

1973 No. 97 (N.I. 3)

**NORTHERN IRELAND**

**The Northern Ireland (Border Poll) Order 1973**

*Laid before Parliament in draft*

Made - - - - 24th January 1973

Coming into Operation 24th January 1973

In exercise of the powers conferred on me by section 1 of the Northern Ireland (Border Poll) Act 1972(a), I hereby make the following Order:—

*Citation, commencement and extent*

1.—(1) This Order may be cited as the Northern Ireland (Border Poll) Order 1973 and shall come into operation forthwith.

(2) This Order shall extend only to Northern Ireland.

*Interpretation*

2.—(1) Unless the contrary intention appears, in this Order, and in any provision applied by this Order—

any reference to an enactment is a reference to that enactment as it extends to Northern Ireland;

“the Border Poll Act” means the Northern Ireland (Border Poll) Act 1972;

“counting officer” has the meaning assigned by Article 8;

“observer” has the meaning assigned by Article 7;

“poll” means the poll to be held under the Border Poll Act;

“register” means the register prepared under the Electoral Law Act (Northern Ireland) 1962(b) for elections to the Parliament of Northern Ireland, and “registered” shall be construed accordingly.

(2) A reference in this Order to an enactment (including an enactment of the Parliament of Northern Ireland) or instrument made under an enactment shall be construed as a reference to that enactment or instrument as amended.

(3) In this Order “registration officer” has the same meaning as in the Representation of the People Act 1949(c).

(4) Unless the contrary intention appears, a reference in this Order to a numbered Article, Schedule or paragraph is a reference to an Article or Schedule in this Order or to a paragraph in such an Article.

(5) The Interpretation Act 1889(d) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

*Application of certain statutory provisions to the poll*

3.—(1) The provisions of the Representation of the People Act 1949 and of the Representation of the People Act 1969(e) set out in column 1 of Schedule 1 shall, subject to the modifications (if any) specified in relation

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(a) 1972 c. 77. (b) 1962 c. 14 (N.I.).  
(c) 1949 c. 68. (d) 1889 c. 63. (e) 1969 c. 15.

to those provisions in column 2 of that Schedule, apply for the purpose of the poll, and, subject to Article 2(2), no other provisions of those Acts shall apply for that purpose.

(2) The provisions of the Regulations referred to in Schedule 2 which are set out in column 1 of that Schedule shall, subject to the modifications (if any) specified in relation to those provisions in column 2 of that Schedule, apply for that purpose, and no other provisions of those Regulations shall apply for that purpose.

(3) Unless the contrary intention appears, in the provisions applied by this Article—

(a) any reference to an election, parliamentary election or general election shall be construed as a reference to the poll ;

(b) any expression has the same meaning as it has in that provision, notwithstanding that any provision defining the expression is not set out in Schedule 1 or 2 ;

(c) any provision applied by an enactment or Regulation set out in column 1 of Schedule 1 or 2 shall have effect for the purposes of that application, notwithstanding that that provision is not so set out ;

(d) " the Border Poll Order " means this Order.

(4) A deviation from a form set out in Schedule 3 shall not invalidate anything done under or in pursuance of the form if the deviation does not materially affect the substance and is not calculated to mislead.

(5) In the Forms applied by Schedule 2, in the headings, the reference to the Representation of the People Acts shall be construed as a reference to the Border Poll Act.

### *The poll*

4.—(1) The poll shall be held on 8th March 1973.

(2) The hours of polling at the poll shall be between 8 a.m. and 8 p.m. on the day of the poll.

### *Substitute and deputy returning officers*

5.—(1) Where it appears to the Secretary of State that a returning officer is unable or unlikely to be able to exercise or to perform any power conferred or duty imposed on him in relation to the poll, the Secretary of State may appoint a person to act as returning officer in his place.

(2) A substitute returning officer appointed under paragraph (1) shall have the same powers, rights and obligations as the returning officer in whose place he is appointed, and anything done by or to him shall have the same effect as if it had been done by or to that officer, and any reference in this Order or a provision applied by this Order to a returning officer shall be construed accordingly.

(3) A returning officer or substitute returning officer may appoint one or more deputy returning officers to exercise such functions as may be specified by the person by whom he is appointed.

(4) A deputy returning officer appointed under paragraph (3) shall have the same powers, rights and obligations in relation to the functions mentioned in that paragraph as the person by whom he is appointed, and anything done by or to him in relation to those functions shall have the same effect as if it had been done by or to that person, and any reference in this Order or a provision applied by this Order to a returning officer shall be construed accordingly.

### *Postal voting*

6.—(1) A person registered as an elector or appointed as a proxy for a registered elector may vote by post at the poll if he makes an application in the prescribed manner within the time specified in this Article and furnishes an address in the United Kingdom to which a ballot paper is to be sent for the purpose.

(2) An application duly made under paragraph (1) shall be made to the registration officer in the appropriate Form in Schedule 3 and shall be allowed by him if he is satisfied—

(a) that the applicant is registered as an elector or has been appointed as a proxy for a registered elector ; and

(b) as to the identity of the applicant.

(3) Subject to paragraph (4), an application to vote by post shall be disregarded by the registration officer if it is received by him after the twenty-third day before the day of the poll.

(4) An application to vote by post shall not be disregarded by the registration officer if—

(a) it is accompanied by a certificate signed by a registered medical practitioner or Christian Science practitioner certifying that the applicant is unable, or likely to be unable, by reason of physical incapacity to go in person to the polling station on the day of the poll ; and

(b) it is received by the registration officer before the seventeenth day before the day of the poll.

(5) In computing periods of time in relation to the receipt of applications under this Article to vote by post, Sundays shall be left out of account.

### *Observers*

7.—(1) The Secretary of State may appoint one or more persons (in this Order referred to as “observers”) for any of the following purposes connected with the poll—

(a) to attend at such polling station as may be specified by the Secretary of State or any polling station ;

(b) to attend at such place for the counting of votes as may be so specified or any place for that counting ;

(c) to attend at such place where proceedings on the issue and receipt of postal ballot papers are being conducted as may be so specified or any place where those proceedings are being conducted ;

and, so far as it appears to him to be desirable to do so, the Secretary of State shall appoint more than one observer for each polling station or place referred to above.

(2) Where, under any provision applied by this Order, any act or thing is required or authorised to be done in the presence of an observer, the non-attendance of one or more observers 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.

(3) An observer shall, if required by a returning, presiding or counting officer, produce evidence of his appointment.

### *Counting of votes*

8.—(1) The Secretary of State shall appoint a person (in this Order referred to as “the counting officer”) whose function shall be to arrange for the counting, by reference to Northern Ireland as a whole, of votes in the poll.

(2) Unless the contrary intention appears, in this Order and any provision applied by this Order, any reference to a returning officer shall include a reference to the counting officer in so far as any functions which, but for this Article, would be exercisable by a returning officer fall to be discharged by the counting officer.

(3) A returning officer shall not discharge any functions which, under this Article, fall to be discharged by the counting officer.

(4) Each returning officer shall transmit to the counting officer such ballot boxes, postal ballot papers and such relevant documents concerning the poll as relate to the constituency for which he is the returning officer.

*Result of the poll*

9.—(1) When the result of the poll has been ascertained, the counting officer shall forthwith notify it to the Secretary of State.

(2) The Secretary of State shall publish the result of the poll in such manner as he thinks fit.

*Preservation of certain subsisting proxy appointments etc.*

10.—(1) Subject to paragraph (2), any application, appointment or declaration made, thing done or power exercisable under the Representation of the People Act 1949 or the Representation of the People (Northern Ireland) Regulations 1969(a) shall, if made, done or exercisable in relation to a person who, being a registered elector, may vote by proxy in parliamentary elections under that Act have effect for the purpose of the poll as it has for the purpose of those elections and any provision of that Act or those Regulations shall have effect accordingly.

(2) Paragraph (1) shall not have effect in relation to an application, appointment or thing referred to in that paragraph if it is made by, or received by, a registration officer after twenty-three days before the day of the poll.

*W. S. I. Whitelaw,*

One of Her Majesty's Principal  
Secretaries of State.

Northern Ireland Office.

24th January 1973.

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(a) S.I. 1969/905 (1969 II, p. 2666).

SCHEDULE 1

Article 3(1)

APPLICATION AND MODIFICATION OF PROVISIONS OF THE  
REPRESENTATION OF THE PEOPLE ACT 1949 AND OF THE  
REPRESENTATION OF THE PEOPLE ACT 1969

Provision applied and subject matter	Modifications
<b>THE REPRESENTATION OF THE PEOPLE ACT 1949.</b>	
In section 6 (Registration officers and areas), subsections (1) and (4).	
In section 11 (Polling districts and places), subsections (1), (6) and (8).	
Section 12 (Place and manner of voting as elector).	<p>In subsection (1), after "election shall" insert "subject to subsections (2) and (3) below and Articles 6 and 10 of the Border Poll Order," and omit from "except" onwards.</p> <p>In subsection (2), after "proxy" insert "by virtue of Article 10 of the Border Poll Order" and in paragraph (a), for "subsection (4) of this section" substitute "Article 6 of that Order".</p> <p>In subsection (3) for from "if he" to "and" substitute "by virtue of Article 10 of the Border Poll Order or if he applies to the registration officer in the prescribed manner for the appointment of a proxy, as the case may be, and he".</p> <p>Omit subsections (4), (6) and (7).</p>
Section 14 (Proxies) ... ..	<p>In subsection (2), for "citizen of the Republic of Ireland" substitute "person to whom section 121 of the Electoral Law Act (Northern Ireland) 1962 applies".</p> <p>In subsection (5), for paragraphs (a) and (b) substitute "for the purposes of the poll only".</p>
Section 15 (Place and manner of voting as proxy).	<p>In subsection (1), for "this section" substitute "the Border Poll Order".</p> <p>Omit subsections (2), (3), (5) and (6).</p> <p>In subsection (7), for from the beginning to "is allowed, the" substitute "An", for "thereof" substitute "of such an application" and omit paragraph (a) and the succeeding "or".</p>
In section 16 (Rules for parliamentary elections), subsections (1) and (2).	<p>In subsection (1), after "Act" insert "as modified by the Border Poll Order".</p>
In section 17 (Returning officers), subsections (3) to (6).	<p>In subsection (4), omit from "The execution" to "such and".</p>
Section 20 (Payments by and to returning officers).	<p>In subsection (5), for from "execution" onwards substitute "conduct of the poll".</p> <p>Omit subsection (1).</p> <p>In subsection (2), for "by statutory instrument prescribe" substitute "determine".</p> <p>In subsection (6), for "make regulations as to" substitute "specify".</p> <p>In subsection (10) for "for the delivery" onwards substitute "where the principal office of the returning officer is situated".</p>
Section 21 (Loan of certain equipment).	

Provision applied and subject matter	Modifications
<p>Section 41 (Discharge of registration duties).            In section 43 (Registration expenses), subsections (2) to (5).            Section 44 (Ascertainment of registration expense).            Section 47 (Personation).            Section 48 (Other voting offences).</p>	<p>Omit subsection (6) except the words following paragraph (c).</p> <p>In subsection (1)(a), omit from "or applies" to "voter or".            In subsection (3)(a) for from "either" onwards substitute "more than once at the poll".            In subsection (7), omit the proviso.</p>
<p>Section 50 (Breaches of official duty).</p> <p>Section 52 (Tampering with nomination or ballot papers).</p>	<p>In subsection (2), omit the reference to section 86(1).            In subsection (3), after "returning officer" insert "deputy returning officer".            Omit subsection (1)(a).</p>
<p>Section 53 (Secrecy) ... ..</p>	<p>In subsection (1)(a), after "returning officer" insert "deputy returning officer".            In subsection (1)(b), for from "candidate" to "polling agent" substitute "observer and other person".            In subsections (2)(b), (3)(b) and (c), (4)(d) and (5) for "candidate for whom" substitute "way in which".            In subsection (3)(d), for "name of the candidate for whom" substitute "question for which".</p>
<p>Section 81 (Imitation poll cards).</p>	<p>For "the election of any candidate at a parliamentary election" substitute "a particular result at the poll" and after "(2)" insert "(except the proviso)".</p>
<p>Section 87 (Illegal canvassing by police officers).</p>	<p>In subsection (1) omit "for a constituency wholly or partly within the police area".            In subsection (3), omit "and to a police area" and "and to Northern Ireland".</p>
<p>Section 89 (Restrictions on conveyance of voters).            Section 90 (Supplemental provisions as to conveyance of voters).</p>	<p>In subsection (4) omit "for that constituency" and the last paragraph.</p>
<p>Section 95 (Election publications)</p>	<p>In subsection (1)(a) for "the election of a candidate" substitute "a particular result at the poll".            In subsection (3) for "candidate or election agent" substitute "person" and omit from the first "shall" to "acting" and the second paragraph.</p>
<p>Section 96 (Prohibition of paid canvassers).            Section 98 (Money for illegal purposes).</p>	<p>For "the election of a candidate" substitute "a particular result at the poll".            Omit from "or for any" to "exception".</p>
<p>Section 99 (Bribery) ... ..            Section 100 (Treating).</p>	<p>In subsection (2), for "the return of any person" (twice) substitute "a particular result".</p>

Provision applied and subject matter	Modifications
Section 101 (Undue influence). In section 104 (Savings), subsection (2). Section 105 (Rights of creditors)	For "for any particular candidate" (twice) substitute "in any particular way". Omit paragraphs (b) and (c), "or the expense was incurred" and "or expense".
Section 106 (Computation of time: Part II). Section 146 (Prosecutions for corrupt practices).	In subsection (1), omit from "(including" to "election court)" and proviso (b). Omit subsection (4)(b). In subsection (5), omit the reference to section 149. Omit from "(including" to "court)".
Section 147 (Prosecutions for illegal practices). Section 148 (Alternative convictions). In section 153 (Illegal payments, employments or hirings), subsections (1) and (3). Section 154 (Time limit for prosecutions).	In subsection (1), omit "whether before an election court or otherwise". In subsection (3), omit the references to sections 86(1) and 129.
Section 155 (Prosecutions for offences committed outside the United Kingdom). Section 156 (Corporations). Section 158 (Certificate evidence of holding election). Section 159 (Director of public prosecutions).	Omit the references to section 73 and paragraph 4 of Schedule 6. For the references to the Attorney General and to the Director of public prosecutions substitute references to the Attorney General for Northern Ireland and the Director of Public Prosecutions for Northern Ireland respectively. Omit subsections (2) and (3). In subsections (4) and (6), omit "or representative". In subsection (7), omit from "(including" to "representative)".
In section 171 (Interpretation: General), subsections (2) and (4). In section 174 (Northern Ireland), subsection (1).	Omit paragraphs (b) and (d).
<b>PARLIAMENTARY ELECTIONS RULES</b> (which are contained in Schedule 2 to the Act).	
Rule 6 (Notice of election) ...	After the first "shall" insert "on the seventh day after the commencement of the Border Poll Order" and for from "election" onwards substitute "poll, stating— (a) the date on which and hours between which polling is to take place; (b) the polling stations to be used at the poll and details of the electors allocated to those polling stations; (c) the latest date for receipt by registration officers of applications to vote by post; (d) the address of the offices of the registration and returning officers for the purposes of the poll."

Provision applied and subject matter	Modifications
Rule 18 (Poll to be taken by ballot).	After "ballot" insert "and" and for from "given to" onwards substitute "given for each question".
Rule 19 (Ballot papers) ... ..	In paragraph (1), omit from "and the" onwards. In paragraph (2), for from "be in" to "therein" substitute "as to the front thereof, be in the form set out in the Schedule to the Border Poll Act and, as to the back thereof, be in the form set out in the Appendix to Schedule 1 to the Border Poll Order". Omit paragraphs (2)(a) and (3).
Rule 20 (Official mark) ... ..	In paragraph (2) omit from "and an" onwards.
Rule 21 (Prohibition of disclosure of vote).	Omit "to question the election or return" and for "whom" substitute "which question".
Rule 22 (Use of certain premises).	
Rule 25 (Postal ballot papers).	
Rule 26 (Polling stations).	
Rule 27 (Appointment of presiding officers and clerks).	In paragraph (1), omit from "but" onwards.
Rule 28 (Special lists). ... ..	In sub-paragraph (a), for "as an absent voter" substitute "by post".
Rule 29 (Official poll cards) ... ..	In paragraph (1), in the proviso for from "he" to the first "election", substitute "his application to vote by post has been allowed or a proxy has been appointed for him who may vote at the poll".
Rule 30 (Equipment of polling stations).	In paragraph (5) for "candidate" substitute "question".
Rule 32 (Secrecy) ... ..	For paragraph (1)(c) to (e) substitute—
	" (c) every observer; "
	In paragraph (1)(f), after "at" insert "the polling station or "
	In paragraph (2), omit sub-paragraphs (a) and (b),
	" or she " and from "and a polling" onwards.
	In paragraph (3), after "Act" insert "as modified by the Border Poll Order".
	In paragraph (4) after "1949" insert "as modified by the Border Poll Order".
Rule 33 (Admission to polling station).	In paragraph (1), for sub-paragraphs (a) and (b) substitute—
	" (a) the observers permitted to attend at the polling station; "
	after sub-paragraph (d) insert—
	" (dd) the members of Her Majesty's forces on duty; "
Rule 34 (Order in station) ... ..	Omit paragraphs (1A) to (3).
	In paragraph (2), after "constable" insert "or member of any of Her Majesty's forces on duty".
Rule 35 (Sealing of ballot boxes).	In paragraph (1) for "a candidate or his election or polling agent" substitute "an observer".
Rule 36 (Questions to be put to voters).	In paragraph (1)(a)(i) and (b)(i) for "for this election" substitute "applicable to the poll".
	In paragraph (1)(a)(ii) and (1)(b)(ii) for "bye-election [general election]" substitute "poll".



Provision applied and subject matter	Modifications
Rule 37 (Challenge of voter) ...	In paragraph (1), for " a candidate or his election or polling agent " substitute " an observer ", after " a constable " insert " or member of any of Her Majesty's forces on duty " and after " the constable " insert " or that member ".
Rule 38 (Voting procedure).	
Rule 39 (Votes marked by presiding officer).	In paragraph (1), for " polling agents " substitute " observers ".
Rule 40 (Blind persons).	
Rule 41 (Tendered ballot papers).	
Rule 42 (Spoilt ballot papers).	
Rule 43 (Adjournment in case of riot or violence).	In paragraph (1), after " violence " insert " or other unlawful activities ".
Rule 44 (Procedure on close of poll).	In paragraph (1) for " polling agents " (twice) substitute " observers ".
Rule 45 (Attendance at count) ...	<p>In paragraph (1)(e) omit from " and " onwards.</p> <p>In paragraph (2) omit from " and the " onwards.</p> <p>In paragraph (1) for " counting agents " (twice) substitute " observers ".</p> <p>Omit paragraph (2)(b) and (c).</p> <p>In paragraphs (2)(d), (3) and (4) for " counting agents " substitute " observers ".</p> <p>In paragraph (4), for " candidate for whom " and " candidate " substitute " question for which " and " question " respectively.</p>
Rule 46 (The count) ... ..	<p>In paragraph (1)(a) for " counting agents " and " election agents " substitute " observers ".</p> <p>In paragraph (4A), for " election agent " substitute " observer ".</p> <p>In paragraph (5), in the proviso, omit " in so far as he and the agents agree " and the last paragraph.</p> <p>In paragraph (6), for " counting agents " substitute " observers ".</p> <p>After paragraph (6), insert—</p> <p>" (7) Nothing in this rule shall prevent the counting officer from proceeding with the count before all the ballot boxes are received by him ".</p>
Rule 48 (Rejected ballot papers)	<p>In paragraphs (1)(b) and (4)(b) for " candidate " substitute " question ".</p> <p>In paragraph (2) for " one or other of the candidates " substitute " one of the questions ".</p> <p>In paragraph (3), for " a counting agent " substitute " an observer ".</p> <p>In paragraph (4)(b), for " candidate " substitute " question ".</p>
Rule 49 (Decisions on ballot papers).	Omit from " but " onwards.
Rule 55 (Sealing of certain packets).	In paragraph (1) omit " at a contested election ".
Rule 56 (Delivery of documents to Clerk of the Crown).	In paragraph (3) omit from " and certificates " to " poll ".
	In paragraph (1)(d) omit from " and " onwards
	In paragraph (2), omit from " in like " to " writ by post ".

Provision applied and subject matter	Modifications
Rule 57 (Orders for production of documents).	In paragraph (1) in sub-paragraph (b), omit from "and certificates" to "poll" and in sub-paragraph (ii) omit "or for the purposes of an election petition" and "or a county court". Omit paragraphs (2) and (4). In paragraph (3), in the proviso omit "and certificates". In paragraph (5) omit the second paragraph. Omit paragraphs (2) and (3).
Rule 58 (Retention and inspection of documents).	
Rule 60 (Disposal of documents in Northern Ireland).	
In the Appendix, the form of directions for the guidance of the voters in voting.	In paragraph 2 for from "on the" onwards substitute "X in the box A or B on the front of the ballot paper, depending on the way he wishes to vote". In paragraph 5 for "candidate" substitute "question".
In the Appendix, the form of declaration to be made by the companion of a blind voter at a Parliamentary election.	For "in this constituency" substitute "under the Northern Ireland (Border Poll) Act 1972".

**THE REPRESENTATION OF THE PEOPLE ACT 1969.**

In section 5 (extension for married persons of right to vote by proxy), subsections (1) and (2).	In subsection (1), omit "or by post". In subsection (2), omit from "At" to "allowed" and from "and, in" to "post" and after "proxy" insert "by virtue of Article 10 of the Border Poll Order".
In section 6 (voting in person or by proxy in certain cases), subsection (3).	In paragraph (b)(ii), for from "be" onwards substitute "vote by post and his application is allowed".

**APPENDIX TO SCHEDULE 1**

*Form of Back of Ballot Paper*

Poll held under the Northern Ireland (Border Poll) Act 1972.

No.                                  Constituency [                                  ]

*Note: The number on the ballot paper is to correspond with that on the counterfoil.*

APPLICATION AND MODIFICATION OF PROVISIONS OF THE  
REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) REGULATIONS 1969

Provision applied and subject matter	Modifications
<p>In Regulation 4 (Interpretation) paragraphs (3) to (6). Regulation 11 (Delegation of duties by registration officer).</p>	<p>After "urban district" insert "or of the council of a rural district" and omit from "so far as" onwards. After Regulation 16, insert "<i>Procedure on certain applications and appointments.</i>" 16A.—(1) Where— (a) the registration officer allows a person's application to vote by post at the poll; and (b) the address to which the ballot paper is to be sent in pursuance of such an application is not the qualifying address of that person; he shall notify the applicant at both such addresses that he has allowed the application. (2) Where, at any time before the day on which notice of the poll is given, a person (being a registered elector) is, under the Act of 1949, recorded as an absent voter, or appointed under that Act as a proxy for a registered elector, the registration officer shall notify him of his right to apply to vote by post and supply him with an application form for the purpose."</p>
<p>Regulation 17 (Record and list of absent voters).</p>	<p>In paragraph (1), omit "record and". In paragraph (2), omit the first "absent" and from "unless" onwards. Omit paragraphs (3) to (5).</p>
<p>Regulation 18 (Application to vote by proxy).</p>	<p>Omit paragraph (1). In paragraph (2), for "an absent" substitute "a" and omit from "or" onwards.</p>
<p>Regulation 19 (Appointment of proxy).</p>	<p>In paragraph (2), in the proviso omit from "until" onwards.</p>
<p>Regulation 20 (Proxy paper).</p>	
<p>Regulation 21 (Cancellation and disregard of proxy appointment).</p>	<p>In paragraph (3), for from "twelfth" onwards substitute "day on which notice of the poll is given". In paragraph (4) for "twelfth" substitute "twenty-third" and omit "at that election". Omit paragraphs (2) to (4).</p>
<p>Regulation 22 (Record and list of proxies).</p>	<p>Omit paragraphs (2) to (4).</p>
<p>Regulation 24 (Record and list of postal proxies).</p>	<p>Omit paragraphs (3) to (5).</p>
	<p>After Regulation 25, insert— "Transmission of lists to returning officers." 25A. As soon as lists of absent voters and of proxies have been prepared, the registration officer shall transmit copies of those lists to the appropriate returning officer in sufficient time to allow the issue and return of postal ballot papers before the day of the poll."</p>

Provision applied and subject matter	Modifications
<p>Regulation 27 (Form of postal ballot paper).  Regulation 28 (Form of declaration of identity).  Regulation 29 (Persons entitled to be present at issue and receipt of postal ballot papers).  Regulation 30 (Secrecy) ...</p>	<p>For paragraph (1)(b) to (d) substitute :  “(b) an observer;”.  Omit paragraphs (2) to (8).  In paragraph (2), after “returning officer” (twice) insert “or deputy returning officer”.  In paragraphs (2) and (3), after “1949” insert “as modified by the Border Poll Order”.  In paragraphs (1) and (2) for “candidate” substitute “observer” and omit from “and of” onwards.  Omit “either embossed or perforated”.</p>
<p>Regulation 31 (Notice of issue of postal ballot papers).  Regulation 32 (Marking of postal ballot paper).  Regulation 33 (Refusal to issue postal ballot papers).  Regulation 34 (Ballot paper envelope).  Regulation 35 (Delivery of postal ballot papers to post office).  Regulation 36 (Provision of postal voters’ ballot box).  Regulation 37 (Sealing of special lists and counterfoils).  Regulation 38 (Spoilt postal ballot paper).  Regulation 39 (Receipt of covering envelope).  Regulation 40 (Opening of postal voters’ ballot box).</p>	<p>In paragraph (2), for “agents” (twice) substitute “observers”.  In paragraph (1), for “agents” substitute “observers”.  In paragraph (2), for from “but not” to “29” substitute “but not Regulation 29(1)(b)”.  In paragraphs (1) and (3) for “agents” and “candidate” substitute “observers” and “observer” respectively and in paragraph (3) omit from “and of” onwards.  In paragraph (3) in the proviso for “agents” and “agent” substitute “observers” and “observer” respectively.  In paragraph (5)(a) for “agents” (twice) substitute “observers”.</p>
<p>Regulation 41 (Opening of covering envelopes).  Regulation 42 (Sealing up of rejected votes and declarations of indemnity).  Regulation 43 (Opening of ballot paper envelopes).  Regulation 45 (Forwarding of documents).  Regulation 55 (Official poll card)  Regulation 57 (Forms) ... ..</p>	<p>In paragraph (1)(a) omit the reference to Regulation 44.  Omit paragraph (1).  In paragraph (2), for “Forms K to R” substitute “Form P and of Form BPA or BPB in Schedule 3 to the Border Poll Order”.</p>
<p>Regulation 60 (Misnomers).  Regulation 61 (Time).  Regulation 62 (Penalties) ...</p>	<p>Omit paragraph (1).</p>

Provision applied and subject matter	Modifications
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**IN THE SCHEDULE TO THE REGULATIONS THE FOLLOWING FORMS**

<p><b>FORM B (Proxy paper) ... ..</b></p>	<p>Omit the reference to a service voter. Omit the words in italics beginning "<i>This</i>". For the part of the form referring to the or any parliamentary election substitute—          "the poll to be held under the Northern Ireland (Border Poll) Act 1972 on 8th March 1973 (<i>see Note 1</i>)".</p> <p>In the Notes, for paragraph 1, substitute—          1. This appointment is valid for the poll to be held under the Northern Ireland (Border Poll) Act 1972 only.          If a ballot paper is issued to the elector at the polling station before you apply for a ballot paper on his behalf, you will not be entitled to vote as proxy.</p> <p>In paragraph 2 for from "except that" to "that address" substitute "unless you apply to vote by post as proxy and your application is allowed".</p>
<p><b>FORM C (Elector's poll card) ...</b></p>	<p>In the words under the heading "PARLIAMENTARY ELECTION"—          (a) before the sentence beginning "The poll" insert—          "IF YOU MAKE AN APPLICATION TO VOTE BY POST AT THE POLL UNDER THE NORTHERN IRELAND (BORDER POLL) ACT 1972 AND YOUR APPLICATION IS ALLOWED, YOU CANNOT VOTE IN PERSON." ;          (b) for "7 a.m. to 10 p.m." substitute "8 a.m. to 8 p.m." ;          (c) after the paragraph beginning "When you go" insert "The questions on the ballot paper are set out below. Answer only one question by putting an X in box A or B, which will also be on the ballot paper" ;          (d) after the last paragraph, insert—          "QUESTIONS ON THE BALLOT PAPER          Do you want Northern Ireland to remain part of the United Kingdom?          Do you want Northern Ireland to be joined with the Republic of Ireland, outside the United Kingdom?"          and for that heading substitute "BORDER POLL".</p>
<p><b>FORM D (Proxy's official poll card).</b></p>	<p>For the heading "PARLIAMENTARY ELECTION" substitute "BORDER POLL".          After that heading insert—          "IF YOU MAKE AN APPLICATION TO VOTE BY POST AS PROXY AT THE POLL UNDER THE NORTHERN IRELAND (BORDER POLL) ACT 1972 AND YOUR APPLICATION IS ALLOWED, YOU CANNOT VOTE IN PERSON AS PROXY".          For "7 a.m. to 10 p.m." substitute "8 a.m. to 8 p.m.".</p>

Provision applied and subject matter	Modifications
FORM F (Declaration of identity)	<p>In the instructions to the voter, in paragraph 3, for the first sentence substitute—  “Place a cross X in the box A or B, depending on the way you wish to vote”.</p>
FORM P (Application for appointment of proxy).	<p>For from “I have applied” to “polling day” substitute—  “ I declare that I am likely to be at sea or out of the United Kingdom on the day of the poll under the Northern Ireland (Border Poll) Act 1972 owing to my service in the following of Her Majesty’s reserve or auxiliary forces (state the name of the force concerned)..... ”</p> <p>In the Notes, in paragraph 1, for “ citizen of the Republic of Ireland ” substitute “ person to whom section 121 of the Electoral Law Act (Northern Ireland) 1962 applies ”.</p> <p>In the Notes, for paragraphs 2 and 3 substitute—  “ 2. A proxy appointment in consequence of your application will be entitled to vote for you only at the poll to be held under the Northern Ireland (Border Poll) Act 1972. You can cancel the appointment by giving notice to the electoral registration officer not later than 9th February 1973 ”.</p>

SCHEDULE 3

Articles 3(4), 6(2).

FORMS

FORM BPA: APPLICATION TO VOTE BY POST  
NORTHERN IRELAND (BORDER POLL) ACT 1972

I (Surname).....  
(BLOCK LETTERS)

(Other names).....  
(BLOCK LETTERS)

am registered as an elector at the following address (BLOCK LETTERS in full):.....  
.....  
.....

Where the address is in a rural area, state the townland (if known).....  
.....(BLOCK LETTERS)

I apply to vote by post at the poll to be held under the Northern Ireland (Border Poll) Act 1972.

(If an applicant has moved from his address as stated above he must indicate below his full postal address in the United Kingdom to which the ballot paper is to be sent)

.....  
(BLOCK LETTERS)

Signature (or mark)..... Date .....

I certify that the above applicant, who is personally known to me, has signed (or marked) the application in my presence.

Signature.....

- \*Justice of the Peace.
- \*Minister of Religion.
- \*Member of a Police force (Sergeant or above).
- \*Social worker employed by a local authority in Northern Ireland (specify the local authority).
- \*Established civil servant in the civil service of the United Kingdom or of Northern Ireland (specify the department).
- \*Member of the House of Commons of the Parliament of the United Kingdom.
- \*Member of the Senate of the Parliament of Northern Ireland.
- \*Member of the House of Commons of Northern Ireland.
- \*Delete whichever is inapplicable.

Address .....

Telephone number (day).....

Telephone number (night).....

Date.....

NOTES

1. This application when completed should be returned by post in the envelope provided to the office of the Electoral Registration Officer so as to reach his office not later than 9th February 1973.

However, an application may be made after that date if—

- (a) it reaches that office before 16th February 1973; and
- (b) it is accompanied by a certificate from a medical practitioner or Christian Science practitioner stating that the applicant is unable, or likely to be unable, by reason of physical incapacity to go in person to the polling station on the day of the poll.

2. This application will apply only to the poll to be held under the Northern Ireland (Border Poll) Act 1972.

3. This application cannot be allowed if the applicant is not included in the 1973 Register of Electors as a voter entitled to vote at a general election to the Parliament of Northern Ireland.

4. Postal ballot papers can only be issued to qualified applicants with an address in the United Kingdom.

FORM BPB: APPLICATION BY A PROXY TO VOTE BY POST  
NORTHERN IRELAND (BORDER POLL) ACT 1972

I (Surname).....  
(BLOCK LETTERS)

(Other names).....  
(BLOCK LETTERS)

have been appointed proxy for  
(†Name).....  
who is registered as an elector for  
(†Qualifying address).....

(BLOCK LETTERS)  
† As shown on proxy paper.

and I apply to vote by post as proxy for the above-named elector at the poll to be held under the Northern Ireland (Border Poll) Act 1972.

The address for which I am registered as an elector is (address in full in BLOCK LETTERS)

Where the address is in a rural area, state the townland (if known).....  
(BLOCK LETTERS).

(If an applicant has moved from the address for which he is registered as an elector he must state below his postal address in the United Kingdom to which the ballot paper is to be sent).

(BLOCK LETTERS)

Signature (or mark)..... Date .....

I certify that the above applicant, who is personally known to me, has signed (or marked) the application in my presence.

Signature.....

- \*Justice of the Peace.
- \*Minister of Religion.
- \*Member of a Police force (Sergeant or above).
- \*Social worker employed by a local authority in Northern Ireland (specify the local authority).
- \*Established civil servant in the civil service of the United Kingdom or of Northern Ireland (specify the department).
- \*Member of the House of Commons of the Parliament of the United Kingdom.
- \*Member of the Senate of the Parliament of Northern Ireland.
- \*Member of the House of Commons of Northern Ireland.
- \*Delete whichever is inapplicable.

Address .....

Telephone number (day).....

Telephone number (night).....

Date .....

NOTES

1. This application when completed should be returned by post in the envelope provided to the office of the Electoral Registration Officer so as to reach his office not later than 9th February 1973.

However, an application may be made after that date if—

- (a) it reaches that office before 16th February 1973; and
- (b) it is accompanied by a certificate from a medical practitioner or Christian Science practitioner stating that the applicant is unable, or likely to be unable, by reason of physical incapacity to go in person to the polling station on the day of the poll.

2. This application will apply only to the poll to be held under the Northern Ireland (Border Poll) Act 1972.

3. This application cannot be allowed if the applicant is not included in the 1973 Register of Electors as a voter entitled to vote at a general election to the Parliament of Northern Ireland.

4. Postal ballot papers can only be issued to qualified applicants with an address in the United Kingdom.



## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order makes provision with respect to the conduct of the poll to be held under the Northern Ireland (Border Poll) Act 1972 and specifies the date on which the poll is to be held. The Order allows any elector or proxy with an address in the United Kingdom to apply to vote by post. It also provides for the appointment of observers and for the result of the poll to be ascertained and published in relation to Northern Ireland as a whole rather than by constituencies.

Schedules 1 and 2 specify the provisions of the Representation of the People Act 1949 (as amended) and the Representation of the People (Northern Ireland) Regulations 1969 which apply to the poll, together with the appropriate modifications. The modifications take account in particular of the absence in relation to the poll of candidates and their election, polling and counting agents.