, ...^{F65}, as the case may be, shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and
 - (b) in so far as that question is not determined by such a decision, the court shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

F65 1968 c.20 (NI)

Witnesses

- 12 (1) Witnesses shall be summoned and sworn in the same manner as nearly as circumstances admit as in an action tried [^{F66} 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) [^{F67}Except in respect of the trial of a local election petition,]^{F68} [^{F69} 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) [^{F69} 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 [^{F70} 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 [^{F67}, 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

Status: Point in time view as at 01/01/2006.

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)

- (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 ^{F70} that person or the husband or wife of that person].
- (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.

- F66** 1978 c.23
F67 SI 1987/168
F68 continue to am. 2002 c. 26
F69 1972 NI 1
F70 1971 c.36 (NI)

NINTH SCHEDULE ^{F71} Sections 80(5), 103(2), 105, 114, 119, 130.

ELECTORAL MISDEMEANOURS

- F71** mod. SI 2003/1557

PART I

CORRUPT PRACTICES

Status: Point in time view as at 01/01/2006.

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)

- (1) A person shall be guilty of bribery if he, directly or indirectly, by himself or by any other person on his behalf—
- (a) gives any money or procures any office to or for any voter or to or for any other person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting; or
 - (b) corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting; or
 - (c) makes any such gift or procurement as aforesaid to or for any person in order to induce that person to procure, or endeavour to procure, the election of any candidate at any election or the vote of any voter; or
 - (d) upon or in consequence of any such gift or procurement as aforesaid, procures or engages, promises or endeavours to procure the election of any candidate at any election or the vote of any voter.

For the purposes of this sub-paragraph—

- (i) references to giving money shall include references to giving, lending, agreeing to give or lend, offering, promising, or promising to procure or endeavour to procure any money or valuable consideration; and
- (ii) references to procuring any office shall include references to giving, procuring, agreeing to give or procure, offering, promising, or promising to procure or to endeavour to procure any office, place or employment.

- (2) A person shall be guilty of bribery if he advances or pays or causes to be paid any money to or to the use of any other person with the intent that that money or any part thereof is to be expended in bribery at any election or knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.
- (3) The foregoing provisions of this paragraph shall not extend or be construed as extending to any money paid or agreed to be paid for or on account of any lawful expenses incurred in good faith at or in relation to an election.
- (4) A voter shall be guilty of bribery if before or during an election he directly or indirectly by himself or by any other person on his behalf receives, agrees, or contracts for any money, gift, loan or valuable consideration, office, place or employment for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting.
- (5) A person shall be guilty of bribery if after an election he directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.
- (6) In this paragraph the expression voter includes any person who has or claims to have a right to vote either on his own behalf or by proxy.

2

Treating

- (1) A person shall be guilty of treating if he corruptly, by himself or by any other person on his behalf, either before, during or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any food, drink, entertainment or provision to or for any person—
- (a) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or

Status: Point in time view as at 01/01/2006.

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)

(b) on account of that person or any other person having voted or refrained from voting, or being about to vote or refrain from voting.

(2) Every elector or proxy who corruptly accepts or takes any such food, drink, entertainment or provision shall also be guilty of treating.

3 *Undue influence*

A person shall be guilty of undue influence—

- (a) if he, directly, or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm or loss upon or against any person in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or
- (b) if, by abduction, duress or any fraudulent device or contrivance, he impedes or prevents the free exercise of the franchise of an elector or proxy, or thereby compels, induces or prevails upon an elector or proxy either to vote or to refrain from voting.

4 *Personation*

(1) A person shall be guilty of personation if at any election he—

- (a) votes or applies for a ballot paper as some other person, whether that other person is a person whose name appears as an elector in the current register or is the proxy of such an elector and whether that other person is living or dead or is a fictitious person; or
- (b) votes or applies for a ballot paper as proxy for another person, knowing or having reasonable grounds for supposing that the proxy paper appointing him has been cancelled or that that other person is dead or is a fictitious person.

(2) For the purposes of this paragraph, a person who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted.

5 *Misdemeanours as to proxy voting*

[^{F72}Except at a local election] A person shall be guilty of a misdemeanour as to proxy voting if he—

- (a) votes at any parliamentary^{F72} . . . election as proxy for more than two electors of whom he is neither the spouse, parent, grandparent, brother, sister, child or grandchild; or
- (b) not being duly qualified to vote as proxy for another person, so votes;
- (c) votes or applies for a ballot paper as proxy for another person knowing or having reasonable grounds for supposing that that other person—
 - (i) is no longer entitled to vote at that election; or
 - (ii) is no longer entitled to vote by proxy at that election.

Status: Point in time view as at 01/01/2006.

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)

False statements in nomination papers, etc.

- [^{F73}5A A person is guilty of a corrupt practice if he causes or permits to be included in a document delivered or otherwise furnished to a returning officer for use in connection with a local election—
- (a) a statement of the name or home address of a candidate at the election which he knows to be false in any particular; or
 - (b) anything which purports to be the signature of an elector who proposes, seconds or assents to, the nomination of such a candidate but which he knows—
 - (i) was not written by the elector by whom it purports to have been written, or
 - (ii) if written by that elector, was not written by him for the purpose of signifying that he was proposing, seconding, or (as the case may be) assenting to, that candidate's nomination.]

F73 SI 2001/417

6 *Making a false declaration as to election expenses*

A candidate or an election agent shall be guilty of making a false declaration as to election expenses if he knowingly makes the declaration required by section forty-seven falsely.

7 *Incurring unauthorised expenses*

A person shall be guilty of incurring unauthorised expenses if he incurs, or aids, abets, counsels or procures any other person to incur, any expenses in contravention of section forty-one or knowingly makes the declaration required by sub-section (5) or that section falsely.

8 *Attempting or conspiring to commit a corrupt practice*

A person shall be guilty of a corrupt practice if he attempts or conspires to commit any of the corrupt practices numbered 1 to 7 in this Part.

9 *Aiding and abetting the commission of a corrupt practice*

A person shall be guilty of a corrupt practice if he aids, abets, counsels or procures the commission of any of the corrupt practices numbered 1 to 8 in this Part or knowingly induces some other person to do an act which is, or but for that other person's want of knowledge would be, such a corrupt practice.

PART II

ILLEGAL PRACTICES

- 10 (1) [^{F74}Except at a local election] A person shall be guilty of an illegal practice if, knowing that he is subject to a legal incapacity to vote—
- (a) at any election, he votes or asks for a ballot paper for the purpose of voting at that election; or^{F74} . . .
 - (b) at any parliamentary^{F74} . . . election, he applies to vote by post.

Status: Point in time view as at 01/01/2006.

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)

- (2) A person shall be guilty of an illegal practice if he votes or asks for a ballot paper for the purpose of voting on his own behalf at any election in a constituency^{F74} . . . in which though registered he knows that he is not entitled to vote.

F74 SI 1987/168

- 11 A person shall be guilty of an illegal practice if—
- (a) he votes—
- (i) at any parliamentary election, more than once on his own behalf in any constituency;
- (ii) at a parliamentary general election, in more than one constituency^{F75} . . . ;
- Heads (iii), (iv) rep. by 1968 c.20 (NI)*
- (b) he votes in person at a parliamentary^{F76} . . . election at which he is entitled to vote by post;
- Sub-paras. (c), (d) rep. by SI 1987/168*

F75 1968 c.20 (NI)
F76 SI 1987/168

- 12 (1) [^{F77}Except at a local election] A person shall be guilty of an illegal practice if—
- (a) he applies for the appointment of a proxy, knowing that he or the person proposed as proxy is subject to a legal incapacity to vote;
- (b) he votes^{F77} . . . as proxy for a person, knowing that person to be subject to a legal incapacity to vote.
- (2) A person shall be guilty of an illegal practice if he votes as proxy for any one elector—
- (a) at any parliamentary election, more than once in any constituency;
- (b) at a parliamentary general election . . .^{F78}, in more than one . . .^{F79} constituency;
- Head (c) rep. by 1968 c.20 (NI)*
- Head (d) rep. by SI 1987/168*

F77 SI 1987/168
F78 1968 c.20 (NI)
F79 1968 c.20 (NI)

- [^{F80}12A(1) A person shall be guilty of an illegal practice if—
- (a) he votes in person or by post, whether as an elector or as proxy, or applies to vote by proxy or by post as elector, at a local election or at local elections, knowing that he is subject to a legal incapacity to vote at the election or, as the case may be, at such elections; or
- (b) he applies for the appointment of a proxy to vote for him at any local election or at local elections knowing that he or the person to be appointed is subject

Status: Point in time view as at 01/01/2006.

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)

to a legal incapacity to vote at the election or, as the case may be, such elections; or

- (c) he votes, whether in person or by post, as proxy for some other person at a local election, knowing that that person is subject to a legal incapacity to vote.

For the purposes of this sub-paragraph references to a person being subject to a legal incapacity to vote do not, in relation to things done before polling day at the election or first election at which or for which they are done, include his being below voting age if he will be of voting age on that day.

- (2) A person shall be guilty of an illegal practice if—
- (a) he votes as elector otherwise than by proxy either—
- (i) more than once in the same district electoral area at any local election; or
 - (ii) in more than one district electoral area at an ordinary election of councillors for a local government district; or
 - (iii) in any district electoral area at such an ordinary election as mentioned above, when there is in force an appointment of a person to vote as his proxy at the election in some other district electoral area; or
- (b) he votes as elector in person at a local election at which he is entitled to vote by post; or
- (c) he votes as elector in person at a local election, knowing that a person appointed to vote as his proxy at the election either has already voted in person at the election or is entitled to vote by post.
- (3) A person shall be guilty of an illegal practice if—
- (a) he votes as proxy for the same elector either—
- (i) more than once in the same district electoral area at any local election; or
 - (ii) in more than one district electoral area at an ordinary election of councillors for a local government district; or
- (b) he votes in person as proxy for an elector at a local election at which he is entitled to vote by post as proxy for that elector; or
- (c) he votes in person as proxy for an elector at a local election knowing that the elector has already voted in person at the election.
- (4) A person shall also be guilty of an illegal practice if he votes at a local election in any district electoral area as proxy for more than two persons of whom he is not the husband, wife, parent, grandparent, brother, sister, child or grandchild.
- (5) A person shall also be guilty of an illegal practice if he knowingly induces or procures some other person to do an act which is, or but for that other person's want of knowledge would be, an offence by that other person under the foregoing provisions of this paragraph.
- (6) For the purposes of this paragraph a person who has applied for a ballot paper for the purpose of voting in person, or who has marked, whether validly or not, and returned a ballot paper issued for the purpose of voting by post, shall be deemed to have voted, but for the purpose of determining whether an application for a ballot paper constitutes an offence under sub-paragraph (4), a previous application made in

Status: Point in time view as at 01/01/2006.

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)

circumstances which entitle the applicant only to mark a tendered ballot paper shall, if he does not exercise that right, be disregarded.

- (7) Where a person is alleged to have committed an offence under sub-paragraph (2)(a)(i) or (3)(a)(i) by voting on a second or subsequent occasion, he shall not be deemed by sub-paragraph (6) to have voted by applying on a previous occasion for a ballot paper for the purpose of voting in person unless he then marked a tendered ballot paper under rule 37(4) of the local elections rules.
- (8) In respect of an illegal practice under this paragraph—
- (a) the court before whom a person is convicted may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section 112; and
 - (b) a candidate shall not be liable, nor shall his election be avoided, for an illegal practice under this paragraph of any agent of his other than an offence under sub-paragraph (5).]

F80 SI 1987/168

- 13 (1) A person who commits an offence under^{F81} Article 7(2) of the Public Order (Northern Ireland) Order 1987]
- (a) at a political meeting held with reference to a parliamentary election for any constituency between the date of the issue of the writ and the date on which a return to the writ is made; or
 - (b) at a meeting in any local government electoral area with reference to a local election for that area, held^{F82} in the period beginning with the last day on which notice of election may be published under rule 1 of the local elections rules and ending with] the day of election;
- shall be guilty of an illegal practice in relation to that election.

Subs.(2) rep. by 1981 NI 17

F81 1987 NI 7

F82 SI 1987/168

- 14 A candidate or an election agent who commits the offence specified in paragraph 28 shall be guilty of an illegal practice.
- 15 A candidate or an election agent who is personally guilty of any of the offences of illegal payment, illegal employment or illegal hiring respectively specified in paragraphs 29, 30 and 31, shall be guilty of an illegal practice.
- 16 If any person fails to send any statement, declaration or return or copy thereof as required by any provision of sections forty, forty-one, forty-six and forty-seven, he shall be guilty of an illegal practice.^{F83} In respect of the application of the provisions of sections 41(5)(b), 46 and 47 at a local election, this paragraph shall have effect as if for send there were substituted deliver.]

F83 SI 1987/168

- 17 A person who makes any payment, advance or deposit in contravention of sub-section (1) of section thirty-nine or pays any money in contravention of sub-section (4) of that section, shall be guilty of an illegal practice.

Status: Point in time view as at 01/01/2006.

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)

- 18 (1) No payment or contract for payment shall for the purpose of promoting or procuring the election of a candidate at an election be made to an elector or proxy on account of the exhibition of, or the use of any house, land, building or premises for the exhibition of, any address, bill or notice, unless it is the ordinary business of the elector or proxy as an advertising agent to exhibit for payment bills and advertisements and the payment or contract is made in the ordinary course of that business.
- (2) If any payment or contract for payment is knowingly made in contravention of this paragraph either before, during or after an election, the person making the payment or contract, and, if he knew it to be in contravention of this Act, any person receiving the payment or being a party to the contract, shall be guilty of an illegal practice.
- 19 Any person who, before or during an election, knowingly publishes a false statement of the withdrawal of a candidate at the election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.
- 20 (1) Any person who, or any director of any body or association corporate which, for the purpose of affecting the return of any candidate at any election, makes or publishes before or during that election any false statement of fact in relation to the personal character or conduct of the candidate shall be guilty of an illegal practice, unless he can show that he had reasonable grounds for believing, and did believe, the statement to be true.
- (2) The High Court or county court may by interim or perpetual injunction restrain a person making or publishing any false statement of fact as aforesaid, from any repetition of that false statement or of a false statement of a similar character in relation to the candidate; and such an interim injunction may be granted on prima facie proof of the falsity of the statement.
- 21 (1) A person making a payment or contract in contravention of sub-section (4) of section forty-one and, if he knew it to be in contravention of this Act, any person receiving the payment or being a party to the contract shall be guilty of an illegal practice.
- (2) A candidate or election agent who before, during or after any election knowingly pays any sum or incurs any expense in contravention of section forty-two shall be guilty of an illegal practice.
- 22 An election agent who pays a claim in contravention of sub-section (1) of section forty-three or makes a payment in contravention of sub-section (2) of that section shall be guilty of an illegal practice.
- 23 A person shall be guilty of an illegal practice if he—
- (a) attempts or conspires to commit any of the illegal practices specified in this Part; or
 - (b) aids, abets, counsels or procures the commission of any of the illegal practices specified in this Part or knowingly induces some other person to do an act which is, or but for that other person's want of knowledge would be, such an illegal practice.

PART III

ELECTORAL OFFENCES

Para. 24 rep. by 1989 c. 3

Status: Point in time view as at 01/01/2006.

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)

[^{F84}24A A person who makes a statement which he knows to be false in any declaration or form used for any of the purposes 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) or attests an application under that Part when he knows that he is not authorised to do so or that it contains a statement which is false shall be guilty of an electoral offence.]

F84 SI 1987/168

25 If any person upon whom any functions are conferred by or under this Act in relation to any election^{F85} . . . , without reasonable cause fails or neglects duly to perform those functions, he shall be guilty of an electoral offence.

F85 1989 c. 3

26 (1) A person shall be guilty of an electoral offence if he without lawful authority destroys, mutilates, defaces or removes any notice published by the registration officer in connection with his registration duties or any copies of a document which have been made available for inspection in pursuance of those duties or any notice or document published or displayed by or on behalf of the returning officer in connection with any election.

(2) A person shall be guilty of an electoral offence if at any election he—

- (a) fraudulently defaces or fraudulently destroys—
 - (i) any nomination paper; or
 - (ii) any ballot paper, or the official mark on any ballot paper, or any voter's declaration, or any official envelope used in connection with voting by post; or
- (b) without due authority supplies any ballot paper to any person; or
- (c) puts into any ballot box any paper other than the ballot paper that he is authorised by law to put in; or
- (d) without due authority takes out of the polling station any ballot paper (whether issued to him or not); or
- (e) wilfully or negligently without due authority, destroys, conceals, loses, takes, opens or otherwise interferes with—
 - (i) any ballot box or packet of ballot papers then in use for the purposes of the election; or
 - (ii) any sealed or other packet of papers or documents of any kind then in use or intended to be used for the purposes of the election; or
 - (iii) any ballot paper account or marked copy of a register prepared or used for the purposes of the election or any unused ballot papers.

27 (1) A person attending at or admitted to a polling station in any capacity at an election shall be guilty of an electoral offence if before the poll is closed he communicates to any other person any information as to—

- (a) the name of any elector or proxy who has or has not applied for a ballot paper or voted at a polling station; or
- (b) the number on the register of any elector who, or whose proxy, has or has not applied for a ballot paper or voted at a polling station; or

Status: Point in time view as at 01/01/2006.

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)

- (c) the official mark.
- (2) Any person attending in any capacity at the count at any election shall be guilty of an electoral offence if he—
- (a) ascertains or attempts to ascertain at the count the number on the back of any ballot paper; or
 - (b) at any time communicates any information obtained at the count as to the candidate for whom any vote is given on any particular ballot paper.
- (3) A person shall be guilty of an electoral offence if he—
- (a) interferes with or attempts to interfere with a voter when recording his vote; or
 - (b) otherwise obtains or attempts to obtain in a polling station information as to the candidate for whom a voter in that station is about to vote or has voted; or
 - (c) communicates at any time to any person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper issued to a voter at that station; or
 - (d) directly or indirectly induces a voter to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for whom he has or has not voted; or
 - (e) being a person permitted, on making a declaration of secrecy, to remain with a blind voter while the presiding officer records his vote, communicates at any time to any person any information as to the candidate for whom that voter intends to vote or has voted, or as to the number on the back of the ballot paper issued for use of that voter.
- (4) Any person attending the proceedings in connection with the issue or receipt of ballot papers for persons voting by post shall be guilty of an electoral offence if he—
- (a) communicates, before the poll is closed, to any person any information obtained at those proceedings as to the official mark; or
 - (b) except for some purpose authorised by law, communicates to any person at any time any information obtained at those proceedings as to the number on the back of the ballot paper sent to any person; or
 - (c) except for some purpose authorised by law, attempts to ascertain at the proceedings in connection with the receipt of ballot papers the number on the back of any ballot paper; or
 - (d) attempts to ascertain at the proceedings in connection with the receipt of the ballot papers the candidate for whom any vote is given in any particular ballot paper or communicates any information with respect thereto obtained at those proceedings.

Prohibition on publication of exit polls

- [^{F86}27A(1) A person who publishes before the poll at a local election is closed—
- (a) any statement relating to the way in which voters have voted at the election where that statement is (or might reasonably be taken to be) based on information given by voters after they have voted, or
 - (b) any forecast as to the result of the election which is (or might reasonably be taken to be) based on information so given,
- is guilty of an electoral offence.

Status: Point in time view as at 01/01/2006.

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)

- (2) In this paragraph—
forecast includes estimate;
publish means make available to the public at large, or any section of the public, in whatever form and by whatever means;
and any reference to the result of an election is a reference to the result of the election either as a whole or so far as any particular candidate or candidates at the election is or are concerned.]

F86 SI 2001/417

- 28 Subject to paragraph 14, any person who—
(a) prints or publishes, or causes to be printed or published, any bill, placard or poster having reference to an election, or any printed document distributed for the purpose of promoting or procuring the election of a candidate; or
(b) posts or causes to be posted any such bill, placard or poster as aforesaid; or
(c) distributes or causes to be distributed any printed document for the said purpose;
shall be guilty of an electoral offence if the bill, placard, poster or document does not bear upon its face the name and address of the printer and publisher; and for the purposes of this paragraph the expression printing includes any process for multiplying copies of a document, other than copying it by hand.
- 29 (1) Subject to paragraph 15, a person shall be guilty of an electoral offence (in this Act referred to as illegal payment) if he contravenes any of the following provisions of this paragraph.
(2) A person shall not knowingly provide money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum allowed by this Act, or for replacing any money expended in any such payment or expenses, except where the payment or the incurring of the expenses may have been previously allowed in pursuance of section one hundred and seven to be an exception.
(3) A person shall not corruptly induce or procure any other person to withdraw from being a candidate at any election, in consideration of any payment or promise of payment; and a person shall not so withdraw in pursuance of such an inducement or procurement.
(4) A person shall not—
(a) make any payment or contract for payment; or
(b) knowing that it is contrary to law, receive any payment or be a party to any contract for payment;
for or on account of bands of music, torches, flags or banners for the purpose of promoting or procuring the election of a candidate at any election^{F87}, other than a local election,] except in so far as any such payment or contract may have been allowed in pursuance of section one hundred and seven to be an exception.

F87 SI 1987/168

- 30 Subject to paragraph 15, if a person is either before, during or after any election, for the purpose of promoting or procuring the election of a candidate, engaged or employed for payment or promise of payment as a canvasser, the person so

Status: Point in time view as at 01/01/2006.

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)

engaging or employing him and the person so engaged or employed shall be guilty of an electoral offence (in this Act referred to as illegal employment).

Para. 31 rep. by SI 2001/417

32 If any returning officer at any election, or any officer or clerk duly appointed under this Act to perform any functions in relation to any election, acts as an agent of a candidate in the conduct or management of the election, he shall be guilty of an electoral offence.

[^{F88}32A(1) A person to whom this paragraph applies shall be guilty of an electoral offence if, without reasonable cause, he is guilty of any act or omission in breach of his official duty.

(2) The persons to whom this paragraph applies are—

- (a) the Chief Electoral Officer and any person the whom functions are delegated by him under this Act,
- (b) any presiding officer or any person either appointed to assist in the conduct of the election or who so assists in the course of his employment, and
- (c) any postmaster or his deputy;

and official duty shall for the purposes of this paragraph be construed accordingly, but shall not include duties imposed otherwise than by the law relating to local elections or the registration of local electors.]

F88 SI 1987/168

Para. 33 rep. by 1989 c. 3

34 [^{F89}Except at a local election] A person shall be guilty of an electoral offence if he—

- (a) attempts or conspires to commit any of the electoral offences specified in this Part; or
- (b) aids, abets, counsels or procures the commission of any of the electoral offences specified in this Part or knowingly induces some other person to do an act which is or but for that other person's want of knowledge would be such an offence.

^{F89}Without prejudice to any other enactment a person who does any of the acts described in sub#paragraphs (a) or (b) shall be guilty of the electoral offence in question and shall be liable to be punished accordingly.

F89 SI 1987/168

35 Any electoral misdemeanour which is not specifically designated in the foregoing provisions of this Schedule as a corrupt practice, an illegal practice or an electoral offence shall be an electoral offence.

TENTH SCHEDULE

FORMS

FORM 1 REP. BY SLR 1980

Status: Point in time view as at 01/01/2006.

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)

FORM 2

Form of return of expenses required by section forty-one to be authorised by an election agent.

Election in the.....constituency

[^{F90} or.....[^{F91} district electoral area]],

F90	1972 NI 13
F91	SI 1985/454

Date of publication of notice of election.....

The expenses incurred at the above election in support of.....,
a candidate thereat, by.....

(insert name of person or association or body of persons incurring the expenses) being expenses required by section forty-one of the Electoral Law Act (Northern Ireland), 1962, to be authorised by the election agent, amounted to £

The written authority of the election agent is annexed hereto.

Signature.....Date.....

FORM 3

Form of declaration as to expenses required by section forty-one to be authorised by an election agent.

Election in the.....constituency

[^{F92} or.....[^{F93} district electoral area]],

F92	1972 NI 13
F93	SI 1985/454

Date of publication of notice of election.....

I hereby declare that—

1. I am the person [*or* a director, general manager, secretary or other like officer of the association or body of persons] named as incurring expenses in the accompanying return, marked....., of expenses required by section forty-one of the Electoral Law Act (Northern Ireland), 1962, to be authorised by an election agent.
2. To the best of my knowledge and belief the said return is complete and correct.
3. The matters for which the expenses referred to in the said return were incurred were as follows.....

Signature of declarant.....

Status: Point in time view as at 01/01/2006.

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)

Office held by declarant.....
(in the case of an association or body of persons)
Date.....

FORM 4

Form of return of election expenses required by section forty-six

Election in the.....constituency
[^{F94} or.....[^{F95} district electoral area]],

F94	1972 NI 13
F95	SI 1985/454

Date of publication of notice of election.....

Name of candidate.....

1. I am the election agent of the person named above as a candidate at this election [am the person named above as a candidate at this election and was my own election agent].

(Where there has been a change of election agent suitable variations may be introduced here and elsewhere in the return).

2. I hereby make the following return of the candidate's [my] election expenses at this election.

Receipts

(Include all money, securities or equivalent of money received in respect of expenses incurred on account of or in connection with or incidental to the above election).

Received of the above-named candidate (or, £.....
if the candidate is his own election agent,
paid by me)

Received of (*set out separately the name and* £.....
description of each person, club, society or
association and the amount received from
him or them)

Expenditure

NOTE.—The return shall deal under a separate heading or sub-heading with any expenses included therein as respects which a return is required to be made by section forty-six.

Candidate's personal expenses—
paid by him [by me as candidate] £.....
paid by me [by me acting as my election agent] £.....

Status: Point in time view as at 01/01/2006.

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)

Received by me for my services as election agent (*omit if candidate is his own election agent*) £.....

Paid to *as sub-agent of the polling district of £.....

Paid to *†as polling agent £.....

Paid to *†as clerk [messenger] for days services £.....

Paid to the following persons in respect of goods supplied or work and labour done—

to *† (*set out the nature of the goods supplied or work and labour done thus: —[printing], [advertising], [stationery]*) £.....

Paid to *†as a speaker at a public meeting at.....on 19..... as remuneration [expenses] £.....

Paid for the hire of rooms—

for holding public meetings—

paid to *†for hire of (*identify the rooms by naming or describing them*) £.....

for committee rooms—

paid to *†for hire of (*identify the rooms by naming or describing them*) £.....

Paid for hire of vehicles £.....

Paid for postage £.....

Paid for telegrams £.....

Paid for miscellaneous matters—

to *† (*set out the reason for the payment*) £.....

In addition to the above I am aware (*unless the candidate is his own election agent add as election agent for the above-named candidate*) of the following disputed and unpaid claims—

Disputed claims—

by *for (*set out the goods, work and labour, or other matter on the ground of which the claim is based*) £.....

Unpaid claims allowed by the court to be paid after the proper time or in respect of which application has been or is about to be made to the court (*state in each case whether the High Court or some other court*)

Status: Point in time view as at 01/01/2006.

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)

by *for (set out the goods, work and labour, £.....
or other matter on the ground of which the
claim is due)

Signature of person making return.....

* Set out separately the name and description of each person with the amount paid to or claimed by him.

† These particulars may be set out in a separate list annexed to and referred to in the account thus e.g., Paid to polling agents as per annexed list £ ..

FORM 5

Form of declaration as to election expenses required by section forty-seven

Election in the.....constituency.[^{F96} or district electoral area].

F96 SI 1985/454

Date of publication of notice of election.....

Name of candidate

I solemnly and sincerely declare as follows:—

1. I am the person named above as a candidate at this election [and was my own election agent] or I was at this election the election agent of the person named above as a candidate.
2. I have examined the return of election expenses [about to be]transmitted[^{F97} (or at a local election, delivered)] by my election agent [by me] to the returning officer, of which a copy is now shown to me and marked , and to the best of my knowledge and belief it is a complete and correct return as required by law.

F97 SI 1987/168

3. To the best of my knowledge and belief, all expenses shown in the return as paid were paid by my election agent [by me], except as otherwise stated in relation to my [the candidate's] personal expenses.

4. I understand that the law does not allow any election expenses not mentioned in this return to be defrayed except in pursuance of a court order.

Signature of declarant.....

Signed and declared by the above-named declarant on the

day of....., before me,

Signed).....

Justice of the Peace for .

(NOTE.— Where there has been a change of election agent, suitable variations may be introduced into the declaration as to expenses.

Status: Point in time view as at 01/01/2006.

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)

FORM 6 REPEALED BY SLR 1980.

FORM 7 REPEALED BY SLR 1980.

FORM 8 REPEALED BY SLR 1980.

FORM 9 REPEALED BY SLR 1980.

FORM 10 REPEALED BY SLR 1980.

FORM 11 REPEALED BY SLR 1980.

FORM 12 REPEALED BY 1972 NI 13.

FORM 13 SPENT.

FORM 14 REPEALED BY 1972 NI 13.

FORM 15 SPENT.

FORM 16 SPENT.

FORM 17 SPENT.

FORM 18 REPEALED BY 1968 C.20 (NI)

FORM 19 REPEALED BY 1968 C.20 (NI)

FORM 20 REPEALED BY 1968 C.20 (NI)

FORM 21 REPEALED BY 1968 C.20 (NI)

ELEVENTH SCHEDULE REPEALED BY SLR 1973

Status:

Point in time view as at 01/01/2006.

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.