
Changes to legislation: There are currently no known outstanding effects for the Elections Act 2022, Paragraph 25. (See end of Document for details)

SCHEDULES

SCHEDULE 6

LOCAL ELECTIONS IN NORTHERN IRELAND AND ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

PART 1

LOCAL ELECTIONS IN NORTHERN IRELAND

Electoral Law Act (Northern Ireland) 1962

25 After paragraph 5 insert—

“Handling of postal voting documents by political campaigners

- 5ZA (1) A person who is a political campaigner in respect of a local election is guilty of a corrupt practice if the person handles a postal voting document that has been issued to another person for use in that election.
- (2) But a person who handles a postal voting document for use in a local election is not guilty of a corrupt practice if—
- (a) the person is responsible for, or assists with, the conduct of that election (for example as a returning officer or a person working under the direction of a returning officer),
 - (b) the person is engaged in the business of a postal operator, or
 - (c) the person is employed or engaged in a role the duties of which include the handling of postal packets on behalf of members of an organisation or the occupants of a communal building,
- and the handling is consistent with the person’s duties in that capacity.
- (3) Nor is a person guilty of a corrupt practice if the person—
- (a) is the other person’s spouse, civil partner, parent, grandparent, brother, sister, child or grandchild, or
 - (b) provides regular care for, or is employed or engaged by an organisation which provides care for, the other person.
- (4) It is a defence for a person charged with the corrupt practice to show that the person did not dishonestly handle the postal voting document for the purpose of promoting a particular outcome at a local election.
- (5) Where sufficient evidence is adduced to raise an issue with respect to the defence under sub-paragraph (4), the court must assume that the defence is satisfied unless the prosecution proves beyond reasonable doubt that it is not.

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(6) For the purposes of this paragraph a person is a political campaigner in respect of a local election if any of the following paragraphs applies—

- (a) the person is a candidate at the election;
- (b) the person is an election agent of a candidate at the election;
- (c) the person is employed or engaged by a person who is a candidate at the election for the purposes of that person's activities as a candidate;
- (d) the person is a member of a registered political party and carries on an activity designed to promote a particular outcome at the election;
- (e) the person is employed or engaged by a registered political party in connection with the party's political activities;
- (f) the person is employed or engaged by a person within any of paragraphs (a) to (e) to carry on an activity designed to promote a particular outcome at the election;
- (g) the person is employed or engaged by a person within paragraph (f) to carry on an activity designed to promote a particular outcome at the election.

(7) In this paragraph—

“postal operator” has the same meaning as in Part 3 of the Postal Services Act 2011 (see section 27(3) to (5) of that Act);

“postal voting document” means a postal ballot paper, declaration of identity or envelope that has been issued to a person by the returning officer for the purpose of enabling the person to vote by post at a local election;

“registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.

(8) For the purposes of this paragraph, an envelope—

- (a) that is not a postal voting document, but
- (b) that contains a postal ballot paper or declaration of identity that has been issued to a person for the purpose of enabling the person to vote by post at a local election,

is to be treated as if it were a postal voting document that has been issued to the person for use in the election.

(9) In this paragraph, any reference to a person who is “engaged” by another person, or to a person who provides care for another person, includes a reference to a person who is engaged or provides care otherwise than for payment or promise of payment.

(10) For the purposes of sub-paragraph (3)(a), two people living together as if spouses of each other are treated as if they were spouses or civil partners of each other.”

Commencement Information

II Sch. 6 para. 25 not in force at Royal Assent, see [s. 67\(1\)](#)

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