
STATUTORY INSTRUMENTS

2001 No. 2599

The Northern Ireland Assembly (Elections) Order 2001

Substitutes

6.—(1) The Chief Electoral Officer (“the Officer”) shall act in accordance with this article where—

- (a) he has been notified by—
 - (i) an election court or the High Court under section 144 or 146 of the 1983 Act, as applied by article 3 of, and Schedule 1 to, this Order, or
 - (ii) the presiding officer of the Assembly under section 35(3) of the 1998 Act, that a vacancy exists in the seat of a member of the Assembly,
- (b) that member had given a notice under rule 8A of the elections rules (“the relevant notice”), and
- (c) the vacancy has arisen otherwise than as a result of the resignation of a person who has been returned as a member for more than one constituency.

(2) The Officer shall take such steps as appear to him to be reasonable to contact the person whose name and address appear as the first choice in the relevant notice to ask that person whether he will state in writing that he is willing and able to be returned as a member of the Assembly.

(3) Where—

- (a) within such period as the Officer considers reasonable—
 - (i) he decides that the steps he has taken to contact that person have been unsuccessful, or
 - (ii) he has not received from that person a statement in writing that he is willing and able to be returned as a member of the Assembly, or
- (b) that person has stated in writing that he is not willing or able to be so returned,

the Officer shall repeat the procedure required by paragraph (2) above in respect of the person (if any) whose name and address appear as the second choice in the relevant notice or, where subparagraph (a) or (b) above applies in respect of that person, in respect of the person (if any) whose name and address appear as the third choice in that notice; and the Officer shall continue to repeat the procedure until the seat is filled or the names in the list exhausted.

(4) Where a person whose name and address appear in the relevant notice states in writing in response to the question from the Officer under paragraph (2) above (including that paragraph as applied by paragraph (3) above) that he is willing and able to be returned as a member of the Assembly, the Officer shall (subject to paragraph (5) below) declare that person to be so returned.

(5) Where under paragraph (3) above the Officer has asked the person whose name appears as the second or, as the case may be, other subsequent choice in the relevant notice the question set out in paragraph (2) above prior to the receipt of a statement from a person whose name appears as an earlier choice in that notice that he is willing and able to be returned as a member of the Assembly, that statement shall not have effect for the purposes of paragraph (4) above unless—

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- (a) the first-mentioned person has stated in writing that he is not willing and able to be so returned, or
 - (b) no statement in writing that he is willing and able to be so returned has been received from him by the Officer in response to the Officer's question within such period as the Officer considers reasonable.
- (6) The Officer shall give public notice of a declaration under paragraph (4) above and send it to the presiding officer of the Assembly.