
DRAFT STATUTORY INSTRUMENTS

2024 No.

The Local Elections (Northern Ireland) (Amendment) Order 2024

Part 2

Amendment of Schedule 2 to the Local Elections (Northern Ireland) Order 1985

Amendment of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985

2. In Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (absent voting: voting by post, by proxy and by post as proxy)(1), in the Appendix, replace the Statement as to Postal Ballot Papers(2) with the form in Schedule 1.

Amendment of Part 3 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985

3. Part 3 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (absent voting: issue and receipt of ballot papers) is amended in accordance with articles 4 to 8.

Amendment of paragraph 1 (interpretation)

4. In paragraph 1—

(a) the existing text becomes sub-paragraph (1);

(b) in sub-paragraph (1) insert each of the following definitions at the appropriate place—

““left behind postal voting document” has the same meaning as in paragraph 15F(1);”;

““postal voting document” means a postal ballot paper(3) or declaration of identity;”;

““return of postal voting documents form” has the same meaning as in paragraph 15A(2);”;

(c) after sub-paragraph (1) insert—

“(2) In this Part, a reference to a person seeking to hand in a postal voting document is a reference to a person seeking to hand in a covering envelope purporting to contain a postal voting document to the returning officer(4).”.

Amendment of paragraph 15 (receipt of covering envelope)

5. In paragraph 15(5)—

(1) [S.I. 1985/454](#). The heading to Part 1 of Schedule 2 was substituted by [S.I. 2010/2977](#).

(2) The Appendix was substituted by [S.I. 1987/168](#), and the Statement as to Postal Ballot Papers was inserted by [S.I. 2010/2977](#).

(3) For the meaning of “postal ballot paper”, see paragraph 1 of Part 3 of Schedule 2 to [S.I. 1985/454](#).

(4) For the meaning of “returning officer”, see paragraph 1 of Part 3 of Schedule 2 to [S.I. 1985/454](#).

(5) Paragraph 15 was substituted by [S.I. 2002/2835](#) and amended by [S.I. 2014/1116](#).

- (a) in the heading, at the end insert “by post”;
- (b) in sub-paragraph (1), for “(whether by hand or by post)” substitute “by post”.

Insertion of paragraphs 15A to 15I (postal voting documents returned by hand and left behind postal voting documents)

6. After paragraph 15 insert—

“Return of postal voting documents by hand

15A.—(1) This paragraph applies where a person (“P”) seeks to hand in a postal voting document before the close of the poll.

(2) P must complete a form containing the information prescribed in paragraph 15B(1) (a “return of postal voting documents form”) in relation to—

- (a) that postal voting document, and
- (b) any other postal voting documents which P is seeking to hand in at that time.

(3) The returning officer must then decide whether to reject any of the postal voting documents handed in by P.

(4) Where the returning officer does not reject any of the postal voting documents handed in by P, the returning officer must proceed under paragraph 15D.

(5) Where the returning officer rejects one or more of the postal voting documents handed in by P, the returning officer must proceed under paragraph 15E.

(6) For the purposes of this paragraph and paragraphs 15B to 15E (so far as relevant), each covering envelope handed in by P is to remain unopened; and references to postal voting documents handed in by P in those paragraphs are to postal voting documents as contained in such envelopes.

(7) In this paragraph, “reject” means reject in accordance with paragraph 15C.

Return of postal voting documents form: prescribed information

15B.—(1) For the purposes of paragraph 15A(2), the prescribed information is—

- (a) P’s name and address;
- (b) the total number of covering envelopes that P is handing in;
- (c) whether P is handing in postal voting documents issued to P as an elector;
- (d) whether P is handing in postal voting documents issued to P as a proxy, and if so for how many electors;
- (e) whether P is handing in postal voting documents which were not issued to P, and if so for how many electors and why;
- (f) a declaration by P that—

- (i) the number of electors for whom P has handed in postal voting documents for the election concerned, including those postal voting documents being handed in at that time, but excluding those issued to P and those rejected in accordance with paragraph 15C on a previous occasion, does not exceed the permitted number (see further, paragraph 15C), and

- (ii) either—

- (aa) to the best of P’s knowledge, P is not a political campaigner for whom it is an offence under section 112A of the 1983 Act (offences

relating to handling of postal voting documents)(6) to handle the postal voting documents concerned, or

(bb) P is a political campaigner and is only handing in postal voting documents for one or more persons mentioned in sub-paragraph (2).

(2) The persons are—

- (a) P,
- (b) P’s spouse, civil partner, parent, grandparent, brother, sister, child and grandchild, and
- (c) someone for whom P provides regular care or for whom regular care is provided by an organisation which employs or engages P.

(3) For the purposes of sub-paragraph (2)—

- (a) two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other;
- (b) a reference to a person who “engages” another person, or to a person who provides care for another person, includes a reference to a person who engages or provides care otherwise than for payment or promise of payment.

Rejection of postal voting documents handed in to the returning officer

15C.—(1) The returning officer must reject—

- (a) all postal voting documents handed in together by P, where P fails to provide all the information prescribed in paragraph 15B(1) on the return of postal voting documents form;
- (b) all postal voting documents handed in together by P, where the returning officer has reasonable cause to suspect that the documents are handed in on behalf of more than five electors;
- (c) all postal voting documents handed in together by P, where the returning officer has reasonable cause to suspect that, taking those documents together with any postal voting documents handed in by P on any previous occasion, disregarding any that were rejected in accordance with this paragraph, P has handed in postal voting documents on behalf of more than five electors.

(2) In sub-paragraph (1)(b) and (c)—

- (a) references to postal voting documents handed in by P are to postal voting documents relating to the same election, but do not include references to a postal voting document issued to P;
- (b) “electors” means persons who are electors in relation to the election to which the postal voting documents handed in by P relate.

(3) Where P hands in postal voting documents completed by P as proxy for one or more electors, for “five” in sub-paragraph (1)(b) and (c), substitute the number that is five minus the number of electors for whom P is handing in, or has handed in on a previous occasion, postal voting documents as proxy.

(4) The returning officer may reject a postal voting document handed in by P where the returning officer knows or has reasonable cause to suspect that, in handing in the document, P commits an offence under section 112A of the 1983 Act.

(6) Section 112A was inserted by section 4(2) of the Elections Act 2022 (c. 37). For the meaning of “the 1983 Act”, see article 2(2) of S.I. 1985/454.

Procedure where no postal voting document handed in by P is rejected in accordance with paragraph 15C

15D.—(1) Where the returning officer is required by paragraph 15A(4) to proceed under this paragraph, the returning officer must take the following steps.

(2) The returning officer must immediately endorse the return of postal voting documents form completed by P to confirm—

- (a) that the returning officer—
 - (i) is satisfied that all the information prescribed in paragraph 15B(1) has been provided on the form,
 - (ii) does not have reasonable cause to suspect that the number of electors for whom P has handed in postal voting documents for the election concerned, including those postal voting documents handed in at that time, but excluding those issued to P and those rejected on a previous occasion, exceeds the permitted number (see further, paragraph 15C), and
 - (iii) does not know or have reasonable cause to suspect that P is a political campaigner who is committing an offence under section 112A of the 1983 Act, and

(b) that none of the postal voting documents to which the return of postal voting documents form relates have been rejected.

(3) The returning officer must then immediately place each postal voting document handed in by P in a postal voters' ballot box⁽⁷⁾.

(4) The returning officer must include the return of postal voting documents form completed by P in a packet made up in accordance with paragraph 15G(1)(a) before the end of the day on which the postal voting documents are handed in by P.

(5) Until such time as the form is included in such a packet, the returning officer must take proper precautions for its safe custody.

(6) In this paragraph, “rejected” means rejected in accordance with paragraph 15C.

Procedure where at least one postal voting document handed in by P is rejected in accordance with paragraph 15C

15E.—(1) Where the returning officer is required by paragraph 15A(5) to proceed under this paragraph, the returning officer must take the following steps.

(2) The returning officer must immediately indicate on the return of postal voting documents form—

- (a) in relation to each rejected postal voting document handed in by P, the fact of the rejection and the reason or reasons for the rejection, and
- (b) in relation to each postal voting document handed in by P which has not been rejected, the fact that it has not been rejected.

(3) The returning officer must then immediately—

- (a) place in a postal voters' ballot box each postal voting document handed in by P which has not been rejected, and
- (b) attach the return of postal voting documents form to all the rejected postal voting documents handed in by P.

(7) For the meaning of “postal voters' ballot box”, see paragraph 14(1)(a) of Part 3 of Schedule 2 to [S.I. 1985/454](#).

(4) The returning officer must, before the end of the day on which the postal voting documents are handed in by P, include in a packet made up in accordance with paragraph 15G(1)(b)—

- (a) each rejected postal voting document handed in by P, and
- (b) the attached return of postal voting documents form.

(5) Until such time as each rejected postal voting document handed in by P and the attached form are included in such a packet, the returning officer must take proper precautions for their safe custody.

(6) In this paragraph, “rejected” means rejected in accordance with paragraph 15C.

Postal voting documents left behind with the returning officer

15F.—(1) This paragraph applies in relation to a postal voting document (whether or not in a covering envelope) which is brought into the offices of the returning officer so that it may be handed in to a person but is left behind there without being handed in (a “left behind postal voting document”).

(2) The returning officer must, before the end of the day on which the postal voting document is found—

- (a) write on a return of postal voting documents form to confirm that the postal voting document is a left behind postal voting document,
- (b) attach the form to the left behind postal voting document, and
- (c) include the left behind postal voting document and the attached form in a packet made up in accordance with paragraph 15G(1)(b).

(3) Until such time as the left behind postal voting document and the attached return of postal voting documents form are included in a packet made up in accordance with paragraph 15G(1)(b), the returning officer must take proper precautions for their safe custody.

(4) For the purposes of sub-paragraph (2), the returning officer must use a different return of postal voting documents form for each left behind postal voting document, except where the left behind postal voting documents—

- (a) are contained in the same covering envelope, or
- (b) otherwise, were issued to the same person.

(5) For the purposes of this paragraph, each covering envelope which is brought into the offices of the returning officer so that it may be handed in to a person but is left behind there without being handed in is to remain unopened; and references to left behind postal voting documents in sub-paragraphs (2) to (4) are, in appropriate cases, to left behind postal voting documents as contained in such envelopes.

Packets of postal voting documents and return of postal voting documents forms

15G.—(1) The returning officer must make up separate packets for each of the following—

- (a) return of postal voting documents forms endorsed by the returning officer under paragraph 15D(2);
- (b) postal voting documents which have been rejected in accordance with paragraph 15C or are left behind postal voting documents, together with the return of postal voting documents forms which are attached to those documents.

(2) Each packet must be sealed with a description of its contents written on the packet.

(3) The returning officer must take proper precautions for the safe custody of each packet referred to in this paragraph.

List of electors whose postal voting documents have been rejected in accordance with paragraph 15C or left behind

15H.—(1) In respect of each election, the returning officer must compile a list of electors whose postal voting documents—

- (a) have been rejected in accordance with paragraph 15C or were left behind postal voting documents, and
- (b) included a declaration of identity.

(2) The returning officer must record in the list the information specified in sub-paragraph (3) in relation to each such elector.

(3) The information is—

- (a) the name and address of—
 - (i) the elector, and
 - (ii) if a proxy was entitled to vote on the elector’s behalf, the proxy,
- (b) the number on the register of electors of—
 - (i) the elector, and
 - (ii) if a proxy was entitled to vote on the elector’s behalf, the proxy,
- (c) where—
 - (i) the elector’s postal voting documents were rejected in accordance with paragraph 15C, the reason or reasons specified in sub-paragraph (4) for the rejection of the postal voting documents;
 - (ii) the elector’s postal voting documents were left behind postal voting documents, that fact,
- (d) an indication as to whether the elector’s postal voting documents included a postal ballot paper the number of which matched the postal ballot paper number marked on the elector’s declaration of identity, and
- (e) any other information that the returning officer considers appropriate, but not the number of the postal ballot paper.

(4) The specified reasons are—

- (a) the postal voting documents were handed in to the returning officer but the return of postal voting documents form was not fully completed with the required information;
- (b) the postal voting documents were handed in to the returning officer but the number of electors for whom P handed in postal voting documents exceeded or was suspected to exceed the permitted number;
- (c) the postal voting documents were handed in or were suspected to be handed in by a political campaigner (within the meaning of section 112A(7) of the 1983 Act) who was not permitted to hand in those postal voting documents.

(5) For the purposes of compiling the list, the returning officer must—

- (a) open each packet made up in accordance with paragraph 15G(1)(b),

- (b) open separately each covering envelope in that packet and any ballot paper envelope⁽⁸⁾ in that covering envelope, and
 - (c) having recorded all the relevant entries relating to that packet in the list, reseal the packet with its original contents.
- (6) In compiling the list, the returning officer—
- (a) must keep the postal ballot papers face downwards and take proper precautions for preventing any person from seeing the votes made on the postal ballot papers, and
 - (b) is not permitted to view the corresponding number list used at the issue of postal ballot papers.

Notification of a postal ballot paper rejected in accordance with paragraph 15C or left behind

- 15I.**—(1) This paragraph applies where—
- (a) an elector appears on the list compiled in accordance with paragraph 15H(1),
 - (b) the information recorded on the list indicates that the elector’s postal voting documents included a postal ballot paper the number of which matched the postal ballot paper number marked on the elector’s declaration of identity, and
 - (c) the elector also appears on the record kept under paragraph 1(3) of Part 1 of this Schedule (absent vote at elections for indefinite period)⁽⁹⁾.
- (2) The registration officer must notify the following persons that the elector’s postal ballot paper was rejected in accordance with paragraph 15C or (as the case may be) was a left behind postal voting document—
- (a) the elector, and
 - (b) if a proxy was entitled to vote on the elector’s behalf, the proxy.
- (3) The notification must include—
- (a) where the elector’s postal ballot paper was rejected in accordance with paragraph 15C, the reason or reasons for its rejection recorded on the list in accordance with paragraph 15H(3)(c)(i), or
 - (b) where the elector’s postal ballot paper was a left behind postal voting document, that fact.
- (4) The registration officer must send the notification within the period of three months beginning with the date of the poll for which the elector’s postal ballot paper was issued.
- (5) The registration officer is not obliged to send a notification to any person—
- (a) who no longer appears on the record kept under paragraph 1(3) of Part 1 of this Schedule at the time the registration officer proposes to send the notification, or
 - (b) whom the returning officer suspects may have committed an offence, other than an offence under section 112A of the 1983 Act (offences relating to handling of postal voting documents), in relation to—
 - (i) the elector’s postal voting documents, or
 - (ii) the elector’s registration on the register⁽¹⁰⁾.

⁽⁸⁾ For the meaning of “ballot paper envelope”, see paragraph 8(1) of Part 3 of Schedule 2 to [S.I. 1985/454](#).

⁽⁹⁾ Paragraph 1(3) of Part 1 of Schedule 2 was substituted by [S.I. 1987/168](#).

⁽¹⁰⁾ For the meaning of “register”, see article 2(3) of [S.I. 1985/454](#), by virtue of which the definition of “register” in section 130(1) of the Electoral Law Act (Northern Ireland) 1962 (c. 14) (N.I.) applies.

(6) A notification issued under paragraph (2) may include any additional information that the registration officer considers appropriate, subject to paragraph (7).

(7) The notification must not include the following information in relation to either the elector or, if a proxy was entitled to vote on the elector’s behalf, the proxy—

- (a) date of birth;
- (b) signature, or a record of the waiver by the registration officer of the requirement for a signature;
- (c) national insurance number;
- (d) (if applicable) digital registration number.

(8) In this paragraph, “digital registration number” has the same meaning as in section 10B(1) of the 1983 Act(11).”.

Amendment of paragraph 17 (opening of covering envelopes)

7. In paragraph 17(12)—

(a) after sub-paragraph (4) insert—

“(4A) In carrying out the procedures in this paragraph and paragraphs 17A and 17B(13), the returning officer—

- (a) must keep the ballot papers face downwards and must take proper precautions for preventing any person from seeing the votes made on the ballot papers, and
- (b) is not permitted to view the corresponding number list used at the issue of postal ballot papers.”;

(b) in sub-paragraph (5)(14), after “to denote that a”, for “postal vote” substitute “postal voting document”.

Amendment of paragraph 19 (disposal of documents)

8. In paragraph 19(15)—

(a) in sub-paragraph (1), after “12A(11)” insert “, 15G(1)(a)”;

(b) after sub-paragraph (2) insert—

“(2A) The returning officer must also forward to the proper officer of the relevant council(16) the list compiled in accordance with paragraph 15H(1), together with the packets made up in accordance with paragraph 15G(1)(b) and resealed in accordance with paragraph 15H(6)(c), as soon as reasonably practicable after the registration officer has met the duty in paragraph 15I(2) in relation to each elector on the list.”;

(c) at the end of sub-paragraph (3) insert “, subject to sub-paragraph (4)”;

(d) after sub-paragraph (3) insert—

“(4) For the purposes of the application of rules 59 and 60 of the Local Election Rules(17) to the packets and documents forwarded under this paragraph, the following are to be treated in the same manner as a counted ballot paper—

(11) Section 10B was inserted by [S.I. 2018/699](#), and subsection (1) was amended by [S.I. 2020/581](#).

(12) Paragraph 17 was substituted by [S.I. 2002/2835](#).

(13) Paragraphs 17A and 17B were substituted by [S.I. 2002/2835](#), and paragraph 17A was amended by [S.I. 2010/2977](#).

(14) Sub-paragraph (5) was inserted by [S.I. 2010/2977](#).

(15) Paragraph 19 was amended by [S.I. 2014/1116](#).

(16) For the meaning of “proper officer” and “relevant council”, see paragraph 19(1) of Part 3 of Schedule 2 to [S.I. 1985/454](#).

(17) For the meaning of “Local Election Rules”, see article 2(3) of [S.I. 1985/454](#), by virtue of which the definition of “Local Election Rules” in section 130(1) of the Electoral Law Act (Northern Ireland) 1962 applies.

- (a) the list compiled in accordance with paragraph 15H(1) and any extracts from it;
- (b) return of postal voting documents forms.”.