

## 1974 No. 545

## NORTHERN IRELAND

**The Northern Ireland Assembly (Bye-Elections) Order 1974**

<i>Made</i>	- - -	25th March 1974
<i>Laid before Parliament</i>		2nd April 1974
<i>Coming into Operation</i>		24th April 1974

In exercise of the powers conferred on me by section 2(5) of the Northern Ireland Assembly Act 1973(a) and section 29 of the Northern Ireland Constitution Act 1973(b) and of all other powers enabling me in that behalf, I hereby make the following Order:—

*Citation and commencement*

1. This Order may be cited as the Northern Ireland Assembly (Bye-Elections) Order 1974 and shall come into operation on 24th April 1974.

*Interpretation*

2.—(1) In this Order—

“the Assembly” means the Northern Ireland Assembly;

“bye-election” means an election to fill one or more casual vacancies in the Assembly;

“the principal Act” means the Electoral Law Act (Northern Ireland) 1962(c);

“the principal Order” means the Northern Ireland Assembly (Election) Order 1973(d);

and any expression used in this Order and in the principal Act and the principal Order has the same meaning as in that Act and Order.

(2) The Interpretation Act (Northern Ireland) 1954(e) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Assembly.

*Bye-elections*

3.—(1) As soon as possible after the presiding officer informs the Assembly, in accordance with the provisions of section 26(7) of the Northern Ireland Constitution Act 1973 that a seat has become vacant or, where the presiding officer has so informed the Assembly before the date of the coming into operation of this Order, as soon as possible after that date, the Clerk to the Assembly shall send written notification of the vacancy to the Secretary of State.

(2) Within a period of ninety days from the day on which he receives a notification under paragraph (1), the Secretary of State shall, having consulted such persons (if any) as he considers appropriate, inform the Chief Electoral

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(a) 1973 c. 17.

(b) 1973 c. 36.

(c) 1962 c. 14 (N.I.).

(d) S.I. 1973/890 (1973 II, p. 2704).

(e) 1954 c. 33 (N.I.).

Officer of the vacancy and a bye-election to fill the vacancy shall then be conducted in accordance with the time-table contained in Schedule 1 to this Order and with the rules contained in Parts II to VI of Schedule 2 to the principal Order but with the amendments specified in Schedule 2 to this Order.

(3) The provisions of the principal Act as adapted and applied by Article 3 of and Schedule 1 to the principal Order to the first election to the Assembly and to persons entitled to vote and voting at that election shall apply in like manner to a bye-election held in accordance with paragraph (2) and to persons entitled to vote and voting at a bye-election.

(4) Articles 5 and 6 of the principal Order shall apply to a bye-election in like manner as they applied to the first election to the Assembly.

(5) The forms contained in Schedule 3 to the principal Order shall, with any necessary adaptation, be used at a bye-election.

#### *Death of a candidate*

4.—(1) If at any time before the commencement of the poll (or where no poll is to be taken, before the declaration of the result of the election) at a bye-election proof is given to the satisfaction of the returning officer of the death of a candidate standing validly nominated, the returning officer—

- (a) if notice of the poll has been given, shall forthwith publicly countermand that notice;
- (b) whether or not notice of the poll has been given, shall forthwith publish a notice stating that all notices given and acts done in connection with the election (other than the nomination of any surviving candidates) are void and of no effect, and that a fresh election will be held;
- (c) shall, taking all necessary precautions to ensure the secrecy of the ballot, destroy any postal ballot papers received by him from voters at the election;

and the principal Order and this Order shall have effect in relation to such fresh election as if it were a bye-election to fill a vacancy notified to the Chief Electoral Officer under Rule 3 of this Order on the day on which proof of the death was given to the returning officer.

(2) Where a fresh election is to be held under paragraph (1)—

- (a) any surviving candidates standing validly nominated for the countermanded election shall be deemed to have been duly nominated for such fresh election;
- (b) the countermanded election and the fresh election shall be regarded as separate elections for the purposes of sections 22, 40 and 42 of the principal Act;
- (c) the references in sections 41, 43 and 46 of the principal Act to the day on which the result of the election is declared shall, in relation to the countermanded election, be construed as the day on which a notice is published under paragraph (1)(b);
- (d) for the purposes of Part IX of the principal Act, the countermanded election and the fresh election shall be regarded as one election.

#### *Postal voting at bye-elections*

5.—(1) A person entitled to vote at a bye-election may vote by post if he—

- (a) obtains from the returning officer and completes and has duly certified

an application in the form set out in Schedule 3 and returns it to the returning officer to reach him not later than the twelfth day before the day of the poll; and

(b) gives an address in the United Kingdom to which a ballot paper may be sent.

(2) Where the returning officer receives an application duly made under paragraph (1) by a person entitled to vote at a bye-election and that person gives an address within the United Kingdom to which a ballot paper may be sent, the returning officer shall place that person's name on the postal voting list for that bye-election.

*M. Rees,*  
One of Her Majesty's Principal  
Secretaries of State.

Northern Ireland Office.  
25th March 1974.

## SCHEDULE 1

Article 3(2)

TIME-TABLE FOR BYE-ELECTION TO FILL CASUAL VACANCY  
IN NORTHERN IRELAND ASSEMBLY

Proceeding	Time fixed or allowed
1. Publication of notice of election.	Within two days after the day on which the Chief Electoral Officer is informed of the vacancy by the Secretary of State.
2. Delivery of nomination papers.	Subject to Rule 12 of Schedule 2 to the Northern Ireland Assembly (Election) Order 1973 during the period between the hours of 10 in the morning and 5 in the evening of such day, as the Chief Electoral Officer shall fix, not being later than 28 days after the day on which the Chief Electoral Officer is informed of the vacancy by the Secretary of State.
3. Delivery of withdrawal of candidature.	Within the period allowed for proceeding 2 above.
4. The making of objections to nomination papers.	Within the time specified in Rule 11(11) of Schedule 2 to the Northern Ireland Assembly (Election) Order 1973.
5. Notice to candidates (a) of valid nomination; (b) of invalid nomination.	As soon as practicable after the expiration of the time allowed for making objections to nomination papers.
6. Publication of statement of candidates validly nominated.	As soon as practicable after the time allowed for proceeding 4 above has expired and the validity of all nomination papers has been determined.
7. Despatch of Polling Information Cards.	As soon as possible after the time allowed for proceedings 4 or 5 and not later than the day following the delivery of nomination papers.
8. Notice of poll.	Not later than the fifth day before polling day.
9. Poll.	Between the hours of 8 a.m. and 8 p.m. on the fourteenth day after nomination day.

## SCHEDULE 2

Article 3(2)

AMENDMENTS OF SCHEDULE 2 TO PRINCIPAL ORDER IN ITS  
APPLICATION TO BYE-ELECTIONS

- Rules 15, 21(3) and 22 shall not apply.
- In rule 43(1) in sub-paragraphs (a)(ii) and (b)(ii) the words "or any other constituency" shall be omitted.
- Where there is only one vacancy to be filled at a bye-election—
  - rule 56 shall not apply; and
  - in rule 57(1) for the words from the beginning to the words "Rule 56" there shall be substituted the words "Where after the first stage has been completed in accordance with Rule 54,".

Article 5(1)

## SCHEDULE 3

## FORM PVL 1

## NORTHERN IRELAND ASSEMBLY BYE-ELECTION

CONSTITUENCY OF.....

This Form, completed and certified, must be posted to reach the  
Returning Officer not later than.....

## APPLICATION TO VOTE BY POST

I .....  
Surname (Block letters)

.....  
Other Names (Block letters)

am registered as an elector at the following address:

.....  
(Block letters in full)

.....  
Where the address is in a rural area state the townland.....

Please state Polling District and number on register (if known).....

\* I apply to vote by post at the Election to be held on .....

*(If an applicant has moved from his address  
as stated above he must indicate below his  
full postal address in the United Kingdom  
to which the Ballot Paper is to be sent.)*

Address .....  
(Block letters)

.....  
\* I apply to vote by post as proxy for the elector named overleaf.

.....  
(Block letters)

Signature (or mark) ..... Date.....

\* Delete whichever is inapplicable.

## CERTIFICATION

I certify that the above applicant, who has satisfied me as  
to his identity, has signed (or marked) the application in my  
presence.

Signature.....

Address .....

.....  
Telephone Number (Day) .....

Telephone Number (Night) .....

Date .....

*(See notes overleaf)*

*Tick your qualification  
and add any additional  
information requested*

- ☐ Justice of the Peace
- ☐ Minister of Religion
- ☐ Member of a Police Force (Sergeant or above)
- ☐ Established Civil Servant in the Civil Service of the United Kingdom or of Northern Ireland (specify the Department)
- .....
- ☐ Member of the Houses of Parliament of the United Kingdom
- ☐ Member of the Northern Ireland Assembly
- ☐ Officer employed by a Local Authority or Public Authority in Northern Ireland (specify the Authority)
- .....
- ☐ Teacher or Lecturer employed in a school, college or institution of further education (specify school etc.)
- .....
- ☐ Commissioned officer in H.M. Forces

TO BE COMPLETED ONLY WHERE APPLICANT IS THE APPOINTED PROXY  
FOR A QUALIFIED REGISTERED ELECTOR.

Name of Elector .....

Qualifying Address on Register .....

Polling District (if known) .....

Electoral Number on Register .....

#### NOTES

1. This application when completed must be returned by post in the envelope provided to the office of the Returning Officer so as to reach his office NOT LATER THAN

2. This application cannot be allowed if the applicant is not included in the Register of Electors as a voter entitled to vote at an election to the Northern Ireland Assembly.

3. Postal ballot papers can be issued only to qualified applicants with an address in the United Kingdom.

4. All applicants must submit their applications to the Deputy Returning Officer appointed for the constituency in which the bye-election is being held.  
The Deputy Returning Officer's Principal Office is:—

**EXPLANATORY NOTE**

*(This Note is not part of the Order.)*

This Order makes provision for the holding of bye-elections in relation to casual vacancies occurring amongst the members of the Northern Ireland Assembly.

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