

SCHEDULE 2

Article 6(1)

APPLICATION WITH MODIFICATIONS OF PROVISIONS OF THE 1983 ACT,
THE ELECTIONS (NORTHERN IRELAND) ACT 1985 AND THE 1985 ACT

<i>Provision applied</i>	<i>Modification</i>
I: REPRESENTATION OF THE PEOPLE ACT 1983	
In section 18 (polling districts and places at parliamentary elections), subsections (1), (7) and (9)(1)	
Section 23 (rules for parliamentary elections)	
Section 29 (payments by and to returning officer)(2)	Subsections (1), (2) and (4B) shall be omitted. In subsection (5), for the words from “charged on” to “before” there shall be substituted “paid by the Secretary of State on an account being submitted to him, but he may, if he thinks fit, before”.
	Subsections (6) and (9) shall be omitted.
Section 30 (taxation of returning officer’s account)	In subsection (1) for the words after “made” there shall be substituted “to any county court in Northern Ireland”. Subsection (4) shall be omitted.
Section 49 (effect of registers)(3)	In subsection (5) the words “prevent the rejection of the vote on a scrutiny, or” shall be omitted.
Section 50 (effect of misdescription)	In paragraph (c) the words “nomination paper,” shall be omitted.
Section 60 (personation)	
Section 61 (other voting offences)(4)	In paragraphs (a) and (b) of subsection (1), the words “or at parliamentary or local government elections” and “or, as the case may be, at elections of that kind” shall be omitted. For sub-paragraphs (i) to (iii) of subsection (2) (a) there shall be substituted: “(i) more than once at the referendum; or (ii) when there is in force an appointment of a person to vote as his proxy

(1) Section 18(7) was amended by paragraph 4(4) of Schedule 4 to the 1985 Act.
(2) Section 29 was amended by the Representation of the People Act 1991 (c. 11) and the Transfer of Functions (Returning Officers' Charges) Order 1991 (S.I.1991/1728).
(3) Subsections (1)(d), (2)(c) and (3) of section 49 were repealed by Schedule 5 to the 1985 Act and subsection (5) was substituted by Schedule 2 to the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 (S.I. 1995/1948).
(4) Section 61 was amended by paragraph 2 of Schedule 2 to the 1985 Act and subsection (6A) was inserted by section 2(5) of the Elections (Northern Ireland) Act 1985.

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	at the referendum in some other constituency;”.
	In paragraph (2)(d), for the words from “parliamentary” to the end there shall be substituted “the referendum without applying for the cancellation of a previous appointment of a third person then in force or without withdrawing a pending application for such an appointment”.
	In subsection (3)(a) for the words from “either” to the end, there shall be substituted “more than once at the referendum”.
	In subsection (4) the words “in any constituency” shall be omitted.
	In subsection (6A) for the words “(3)(a)(i)” there shall be substituted “(3)(a)”.
	In subsection (7) the words from “but” to the end shall be omitted.
Section 63 (breach of official duty)(5)	In subsection (3)— (a) paragraphs (a) and (c) shall be omitted; (b) in paragraph (b) for the words “sheriff clerk” there shall be substituted “verifying officer”; (c) in paragraph (e) for the words “(a) to (d)” there shall be substituted “(b) and (d)”.
Section 65 (tampering with nomination papers, ballot papers etc.)(6)	Subsection (1)(a) shall be omitted. In subsection (3) after the words “presiding officer” there shall be inserted “, verifying officer”.
Section 66 (requirement of secrecy)(7)	In subsection (1)(b) for the words “candidate or election agent” there shall be substituted “relevant nominating representative”. In subsection (2) before the word “counting” in the first and third places where it occurs there shall be inserted “verification of the ballot paper accounts or the”.
Section 91 (candidate’s right to send election address post free)(8)	In subsection (1) for the word “candidate” there shall be substituted “relevant nominating representative”.

(5) Section 63 was substituted by paragraph 19 of Schedule 4 to the 1985 Act.

(6) Subsections (3) and (4) of section 65 were substituted by paragraph 2 of Schedule 3 to the 1985 Act.

(7) Section 66(6) was amended by paragraph 3 of Schedule 3 to the 1985 Act.

(8) Section 91(1) was substituted by paragraph 34 of Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	In subsections (1)(a) and (4)(a) the words “in the constituency” shall be omitted. Subsection (3) shall be omitted.
Section 94 (imitation poll cards)(9)	
Section 97 (disturbances at election meetings)	For subsection (2) there shall be substituted: “(2) This section applies to a meeting held during the period of 13 days ending with the day before the date of the referendum.”.
Section 98 (premises not affected for rates)	
Section 100 (illegal canvassing by police officers)(10)	In subsection (1)— (a) for the words “a police force” there shall be substituted “the Royal Ulster Constabulary”, and (b) for the words after “proxy” there shall be substituted “at the referendum”. Subsection (3) shall be omitted.
Section 101 (no hiring of vehicles to convey voters)	
Section 102 (no payments for conveyance of voters)	
Section 103 (provisions supplemental to sections 101 and 102)(11)	
Section 104 (carriage in sections 101 to 103)(12)	
Section 109 (payments for exhibition of election notices)	
Section 110 (printer’s name and address on election publications)	For subsection (3) there shall be substituted: “(3) A person acting in contravention of this section shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	Paragraph (b) shall be omitted.
Section 113 (bribery)	
Section 114 (treating)	
Section 115 (undue influence)	

(9) Section 94 has been amended, but the amendments are not relevant to the subject matter of this Order.

(10) Section 100(2) was amended by paragraph 5 of Schedule 3 to the 1985 Act.

(11) Section 103(2) was repealed by Schedule 5 to the 1985 Act.

(12) Section 104(b) was repealed in part by Schedule 5 to the 1985 Act.

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Section 116 (rights of creditors)	Paragraphs (b) and (c) shall be omitted.
In section 117 (savings as to parliamentary elections), subsection (2)	In paragraphs (b) and (c), for the references to any particular candidate, there shall be substituted references to any particular result.
In section 118 (interpretation of Part II), the definitions of “money”, “pecuniary reward” and “payment”	
Section 160(4) (persons reported guilty of corrupt practices)	For the words from the beginning to “report” there shall be substituted “For the purposes of section 173, the incapacities are that the person convicted of a corrupt practice shall for five years from the date of the conviction”.
Section 167 (application for relief)(13)	In subsection (2)(c) for the words from “constituency” to “held” there shall be substituted “area where the act or omission occurred”.
Section 168 (prosecutions for corrupt practices)(14)	
Section 169 (prosecution for illegal practices)(15)	
Section 170 (conviction of illegal practice on charge of corrupt practice etc.)	
Section 173 (incapacities on conviction of corrupt or illegal practice)(16)	In paragraph (a) for the word “imposed” there shall be substituted “mentioned” and the words from “as if” to the end shall be omitted. Paragraph (b) shall be omitted.
In section 174 (mitigation and remission etc.), subsections (5) and (6)	
Section 175 (illegal payments etc.)(17)	Subsection (2) shall be omitted.
Section 176 (time limit for prosecutions)(18)	
Section 178 (prosecutions for offences committed outside the United Kingdom)(19)	
Section 179 (offences by associations)	
In section 181 (Director of Public Prosecutions), subsection (1)(20)	

(13) Section 167(1A) was inserted by paragraph 56 of Schedule 4 to the 1985 Act.

(14) Subsection (1) of section 168 was substituted for subsections (1) to (4) by paragraph 8 of Schedule 3 to the 1985 Act and subsections (5) and (6) were repealed by Schedule 5 to that Act.

(15) Section 169 was amended by paragraph 9 of Schedule 3 to the 1985 Act and repealed in part by Schedule 5 to that Act.

(16) Section 173 was repealed in part by Schedule 5 to the 1985 Act.

(17) Section 175(1) was amended by paragraph 10 of Schedule 3 to the 1985 Act.

(18) Section 176 was amended by paragraph 61 of Schedule 4 to the 1985 Act.

(19) Section 178 was substituted by paragraph 62 of Schedule 4 to the 1985 Act.

(20) Section 181(1) was amended by paragraph 63 of Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
Section 184 (service of notices)	In subsection (1)(a) the words from “in the” to the end shall be omitted.
In section 185 (interpretation of Part III), the definitions of “judicial office” and “public office”	
Section 200 (public notices and declarations)(21)	
In section 202 (interpretation), the definitions in subsection (1) of “the absent voters list”, “elector”, “legal incapacity”, “the list of proxies”, “parliamentary elections rules”, “person”, “prescribed” and “voter” and subsection (2)(22)	
Section 205 (general application to Northern Ireland)(23)	
SCHEDULE 1 (PARLIAMENTARY ELECTIONS RULES)	
Rule 20 (the official mark)	For paragraph (2) there shall be substituted— “(2) The official mark shall be kept secret.” In paragraph (3) omit “at the same election”.
Rule 22 (use of schools and public rooms)	In paragraphs (1) and (2) after the word “poll”, in each place where it occurs, there shall be inserted “or verifying the ballot paper accounts”.
Rule 23 (notice of poll)(24)	In paragraph (1), for the words “in the statement of persons nominated include” there shall be substituted “publish not later than the sixth day before the date of the referendum”. For paragraph (2) there shall be substituted— “(2) The counting officer shall also give public notice of— (a) the situation of each polling station, and (b) the description of voters entitled to vote there.”.
Rule 24 (postal ballot papers)(25)	
Rule 25 (provision of polling stations)	
Rule 26 (appointment of presiding officers and clerks)(26)	In paragraph (1), the words from “but” to the end shall be omitted.

(21) Section 200(1) was substituted by paragraph 68 of Schedule 4 to the 1985 Act.

(22) Section 202(1) was amended, so far as relevant to this Order, by Schedule 3 to the 1985 Act.

(23) Section 205 was amended by paragraph 72 of Schedule 4 to the 1985 Act.

(24) Rule 23(3) was repealed by Schedule 5 to the 1985 Act.

(25) Rule 24 was amended by paragraph 5 of Schedule 2 to, and paragraph 78 of Schedule 4 to, the 1985 Act.

(26) Rule 26(3) was amended by section 2(2) of the Elections (Northern Ireland) Act 1985.

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Rule 28 (issue of official poll cards)(27)	In paragraph (1), the words from “and a card” to the end shall be omitted. Paragraphs (3)(a) and (4) shall be omitted.
Rule 29 (equipment of polling stations)(28)	
Rule 30 (appointment of polling and counting agents)	For the word “candidate”, in each place where it occurs, there shall be substituted “relevant nominating representative”. After paragraph (1) there shall be inserted: “(1A) For the purposes of this rule, a person authorised by a relevant nominating representative may act on his behalf.”. In paragraph (3) the words “(computed like any period of time in the Timetable)” shall be omitted. Paragraphs (5) and (9) shall be omitted.
Rule 31 (notification of requirement of secrecy)(29)	In paragraph (b) after the words “attending at” there shall be inserted “the verification of the ballot paper accounts or”.
Rule 32 (admission to polling station)	For paragraph (1)(a) there shall be substituted— “(a) a relevant nominating representative;”. In paragraph (2) for the word “candidate” there shall be substituted “party”.
Rule 33 (keeping of order in station)	
Rule 34 (sealing of ballot boxes)	
Rule 35 (questions to be put to voters)	In paragraph (1), for the words “a candidate or his election or” there shall be substituted “a relevant nominating representative or a”. In the second question in paragraph (2), the words “in this constituency” shall be omitted.
Rule 36 (challenge of voter)	In paragraph (1), for the words “a candidate or his election or” there shall be substituted “a relevant nominating representative or a”.
Rule 37 (voting procedure)(30)	Paragraph (1F) shall be omitted.

(27) Rule 28 was amended by section 4(6) of, and paragraph 6 of Schedule 2 to, the 1985 Act.

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

(29) Rule 31 was substituted by paragraph 80 of Schedule 4 to the 1985 Act.

(30) Paragraph (1) of rule 37 was amended by section 2(3)(a) of the Elections (Northern Ireland) Act 1985 and paragraph 81 of Schedule 4 to the 1985 Act; paragraphs (1A) to (1G) were inserted by section 1(2) of the Elections (Northern Ireland) Act 1985, and paragraph (1E) was amended by S.I. 1986/1091, Schedule 3 to the Road Traffic (Consequential Provisions) Act 1986 (c. 54) and S.I. 1991/1674.

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<i>Provision applied</i>	<i>Modification</i>
Rule 38 (votes marked by presiding officer)(31)	
Rule 39 (voting by blind persons)(32)	
Rule 40 (tendered ballot papers)(33)	
Rule 40A (refusal to deliver ballot paper)(34)	In paragraph (2) the words “shall be subject to review on an election petition but, subject to that,” shall be omitted.
Rule 41 (spoilt ballot papers)	
Rule 42 (adjournment of poll in case of riot)	
Rule 43 (procedure on close of poll)	<p>In paragraph (1), for the words “returning officer”, in each place where they occur, there shall be substituted “verifying officer”.</p> <p>After the rule there shall be inserted the following rules:</p> <p>“Arrangements for local verification of the ballot paper accounts</p> <p>43A.—(1) The counting officer shall direct officers under his control to attend at such places as he deems necessary for the verification of the ballot paper accounts (“verifying officers”).</p> <p>(2) The verifying officer shall make arrangements for the verification of the ballot paper accounts in the presence of the counting agents as soon as practicable after the close of the poll and shall give the counting agents notice in writing of the time and place at which he will begin the verification.</p> <p>(3) No person other than—</p> <p>(a) the counting officer,</p> <p>(b) the verifying officer and his clerks,</p> <p>(c) a relevant nominating representative, and</p> <p>(d) the counting agents,</p> may attend the verification of the ballot paper accounts, unless permitted by

(31) Paragraph (1) of rule 38 was amended by section 2(3)(b) of the Elections (Northern Ireland) Act 1985 and paragraph (1A) was inserted by section 1(3) of that Act.

(32) Paragraph (2) of rule 39 was amended by section 2(3)(c) of the Elections (Northern Ireland) Act 1985 and paragraph (2A) was inserted by section 1(4) of that Act.

(33) Paragraph (1)(b) of rule 40 was repealed in part by Schedule 5 to the 1985 Act; paragraphs (1A) to (1C) were inserted by section 1(5) of the Elections (Northern Ireland) Act 1985 and paragraphs (5) and (6) were inserted by section 1(6) of that Act.

(34) Section 40A was inserted by section 2(4) of the Elections (Northern Ireland) Act 1985.

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	<p>the verifying officer to attend; and the verifying officer shall not permit a person to attend unless he is satisfied that the efficient verification of the ballot paper accounts will not be impeded.</p> <p>(4) The verifying officer shall allow the counting agents all such reasonable facilities for observing the proceedings, and all such information with respect to them, as he can give them consistent with the orderly conduct of the proceedings and the discharge of his duties in connection with them.</p> <p>Procedure at verification of ballot paper accounts</p> <p>43B.—(1) The verifying officer shall in the presence of the counting agents—</p> <ul style="list-style-type: none">(a) open each ballot box and count and record the number of ballot papers in it and verify each ballot paper account; and(b) count such of the postal ballot papers as have been duly returned and record the number counted. <p>(2) A postal ballot paper shall not be deemed to be duly returned unless it is returned in the proper envelope so as to reach the counting officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.</p> <p>(3) The verifying officer may do by his clerks any act which he is required or authorised by these rules to do.</p> <p>(4) The verifying officer shall not count any tendered ballot paper.</p> <p>(5) The verifying officer, while counting and recording the number of ballot papers, shall keep the ballot papers with their faces downwards.</p> <p>(6) The verifying officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, the unused and spoilt ballot papers in his possession and the tendered votes list (opening and resealing the packets</p>

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	<p>containing the unused and spoilt ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any counting agent present may copy.</p> <p>(7) The verifying officer shall, subject to the directions of the counting officer, determine the hours during which the procedure under this rule is proceeded with.</p> <p>(8) The verifying officer shall take proper precautions for the security of the ballot papers and documents.</p> <p>(9) On completion of the procedure under this rule the verifying officer shall, subject to the directions of the counting officer, make up into packets the ballot papers counted by him, seal them up in containers endorsing on each a description of the area to which the ballot papers relate, and, subject to paragraph (10) below, deliver or cause to be delivered the containers to the counting officer together with a list of them and of the contents of each container and a statement of his verification of the ballot paper accounts.</p> <p>(10) Paragraph (9) above does not apply where the verification of the ballot paper accounts takes place at the same place as the counting of the votes.”.</p>
Rule 44 (attendance at counting of votes)	<p>For paragraph (2)(b) there shall be substituted—</p> <p>“(b) a relevant nominating representative.”.</p>
Rule 45 (the count)(35)	<p>For paragraphs (1) to (2) there shall be substituted:</p> <p>“(1) The counting officer shall not count the votes until he has mixed together all of the ballot papers (opening, as necessary, the packets made up in accordance with rule 43B(9) above).”.</p> <p>In paragraph (4) the words “counting and recording the number of ballot papers and” shall be omitted.</p> <p>Paragraph (5) shall be omitted.</p> <p>In paragraph (6), the words from “For the” to the end shall be omitted.</p>

(35) Rule 45 has been amended by paragraph 82 of Schedule 4 to the 1985 Act.

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Rule 47 (rejected ballot papers)	In paragraph (3), the words from “and shall” to the end shall be omitted.
Rule 48 (decisions on ballot papers)	The words from “but” to the end shall be omitted.
Rule 54 (sealing up for ballot papers)	
In rule 55 (delivery of documents to the Clerk of the Crown), paragraph (1)	For the words “returning officer shall then forward to the Clerk of the Crown” there shall be substituted “counting officer shall retain for the period of one month beginning with the day after the date of the referendum and shall then destroy” and the words from “the date” to the end shall be omitted.

APPENDIX OF FORMS

Form of directions for the guidance of the voters in voting(36)

Form of declaration to be made by the companion of a blind voter

The words “now being held in this constituency” and “for the. . . Constituency” shall be omitted.

II: ELECTIONS (NORTHERN IRELAND) ACT 1985

Section 3 (offences relating to specified documents)(37)

III: REPRESENTATION OF THE PEOPLE ACT 1985

Section 5 (manner of voting)

In subsection (5) for the words “the constituency” there shall be substituted “Northern Ireland”.

Section 7 (absent vote at a particular election and absent voters list)

In subsection (1) for the words “a particular” there shall be substituted “the”.

In subsection (2) for the words after “who is” there shall be substituted
 “shown in the record of those whose applications to vote by post at parliamentary elections or, in the case of a peer, local elections for an indefinite period (“the relevant record”) have been granted, but such a person may apply to the registration officer—
 (a) for his ballot paper to be sent to a different address in the United Kingdom; or
 (b) to vote by proxy, at the referendum.”.

In subsection (4)—

(36) The form of directions was substituted by paragraph 86 of Schedule 4 to the 1985 Act.

(37) Section 3(7) was amended by section 25(2) of the 1985 Act.

<i>Provision applied</i>	<i>Modification</i>
	<ul style="list-style-type: none"> (a) for the word “each” there shall be substituted “the”; (b) in paragraphs (a)(ii) and (b) for the words from “record” to “question” there shall be substituted “relevant record as voting by post at parliamentary elections or, in the case of a peer, local elections”; and (c) in paragraph (a)(ii) for the words “under that section” there shall be substituted “for inclusion in the relevant record”.
Section 8 (proxies at elections)(38)	<p>In subsection (1) for the word “any” in the second place where it occurs there shall be substituted “the”.</p> <p>In subsection (2) for the words from “parliamentary” to the end, there shall be substituted “the referendum”.</p> <p>In subsection (3)(a) for the words “that election” there shall be substituted “parliamentary or, in the case of a peer, local elections”.</p> <p>In subsection (5) for the words “same parliamentary election in any constituency” there shall be substituted “referendum”.</p> <p>Subsection (6) shall be omitted.</p> <p>In subsection (7) for the words “a particular” there shall be substituted “the”.</p> <p>Subsections (9) and (10) shall be omitted.</p>
Section 9 (voting as proxy)	<p>Subsections (4), (5) and (6) shall be omitted.</p> <p>In subsection (7) for the words “a particular” there shall be substituted “the”.</p> <p>In subsection (8)—</p> <ul style="list-style-type: none"> (a) for the words “a particular” there shall be substituted “the”, and (b) for the words from “kept” to “question” there shall be substituted “of those whose applications to vote by post as proxy at parliamentary or, in the case of an elector who is a peer, local elections for an indefinite period (“the relevant record”) have been granted”. <p>In subsection (9)—</p> <ul style="list-style-type: none"> (a) for the word “each” there shall be substituted “the”;

(38) Section 8(3) was substituted by paragraph 7 of Schedule 2 to S.I. 1995/1948 and section 8(11) was repealed by Part IX of Schedule 27 to the Finance Act 1985 (c. 54).

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	<ul style="list-style-type: none"> (b) in paragraph (a) for the words from “record” to “question” there shall be substituted “relevant record” and for the words “under that subsection” there shall be substituted “for inclusion in the relevant record”; and (c) in paragraph (b) the word “concerned” shall be omitted. <p>In subsection (10)—</p> <ul style="list-style-type: none"> (a) the words “or both (as the case may be)” shall be omitted, and (b) in paragraph (b), for the words from “elections” to the end there shall be substituted “the referendum”. <p>Subsection (11) shall be omitted.</p>
In section 12 (offences), subsections (3) and (4)	
Section 27 (interpretation)(39)	<p>In subsection (1), the definition of “European Parliamentary election” shall be omitted.</p> <p>In subsection (2) the words from “and sections 5, 6” to the end shall be omitted.</p>

(39) Section 27(1) was repealed in part by the Schedule to the European Communities (Amendment) Act 1986 (c. 58).