

**2010 No. 1532**

**NORTHERN IRELAND**

**REPRESENTATION OF THE PEOPLE**

**The Electoral Law (Polling Station Scheme) (Northern Ireland)  
Regulations 2010**

<i>Made</i> - - - -	<i>8th June 2010</i>
<i>Laid before Parliament</i>	<i>10th June 2010</i>
<i>Coming into force</i> - -	<i>5th July 2010</i>

The Secretary of State, in exercise of the powers conferred by section 65(4) and section 127(2) of the Electoral Law Act (Northern Ireland) 1962(a) and now vested in the Secretary of State, makes the following Regulations:

**Citation and commencement**

1.—(1) These Regulations may be cited as the Electoral Law (Polling Station Scheme) (Northern Ireland) Regulations 2010.

(2) These Regulations come into force on 5th July 2010.

**Interpretation**

2. In these Regulations—

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

“consultation period” means, in relation to objections or proposals, the period referred to in regulation 7(2);

“draft scheme” means a draft polling station scheme; and

“interested person” means, in relation to objections or proposals, any person who has an interest in the location of a polling station or polling stations in Northern Ireland and “person” includes a body of persons corporate or unincorporate.

**Preparation of polling station scheme**

3. When preparing a polling station scheme under sections 15 and 65 of the 1962 Act, the Chief Electoral Officer must comply with the requirements of these Regulations.

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(a) 1962 c. 14 (N.I.); the functions of the Minister or Ministry of Home Affairs for Northern Ireland conferred by this Act were transferred to the Secretary of State by article 2 of S.I. 1973/2163. Section 65 has been amended by S.I. 1972/1264 (N.I. 13); S.I. 1972/1998 (N.I. 21) and S.I. 2009/3014.

### **Selection of polling stations**

4.—(1) Subject to paragraph (3), a polling station or polling stations for any polling district must as far as practicable be situated within that polling district.

(2) In addition to the matter mentioned in section 65(1) of the 1962 Act, when selecting a polling station or polling stations, the Chief Electoral Officer must ensure that so far as reasonable and practicable every polling station is accessible to any voter who has a disability.

(3) The Chief Electoral Officer may designate a polling station in an adjoining polling district (whether or not it is also designated as a polling station for that polling district) if—

- (a) the Chief Electoral Officer is satisfied that by designating a polling station in the adjoining district, better facilities for voting may be provided; or
- (b) the Chief Electoral Officer is satisfied that special circumstances exist that make it desirable to designate a polling station in an adjoining polling district.

(4) Where more than one polling station is designated in a polling district the polling station scheme must indicate what portion of the polling district each station is intended to serve.

(5) The polling station scheme must indicate the approximate number of electors for whom each station is provided and where the same polling station is to be used by electors from more than one polling district the approximate number of electors from each district must be shown.

### **Publication of draft scheme**

5.—(1) The Chief Electoral Officer must publish a draft scheme on or before 1st December in a draft scheme year.

(2) The draft scheme must be published by making it available as follows—

- (a) it must be available for inspection at the offices of the Chief Electoral Officer during normal office hours;
- (b) it must be published on the Chief Electoral Officer's website; and
- (c) so far as it is reasonable and practicable to do so, a copy of the draft scheme or the relevant part of the draft scheme must be provided on request.

(3) In this regulation—

“draft scheme year” means a year in which the Chief Electoral Officer is required to publish a draft scheme under section 65(1A)(a) of the 1962 Act.

### **Notice of publication of draft scheme**

6.—(1) The Chief Electoral Officer must give notice in accordance with paragraphs (2) and (3) that a draft scheme has been published.

(2) The notice must be published—

- (a) on the Chief Electoral Officer's website (in which case it must include its date of publication); and
- (b) in respect of each polling district, in at least two newspapers circulating in that district.

(3) The notice must include the following information—

- (a) that a draft scheme has been published;
- (b) where and when the draft scheme may be inspected;
- (c) how copies of the draft scheme may be obtained;
- (d) how and by whom objections or proposals in respect of the draft scheme or any part of it may be made; and
- (e) the period within which such objections or proposals must be made.

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(a) Section 65(1A) was inserted by S.I. 1972/1264 (N.I. 13) and amended by S.I. 1972/1998 (N.I. 21) and S.I. 2009/3014.

## Objections or proposals

7.—(1) Objections or proposals may be made in writing by an interested person to the Chief Electoral Officer in respect of the draft scheme or any part of it.

(2) The Chief Electoral Officer must allow at least twelve weeks from the date of the notice mentioned in regulation 6 for objections or proposals to be made.

(3) The Chief Electoral Officer must consider any objections or proposals made in accordance with that notice and may modify the draft scheme accordingly.

(4) If, during any consultation period—

- (a) notice of a local general election is published in accordance with paragraph (2) of rule 1 of the local elections rules(a);
- (b) notice of an election to the Assembly is published in accordance with rule 1 of the parliamentary elections rules as applied to the Assembly by the Northern Ireland Assembly (Elections) Order 2001(b);
- (c) notice of a parliamentary election (within the meaning of the Representation of the People Act 1983(c)) is published in accordance with rule 1 of the parliamentary elections rules(d); or
- (d) notice of an election to the European Parliament is published in accordance with rule 1 of the European Parliamentary elections rules(e),

the consultation period ceases to run and resumes again the day after the day on which the declaration of the result has, or results have, been given in accordance with such of those rules as apply.

(5) The consultation period also ceases to run for the duration of any referendum period in respect of a referendum held throughout Northern Ireland (whether or not it is also held elsewhere in the United Kingdom).

(6) But objections or proposals may still be made during any period in which the consultation period has ceased to run under paragraphs (4) and (5).

(7) In this regulation “referendum” and “referendum period” have the same meaning as in part 7 (referendums) of the Political Parties, Elections and Referendums Act 2000(f).

## Approval and publication of polling station scheme

8.—(1) As soon as possible after the end of the consultation period (which may be after the conclusion of a local inquiry held in accordance with section 65(2)(g) of the 1962 Act) the Chief Electoral Officer must, with or without any modifications, approve the polling station scheme and publish it in accordance with this regulation.

(2) At the same time the Chief Electoral Officer must also publish details of the modifications, if any, made to the draft scheme whether resulting from a local inquiry or any objections or proposals received under regulation 7 (in this regulation and regulation 9 referred to as “amendments made to the draft scheme”).

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- (a) The local elections rules are contained in Schedule 5 to the 1962 Act (by virtue of section 57). They were substituted in their entirety by Schedule 1 to the Local Elections (Northern Ireland) Order 1985 (S.I. 1985/454). Amendments have been made to them on a number of occasions since then but those amendments are not relevant to these Regulations.
  - (b) S.I. 2001/2599; Article 3 of, and Schedule 1 to, this Order applies the parliamentary elections rules modified as appropriate to elections to the Northern Ireland Assembly. They were substituted in their entirety by Article 3 of, and Schedule 1 to, S.I. 2009/256.
  - (c) 1983 c. 2 (“the 1983 Act”).
  - (d) The parliamentary elections rules are contained in Schedule 1 to the 1983 Act. Rule 1 has been amended by section 24 of, and paragraph 73 of Schedule 4 to, the Representation of the People Act 1985 (c. 50) and section 19 of the Electoral Administration Act 2006 (c. 22).
  - (e) The European Parliamentary elections rules are contained in Schedule 1 to the European Parliamentary Elections (Northern Ireland) Regulations 2004 (S.I. 2004/1267). They were substituted in their entirety by regulation 38 of, and Schedule 1 to, S.I. 2009/813.
  - (f) 2000 c. 41.
  - (g) 1962 c. 14 (N.I.); section 65(2) has been amended by S.I. 1972/1264 (N.I. 13).

(3) The polling station scheme and details of any amendments made to the draft scheme must be published by making them available as follows—

- (a) they must be available for inspection at the offices of the Chief Electoral Officer during normal office hours;
- (b) they must be published on the Chief Electoral Officer's website;
- (c) so far as it is reasonable and practicable to do so, a copy of the scheme or the relevant part of the scheme must be provided on request; and
- (d) so far as it is reasonable and practicable to do so, details of any amendments made to the draft scheme must be provided on request.

**Notice of approval and publication of polling station scheme and publication of amendments made to the draft scheme**

9.—(1) The Chief Electoral Officer must give notice that—

- (a) the polling station scheme has been approved and published; and
- (b) amendments have or no amendments have (as the case may be) been made to the draft scheme.

(2) The notice must be given—

- (a) on the Chief Electoral Officer's website; and
- (b) in respect of each polling district, in at least two newspapers circulating in that district.

(3) The notice must include the following information—

- (a) that the polling station scheme has been approved and published;
- (b) if applicable, that details of the amendments made to the draft scheme have been published;
- (c) where and when the polling station scheme and details of any amendments made to the draft scheme are available for inspection; and
- (d) how copies of the polling station scheme and details of any amendments made to the draft scheme may be obtained.

**Revocations**

10. The Electoral Law (Polling Station Schemes) Regulations (Northern Ireland) 1972(a) and the Polling Station Schemes (Amendment) Regulations (Northern Ireland) 1976(b) are revoked.

Northern Ireland Office  
8th June 2010

*Hugo Swire*  
Minister of State

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(a) S.I. 1972/206 (N.I.); and amended by S.I. 1976/173 (N.I.).  
(b) S.I. 1976/173 (N.I.).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Chief Electoral Officer for Northern Ireland is required, by virtue of the Electoral Law Act (Northern Ireland) 1962 (“the 1962 Act”), to prepare a polling station scheme every four years for use at local elections in Northern Ireland. That scheme is also applied to parliamentary elections by virtue of the Representation of the People Act 1983. These regulations revoke the Electoral Law (Polling Station Schemes) Regulations (Northern Ireland) 1972 and make fresh provision for the preparation of a draft polling station scheme and approval and publication of the final scheme.

Under section 65 of the 1962 Act the Chief Electoral Officer is required to prepare and publish a draft polling station scheme in 2010 and every four years thereafter.

Regulation 4 sets out how polling stations must be selected and the circumstances in which the Chief Electoral Officer may make provision for a polling station for one polling district (that is to say a ward) to be located in an adjoining polling district.

Under regulation 5 the Chief Electoral Officer is required to publish the draft scheme on or before 1st December and make it available for inspection. The regulation sets out the ways in which the Chief Electoral Officer must do this.

Regulation 6 requires the Chief Electoral Officer to give public notice that the draft scheme has been published and where and how any objections or proposals may be made. Objections or proposals may be made by interested persons, and “interested person” is defined in regulation 2.

Under regulation 7 the Chief Electoral Officer is required to allow a period of at least 12 weeks for any proposals or objections to be made. This period is referred to in the regulations (by virtue of regulation 2) as the consultation period. The consultation period is suspended during the period of a local general election, an election to the Northern Ireland Assembly, a parliamentary election, an election to the European Parliament or a referendum.

Regulation 8 makes provision for the approval and publication of the scheme and regulation 9 requires the Chief Electoral Officer to give public notice of this. At the same time the Chief Electoral Officer must also publish details of any amendments that have been made to the draft scheme whether arising from proposals or objections received by the Chief Electoral Officer or a local inquiry held in relation to the draft scheme under section 65(2) of the 1962 Act.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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STATUTORY INSTRUMENTS

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£4.00