
STATUTORY INSTRUMENTS

1992 No. 809

NORTHERN IRELAND

**The Local Elections (Northern
Ireland) (Amendment) Order 1992**

Made - - - - 16th March 1992

Coming into force in accordance with article 1(3)

Whereas a draft of this Order has been approved by resolution of each House of Parliament;
Now, therefore, Her Majesty, in exercise of the powers conferred by section 38(1)(a) and (4) of the Northern Ireland Constitution Act 1973⁽¹⁾, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1.—(1) This Order may be cited as the Local Elections (Northern Ireland) (Amendment) Order 1992.

(2) This Order extends to Northern Ireland only.

(3) This Order shall come into force on 6th April 1992, except for the purposes of an application made before that date under paragraph 6(4)(b) of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985⁽²⁾ which is based on receipt of a mobility allowance.

2.—(1) Paragraph 6 of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 (additional requirements for applications on grounds of physical incapacity) shall be amended as follows.

(2) For sub-paragraph (4)(b) there shall be substituted the following paragraph—

“(b) the application states that the applicant is (under section 37ZC of the Social Security (Northern Ireland) Act 1975⁽³⁾) in receipt of the higher rate of the mobility component of a disability living allowance (payable under section 37ZA of that Act) because of the physical incapacity specified in the application in pursuance of sub-paragraph (1).”.

(3) In sub-paragraph (5)—

(a) the words “either— (a)”, and

(b) paragraph (b) together with the word “, or” preceding it, shall be omitted.

(1) 1973 c. 36.

(2) S.I. 1985/454; Part I of Schedule 2 was substituted by Schedule 2 to the Local Elections (Northern Ireland) (Amendment) Order 1987 (S.I. 1987/168). There are amendments to paragraph 6 which are not relevant to this Order.

(3) 1975 c. 15; sections 37ZA and 37ZC were inserted by article 3(2) of the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (S.I. 1991/1712 (N.I. 17)).

Status: *This is the original version (as it was originally made). UK
Statutory Instruments are not carried in their revised form on this site.*

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends paragraph 6 of Part I of Schedule 2 to the Local Elections (Northern Ireland) Order 1985, as substituted by S.I.1987/168, (“the 1985 Order”) to take account of changes made by the Disability Living Allowance and Disability Working Allowance (Northern Ireland) Order 1991 (“the 1991 Order”). The 1985 Order makes provision for local elections in Northern Ireland.

Paragraph 6 of Part I of Schedule 2 to the 1985 Order prescribes the requirements for applications for an absent vote for an indefinite period at local elections on the ground set out in paragraph 1(2)(b) of that Part which is that the applicant cannot reasonably be expected to go in person to his allotted polling station or to vote unaided there because of blindness or other physical incapacity. Most such applications need to be attested in accordance with paragraph 6(2) and (3). Paragraph 6(4) currently disappplies this requirement where either the application is based on the applicant’s blindness and the relevant Health and Social Services Board registration number is given in the application or the applicant is in receipt of a mobility allowance under section 37A of the Social Security (Northern Ireland) Act 1975 and the reference number of such an allowance is given in the application. Under paragraph 6(5) the fact that the applicant is so registered or is in receipt of such an allowance is deemed to be sufficient evidence of eligibility under paragraph 1(2)(b) of Part I of Schedule 2 to the 1985 Order.

Article 3 of the 1991 Order replaced the mobility allowance with a new allowance: the disability living allowance which consists of a care component and a mobility component. Under the Disability Living Allowance and Disability Working Allowance (1991 Order) (Commencement No. 2) Order 1991 (S.R. (N.I.) 1991 No. 501), this provision will come into force on 6th April 1992. This Order amends paragraph 6 of Part I of Schedule 2 to the 1985 Order to take account of these changes (including the fact that, unlike the mobility allowance, each disability living allowance does not, as such, have a reference number).