
STATUTORY INSTRUMENTS

2009 No. 256

The Northern Ireland Assembly
(Elections) (Amendment) Order 2009

Substitution of Article 3 of the 2001 Order

3.—(1) For article 3 of the 2001 Order substitute—

“Application of certain provisions for Assembly elections

3.—(1) The provisions of the 1983 Act, the Elections (Northern Ireland) Act 1985⁽¹⁾ and the 1985 Act which are specified in the left-hand column of Schedule 1 to this Order shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule; and
- (b) the provisions of paragraph (3) below,

apply for the purposes of an Assembly election.

(2) The provisions of the 2008 Regulations, the Election Petition Rules 1964⁽²⁾ and the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992⁽³⁾ which are specified in the left-hand column of Schedule 2 to this Order shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule; and
- (b) the provisions of paragraph (3) below,

apply for the purposes of an Assembly election.

(3) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to this Order—

- (a) any reference to a parliamentary election (except the references specified in paragraph (5)) shall be construed as a reference to an Assembly election and a reference to a parliamentary general election shall be construed as a reference to a general election to the Assembly;
- (b) any reference to the parliamentary elections rules shall be construed as a reference to those rules as applied for the purposes of Assembly elections;
- (c) any reference to a parliamentary elector shall be construed as a reference to an elector entitled to vote at an Assembly election and references to the register of electors shall be construed accordingly;
- (d) any reference to a parliamentary election petition shall be construed as a reference to an Assembly election petition;
- (e) any reference to an overseas elector shall be disregarded;

(1) 1985 c. 2.

(2) S.R. & O. (N.I.) 1964 No.28 as amended by S.R. & O. (N.I.) 1985 No.347.

(3) S.R. & O. (N.I.) 1992 No.448.

- (f) any provision having effect only in Great Britain or any part of it, including a provision relating to a local government election or local government electors, shall be disregarded;
- (g) any reference to a return in the context of a return to the writ of election and return to Parliament shall be construed as a reference to the declaration of result made by the returning officer under rule 50 of the election rules;
- (h) in the heading of the forms in Schedule 3 to the 2008 Regulations which are applied by this Order, for the words “REPRESENTATION OF THE PEOPLE ACTS” substitute “NORTHERN IRELAND ASSEMBLY ELECTION”;
- (i) any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by this Order; and
- (j) in the event that different provision is made in relation to parliamentary elections in Great Britain and parliamentary elections in Northern Ireland, the provisions relating to parliamentary elections in Northern Ireland are applied by this Order.

(4) Section 35(2)(h) of the Judicature (Northern Ireland) Act 1978⁽⁴⁾ shall apply in relation to an Assembly election petition as it applies in relation to a parliamentary election petition and as though the references in that section to the 1983 Act were references to that Act as applied by Schedule 1 to this Order.

(5) The references to “parliamentary election” to which paragraph (3)(a) above does not apply are those in section 160(4)(a)(i) of the 1983 Act⁽⁵⁾ and section 173(1)(a)(i) of that Act⁽⁶⁾.”

- (2) Schedule 1 (substitution of Schedule 1 to the 2001 Order) has effect.
- (3) Schedule 2 (substitution of Schedule 2 to the 2001 Order) has effect.

⁽⁴⁾ 1978 c. 23; section 35(2)(h) was amended by Schedule 8 to the 1983 Act.

⁽⁵⁾ Section 160(4) was substituted by Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

⁽⁶⁾ Section 173 was substituted by section 136 of the Political Parties, Election and Referendums Act 2000.