

1980 No. 354

ELECTORAL LAW

**Electoral Law (Registration Rules) (Variation No. 2)
Order (Northern Ireland) 1980**

Made 20th October 1980

Coming into operation

Articles 1, 2 and 3(1)

5th November 1980

Article 3(2)

16th February 1981

To be laid before Parliament

The Secretary of State in pursuance of section 28(5) of the Electoral Law Act (Northern Ireland) 1962(a) hereby makes the following Order:

Citation and commencement

1.—(1) This order may be cited as the Electoral Law (Registration Rules) (Variation No. 2) Order (Northern Ireland) 1980.

(2) Articles 1, 2 and 3(1) shall come into operation on 5th November 1980 and Article 3(2) shall come into operation on 16th February 1981.

Interpretation

2. In this order any reference to a numbered rule is a reference to the rule so numbered in the Registration Rules in Schedule 3 to the Electoral Law Act (Northern Ireland) 1962.

Amendment of Registration Rules

3.—(1) After paragraph (1) of Rule 20 of the Registration Rules there shall be inserted the following paragraph:

“(1A) Where it appears to the Chief Electoral Officer that a service voter has given in his service declaration an address at which he has resided but no longer resides, not being an address at which he would reside but for the circumstances entitling him to make a service declaration, he shall group the names of each such service voter in alphabetical order at the end of that part of the register which relates to that address, beneath the heading “Other Electors”.”

(2) After Rule 24 of the Registration Rules there shall be inserted the following rules:—

“24A: *Correction of the register*

(1) Where the register of electors as published does not carry out the intention of the Chief Electoral Officer—

- (a) to include the name of any person shown in the electors lists as a person entitled to be registered; or
- (b) to give or not to give in a person's entry a date as that on which he will attain voting age or as to the date to be given; or
- (c) to give effect to a decision on a claim or objection made with respect to the electors lists,

then (subject to the decision on any appeal from a decision on a claim or objection) the Chief Electoral Officer on becoming aware of the fact shall make the necessary correction in the register.

(2) Where paragraph (1)(a) above does not apply but the Chief Electoral Officer is satisfied by such evidence as he may require that any person whose name is not included in a register of electors as published is entitled to be registered in that register he shall make the necessary correction in the register.

(3) An alteration made in the register of electors under paragraphs (1) and (2) above on or after the date on which notice of an election is given shall not have effect for the purposes of that election.

(4) An alteration shall not be made in the register of electors as published otherwise than under paragraph (1) or (2) above or the provisions of Rule 24E below relating to appeals.

24B: Claims for inclusion in the register of electors and objections thereto

(1) A claim to be included in a register of electors, other than a claim in respect of the electors lists under Rule 13, shall be made on the prescribed form and may be made by a person either on his own behalf or on behalf of another person.

(2) Where the claim is made by a person who is not entitled to be registered except in pursuance of an appropriate service declaration it shall be accompanied by that declaration unless the Chief Electoral Officer already has possession of that declaration.

(3) The Chief Electoral Officer shall keep a list of claims made under paragraph (1) above and shall—

- (a) on receipt of a claim, forthwith enter in that list the name and qualifying address of the claimant or the person in respect of whom the claim is made together with the date of that entry;
- (b) at the first opportunity having regard to the provisions of paragraph (5)(b) below (and subject to paragraph (4) below) publish a notice stating that a new name has been added to that list; and
- (c) record in that list against the name of any claimant or person in respect of whom the claim is being made the date when the notice in respect of the claim was published.

(4) Where a claim made under paragraph (1) above is received by the Chief Electoral Officer after the sixteenth day of December but before the sixteenth day of February in the next following year, he shall, unless it appears that the claim relates to the existing register of electors, treat the claim as one relating to the register of electors which will come into force on the next sixteenth day of February and shall not publish a notice under paragraph 3(b) above in respect of such a claim until that register is published.

(5) A notice under paragraph (3) above—

- (a) shall be published in the way the Chief Electoral Officer thinks best calculated to bring it to the attention of the electors and may be published in respect of one or more claims;
- (b) shall be published on any day between the eleventh and twentieth day of any month or in February between the eleventh and twenty-second day; provided that only one notice shall be published in any month;
- (c) shall state that any claim in respect of which the notice was published is available for inspection at the Chief Electoral Officer's office; and

(d) shall specify the manner in which any objection to the claim may be made and that any such objection must be delivered to the Chief Electoral Officer not later than the last day of the month in which the notice is published.

(6) An objection shall be made on the prescribed form and may be made by any person who is included in the register of electors.

(7) Claims and objections shall be made available for inspection in the Chief Electoral Officer's office till such time as the claim has been disposed of, or, in the case of an objection which has been disallowed before disposal of the claim to which it relates, the time when it is disallowed.

24C: Preliminary disposal of claims and objections

(1) The Chief Electoral Officer shall keep a separate list of objections made under Rule 24B and shall, on receipt of an objection, forthwith enter in that list the name and qualifying address of the person in respect of whom the objection is made.

(2) If the Chief Electoral Officer is of the opinion—

(a) that the particulars given in a claim or objection are insufficient, he may ask for further information and take no further action until such information is supplied;

(b) that the objector is not entitled to object or that the objection was delivered after the expiry of the month in which the claims notice in respect of the claim objected to was published, he may disallow the objection and shall so inform the objector;

(c) that a claim relates to a register which is no longer in force, he shall disallow the claim and shall so inform the person making the claim;

(d) that a claim or objection cannot be allowed because—

(i) the matter has been concluded by the decision of a court; or

(ii) the particulars given in a claim or objection do not entitle the claimant or objector to succeed,

he may send to the person making the claim or objection a notice stating his opinion and the grounds thereof and that he intends to disallow the claim or objection unless that person gives the Chief Electoral Officer notice within 3 days from the date of the Chief Electoral Officer's notice that he requires the claim or objection to be heard and, if he receives no such notice within the said time, he may disallow the claim or objection.

(3) If after the expiry of the month in which the claims notice in respect of a claim has been published the Chief Electoral Officer is of opinion that the claim may be allowed without a hearing, he may allow the claim provided that no objection has been duly made thereto, and shall so inform the person making the claim.

(4) Except where the Chief Electoral Officer allows or disallows a claim or objection under paragraph (2) or (3) above, he shall, as soon as practicable after the expiry of the month in which the claims notice in respect of a claim was published, send a notice, in the case of a claim, to the person making the claim, and, in the case of an objection, to the objector and the person objected to stating the time and place at which he proposes to hear the claim or objection; and the notice sent to a person objected to shall also state the name and address of the objector and the grounds of the objection.

(5) The time fixed for the hearing of a claim or objection shall not be earlier than the third day nor later than the fourteenth day after the date of the notice of hearing referred to in paragraph (4) above.

(6) The Chief Electoral Officer shall make available for inspection at his office the lists of claims and objections together with (when available) the time and place at which he proposes to hear any claim or objection.

(7) When a claim has been disposed of the name and qualifying address of the claimant or the person in respect of whom the claim is made shall be deleted from the list of claims referred to in Rule 24B(3) and the list of objections referred to in paragraph (1) above.

Provided that, where an objection has been disallowed before the disposal of the claim to which it relates the name and qualifying address of the claimant or the person in respect of whom the claim is made shall be deleted from the list of objections at the time when the objection is disallowed.

(8) For the purposes of this Rule—

(a) the expression “claims notice” means a notice published under Rule 24B(3)(b); and

(b) a particular claims notice is published in respect of a particular claim where the date of that notice is recorded against the name of that claimant in the list of claims kept by the Chief Electoral Officer in accordance with Rule 24B(3).

24D: Hearing of claims and objections

Paragraphs (1) to (4) of Rule 15 (as inserted by Schedule 2 to the Electoral Law (Northern Ireland) Order 1972 (b)) shall apply for the hearing of claims to be included in a register of electors and objections thereto as it applies for the hearing of claims and objections in respect of the electors lists.

24E: Registration appeals

(1) An appeal shall lie to the county court from any decision of the Chief Electoral Officer under Rule 24A to make or not to make an alteration in the register of electors as published.

(2) A person aggrieved by any decision of a county court upon a point of law arising in the course of the hearing of an appeal under paragraph (1) may appeal by way of case stated to the Court of Appeal.

24F: Decision on appeals

Rule 18(2) shall apply to an appeal under Rule 24E in the same way as it applies to an appeal under Rule 17.”

Northern Ireland Office
20th October 1980

Humphrey Atkins
One of Her Majesty's Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order amends the Registration Rules in Schedule 3 to the Electoral Law Act (Northern Ireland) 1962.

Article 3(1) allows the Chief Electoral Officer to make special provision for the recording in the register of electors of certain categories of service voters.

Article 3(2) provides for the Chief Electoral Officer to correct the register of electors to include the name of a person whose name was not included in the register as published but who is entitled to be registered. It prescribes the procedure for making claims for inclusion and requires the Chief Electoral Officer to give notice of such claims and to determine the claims and any objections made thereto. It also confers a right of appeal against the decision of the Chief Electoral Officer to make or not to make an alteration in the register of electors as published.