

*Draft Order laid before Parliament under section 96(2) of the Northern Ireland Act 1998 for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2002 No.**

**NORTHERN IRELAND**

Northern Ireland Assembly  
(Elections) (Amendment) Order 2002

*Made* - - - -

*Coming into force* - - *1st December 2002*

Whereas the Secretary of State has consulted the Electoral Commission in accordance with section 7(1) and (2)(h) of the Political Parties, Elections and Referendums Act 2000(1) about this Order.

And whereas a draft of this Order has been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State in exercise of the powers conferred on him by section 34(4) of the Northern Ireland Act 1998(2) hereby makes the following Order:

1.—(1) This Order may be cited as the Northern Ireland Assembly (Elections) (Amendment) Order 2002.

(2) In this Order the “2001 Order” means the Northern Ireland Assembly (Elections) Order 2001(3).

(3) This Order shall come into force on 1st December 2002, except for the purposes of an election where the last day for the publication of the notice of election is before that date.

(4) This Order extends to Northern Ireland only.

2.—(1) Schedule 1 to the 2001 Order (application with modifications of statutory provisions relating to elections) is amended as follows.

(2) In the right-hand column of that Schedule, in rule 44B (preliminary proceedings) of the rules in Schedule 1 to the Representation of the People Act 1983(4) (as modified)—

(a) in paragraph (3), the words from “it is returned” to the end are to be sub-paragraph (a) of that paragraph, and after “authenticated” there is inserted—

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(1) 2000 c. 41.

(2) 1998 c. 47; the powers in section 34(4) are extended by section 34(5) and (6).

(3) S.I.2001/2599.

(4) 1983 c. 2.

“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 stated corresponds with the date supplied as the date of the elector’s birth pursuant to section 10(4A)(b), 10A(1A)(b) or 13A(2A)(b) of this Act<sup>(5)</sup>, as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989<sup>(6)</sup>.”; and

(b) after paragraph (3) there is inserted—

“(3A) In the case of an elector, unless section 10(4B), 10A(1B) or 13A(2B) of this Act (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989) applies, the declaration of identity referred to in paragraph (3) 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 this Act (as so applied).”.

**3.**—(1) Schedule 2 to the 2001 Order (application with modifications of provisions of subordinate legislation relating to elections) is amended as follows.

(2) In the right-hand column of that Schedule, opposite to the entry in respect of regulation 82 of the Representation of the People Regulations 2001<sup>(7)</sup>, insert—

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“For the words “rule 45(2)(b) and (2A)” substitute “rule 44B(3)(b) and (3A)”.

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Northern Ireland Office

One of Her Majesty’s Principal Secretaries of  
State

2002

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(5) Sections 10, 10A and 13A were substituted by Schedule 1 to the Representation of the People Act 2000 (c. 2) and amended by section 1 of the Electoral Fraud (Northern Ireland) Act 2002 (c. 13).

(6) 1989 c. 3; Schedule 1 was amended by Schedule 3 to the Representation of the People Act 2000.

(7) S.I. 2001/400; regulation 82 was amended by regulation 19 of the Representation of the People (Northern Ireland) (Amendment) Regulations 2002 (S.I. 2002/...).

## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 2 of this Order makes an amendment to the rules for elections to the Northern Ireland Assembly which corresponds to the amendment which section 3(4)(c) of the Electoral Fraud (Northern Ireland) Act 2002 made to the parliamentary elections rules. In the case of an elector who votes by post, the returning officer is required to be satisfied that the date of birth and signature on the declaration of identity that is returned with a postal ballot paper corresponds with the date and signature provided on registration. Article 3 makes a consequential amendment.