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## SCHEDULES

### <sup>F1</sup>SCHEDULE 5

#### LOCAL ELECTIONS RULES

**F1** SI 1985/454

#### PART II

##### STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

###### *Notice of election*

- 4 The returning officer shall publish notice of the election stating in addition to the notification referred to in section 24(2)—
- (a) the place and times at which nomination papers are to be delivered;
  - (b) the number of members to be returned for each district electoral area in the local government district concerned;
  - (c) the last time by which applications to vote by post or proxy or by post as proxy must reach the Chief Electoral Officer in order to be effective for the election;
  - (d) the date and hours of the poll in the event of a contest;
- and the notice shall state that forms of nomination paper may be obtained at the place referred to in paragraph (a).

###### *Nomination of candidates*

- 5 (1) Each candidate shall be nominated by a separate nomination paper, in the form in the Appendix, delivered—
- (a) by the candidate himself, or
  - (b) by his proposer or seconder,
- to the returning officer at the place fixed for the purpose, but the paper may be so delivered on the candidate's behalf by his election agent if the agent's name and address have been previously given to the returning officer as required by section 34 or are so given at the time the paper is delivered.
- (2) The nomination paper shall state the candidate's—
- (a) full names,
  - (b) home address in full, and
  - (c) if desired, description,
- and the surname shall be placed first in the list of his names.
- <sup>F1</sup>(3) The description, if any, must consist of either—

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- (a) a description (of not more than 6 words in length) which is authorised as mentioned in rule 5A(1); or
- (b) the word Independent.]

**F1** SI 2001/417

*Nomination papers: name of registered political party*

- [<sup>F2</sup>5A (1) A nomination paper may not include a description of a candidate which is likely to lead voters to associate the candidate with a registered political party unless the party is a qualifying party in relation to the district electoral area and the description is authorised by a certificate—
- (a) issued by or on behalf of the registered nominating officer of the party, and
  - (b) received by the returning officer before the last time for the delivery of nomination papers.
- (2) A person shall be guilty of a corrupt practice if he fraudulently purports to be authorised to issue a certificate under paragraph (1) on behalf of a registered political party's nominating officer.
- (3) For the purposes of the application of this rule in relation to an election—
- (a) registered political party means a party which was registered under Part II of the Political Parties, Elections and Referendums Act 2000 at the time by which the notice of election is required to be published by virtue of rule 1 ( the relevant time);
  - (b) a registered party is a qualifying party in relation to a district electoral area if the party was at the relevant time registered in the Northern Ireland register maintained under that Part of that Act.]

**F2** SI 2001/417

*Subscription of nomination paper*

- 6 (1) The nomination paper shall be subscribed by two electors for the district electoral area as proposer and seconder, and by eight other electors for that area as assenting to the nomination.
- (2) Where a nomination paper bears the signature of more than the required number of persons as proposing, seconding or assenting to the nomination of a candidate, the signature or signatures (up to the required number) appearing first on the paper in each category shall be taken into account to the exclusion of any others in that category.
- (3) The nomination paper shall give the electoral number of each person subscribing it.
- (4) The returning officer shall—
- (a) supply any elector with a form of nomination paper at the place and during the time for delivery of nomination papers, and
  - (b) at any elector's request prepare a nomination paper for signature;
- but it is not necessary for a nomination to be on a form supplied by the returning officer.

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- (5) A person shall not subscribe more nomination papers at the same election than there are vacancies to be filled in the district electoral area; but a person shall not be prevented from subscribing a nomination paper by reason only of his having subscribed that of a candidate who has died or withdrawn before delivery of the first-mentioned paper.
- (6) If a person subscribes nomination papers in contravention of paragraph (5), his signature shall be inoperative on any paper other than those papers (up to the permitted number) which are delivered first.
- [<sup>F3</sup>(7) In this rule elector
- (a) means a person who is registered in the register of local electors for the district electoral area in question on the last day for publication of notice of the election; and
  - (b) includes a person then shown in that register as below voting age if (but only if) it appears from the register that he will be of voting age on the day fixed for the poll.]

**F3** SI 2001/417

#### *Consent to nomination*

- 7 A person shall not be validly nominated unless his consent to nomination is—
- (a) given in writing in the form in the Appendix, on or within one month before the day fixed as the last day for the delivery of nomination papers,
  - (b) attested by one witness, and
  - (c) delivered at the place and within the time for the delivery of nomination papers.

#### *Place for delivery of nomination papers*

- 8 The returning officer shall fix the place at which nomination papers are to be delivered to him, and shall attend there during the time for their delivery and for the making of objections to them.

#### *Right to attend nomination*

- 9 (1) Except for the purpose of delivering a nomination paper or of assisting the returning officer no person is entitled to attend the proceedings during the time for delivery of nomination papers or for making objections to them unless he is—
- (a) a person standing nominated as a candidate, or
  - (b) the election agent, proposer or seconder of such a person, but where a candidate acts as his own election agent he may name one other person who shall be entitled to attend in place of his election agent. [<sup>F4</sup> or
  - (c) a person who is entitled to attend by virtue of section 6A or 6B of the Political Parties, Elections and Referendums Act 2000.]
- (2) Where a person stands nominated by more than one nomination paper, only the persons subscribing as proposer and seconder—
- (a) to such one of those papers as he may select, or

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- (b) in default of such a selection, to that one of those papers which is first delivered,  
shall be entitled to attend as his proposer and seconder.
- (3) The right to attend conferred by this rule includes the right—
- (a) to inspect, and
  - (b) to object to the validity of,  
any nomination paper.
- [<sup>F5</sup>(4) Paragraph (3) does not apply to a person mentioned in paragraph (1)(c).]

- F4** Sch. 5 rule 9(1)(c) and preceding word inserted (1.7.2008) by Electoral Administration Act 2006 (c. 22), ss. 47, 77(2), **Sch. 1 para. 56(a)**; S.I. 2008/1316, **art. 2(3)**, 5(f)(iii)
- F5** Sch. 5 rule 9(4) inserted (1.7.2008) by Electoral Administration Act 2006 (c. 22), ss. 47, 77(2), **Sch. 1 para. 56(b)**; S.I. 2008/1316, **art. 2(3)**, 5(f)(iii)

*Decisions as to validity of nomination papers*

- 10 (1) Where a nomination paper and the candidate's consent to it are delivered in accordance with these rules, the candidate shall be deemed to stand nominated unless and until—
- (a) the returning officer decides that the nomination paper is invalid; or
  - (b) proof is given to the returning officer's satisfaction of the candidate's death;  
or
  - (c) the candidate withdraws.
- (2) The returning officer is entitled to hold a nomination paper invalid only on one of the following grounds—
- (a) that the particulars of the candidate or the person subscribing the paper are not as required by law;
  - (b) that the paper is not subscribed as so required.
- (3) [<sup>F6</sup>Subject to paragraph (3A),] The returning officer shall give his decision on any objection to a nomination paper as soon as practicable after it is made.
- [<sup>F6</sup>(3A) If in the returning officer's opinion a nomination paper breaks rule 5A(1), he shall give a decision to that effect as soon as practicable after the last time for the delivery of nomination papers.]
- (4) [<sup>F6</sup>Where the returning officer] decides that a nomination paper is invalid, he shall endorse and sign on the paper the fact and the reasons for his decision.
- (5) The decision of the returning officer that a nomination paper is valid shall be final and shall not be questioned in any proceedings whatsoever.
- (6) Subject to paragraph (5), nothing in this rule shall prevent the validity of a nomination being questioned on an election petition.

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### *Withdrawal of candidates*

- 11 (1) A candidate may withdraw his candidature by notice of withdrawal—
- (a) signed by him and attested by one witness, and
  - (b) delivered to the returning officer at the place for delivery of nomination papers.
- (2) Where a candidate is out of Northern Ireland, a notice of withdrawal signed by his proposer and accompanied by a written declaration also so signed of the candidate's absence from Northern Ireland shall be of the same effect as a notice of withdrawal signed by the candidate, but where the candidate stands nominated by more than one nomination paper a notice of withdrawal under this paragraph shall be effective if, but only if—
- (a) it and the accompanying declaration are signed by all the proposers except any one who is, and is stated in that declaration to be, out of Northern Ireland; or
  - (b) it is accompanied, in addition to the declaration, by a written statement signed by the candidate that the proposer giving notice is authorised to do so on the candidate's behalf during his absence from Northern Ireland.

### *Publication of nominations*

- 12 (1) The returning officer shall prepare and publish a statement showing the persons who have been and stand nominated in each district electoral area and any other persons who have been nominated, with the reason why they no longer stand nominated.
- (2) The statement shall show the names, addresses and descriptions of the persons nominated as given in their nomination papers, together with the names of the persons subscribing those papers.
- (3) The statement shall show the persons standing nominated arranged alphabetically in the order of their surnames, and, if there are two or more of them with the same surname, of their other names.
- (4) In the case of a person nominated by more than one nomination paper, the returning officer shall take the particulars required by the foregoing provisions of this rule from such one of the papers as the candidate (or the returning officer in default of the candidate) may select.

### *Adjournment of nomination proceedings in case of riot*

- 13 (1) Where the proceedings for or in connection with nomination are on any day interrupted or obstructed by riot or open violence—
- (a) the proceedings shall be abandoned for that day, and
  - (b) if that day is the last day for the delivery of nomination papers, the proceedings shall be continued on the next day as if that were the last day of such delivery;
- and that day shall be treated for the purposes of these rules as being the last day for such delivery (subject to any further application of this rule in the event of interruption or obstruction on that day).
- (2) Where proceedings are abandoned by virtue of this rule—
- (a) nothing may be done after they are continued if the time for doing it had passed at the time of the abandonment; and

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- (b) anything done before the abandonment shall not be invalidated by reason of the abandonment.

*Method of election*

- 14 (1) If the number of persons standing nominated, as shown by the statement of persons nominated, exceeds the number of seats to be filled, a poll shall be taken in accordance with Part III of these rules.
- (2) If the number of persons standing nominated, as so shown, is equal to or less than the number of seats to be filled, the persons standing nominated shall be declared to be elected in accordance with Part V of these rules.

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