

Status: Point in time view as at 01/01/2006.

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SCHEDULES

^{F1}SCHEDULE 5

LOCAL ELECTIONS RULES

F1 SI 1985/454

PART VII

DEATH OF CANDIDATE

Countermand or abandonment of poll on death of candidate

- 61 (1) If at a contested election proof is given to the returning officer's satisfaction before the result of the election is declared that one of the persons named or to be named as candidate in the ballot papers has died, then the returning officer shall—
- (a) countermand notice of the poll, or
 - (b) if polling has begun, direct that the poll be abandoned,
- and the proceedings with reference to the election shall be commenced afresh as if a casual vacancy had occurred and as if the day on which the returning officer is satisfied that a candidate has died is the day on which the casual vacancy is deemed to have occurred; accordingly, the timetable in rule 1(3) shall apply to the fresh proceedings except that no fresh nomination shall be necessary in the case of a person shown in the statement of persons nominated as standing nominated.
- [^{F1}(1A) Neither the countermand of the poll at the local election nor the direction that that poll be abandoned affects the poll at the parliamentary election.]
- [^{F1}(2) If the poll at the local election is abandoned because of a candidate's death—
- (a) no further ballot papers at that election must be delivered in any polling station;
 - (b) at the close of the poll for the parliamentary election the presiding officer must comply with the requirements of rule 41 (as amended by the Schedule to the Elections Act 2001) as if the poll at the local election had not been abandoned;
 - (c) the returning officer must dispose of ballot papers used at the local election and other documents in his possession as he is required to do on the completion in due course of the counting of the votes,
- but this is subject to paragraph (2A).
- (2A) In a case falling within paragraph (2)—
- (a) a ballot paper account for the local election need not be prepared or verified;

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- (b) the returning officer, having separated the ballot papers relating to the parliamentary election, must take no step or further step for the counting of the ballot papers used at the local election or of the votes;
 - (c) the returning officer must seal up all of those ballot papers whether the votes on them have been counted or not;
 - (d) it is not necessary to seal up counted and rejected ballot papers in separate packets.]
- (3) The provisions of these rules as to the inspection, production, retention and destruction of ballot papers and other documents relating to a poll at an election apply to any such documents relating to a poll abandoned by reason of a candidate's death with the following modifications—
- (a) ballot papers on which the votes were neither counted nor rejected shall be treated as counted ballot papers; and
 - (b) no order shall be made for the production or inspection of any ballot papers or for the opening of a sealed packet of counterfoils or certificates as to employment on duty on the day of the poll unless the order is made by a court with reference to a prosecution.

F1 2001 c. 7

APPENDIX OF FORMS

1. **Form of nomination paper**(rule 5)

ELECTION OF DISTRICT COUNCILLORS

District of

District Electoral Area

Day of election

We, the undersigned, being electors in the above-mentioned district electoral area do hereby nominate the under-mentioned person as candidate at this election.

| Candidate's surname | Other names in full | Description | Home Address in full |
|---------------------|---------------------|-------------|----------------------|
| # | # | # | # |

| | |
|-------------------|--------------------------------------|
| Signatures | Electoral Number (See Note 3) |
| Proposer | |
| Seconder | |

We, the undersigned, being electors for the above-mentioned district electoral area do hereby assent to the foregoing nomination.

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- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

NOTES

1. The attention of candidates and electors is drawn to the rules for filling up nomination papers and other provisions relating to nomination contained in the local elections rules in Schedule 5 to the Electoral Law Act (Northern Ireland) 1962, as substituted by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 and, in particular, to the need for a candidate to consent to his nomination.

2. Where the candidate is commonly known by some title he may be described by his title as if it were his surname.

Note 3 rep. by SI 2001/417

4. An elector must not sign more nomination papers for the district electoral area than there are vacancies to be filled.

5. A person whose name is entered in the register^{F2} . . . may not subscribe a nomination paper if the entry gives as the date on which he will become of voting age a date later than the day fixed for the poll.

| |
|-----------------------|
| F2 SI 2001/417 |
|-----------------------|

2. Candidate's consent to nomination(rule 7)

ELECTION OF DISTRICT COUNCILLORS

I (*name in full*)

of (*home address in full*)

hereby consent to my nomination as a candidate for election as councillor for the..... district electoral area in the district of

I declare that I have attained the age of 21 years and that I am a Commonwealth citizen or^{F3}, citizen of the Republic of Ireland or a citizen of another Member State of the European Community] and—

| |
|------------------------|
| F3 SI 1995/1948 |
|------------------------|

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**Delete whichever is inappropriate*

* (a) I am a local elector for the district of the council; or

* (b) during the whole of the period of twelve months preceding the day of the poll:—

..... * (i) I have occupied as owner or tenant land in that district, or

..... * (ii) resided in that district; or

* (c) my principal or only place of work during that twelve months has been in that district.

I further declare that to the best of my knowledge and belief I am not disqualified for being elected by reason of any disqualification contained in section 4 of the Local Government Act (Northern Ireland) 1972, a copy of which is printed overleaf.

[^{F4}I declare that, if elected, I will not by word or deed express support for or approval of—

F4 1989 c. 3

(a) any organisation that is for the time being a proscribed organisation specified in Schedule 2 to the Northern Ireland (Emergency Provisions) Act 1978; or

(b) acts of terrorism (that is to say, violence for political ends) connected with the affairs of Northern Ireland.]

Signed

Date

Signed in my presence

Signature of witness

Name and address.....






of witness (in.....

CAPITAL LETTERS).....

3. **Ballot paper**(rule 16)

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| Counter-foil No. | Mark order of preference in space below | Form of front of ballot paper |
|----------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The counterfoil is to have a number to correspond with that on the back of the ballot paper. | |  <p>BLACK (Joseph Black of 5 Down Street, Bangor, Co. Down, Democratic Unionist Party)</p> |
| | | <p>BROWN (RUPERT BROWN of 9 Mourne View, Donaghadee, Co. Down Independent)</p> |
| | |  <p>BROWN (VERONICA BROWN of 8 Magilligan Drive, Portlaffery, Co. Down. SDLP (Social Democratic and Labour Party))</p> |
| | |  <p>GOLD (John Gold of 29 Gilford Place, Millisle, Co. Down. Sinn Féin)</p> |
| | | <p>HAZEL (Horace Hazel of Glen Cottage, Banbridge, Co. Down. Independent)</p> |
| | |  <p>LIME (Harry Lime of 7 Gortin Mansions, Dromara, Co. Down, Ulster Unionist Party)</p> |
| | | <p>PLUM (Peter Plum of 3 Strangford Road, Killinchy, Co. Down. Independent)</p> |
| | |  <p>ROSE (Ruth Rose of 41 Devenish Drive, Ballynahinch, Co. Down. United Kingdom Unionist Party)</p> |
| | | <p>SILVER (Anthony Silver of 3 Mourne View, Bangor, Co. Down. Independent)</p> |
| | | <p>WRIGHT (Frank Wright of 11 Moira Terrace, Newry, Co. Down. Independent)</p> |

Form of back of ballot paper

No.

Election for
 the.....district
 electoral area.

4. Directions as to printing the ballot paper(rule 16)

- Nothing is to be printed on the ballot paper except in accordance with these directions.
- The following arrangements shall be observed in the printing of the front of the ballot paper—

(a) apart from the instructions Mark order of preference in space below in the top left-hand corner no other word or words shall be printed on the ballot paper except the particulars of the candidates^[F5] and words forming part of emblems];

F5 SI 2001/417

(b) no rule shall be printed on the face except the horizontal rules separating the particulars of the candidate from one another and the vertical rule separating those particulars^[F5] and emblems] from the spaces on the left side of the paper where the order of preferences is to be marked;

(c) the whole space between the top and the bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.

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3.

(a) The front of the ballot paper shall contain the names, addresses, occupations and descriptions, if any, of the candidates standing nominated. The names shall be arranged alphabetically in the order of surnames, or if there are two or more candidates having the same surname, in alphabetical order of their other names, or if their other names are the same, in the alphabetical order of their home addresses or descriptions;

(b) the surname of each candidate and his political description (if given) shall be printed in large capitals, and his full name, address and profession, rank or calling (if given) shall be printed underneath in ordinary type; (and for the purposes of this direction a political description shall include a description such as independent);

(c) where the surnames of two or more candidates are the same there shall also be printed in large capitals the other names of such candidates and if those are the same so much of the descriptions or home addresses of such candidates as will enable the electors to distinguish between them;

(d) the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the returning officer, is best for marking and counting;

(e) the ballot papers shall be numbered consecutively on the back, and the front of the counterfoil attached to each ballot paper shall bear the same number. The numbers on the ballot papers shall be printed in the smallest type compatible with legibility and shall be printed on or about the centre of the paper.

[^{F5}(3A) Where an emblem is to be printed against a candidate's particulars—

- (a) it shall be printed between the candidate's particulars and the vertical rule separating the candidates' particulars from the spaces where the vote is to be marked, and
- (b) its size as printed shall not exceed two centimetres square.]

4. Any reference in these directions to the particulars of a candidate are a reference to those particulars as given in the statement of persons nominated.

5. Declaration of identity(rule 21)

FRONT OF FORM

ELECTION OF DISTRICT COUNCILLORS

DECLARATION BY VOTER

Ballot Paper No.....

I hereby declare that I am the person to whom the ballot paper numbered above was sent.

[^{F6}Except where the voter is a proxy:

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F6 SI 2002/2835

F6 SI 2002/2835

My date of birth is.....]

F6 SI 2002/2835

Voter's signature

CERTIFICATION BY WITNESS

The voter who is personally known to me has signed this declaration in my presence.

Witness's signature.....Date.....

Name of Witness

[^{F7}(WRITE CLEARLY)

F7 SI 1990/595

F7 SI 1990/595

Address

[^{F7}(WRITE CLEARLY)]

F7 SI 1990/595

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

BACK OF FORM

INSTRUCTIONS TO THE VOTER

1. You should place the figure 1 opposite the name of the candidate for whom you wish to vote and in addition you may, if you wish, place the figure 2 opposite the name of the candidate of your second choice, the figure 3 opposite the name of the candidate of your third choice and so on in the order of your preference. You may indicate by figures as many or as few preferences as you wish.

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2. The figure or figures should be placed in the spaces provided at the left-hand side of the paper opposite the name of the candidate for whom you intend it.
3. In no circumstances write anything else on the paper; if you do your vote may be invalid.
4. Immediately after voting you must place the marked ballot paper in the enclosed small envelope on which are printed the words Ballot paper envelope and seal it.
5. Then take the sealed ballot paper envelope and the voter's declaration to another elector as a witness and sign the declaration in his presence. He should then certify your signature on the declaration by signing the certification, adding his name and address. Without this, the declaration will be invalid.
6. Enclose the signed and witnessed declaration and the sealed ballot paper envelope in the larger enclosed envelope addressed to the returning officer and despatch it by post without delay. Unless you return the ballot paper at once it may be received by the returning officer too late to be counted.
7. If you receive more than one ballot paper it must be remembered that you can vote only once on your own behalf at this election.

Paras. 8, 9 omitted by SI 1990/595

[^{F8}8.] If you inadvertently spoil your postal ballot paper, you can apply to the returning officer for another one. With your application you must return (in a fresh envelope) the spoiled ballot paper, the declaration of identity and the envelope sent to you with your ballot paper. Remember that there is little time available if a fresh ballot paper is to be issued to you for completion and return before the close of the poll.

F8 SI 1990/595

[^{F9}5A. **Declaration of identity (combined polls)(rule 21)** (for use when a parliamentary poll is combined with a local poll)]

F9 2001 c. 7

FRONT OF FORM

ELECTION OF DISTRICT COUNCILLORS

DECLARATION OF IDENTITY

To be returned with the [*insert colour of ballot paper*] coloured ballot paper No .

I hereby declare that I am the person to whom the [*insert colour of ballot paper*] coloured ballot paper numbered as above was sent.

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Voter's signature

The voter, who is personally known to me, has signed this declaration in my presence.

Witness's signature

Name of witness (WRITE CLEARLY)

Address of witness (WRITE CLEARLY)

SEE INSTRUCTIONS ON THE BACK OF THIS FORM

BACK OF FORM

INSTRUCTIONS TO THE VOTER

1. You must sign this declaration of identity in the presence of a person known to you. *You are required to do this even if you have already signed a similar declaration of identity in respect of another election to be held on the same day.* That person should then sign this declaration as a witness, adding his or her name and address. Without this the declaration will be invalid.
2. You should place the figure 1 opposite the name of the candidate for whom you wish to vote and in addition you may, if you wish, place the figure 2 opposite the name of the candidate of your second choice, the figure 3 opposite the name of the candidate of your third choice and so on in the order of your preference. You may indicate by figures as many or as few preferences as you wish.
3. The figure or figures should be placed in the spaces provided at the left-hand side of the paper opposite the name of the candidate for whom you intend it. Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
4. In no circumstances write anything else on the paper; if you do your vote may be invalid.
5. Different colours are used for the ballot papers for each election. Each ballot paper has its own ballot paper envelope (the smaller envelope marked A), declaration of identity and covering envelope (the larger envelope marked B). The covering envelope and declaration of identity for a particular ballot paper are those which refer to the colour of that ballot paper. It is important that you use the correct envelopes and declaration of identity, otherwise your vote may not be counted. You may find it helpful to sort the documents into separate sets, each consisting of a ballot paper, ballot paper envelope, declaration of identity and covering envelope. Then proceed as follows—
 - (a) place each ballot paper in the correct smaller envelope and seal it;
 - (b) put that envelope, together with the correct declaration of identity, in the correct covering envelope and seal it;
 - (c) return the covering envelopes without delay. Ballot papers must be received by the returning officer not later than the close of poll.
6. If you receive more than one ballot paper, remember that it is illegal to vote more than once (otherwise than as proxy) at the *same election*. You are entitled to vote at different elections which are held on the same day.

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7. At this election you cannot vote in person at a polling station, even if you receive an official poll card.

8. If you inadvertently spoil your ballot paper, you can apply to the returning officer for another one. With your application you must return, in your own envelope, the spoiled ballot paper, the declaration of identity and the envelopes marked A and B. Remember that there is little time available if a fresh postal ballot paper is to be issued and counted.

6. Elector's official poll card*rule 25*

FRONT OF CARD

| | |
|---------------------------------|--------------------------|
| District Council | OFFICIAL POLL CARD |
| District electoral area | Name |
| Polling day | Number on register |
| Polling hours 7 a.m. to 10 p.m. | Address |
| | |
| | |
| Your polling station is at | |
| | |
| | |

VOTING INSTRUCTIONS Mark your vote secretly by placing in the square provided on the left-hand side of the paper the figure 1 opposite the name of the candidate for whom you wish to vote and, if you wish, the figure 2 opposite the name of the candidate of your second choice and so on in the order of your preference.

IMPORTANT—PLEASE READ NOTES ON BACK OF THIS CARD

BACK OF CARD

THE LAW PREVENTS YOU BEING GIVEN A BALLOT PAPER UNLESS YOU PRODUCE ONE OF THE FOLLOWING DOCUMENTS:—

- (a) a *current* Northern Ireland or Great Britain full driving licence^{F10} or a Northern Ireland provisional licence];
- (b) a *current* United Kingdom or Republic of Ireland passport (including a U.K. Visitor's passport);
- (c) a *current* book for the payment of allowances, benefits or pensions issued by the Dept. of Health and Social Services for Northern Ireland;
- (d) a medical card issued by the Northern Ireland Central Services Agency;
- ^{F10}(e) a *current* British seaman's card;]

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[^{F10}(f)] a card made of plastic issued by the Department of Health and Social Security or the Department of Social Security with a name and national insurance number embossed on it;]

[^{F10}(g)] in the case ONLY of a woman married within 2 years of polling day, a certified copy or extract of an entry of marriage issued by a Registrar General in the U.K.

Issued by the Returning Officer

F10 SI 1991/1715

7. Proxy's official poll card(rule 25)

FRONT OF CARD

| | |
|---------------------------------|---------------------------------------|
|District Council | PROXY'S OFFICIAL POLL CARD |
|District electoral area | Proxy's name |
| Polling day | Proxy's address |
| Polling hours 7 a.m. to 10 p.m. | |
| Elector's polling station is | Elector's name |
| at | Elector's number on register |
| | Elector's address |
| | |

INSTRUCTIONS To vote as proxy for the elector named above you must go to the polling station named above. Tell the clerk you wish to vote as proxy and give the name, number and address of elector as given above. The method of voting as proxy is the same as voting as an elector. The person who appointed you as his proxy may vote himself if he votes before you.

IMPORTANT: YOU MUST IDENTIFY *YOURSELF* BY ONE OF THE DOCUMENTS SET OUT ON THE BACK OF THIS CARD.

The back of the card is the same as the back of an elector's official poll card set out in Form 6 above.

8. Form of directions for the guidance of voters in voting(rule 26)

DIRECTIONS FOR THE GUIDANCE OF THE VOTER IN VOTING

1. You should make sure that the ballot paper you have received from the presiding officer has the official mark stamped on it. The paper is invalid without it.

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2. Go into one of the voting compartments provided. Look at the ballot paper carefully and then record your vote by placing, in the spaces provided at the left-hand side of the paper, the figure 1 opposite the name of the candidate of your first choice and then proceed if you wish by placing the figure 2 opposite the name of the candidate of your second choice; and the figure 3 opposite the name of the candidate of your third choice and so on. You may indicate as many or as few preferences as you wish.

3. In no circumstances write anything else on the ballot paper, if you do your vote may be invalid.

4. To ensure that a ballot paper is a valid vote you must, at least, place the figure 1 opposite the name of the candidate of your first choice. If you fail to place the figure 1 on the ballot paper, or place the figure 1 and some other figure opposite the name of the same candidate, or place any mark or writing on the ballot paper by which you may be identified, your ballot paper will be invalid and your vote will not be counted.

5. If by accident you damage or spoil your paper or if you mark it in such a way that it may be rejected as spoilt, or if you place a wrong mark on it or mark it inadvertently in a wrong place, then take the paper back to the presiding officer, tell him what has happened and ask him for a fresh ballot paper.

6. When you have marked your ballot paper, fold it so that the front of it is hidden and, holding the paper so that the presiding officer can see the official mark on the back of it, put it into the ballot box.

7. You must neither take your ballot paper out of the polling station nor put any other paper into a ballot box. To do so is a serious offence.

8. When you have voted leave the polling station at once.

9. Form of certificate of employment(rule 29(3))

Local government election

..... district electoral area

I certify that [name]

who is numbered in the register of electors used at this district council election in the district electoral area named above is likely to be unable to go in person to the polling station allotted to him by reason of the particular circumstances of his employment on that date

**Delete whichever is inappropriate*

* (a) as a constable;

Para. (b) omitted by SI 1987/168

* (c) by me for a purpose connected with the election.

#Signature

##Police officer (Chief Inspector or above)

##Major or above

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#*Returning officer

>Date

Note.—The person named above is entitled to vote at any polling station in the above district electoral area on production and surrender of this certificate to the presiding officer.

10. Form of declaration to be made by the companion of a [F11 voter with disabilities](rule 36(6))

F11 SI 2001/417

I, A.B. of, having been requested to assist C.D. (in the case of a [F11 voter with disabilities] voting as proxy add voting as proxy for M.N.) whose number on the register is ##, to record his vote at the election now being held in this district electoral area hereby declare that [I am entitled to vote as an elector at the said election] [I am the *## of the said voter and have attained the age of 18 years] and that I have not previously assisted any [F11 voter with disabilities] [except E.F. of] to vote at the said election.

*state relationship of companion to voter.

(Signed) A.B.,

.....day of.....19.....

I, the undersigned, being the presiding officer for the polling station for the district electoral area, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signed G.H.)

.....day of
.....19.....

minutes past.....o'clock [a.m.] [p.m.]

NOTE:

[F11 1.] If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

[F11 2.] A voter with disabilities is a voter who has made a declaration under the elections rules that he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

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