

SCHEDULES

SCHEDULE 1

Section 14

MODIFICATIONS OF 2000 ACT

Duty of Commission to verify donation reports and not to disclose their contents

1 After section 71C of the 2000 Act (as inserted by section 12) insert—

“71D Duty to verify donation reports

- (1) The Commission must take such steps as are prescribed for the purpose of verifying the information given in Northern Ireland reports.
- (2) “Northern Ireland report” means a report to the Commission which—
 - (a) is prepared by a Northern Ireland recipient, and
 - (b) contains, or purports to contain, information required to be given by Schedule 6 or 7.

71E Duty not to disclose contents of donation reports

- (1) A person who is or has been a member or employee of the Commission must not disclose any information which—
 - (a) relates to a donation received by a Northern Ireland recipient, and
 - (b) has been obtained by the Commission in the exercise of their functions under this Part,except in the following cases.
- (2) Such information may be disclosed, for the purpose of verifying information given in a Northern Ireland report,—
 - (a) to a member or employee of the Commission, or
 - (b) to such bodies as may be prescribed.
- (3) Such information may be disclosed for the purposes of any criminal or civil proceedings.
- (4) Such information may be disclosed in accordance with any prescribed requirements if it relates to a donation which the Commission believe, on reasonable grounds, was a donation required to be dealt with in accordance with section 56(2) (donations from impermissible and unidentifiable donors).
- (5) A person who contravenes subsection (1) is guilty of an offence.”

2 In Schedule 20 to the 2000 Act (penalties), after the entry relating to section 68(5) insert—

Status: This is the original version (as it was originally enacted).

“Section 71E(5) (disclosing Northern Ireland donation reports)	On summary conviction in England and Wales: statutory maximum of 51 weeks
	On summary conviction elsewhere: statutory maximum of 6 months”

No rights to inspect etc. register so far as it relates to donations to Northern Ireland recipients

3 In section 149 of the 2000 Act (inspection of Commission’s registers etc.), after subsection (7) insert—

“(8) Subsections (2) to (4) do not apply to so much of the register maintained under section 69 as concerns donations to a Northern Ireland recipient.

(9) “Northern Ireland recipient” has the same meaning as in Chapter 6 of Part 4.”

SCHEDULE 2

Section 17

DEPARTMENT WITH POLICING AND JUSTICE FUNCTIONS

The Schedule inserted after Schedule 4 to the 1998 Act is as follows—

“SCHEDULE 4A

Section 21A

DEPARTMENT WITH POLICING AND JUSTICE FUNCTIONS

PART 1

DEPARTMENT IN THE CHARGE OF MINISTER APPROVED BY RESOLUTION OF ASSEMBLY

Introduction

- 1 (1) This Part of this Schedule has effect in relation to a Northern Ireland department—
- (a) the functions of which consist wholly or mainly of devolved policing and justice functions; and
 - (b) in relation to which an Act of the Assembly provides, by virtue of section 21A(3), for it to be in the charge of a Northern Ireland Minister (the “relevant Minister”) appointed by virtue of a nomination—
 - (i) made by the First Minister and the deputy First Minister acting jointly; and
 - (ii) approved by a resolution of the Assembly passed with the support of a majority of the members voting on the motion for the resolution, a majority of the designated Nationalists voting and a majority of the designated Unionists voting.
- (2) In this paragraph “devolved policing and justice function” has the same meaning as in section 21A (see subsection (8) of that section).

Section 18 not to apply to relevant Minister

- 2 (1) Section 18 (Northern Ireland Ministers) shall not apply in relation to—
- (a) the relevant Minister; or
 - (b) the Ministerial office held by the relevant Minister (the “relevant Ministerial office”),
- and paragraph 3 shall apply instead.
- (2) But the references to Ministerial offices in—
- (a) subsection (1)(c) and (d) of section 18; and
 - (b) subsection (5) of that section (in the definition of M),
- shall be taken to include the relevant Ministerial office.

Provisions relating to relevant Minister

- 3 (1) Where any of the conditions in paragraphs (a) to (e) of section 18(1) is satisfied—
- (a) the relevant Minister shall (if holding office at the time) cease to hold office; and
 - (b) the relevant Ministerial office shall be filled by applying sub-paragraphs (3) to (6) within a period specified in standing orders.
- (2) The relevant Ministerial office shall be filled by applying sub-paragraphs (3) to (6) before section 18(2) to (6) is applied in relation to the other Ministerial offices.
- (3) The First Minister and the deputy First Minister acting jointly shall nominate a member of the Assembly to hold the relevant Ministerial office.
- (4) The nomination shall not take effect unless it is approved by a resolution of the Assembly passed with the support of—
- (a) a majority of the members voting on the motion for the resolution;
 - (b) a majority of the designated Nationalists voting; and
 - (c) a majority of the designated Unionists voting.
- (5) If—
- (a) the nomination does not take effect within a period specified in standing orders; or
 - (b) the nominated person does not take up the office for which he has been nominated within that period,
- a further nomination of a member of the Assembly shall be made under sub-paragraph (3).
- (6) Sub-paragraphs (3) to (5) shall be applied as many times as may be necessary to secure that the relevant Ministerial office is filled.
- (7) The holding of office as First Minister or deputy First Minister shall not prevent a person being nominated to hold the relevant Ministerial office.
- (8) The relevant Minister shall not take up office until he has affirmed the terms of the pledge of office.
- (9) The relevant Minister shall cease to hold office if—
- (a) he resigns by notice in writing to the First Minister and the deputy First Minister;

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- (b) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution; or
 - (c) he is dismissed by the First Minister and the deputy First Minister acting jointly and the Presiding Officer is notified of his dismissal.
- (10) If the relevant Minister ceases to hold office at any time, otherwise than by virtue of sub-paragraph (1), the relevant Ministerial office shall be filled by applying sub-paragraphs (3) to (6) within a period specified in standing orders.
- (11) Where—
- (a) the Assembly has resolved under section 30(2) that a political party does not enjoy its confidence; and
 - (b) the party’s period of exclusion under that provision has not come to an end, no member of that party may be nominated under sub-paragraph (3).
- (12) Where—
- (a) the Secretary of State has given a direction under section 30A(5) in respect of a political party; and
 - (b) the party’s period of exclusion under that provision has not come to an end, no member of that party may be nominated under sub-paragraph (3).
- (13) In this paragraph, a reference to a period of exclusion under any provision is, in the case of a period of exclusion under that provision which has been extended, a reference to that period as extended.

PART 2

DEPARTMENT IN THE CHARGE OF TWO MINISTERS

Introduction

- 4 (1) This Part of this Schedule has effect in relation to a Northern Ireland department—
- (a) the functions of which consist wholly or mainly of devolved policing and justice functions; and
 - (b) in relation to which an Act of the Assembly provides, by virtue of section 21A(4), for it to be in the charge of two Northern Ireland Ministers acting jointly (the “relevant Ministers”).
- (2) In this paragraph “devolved policing and justice function” has the same meaning as in section 21A (see subsection (8) of that section).

Modifications of section 17

- 5 (1) Section 17 (Ministerial offices) has effect subject to the following modifications.
- (2) Subsection (3) has effect subject to the provision of the Act of the Assembly referred to in paragraph 4(1)(b).
 - (3) The Ministerial offices held by the relevant Ministers (the “relevant Ministerial offices”) are to count as a single Ministerial office for the purposes of subsection (4).

Section 18 not to apply to relevant Ministers

- 6 (1) Section 18 (Northern Ireland Ministers) shall not apply in relation to—
- (a) the relevant Ministers; or
 - (b) the relevant Ministerial offices,
- and paragraph 7 shall apply instead.
- (2) But the references to Ministerial offices in—
- (a) subsection (1)(c) and (d) of section 18; and
 - (b) subsection (5) of that section (in the definition of M),
- shall be taken to include the relevant Ministerial offices.

Provisions relating to relevant Ministers

- 7 (1) Where any of the conditions in paragraphs (a) to (e) of section 18(1) is satisfied—
- (a) the relevant Ministers shall (if holding office at the time) cease to hold office; and
 - (b) the relevant Ministerial offices shall be filled by applying sub-paragraphs (3) to (6) within a period specified in standing orders.
- (2) The relevant Ministerial offices shall be filled by applying sub-paragraphs (3) to (6) before section 18(2) to (6) is applied in relation to the other Ministerial offices.
- (3) The First Minister and the deputy First Minister acting jointly shall nominate two members of the Assembly to hold the relevant Ministerial offices.
- (4) The nomination shall not take effect unless it is approved by a resolution of the Assembly passed with the support of—
- (a) a majority of the members voting on the motion for the resolution;
 - (b) a majority of the designated Nationalists voting; and
 - (c) a majority of the designated Unionists voting.
- (5) If—
- (a) the nomination does not take effect within a period specified in standing orders; or
 - (b) the nominated persons do not take up the offices for which they have been nominated within that period,
- a further nomination of two members of the Assembly shall be made under sub-paragraph (3).
- (6) Sub-paragraphs (3) to (5) shall be applied as many times as may be necessary to secure that the relevant Ministerial offices are filled.
- (7) The holding of office as First Minister or deputy First Minister shall not prevent a person being nominated to hold a relevant Ministerial office.
- (8) The relevant Ministers—
- (a) shall not take up office until each of them has affirmed the terms of the pledge of office; and
 - (b) must take up office at the same time as each other.
- (9) A relevant Minister shall cease to hold office if—

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- (a) he resigns by notice in writing to the First Minister and the deputy First Minister;
 - (b) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution; or
 - (c) he is dismissed by the First Minister and the deputy First Minister acting jointly and the Presiding Officer is notified of his dismissal.
- (10) If either of the relevant Ministers ceases to hold office at any time, otherwise than by virtue of sub-paragraph (1)—
- (a) the other shall also cease to hold office at that time; and
 - (b) the relevant Ministerial offices shall be filled by applying sub-paragraphs (3) to (6) within a period specified in standing orders.
- (11) Where—
- (a) the Assembly has resolved under section 30(2) that a political party does not enjoy its confidence; and
 - (b) the party’s period of exclusion under that provision has not come to an end, no member of that party may be nominated under sub-paragraph (3).
- (12) Where—
- (a) the Secretary of State has given a direction under section 30A(5) in respect of a political party; and
 - (b) the party’s period of exclusion under that provision has not come to an end, no member of that party may be nominated under sub-paragraph (3).
- (13) In this paragraph, a reference to a period of exclusion under any provision is, in the case of a period of exclusion under that provision which has been extended, a reference to that period as extended.

PART 3

DEPARTMENT WITH ROTATION BETWEEN MINISTER AND JUNIOR MINISTER

Introduction

- 8 (1) This Part of this Schedule has effect in relation to a Northern Ireland department—
- (a) the functions of which consist wholly or mainly of devolved policing and justice functions; and
 - (b) in relation to which an Act of the Assembly provides, by virtue of section 21A(5)—
 - (i) for it to be in the charge of a Northern Ireland Minister (the “relevant Minister”) who is supported by a junior Minister (the “relevant junior Minister”); and
 - (ii) for the persons holding those offices to rotate at intervals determined by or under the Act.²⁹
- (2) In this paragraph “devolved policing and justice function” has the same meaning as in section 21A (see subsection (8) of that section).

Section 18 not to apply to relevant Minister

- 9 (1) Section 18 (Northern Ireland Ministers) shall not apply in relation to—
- (a) the relevant Minister; or
 - (b) the Ministerial office held by the relevant Minister (the “relevant Ministerial office”),
- and paragraph 11 shall apply instead.
- (2) But the references to Ministerial offices in—
- (a) subsection (1)(c) and (d) of section 18; and
 - (b) subsection (5) of that section (in the definition of M),
- shall be taken to include the relevant Ministerial office.
- (3) And the junior Ministerial office held by the relevant junior Minister (the “relevant junior Ministerial office”) shall be taken to be a Ministerial office for the purposes of subsection (5) of that section.

Certain provisions of section 19 not to apply to relevant junior Minister

- 10 (1) The provisions of section 19 (junior Ministers) specified in sub-paragraph (2) shall not apply in relation to—
- (a) the relevant junior Minister; or
 - (b) the relevant junior Ministerial office,
- and paragraph 11 shall apply instead.
- (2) Those provisions are—
- (a) so much of subsection (1)(a) as relates to the procedures for the appointment of persons as junior Ministers;
 - (b) subsection (2) (so that, in particular, the relevant junior Ministerial office shall not count for the purposes of any formulae or other rules mentioned in that subsection);
 - (c) subsection (3); and
 - (d) subsection (5).

Provisions relating to relevant Minister and relevant junior Minister

- 11 (1) Where any of the conditions in paragraphs (a) to (e) of section 18(1) is satisfied—
- (a) the relevant Minister and the relevant junior Minister shall (if holding office at the time) cease to hold office; and
 - (b) the relevant Ministerial office and the relevant junior Ministerial office shall be filled by applying sub-paragraphs (3) to (6) within a period specified in standing orders.
- (2) The relevant Ministerial office and the relevant junior Ministerial office shall be filled by applying sub-paragraphs (3) to (6)—
- (a) before section 18(2) to (6) is applied in relation to the other Ministerial offices; and
 - (b) before the procedures specified in any determination under section 19 are applied in relation to the other junior Ministerial offices.
- (3) The First Minister and the deputy First Minister acting jointly shall nominate—
- (a) a member of the Assembly to hold the relevant Ministerial office; and

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- (b) a member of the Assembly to hold the relevant junior Ministerial office.
- (4) The nomination shall not take effect unless it is approved by a resolution of the Assembly passed with the support of—
- (a) a majority of the members voting on the motion for the resolution;
 - (b) a majority of the designated Nationalists voting; and
 - (c) a majority of the designated Unionists voting.
- (5) If—
- (a) the nomination does not take effect within a period specified in standing orders; or
 - (b) the nominated persons do not take up the offices for which they have been nominated within that period,
- a further nomination of two members of the Assembly shall be made under sub-paragraph (3).
- (6) Sub-paragraphs (3) to (5) shall be applied as many times as may be necessary to secure that the relevant Ministerial office and the relevant junior Ministerial office are filled.
- (7) The holding of office as First Minister or deputy First Minister shall not prevent a person being nominated to hold—
- (a) the relevant Ministerial office; or
 - (b) the relevant junior Ministerial office.
- (8) The relevant Minister and the relevant junior Minister—
- (a) shall not take up office until each of them has affirmed the terms of the pledge of office; and
 - (b) must take up office at the same time as each other.
- (9) The relevant Minister or the relevant junior Minister shall cease to hold office if—
- (a) he resigns by notice in writing to the First Minister and the deputy First Minister;
 - (b) he ceases to be a member of the Assembly otherwise than by virtue of a dissolution; or
 - (c) he is dismissed by the First Minister and the deputy First Minister acting jointly and the Presiding Officer is notified of his dismissal.
- (10) Sub-paragraph (11) applies if the relevant Minister or the relevant junior Minister ceases to hold office at any time, otherwise than—
- (a) by virtue of sub-paragraph (1); or
 - (b) by virtue of the rotation of the persons holding those offices in accordance with provision referred to in paragraph 8(1)(b)(ii).
- (11) Where this sub-paragraph applies—
- (a) the other shall also cease to hold office at that time; and
 - (b) the relevant Ministerial office and the relevant junior Ministerial office shall be filled by applying sub-paragraphs (3) to (6) within a period specified in standing orders.
- (12) Where—
- (a) the Assembly has resolved under section 30(2) that a political party does not enjoy its confidence; and

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(b) the party's period of exclusion under that provision has not come to an end, no member of that party may be nominated under sub-paragraph (3).

(13) Where—

(a) the Secretary of State has given a direction under section 30A(5) in respect of a political party; and

(b) the party's period of exclusion under that provision has not come to an end, no member of that party may be nominated under sub-paragraph (3).

(14) In this paragraph, a reference to a period of exclusion under any provision is, in the case of a period of exclusion under that provision which has been extended, a reference to that period as extended.

PART 4

POWER TO MAKE FURTHER MODIFICATIONS

12 (1) Her Majesty may by Order in Council make such further modifications of any enactment (whenever passed or made) as appear to Her Majesty to be necessary or expedient—

(a) in consequence of, or

(b) for giving full effect to,

an Act of the Assembly which makes provision of the kind mentioned in section 21A(3), (4) or (5).

(2) No recommendation shall be made to Her Majesty to make an Order under this paragraph unless a draft of it has been laid before and approved by resolution of each House of Parliament.”

SCHEDULE 3

Section 26

EXTENSION TO NORTHERN IRELAND OF PROVISIONS OF SOCAP 2005

Introduction

1 Amend the Serious Organised Crime and Police Act 2005 (c. 15) as follows.

Director of Public Prosecutions for Northern Ireland to be an Investigating Authority

2 (1) Amend section 60 (investigatory powers of DPP etc.) as follows.

(2) In subsection (1), at the end of paragraph (c) insert “and

(d) the Director of Public Prosecutions for Northern Ireland.”

(3) After subsection (4) insert—

“(4A) The Director of Public Prosecutions for Northern Ireland may, to such extent as he may determine, delegate the exercise of his powers under this Chapter to a Public Prosecutor.”

(4) In subsection (5), at the end of paragraph (c) insert “, or

Status: This is the original version (as it was originally enacted).

(d) the Director of Public Prosecutions for Northern Ireland.”

(5) In subsection (6), for “or (4)” substitute “, (4) or (4A)”.

Offences to which Chapter 1 of Part 2 applies to include certain Northern Ireland offences

3 (1) Amend section 61 (offences to which Chapter 1 of Part 2 applies) as follows.

(2) In subsection (1), after paragraph (b) insert—

“(ba) any offence listed in Schedule 5 to that Act (lifestyle offences: Northern Ireland);”.

(3) In subsection (1)(e), after “1968 (c. 60)” insert “or section 17 of the Theft Act (Northern Ireland) 1969”.

(4) In subsection (1)(f), after “1981 (c. 47)” insert “or Article 3 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983”.

(5) In subsection (1)(g), after “1977 (c. 45)” insert “or Article 9 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983”.

(6) In subsection (2)(b), after “1968 (c. 60)” insert “or section 17 of the Theft Act (Northern Ireland) 1969”.

(7) In subsection (4), after “Wales” (in both places) insert “or Northern Ireland”.

Member of staff of SOCA not to be “appropriate person” in application of Chapter to Northern Ireland

4 In section 62 (disclosure notices), in subsection (2), at the end insert—

“But in the application of this Chapter to Northern Ireland, this subsection has effect as if paragraph (b) were omitted.”

Restrictions on requiring information etc.: modification for Northern Ireland

5 In section 64 (restrictions on requiring information etc.), in subsection (5), after “1984 (c. 60)” insert “or, in relation to Northern Ireland, Article 13 of the Police and Criminal Evidence (Northern Ireland) Order 1989”.

Restrictions on use of statements: modification for Northern Ireland

6 In section 65 (restrictions on use of statements), in subsection (2), at the end of paragraph (c) insert “, or

(d) for an offence under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statements made otherwise than on oath).”

Power to enter and seize documents: applications for warrants in Northern Ireland

7 In section 66 (power to enter and seize documents), after subsection (10) insert—

“(11) In the application of this section to Northern Ireland—

(a) subsection (1) has effect as if, for the words from the beginning to “laid”, there were substituted “A lay magistrate may issue a warrant under this section if, on complaint on oath made”; and

Status: This is the original version (as it was originally enacted).

- (b) subsections (1)(a) and (3)(b) have effect as if, for “in the information”, there were substituted “in the complaint”.

Offences in connection with disclosure notices etc.: modification of penalties

- 8 In section 67 (offences in connection with disclosure notices or search warrants), after subsection (6) insert—

“(7) In the application of this section to Northern Ireland—

- (a) the reference to 51 weeks in subsection (4)(a) is to be read as a reference to 6 months; and
(b) the reference to 12 months in subsection (5)(b) is to be read as a reference to 6 months.”

Extension to Northern Ireland of sections 60 to 67, 69 and 70 of SOCAP 2005

- 9 In section 179 (short title and extent), in subsection (5)(b), for “68, 71” substitute “60”.

SCHEDULE 4

Section 30(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

REGISTRATION OF ELECTORS

Electoral Law Act (Northern Ireland) 1962 (c. 14 (N. I.))

- 1 (1) Amend Schedule 5 (local elections rules) as follows.
- (2) In rule 26 (equipment of polling stations), after paragraph (3) insert—
- “(3ZA) The reference in paragraph (3)(c) to the copies of the register of electors includes a reference to copies of any notices issued in respect of alterations to the register under section 13BA(9) of the 1983 Act.
- (3ZB) In this Schedule “section 13BA(9) of the 1983 Act” means section 13BA(9) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989).”
- (3) In rule 34 (voting procedure), after paragraph (1) insert—
- “(1A) In the case of an elector who is added to the register in pursuance of a notice issued under section 13BA(9) of the 1983 Act, paragraph (1) is modified as follows—
- (a) in sub-paragraph (b), for “copy of the register of electors” substitute “copy of the notice issued under section 13BA(9) of the 1983 Act”;

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- (b) in sub-paragraph (d), for “in the register of electors” substitute “on the copy of the notice issued under section 13BA(9) of the 1983 Act”.

(4) In rule 35 (votes marked by presiding officer), after paragraph (6) insert—

“(7) In the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act, paragraph (3) applies as if for “on the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act”.

(5) In rule 36 (voting by persons with disabilities), after paragraph (4) insert—

“(4A) In the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act”.

(6) In rule 37 (tendered ballot papers), after paragraph (4) insert—

“(4A) This rule applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act as if—

- (a) in paragraphs (1)(a), (1A)(a) and (1D)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13BA(9) of the 1983 Act has been issued”;
- (b) in paragraph (5)(b), for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9) of the 1983 Act”;
- (c) in paragraph (6), for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9) of the 1983 Act”.

(7) After rule 39 (spoilt ballot papers) insert—

“Correction of errors on day of poll

39A The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13BA(9) of the 1983 Act which takes effect on the day of the poll.”

(8) In rule 41 (procedure on close of poll)—

- (a) in paragraph (1)(d), after “electors” insert “(including any marked copy notices issued under section 13BA(9) of the 1983 Act)”, and
- (b) in paragraph (1)(f), after ““unable to read”,” insert “the list maintained under rule 39A,”.

(9) In rule 57 (sealing up of ballot papers), in paragraph (2), after “marked copies of the register of electors” insert “(including any marked copy notices issued under section 13BA(9) of the 1983 Act)”.

(10) In rule 58 (forwarding of documents)—

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- (a) in paragraph (1)(c), after “and the related statements,” insert “the lists maintained under rule 39A,” and
- (b) in paragraph (1)(e), after “registers” insert “(including any marked copy notices issued under section 13BA(9) of the 1983 Act)”.

Representation of the People Act 1983 (c. 2)

- 2 In section 10, in subsection (4) (form may be either a prescribed form or a form to the same effect), at the end insert “except that, in Northern Ireland, a form prescribed for those purposes shall be used”.
- 3 In section 13 (publication of registers), in subsection (5)(b), for “or 13B” substitute “, 13B or 13BA”.
- 4 (1) Amend section 13A (alteration of registers) as follows.
 - (2) In subsection (1)(c), after “56” insert “or 58”.
 - (3) In subsection (2)(b), for “section 13B(1)” substitute “sections 13B(1) and 13BA(1)”.
 - (4) In subsection (4), before “below” insert “or 13BA(3), (6) or (9)”.
 - (5) In subsection (5), after “13B” insert “or 13BA”.
- 5 For section 58 substitute—

“58 Registration appeals: Northern Ireland

- (1) An appeal lies to the county court—
 - (a) from any decision under this Act of the Chief Electoral Officer for Northern Ireland on any application for registration or objection to a person’s registration made to and considered by him;
 - (b) from any decision under this Act of the Chief Electoral Officer (other than on an application for registration or objection to a person’s registration) that a person registered in respect of any address was not entitled to be registered in respect of that address or that he has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4;
 - (c) from any decision under this Act of the Chief Electoral Officer disallowing a person’s application to vote by proxy or by post as elector or to vote by post as proxy, in any case where the application is not made for a particular election only.
- (2) But an appeal does not lie where the person desiring to appeal—
 - (a) has not availed himself of a prescribed right to be heard by or make representations to the Chief Electoral Officer on the matter which is the subject of the appeal, or
 - (b) has not given the prescribed notice of appeal within the prescribed time.
- (3) An appeal to the county court or Court of Appeal by virtue of this section which is pending when notice of an election is given does not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision—
 - (a) is as good as if no such appeal had been brought, and

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- (b) is not affected by the decision of the appeal.
- (4) The Chief Electoral Officer must, in accordance with sections 13A and 13BA, make such alterations in the register as may be required to give effect to the decision.
- (5) Where, as a result of the decision on an appeal, an alteration in the register made in pursuance of subsection (4) takes effect under section 13(5), 13A(2) or 13BA(6) or (9) on or before the date of the poll, subsection (3) does not apply to that appeal as respects that election.
- (6) The Chief Electoral Officer—
- (a) must undertake such duties in connection with appeals brought by virtue of this section as may be prescribed, and
 - (b) on any appeal is deemed to be a party to the proceedings;
- and the registration expenses payable to him include any expenses properly incurred by virtue of this subsection.
- (7) Section 21(1) of the Interpretation Act (Northern Ireland) 1954 (rules regulating procedure of courts etc.) applies as if the jurisdiction conferred by subsection (1) were conferred by any enactment within the meaning of that Act.”
- 6 (1) Amend Schedule 1 (parliamentary elections rules) as follows.
- (2) In rule 29 (equipment of polling stations), after paragraph (6), insert—
- “(7) The reference in paragraph (3)(c) to the copies of the register of electors includes a reference to copies of any notices issued under section 13BA(9) in respect of alterations to the register.”
- (3) In rule 35 (questions to be put to voters), after paragraph (2) insert—
- “(2A) In the case of an elector in respect of whom a notice has been issued under section 13BA(9), the reference in the question at entry 1(a) to reading from the register must be taken as a reference to reading from the notice issued under section 13BA(9).”
- (4) In rule 37 (voting procedure), after paragraph (1) insert—
- “(1ZA) In the case of an elector who is added to the register in pursuance of a notice issued under section 13BA(9), paragraph (1) is modified as follows—
- (a) in sub-paragraph (b), for “copy of the register of electors” substitute “copy of the notice issued under section 13BA(9)”;
 - (b) in sub-paragraph (d), for “in the register of electors” substitute “on the copy of the notice issued under section 13BA(9)”.
- (5) In rule 38 (votes marked by presiding officer), after paragraph (3) insert—
- “(4) In the case of a person in respect of whom a notice has been issued under section 13BA(9), paragraph (2) applies as if for “on the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13BA(9)”.
- (6) In rule 39 (voting by person with disabilities), after paragraph (4A) insert—

Status: This is the original version (as it was originally enacted).

“(4B) In the case of a person in respect of whom a notice has been issued under section 13BA(9), paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13BA(9)”.”

(7) In rule 40 (tendered ballot papers), after paragraph (4B) insert—

“(4C) This rule applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) as if—

- (a) in paragraphs (1)(a), (1ZA)(a) and (1ZD)(a) for “named on the register” there were substituted “in respect of whom a notice under section 13BA(9) has been issued”;
- (b) in paragraph (2)(b) for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9)”;
- (c) in paragraph (3) for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9)”.

(8) After rule 41A insert—

“Correction of errors on day of poll: Northern Ireland

41B The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13BA(9) which takes effect on the day of the poll.”

(9) In rule 43 (procedure on close of poll), after paragraph (3) insert—

“(4) This rule applies in relation to Northern Ireland as if—

- (a) the reference in paragraph (1)(d) to the marked copies of the register of electors included any marked copy notices issued under section 13BA(9), and
- (b) paragraph (1)(f) referred to the list maintained under rule 41B.”

(10) In rule 54 (sealing up of ballot papers), after paragraph (2) insert—

“(3) This rule applies in relation to Northern Ireland as if the reference in paragraph (2)(d) to section 13B(3B) or (3D) were a reference to section 13BA(9).”

(11) In rule 55 (delivery of documents to Clerk of the Crown for Northern Ireland), after paragraph (4) insert—

“(5) This rule applies in relation to Northern Ireland as if—

- (a) paragraph (1)(c) included a reference to the lists maintained under rule 41B, and
- (b) the reference in paragraph (1B)(a) to marked copies of the registers included any marked copy notices issued under section 13BA(9).”

Status: This is the original version (as it was originally enacted).

Elected Authorities (Northern Ireland) Act 1989 (c. 3)

- 7 (1) Amend Schedule 1 (application, with modifications, of provisions of the Representation of the People Act 1983 to local elections) as follows.
- (2) In Part 1 (provisions applied), in the entry relating to sections 9, 10, 10A, 13 to 13B and 13D—
- (a) after “10,” insert “10ZA, 10ZB,” and
 - (b) for “to 13B” substitute “, 13A, 13BA”.
- (3) In that Part, for the entries relating to sections 56(1) and (3) to (5) and 58(2) substitute—
- “Section 58 (registration appeals: Northern Ireland).”
- (4) In Part 2 (modifications), after paragraph 8 insert—
- “8A In section 13BA (alteration of registers in Northern Ireland: pending elections), in subsection (4)(b), at the end of sub-paragraph (ii) insert “or (iii) Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.”
- (5) In that Part, for paragraph 16 substitute—
- “16 In section 58, omit subsection (1)(c) and after subsection (2) insert—
- “(2A) No appeal lies from the decision of the Court of Appeal on appeal from a decision of the county court under this section.””

Electoral Administration Act 2006 (c. 22)

- 8 In section 2 (use of CORE information), in subsection (10)(b), for “an annual canvass under section 10 of the 1983 Act” substitute “a canvass under section 10(1) or (1A) of the 1983 Act”.

PART 2

THE CHIEF ELECTORAL OFFICER

Electoral Law Act (Northern Ireland) 1962 (c. 14 (N. I.))

- 9 In section 14 (appointment of Chief Electoral Officer for Northern Ireland)—
- (a) in subsection (2), for the words from “by the Governor” to the end of the subsection substitute “in accordance with section 8 of the Northern Ireland (Miscellaneous Provisions) Act 2006”, and
 - (b) in subsection (4), omit the words following paragraph (d).

PART 3

DEVOLUTION OF POLICING AND JUSTICE FUNCTIONS ETC.

Northern Ireland Act 1998 (c. 47)

- 10 In section 7(1)(c) (entrenched enactments), for “86” substitute “86B”.
- 11 In section 96(2) (orders and regulations), after “section” insert “4(6),”.
- 12 In Schedule 2 (excepted matters), in paragraph 3 (international relations etc.)—
- (a) after “international organisations” insert “and extradition”;
 - (b) omit sub-paragraph (a);
 - (c) after sub-paragraph (a) insert—
 - “(aa) co-operation between the Police Service of Northern Ireland and the Garda Síochána with respect to any of the following matters—
 - (i) transfers, secondments, exchanges or training of officers;
 - (ii) communications (including liaison and information technology);
 - (iii) joint investigations;
 - (iv) disaster planning;”.
- 13 (1) Amend Schedule 3 (reserved matters) as follows.
- (2) In paragraph 9 (criminal justice), omit sub-paragraph (f).
- (3) After paragraph 11 insert—
- “11A Co-operation between the Police Service of Northern Ireland and the Garda Síochána with respect to any of the following matters—
- (a) transfers, secondments, exchanges or training of officers;
 - (b) communications (including liaison and information technology);
 - (c) joint investigations;
 - (d) disaster planning.”

Inquiries Act 2005 (c. 12)

- 14 In section 30 (Northern Ireland inquiries), in subsection (6), for “subsection (3), (4) or (5)” substitute “any of subsections (3) to (5)”.

PART 4

FINANCIAL ASSISTANCE FOR ENERGY PURPOSES

Energy (Northern Ireland) Order 2003 (S.I. 2003/419 (N.I. 6))

- 15 In Article 66 (regulations, orders and directions), in paragraph (1), after “59(1)” insert “, 61(7)”.

Status: This is the original version (as it was originally enacted).

SCHEDULE 5

Section 30(2)

REPEALS AND REVOCATIONS

REGISTRATION OF ELECTORS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Representation of the People Act 1983 (c. 2)	Section 13B(4)(e).
Electoral Administration Act 2006 (c. 22)	In Schedule 1, paragraph 110.

THE CHIEF ELECTORAL OFFICER

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Electoral Law Act (Northern Ireland) 1962 (c. 14 (N. I.))	In section 14(4), the words following paragraph (d).

DONATIONS FOR POLITICAL PURPOSES

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Representation of the People Act 1983 (c. 2)	In Schedule 2A, paragraph 1(7).
Political Parties, Elections and Referendums Act 2000 (c. 41)	Section 42(5). Chapter 4 of Part 4. Section 156(4)(d). In Schedule 7, paragraphs 1(10) and (11) and 16.
Electoral Administration Act 2006 (c. 22)	Section 60.

DEVOLUTION OF POLICING AND JUSTICE FUNCTIONS ETC.

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Northern Ireland Act 1998 (c. 47)	In Schedule 2, paragraph 3(a). In Schedule 3, paragraph 9(f).

LOANS

<i>Short title and number</i>	<i>Extent of repeal or revocation</i>
Northern Ireland (Loans) Act 1975 (c. 83)	In section 1(5), “, on not more than one occasion,”.
Northern Ireland (Loans) Act 1985 (c. 76)	The whole Act.
Northern Ireland (Loans) (Increase of Limit) Order 1995 (S.I. 1995/675)	The whole Order.

Status: This is the original version (as it was originally enacted).

EXTENSION TO NORTHERN IRELAND OF PROVISIONS OF SOCAP 2005

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Serious Organised Crime and Police Act 2005 (c. 15)	In section 60— (a) in subsection (1), “and” at the end of paragraph (b); (b) in subsection (5), “or” at the end of paragraph (b).
