

This Draft Order supersedes the draft of the same title which was laid before Parliament on 6th July 2015 and published on 6th July 2015 (ISBN 978-0-11-113746-8) under section 96(2)(b) of the Northern Ireland Act 1998, for approval by resolution of each House of Parliament. It is being issued free of charge to all known recipients of that draft order.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2015 No.

NORTHERN IRELAND

REPRESENTATION OF THE PEOPLE

**The Northern Ireland Assembly (Elections) (Amendment) Order
2015**

Made - - - -

Coming into force in accordance with article 1(2)

In accordance with section 7(1) and (2)(h) of the Political Parties, Elections and Referendums Act 2000(a), the Secretary of State has consulted with the Electoral Commission prior to this Order being made.

A draft of this Order has been laid before Parliament in accordance with section 96(2)(b) of the Northern Ireland Act 1998(b) and approved by resolution of each House of Parliament.

Accordingly, the Secretary of State, in exercise of the powers conferred by section 34(4) and (6) of the Northern Ireland Act 1998, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Northern Ireland Assembly (Elections) (Amendment) Order 2015.

(2) It comes into force on the day after the day on which it is made.

(3) In this Order “the 1983 Act” means the Representation of the People Act 1983(c).

Amendment of the Northern Ireland Assembly (Elections) Order 2001

2.—(1) The Northern Ireland Assembly (Elections) Order 2001(d) is amended as follows.

(a) 2000 c. 41; amendments have been made to section 7 but they are not relevant to this Order.

(b) 1998 c. 47; amendments have been made to section 96(2) but they are not relevant to this Order.

(c) 1983 c. 2.

(d) S.I. 2001/2599 as amended by S.I. 2002/1964; S.I. 2003/2989; S.I. 2007/308; S.I. 2009/256; S.I. 2010/2892; S.I. 2014/1116; S.I. 2014/1804; and S.I. 2015/222.

(2) For paragraph (5) of article 3 (application of certain provisions for Assembly elections)(a) substitute—

“(5) The references to parliamentary election to which paragraph (3)(a) does not apply are those in the following provisions of the 1983 Act—

- (a) subsections (2) and (5) of section 18AA (polling districts at parliamentary elections: Northern Ireland)(b);
- (b) subsection (3) of section 18B (polling places at parliamentary elections)(c);
- (c) subsection (2) of section 18D (review of polling districts and places: representations to Electoral Commission);
- (d) subsection (4)(a)(i) of section 160 (persons reported personally guilty of corrupt or illegal practices)(d); and
- (e) subsection (1)(a)(i) of section 173 (incapacities on conviction of corrupt or illegal practice)(e).”

(3) In Schedule 1 (application with modifications of provisions of electoral legislation), for the entry for section 18A of the 1983 Act (polling districts at parliamentary elections)(f) substitute—

“Section 18AA (polling districts at parliamentary elections: Northern Ireland)	For subsection (2) substitute— “(2) The polling districts that apply from time to time for the purpose of parliamentary elections have effect for the purpose of Assembly elections.” Omit subsection (3).
	Omit subsection (4).
	In subsection (5) after “this section” insert “as it applies to parliamentary elections.”

(4) In Schedule 1, in the entry for section 18B of the 1983 Act (polling places at parliamentary elections)—

- (a) in the left-hand column, omit “, subsection (1)”; and
- (b) in the right-hand column insert—

	For subsection (3) substitute— “(3) Subject to subsection (3A), the polling places designated from time to time by the relevant authority for the purpose of parliamentary elections have effect for the purpose of Assembly elections. (3A) The relevant authority must designate polling places which are different from those designated in accordance with subsection (3) if the relevant authority considers it is necessary to do so to ensure that the rule in subsection (4)(a) is met.” In subsection (4)— (a) in paragraph (b), for “for which it is
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(a) Article 3 was substituted by S.I. 2009/256.
 (b) Section 18AA was inserted by S.I. 2013/3156.
 (c) Sections 18A to 18E were substituted for section 18 by section 16 of the Electoral Administration Act 2006 (c. 22).
 (d) Section 160(4) was substituted (together with subsections (4A), (5) and (5A)) by paragraphs 1 and 8 of Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41) (“2000 Act”).
 (e) Section 173 was substituted by section 136 of the 2000 Act. Amendments have subsequently been made to section 173 but none are relevant to this Order.
 (f) Section 18A was amended by S.I. 2013/3156.

	<p>responsible” substitute “which it proposes to designate under subsection (3A)”;</p> <p>(b) in paragraph (c) omit “or the designation of which as a polling place it is reviewing”;</p> <p>(c) in paragraph (d), at the beginning insert “where subsection (3A) applies,” and after “polling district” insert “designated under that subsection”; and</p> <p>(d) in paragraph (e), at the beginning, insert “where subsection (3A) applies,” and after “polling district” insert “designated under that subsection.”</p>
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(5) In Schedule 1, after the entry for section 18B of the 1983 Act insert—

“Section 18D (review of polling districts and places: representations to the Electoral Commission)	Omit subsection (1)(c).
	<p>In subsection (2)—</p> <p>(a) omit “18A or”;</p> <p>(b) after “18B” insert “, so far as that review was carried out for the purpose of parliamentary elections,”;</p> <p>(c) at the end of paragraph (a) omit “or”; and</p> <p>(d) omit paragraph (b).</p>
	<p>After subsection (2) insert—</p> <p>“(2A) A relevant representation is also a representation that a decision to designate a polling place that has been made by the relevant authority under section 18B(3A) has not been made so as to—</p> <p>(a) meet the reasonable requirements of the electors in the constituency or any body of those electors; or</p> <p>(b) take sufficient account of the accessibility to disabled persons of polling stations within a designated polling place.”</p>
	<p>In subsection (4)—</p> <p>(a) in paragraph (a) after “in the circumstances” insert “for the purpose of Assembly elections;</p> <p>(b) after paragraph (a) insert—</p> <p>“(ba) direct the relevant authority to make any alterations to the polling places designated under section 18B(3A) which the Commission think</p>

	<p>necessary in the circumstances.”</p> <p>(c) in paragraph (b) after “alterations” (the first place it occurs) insert “mentioned in paragraph (a) or (ba)”.”</p>
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Date

Name
Parliamentary Under-Secretary of State
Northern Ireland Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599) to make provision for the designation of polling districts and polling places at Assembly Elections. Prior to amendments made to sections 18A to 18E of the Representation of the People Act 1983 (c. 2) (“1983 Act”) by the Local Elections (Northern Ireland) Order 2013 (S.I. 2013/3156) the polling districts and polling places applied for the purposes of Assembly elections were those established for the purpose of local elections. That is no longer possible because of the redrawing of local government boundaries in Northern Ireland.

This Order applies, with modifications, sections 18AA to 18E of the 1983 Act to Assembly elections. The effect of this is that the polling districts and polling places designated from time to time for the purpose of parliamentary elections will also have effect for the purpose of Assembly elections. The Chief Electoral Officer (being the relevant authority for the purposes of section 18B) must designate different polling stations at Assembly elections if she or he considers it necessary to do to ensure that all electors in a constituency have such reasonable facilities for voting as are practicable in the circumstances.

An impact assessment for this Order has not been prepared as no impact on the private or voluntary sector is foreseen.

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