
Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Paragraph 5. (See end of Document for details)

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

REGISTRATION OF ELECTORS

Representation of the People Act 1983 (c. 2)

5 For section 58 substitute—

“58 Registration appeals: Northern Ireland

- (1) An appeal lies to the county court—
 - (a) from any decision under this Act of the Chief Electoral Officer for Northern Ireland on any application for registration or objection to a person's registration made to and considered by him;
 - (b) from any decision under this Act of the Chief Electoral Officer (other than on an application for registration or objection to a person's registration) that a person registered in respect of any address was not entitled to be registered in respect of that address or that he has ceased to be resident at that address or has otherwise ceased to satisfy the conditions for registration set out in section 4;
 - (c) from any decision under this Act of the Chief Electoral Officer disallowing a person's application to vote by proxy or by post as elector or to vote by post as proxy, in any case where the application is not made for a particular election only.
- (2) But an appeal does not lie where the person desiring to appeal—
 - (a) has not availed himself of a prescribed right to be heard by or make representations to the Chief Electoral Officer on the matter which is the subject of the appeal, or
 - (b) has not given the prescribed notice of appeal within the prescribed time.
- (3) An appeal to the county court or Court of Appeal by virtue of this section which is pending when notice of an election is given does not prejudice the operation as respects the election of the decision appealed against, and anything done in pursuance of the decision—
 - (a) is as good as if no such appeal had been brought, and
 - (b) is not affected by the decision of the appeal.

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- (4) The Chief Electoral Officer must, in accordance with sections 13A and 13BA, make such alterations in the register as may be required to give effect to the decision.
- (5) Where, as a result of the decision on an appeal, an alteration in the register made in pursuance of subsection (4) takes effect under section 13(5), 13A(2) or 13BA(6) or (9) on or before the date of the poll, subsection (3) does not apply to that appeal as respects that election.
- (6) The Chief Electoral Officer—
 - (a) must undertake such duties in connection with appeals brought by virtue of this section as may be prescribed, and
 - (b) on any appeal is deemed to be a party to the proceedings;
and the registration expenses payable to him include any expenses properly incurred by virtue of this subsection.
- (7) Section 21(1) of the Interpretation Act (Northern Ireland) 1954 (rules regulating procedure of courts etc.) applies as if the jurisdiction conferred by subsection (1) were conferred by any enactment within the meaning of that Act.”

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Paragraph 5.