

Draft Regulations laid before Parliament under section 201(2) of the Representation of the People Act 1983 and section 13(2) of the European Parliamentary Elections Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No.

**REPRESENTATION OF THE
PEOPLE, NORTHERN IRELAND**

**The European Parliamentary Elections (Northern
Ireland) (Amendment) (No. 2) Regulations 2013**

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

The Secretary of State has consulted the Electoral Commission prior to this Order being made in accordance with section 7(1) and (2)(a) and (e) of the Political Parties, Elections and Referendums Act 2000(1).

In accordance with section 201(2) of the Representation of the People Act 1983(2) and section 13(2) of the European Parliamentary Elections Act 2002(3), a draft of these Regulations has been laid before and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Regulations in exercise of the powers conferred by section 15(5) of the Representation of the People Act 1985(4) and section 7(1)(a) and (4A) of the European Parliamentary Elections Act 2002(5).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the European Parliamentary Elections (Northern Ireland) (Amendment) (No. 2) Regulations 2013 and come into force on the day after the day on which they are made.

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- (1) 2000 c. 41. Section 7(2)(a) was amended by section 15 of, and paragraph 8 of Schedule 3 to, the European Parliamentary Elections Act 2002 (c. 24).
- (2) 1983 c. 2; section 201(2) was substituted by paragraph 69 of Schedule 4 to the Representation of the People Act 1985 (c. 50) and amended by article 5(b) of S.I. 1991/1728 and paragraph 6 of Schedule 21 to the Political Parties, Elections and Referendums Act 2000 (c. 41). By virtue of section 27(2) of the Representation of the People Act 1985, regulations made under section 15 of that Act are treated as having been made under the Representation of the People Act 1983.
- (3) 2002 c. 24.
- (4) 1985 c. 50; section 15 was amended by section 3 of the European Communities (Amendments) Act 1986 (c. 58) and section 3 of the Elections Act 2001 (c. 7).
- (5) Subsection (4A) was inserted by section 22 of the European Parliament (Representation) Act 2003 (c. 7).

(2) These Regulations extend to Northern Ireland only.

Amendment of the European Parliamentary Elections Rules

2.—(1) Schedule 1 to the European Parliamentary Elections (Northern Ireland) Regulations 2004 (European Parliamentary Elections Rules)(6) is amended as follows.

(2) In rule 31 (appointment of polling and counting agents), in paragraph (4) for “second” substitute “fifth”.

Amendment of Schedule 6 to the European Parliamentary Elections (Northern Ireland) Regulations 2004

3.—(1) Schedule 6 to the European Parliamentary Elections (Northern Ireland) Regulations 2004(7) is amended as follows.

(2) After paragraph 14, insert—

“**14A.** In rule 49 (attendance at verification of ballot paper accounts), in paragraph (2), after sub-paragraph (e) insert—

“(f) persons who fall within sub-paragraphs (a) to (f) of rule 44(1) of Schedule 5 to the Electoral Law Act (Northern Ireland) 1962 (local elections rules)(8) or, as the case may be, sub-paragraphs (a) to (e) of rule 44(2) of Schedule 1 to the Representation of the People Act 1983 (parliamentary elections rules)(9).”

14B. In rule 50 (procedure at verification of ballot paper accounts)—

(a) before paragraph (1) insert—

“(A1) Where separate ballot boxes have been used for the poll at the European Parliamentary election and the poll at a relevant election, the verifying officer must, in the presence of the counting agents for each such election—

- (a) open each ballot box for the European Parliamentary election and for a relevant election;
- (b) from each ballot box for the European Parliamentary election, take out any ballot papers for a relevant election and place them in a ballot box for the relevant election; and
- (c) from each ballot box for a relevant election, take out any ballot papers for the European Parliamentary election and place them in a ballot box for the European Parliamentary election.”;

(b) in paragraph (1)(a), after “each ballot box” insert “(if not already opened in accordance with paragraph (A1)).”.

(3) After paragraph 17, insert—

“**17A.** In the Appendix of Forms at the end of Schedule 1, in Form A (the ballot paper)—

(a) on the front of the ballot paper, at the top of that form insert the heading “European Parliamentary Election”; and

(6) [S.I. 2004/1267](#); Schedule 1 was substituted in its entirety by Schedule 1 to [S.I. 2009/813](#).

(7) Schedule 6 was substituted in its entirety by Schedule 4 to [S.I. 2009/813](#).

(8) [1962 c. 14 \(N.I.\)](#); Schedule 5 was substituted in its entirety by [S.I. 1985/454](#) and rule 44 was amended by paragraph 58 of Schedule 1 to the Electoral Administration Act 2006 ([c. 22](#)) and [S.I. 2010/2977](#).

(9) [1983 c. 2](#); rule 44 was amended by paragraph 85 of Schedule 1 to the Electoral Administration Act 2006 ([c. 22](#)) and section 48 of the Constitutional Reform and Governance Act 2010 ([c. 25](#)).

- (b) in the directions as to printing the ballot paper, in paragraph 2(a), after “apart from” insert “the heading “European Parliamentary Election” at the top of the ballot paper and”.

Date

Minister of State
Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make changes to the European Parliamentary Elections (Northern Ireland) Regulations 2004 (the “2004 Regulations”). The European Parliamentary Elections Rules are contained in Schedule 1 to the 2004 Regulations. Schedule 6 to the 2004 Regulations makes provision for when the poll at a European Parliamentary election is held together with the poll at a parliamentary election or a local election in Northern Ireland.

Regulation 2 amends rule 31 of the European Parliamentary Elections Rules to allow candidates to notify the appointment of polling and counting agents to the returning officer on the fifth day, rather than the second day, before the poll. This is consistent with the position at local, Assembly and parliamentary elections in Northern Ireland.

Regulation 3(2) inserts paragraphs 14A and 14B into Schedule 6. Paragraph 14A provides that when elections are combined, persons entitled to attend the count for another election held together with a European Parliamentary election are entitled to attend the verification process for a European Parliamentary election. Paragraph 14B provides that where separate ballot boxes have been used at a combined election, the ballot boxes for each election can be opened at the start of the verification process in order to separate ballot papers which have been placed in the wrong ballot box.

Regulation 3(3) inserts paragraph 17A into Schedule 6 to provide that, when elections are combined, the name of the election will be included at the top of the ballot paper.

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