

*This draft instrument replaces the one which was laid on 24 October 2013 and withdrawn on 30 October 2013.*

*Draft Order laid before Parliament under section 84(4) of the Northern Ireland Act 1998, for approval by resolution of each House of Parliament.*

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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

**NORTHERN IRELAND**

**The Local Elections (Northern Ireland) Order 2013**

*Made* - - - - **\*\*\***

*Coming into force* - - **\*\*\***

At the Court at Buckingham Palace, the **\*\*\*** day of 2013

Present,

The Queen's Most Excellent Majesty in Council

In accordance with section 7(3) of the Political Parties, Elections and Referendums Act 2000<sup>(1)</sup>, the Electoral Commission has been consulted prior to this Order being laid before Parliament.

In accordance with section 84(4) of the Northern Ireland Act 1998<sup>(2)</sup> a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Accordingly, Her Majesty, in exercise of the powers conferred on Her by section 84(1), (1A), (2) and (3) of the Northern Ireland Act 1998<sup>(3)</sup>, is pleased, by and with the advice of Her Privy Council, to order as follows:

*Introductory*

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Local Elections (Northern Ireland) Order 2013 and it comes into force on the day after the day on which it is made.

(2) Subject to paragraph (3), this Order extends to Northern Ireland only.

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(1) 2000 c. 41.

(2) 1998 c. 47.

(3) Section 84(1A) was inserted by section 3(4) of the Elections Act 2001 (c. 7).

(3) An amendment made by this Order has the same extent as the enactment (or part of an enactment) amended.

## Interpretation

2.—(1) In this Order—

“the 1962 Act” means the Electoral Law Act (Northern Ireland) 1962(4);

“the 1985 Order” means the Local Elections (Northern Ireland) Order 1985(5);

“existing council” means a district council for a local government district established in pursuance of section 1 of the Local Government (Boundaries) Act (Northern Ireland) 1971(6), and “existing councillor” means a member of such a council;

“new council” means a district council for a local government district established in pursuance of section 1 of the Local Government (Boundaries) Act (Northern Ireland) 2008(7), and “new councillor” means a member of such a council.

(2) The Interpretation Act (Northern Ireland) 1954(8) applies to article 1 and this article and the following provisions of this Order, save for article 9, as it applies to an Act of the Assembly.

### *Changes to the law on local elections*

## Date of local elections and voters waiting at polling station at close of poll

3.—(1) The 1962 Act is amended as follows.

(2) In section 11 (election and term of office of district councils)(9), for subsections (1) and (1A) substitute—

“(1) A local election year as respects any district council is 2014 and 2019 and every fourth year thereafter.

(1A) The election day as respects any district council is—

(a) in the year 2014, 22nd May;

(b) in any other local election year, the first Thursday in May.”.

(3) In section 130 (interpretation)(10), in subsection (1), in the definition of “election day” for “section 11(1) and (1A)” substitute “section 11(1A)”.

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(4) 1962 c. 14 (N.I.).

(5) S.I. 1985/454.

(6) 1971 c. 9; section 3 of the Local Government (Boundaries) Act (Northern Ireland) 2008 (c. 7) repeals this Act, but the repeal is not yet in force (see below).

(7) 2008 c. 7; section 1 of this Act (which provides for the new local government districts) came into force one week after Royal Assent only for the purpose of the exercise by the Department of the Environment and the Local Government Boundaries Commissioner of their functions under section 50 of, and Schedule 4 to, the Local Government Act (Northern Ireland) 1972 (N.I. 9), and the exercise by the Secretary of State and the District Electoral Areas Commissioner of their functions under Article 2 of the District Electoral Areas Commissioner (Northern Ireland) Order 1984. Sections 1 and 3(1) came into force on 3 October 2013 for the purpose of: (a) elections to district councils for the new local government districts established under that Act; (b) the application of certain provisions of the Local Government Act (Northern Ireland) 1972 (N.I. 9) to those new councils; and (c) certain provisions of Northern Ireland legislation relating to budgets and rates. Sections 1 and 3 will come into force for all other purposes on 1st April 2015: S.R. 2013/238. This means that for the purpose of elections to the new councils, all references in legislation to a “district council” will be to a new council.

(8) 1954 c. 33 (N.I.).

(9) Section 11 was substituted by S.I. 1972/1264 (N.I. 13), and was amended by S.I. 1972/1998 (N.I. 21); S.I. 1977/428; S.I. 1985/454; S.I. 1985/1208 (N.I. 15); section 4 of the Elected Authorities (Northern Ireland) Act 1989 (c. 3); S.I. 1992/810 (N.I. 6); S.I. 2005/862; S.I. 2009/225; and S.I. 2010/1178.

(10) Section 130 was amended by Schedule 4 to the Electoral Law Act (Northern Ireland) 1968 (c. 20) (N.I.); section 1 of and Schedules 1 and 2 to, the Electoral Law Act (Northern Ireland) 1969 (c. 26) (N.I.); S.I. 1972/1264 (N.I. 13); S.I. 1977/428; S.I. 1985/454; S.I. 1987/168; section 11 of, and Schedule 3 to, the Elected Authorities (Northern Ireland) Act 1989 (c. 3); S.I. 1995/1948; S.I. 2001/417; S.I. 2010/2977; S.I. 2011/2085; and, in relation to the definition of “Minister” and “Ministry”, the functions of the Minister and Ministry of Home Affairs were transferred to the Secretary of State by S.I. 1973/2163.

(4) In Schedule 5 (local elections rules), in rule 34 (voting procedure)(**11**), after paragraph (1) insert—

“(1A) A voter who at the close of the poll is in the polling station, or in a queue outside the polling station, for the purpose of voting is (despite the close of the poll) entitled to apply for a ballot paper under paragraph (1); and these rules apply in relation to such a voter accordingly.”.

*Temporary modifications to facilitate transition from the existing councils to the new councils*

**Temporary modifications relating to the continuation of existing councils**

4.—(1) Existing councillors shall retire together on 1st April 2015.

(2) In relation to an existing council and existing councillors, the 1962 Act applies with the following modifications.

(3) In section 11 (election and term of office of members of district councils)—

(a) subsection (2)(c) does not apply;

(b) subsection (3) applies as if—

(i) for the words “in any district council area” there were substituted “to a district council for a local government district established in pursuance of section 1 of the Local Government (Boundaries) Act (Northern Ireland) 2008”, and

(ii) for the words “the provisions of subsection (2) relating to the retirement of members” there were substituted “article 4(1) of the Local Elections (Northern Ireland) Order 2013”; and

(c) subsection (4) applies as if for the words “in any local election year” to the end there were substituted—

“on or after 1st January 2015, be deemed to have been caused by the expiry of the normal term of office, and in any other case shall be filled in accordance with subsection (4A).”.

(4) Section 11K applies as if—

(a) in subsection (1)(b), for “the first day” to the end there were substituted “1st January 2015”;

(b) in subsection (2), for “the day on which” to the end there were substituted “1st January 2015”; and

(c) in subsection (3), the words “and accordingly” to the end were omitted.

(5) Section 28(7) (preparation and publication of registers)(**12**) applies as if for the words “the election day” to the end there were substituted “1st April 2015”.

**Temporary modifications relating to the first election of new councils**

5.—(1) The following modifications apply for the purposes of elections to a new council under section 11(2)(a) of the 1962 Act in the local election year 2014.

(2) Section 23 of the 1962 Act (remuneration and expenses of Chief Electoral Officer and other persons at local election)(**13**) applies as if in subsection (4), for the words “local authority

(11) Schedule 5 was substituted in its entirety by S.I. 1985/454. Rule 34 was amended by S.I. 1987/168; S.I. 1991/1715; S.I. 2001/417; S.I. 2002/2835; S.I. 2003/1245; Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); and S.I. 2010/2977. In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment.

(12) Subsections (1) to (6) of section 28 were repealed by the Elected Authorities (Northern Ireland) Act 1989 (c. 3) and subsection (7) was amended by the Electoral Law Act (Northern Ireland) 1971 (c. 4) and by Schedule 2 of S.I. 1972/1264 (N.I. 13).

(13) Section 23 was amended by S.I. 1972/1264 (N.I. 13); S.I. 1972/1998 (N.I. 21); and S.I. 1985/454.

by which such expenses are to be paid” there were substituted “the statutory transition committee, established under the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013<sup>(14)</sup>, in relation to the local authority concerned”.

(3) Article 9 of the Electoral Law (Northern Ireland) Order 1972<sup>(15)</sup> applies as if for paragraph (2) there were substituted—

“(2) The deputy returning officer for an election to a district council—

- (a) is to be a person appointed for that purpose by the statutory transition committee for that council established under the Local Government (Statutory Transition Committees) Regulations (Northern Ireland) 2013; and
- (b) must perform, on behalf of the Chief Electoral Officer, such functions in relation to those elections as shall be delegated to him by the Chief Electoral Officer.

(2A) The appointment mentioned in paragraph (2)(a) must be made in consultation with the Electoral Commission.”.

### **Temporary modifications relating to the designation of polling stations**

6.—(1) The Electoral Law (Polling Station Scheme) (Northern Ireland) Regulations 2010<sup>(16)</sup> apply to the publication of a draft scheme under section 65(1A) of the 1962 Act in 2014 with the following modifications.

(2) In regulation 5 (publication of draft scheme), paragraph (1) applies as if for the words “on or before 1st December in a draft scheme year” there were substituted “as soon as practicable after 1st February 2014”.

(3) In regulation 7 (objections or proposals), paragraph (2) applies as if for the words “at least twelve weeks” there were substituted “a reasonable period in all the circumstances”.

### **Temporary modifications relating to the appointment of the Drainage Council**

7. Paragraph 3(1) of Schedule 1 to the Drainage (Northern Ireland) Order 1973<sup>(17)</sup> applies to the appointment of members of the Drainage Council in 2015 as if for the words “the date on which a local general election is held in that year under section 11(2) of the Electoral Law Act (Northern Ireland) 1962” there were substituted “1st April 2015”.

### **Temporary modifications relating to casual vacancies in new councils and existing councils**

8.—(1) The following provisions apply during the period beginning on the fourth day after the election day (within the meaning of section 11(1A) of the 1962 Act) in 2014 and ending on 31st March 2015.

(2) Where a casual vacancy (within the meaning of section 11(4) of the 1962 Act) arises in an existing council, any reference in the 1962 Act to a district council or a local authority must be taken for the purpose of filling that vacancy as referring to the existing council.

(3) Where a casual vacancy (within the meaning of section 11(4) of the 1962 Act) arises in a new council, any reference in the 1962 Act to a district council or a local authority must be taken for the purpose of filling that vacancy as referring to the new council.

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<sup>(14)</sup> S.R. 2013/179.

<sup>(15)</sup> S.I. 1972/1264 (N.I. 13); article 9 was amended by S.I. 1972/1998 (N.I. 21) and S.I. 1973/2163. Article 9(3) no longer has any application.

<sup>(16)</sup> S.I. 2010/1532.

<sup>(17)</sup> S.I. 1973/69 (N.I. 1); Schedule 1 was amended by S.I. 2009/225 and functions were transferred to the Department of the Environment by S.I. 1982/338 (N.I. 6).

*Changes consequential on Northern Ireland legislation on local government boundaries*

**Consequential changes to polling districts and places for parliamentary elections**

9.—(1) The Representation of the People Act 1983<sup>(18)</sup> is amended as follows.

(2) In section 18A (polling districts at parliamentary elections)<sup>(19)</sup>—

(a) in the heading, at the end insert “: Great Britain”; and

(b) after subsection (5) insert—

“(6) This section does not apply to Northern Ireland.”.

(3) After section 18A insert—

**“Polling districts at parliamentary elections: Northern Ireland**

**18AA.**—(1) Every constituency in Northern Ireland is to be divided into polling districts.

(2) The Secretary of State must—

(a) divide Northern Ireland into polling districts for the purpose of parliamentary elections, and

(b) keep the polling districts under review.

(3) The Secretary of State must seek to ensure that all electors in Northern Ireland have such reasonable facilities for voting as are practicable in the circumstances.

(4) Before dividing Northern Ireland into polling districts under subsection (2)(a) or completing a review under subsection (2)(b), the Secretary of State must consult—

(a) the Electoral Commission, and

(b) any other person the Secretary of State considers appropriate.

(5) If an alteration of polling districts is made under this section—

(a) the Chief Electoral Officer for Northern Ireland must make such adaptations of the registers of parliamentary electors maintained by that officer as are necessary to take account of the alteration, and

(b) the alteration is effective on the date on which the Chief Electoral Officer publishes a notice stating that the adaptations have been made.”.

(4) In section 18C (review of polling districts and places)—

(a) in the heading, at the end insert “: Great Britain”; and

(b) after subsection (6) insert—

“(7) This section does not apply to Northern Ireland.”.

(5) After section 18C insert—

**“Review of polling places: Northern Ireland**

**18CA.**—(1) The Chief Electoral Officer for Northern Ireland must, during each compulsory review year, carry out and complete a review under section 18B of all the polling places in Northern Ireland.

(2) The compulsory review years are 2014 and every fifth year after that.

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<sup>(18)</sup> 1983 c. 2.

<sup>(19)</sup> Sections 18A to 18E were substituted for section 18 by section 16 of the Electoral Administration Act 2006 (c. 22).

(3) Subsection (1) does not prevent the Chief Electoral Officer carrying out a review under section 18B of some or all of the polling places in Northern Ireland at other times.

(4) Subsection (1) does not require the Chief Electoral Officer to carry out and complete a review of all the polling places in Northern Ireland during a compulsory review year if reviews under section 18B of all those polling places are completed during the previous year.

(5) Schedule A1, except paragraphs 2 and 3, has effect in relation to a review under section 18B of polling places in Northern Ireland.”

(6) In section 18E (sections 18A to 18D: supplemental)—

(a) in subsection (3), after paragraph (c) insert—

“(d) in relation to Northern Ireland, the Chief Electoral Officer for Northern Ireland.”;

(b) omit subsection (4).

*Changes to the law on local elections when combined with European Parliamentary elections*

**Combination of polls**

**10.**—(1) Where the poll at a local election is taken together with the poll at a European Parliamentary election (under section 15(1) or (2) of the Representation of the People Act 1985<sup>(20)</sup>), Schedule 5 to the 1962 Act (local elections rules) and Part 3 of Schedule 2 to the 1985 Order (issue and receipt of ballot papers) have effect subject to the modifications in the Schedule.

(2) Paragraph (1) does not apply when the poll at a local election is taken together with the poll at a parliamentary election.

*Richard Tilbrook*  
Clerk of the Privy Council

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<sup>(20)</sup> 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).

## SCHEDULE

Article 10

### Combination of polls

#### Modification of the Local Elections Rules

1. Schedule 5 to the 1962 Act (local elections rules) applies with the modifications in paragraphs 2 to 23.

2. The Schedule applies as if after rule 3A there were inserted—

#### “Meaning of European Parliamentary election

**3B.** In this Schedule, “the European Parliamentary election” means the European Parliamentary election the poll at which is taken together with the poll at the local election.”.

3. Rule 16 (ballot papers)(**21**) applies as if in paragraph (2), after sub-paragraph (c) there were inserted—

“(ca) must be of a different colour from that of any ballot paper used at the European Parliamentary election;”.

4. Rule 20 (notice of poll)(**22**) applies as if after paragraph (2) there were inserted—

“(3) The notice published under paragraph (2) must state that the poll at the local election is to be taken together with the poll at the European Parliamentary election.”

5. Rule 21 (postal ballot papers)(**23**) applies as if in paragraph (1), after “identity in the” there were inserted “relevant”.

6. Rule 25 (issue of official poll cards)(**24**) applies as if after paragraph (3) there were inserted—

“(3A) An official poll card issued under this rule may be combined with an official poll card issued at the European Parliamentary election, with necessary adaptation.”.

7. Rule 26 (equipment of polling stations)(**25**) applies as if—

(a) after paragraph (1) there were inserted—

“(1A) The same ballot box may be used for the poll at the local election and the poll at the European Parliamentary election.

(1B) Where separate ballot boxes are used, each ballot box must be clearly marked with—

(a) the election to which it relates, as shown on the ballot papers for that election; and

(b) the words “Please insert the *[specify colour of ballot papers in question]* coloured ballot papers in here.”.”;

(b) after paragraph (3A) there were inserted—

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(21) Rule 16 was amended by [S.I. 1987/168](#); [S.I. 2001/417](#); Schedule 1 to the Electoral Administration Act 2006 (c. 22); and [S.I. 2010/2977](#). Note that paragraph (2)(d) was omitted by [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.

(22) Rule 20 was amended by [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.

(23) Rule 21 was amended by [S.I. 1972/1264](#); [S.I. 1987/168](#); and [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.

(24) Rule 25 was amended by [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.

(25) Rule 26 was amended by [S.I. 2001/417](#); Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); and [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.

“(3B) The large version of the ballot paper referred to in paragraph (3A)(a) above must be printed on paper of the same colour as the ballot papers (other than tendered ballot papers) for use at the local election.”; and

(c) after paragraph (4) there were inserted—

“(4A) The notice referred to in paragraph (4) must—

(a) clearly indicate the election to which it relates; and

(b) be printed on paper of the same colour as the ballot papers (other than tendered ballot papers) for use at the local election.”.

**8.** Rule 29 (admission to polling station)(**26**) applies as if in paragraph (1), after sub-paragraph (f) there were inserted—

“(fa) persons entitled to be admitted at the European Parliamentary election;”.

**9.** Rule 32 (questions to be put to voters)(**27**) applies as if in question (ii) of each of paragraphs (1) (a) and (1)(b) and in the second question in paragraph (2), after “at this” there were inserted “local”.

**10.** Rule 34 (voting procedure) applies as if after paragraph (9) there were inserted—

“(10) The same copy of the register of electors (or as the case may be the notice issued under section 13BA(9) of the 1983 Act(**28**)) may be used under paragraph (1) for the local election and the European Parliamentary election.

(11) One mark may be placed in that register (or on that notice) under paragraph (1) (d) or in the list of proxies under paragraph (1)(e) to denote that a ballot paper has been received in respect of each election.

(12) If a ballot paper is issued in respect of only one election, a different mark must be placed in the register (or on the notice) or list, as the case may be, so as to identify the election in respect of which the ballot paper is issued.”.

**11.** Rule 35 (votes marked by presiding officer)(**29**) applies as if after paragraph (7) there were inserted—

“(8) The same list may be used under paragraph (3) for the local election and the European Parliamentary election and, where it is so used, an entry in that list must be taken to mean that the ballot papers were marked in pursuance of this rule in respect of each election, unless the list identifies the election at which the ballot paper was so marked.”.

**12.** Rule 36 (voting by persons with disabilities)(**30**) applies as if after paragraph (4A) there were inserted—

“(4B) The same list may be used under paragraph (4) for the local election and the European Parliamentary election and, where it is so used, an entry in that list must be taken to mean that the votes were given in accordance with this rule in respect of each election, unless the list identifies the election at which the vote was so given.”.

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(26) Rule 29 was amended by [S.I. 1987/168](#); [S.I. 2001/417](#); [S.I. 2005/863](#); Schedule 1 to the Electoral Administration Act 2006 ([c. 22](#)); and [S.I. 2010/2977](#).

(27) Rule 32 was amended by Schedule 1 to the Electoral Administration Act 2006 ([c. 22](#)); [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 ([c. 7](#)) made a non-textual amendment when local elections are combined with parliamentary elections.

(28) Rule 26(3ZB) defines “section 13BA(9) of the 1983 Act” as meaning “section 13BA(9) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989)”. Section 13BA was inserted by section 6 of the Northern Ireland (Miscellaneous Provisions) Act 2006 ([c. 33](#)).

(29) Rule 35 was amended by Schedule 1 to the Electoral Administration Act 2006 ([c. 22](#)) and Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 ([c. 33](#)). In addition, section 4 of, and the Schedule to, the Elections Act 2001 ([c. 7](#)) made a non-textual amendment when local elections are combined with parliamentary elections.

(30) Rule 36 was amended by [S.I. 2001/417](#); [S.I. 2002/2835](#); Schedule 1 to the Electoral Administration Act 2006 ([c. 22](#)); and Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 ([c. 33](#)). In addition, section 4 of, and the Schedule to, the Elections Act 2001 ([c. 7](#)) made a non-textual amendment when local elections are combined with parliamentary elections.



13. Rule 37 (tendered ballot papers)(31) applies as if after paragraph (6) there were inserted—
- “(6A) The same list may be used under paragraph (6) for the local election and the European Parliamentary election and, where it is so used, an entry in the list must be taken to mean that the tendered ballot papers were marked in respect of each election, unless the list identifies the election at which a tendered ballot paper was marked.”.
14. Rule 39A (correction of errors on day of poll)(32) applies as if the existing text became paragraph (1), and after paragraph (1) there were inserted—
- “(2) The same list may be used under paragraph (1) for the local election and the European Parliamentary election and, where it is so used, an entry in that list must be taken to mean that ballot papers were issued in respect of each election unless the list identifies the election for which a ballot paper was issued.”.
15. Rule 41 (procedure on close of poll)(33) applies as if—
- (a) in paragraph (1) after “polling agents”, where those words first appear, there were inserted “appointed for the purposes of the local election and those appointed for the purposes of the European Parliamentary election”;
- (b) after paragraph (1) there were inserted—
- “(1A) Separate packets must be made up in respect of the local election and the European Parliamentary election for the purpose of each of sub-paragraphs (b), (c) and (e) of paragraph (1).”; and
- (c) in paragraph (3), after “presiding officer” there were inserted “separately for the purposes of the local election and the European Parliamentary election”.
16. Rule 44 (attendance at counting of votes)(34) applies as if in paragraph (1), after sub-paragraph (f), there were inserted—
- “(g) a person who falls within sub-paragraphs (a) to (e) of rule 49(2) of Schedule 1 to the European Parliamentary Elections (Northern Ireland) Regulations 2004 (European Parliamentary elections rules)(35),”.
17. Rule 45 (preliminary proceedings and conduct of the count)(36) applies as if—
- (a) in paragraph (1)—
- (i) before sub-paragraph (a) there were inserted—
- “(za) where separate ballot boxes have been used for the poll at the local election and the poll at the European Parliamentary election, in the presence of the counting agents for each such election—
- (i) open each ballot box for the local election and for the European Parliamentary election;
- (ii) from each ballot box for the local election, take out any ballot papers for the European Parliamentary election and place them in a ballot box for the European Parliamentary election, and

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(31) Rule 37 was amended by [S.I. 1987/168](#); [S.I. 2002/2835](#); Schedule 1 to the Electoral Administration Act 2006 (c. 22); and Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.

(32) Rule 39A was inserted by Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33).

(33) Rule 41 was amended by [S.I. 2001/417](#); Schedule 1 to the Electoral Administration Act 2006 (c. 22); Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33); and [S.I. 2010/2977](#). In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment when local elections are combined with parliamentary elections.

(34) Rule 44 was amended by paragraph 58 of Schedule 1 to the Electoral Administration Act 2006 (c. 22) and [S.I. 2010/2977](#).

(35) [S.I. 2004/1267](#); Schedule 1 was substituted by [S.I. 2009/813](#).

(36) Rule 45 was amended by [S.I. 1972/1264](#); [S.I. 2002/2835](#); and [S.I. 2010/2977](#).

- (iii) from each ballot box for the European Parliamentary election, take out any ballot papers for the local election and place them in a ballot box for the local election;”, and
- (ii) in sub-paragraph (a), after “each ballot box” there were inserted “(if not already opened in accordance with sub-paragraph (za))”; and
- (b) after paragraph (1) there were inserted—
- “(1A) Where separate ballot boxes have been used, no ballot paper marked in respect of the local election is rendered invalid by the ballot paper being placed in the ballot box used at the European Parliamentary election.”.
- 18.** Rule 58 (forwarding of documents)(**37**) applies as if after paragraph (4) there were inserted—
- “(5) Where the same copy of the register, the same notice or the same list has been used for the local election and the European Parliamentary election under rules 16A(**38**), 34, 35, 36, 37 or 39A, paragraph (3) does not apply to that copy of the register, or that notice or list, as the case may be.”.
- 19.** Rule 59 (orders for production of documents)(**39**) applies as if in paragraphs (1)(a), (5) and (7), after “proper officer of the council” there were inserted “or the returning officer”.
- 20.** Rule 60 (retention of documents)(**40**) applies as if—
- (a) in paragraph (1), for “to which rule 58 applies” there were substituted “forwarded to him in pursuance of rule 58(3)”; and
- (b) after paragraph (1) there were inserted—
- “(1A) The returning officer shall retain for 12 months the documents mentioned in rule 58(5) and then, unless otherwise directed by an order under rule 59, shall cause them to be destroyed.”.
- 21.** Rule 63 (party candidate)(**41**) applies as if—
- (a) after paragraph (2) there were inserted—
- “(2A) Neither the countermand of the poll at the local election nor the direction that that poll be abandoned affects the poll at the European Parliamentary election.”;
- (b) in paragraph (3), after “with respect to the” there were inserted “local”.
- 22.** Rule 64 (abandoned poll) applies as if for paragraphs (2) to (6) there were substituted—
- “(2) No further ballot papers at the local election must be delivered in any polling station.
- (3) At the close of poll for the European Parliamentary election, the presiding officer at a polling station must take the like steps (so far as not already taken) for the delivery of ballot boxes and ballot papers and other documents as he would be required to take if the local election had not been abandoned.
- (4) It is not necessary for a ballot paper account for the local election to be prepared or verified.
- (5) Having separated the ballot papers relating to the European Parliamentary election, the returning officer must take no step or further step for the counting of the ballot papers used at the local election or of the votes.

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(37) Rule 58 was amended by Schedule 4 to the Northern Ireland (Miscellaneous Provisions) Act 2006 (c. 33) and S.I. 2010/2977.

(38) Rule 16A (corresponding number list) was inserted by S.I. 2010/2977.

(39) Rule 59 was amended by S.I. 2010/2977.

(40) Rule 60 was amended by S.I. 2010/2977.

(41) Rules 63 and 64 were inserted by S.I. 2010/2977. In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7), as amended by S.I. 2010/2977, made a non-textual amendment when local elections are combined with parliamentary elections.

(6) The returning officer must seal up all of the ballot papers used at the local election whether the votes have been counted or not and it is not necessary to seal up counted and rejected ballot papers in separate packets.

(6A) The returning officer must dispose of the ballot papers used at the local election and other documents in his possession as he is required to do on the completion in due course of the counting of the vote at the European Parliamentary election.”.

**23.—**(1) The Appendix of Forms applies as if—

- (a) in Form 3 (ballot paper)(**42**), on the front of the ballot paper, at the top of that form there were inserted the heading “Local Council Election”;
- (b) in Form 4 (directions as to printing the ballot paper)(**43**), in paragraph 2(a), after “apart from” there were inserted “the heading “Local Council Election” at the top of the ballot paper and”; and
- (c) after Form 5 (declaration of identity)(**44**) there were inserted—

**“Declaration of Identity (combined polls) (rule 21)**

**5ZA** *(for use when a local poll is to be combined with a European Parliamentary poll)*

*Front of form*

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(42) This form was amended by [S.I. 2001/417](#) and paragraph 61 of Schedule 1 to the Electoral Administration Act 2006 (c. 22)

(43) This form was amended by [S.I. 2001/417](#); paragraph 61 of Schedule 1 to the Electoral Administration Act 2006 (c. 22); and [S.I. 2010/2977](#).

(44) Form 5A was inserted only for the purpose of a combined local and parliamentary election by paragraph 29 of the Schedule to the Elections Act 2001 (c. 7), and that inserted form was amended by [S.I. 2010/2977](#).

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Elections (Northern Ireland) Order 2013 No. 3156

LOCAL COUNCIL ELECTION

DECLARATION BY VOTER

To be returned with the *[insert colour of ballot paper]* coloured ballot paper no. ....

I am the person to whom the *[insert colour of ballot paper]* coloured ballot paper numbered as above was sent.

My date of birth is ..... [DD/MM/YYYY] (you are not required to give your date of birth if you are to vote as a proxy for someone else)

Voter's signature .....

CERTIFICATION BY WITNESS

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature .....

Name of witness (WRITE CLEARLY) .....

Address of witness (WRITE CLEARLY) .....

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

*Back of form*

INSTRUCTIONS TO THE VOTER

#### INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day. That person should then sign this declaration as a witness, adding his or her name and address. Unless you are voting as a proxy, you must also give your date of birth. Without all the above the declaration will be invalid and your vote will not be counted.

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.

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.

4. Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked 'A'), declaration of identity and covering envelope (the larger envelope marked 'B'). The covering envelope and declaration of identity for a particular declaration of identity are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows-

- (a) place each ballot paper in the correct smaller envelope and seal it;
- (b) put the envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
- (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of poll.

5. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the same election. You are entitled to vote at different elections which are held on the same day.

6. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

7. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoilt ballot paper, the declaration of identity (make sure it is the correct one) and the envelopes marked "A" and "B" (again make sure they are the correct envelopes). Remember that there is little time available if a fresh ballot paper is to be issued and counted.

## Modification of absent voting provisions

24. Part 3 of Schedule 2 to the 1985 Order (issue and receipt of ballot papers) applies as if—
- (a) in paragraph 1 (interpretation)(45), after the definition of “returning officer” there were inserted—
    - ““the European Parliamentary election” has the meaning given in rule 3B of the local elections rules.”;
  - (b) after paragraph 1 there were inserted—

### “Combination of polls

- 1A. The proceedings on the issue and receipt of postal ballot papers in respect of the local election and the European Parliamentary election must be taken together.”;
- (c) in paragraph 6 (procedure on issue of postal ballot paper)(46), after sub-paragraph (2) there were inserted—
  - “(2A) The colour of the postal ballot paper must also be marked on the declaration of identity sent with that paper.”; and
- (d) in paragraph 8 (ballot paper envelope)(47) after sub-paragraph (1B) there were inserted—
  - “(1C) The covering envelope must also be marked “Covering envelope for the *[insert colour of ballot paper]* coloured ballot paper”.
  - (1D) On the ballot paper envelope after the words “Ballot paper envelope” there must be added “for the *[insert colour of ballot paper]* coloured ballot paper”.”.

## EXPLANATORY NOTE

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

As a result of legislation enacted by the Northern Ireland Assembly, Northern Ireland will be divided into 11 local government districts rather than the existing 26 local government districts. To ensure a smooth transition to the local government districts, Northern Ireland legislation provides for the creation of statutory transition committees and for the new councils to operate in parallel with the existing councils for a transitional period. To facilitate this, elections to the new councils need to be brought forward by one year.

This Order makes amendments to electoral law in Northern Ireland which are consequential on the following Northern Ireland legislation on local government reform: the Local Government (Boundaries) Act (Northern Ireland) 2008 (c. 7); the Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010 (c. 7); the Local Government (Boundaries) Order (Northern Ireland) 2012 (S.R. 2012/421); the Local Government (Statutory Transition Committees) Regulations

(45) Paragraph 1 was amended by S.I. 1987/168 and S.I. 2010/2977.

(46) Paragraph 6 was amended by S.I. 1987/168 and S.I. 2010/2977. In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment to paragraph 6, inserting sub-paragraph (3) in cases where the polls at parliamentary elections and local elections are taken together.

(47) Paragraph 8 was amended by S.I. 2005/2969 and S.I. 2010/2977. In addition, section 4 of, and the Schedule to, the Elections Act 2001 (c. 7) made a non-textual amendment to paragraph 8, inserting sub-paragraph (2), when local elections are combined with parliamentary elections.

(Northern Ireland) 2013 ([S.R. 2013/179](#)) and the Local Government (Boundaries) (2008 Act) (Commencement, Transitional Provision and Savings) Order (Northern Ireland) 2013 ([S.R. 2013/238](#)). The latter legislation provides for the commencement of the new local government districts on 3rd October 2013 for the purpose of elections to the new councils, which means that any reference to a district council for the purpose of an election in 2014 will be a reference to a new council. It also provides for the division of powers and functions between the existing district councils and the new district councils during the transitional period.

Article 3(2) and 3(3) of this Order provides for the date of the first elections to the new district councils and amends the definition of “election day”.

Article 3(4) allows persons who are in the polling station or in a queue outside the polling station at the close of the poll to apply for a ballot paper.

Article 4 provides that the existing councillors will retire on 1st April 2015, that vacancies in those councils will be filled until 1st January 2015 and that the register in force on the day that a councillor was elected will, for the purpose of establishing whether that councillor is qualified to continue, remain in force until the existing councillors retire.

Article 5 makes modifications which apply only in respect of the first election to new district councils in 2014. For the purpose of those elections: any advance on election expenses will be paid by the statutory transition committee for the relevant new council, and the final election expenses will be paid by the elected new council; the deputy returning officer will be a person appointed for that purpose by the statutory transition committee for that new council.

Article 6 modifies the Electoral Law (Polling Station Scheme) (Northern Ireland) Regulations 2010 to require the Chief Electoral Officer for Northern Ireland to publish a draft polling station scheme as soon as practicable after 1st February 2014. It also shortens the consultation period for that draft scheme in light of the short time before the first election to the new councils on 22nd May 2014.

Article 7 makes amendments to the process for the appointment of the Drainage Council under the Drainage (Northern Ireland) Order 1973. Usually, appointment is made as soon as practicable after a local election takes place in the relevant appointment year. As no local election will take place in 2015 the appointment should instead take place as soon as practicable after the new councillors take up their full powers, and the existing councillors retire, on 1st April 2015. During the transitional period, eligibility to serve as a member of the Drainage Council as a representative of a district council will continue to relate to membership of an existing council (see article 5, [S.R. 2013/238](#)).

Article 8 provides for the provisions of the 1962 Act to apply to the filling of casual vacancies within both existing councils and new councils during the transitional period.

Article 9 makes consequential amendments in relation to polling districts and polling places in parliamentary elections. Until now, the polling districts and places for parliamentary elections tracked those for local elections. This can no longer continue because local government boundaries will be different to parliamentary boundaries. The amendments provide that the parliamentary polling districts will be designated by the Secretary of State and kept under review. The parliamentary polling places in those districts will be designated by the Chief Electoral Officer for Northern Ireland and that officer will be required to review those polling places in 2014 and every five years thereafter. Where certain persons or bodies make representations to the Electoral Commission about a review of polling places, it will have a power to direct that the polling places be altered or to make the alteration itself.

Article 10 and the Schedule make amendments to allow local elections to be held together with European Parliamentary elections in 2014.

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

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Local Elections (Northern Ireland) Order 2013 No. 3156