
Status: Point in time view as at 14/05/2008. This version of this provision has been superseded.
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Electoral Law Act (Northern Ireland) 1962. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 5

LOCAL ELECTIONS RULES

F1 SI 1985/454

^{F1} PART III

CONTESTED ELECTIONS]

Voting by persons with disabilities

^{F1}36 (1) If a voter makes an application to the presiding officer to be allowed, on the grounds of—

- (a) blindness or other physical incapacity, or
- (b) inability to read,

to vote with the assistance of another person by whom he is accompanied (in these rules referred to as the companion), the presiding officer shall require the voter to declare, orally or in writing, whether he is so incapacitated by his blindness or other incapacity, or by his inability to read, as to be unable to vote without assistance.

(2) ^{F2}Subject to paragraph (2A), if] the presiding officer—

- (a) is satisfied that the voter is so incapacitated, and
- (b) is also satisfied by a written declaration made by the companion (in these rules referred to as the declaration made by the companion of a voter with disabilities) that the companion—
 - (i) is a qualified person within the meaning of this rule, and
 - (ii) has not previously assisted more than one voter with disabilities to vote at the election,

the presiding officer shall grant the application, and then anything which is by these rules required to be done to or by that voter in connection with the giving of his vote may be done to, or with the assistance of, the companion.

[Paragraphs (2) to (7) of rule 34 shall apply in the case of a voter who applies under ^{F2}(2A) paragraph (1) as they apply in the case of a voter who applies under rule 34(1), but reading references to delivering a ballot paper as references to granting a voter's application.]

(3) For the purposes of these rules, a person is a voter with disabilities if he has made such a declaration as is mentioned in paragraph (1) above, and a person shall be qualified to assist a voter with disabilities to vote if that person—

- (a) is a person who is entitled to vote as an elector at the election; or

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(b) is the father, mother, brother, sister, husband, wife, son or daughter of the voter and has attained the age of 18 years.

(4) The name and number in the register of electors of every voter whose vote is given in accordance with this rule and the name and address of the companion shall be entered on a list (in these rules referred to as the list of voters with disabilities assisted by companions).

In the case of a person voting as proxy for an elector, the number to be entered together with the voter's name shall be the elector's number.

[In the case of a person in respect of whom a notice has been issued under ^{F3}(4A) section 13BA(9) of the 1983 Act, paragraph (4) applies as if for “in the register of electors of every voter” there were substituted “relating to every voter in respect of whom a notice has been issued under section 13BA(9) of the 1983 Act”.]

[The same list may be used for each election.
^{F4}(4A)

(4B) If it is, an entry in the list must be taken to mean that the votes were given in accordance with this rule in respect of each election unless the list identifies the election at which the vote was so given.]

(5) The declaration made by the companion—

- (a) shall be in the form in the Appendix; and
- (b) shall be made before the presiding officer at the time when the voter applies to vote with the assistance of a companion and shall forthwith be given to the presiding officer who shall attest and retain it.

(6) No fee or other payment shall be charged in respect of the declaration.]

F1 SI 2001/417

F2 SI 2002/2835

F3 [Sch. 5 rule 36\(4A\)](#) inserted (14.5.2008) by [Northern Ireland \(Miscellaneous Provisions\) Act 2006 \(c. 33\)](#), ss. 30(1), 31(3), [Sch. 4 para. 1\(5\)](#); S.I. 2008/1318, [art. 2\(2\)\(b\)](#)

F4 2001 c. 7

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