
STATUTORY INSTRUMENTS

1996 No. 1220

Elections (Northern Ireland) Order 1996

Application of certain provisions for elections under the 1996 Act

3.—(1) The provisions of the 1983 Act, the Elections (Northern Ireland) Act 1985(1) and the 1985 Act which are specified in the left-hand column of Schedule 1 to this Order shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule; and
- (b) the provisions of paragraphs (5) to (8) below,

apply for the purposes of an election under the 1996 Act.

(2) The provisions of the 1986 Regulations, the Election Petition Rules 1964(2) and the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992(3) which are specified in the left-hand column of Schedule 2 to these Regulations shall, subject to—

- (a) any modifications and exceptions specified in relation to those provisions in the right-hand column of that Schedule, and
- (b) the provisions of paragraphs (5) to (9) below,

apply for the purposes of an election under the 1996 Act.

(3) Section 72 of the Post Office Act 1969(4) shall apply in relation to an election as it applies in relation to a parliamentary election and as though the reference to the 1983 Act was a reference to that Act as applied by this Order.

(4) Section 35(2)(h) of the Judicature (Northern Ireland) Act 1978(5) shall apply in relation to a petition questioning an election as it applies in relation to a petition questioning a parliamentary election and as though the reference to sections 120 to 156 of the 1983 Act was a reference to those sections as applied by this Order.

(5) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to this Order, any provision relating to a local government election or local government electors and any other provision having effect solely in Great Britain or part of Great Britain, and references in connection therewith, shall be disregarded.

(6) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to this Order:—

- (a) any reference to a parliamentary election, including a reference to a general election or a by-election, shall be construed as a reference to an election under the 1996 Act and a reference to the parliamentary elections rules shall be construed as a reference to the elections rules;

(1) 1985 c. 2.

(2) S.R. & O. (N.I.) 1964 No. 28, as amended by S.R. & O. (N.I.) 1985 No. 347.

(3) S.R. & O. (N.I.) 1992 No. 448.

(4) 1969 c. 48; section 72 was amended by paragraph 11 of Schedule 8 to the 1983 Act.

(5) 1978 c. 23; section 35(2)(h) was amended by paragraph 24 of Schedule 8 to the 1983 Act.

- (b) any reference to a parliamentary elector and a register of parliamentary electors shall be construed as a reference to an elector and a register (as those expressions are defined by article 2 above), respectively;
 - (c) any reference to an overseas elector or a person registered in pursuance of an overseas elector's declaration shall be disregarded;
 - (d) any reference to a candidate in the provisions listed in paragraph (7) below shall be construed as a reference to a party;
 - (e) any reference to a person being elected shall, in the context of a candidate, be construed as a reference to his being returned;
 - (f) any reference to a candidate's election agent, sub-agent, polling agent, counting agent or agent appointed to attend the proceedings on the issue or receipt of postal ballot papers shall be construed as a reference to a party's election agent, sub-agent, polling agent, counting agent or, as the case may be, agent to attend the proceedings on the issue or receipt of postal ballot papers;
 - (g) any reference to a member, in the context of a Member of Parliament, shall be construed as a reference to a delegate;
 - (h) any reference to a parliamentary election petition shall be construed as a reference to a petition challenging an election under the 1996 Act; and
 - (i) any reference to the giving of notice in a constituency concerning election petitions shall be disregarded as respects a petition relating to the return of regional delegates.
- (7) The provisions of the 1983 Act referred to in paragraph (6)(d) above are—
- (a) the following sections:
 - section 66;
 - section 68;
 - section 75(2)(a);
 - section 94;
 - section 99;
 - section 102;
 - section 109;
 - section 110(1);
 - section 111; and
 - section 117(2); and
 - (b) the following rules in Schedule 1:
 - rule 29(5)(6);
 - rule 30(2) and (9);
 - rule 32(2);
 - rule 44(5);
 - rule 47;
 - the form of directions as to printing the ballot paper(7); and
 - the form of directions for the guidance of the voter in voting(8).

(6) Rule 29(5) was amended by paragraph 79 of Schedule 4 to the 1985 Act.

(7) The directions were amended by paragraph 85 of Schedule 4 to the 1985 Act and section 35(4) of the Welsh Language Act 1993 (c. 38).

(8) The directions were substituted by paragraph 86 of Schedule 4 to the 1985 Act.

(8) Unless the context otherwise requires, in the provisions applied by Schedules 1 and 2 to this Order any reference to an enactment or instrument made under an enactment shall be construed as a reference to that enactment or instrument as applied by this Order.

(9) In forms G, H, J and K in Schedule 2 to the 1986 Regulations, as applied by Schedule 2 to this Order, for the words “REPRESENTATION OF THE PEOPLE ACTS” there shall be substituted “Northern Ireland (Entry to Negotiations, etc.) Act 1996”.