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DRAFT STATUTORY INSTRUMENTS

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**2004 No.**

**REPRESENTATION OF THE  
PEOPLE, NORTHERN IRELAND**

European Parliamentary Elections  
(Northern Ireland) Regulations 2004

*Made* - - - - 2004  
*Coming into force* 2004

EUROPEAN PARLIAMENTARY ELECTIONS  
(NORTHERN IRELAND) REGULATIONS 2004

PART 1

*General*

1. Citation, commencement and extent
2. Interpretation
3. Conduct of poll and count in the electoral region
4. Deputies and assistance
5. Polling districts and places
6. Rules for European Parliamentary elections
7. Manner of voting
8. Absent vote at elections for an indefinite period
9. Absent vote at a particular election and absent voters list
10. Proxies at elections
11. Voting as proxy
12. Offences as to declarations
13. Absent voting
14. Modification of the Regulations for 2004 elections
15. Returning officers
16. Payments by and to returning officers
17. Taxation of returning officer's account
18. Effect of registers
19. Effect of misdescription
20. Discharge of registration duties
21. Payment of expenses of registration
22. Registration appeals

23. Personation
24. Offences relating to specified documents
25. Other voting offences
26. Breach of official duty
27. Tampering with nomination papers, ballot papers, etc
28. False statement in nomination papers
29. Offences in connection with candidature
30. Requirement of secrecy
31. Prohibition on publication of exit polls

## PART 2

### *The Election Campaign*

32. Interpretation of Part 2
33. Computation of time for purposes of Part 2
34. Appointment of election agent
35. Appointment of sub-agent
36. Office of election agent and sub-agent
37. Effect of default in election agent's appointment
38. Control of donations to candidates
39. Payment of expenses through election agent
40. Candidate's personal expenses, and petty expenses
41. Expenses incurred otherwise than for election purposes
42. Prohibition of expenses not authorised by election agent
43. Limitation of election expenses for candidates
44. Time for sending in and paying claims
45. Disputed claims
46. Election agent's claim
47. Return as to election expenses
48. Declarations as to election expenses
49. Penalty for failure as respects return or declarations
50. Authorised excuses for failures as to return and declarations
51. Court's power to require information from election agent or sub-agent
52. Duty of appropriate officer to forward returns and declarations to Electoral Commission
53. Publication of time and place for inspection of returns and declarations
54. Inspection of returns and declarations
55. Meaning of "election expenses"
56. Incurring of election expenses for purposes of regulation 55
57. Property, goods, services etc provided free of charge or at a discount
58. Candidate's right to send election address post free
59. Broadcasting from outside United Kingdom
60. Broadcasting of local items during election period
61. Imitation poll cards
62. Disturbances at election meetings
63. Officials not to act for candidates
64. Illegal canvassing by police officers
65. False statements as to candidates
66. Corrupt withdrawal from candidature
67. Payments for exhibition of election notices
68. Details to appear on election publications
69. Prohibition of paid canvassers
70. Providing money for illegal purposes

71. Bribery
72. Treating
73. Undue influence
74. Rights of creditors
75. Savings as to European Parliamentary elections

PART 3

*Vacancies*

76. By-elections

PART 4

*Legal Proceedings*

77. Interpretation of Part 4
78. Computation of time for purposes of Part 4
79. Method of questioning European Parliamentary elections
80. Presentation and service of European Parliamentary election petitions
81. Time for presentation or amendment of European Parliamentary election petition
82. Constitution of election court and place of trial
83. Judges' expenses
84. Security for costs
85. Petition at issue
86. List of petitions
87. Trial of election issue
88. Witnesses
89. Duty to answer relevant questions
90. Expenses of witnesses
91. Conclusion of trial of European Parliamentary election petition
92. Special case for determination of the High Court
93. Withdrawal of petition
94. Costs of petition
95. Neglect or refusal to pay costs
96. Appeals and jurisdiction
97. Persons convicted of corrupt or illegal practices
98. Application for relief
99. Prosecutions for corrupt practices
100. Prosecutions for illegal practices
101. Conviction of illegal practice on charge of corrupt practice
102. Mitigation and remission etc
103. Illegal payments
104. Time limit for prosecution
105. Prosecution of offences committed outside the United Kingdom
106. Offences by associations
107. Evidence by certificate of holding of elections
108. Evidence by certificate of electoral registration
109. Director of Public Prosecutions
110. Costs
111. Service of notices

## PART 5

### *Miscellaneous*

112. Public notices and declarations
113. Remuneration for free postal services provided under the Regulations
114. Rateability of premises
115. Combination of polls
116. Revocation  
Signature

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## SCHEDULE 1 — EUROPEAN PARLIAMENTARY ELECTIONS RULES

### PART I — *Provisions as to time*

1. Timetable  
Timetable
2. Computation of time

### PART II — *Stages common to contested and uncontested elections*

3. Notice of election
4. Nomination of candidates
5. Nomination papers: name of registered political party
6. Subscription of nomination paper
7. Consent to nomination
8. Candidature by relevant citizen of the Union
9. Deposit
10. Place for delivery of nomination papers
11. Right to attend nomination
12. Decisions as to validity of nomination papers
13. Withdrawal of candidates
14. Publication of statement of candidates nominated
15. Disqualification by Representation of the People Act 1981
16. Adjournment of nomination proceedings in case of riot
17. Method of election

### PART III — *Contested Elections*

18. Poll to be taken by ballot
19. The ballot papers
20. The official mark
21. Prohibition of disclosure of vote
22. Use of schools and public rooms
23. Notice of poll
24. Postal ballot papers
25. Provision of polling stations
26. Appointment of presiding officers and clerks
27. Appointment of verifying officers and clerks
28. Issue of official poll cards
29. Equipment of polling stations
30. Appointment of polling and counting agents
31. Notification of requirement of secrecy
32. Admission to polling station
33. Keeping of order in station
34. Sealing of ballot boxes
35. Questions to be put to voters

36. Challenge of voter
  37. Voting procedure
  38. Votes marked by presiding officer
  39. Voting by persons with disabilities
  40. Tendered ballot papers
  41. Refusal to deliver ballot paper
  42. Spoilt ballot papers
  43. Adjournment of poll in case of riot
  44. Procedure on close of poll
  45. Attendance at verification of ballot paper accounts
  46. Procedure at verification of ballot paper accounts
  47. Attendance at counting of votes
  48. Interpretation of rules 49 to 59
  49. Preliminary proceedings and conduct of the count
  50. Rejected ballot papers
  51. First stage
  52. The quota
  53. Transfer of votes
  54. Supplementary provisions on transfer
  55. Exclusion of candidates
  56. Filling of last vacancies
  57. Re-count
  58. Order of election of candidates
  59. Decisions of returning officer
  - PART IV — *Final Proceedings*
  60. Declaration of result
  61. Return or forfeiture of candidate's deposit
  - PART V — *Disposal of Documents*
  62. Sealing up of ballot papers
  63. Retention of documents by the returning officer
  64. Orders for production of documents
  65. Retention and public inspection of documents
  - PART VI — *Death of a Candidate*
  66. Countermand or abandonment of poll on death of candidate
- APPENDIX OF —  
FORMS

## SCHEDULE 2 — ABSENT VOTERS

### PART I — *Applications*

1. Interpretation of Part I
2. General requirements for applications for an absent vote
3. Additional requirements for applications for the appointment of a proxy
4. Additional requirements for applications on grounds of physical incapacity or blindness
5. Additional requirements for applications based on occupation, service, employment or attendance on a course
6. Additional requirements for applications in respect of a particular election
7. Additional requirements for applications by proxies to vote by post at a particular election
8. Closing date for applications
9. Grant or refusal of applications
10. Notice of appeal
11. Cancellation of proxy appointment

12. Inquiries by registration officer
13. Records and lists kept under regulations 8, 9 and 11
14. Marked register for polling stations

PART II

*Issue and receipt of postal ballot papers*

15. Interpretation of Part II

*Issue of postal ballot papers*

16. Form of declaration of identity
17. Persons entitled to be present at proceedings on issue and receipt of postal ballot papers
18. Agents of candidates who may attend proceedings on issue or receipt of postal ballot papers
19. Notification of requirement of secrecy
20. Notice of issue of postal ballot papers
21. Procedure on issue of postal ballot paper
22. Refusal to issue postal ballot paper
23. Envelopes
24. Sealing up of counterfoils and security of special lists
25. Delivery of postal ballot papers
26. Spoilt postal ballot papers

*Receipt of postal ballot papers*

27. Notice of opening of postal ballot paper envelopes
28. Postal ballot boxes and receptacles
29. Receipt of covering envelope
30. Opening of postal voters' ballot box
31. Opening of covering envelopes
32. Procedure in relation to declarations of identity on receipt of covering envelope
33. Opening of ballot paper envelopes
34. Sealing of receptacles
35. Abandoned poll
36. Retention of documents

APPENDIX OF —  
FORMS

SCHEDULE 3 — MODIFICATIONS FOR RELEVANT CITIZENS OF THE  
ACCESSION STATES IN 2004

1. This Schedule applies in the circumstances set out in regulation...
2. In regulation 2, in the definition of “elector”, after the...
3. In regulation 18, insert after paragraph (3)—
4. In regulation 25(1), for the words “For the purposes of...”
5. In paragraph 20 of Schedule 2, after sub-paragraph (2) insert—...

SCHEDULE 4 — CONTROL OF DONATIONS TO CANDIDATES

PART I — *Introductory*

1. Operation and interpretation of Schedule
2. Donations: general rules
3. Sponsorship

4. Payments etc not to be regarded as donations
5. Value of donations
  - PART II — Controls on donations
6. Prohibition on accepting donations from impermissible donors
7. Acceptance or return of donations
8. Transfer of donations received by candidate to election agent
9. Evasion of restrictions on donations
  - PART III — *Reporting of donations*
10. Statement of relevant donations
11. Donations from permissible donor
12. Donations from impermissible donors

#### SCHEDULE 5 — DECLARATION AS TO ELECTION EXPENSES

#### SCHEDULE 6 — COMBINED POLLS

##### *General*

1. This Schedule applies in the circumstances set out in regulation...
2. In this Schedule, and in any provision modified by this...

##### *European Parliamentary Elections Rules*

3. In rule 19(2) (ballot papers), after sub-paragraph (d) insert—
4. In rule 23 (notice of poll), after paragraph (2) insert—...
5. In rule 28 (issue of official poll cards), after paragraph...
6. In rule 29 (equipment of polling stations)—
7. In rule 32(1) (admission to polling station), after sub-paragraph (f)...
8. In rule 35 (questions to be put to voters), in...
9. In rule 37 (voting procedure), after paragraph (9) insert —...
10. In rule 38 (votes marked by presiding officer) after paragraph...
11. In rule 39 (voting by persons with disabilities) after paragraph...
12. In rule 40 (tendered ballot papers) after paragraph (6) insert—...
13. In rule 44 (procedure on close of poll)—
14. At the end of rule 49 (preliminary proceedings and conduct...
15. In rule 66 (countermand or abandonment of poll on death...

##### *Absent Voting*

16. After paragraph 15 of Schedule 2 insert— Combination of polls...
17. In paragraph 16 of Schedule 2, for “in Form G...
18. In paragraph 21 of Schedule 2, at the end insert—...
19. In paragraph 23 of Schedule 2, at the end insert—...
20. In the Appendix of Forms at the end of Schedule...

#### SCHEDULE 7 — REVOCATIONS

##### Explanatory Note