

Draft Order laid before Parliament under section 4(2) of the Northern Ireland (Entry to Negotiations, etc) Act 1996 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1998 No.

NORTHERN IRELAND

Northern Ireland Negotiations (Referendum) Order 1998

<i>Made</i>	- - - -	<i>1998</i>
<i>Coming into force</i>	- -	<i>1998</i>

Whereas a draft of this Order has been approved by resolution of each House of Parliament;
Now, therefore, in exercise of the powers conferred upon me by section 4(1) of the Northern Ireland (Entry to Negotiations, etc) Act 1996(1), I hereby make the following Order:—

Citation, extent and commencement

- 1.—(1) This Order may be cited as the Northern Ireland Negotiations (Referendum) Order 1998.
- (2) This Order extends to Northern Ireland only.
- (3) This Order shall come into force on the day after it is made.

Interpretation

2. Unless the context otherwise requires, in this Order and any provision applied by this Order—
 - “1962 Act” means the Electoral Law Act (Northern Ireland) 1962(2);
 - “1983 Act” means the Representation of the People Act 1983(3);
 - “1985 Act” means the Representation of the People Act 1985(4);
 - “1996 Act” means the Northern Ireland (Entry to Negotiations, etc) Act 1996;
 - “1985 Order” means the Local Elections (Northern Ireland) Order 1985(5);
 - “1986 Regulations” means the Representation of the People (Northern Ireland) Regulations 1986(6);

(1) 1996 c. 11.
(2) 1962 c. 14 (N.I.).
(3) 1983 c. 2.
(4) 1985 c. 50.
(5) S.I.1985/454.
(6) S.I. 1986/1091.

“elector” means a person entitled to vote at the referendum and “register of electors” shall be construed accordingly;

“local election” has the same meaning as in the 1962 Act;

“party” means a party elected at the elections held under section 1 of the 1996 Act;

“referendum” means the referendum to be held under article 3 below;

“relevant nominating representative” means a nominating representative (within the meaning of section 5 of the 1996 Act) of a party; and

“verifying officer” means an officer responsible for the verification of the ballot paper accounts.

Referendum

3.—(1) It is hereby directed that a referendum shall be held on Friday 22nd May 1998 in Northern Ireland for the purpose of obtaining the views of the people of Northern Ireland on the question posed in the front of the ballot paper set out in Schedule 1 to this Order.

(2) The votes at the referendum shall be given by ballot and every ballot paper shall—

- (a) be capable of being folded up,
- (b) have a number printed on the back; and
- (c) have attached a counterfoil with the same number printed on it.

(3) The front and back of the ballot paper to be used shall be in the form set out in Schedule 1 to this Order, or (except as respects the question posed) a form to the like effect.

(4) The hours of polling shall be between 7 am and 10 pm on the day of the referendum.

Entitlement to vote

4.—(1) Those persons entitled to vote in the referendum shall be—

- (a) the persons who, on the date of the referendum, would be entitled to vote as electors at a parliamentary election in any constituency in Northern Ireland, except any person registered in pursuance of an overseas elector’s declaration under section 2 of the 1985 Act, and
- (b) those peers who, on that date, would be entitled to vote as electors at a local election in any local government district there.

(2) An alteration made in a register of electors after 11th day before the date of the poll shall not have effect for the purposes of the referendum.

Counting officer

5.—(1) For the purposes of the referendum, the Chief Electoral Officer for Northern Ireland shall be the counting officer.

(2) That Officer shall be the registration officer for the purposes of the provisions applied by this Order (as he is for parliamentary and local elections).

(3) Sections 14(5) and 14A(2) and (3) of the 1962 Act⁽⁷⁾ (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer in his capacity as counting officer and registration officer under this Order.

(4) The counting officer shall certify the total of—

(7) Sections 14 and 14A were substituted by article 6 of the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264) (N.I. 13).

- (a) the ballot papers counted,
- (b) the votes cast for each answer, and
- (c) the number of rejected ballot papers under each head shown in the statement of rejected ballot papers,

for the whole of Northern Ireland.

Application of certain provisions for the referendum

6.—(1) The provisions of the 1983 Act, the Elections (Northern Ireland) Act 1985⁽⁸⁾ and the 1985 Act which are specified in the left-hand column of Schedule 2 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 paragraph (3) below,

apply for the purposes of the referendum.

(2) The provisions of the 1986 Regulations and the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992⁽⁹⁾ which are specified in the left-hand column of Schedule 3 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 paragraph (3) below,

apply for the purposes of the referendum.

(3) Unless the context otherwise requires, in the provisions applied by Schedules 2 and 3 to this Order—

- (a) any reference to a parliamentary election (except in section 160(4) of the 1983 Act), including a reference to a general election or a by-election, shall be construed as a reference to the referendum and a reference to the parliamentary elections rules shall be construed as a reference to the referendum rules;
- (b) any reference to a parliamentary elector (except in section 160(4) of the 1983 Act) shall be construed as an elector entitled to vote at the referendum and references to the register of electors shall be construed accordingly;
- (c) any provision relating to a local government election or local government electors shall be disregarded;
- (d) any provision having effect solely in Great Britain or any part of it shall be disregarded;
- (e) any reference to a returning officer shall be construed as a reference to the counting officer;
- (f) any reference to voting for, or a vote for, a candidate shall be construed as a reference to voting for, or a vote for, an answer in the referendum;
- (g) any reference to promoting or procuring the election of a candidate, or furthering a person's candidature, shall be construed as a reference to promoting or procuring a particular result in the referendum;
- (h) a reference to the return of a person or candidate shall be construed as a reference to a particular result in the referendum;
- (i) references to election agents shall be disregarded; and

⁽⁸⁾ 1985 c. 2.

⁽⁹⁾ S.R. & O. (N.I.) 1992 No. 448.

- (j) any reference to an enactment or an instrument made under an enactment shall be construed as a reference to that instrument or enactment as applied by this Order.
- (4) Section 72 of the Post Office Act 1969⁽¹⁰⁾ shall apply in relation to the referendum as it applies in relation to a parliamentary election and as though—
 - (a) the reference to the 1983 Act was a reference to that Act as applied by Schedule 2 to this Order; and
 - (b) the reference to a sum charged on, and issued out of, the Consolidated Fund was a reference to a sum paid by the Secretary of State.

Time

7. In calculating any period of time for the purposes of this Order and any provision applied by this Order the following days shall be disregarded—
- (a) Saturday or Sunday, and
 - (b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹¹⁾ in Northern Ireland.

Northern Ireland Office
1998

One of Her Majesty's Principal Secretaries of
State

⁽¹⁰⁾ 1969 c. 48.
⁽¹¹⁾ 1971 c. 80.

SCHEDULE 1

Article 3(3)

FORM OF FRONT OF BALLOT PAPER

DO YOU SUPPORT THE AGREEMENT REACHED AT THE MULTI-PARTY TALKS ON NORTHERN IRELAND AND SET OUT IN COMMAND PAPER 3883?

Counterfoil No.

The counterfoil is to have a number to correspond with that on the back of the ballot paper

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

FORM OF BACK OF BALLOT PAPER

No.

Northern Ireland Referendum

Note—*The number on the ballot paper is to correspond with that on the counterfoil and is to be printed in small characters.*

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)(12)	
Section 23 (rules for parliamentary elections)	
Section 29 (Payments by and to returning officer)(13)	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”.

(12) Section 18(7) was amended by paragraph 4(4) of Schedule 4 to the 1985 Act.

(13) 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).

<i>Provision applied</i>	<i>Modification</i>
	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)(14)	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)(15)	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: <ul style="list-style-type: none"> "(i) more than once at the referendum; or (ii) when there is in force an appointment of a person to vote as his proxy 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)(16)	In subsection (3)—

(14) 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).

(15) 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.

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

<i>Provision applied</i>	<i>Modification</i>
	<ul style="list-style-type: none"> (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.)(17)	<p>Subsection (1)(a) shall be omitted.</p> <p>In subsection (3) after the words “presiding officer” there shall be inserted “, verifying officer”.</p>
Section 66 (requirement of secrecy)(18)	<p>In subsection (1)(b) for the words “candidate or election agent” there shall be substituted “relevant nominating representative”.</p> <p>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”.</p>
Section 91 (candidate’s right to send election address post free)(19)	<p>In subsection (1) for the word “candidate” there shall be substituted “relevant nominating representative”.</p> <p>In subsections (1)(a) and (4)(a) the words “in the constituency” shall be omitted.</p> <p>Subsection (3) shall be omitted.</p>
Section 94 (imitation poll cards)(20)	
Section 97 (disturbances at election meetings)	<p>For subsection (2) there shall be substituted:</p> <p>“(2) This section applies to a meeting held during the period of 13 days ending with the day before the date of the referendum.”.</p>
Section 98 (premises not affected for rates)	
Section 100 (illegal canvassing by police officers)(21)	<p>In subsection (1)—</p> <ul style="list-style-type: none"> (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”. <p>Subsection (3) shall be omitted.</p>
Section 101 (no hiring of vehicles to convey voters)	

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

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

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

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

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

<i>Provision applied</i>	<i>Modification</i>
Section 102 (no payments for conveyance of voters)	
Section 103 (provisions supplemental to sections 101 and 102)(22)	
Section 104 (carriage in sections 101 to 103)(23)	
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)	
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)(24)	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)(25)	

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

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

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

(25) 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.

<i>Provision applied</i>	<i>Modification</i>
Section 169 (prosecution for illegal practices)(26)	
Section 170 (conviction of illegal practice on charge of corrupt practice etc.)	
Section 173 (incapacities on conviction of corrupt or illegal practice)(27)	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.)(28)	Subsection (2) shall be omitted.
Section 176 (time limit for prosecutions)(29)	
Section 178 (prosecutions for offences committed outside the United Kingdom)(30)	
Section 179 (offences by associations)	
In section 181 (Director of Public Prosecutions), subsection (1)(31)	
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)(32)	
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)(33)	
Section 205 (general application to Northern Ireland)(34)	
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.”.

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

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

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

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

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

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

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

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

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

<i>Provision applied</i>	<i>Modification</i>
	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)(35)	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)(36)	
Rule 25 (provision of polling stations)	
Rule 26 (appointment of presiding officers and clerks)(37)	In paragraph (1), the words from “but” to the end shall be omitted.
Rule 28 (issue of official poll cards)(38)	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)(39)	
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.

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

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

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

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

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

<i>Provision applied</i>	<i>Modification</i>
Rule 31 (notification of requirement of secrecy)(40)	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;”.
Rule 33 (keeping of order in station)	In paragraph (2) for the word “candidate” there shall be substituted “party”.
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”.
Rule 36 (challenge of voter)	In the second question in paragraph (2), the words “in this constituency” shall be omitted.
Rule 37 (voting procedure)(41)	In paragraph (1), for the words “a candidate or his election or” there shall be substituted “a relevant nominating representative or a”.
Rule 38 (votes marked by presiding officer)(42)	Paragraph (1F) shall be omitted.
Rule 39 (voting by blind persons)(43)	
Rule 40 (tendered ballot papers)(44)	
Rule 40A (refusal to deliver ballot paper)(45)	Paragraph (1) shall be omitted.
Rule 41 (spoilt ballot papers)	
Rule 42 (adjournment of poll in case of riot)	
Rule 43 (procedure on close of poll)	In paragraph (2) the words “shall be subject to review on an election petition but, subject to that,” shall be omitted.
Rule 44 (procedure on close of poll)	In paragraph (1), for the words “returning officer”, in each place where they occur, there shall be substituted “verifying officer”.

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

(41) 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.

(42) 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.

(43) 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.

(44) 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.

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

<i>Provision applied</i>	<i>Modification</i>
	<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> <ul style="list-style-type: none">(a) the counting officer,(b) the verifying officer and his clerks,(c) a relevant nominating representative, and(d) the counting agents, <p>may attend the verification of the ballot paper accounts, unless permitted by 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

<i>Provision applied</i>	<i>Modification</i>
	<p>papers in it and verify each ballot paper account; and</p> <p>(b) count such of the postal ballot papers as have been duly returned and record the number counted.</p> <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 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</p>

<i>Provision applied</i>	<i>Modification</i>
	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. (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.”.
Rule 44 (attendance at counting of votes)	For paragraph (2)(b) there shall be substituted— “(b) a relevant nominating representative.”.
Rule 45 (the count)(46)	For paragraphs (1) to (2) there shall be substituted: “(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).”. In paragraph (4) the words “counting and recording the number of ballot papers and” shall be omitted. Paragraph (5) shall be omitted. In paragraph (6), the words from “For the” to the end shall be omitted.
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(47)	
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.

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

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

<i>Provision applied</i>	<i>Modification</i>
II: ELECTIONS (NORTHERN IRELAND) ACT 1985	
Section 3 (offences relating to specified documents)(48)	
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)	<p>In subsection (1) for the words “a particular” there shall be substituted “the”.</p> <p>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—</p> <ul style="list-style-type: none">(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.”. <p>In subsection (4)—</p> <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)(49)	<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>

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

(49) 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).

<i>Provision applied</i>	<i>Modification</i>
	<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> <p>(a) for the words “a particular” there shall be substituted “the”, and</p> <p>(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> <p>In subsection (9)—</p> <p>(a) for the word “each” there shall be substituted “the”;</p> <p>(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</p> <p>(c) in paragraph (b) the word “concerned” shall be omitted.</p> <p>In subsection (10)—</p> <p>(a) the words “or both (as the case may be)” shall be omitted, and</p> <p>(b) in paragraph (b), for the words from “elections” to the end there shall be substituted “the referendum”.</p> <p>Subsection (11) shall be omitted.</p>
In section 12 (offences), subsections (3) and (4)	
Section 27 (interpretation)(50)	<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>

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

SCHEDULE 3

Article 6(2)

APPLICATION WITH MODIFICATIONS OF THE 1986
REGULATIONS AND THE PLANNING (CONTROL OF
ADVERTISEMENTS) (NORTHERN IRELAND) REGULATIONS 1992

<i>Provision applied</i>	<i>Modification</i>
THE REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) REGULATIONS 1986	
In regulation 4 (interpretation) paragraphs (1) and (3)(51)	In paragraph (1), all of the definitions except those of “available for inspection”, “postal proxy” and “register” shall be omitted.
Regulation 5 (forms)	Paragraph (1)(a) shall be omitted.
Regulation 6 (sending of applications, notices etc.)	
Regulation 7 (publication of documents)	
Regulation 8 (misnomers)	
Regulation 12 (interference with notices etc.)	
Regulation 63 (general requirements for absent voters' applications)(52)	
Regulation 66 (additional requirements for applications in respect of a particular election)(53)	In paragraphs (4)(c) and (6)(d) for the words from “one” to the end of each of those subparagraphs, there shall be substituted— “(i) a registered medical practitioner; (ii) a registered nurse within the meaning of section 7(7) of the Nurses, Midwives and Health Visitors Act 1997(54), or (iii) a Christian Science practitioner”. In paragraph (6)(a) for the word “eleventh” there shall be substituted “fourteenth”. In paragraph (8)(b) the words from “or some other” to the end shall be omitted.
Regulation 67 (additional requirements for applications for appointment of a proxy)	
Regulation 68 (additional requirements for applications by proxies to vote by post at a particular election)	

(51) Regulation 4 has been amended but the amendments are not relevant to this Order.

(52) Regulation 63(1) was amended by S.I. 1990/561.

(53) Regulation 66 was amended by S.I. 1990/561 and S.I. 1997/967.

(54) 1997 c. 24.

<i>Provision applied</i>	<i>Modification</i>
Regulation 69 (closing dates for applications)(55)	<p>In paragraphs (1), (2) and (5) for the word “eleventh” there shall be substituted “fourteenth”.</p> <p>In paragraph (1) for the words “any particular election” there shall be substituted “the compilation of the special lists compiled under sections 7(4) and 9(9) of the 1985 Act for the purposes of the referendum”.</p> <p>In paragraph (5), before the words “of the cancellation” there shall be inserted “as those sections have effect for the purposes of the compilation of the special lists under sections 7(4) and 9(9) of the 1985 Act for the purposes of the referendum” and for the words “any particular” there shall be substituted “the”.</p> <p>Paragraph (6) shall be omitted.</p>
Regulation 70 (grant or refusal of applications)	<p>Paragraph (2) shall be omitted.</p> <p>In paragraph (4) for the words “any particular” there shall be substituted “the”.</p>
Regulation 74 (records and lists kept under sections 6, 7 and 9 of the 1985 Act)	Paragraphs (5) and (7) shall be omitted.
Regulation 75 (marked register for polling stations)	
Regulation 76 (certificate of employment)	
Regulation 77 (interpretation of Part V)	The definition of “agent” shall be omitted.
Regulation 79 (persons entitled to be present at issue and receipt of postal ballot papers)	<p>For sub-paragraphs (b) and (c) of paragraph (1) there shall be substituted—</p> <p style="padding-left: 40px;">“(b) a relevant nominating representative.”.</p> <p>In paragraphs (2) to (4), for the word “candidate”, in each place where it occurs, there shall be substituted “relevant nominating representative”.</p> <p>After paragraph (2) there shall be inserted:</p> <p style="padding-left: 40px;">“(2A) For the purposes of this regulation, a person authorised by a relevant nominating representative may act on his behalf.”.</p> <p>Paragraphs (5) and (7) shall be omitted.</p> <p>In paragraph (8) the words “candidates or their” shall be omitted.</p>

(55) Regulation 69 was amended by S.I. 1990/561 and S.I. 1997/967.

<i>Provision applied</i>	<i>Modification</i>
Regulation 80 (notification of requirement of secrecy)	
Regulation 81 (notice of issue of postal ballot papers)	For the word “candidate”, in each place where it occurs, there shall be substituted “relevant nominating representative”.
Regulation 82 (marking of postal ballot paper etc.)	
Regulation 83 (refusal to issue postal ballot paper)	
Regulation 84 (envelopes)	
Regulation 85 (delivery of postal ballot papers to post office)	
Regulation 86 (provision of postal voters' ballot box)	In paragraph (3), the words from “and” to the end shall be omitted.
Regulation 87 (sealing up of special lists and counterfoils)	
Regulation 88 (spoilt postal ballot paper)	
Regulation 89 (receipt of covering envelope)	
Regulation 90 (opening of postal voters' ballot box)	In paragraph (3), for the word “candidate”, in each place where it occurs, there shall be substituted “relevant nominating representative”. In paragraph (5), the words from “and” to the end shall be omitted. In paragraph (7) for the words “counting of the votes under rule 45” there shall be substituted “verification of the ballot paper accounts under rule 43B”.
Regulation 91 (opening of covering envelopes)(56)	In paragraph (3), the words from “Provided that” to the end shall be omitted.
Regulation 92 (sealing up of rejected votes and declarations of identity)	
Regulation 93 (opening of ballot paper envelopes)	
Regulation 95 (forwarding of documents)(57)	In paragraph (1) for the words from “forward” to “rules” there shall be substituted “retain for the period of one month beginning with the day after the date of the referendum and then destroy”.

(56) Regulation 91 was amended by S.I. 1990/561.

(57) Regulation 95 was amended by S.I. 1990/561.

<i>Provision applied</i>	<i>Modification</i>
	<p>In paragraph (1)(a), the words from “the date” to the end shall be omitted.</p> <p>Paragraphs (1)(b), (3) and (4) shall be omitted.</p> <p>In paragraph (2), for the words “forward it at a subsequent date” there shall be substituted “retain and subsequently deal with it”.</p>
SCHEDULE 2 (FORMS)	
Form E (elector’s official poll card)(58)	<p>In the front of card—</p> <p>(a) there shall be inserted at the top of the card the words “NORTHERN IRELAND REFERENDUM”, and</p> <p>(b) the words “Constituency” shall be omitted.</p>
Form F (proxy’s official poll card)	<p>In the front of card—</p> <p>(a) there shall be inserted at the top of the card the words “NORTHERN IRELAND REFERENDUM”, and</p> <p>(b) the words “Constituency” shall be omitted.</p>
Form G (certificate of employment)	<p>For the words “REPRESENTATION OF THE PEOPLE ACTS” there shall be substituted “NORTHERN IRELAND REFERENDUM” and the words “ELECTION IN THECONSTITUENCY”, “for the constituency named above” and “of the above constituency” shall be omitted.</p>
Form H (declaration of identity)(59)	<p>In the front of the form for the words “REPRESENTATION OF THE PEOPLE ACTS” there shall be substituted “NORTHERN IRELAND REFERENDUM”.</p>
THE PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND) 1992	
Regulation 2 (interpretation)	
Regulation 4 (requirement for consent)	
Schedule 1 (standard conditions)	
In Schedule 2 (classes of advertisements to which the prohibition in regulation 4(1) does not apply), Class F	<p>In the description of the class, the words “European, Northern Ireland Assembly or district council” shall be omitted.</p>

(58) Forms E and F were amended by S.I. 1991/1674.

(59) Form H was amended by S.I. 1990/561.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the conduct of a referendum to be held in Northern Ireland under section 4 of the Northern Ireland (Entry to Negotiations, etc) Act 1996 on the question whether the people of Northern Ireland support the agreement reached in the multi-party talks on Northern Ireland and set out in Command Paper 3883 (article 3(3) and Schedule 1).

Article 3(1) provides that the referendum is to be held on Friday 22nd May. Article 4 sets out the franchise. Article 5(1) provides that the Chief Electoral Officer for Northern Ireland is to be the counting officer and article 5(4) requires him to certify the result of the referendum.

Paragraphs (1) and (2) of article 6 apply for the purposes of the referendum the provisions specified in the left-hand columns of Schedules 2 and 3 respectively. These provisions are subject to the general modifications in the right-hand columns of those Schedules. Schedule 2 specifies provisions of the Representation of the People Acts 1983 and 1985 and the Elections (Northern Ireland) Act 1985. Schedule 3 specifies provisions of the Representation of the People (Northern Ireland) Regulations 1986 and the exemptions for elections notices in the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992. Article 6(3) converts references to a parliamentary election into references to the referendum; references to parliamentary electors into electors at the referendum; references to voting for a candidate into references to voting for an answer at the referendum; and other similar changes.

Article 7 provides for Saturdays, Sundays and bank holidays to be disregarded when computing time for the purposes of the Order.