

*Draft Order laid before Parliament under section 96(2)(b) of the Northern Ireland Act 1998 (c. 47),
for approval by resolution of each House of Parliament. This draft instrument replaces the one which
was laid on 5 November 2008 and withdrawn on 20 November 2008 before having been published.*

DRAFT STATUTORY INSTRUMENTS

2009 No.

NORTHERN IRELAND

The Northern Ireland Assembly (Elections) (Amendment) Order 2009

Made - - - - 2009

Coming into force in accordance with Article 1(2)

In accordance with section 7(1) and (2)(h) of the Political Parties, Elections and Referendums Act 2000⁽¹⁾, the Electoral Commission has been consulted prior to making this Order.

A draft of this Order has been laid before Parliament in accordance with section 96(2)(b) of the Northern Ireland Act 1998⁽²⁾ and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State in exercise of the powers conferred by sections 34(4) to (6), and 35(1), (2) and (5) of the Northern Ireland Act 1998⁽³⁾, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Northern Ireland Assembly (Elections)(Amendment) Order 2009.

(2) This Order shall come into force on the day after the day on which it was made.

(3) Article 6 shall not apply to a vacancy in the seat of a member of the Assembly notified to the Chief Electoral Officer under articles 6 or 7 of the Northern Ireland Assembly (Elections) Order 2001⁽⁴⁾ before the coming into force of this Order.

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

(1) 2000 c. 41.

(2) 1998 c. 47.

(3) The powers in section 34(4) are extended by section 34(5) and (6) and those in section 35(1) are extended by section 35(2) and (5).

(4) S.I.2001/2599 as amended by the Northern Ireland Assembly (Elections)(Amendment) Order 2002 (S.I.2002/1964), the Northern Ireland Assembly (Elections)(Amendment) Order 2003 (S.I.2003/2989) and the Northern Ireland Assembly (Elections)(Amendment) Order 2007 (S.I.2007/308).

Amendment of Article 2 of the 2001 Order

2. In article 2 of the 2001 Order for the definition of the 2001 Regulations substitute—
- ““2008 Regulations” means the Representation of the People (Northern Ireland) Regulations 2008(5);”

Substitution of Article 3 of the 2001 Order

- 3.—(1) For article 3 of the 2001 Order substitute—

“Application of certain provisions for Assembly elections

3.—(1) The provisions of the 1983 Act, the Elections (Northern Ireland) Act 1985(6) and the 1985 Act which are specified in the left-hand column of Schedule 1 to this Order shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule; and
- (b) the provisions of paragraph (3) below,

apply for the purposes of an Assembly election.

(2) The provisions of the 2008 Regulations, the Election Petition Rules 1964(7) and the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992(8) which are specified in the left-hand column of Schedule 2 to this Order shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule; and
- (b) the provisions of paragraph (3) below,

apply for the purposes of an Assembly election.

(3) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to this Order—

- (a) any reference to a parliamentary election (except the references specified in paragraph (5)) shall be construed as a reference to an Assembly election and a reference to a parliamentary general election shall be construed as a reference to a general election to the Assembly;
- (b) any reference to the parliamentary elections rules shall be construed as a reference to those rules as applied for the purposes of Assembly elections;
- (c) any reference to a parliamentary elector shall be construed as a reference to an elector entitled to vote at an Assembly election and references to the register of electors shall be construed accordingly;
- (d) any reference to a parliamentary election petition shall be construed as a reference to an Assembly election petition;
- (e) any reference to an overseas elector shall be disregarded;
- (f) any provision having effect only in Great Britain or any part of it, including a provision relating to a local government election or local government electors, shall be disregarded;

(5) S.I. 2008/1741.

(6) 1985 c. 2.

(7) S.R. & O. (N.I.) 1964 No.28 as amended by S.R. & O. (N.I.) 1985 No.347.

(8) S.R. & O. (N.I.) 1992 No.448.

- (g) any reference to a return in the context of a return to the writ of election and return to Parliament shall be construed as a reference to the declaration of result made by the returning officer under rule 50 of the election rules;
- (h) in the heading of the forms in Schedule 3 to the 2008 Regulations which are applied by this Order, for the words “REPRESENTATION OF THE PEOPLE ACTS” substitute “NORTHERN IRELAND ASSEMBLY ELECTION”;
- (i) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by this Order; and
- (j) in the event that different provision is made in relation to parliamentary elections in Great Britain and parliamentary elections in Northern Ireland, the provisions relating to parliamentary elections in Northern Ireland are applied by this Order.

(4) Section 35(2)(h) of the Judicature (Northern Ireland) Act 1978⁽⁹⁾ shall apply in relation to an Assembly election petition as it applies in relation to a parliamentary election petition and as though the references in that section to the 1983 Act were references to that Act as applied by Schedule 1 to this Order.

(5) The references to “parliamentary election” to which paragraph (3)(a) above does not apply are those in section 160(4)(a)(i) of the 1983 Act⁽¹⁰⁾ and section 173(1)(a)(i) of that Act⁽¹¹⁾.”

(2) Schedule 1 (substitution of Schedule 1 to the 2001 Order) has effect.

(3) Schedule 2 (substitution of Schedule 2 to the 2001 Order) has effect.

Amendment of Article 4 of the 2001 Order

4. In article 4 of the 2001 Order which shall become paragraph (1) of that article, at the end add—
- “(2) A person is not entitled to vote as an elector—
 - (a) more than once in the same constituency at any Assembly election; or
 - (b) in more than one constituency at a general election to the Assembly.”

Amendment of Article 6 of the 2001 Order

5. In article 6 of the 2001 Order for paragraph (1)(b) substitute—
- “that member—
- (i) did not belong to a registered party at the time he was returned; and
 - (ii) had given a notice in accordance with article 6A to the Officer; and”.

Insertion of new Articles 6A and 6B

6. After article 6 of the 2001 Order insert—

“Vacancies arising during an Assembly term: independent members

6A.—(1) A member who has been returned who was not a member of a registered party at the time he was returned may give to the Chief Electoral Officer a notice in accordance with paragraph (2).

- (2) The notice referred to in paragraph (1) must—

⁽⁹⁾ 1978 c. 23; section 35(2)(h) was amended by Schedule 8 to the 1983 Act.

⁽¹⁰⁾ Section 160(4) was substituted by Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

⁽¹¹⁾ Section 173 was substituted by section 136 of the Political Parties, Election and Referendums Act 2000.

- (a) be signed by the member;
 - (b) set out the names and addresses of not more than six persons to act as a substitute for the member and indicate, where more than one person is so named, an order of preference; and
 - (c) be signed by those persons, indicating their consent to be contacted in accordance with article 6(2).
- (3) A substitute is a person who, in the event of the member's seat falling vacant, is returned in place of that member as a member of the Assembly.
- (4) For the purposes of article 6 the "relevant notice" shall be taken to be the last notice given by the member concerned to the Chief Electoral Officer where the member has given more than one notice under this article.

Vacancies arising during an Assembly term: members of registered parties

6B.—(1) The Chief Electoral Officer ("the Officer") must act in accordance with this article where—

- (a) he has been notified by—
 - (i) an election court or the High Court under section 144 or 146 of the 1983 Act, as applied by article 3 of, and Schedule 1 to, this Order; or
 - (ii) the presiding officer of the Assembly under section 35(3) of the 1998 Act, that a vacancy exists in the seat of a member of the Assembly;
 - (b) at the time that member was returned he belonged to a registered party ("the relevant registered party") whether or not he continued to do so; and
 - (c) the vacancy has arisen other than as a result of the resignation of a person who has been returned as a member for more than one constituency.
- (2) As soon as practicable after being notified that a vacancy exists under paragraph (1) or the circumstances in paragraph (4) arise, the Officer shall ask the nominating officer of the relevant registered party to nominate in writing, within seven days of receipt of the Officer's request, a person to fill the vacant seat and be returned as a member of the Assembly.
- (3) On receipt of a nomination under paragraph (2), the Officer shall write to the person nominated asking him to respond in writing within seven days of receipt of the Officer's request stating that he is willing and able to be returned as a member of the Assembly or, if he is not, that fact.
- (4) Paragraph (5) applies where the person nominated—
- (a) does not respond in writing within seven days to a request under paragraph (3); or
 - (b) states that he is not willing or able to be returned as a member of the Assembly.
- (5) Subject to paragraph (8), in the circumstances set out in paragraph (4), the Officer shall repeat the procedure set out in paragraphs (2) and (3).
- (6) Where the person nominated does respond in accordance with paragraph (3) that he is willing and able to be returned as a member of the Assembly, the Officer shall declare that person to be so returned.
- (7) The Officer shall give public notice of a declaration under paragraph (6) and send it to the presiding officer of the Assembly.
- (8) If having applied the procedure in paragraphs (2) and (3) twice by virtue of paragraph (5) no person has been returned as a member of the Assembly, then article 7 shall apply.

(9) In this article and article 6 a “registered party” is a party registered in the Northern Ireland register within the meaning of part 2 of the Political Parties, Elections and Referendums Act 2000(12) and the “nominating officer” in relation to a party means the person registered as the party’s nominating officer under that part of that Act.”.

Amendment of Article 7 of the 2001 Order

7. In article 7(1) of the 2001 Order for the words “article 6(4) above” substitute “either article 6(4) or article 6B(6).”.

Northern Ireland Office
Date

Minister of State

(12) 2000 c. 41. Part 2 establishes two registers of political parties: the Great Britain register and the Northern Ireland register.

SCHEDULE 1

Article 3(2)

For Schedule 1 to the 2001 Order substitute—

“SCHEDULE 1

Article 3(1)

APPLICATION WITH MODIFICATIONS OF PROVISIONS OF THE 1983 ACT,
THE ELECTIONS (NORTHERN IRELAND) ACT 1985 AND THE 1985 ACT

<i>Provision applied</i>	<i>Modifications</i>
THE REPRESENTATION OF THE PEOPLE ACT 1983	
Section 13BA (alteration of registers in Northern Ireland: pending election)(13)	
In section 18A (polling districts at parliamentary elections), subsection (1)(14)	
In section 18B (polling places at parliamentary elections), subsection (1)	
Section 18E	
Section 23 (rules for parliamentary elections)	
Section 29 (payments by and to returning officer)(15)	Omit subsections (1) and (2). In subsection (5), for the words from “charged on” to “before”, substitute “paid by the Secretary of State on an account being submitted to him, but he may, if he thinks fit, before”. Omit subsection (6). Omit subsection (9).
Section 30 (taxation of returning officer’s account)	
Section 49 (effect of registers)(16)	In subsection (5)(b)(iv) for “a local government” substitute “an”.
Section 50 (effect of misdescription)	

(13) Section 13BA was inserted by section 6(2) of the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(14) Section 18A to E of, and Schedule A1 to, the Representation of the People Act 1983 (c. 2) were inserted by section 16 of the Electoral Administration Act 2006 (c. 22).

(15) Section 29(3) and (4) were substituted by section 1(1) and (2) of the Representation of the People Act 1991 (c. 11) and were amended by the Transfer of Functions (Returning Officers' Charges) Order 1991 (S.I. 1991/1728) and the functions formerly conferred on the Treasury have been transferred to the Secretary of State by that Order. The powers in section 29(3) are extended by sections 29(4) to (4C), as so amended. Subsections (3) to (9) of section 29 have been substituted by paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41) (“2000 Act”), which have yet to be brought into force. The amendments made by the 2000 Act have in turn been amended by paragraph 107 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) (“2006 Act”), but these amendments have not been brought into force. Section 68 of the 2006 Act amends section 29 by substituting existing subsections (3) to (4B) with new subsections (3), (3A), (3B) and (3C).

(16) Subsections (1) and (2) of section 49 were repealed by Schedule 6 to the Representation of the People Act 2000 (“the 2000 Act”); subsection (3) was repealed by Schedule 5 to the 1985 Act; subsection (5) was substituted by Schedule 2 to the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 (S.I. 1995/1948) and amended by Schedule 1 to the 2000 Act; subsection (6) was inserted by that Schedule.

<i>Provision applied</i>	<i>Modifications</i>
In section 52 (discharge of registration duties), subsection (5)(17)	Omit the words from “Subsection” to “but”.
Section 54 (payment of registration expenses)(18)	
Section 60 (personation)	
Section 61 (other voting offences)(19)	In paragraphs (a) and (b) of subsection (1) omit the words “or at parliamentary or local government elections” and “or, as the case may be, at elections of that kind”.
Section 62A (offences relating to applications for postal and proxy votes)(20)	In subsection (1)(a) omit the words “or local government”.
	Omit subsection (6)
Section 63 (breach of official duty)(21)	In subsection (3)— (a) omit paragraphs (a) and (c); (b) in paragraph (b) omit the words “sheriff clerk”; and (c) in paragraph (e) for the words “(a) to (d)”(22) substitute “(b) and (d)”.
	Omit subsections (4) and (5).
Section 65 (tampering with nomination papers, ballot papers etc.)(23)	
Section 65A (false statements in nomination papers etc.)(24)	
Section 66 (requirement of secrecy)(25)	
Section 66A (prohibition on publication of exit polls)(26)	
Section 67 (appointment of election agent)(27)	

(17) Section 52(5) was substituted by paragraph 12 of Schedule 4 to the 1985 Act.

(18) Section 54 was amended by Schedule 4 to the 1985 Act.

(19) Section 61 was amended by paragraph 2 of Schedule 2 to the 1985 Act and subsection (6A) was inserted by section 2(5) of the Elections (Northern Ireland) Act 1985 (c. 2); other amendments made by the Greater London Authority Act 1999 (c. 29) are not relevant to this Order; sub-section (6A) was inserted by section 38 of the Electoral Administration Act 2006 (c. 22).

(20) Section 62A was inserted by section 40 of the Electoral Administration Act 2006 (c. 22).

(21) Section 63 was substituted by paragraph 19 of Schedule 4 to the 1985 Act. Subsection (3)(ba) was inserted by section 7 of the Electoral Administration Act 2006 (c. 22) but section 7 is not yet in force.

(22) Section 63(4) and (5) were inserted by section 46 of the Electoral Administration Act (c.22).

(23) Subsections (3) and (4) of section 65 were substituted by paragraph 2 of Schedule 3 to the 1985 Act. Subsection (1)(b) was amended by paragraph 72 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(24) Section 65A was inserted by Schedule 6 to the Representation of the People 2000 Act; subsection (1)(c) and (1A) and (1B) were inserted by section 23 of the Electoral Administration Act 2006 (c. 22).

(25) Section 66(1) was amended by paragraph 82 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); section 66(6) was amended by paragraph 3 of Schedule 3 to the 1985 Act; and paragraph 86 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) also amends section 66.

(26) Section 66A was inserted by Schedule 6 to the 2000 Act.

(27) Section 67(4) was amended by paragraph 20 of Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modifications</i>
Section 68 (nomination of sub-agent at parliamentary elections)(28)	
Section 69 (office of election agent and sub-agent)(29)	
Section 70 (effect of default in election agent's appointment)(30)	
Section 71A (control of donations to candidates)(31)	
Section 73 (payment of expenses through election agent)(32)	
Section 74 (expenses which may be paid otherwise than by election agent)(33)	
Section 74A (expenses incurred otherwise than for election purposes)(34)	
Section 75 (prohibition of expenses not authorised by election agent)(36)	Omit subsection (4) to (4C).(35)
Section 76 (limitation of election expenses)(37)	
Section 77 (expenses limit for joint candidates at local election)	In subsection (1), for the words "a local government" substitute "an Assembly".
Section 78 (time for sending in and paying claims)(38)	
Section 79 (disputed claims)(39)	
Section 80 (election agent's claim)	

(28) Section 68(3) was amended by paragraph 21 of Schedule 4 to the 1985 Act.

(29) Section 69 was amended by paragraph 22 of Schedule 4 to the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(30) Subsection (3A) of section 70 was inserted by paragraph 23 of Schedule 4 to the 1985 Act.

(31) Section 71A was inserted by section 130(2) of the Political Parties, Elections and Referendums Act 2000.

(32) Section 73 was amended by section 14(1) of the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000 and paragraph 111 of Schedule 1 to the Electoral Administration Act 2006.

(33) Section 74 was amended by section 14(2) of the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(34) Section 74A was inserted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and amended by paragraph 112 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(36) Section 75(4) to (4C) were substituted by paragraph 113 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(35) So far as material, section 75 has been amended as follows: section 75(1)(i) was amended by Schedule 20 to the Broadcasting Act 1990 (c. 42) and Schedule 10 to the Broadcasting Act 1996 (c. 55); section 75(1)(ii) was amended, and section 75 (1ZA) was inserted, by section 131 of the Political Parties, Elections and Referendums Act 2000; subsections (2), (4) and (5) were amended by Schedule 4 to the 1985 Act; subsections (1ZZA), (1ZZB) and (8) were inserted by section 25 of the Electoral Administration Act 2006 (c. 22) and subsection (1) and (1ZA) were amended by that provision.

(37) Subsections (1) and (2)(aa) of section 76 were substituted, and subsection (1B) was inserted, by section 132 of the Political Parties, Elections and Referendums Act 2000 (c. 41); subsection (2)(a) was amended by section 6 of the Representation of the People Act 1989 (c. 28) and the sums in that provision were substituted by S.I. 2001/535; words were omitted from subsection (2) by Schedule 1 to the Representation of the People Act 2000 and subsection (4) was substituted by that Schedule; subsection (3) was repealed by Schedule 4 to the 1985 Act; and subsection (1B) was amended by paragraph 71 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(38) Subsections (1) and (4) of section 78 were amended by Schedule 4 to the 1985 Act; subsections (1) and (2) were amended by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41); subsection (6) was repealed by, and subsection (7) was substituted by, that Schedule.

(39) Subsections (1) and (4) of section 79 were amended by paragraph 26 of Schedule 4 to the 1985 Act and subsection (3) was repealed by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

<i>Provision applied</i>	<i>Modifications</i>
Section 81 (return as to election expenses)(40)	
Section 82 (declarations as to election expenses)(41)	
Section 83 (where no return and declarations needed at parliamentary elections)	
Section 84 (penalty for failure as respects returns or declarations)	
Section 86 (authorised excuses for failures as to return and declarations)(42)	
Section 87 (court's power to require information from election agent or sub-agent)(43)	
Section 87A (duty of appropriate officer to forward returns and declarations to Electoral Commission)(44)	Omit subsection (1) and in subsection (2) for the words from "any election" to "above" substitute "an Assembly election".
Section 88 (publication of time and place for inspection of returns and declarations)(45)	
Section 89 (inspection of returns and declarations)(46)	In subsections (1) and (2), for the words "two years", in each place where they occur, substitute "12 months".
Section 90ZA (meaning of "election expenses")(47)	
Section 90C (property, goods and services etc. provided free of charge or at a discount)(48)	
Section 91 (candidate's right to send election address post free)(49)	
Section 92 (broadcasting from outside United Kingdom)(50)	

(40) Section 81 was amended, so far as it is material to this Order, by Schedule 4 to the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000; subsection (3A) was inserted by section 26 of the Electoral Administration Act 2006 (c. 22) and subsection (9) was amended by paragraph 114 of Schedule 1 to that Act.

(41) Section 82 was amended by Schedule 4 to the 1985 Act and subsection (4) was repealed by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.

(42) Subsection (1A) of section 86 was inserted by paragraph 30(a) of Schedule 4 to the 1985 Act and subsection (2) was amended by paragraph 30(b) of that Schedule; subsection (10) was substituted, and subsections (9) and (11) were repealed, by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(43) Section 87(3) was amended by paragraph 31 of Schedule 4 to the 1985 Act.

(44) Section 87A was inserted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(45) Section 88 was amended, so far as material, by Schedule 4 to the 1985 Act.

(46) Subsections (1) and (1A) of section 89 were substituted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and subsection (3) was amended by Schedule 4 to the 1985 Act.

(47) Section 90ZA was inserted by section 27 of the Electoral Administration Act 2006 (c. 22).

(48) Section 90C was inserted by section 134(1) of the Political Parties, Elections and Referendums Act 2000.

(49) Section 91(1) was substituted by Schedule 4 to the 1985 Act; subsections (1), (2) and (3) of section 91 were amended, and subsection (5) was inserted, by Schedule 8 to the Postal Services Act 2000 (c. 26); and subsection (4) was substituted by Schedule 4 to the Representation of the People Act 2000 (c. 2).

(50) Section 92(1) was substituted by Schedule 20 to the Broadcasting Act 1990 (c. 42).

<i>Provision applied</i>	<i>Modifications</i>
Section 93 (broadcasting of local items during election period)(51)	For subsection (5), substitute— <p>“(5) For the purposes of subsection (1) “the election period” in relation to an Assembly election means the period beginning with the last date on which notice of election may be published in accordance with the elections rules and ending with the date of the poll.”.</p>
Section 94 (imitation poll cards)(52)	
Section 97 (disturbances at election meetings)	For subsection (2), substitute— <p>“(2) This section applies to a political meeting held in any constituency in connection with an Assembly election on any date between the last date on which notice of an election may be published in accordance with the elections rules and the date of the poll.”.</p>
Section 99 (officials not to act for candidates)(53)	
Section 100 (illegal canvassing by police officers)(54)	
Section 106 (false statements as to candidates)(55)	
Section 107 (corrupt withdrawal from candidature)	
Section 109 (payments for exhibition of election notices)	
Section 110 (printer’s name and address on election publications)(56)	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)	
Section 114 (treating)	
Section 115 (undue influence)	
Section 116 (rights of creditors)	

(51) Section 93 was substituted by section 144 of the Political Parties, Elections and Referendums Act 2000.

(52) Section 94 was amended by paragraph 36 of Schedule 4 to the 1985 Act but the amendments are not relevant to this Order.

(53) Section 99(2) was substituted by Schedule 3 to the 1985 Act.

(54) Section 100(2) was amended by Schedule 3 to the 1985 Act.

(55) Section 106(4) was repealed by Schedule 5 to the 1985 Act; section 106(8) was repealed, and section 106(9) was substituted, by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(56) Section 110 was substituted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 but the commencement of the new provisions now rests on an order to be made under section 2(1) of the Election Publications Act 2001 (c. 5); the original section 110(3) which has returned into force was amended by Schedule 3 to the 1985 Act.

<i>Provision applied</i>	<i>Modifications</i>
Section 117 (savings as to parliamentary elections)	
Section 118 (interpretation of Part II)(57)	
Section 118A (meaning of candidate)(58)	In subsection (2) – (a) for “Parliament” substitute “the Assembly” and (b) for the words “the writ for the election is issued” substitute “the election is held”.
Section 119 (computation of time for purposes of Part II)(59)	
Section 120 (method of questioning parliamentary election)	
Section 121 (presentation and service of parliamentary election petition)(60)	
Section 122 (time for presentation or amendment of parliamentary election petition)(61)	In subsection (1), for the words from “the return” to the end substitute “the day on which the relevant result was declared in accordance with rule 50 of the elections rules”. In subsection (2), for the words “that return” substitute “that declaration of the result of the election”.
Section 123 (constitution of election court and place of trial)	
Section 124 (judges' expenses and reception: England and Wales and Northern Ireland)(62)	For “the Treasury” substitute “the Secretary of State”.
Section 126 (attendance of the House of Commons shorthand writer)(63)	In subsection (1), for the words “The shorthand writer of the House of Commons or his deputy” substitute “A shorthand writer”. In subsection (2), for the word “Speaker” substitute “Chief Electoral Officer”. In subsection (3), omit the words “In Scotland” and for the words “section 125” substitute “section 124”.
Section 136 (security for costs)(64)	

(57) Section 118 was amended by paragraph 43 of Schedule 4 to the 1985 Act, section 135(1) of the Political Parties, Elections and Referendums Act 2000 and Schedule 18 to that Act.

(58) Section 118A was inserted by section 135(2) of the Political Parties, Elections and Referendums Act 2000.

(59) Subsections (2) and (3) of section 119 were substituted by section 19(4) of the 1985 Act; and subsection 119(2) was amended by paragraph 51 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(60) Section 121(5) was amended by Schedule 8 to the Political Parties, Elections and Referendums Act 2000.

(61) Section 122(4) was amended by Schedule 4 to the 1985 Act and section 122(8) was repealed by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(62) Section 124 was repealed in part by Schedule 5 to the 1985 Act.

(63) Section 126(3) was repealed in part by Schedule 5 to the 1985 Act and amended by Schedule 4 to that Act.

(64) Section 136 was amended by Schedule 4 to the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

<i>Provision applied</i>	<i>Modifications</i>
Section 137 (petition at issue)(65)	
Section 138 (list of petitions)(66)	In subsection (3), omit the words from the beginning of the subsection to “local government Act”.
Section 139 (trial of petition)	In subsection (3) omit the words from “the acceptance” to “notwithstanding”, in the third place where it occurs.
Section 140 (witnesses)(67)	
Section 141 (duty to answer relevant questions)(68)	
Section 143 (expenses of witnesses)	
Section 144 (conclusion of trial of parliamentary election petition)	In subsections (2), (4) and (6), for the word “Speaker”, in each place where it occurs, substitute “Chief Electoral Officer”. Omit subsections (5) and (7).
Section 146 (special case for determination of High Court)	In subsection (2), for the word “Speaker” substitute “Chief Electoral Officer”.
Section 147 (withdrawal of petition)	
Section 154 (costs of petition)	
Section 155 (neglect or refusal to pay costs)	
Section 156 (further provision as to costs)(69)	
Section 157 (appeals and jurisdiction)(70)	For subsection (2), substitute— “(2) Subject to the provisions of this Act and the rules made under it, the principles, practice and rules on which election courts act in dealing with parliamentary election petitions shall be observed, so far as may be, by the High Court and election court in the case of election petitions relating to Assembly elections.”.
Section 158 (report as to candidate guilty of a corrupt or illegal practice)	
Section 159 (candidate reported guilty of corrupt or illegal practice)(71)	

(65) Section 137 was substituted by Schedule 17 to the Political Parties, Elections and Referendums Act 2000.

(66) Section 138(1) was amended by Schedule 17 to the Political Parties, Elections and Referendums Act 2000.

(67) Section 140 was amended by paragraph 49 of Schedule 4 to the 1985 Act.

(68) Subsections (3) and (4) of section 141 were repealed by Schedule 5 to the 1985 Act and subsections (1)(a)(i) and (2)(a) were amended by paragraph 84 of Schedule 27 to the Civil Partnership Act 2004 (c. 33).

(69) Section 156 was amended by Schedule 4 to the 1985 Act.

(70) Section 157(5) was repealed by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.

(71) Section 159(2) was repealed by Schedule 17 to the Political Parties, Elections and Referendums Act 2000.

<i>Provision applied</i>	<i>Modifications</i>
Section 160 (persons reported personally guilty of corrupt or illegal practices)(72)	In subsection (4) – (a) after the word “Kingdom” insert “or local election”; and (b) after the word “Commons”, in each place where it occurs, insert “or the Assembly”. Omit subsection (6)
Section 161 (justice of the peace)(73)	
Section 162 (member of legal and certain other professions)	
Section 163 (holder of licence or certificate under the Licensing Acts)	
Section 164 (avoidance of election for general corruption etc.)	
Section 165 (avoidance of election for employing corrupt agent)	
In section 166 (votes to be struck off for corrupt or illegal practices), subsections (2) and (3)	
Section 167 (application for relief)(74)	
Section 168 (prosecutions for corrupt practices)(75)	
Section 169 (prosecutions for illegal practices)(76)	
Section 170 (conviction of illegal practice on charge or corrupt practice etc.)	
Section 173 (incapacities on conviction of corrupt or illegal practice)(77)	In subsection (1)— (a) after the word “Kingdom” insert “or local election”; and (b) after the word “Commons”, in each place where it occurs, insert “or the Assembly”. In subsection (7)— (a) for the words from “House” to “elective office” substitute “Assembly”; and

(72) Words were omitted from subsection (1) of section 160 and subsection (2) was repealed by Schedule 5 to the 1985 Act; subsection (3) was substituted by Schedule 4 to that Act; subsections (4) to (5A) were substituted by Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41) and subsections (4A) and (5A) were amended by paragraph 120 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) and subsection (5B) was inserted by that provision.

(73) Sections 161 to 163 were repealed in part by Schedule 5 to the 1985 Act and amended by Schedule 4 to that Act.

(74) Section 167(1A) was inserted by paragraph 56 of Schedule 4 to the 1985 Act and subsection (4) was omitted, and subsection (5) was substituted, by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(75) Subsection (1) of section 168 was substituted for subsections (1) to (4) by paragraph 8 of Schedule 3 to the 1985 Act and subsections (5) and (6) were repealed by Schedule 5 to that Act; subsection (1)(a) was amended by paragraph 121 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(76) Section 169 was repealed in part by Schedule 5 to the 1985 Act and amended by paragraph 9 of Schedule 3 to that Act.

(77) Section 173 was substituted by section 136 of the Political Parties, Elections and Referendums Act 2000 and subsection (2) was amended by paragraph 122 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

<i>Provision applied</i>	<i>Modifications</i>
	(b) for the words from “Parliament” to “that office” substitute “the Assembly”.
	Omit subsection (10).
Section 174 (mitigation and remission etc.)(78)	
Section 175 (illegal payments etc.)(79)	
Section 176 (time limit for prosecutions)(80)	
Section 178 (prosecution of offences committed outside the United Kingdom)(81)	
Section 179 (offences by associations)	
Section 180 (evidence by certificate of holding of elections)	
Section 180A (evidence by certificate of electoral registration)(82)	
Section 181 (Director of Public Prosecutions)(83)	
Section 183 (costs)	
Section 184 (service of notices)(84)	
Section 185 (interpretation of Part III)(85)	
Section 186 (computation of time for purposes of Part III)	
Section 199B (translations etc of certain documents)(86)	In subsection (1) omit “or local government”.
	In subsections (5) and (7) omit “or a local government election”.
	In subsection (6)—
	(a) for paragraph (a) substitute—
	“(a) where only one candidate is to be elected, must have printed the words “VOTE FOR AS MANY CANDIDATES AS YOU WISH IN ORDER OF PREFERENCE” both at

(78) Section 174(6) was repealed by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.

(79) Section 175(1) was amended by Schedule 21 to the Political Parties, Elections and Referendums Act 2000 and Schedule 3 to the 1985 Act.

(80) Section 176 was amended by Schedule 4 to the 1985 Act.

(81) Section 178 was substituted by Schedule 4 to the 1985 Act.

(82) Section 180A was inserted by Schedule 1 to the Representation of the People Act 2000 (c. 2).

(83) Subsections (1), (2) and (3) of section 181 were amended by Schedule 4 to the 1985 Act; subsection (6) was repealed in part by Schedule 5 to that Act; and subsection (8) was repealed by Schedule 2 to the Prosecution of Offences Act 1985 (c. 23).

(84) Section 184(1) was amended by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(85) Section 185 was amended by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(86) Section 199B was inserted by section 36 of the Electoral Administration Act 2006 (c. 22).

<i>Provision applied</i>	<i>Modifications</i>
	the top and immediately below the list of candidates”;
	(b) omit paragraph (b); and
	(c) in paragraph (c), omit “in each case”.
	Omit subsection (10).
Section 200 (public notices, and declarations)(87)	
Section 200A (remuneration for free postal services provided under Act)(88)	In subsection (3), for the words from “charged” to the end substitute “paid by the Secretary of State”.
Section 202 (general provisions as to interpretation)(89)	
Section 205 (general application to Northern Ireland)(90)	

SCHEDULE 1 (PARLIAMENTARY ELECTIONS RULES)

Rule 1 (timetable). For the Timetable substitute—

“TIMETABLE

<i>Proceeding</i>	<i>Time</i>
Publication of notice of election	Not later than the 25th day before the date of the poll.
Delivery of nomination papers	Between the hours of 10 a.m. and 4 p.m. on any day after the date of publication of the notice of election, but not later than 1.00 p.m. on the 16th day before the date of the poll.
Delivery of notices of withdrawals of candidature	Within the time for the delivery of nomination papers at the election.

(87) Section 200(1) was substituted by paragraph 68 of Schedule 4 to the 1985 Act.

(88) Section 200A was inserted by Schedule 8 to the Postal Services Act 2000 (c. 26).

(89) Section 202(1) was amended by section 4(5) of, and paragraph 3 of Schedule 1 to, the 1985 Act and repealed in part by Schedule 5 to that Act; the definitions of “citizen of the Union” and “relevant citizen of the Union” were inserted by regulation 4(2) of the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 (S.I. 1995/1948); and the definition of “registered political party” was inserted by Schedule 3 to the Greater London Authority Act 1999 (c. 29) and amended by Schedule 21 to the Political Parties, Elections and Referendums Act 2000; the definition of “absent voters list” was omitted by paragraph 128 of Schedule 1 to the Electoral Administration Act 2006 and the definition of “the postal voters list” and “the proxy postal voters list” were inserted by that provision; and the definition of “disability” as inserted by paragraph 76 of Schedule 1 to that Act.

(90) Section 205(1) was amended by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modifications</i>	
	<i>Proceeding</i>	<i>Time</i>
	The making of objections to nomination papers	During the hours allowed for delivery of nomination papers and, on the 16th day before the date of the poll, the hour following: the foregoing provisions do not apply to objections made in pursuance of rule 15(2) below.
	Publication of statement of persons nominated.	If no objections to nomination papers are made, 6.00 p.m. on the 16th day before the date of the poll (or as soon as practicable thereafter); or if any objections are made, not before they are disposed of but not later than 24 hours after the last time for delivery of nomination papers.
	Polling.	Between the hours of 7 a.m. and 10 p.m. on the day of the poll.”
Rule 2 (computation of time)(91)	For paragraph (2) substitute— “(2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(92) in Northern Ireland.”.	
Rule 5 (notice of election)(93)		
Rule 6 (nomination of candidates)(94)	In paragraph (3)(b), omit the words from “or, where” to the end.	

(91) Rule 2 was amended by section 19(5) of the 1985 Act and paragraph 52 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(92) 1971 c. 80.

(93) Rule 5 was amended by Schedules 2 and 4 to the 1985 Act and Schedule 6 to the Representation of the People Act 2000 (c. 2) and paragraph (1A) was inserted by section 19 of the Electoral Administration Act 2006 (c. 22).

(94) Rule 6(3) was substituted by section 38(2) of the Political Parties, Elections and Referendums Act 2000; paragraph (3)(a) was amended by section 19 of the Electoral Administration Act 2006 (c. 22) and paragraph (2A) was inserted by section 21 of that Act.

<i>Provision applied</i>	<i>Modifications</i>
Rule 6A (nomination papers: name of registered political party)(95)	
Rule 7 (subscription of nomination paper)(96)	In paragraph (5), for the words from “than one nomination” to “delivered” substitute “nomination papers at the same election than there are vacancies to be filled and, if he does, his signature shall be inoperative on any paper other than the papers first delivered up to the number of vacancies”.
Rule 8 (consent to nomination)(97)	In paragraph (3)(b), for the words “the House of Commons Disqualification” substitute “the Northern Ireland Assembly Disqualification” and for the words “House of Commons” substitute “Assembly”.
Rule 9 (deposit)(98)	In paragraph (1), for “£500” substitute “£150”.
In rule 10 (place for delivery of nomination papers), paragraph (1)	
Rule 11 (right to attend nomination)(99)	
Rule 12 (decisions as to validity of nomination papers)(100)	
Rule 13 (withdrawal of candidates)	
Rule 14 (publication of statement of persons nominated)(101)	
Rule 14A (correction of minor errors)(102)	
Rule 15 (disqualification by Representation of the People Act 1981)	
Rule 16 (adjournment of nomination proceedings in case of riot)	
Rule 17 (method of election)	In paragraph (1), for the words “than one person standing nominated” substitute “persons standing nominated than there are members to be elected”.

- (95) Rule 6A was inserted by Schedule 2 to the Registration of Political Parties Act 1998 (c. 48) and amended by section 38(3) of the Political Parties, Elections and Referendums Act 2000, paragraphs (1) and (2) were amended by paragraph 129 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); paragraphs (1A) to (1C) were inserted by section 49(3) of the Electoral Administration Act 2006 (c. 22) and paragraph (3) was amended by section 52 of that Act and paragraph (4) was inserted by that provision.
- (96) Rule 7(6) was substituted by Schedule 1 to the Representation of the People Act 2000 (c. 2).
- (97) Rule 8 (3)(c) was inserted by section 22 of the Electoral Administration Act 2006 (c. 22).
- (98) Rule 9(1) was amended by section 13 of the 1985 Act; rule 9(2) was amended by section 19 of the Electoral Administration Act; rule 9(3) was inserted by paragraph 75 of Schedule 4 to the 1985 Act.
- (99) Rule 11 was amended by paragraph 83 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (100) Rule 12 was amended by Schedule 2 to the Registration of Political Parties Act 1998 and by section 19(6) and (7) of, and paragraph 130 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22).
- (101) Rule 14(5) was inserted by Schedule 21 to the Political Parties, Elections and Referendums Act 2000 and amended by paragraph 131 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).
- (102) Rule 14A was inserted by section 19(8) of the Electoral Administration Act 2006 (c. 22).

<i>Provision applied</i>	<i>Modifications</i>
	In paragraph (2), for the words “only one person standing nominated, that person” substitute “a number of persons standing nominated which is equal to, or less than, the number of members to be elected, those persons”.
Rule 18 (poll to be taken by ballot)	For the words from “result” to the end of the rule, substitute “votes given to each candidate shall be counted and the result of the poll determined in accordance with rules 44A to 44M of these rules”.
Rule 19 (the ballot papers)(103)	For paragraph (2A) substitute “If, on behalf of a candidate who is the subject of a party’s authorisation under rule 6A(1), the registered nominating officer of that party 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)”.
Rule 19A (corresponding number list)(104)	
Rule 20 (the official mark)(105)	
Rule 21 (prohibition of disclosure of vote)	
Rule 22 (use of schools and public rooms)	In paragraphs (1) and (2) after the word “poll” insert “or counting the votes”.
Rule 23 (notice of poll)(106)	
Rule 24 (postal ballot papers)(107)	
Rule 25 (provision of polling stations)	
Rule 26 (appointment of presiding officers and clerks)(108)	
Rule 28 (issue of official poll cards)(109)	
Rule 29 (equipment of polling stations)(110)	In paragraph (5) for the words from “the notice” to the end substitute “the notice set out in the Appendix”.

(103) Rule 19(2)(d) was amended by Schedule 4 to the 1985 Act; paragraphs (2A) and (2B) were inserted by Schedule 2 to the Registration of Political Parties Act 1998 and paragraph (4) was inserted by section 30(2) of the Electoral Administration Act 2006, and paragraph (2) was amended by that section and paragraph 87 of Schedule 1 to that Act.

(104) Rule 19A was inserted section 31 of the Electoral Administration Act 2006 (c. 22).

(105) Rule 20 was amended by paragraph 88 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(106) Rule 23 was substituted by Schedule 4 to the 1985 Act and paragraph (2A) was inserted by paragraph 3 of the Schedule to the Elections Act 2001 (c. 7).

(107) Rule 24 was substituted by Schedule 6 to the Representation of the People Act 2000 (c. 2) and then substituted by section 37 of the Electoral Administration Act 2006 (c. 22).

(108) Rule 26(3) was amended by section 2(2) of the Elections (Northern Ireland) Act 1985 (c. 2).

(109) Rule 28 was amended by section 4(6) of, and Schedule 2 to, the 1985 Act and paragraph 70 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(110) Rule 29(3A) was inserted by section 13(2) of the Representation of the People Act 2000 (c. 2) and rule 29(5) was amended by Schedule 4 to the 1985 Act; sub-paragraph (3)(b) was omitted by paragraph 89 of Schedule 1 to the Electoral

<i>Provision applied</i>	<i>Modifications</i>
Rule 30 (appointment of polling and counting agents)(111)	
Rule 31 (notification of requirement of secrecy)(112)	
In rule 31A (return of postal ballot papers), paragraphs (1) and (3)(113)	In paragraph (1) for the words “in the prescribed manner” substitute “as provided for in regulation 86(5) of the 2008 Regulations.”(114)
Rule 32 (admission to polling station)(115)	
Rule 33 (keeping of order in station)	
Rule 34 (sealing of ballot boxes)	
Rule 35 (questions to be put to voters)(116)	
Rule 36 (challenge of voter)(117)	
Rule 37 (voting procedure)(118)	In paragraph (1E)(b) for the words from “the United” to the end substitute “a member State of the European Union”. Omit paragraph (1F) For paragraph (2), substitute— “(2) The voter, on receiving the ballot paper, must immediately proceed into one of the compartments in the polling station and there must— (a) secretly record his vote by placing on the ballot paper “1” opposite the name of the candidate of his first choice and, if he wishes, by placing “2” opposite the name of the candidate of his second choice, “3” opposite the name of the candidate of his third choice and so on in the order of his preference;

Administration Act 2006 (c. 22) and sub-paragraph (3)(e) was inserted by section 31(3) of that Act. Paragraph (7) was inserted by paragraph 6(2) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(111) Rule 30(5) was repealed in part by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.

(112) Rule 31 was substituted by Schedule 4 to the 1985 Act.

(113) Rule 31A was inserted by section 45(2) of the Electoral Administration Act 2006 (c. 22).

(114) S.I.2008/1741. The 2008 Regulations are applied to Assembly elections with modifications as appropriate by Schedule 2 to this Order. Paragraphs (5), (6) and (7) of regulation 86 are such modifications applied specifically to Assembly elections.

(115) Rule 32(1) was substituted by, and paragraph (1A) was inserted by, paragraph 84 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(116) Rule 35 was substituted by paragraph 74 of Schedule 1 to the Electoral Administration Act 2006 (c. 22). Paragraph (2A) was inserted by paragraph 6(3) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(117) Rule 36 was substituted by paragraph 132 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

(118) Rule 37(1) was amended by section 2(3)(a) of the Elections (Northern Ireland) Act 1985 (c. 2) and Schedule 4 to the 1985 Act; paragraph (1A) to (1G) were inserted by section 1(2) of the Elections (Northern Ireland) Act 1985; paragraph (1E) was amended by Schedule 3 to the Road Traffic (Consequential Provisions) Act 1986 (c. 54) and regulation 14 of S.I. 2001/400 and regulation 15 of S.I. 2008/1741; and paragraphs (1) and (2) were amended by paragraph 90 of Schedule 1 to the Electoral Administration Act 2006 (c. 22). Paragraph (1ZA) was inserted by paragraph 6(4) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

<i>Provision applied</i>	<i>Modifications</i>
	(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 number and other unique identifying mark; and
	(d) put the folded paper into the ballot box in the presence of the presiding officer.”
Rule 38 (votes marked by presiding officer)(119)	In paragraph (1) for the words “vote to be marked on a ballot paper” substitute “ballot paper to be marked”.
Rule 39 (voting by persons with disabilities)(120)	
Rule 40 (tendered ballot papers)(121)	
Rule 40A (refusal to deliver ballot paper)(122)	
Rule 41 (spoilt ballot papers)	
Rule 41B (correction of errors on day of poll: Northern Ireland)(123)	
Rule 42 (adjournment of poll in case of riot)	
Rule 43 (procedure on close of poll)(124)	
Rule 44 (attendance at counting of votes)(125)	Omit paragraph (5). After rule 44 insert the following rules—

“Interpretation of rules 44B to 44M

44A. In rules 44B to 44M—

- (119) Paragraph (1) of rule 38 was amended by section 2(3)(b) of the Elections (Northern Ireland) Act 1985 (c. 2) and paragraph (1A) was inserted by section 1(3) of that Act. Paragraph (1)(a) was also amended by paragraph 77 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); paragraph (2) was amended by paragraph (2A) inserted by the Electoral Fraud (Northern Ireland) Act 2002 (c. 13). Paragraph (4) was inserted by paragraph 6(5) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).
- (120) Rule 39 was substituted by section 13(3) of the Representation of the People Act 2000 (c. 2). Paragraph (1) was amended by paragraph 78 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); paragraph (2) was amended by and paragraph (2A) was inserted by the Electoral Fraud (Northern Ireland) Act 2002 (c. 13); paragraph (4B) was inserted by paragraph 6(6) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).
- (121) Paragraph (1)(b) of rule 40 was repealed in part by Schedule 5 to the 1985 Act; paragraphs (1A) to (1C) were inserted by section 1(5) of the Elections (Northern Ireland) Act 1985 (c. 2) and paragraphs (5) and (6) were inserted by section 1(6) of that Act. Paragraph (1ZA) to (1ZE) were inserted by section 38(1) and (2) of the Electoral Administration Act 2006 (c. 22) and paragraph (1ZF) was inserted, and paragraph (3) amended, by paragraph 81 of Schedule 1 to that Act. Paragraph (4C) was inserted by paragraph 6(7) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).
- (122) Rule 40A was inserted by section 2(4) of the Elections (Northern Ireland) Act 1985 (c. 2).
- (123) Rule 41B was inserted by paragraph 6(8) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).
- (124) Rule 43(1)(f) was amended by section 13(4) of the Representation of the People Act 2000 (c. 2) and paragraph 79 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); paragraph (1)(da) was inserted by section 31(4) of that Act. Paragraph (4) was inserted by paragraph 6(9) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).
- (125) Rule 44(2)(b) was amended by, and rule 44(2)(e) inserted by, paragraph 85 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

<i>Provision applied</i>	<i>Modifications</i>
	<p>“continuing candidate” means any candidate not deemed to be elected and not excluded;</p> <p>“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;</p> <p>“deemed to be elected” means deemed to be elected for the purposes of the counting of votes but without prejudice to the declaration of the result of the poll;</p> <p>“mark” means a figure, a word written in the English language or a mark such as “X”;</p> <p>“non-transferable vote” means a ballot paper—</p> <ul style="list-style-type: none">(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 44G(4) below; <p>“preference” as used in the following contexts has the meaning assigned below—</p> <ul style="list-style-type: none">(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;

<i>Provision applied</i>	<i>Modifications</i>
	<p>“quota” means the number calculated in accordance with rule 44E;</p> <p>“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 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;</p> <p>“stage of the count” means –</p> <ul style="list-style-type: none"> (a) the determination of the first preference vote for each candidate; or (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. <p>“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;</p> <p>“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;</p> <p>“transfer value” means the value of a transferred vote calculated in accordance with paragraph (4) or (7) of rule 44F.</p>

Preliminary proceedings and conduct of the count

- 44B.**—(1) The returning officer shall—
- (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it;
 - (b) in the presence of the election agents verify each ballot paper account; and

<i>Provision applied</i>	<i>Modifications</i>
	<p>(c) count such of the postal ballot papers as have been duly returned and record the number counted.</p> <p>(2) The returning officer shall not count the votes given on any ballot papers until—</p> <p>(a) in the case of the postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and</p> <p>(b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.</p> <p>(3) A postal ballot paper shall not be deemed to be duly returned unless—</p> <p>(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</p> <p>(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(126), as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989(127).</p> <p>(4) 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</p>

(126) 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); section 10(4B) was amended by paragraph 105 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); and section 10A(3A) and (5B) were inserted by section 12 of that Act and subsection (5) was amended by that provision; and subsection (1B) was amended by paragraph 106 of Schedule 1 to that Act.

(127) 1989 c. 3; Schedule 1 was amended by Schedule 3 to the Representation of the People Act 2000.

<i>Provision applied</i>	<i>Modifications</i>
	<p>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).</p> <p>(5) The returning officer shall not count any tendered ballot paper.</p> <p>(6) 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 and other unique identifying mark printed on the back of the papers.</p> <p>(7) 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 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.</p> <p>(8) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, excluding (except so far as he and the agents otherwise agree) the hours between 11 in the evening and 9 on the following morning.</p> <p style="padding-left: 40px;">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.</p> <p>(9) During the time so excluded the returning officer shall –</p> <p style="padding-left: 40px;">(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</p>

<i>Provision applied</i>	<i>Modifications</i>
	(b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

44C.—(1) Any ballot paper—

- (a) which does not bear the official mark and other unique identifying mark;
- (b) on which the figure “1” standing alone is not placed so as to indicate a first preference for any candidate;
- (c) on which the figure “1” standing alone indicating a first preference is set opposite the name of more than one candidate;
- (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 subparagraphs (a), (b), (c), (d) and (e) of paragraph (1) above and shall, on request, allow any candidate or agent to copy that 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.

<i>Provision applied</i>	<i>Modifications</i>
	<p>First stage</p> <p>44D.—(1) The returning officer shall sort the ballot papers into parcels according to the candidates for whom first preference votes are given.</p> <p>(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.</p> <p>(3) The returning officer shall also ascertain and record the number of valid ballot papers.</p> <p>The quota</p> <p>44E.—(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.</p> <p>(2) The result, increased by one, of the division under paragraph (1) above (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”).</p> <p>(3) At any stage of the count a candidate whose total votes equals or exceeds the quota shall be deemed to be elected, except that at any 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 44H below has been complied with.</p> <p>Transfer of votes</p> <p>44F.—(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—</p> <p>(a) according to next available preference given on those papers for any continuing candidate, or</p> <p>(b) where no such preference is given, as the sub-parcel of non-transferable votes.</p>

<i>Provision applied</i>	<i>Modifications</i>
	<p>(2) The returning officer shall count the number of ballot papers in each sub-parcel referred to in paragraph (1) above.</p> <p>(3) The returning officer shall, in accordance with this rule and rule 44G below, transfer each sub-parcel of ballot papers referred to in paragraph (1)(a) above to the candidate for whom the next available preference is given on those papers.</p> <p>(4) The vote on each ballot paper transferred under paragraph (3) above shall be at a value (“the transfer value”) which—</p> <ul style="list-style-type: none">(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). <p>(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—</p> <ul style="list-style-type: none">(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. <p>(6) The returning officer shall, in accordance with this rule and rule 44G below, transfer each sub-parcel of ballot papers referred to in paragraph (5)(a) above to the candidate for whom the next available preference is given on those papers.</p>

<i>Provision applied</i>	<i>Modifications</i>
	<p>(7) The vote on each ballot paper transferred under paragraph (6) shall be at—</p> <ul style="list-style-type: none"> (a) a transfer value calculated as set out in paragraph (4)(b) above; or (b) at the value at which that vote was received by the candidate from whom it is now being transferred, <p>whichever is the less.</p> <p>(8) Each transfer of a surplus constitutes a stage in the count.</p> <p>(9) Subject to paragraph (10) below, 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.</p> <p>(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 —</p> <ul style="list-style-type: none"> (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. <p>(11) This rule shall not apply at an election where there is only one vacancy.</p>

Supplementary provisions on transfer

44G.—(1) If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the highest surplus shall be transferred first, and if—

<i>Provision applied</i>	<i>Modifications</i>
	<ul style="list-style-type: none">(a) the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest recorded vote 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. <p>(2) The returning officer shall, on each transfer of transferable papers under rule 44F above—</p> <ul style="list-style-type: none">(a) record the total 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 the transferred votes and add that difference to the previously recorded total of non-transferable votes; and(d) compare—<ul style="list-style-type: none">(i) the total number of votes then recorded for all of the candidates, together with the total number of non-transferable votes, with(ii) the recorded total of valid first preference votes. <p>(3) All ballot papers transferred under rule 44F or 44H 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</p>

<i>Provision applied</i>	<i>Modifications</i>
	<p>the case may be, all the papers in that sub- parcel.</p> <p>(4) Where a ballot paper is so marked that it is unclear to the returning officer at any stage of the count under rule 44F or 44H for which candidate the next preference is recorded, 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.</p> <p>Exclusion of candidates</p> <p>44H.—(1) If —</p> <ul style="list-style-type: none"> (a) all transferable papers which under the provisions of rule 44F above (including that rule as applied by paragraph (11) below) and this rule are required to be transferred, have been transferred; and (b) subject to rule 44J below, one or more vacancies remain to be filled, <p>the returning officer shall exclude from the election at that stage the candidate with the then lowest vote (or, where paragraph (12) below applies, the candidates with the then lowest votes).</p> <p>(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—</p> <ul style="list-style-type: none"> (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

<i>Provision applied</i>	<i>Modifications</i>
	deemed to be elected or are excluded).
	(3) The returning officer shall, in accordance with this rule and rule 44G above, transfer each sub-parcel of ballot papers referred to in paragraph (2)(a) 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 44J, 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 — (i) the total value of votes, or

<i>Provision applied</i>	<i>Modifications</i>
	<ul style="list-style-type: none"> (ii) the total transfer value of votes transferred to each candidates;
	<ul style="list-style-type: none"> (b) add that total to the previous total of votes recorded for each candidate and record the new total;
	<ul style="list-style-type: none"> (c) record the value of non-transferable votes and add that value to the previous non-transferable votes total; and
	<ul style="list-style-type: none"> (d) compare— <ul style="list-style-type: none"> (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.
	<p>(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 44F, and rule 44G.</p>
	<p>(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.</p>
	<p>(13) If when a candidate has to be excluded under this rule, two or more candidates each have the same number of votes and are lowest—</p> <ul style="list-style-type: none"> (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

Provision applied

Modifications

candidate on whom the lot falls shall be excluded.

Filling of last vacancies

44J.—(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 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

44K.—(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.

(2) The returning officer shall comply with a request from a candidate or his election agent for a re-count of the last completed stage made before the returning officer proceeds to the next stage, but nothing in this rule shall require the returning officer to re-count the same parcel or sub-parcel more than once.

(3) The returning officer may, if he thinks fit, re-count ballot papers either once or more often.

(4) 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.

Order of election of candidates

44L.—(1) The order in which candidates whose votes equal or exceed the quota are deemed to be elected shall

<i>Provision applied</i>	<i>Modifications</i>
	<p>be the order in which their respective surpluses were transferred, or would have been transferred but for rule 44F(10).</p> <p>(2) A candidate credited with a number of votes equal to, and not greater than, the quota shall, for the purpose of this rule, be regarded as having had the smallest surplus at the stage of the count at which he obtained the quota.</p> <p>(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.</p> <p>(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 or whom the lot falls shall be deemed to have been elected first.</p> <p>Decisions of returning officer</p> <p>44M. –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 44H or to any ballot paper or transfer of votes shall be final, but may be reviewed on an election petition.”.</p>
Rule 50 (declaration of result)	<p>For paragraph (1) substitute—</p> <p>“(1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—</p> <ul style="list-style-type: none"> (a) declare to be elected the candidates who are deemed to be elected under rule 44B to 44M above; (b) notify their names to the Secretary of State; and (c) give public notice of— <ul style="list-style-type: none"> (i) the names of those candidates; (ii) the number of first preference votes for each candidate whether elected or not;

<i>Provision applied</i>	<i>Modifications</i>
	(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 successful candidates were elected.”.
Rule 53 (return or forfeiture of candidate’s deposit)(128)	<p>In paragraph (2), for the words from “person standing” to the end substitute “person or persons standing nominated, shall also declare that person or persons elected, and the returning officer shall forthwith notify his or their names to the Secretary of State.”.</p> <p>In paragraph (4), for the words from “after the counting” to the end of the paragraph substitute “if the number of votes credited to the candidate at any stage of the counting of the votes does not exceed one quarter of the quota”.</p> <p>Omit paragraph (5).</p>
Rule 54 (sealing up of ballot papers)(129)	
In rule 55 (delivery of documents to relevant registration officer), paragraphs (1), (1B) and (5)(130)	<p>In paragraph (1) for the words “then forward to the relevant registration officer” substitute “retain”.</p>
Rule 56 (orders for production of documents)(131)	<p>In paragraph (1), for the words “relevant registration officer” substitute “returning officer” and omit the words “by the House of Commons; or”.</p> <p>In paragraph (2), for the words “relevant registration officer’s” substitute “returning officer’s”.</p> <p>In paragraph (3), omit the words “House of Commons or”.</p>

(128) Rule 53 was amended by section 13(b) of, and paragraph 83 of Schedule 4 to, the 1985 Act.

(129) Rule 54(2) was substituted by section 31(5) of the Electoral Administration Act 2006 (c. 22). Paragraph (3) was inserted by paragraph 6(10) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(130) Rule 55(1)(c) was amended by section 13(4) of the Representation of the People Act 2000 (c. 2); paragraph (1B) was inserted by paragraph 95 of Schedule 1 to the Electoral Administration Act 2006; paragraph (1)(ca) was inserted by section 31(6) of the 2006 Act; and paragraph (1)(e) was amended by, and paragraph (1)(f) inserted by section 45(3) of the 2006 Act. Paragraph (5) was inserted by paragraph 6(11) of Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(131) Rule 56(1)(b),(2) and(3) were amended by section 31(7) of the Electoral Administration Act 2006 (c. 22) and rule 56(7) was substituted by this provision; rule 56 was also amended by section 41 of that Act however, these amendments have effect subject to rule 59 as substituted by that section.

<i>Provision applied</i>	<i>Modifications</i>
	In paragraphs (6) and (8), for the words “relevant registration officer”, in each place where they occur, substitute “returning officer”
Rule 57 (retention and public inspection of documents)(132)	In paragraph (1)— (a) for the words “relevant registration officer” substitute “returning officer”; (b) for the words “forwarded to him in pursuance of these rules by a returning officer” substitute “to which rule 55(1) of these rules applies”; and (c) omit the words “the House of Commons or”.
Rule 60 (independent candidate)(133)	Omit paragraph (4).
Rule 61 (deceased independent candidate wins)	In paragraph (1) omit the words “the majority of votes is given to” and at the end add “s votes are equal to or exceed the quota”. In paragraph (4) omit the words “The returning officer must not return the writ and”. For paragraph (5) substitute— “(5) The day appointed for the poll shall be the first Thursday after the expiry of 30 days starting on the day of the election mentioned in rule 60(1)”. In paragraph (7) for “seventh” substitute “fourteenth” and for “after the day on which the writ is taken to be received” substitute “before the day appointed for the poll under paragraph (5)”. Omit paragraph (9).
Rule 62 (deceased independent candidate with equality of votes)	In sub-paragraph (a) for the words “rule 49” substitute “rule 44L(3) or (4)”.
Rule 63 (party candidate)	For paragraph (4) substitute— “(4) The day appointed for the poll shall be the first Thursday after the expiry of 30 days starting on the day the proof is given to the returning officer.”. In paragraph (7) for “seventh” substitute “fourteenth” and for “after the day on which the writ is taken to be received” substitute “before the day appointed for the poll under paragraph (4)”.

(132) Rule 57(1A) was inserted by paragraph 95 of the Electoral Administration Act 2006 (c. 22) and rule 57(3) was substituted by section 41(5), and paragraphs (4) to (9) were inserted by that section, the amendments made to rule 57 by section 41 must be read in the light of rule 59 as substituted by that section.

(133) Rules 60 to 65 were substituted for rule 60 by section 24 of the Electoral Administration Act 2006 (c. 22).

<i>Provision applied</i>	<i>Modifications</i>
	In paragraph (8) from “seventh” to the end substitute “fourteenth working day before the day appointed for the poll under paragraph (4)”. Omit paragraph (9).
Rule 65 (abandoned poll)	In paragraph (1), omit sub-paragraph (a), and in sub-paragraph (b) omit the words “or 64(2)(b)”.
APPENDIX OF FORMS	
Form of nomination paper(134)	For the word “Parliament” substitute “the Northern Ireland Assembly”.
Form of ballot paper(135)	For the form of the front of the ballot paper substitute the form set out in the Annex to this Schedule.
Directions as to printing the ballot paper(136)	For the form substitute the form set out in the Annex to this Schedule.
Form of directions for the guidance of the voters in voting(137)	In paragraph 1 omit the words from “Mark a cross” to the end. For paragraph 2 substitute— “Number the candidates in order of preference, putting “1” against the candidate of your 1st preference, “2” against your 2nd preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish. Put no other mark on the ballot paper, or your vote may not be counted”.
Form of declaration to be made by the companion of a voter with disabilities(138)	After the form add the following form: “Form of notice to be displayed in compartments of polling stations REMEMBER USE 1, 2, 3 ETC AT THIS ELECTION This is an election by proportional representation. Number the candidates in order of your preference, putting “1” against the candidate of your 1st preference and so on. You should not put the same preference against more than one candidate. You may show your

(134) The form of nomination paper has been amended by section 38(4) of the Political Parties, Elections and Referendums Act 2000 and the notes repealed in part by Schedule 1 to the Representation of the People Act 2000; the form was then substituted by section 21 of the Electoral Administration Act 2006 (c. 22) and paragraphs 2A and 2B of the notes following the form of nomination paper were inserted by that provision.

(135) The form of ballot paper was amended by section 31(9) of the Electoral Administration Act 2006 (c. 22).

(136) The directions as to printing the ballot paper were amended by section 30(3) of, and paragraph 87 of Schedule 1 to, the Electoral Administration Act 2006 (c. 22).

(137) The form of directions was substituted by Schedule 4 to the 1985 Act.

(138) The form of declaration to be made by the companion of a voter with disabilities was amended by section 13(5) of the 2000 Act and paragraph 80 of Schedule 1 to the Electoral Administration Act 2006 (c. 22).

<i>Provision applied</i>	<i>Modifications</i>
	preference for as many or as few candidates as you wish.”.
SCHEDULE 2A (CONTROL OF DONATIONS TO CANDIDATES)(139)	
SCHEDULE 3 (DECLARATIONS AS TO ELECTION EXPENSES)	
Form of declarationsfn num="f140">	
SCHEDULE 4A (ELECTION EXPENSES)(140)	
THE ELECTIONS (NORTHERN IRELAND) ACT 1985	
Section 3 (offences relating to specified documents)(141)	
REPRESENTATION OF THE PEOPLE ACT 1985	
Section 5 (manner of voting at parliamentary elections)(142)	
Section 7 (absent vote at a particular election and absent voters list)	<p>In subsection (2) –</p> <p>(a) for the words “section 6 of this Act” substitute “paragraph 1 of Part I of Schedule 2 to the 1985 Order (143)”; and</p> <p>(b) for the words “parliamentary elections” substitute “local elections”.</p> <p>In subsection (4) –</p> <p>(a) for the words “section 6 of this Act as voting by post at parliamentary elections” substitute “paragraph 1 of Part I of Schedule 2 to the 1985 Order as voting by post”;</p> <p>(b) for the words “that section” substitute “that paragraph”; and</p> <p>(c) for the words “section 6 of this Act as voting by proxy at parliamentary elections” substitute “paragraph 1 of Part I of Schedule 2 to the 1985 Order as voting by proxy”.</p>
Section 8 (proxies at elections)(144)	In subsection (3)(b) for the words “the Republic of Ireland” substitute “a member State of the European Union”.

(139) Schedule 2A was inserted by Schedule 16 to the Political Parties, Elections and Referendums Act 2000. Section 10(2) and paragraph 16 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) amend Schedule 2A but these provisions do not extend to Northern Ireland.

(140) Schedule 4A to the Representation of the People Act 1983 was inserted by section 27 of the Electoral Administration Act 2006 (c. 22).

(141) Section 3(7) was amended by section 25(2) of the 1985 Act.

(142) Sections 5 to 9 were amended by Schedule 6 to the Representation of the People Act 2000 (c. 2).

(143) Part I was substituted by Schedule 2 to the Local Elections (Northern Ireland) (Amendment) Order 1987 (S.I. 1987/168).

(144) Section 8(3) was substituted by paragraph 7 of Schedule 2 to S.I. 1995/1948 and section 8(11) was repealed by Part IX of Schedule 27 to the Finance Act 1985 (c. 54).





<i>Provision applied</i>	<i>Modifications</i>
	Omit subsection (6).
	Omit subsections (9) and (10).
Section 9 (voting as proxy)	Omit subsections (4) and (6). In subsection (8) for the words “subsection (6) above” substitute “paragraph 4(5) of Part I of Schedule 2 to the 1985 Order”. In subsection (9) – (a) for the words “subsection (6) above” substitute “paragraph 4(5) of Part I of Schedule 2 to the 1985 Order”; and (b) for the words “that subsection” substitute “that sub-paragraph”. Omit subsection (11).
In section 12 (offences as to declarations etc.), subsections (3) and (4)	
Section 27 (interpretation)(145)	In subsection (1), omit the definition of “European Parliamentary election”. In subsection (2), omit the words from “and sections 5 to 7A” to the end.

ANNEX

Form of front of ballot paper

(145) Section 27(1) was repealed in part by the Schedule to the European Communities (Amendment) Act 1986 (c. 58) and subsection (2) was amended by Schedule 6 to the Representation of the People Act 2000 (c. 2).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Northern Ireland Assembly (Elections) (Amendment) Order 2009 No. 256

Mark order of preference in space below	
	 <p style="text-align: center;">BITTERN (Richard Bittern of 5 Down Street, Bangor, Co. Down. Democratic Unionist Party)</p>
	<p style="text-align: center;">DIPPER (JOANNA Dipper of 9 Mourne View, Donaghadee, Co. Down. Independent)</p>
	 <p style="text-align: center;">DIPPER (MARTIN Dipper of 8 Magilligan Drive, Portaferry, Co. Down. SDLP (Social Democratic and Labour Party))</p>
	 <p style="text-align: center;">FINCH (John Finch of 29 Gilford Place, Millisle, Co. Down. Sinn Fein)</p>
	<p style="text-align: center;">KITE (Julie Kite of Glen Cottage, Banbridge, Co. Down. Independent)</p>
	 <p style="text-align: center;">LINNET (Harry Linnet of 7 Gortin Mansions, Dromara, Co. Down. Ulster Unionist Party)</p>
	<p style="text-align: center;">ROBIN (David Robin of 3 Strangford Road, Killinchy, Co. Down. Independent)</p>
	<p style="text-align: center;">SPARROW (Anne Sparrow of 41 Devenish Drive, Ballynahinch, Co. Down. Independent)</p>
	<p style="text-align: center;">SWALLOW (Peter Swallow of 3 Mourne View, Bangor, Co. Down. Independent)</p>
	<p style="text-align: center;">SWIFT (Lee Swift of 11 Moira Terrace, Newry, Co. Down. Independent)</p>

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. The following arrangements shall be observed in the printing of the front of the ballot paper—

- (a) apart from the instruction “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 and words forming part of emblems;
 - (b) no rules shall be printed on the face except the horizontal rule separating the instruction mentioned in paragraph (a) from the particulars of the candidates and the horizontal rules separating the particulars of the candidates from one another and the vertical rule separating those particulars and emblems from the spaces on the left side of the paper where the order of preference is to be marked (except where paragraph 3(d) applies in which case each column must be separated by a double vertical rule);
 - (c) the whole space between the horizontal rule after the instruction mentioned in paragraph (a) and the bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.
 - (a) the front of the ballot paper shall contain the names, addresses 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 bearing the same surname, in alphabetical order of their other names, or if the names are the same, in the alphabetical order of their home addresses or descriptions;
 - (b) the surname of each candidate shall be printed by itself in large capitals, and the candidate’s full name, address and description (as given on the statement of persons nominated) shall be printed underneath (subject to paragraph (c)) in ordinary type;
 - (c) where the surnames of two or more candidates are the same there shall be printed in small 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 with the number and other unique identifying mark printed on the back in or about the centre of the paper.
4. 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 candidate’s particulars from the spaces where the vote is to be marked; and
 - (b) its size as printed shall not exceed two centimetres square”.

SCHEDULE 2

Article 3(3)

For Schedule 2 to the 2001 Order substitute—

“SCHEDULE 2

Article 3(2)

APPLICATION AND MODIFICATION OF PROVISIONS OF THE 2008 REGULATIONS,
THE ELECTION PETITIONS RULES 1964 AND THE PLANNING (CONTROL
OF ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND) 1992

<i>Provision applied</i>	<i>Modifications</i>
REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) REGULATIONS 2008(146)	
Regulation 3 (interpretation)	In paragraph (1) for the definition of “candidate” substitute ““candidate” means a person having been nominated or declared himself a candidate for election as a member of the Assembly;”.
Regulation 4 (forms)	
Regulation 5 (communication of applications, notices, etc.)	
Regulation 6 (electronic signatures and related certificates)	
Regulation 7 (copies of documents)	
Regulation 8 (time)	
Regulation 9 (official poll card at parliamentary elections)	
Regulation 10 (return and declaration of election expenses)	
Regulation 11 (interference with notices etc.)	
Regulation 12 (device referred to in rule 29 (3A)(b) of the parliamentary elections rules)	
Regulation 40 (representations regarding clerical errors)	
Regulation 44 (notices in connection with registration)	
Regulation 45 (communication of notices made on polling day)	
Regulation 54 (interpretation of Part IV)	
Regulation 55 (general requirements for an absent vote)	
Regulation 56 (additional requirements for the appointment of a proxy)	
Regulation 59 (additional requirements for applications in respect of a particular election)	In paragraphs (4)(b) and (6)(d) for the words from “one” to the end of each of those subparagraphs, substitute —

<i>Provision applied</i>	<i>Modifications</i>
	<p>“(i) a registered medical practitioner; (ii) a registered nurse; or (iii) a Christian Science practitioner”.</p> <p>In paragraph (8)(b) omit the words from “or any other” to the end.</p>
Regulation 60 (additional requirements for applications by proxies to vote by post at a particular election)	
Regulation 61 (closing date for applications)	<p>In paragraph (1) for the words “section 6(1) or (5), 8(6) or 9(4) of the 1985 Act” substitute “ paragraph 1(1) or (5), 3(5) or 4(4) of Part I of Schedule 2 to the 1985 Order, as those paragraphs have effect for the purposes of the compilation of the special lists under sections 7(4) and 9(9) of the 1985 Act at an Assembly election,”.</p> <p>In paragraph (4) for the words from the beginning of sub-paragraph (a) to “section 8(9) of that Act” substitute “under paragraph 1(4)(a) or 4(10)(a) of Part I of Schedule 2 to the 1985 Order and a notice under paragraph 3(8) of that Part, as those paragraphs have effect for the purposes of the compilation of the special lists under sections 7(4) and 9(9) of the 1985 Act at an Assembly election,”.</p> <p>In paragraph (6) from the beginning of sub-paragraph (a) to the end of the paragraph substitute “a day which is a bank holiday under the Banking and Financial Dealings Act 1971 (147)in Northern Ireland”.</p>
Regulation 62 (grant or refusal of applications)	Omit paragraph (3).
Regulation 66 (record and lists kept under sections 6, 7 and 9 of Act of 1985)	Omit paragraph (2).
Regulation 67 (marked register for polling stations)	
Regulation 68 (certificate of employment)	
Regulation 69 (form of Corresponding number lists)	
Regulation 70 (interpretation of Part 5)	
Regulation 71 (form of declaration of identity)	

<i>Provision applied</i>	<i>Modifications</i>
Regulation 72 (persons entitled to be present at proceedings on issue and receipt of postal ballot papers)	
Regulation 73 (agents of candidates who may attend proceedings on issue or receipt of postal ballot papers)	
Regulation 74 (notification of requirement of secrecy)	
Regulation 75 (notice of issue of postal ballot papers)	
Regulation 76 (procedure on issue of postal ballot paper)	
Regulation 77 (refusal to issue postal ballot paper)	
Regulation 78 (envelopes)	
Regulation 79 (sealing up of completed corresponding number lists and security of special lists)	
Regulation 80 (delivery of postal ballot papers)	
Regulation 81 (spoilt postal ballot papers)	
Regulation 82 (notice of opening of postal ballot paper envelopes)	
Regulation 83 (postal ballot boxes and receptacles)	
Regulation 84 (receipt of covering envelope)	
Regulation 85 (opening of postal voters' ballot box)	In paragraph (3) for the words “rule 45” substitute “rule 44B”
Regulation 86 (opening of covering envelopes)	After paragraph (4) insert— <p>“(5) Where an envelope opened in accordance with paragraph (1) contains a declaration of identity (whether separately or not), the returning officer must place a mark in the marked copy of the postal voters list or the proxy postal voters list in a place corresponding to the number of the elector to denote that a postal vote has been returned as provided for in rule 31A of the elections rules.</p> <p>(6) A mark made under paragraph (5) must be distinguishable from and must not obscure the mark made under regulation 76.</p> <p>(7) As soon as practicable after the last covering envelope has been opened, the returning officer must make up into a packet the</p>

<i>Provision applied</i>	<i>Modifications</i>
	copy of the marked postal voters list and the proxy postal voters list that has been marked in accordance with paragraph (5) and must seal such a packet. (8) In this regulation “postal voters list” and “proxy postal voters list” have the same meaning as in the elections rules.”.
Regulation 87 (procedure in relation to declarations of identity)	In paragraph (1)(b), for the words “rule 45(2)(b) and (2A)” substitute “rule 44B(3)(b) and (4)”.
Regulation 88 (opening of ballot paper envelopes)	
Regulation 89 (sealing of receptacles)	
Regulation 90 (abandoned poll)	
Regulation 91 (forwarding of documents)	For paragraph (1) substitute— “(1) The returning officer shall retain for the period of one year after the date of the poll any packets referred to in regulations 79, 81(5), and 89 above endorsing on each packet a description of its contents and the name of the constituency and, after the expiry of that period, cause those packets to be destroyed, unless otherwise directed by order of the High Court.”. In paragraph (2), for the words “forward it at a subsequent date in the manner described in paragraph (1) above” substitute “retain it and subsequently deal with it in the manner described in paragraph (1) above”. In paragraph (3) for the word “forwarded” substitute “retained”. In paragraph (4) for the words “A copy of the statement referred to in paragraph (1)(b) above” substitute “A completed statement in Form N of the number of postal ballot papers issued”.
Regulation 115 (interpretation of part 7)	
Regulation 116 (supply of marked registers and lists after an election)	
Regulation 117 (inspection of documents open to public inspection)	
Regulation 118 (conditions on use, supply and disclosure of documents open to public inspection)	
Regulation 119 (fees relating to the supply of marked registers and lists)	

<i>Provision applied</i>	<i>Modifications</i>
SCHEDULE 3 (FORMS)	
Form A (elector’s official poll card)	<p>On the back of the form, for the third paragraph substitute:</p> <p>“Go to one of the compartments. Number the candidates in order of your preference, putting “1” against the candidate of your 1st preference, “2” against your 2nd preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish. Put no other mark on the ballot paper, or your vote may not be counted.”.</p> <p>Omit the fifth paragraph.</p>
Form B (proxy’s official poll card)	
Form C (return of expenses required by section 75 of the 1983 Act)	
Form D (declaration as to expenses required by section 75 of the 1983 Act)	
Form F (certificate of employment)	
Form G (Corresponding Number List to be used at a parliamentary election taken alone)	
Form H (Corresponding Number List to be used in polling stations at parliamentary election taken alone)	
Form J (Corresponding Number List to be used when a parliamentary election is combined with another election)	
Form K (Corresponding Number List to be used in polling station when a parliamentary election is combined with another election)	
Form L (declaration of identity)	<p>In the instructions to voters on the back of the form, for paragraphs 2 and 3 substitute:</p> <p>“2. Mark your vote by putting “1” against the candidate of your first choice, “2” against the candidate of your second choice and so on. Do this secretly; if you cannot vote without assistance, the person assisting you must not disclose how you have voted.</p> <p>3. You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate. Put no</p>

<i>Provision applied</i>	<i>Modifications</i>
	other mark on the ballot paper, or your vote may not be counted.”.
Form M (declaration of identity (combined polls))	<p>On the front of the form for “ELECTION OF DISTRICT COUNCILLORS” substitute “NORTHERN IRELAND ASSEMBLY ELECTION”.</p> <p>In the instructions to voters on the back of the form, for paragraphs 2 and 3 substitute:</p> <p>“2. Mark your vote by putting “1” against the candidate of your first choice, “2” against the candidate of your second choice and so on. Do this secretly; if you cannot vote without assistance, the person assisting you must not disclose how you have voted.</p> <p>3. You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate. Put no other mark on the ballot paper, or your vote may not be counted.”.</p>
Form N (statement as to postal ballot papers)	
ELECTION PETITION RULES 1964(148)	
Rule 1 (citation, commencement and application)	
Rule 2 (interpretation)	
Rule 3 (form of petition)	In paragraph (1)(b) omit the words from “and the” to the end of the sub-paragraph.
Rule 4 (security for costs)	
Rule 5	
Rule 5A (notice of presentation of the petition)	
Rule 6 (notice of objection to recognisance)	
Rule 7 (list of petitions)	
Rule 8 (time and place of trial)	
Rule 9 (evidence)	
Rule 10 (order to compel attendance of witness)	
Rule 12 (witnesses expenses)	
Rule 13 (case stated)	

(148) The Rules have been amended by [S.R. & O. \(N.I.\) 1985 No.347](#).

<i>Provision applied</i>	<i>Modifications</i>
Rule 14 (withdrawal of petition)	
Rule 15 (application to stay or dismiss petition)	
Rule 17 (notice of intention not to oppose petition)	
Rule 19 (duty to file copies)	
Rule 20 (cost of publication)	
Rule 21 (notice of appointment of respondent's solicitor)	
Rule 22 (service of notices)	
Rule 23 (forfeiture of recognisance)	
Rule 24 (payment from deposit on default)	
Rule 25 (recognisance and deposit)	
Rule 26 (discharge of recognisance and deposit)	
Rule 27 (time)	
Schedule A (form of petition)	In paragraph 2 omit the words "to the Clerk of the Crown".
Schedule B (form of order to compel attendance of witness)	
THE PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND) 1992	
Regulation 2 (interpretation)	
Regulation 4 (requirement for consent)	
Schedule 1 (standard conditions)	
In Schedule 2 (classes of advertisements to which the prohibition in regulation 4(1) does not apply), class F(149)	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Northern Ireland Assembly (Elections) Order 2001 ("the 2001 Order") principally to make provision for changes made by the Electoral Administration Act 2006 and to apply the Representation of the People (Northern Ireland) Regulations 2008.

(149) This provision has been amended but the amendment is not relevant to the subject matter of this Order.

Article 4 makes clear that a person may only vote as an elector once at an Assembly election. Entitlement to vote as an elector at an Assembly election is by reference to entitlement to vote as an elector at a local election and a person may only do that once.

Article 6 makes new provision for the appointment of replacement members of the Assembly (“MLA”) when a seat becomes vacant. Instead of candidates providing lists of substitutes at the time their nomination papers are delivered, if a seat becomes vacant the nominating officer of the relevant party will be asked to nominate a replacement to be returned as the MLA for the vacant seat. The relevant party is the one on whose behalf the MLA was elected. The existing position is preserved for independent members of the Assembly who may still provide lists of substitutes except these are to be provided only once an independent MLA has been elected rather than at the time he or she is nominated.

Schedule 1 substitutes a new Schedule 1 to the 2001 Order. That schedule applies provisions of the Representation of the People Act 1983 (“the 1983 Act”), The Elections (Northern Ireland) Act 1985 and the Representation of the People Act 1985. The application of the 1983 Act has been updated to reflect changes made to it by the Electoral Administration Act 2006 and the Northern Ireland (Miscellaneous Provisions) Act 2006.

Schedule 2 substitutes a new Schedule 2 to the 2001 Order to reflect the repeal of the Representation of the People (Northern Ireland) Regulations 2001 and their replacement by the Representation of the People (Northern Ireland) Regulations 2008. Relevant provisions of those regulations, with modifications as appropriate, will now be applied to Assembly elections.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.