

Status: Point in time view as at 14/05/2008.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 4

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

REGISTRATION OF ELECTORS

Electoral Law Act (Northern Ireland) 1962 (c. 14 (N. I.))

- 1 (1) Amend Schedule 5 (local elections rules) as follows.
 - (2) In rule 26 (equipment of polling stations), after paragraph (3) insert—
 - “(3ZA) The reference in paragraph (3)(c) to the copies of the register of electors includes a reference to copies of any notices issued in respect of alterations to the register under section 13BA(9) of the 1983 Act.
 - (3ZB) In this Schedule “section 13BA(9) of the 1983 Act” means section 13BA(9) of the Representation of the People Act 1983 (as applied by Schedule 1 to the Elected Authorities (Northern Ireland) Act 1989).”
 - (3) In rule 34 (voting procedure), after paragraph (1) insert—
 - “(1A) In the case of an elector who is added to the register in pursuance of a notice issued under section 13BA(9) of the 1983 Act, paragraph (1) is modified as follows—
 - (a) in sub-paragraph (b), for “copy of the register of electors” substitute “copy of the notice issued under section 13BA(9) of the 1983 Act”;
 - (b) in sub-paragraph (d), for “in the register of electors” substitute “on the copy of the notice issued under section 13BA(9) of the 1983 Act”.
 - (4) In rule 35 (votes marked by presiding officer), after paragraph (6) insert—
 - “(7) In the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act, paragraph (3) applies as if for “on the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act”.
 - (5) In rule 36 (voting by persons with disabilities), after paragraph (4) insert—
 - “(4A) In the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every

Status: Point in time view as at 14/05/2008.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 1. (See end of Document for details)

voter in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act”.

(6) In rule 37 (tendered ballot papers), after paragraph (4) insert—

“(4A) This rule applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act as if—

- (a) in paragraphs (1)(a), (1A)(a) and (1D)(a), for “named on the register” there were substituted “in respect of whom a notice under section 13BA(9) of the 1983 Act has been issued”;
- (b) in paragraph (5)(b), for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9) of the 1983 Act”;
- (c) in paragraph (6), for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9) of the 1983 Act”.

(7) After rule 39 (spoilt ballot papers) insert—

“Correction of errors on day of poll

39A The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13BA(9) of the 1983 Act which takes effect on the day of the poll.”

(8) In rule 41 (procedure on close of poll)—

- (a) in paragraph (1)(d), after “electors” insert “ (including any marked copy notices issued under section 13BA(9) of the 1983 Act) ”, and
- (b) in paragraph (1)(f), after “ “unable to read”,” insert “ the list maintained under rule 39A, ”.

(9) In rule 57 (sealing up of ballot papers), in paragraph (2), after “marked copies of the register of electors” insert “ (including any marked copy notices issued under section 13BA(9) of the 1983 Act) ”.

(10) In rule 58 (forwarding of documents)—

- (a) in paragraph (1)(c), after “and the related statements,” insert “ the lists maintained under rule 39A, ”, and
- (b) in paragraph (1)(e), after “registers” insert “ (including any marked copy notices issued under section 13BA(9) of the 1983 Act) ”.

Representation of the People Act 1983 (c. 2)

2 In section 10, in subsection (4) (form may be either a prescribed form or a form to the same effect), at the end insert “ except that, in Northern Ireland, a form prescribed for those purposes shall be used ”.

3 In section 13 (publication of registers), in subsection (5)(b), for “or 13B” substitute “ , 13B or 13BA ”.

4 (1) Amend section 13A (alteration of registers) as follows.

(2) In subsection (1)(c), after “56” insert “ or 58 ”.

(3) In subsection (2)(b), for “section 13B(1)” substitute “ sections 13B(1) and 13BA(1) ”.

Status: Point in time view as at 14/05/2008.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 1. (See end of Document for details)

(4) In subsection (4), before “below” insert “ or 13BA(3), (6) or (9) ”.

(5) In subsection (5), after “13B” insert “ or 13BA ”.

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.
- (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.

Status: Point in time view as at 14/05/2008.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 1. (See end of Document for details)

(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.”

6 (1) Amend Schedule 1 (parliamentary elections rules) as follows.

(2) In rule 29 (equipment of polling stations), after paragraph (6), insert—

“(7) The reference in paragraph (3)(c) to the copies of the register of electors includes a reference to copies of any notices issued under section 13BA(9) in respect of alterations to the register.”

(3) In rule 35 (questions to be put to voters), after paragraph (2) insert—

“(2A) In the case of an elector in respect of whom a notice has been issued under section 13BA(9), the reference in the question at entry 1(a) to reading from the register must be taken as a reference to reading from the notice issued under section 13BA(9).”

(4) In rule 37 (voting procedure), after paragraph (1) insert—

“(1ZA) In the case of an elector who is added to the register in pursuance of a notice issued under section 13BA(9), paragraph (1) is modified as follows—

- (a) in sub-paragraph (b), for “copy of the register of electors” substitute “copy of the notice issued under section 13BA(9)”;
- (b) in sub-paragraph (d), for “in the register of electors” substitute “on the copy of the notice issued under section 13BA(9)”.

(5) In rule 38 (votes marked by presiding officer), after paragraph (3) insert—

“(4) In the case of a person in respect of whom a notice has been issued under section 13BA(9), paragraph (2) applies as if for “on the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13BA(9)”.

(6) In rule 39 (voting by person with disabilities), after paragraph (4A) insert—

“(4B) In the case of a person in respect of whom a notice has been issued under section 13BA(9), paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13BA(9)”.

(7) In rule 40 (tendered ballot papers), after paragraph (4B) insert—

“(4C) This rule applies in the case of a person in respect of whom a notice has been issued under section 13BA(9) as if—

- (a) in paragraphs (1)(a), (1ZA)(a) and (1ZD)(a) for “named on the register” there were substituted “in respect of whom a notice under section 13BA(9) has been issued”;
- (b) in paragraph (2)(b) for “his number in the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9)”;
- (c) in paragraph (3) for “his number on the register of electors” there were substituted “the number relating to him on a notice issued under section 13BA(9)”.

Status: Point in time view as at 14/05/2008.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 1. (See end of Document for details)

(8) After rule 41A insert—

“Correction of errors on day of poll: Northern Ireland

41B The presiding officer shall keep a list of persons to whom ballot papers are delivered in consequence of an alteration to the register made by virtue of section 13BA(9) which takes effect on the day of the poll.”

(9) In rule 43 (procedure on close of poll), after paragraph (3) insert—

“(4) This rule applies in relation to Northern Ireland as if—

- (a) the reference in paragraph (1)(d) to the marked copies of the register of electors included any marked copy notices issued under section 13BA(9), and
- (b) paragraph (1)(f) referred to the list maintained under rule 41B.”

(10) In rule 54 (sealing up of ballot papers), after paragraph (2) insert—

“(3) This rule applies in relation to Northern Ireland as if the reference in paragraph (2)(d) to section 13B(3B) or (3D) were a reference to section 13BA(9).”

(11) In rule 55 (delivery of documents to Clerk of the Crown for Northern Ireland), after paragraph (4) insert—

“(5) This rule applies in relation to Northern Ireland as if—

- (a) paragraph (1)(c) included a reference to the lists maintained under rule 41B, and
- (b) the reference in paragraph (1B)(a) to marked copies of the registers included any marked copy notices issued under section 13BA(9).”

Elected Authorities (Northern Ireland) Act 1989 (c. 3)

7 (1) Amend Schedule 1 (application, with modifications, of provisions of the Representation of the People Act 1983 to local elections) as follows.

(2) In Part 1 (provisions applied), in the entry relating to sections 9, 10, 10A, 13 to 13B and 13D—

- (a) after “10,” insert “ 10ZA, 10ZB, ”, and
- (b) for “to 13B” substitute “ , 13A, 13BA ”.

(3) In that Part, for the entries relating to sections 56(1) and (3) to (5) and 58(2) substitute — “ Section 58 (registration appeals: Northern Ireland). ”

(4) In Part 2 (modifications), after paragraph 8 insert—

“8A In section 13BA (alteration of registers in Northern Ireland: pending elections), in subsection (4)(b), at the end of sub-paragraph (ii) insert “or
(iii) Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985.””

(5) In that Part, for paragraph 16 substitute—

“16 In section 58, omit subsection (1)(c) and after subsection (2) insert—

Status: Point in time view as at 14/05/2008.

Changes to legislation: There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 1. (See end of Document for details)

“(2A) No appeal lies from the decision of the Court of Appeal on appeal from a decision of the county court under this section.””

Commencement Information

- II** Sch. 4 para. 7 fully in force; Sch. 4 para. 7 not in force at Royal Assent see s. 31; Sch. 4 para. 7(1)(2) (a) in force at 1.12.2006 by S.I. 2006/2688, art. 3; Sch. 4 para. 7(2)(b)-(5) in force at 14.5.2008 by S.I. 2008/1318, art. 2(b)

Electoral Administration Act 2006 (c. 22)

- 8 In section 2 (use of CORE information), in subsection (10)(b), for “an annual canvass under section 10 of the 1983 Act” substitute “a canvass under section 10(1) or (1A) of the 1983 Act”.

Status:

Point in time view as at 14/05/2008.

Changes to legislation:

There are currently no known outstanding effects for the Northern Ireland (Miscellaneous Provisions) Act 2006, Part 1.