
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Northern Ireland Assembly (Elections) Order 2001 (“the 2001 Order”) principally to make provision for changes made by the Electoral Administration Act 2006 and to apply the Representation of the People (Northern Ireland) Regulations 2008.

Article 4 makes clear that a person may only vote as an elector once at an Assembly election. Entitlement to vote as an elector at an Assembly election is by reference to entitlement to vote as an elector at a local election and a person may only do that once.

Article 6 makes new provision for the appointment of replacement members of the Assembly (“MLA”) when a seat becomes vacant. Instead of candidates providing lists of substitutes at the time their nomination papers are delivered, if a seat becomes vacant the nominating officer of the relevant party will be asked to nominate a replacement to be returned as the MLA for the vacant seat. The relevant party is the one on whose behalf the MLA was elected. The existing position is preserved for independent members of the Assembly who may still provide lists of substitutes except these are to be provided only once an independent MLA has been elected rather than at the time he or she is nominated.

Schedule 1 substitutes a new Schedule 1 to the 2001 Order. That schedule applies provisions of the Representation of the People Act 1983 (“the 1983 Act”), The Elections (Northern Ireland) Act 1985 and the Representation of the People Act 1985. The application of the 1983 Act has been updated to reflect changes made to it by the Electoral Administration Act 2006 and the Northern Ireland (Miscellaneous Provisions) Act 2006.

Schedule 2 substitutes a new Schedule 2 to the 2001 Order to reflect the repeal of the Representation of the People (Northern Ireland) Regulations 2001 and their replacement by the Representation of the People (Northern Ireland) Regulations 2008. Relevant provisions of those regulations, with modifications as appropriate, will now be applied to Assembly elections.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.