

SCHEDULE 2

AMENDMENTS CONSEQUENTIAL UPON CHANGES TO THE FRANCHISE

Primary legislation

The Electoral Law Act (Northern Ireland) 1962

1. In rule 34(6)(b) of the Local Elections Rules contained in Schedule 5 to the Electoral Law Act (Northern Ireland) 1962, for the words from “the United” to the end there shall be substituted “a Member State of the European Community;”.

The Representation of the People Act 1983

2. The Act of 1983 shall be amended in accordance with paragraphs 3 to 5 below.

3. In—

- (a) section 7(4)(d)(v) and (7)(c);
- (b) section 16(e);
- (c) section 17(1)(c); and
- (d) section 42(3)(c),

after the word “Ireland”, there shall be inserted in each case “or a relevant citizen of the Union”.

4. In—

- (a) section 7(9)(a), and
- (b) section 15(5)(a),

after the words “parliamentary elections”, there shall be inserted in each case “, or by a relevant citizen of the Union”.

5. For section 49(5)(1), there shall be substituted:

“(5) A person registered as a parliamentary or local government elector, or entered in the list of proxies, shall not be excluded from voting on any of the following grounds: but this shall not prevent the rejection of the vote on a scrutiny, or affect his liability to any penalty for voting.

The grounds are—

- (a) that he is not of voting age;
- (b) that he is not, or, on the qualifying date or the date of his appointment (as the case may be), was not—
 - (i) a Commonwealth citizen;
 - (ii) a citizen of the Republic of Ireland;
 - (iii) in the case of a person registered as a parliamentary elector in pursuance of an overseas elector’s declaration, a British citizen;
 - (iv) in the case of a person registered as a local government elector or entered in the list of proxies by virtue of being a relevant citizen of the Union, a relevant citizen of the Union;
- (c) that he is, or, on the qualifying date or the date of his appointment (as the case may be), was, otherwise subject to any other legal incapacity to vote.”.

(1) Section 49(5) was amended by section 4(4) of the Representation of the People Act 1985.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

6. The amendments made by paragraphs 3 to 5 of this Schedule shall also have effect in relation to the provisions amended as those provisions are applied for the purposes of local elections in Northern Ireland by section 2 of, and Schedule 1 to, the Act of 1989.

The Representation of the People Act 1985

7. For section 8(3) of the Representation of the People Act 1985(2), there shall be substituted:

“(3) A person is not capable of being appointed to vote, or voting, as proxy at a parliamentary election—

(a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or

(b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland.

(3A) A person is not capable of being appointed to vote, or voting, as proxy at a local government election—

(a) if he is subject to any legal incapacity (age apart) to vote at that election as an elector, or

(b) if he is neither a Commonwealth citizen nor a citizen of the Republic of Ireland nor a relevant citizen of the Union.”.

8. In subsection (4) of the said section 8, for the words “any such” there shall be substituted “a parliamentary or local government”.

9. Section 4(4) of the Representation of the People Act 1985 (which amended section 49(5) of the Act of 1983 and is superseded by paragraph 5 above) is hereby repealed.