

Draft Order laid before Parliament under section 96(2) of the Northern Ireland Act 1998 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2001 No.

NORTHERN IRELAND

Northern Ireland Assembly (Elections) Order 2001

Made - - - - 2001
Coming into force - - 2001

Whereas a draft of this Order has been approved by a resolution of each House of Parliament;
And whereas I have, in accordance with section 7(1) and (2)(h) of the Political Parties, Elections and Referendums Act 2000(1), consulted the Electoral Commission about these Regulations;
Now, therefore, in exercise of the powers conferred on me by sections 34(4) and 35(1) of the Northern Ireland Act 1998(2), I hereby make the following Order:—

Citation, commencement and revocation

- 1.—(1) This Order may be cited as the Northern Ireland Assembly (Elections) Order 2001.
- (2) This Order shall come into force on the fourteenth day after the day on which it was made.
- (3) The New Northern Ireland Assembly (Elections) Order 1998(3) is hereby revoked.

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(4);
 - “1983 Act” means the Representation of the People Act 1983(5);
 - “1985 Act” means the Representation of the People Act 1985(6);
 - “1998 Act” means the Northern Ireland Act 1998;

(1) 2000 c. 41.
(2) 1998 c. 47; the powers in section 34(4) are extended by section 34(5) and (6) and those in section 35(1) are extended by section 35(2) and (5).
(3) S.I.1998/1287; that Order has effect as if made under sections 34(4) and 35 of the Northern Ireland Act 1998 by virtue of paragraphs 10 and 11 of Schedule 14 to that Act.
(4) 1962 c. 14 (N.I.).
(5) 1983 c. 2.
(6) 1985 c. 50.

“1985 Order” means the Local Elections (Northern Ireland) Order 1985(7);

“2001 Regulations” means the Representation of the People (Northern Ireland) Regulations 2001(8);

“Assembly” means the Northern Ireland Assembly and “Assembly election” means an election to that Assembly;

“date of the poll” means the date set by section 31(1) or (2) or 32(4) of the 1998 Act or, in the case of a by-election, the date set by the Chief Electoral Officer under article 7(2) below; and

“election rules” means the rules in Schedule 1 to the 1983 Act, as applied by Schedule 1 to this Order.

Application of certain provisions for Assembly elections

3.—(1) The provisions of the 1983 Act, the Elections (Northern Ireland) Act 1985(9) 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 paragraph (3) below,

apply for the purposes of an Assembly election.

(2) The provisions of the 2001 Regulations, the Election Petition Rules 1964(10) and the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992(11) 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 an Assembly election.

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

- (a) any reference to a parliamentary election (except the references specified in paragraph (5) below) shall be construed as a reference to an Assembly election and a reference to a parliamentary general election shall be construed as a reference to a general election to the Assembly;
- (b) any reference to the parliamentary elections rules shall be construed as a reference to those rules as applied for the purposes of Assembly elections;
- (c) any reference to a parliamentary elector shall be construed as a reference to an elector entitled to vote at an Assembly election and references to the register of electors shall be construed accordingly;
- (d) any reference to a parliamentary election petition shall be construed as a reference to an Assembly election petition;
- (e) any reference to an overseas elector shall be disregarded;
- (f) any provision having effect only in Great Britain or any part of it, including a provision relating to a local government election or local government electors, shall be disregarded;

(7) S.I. 1985/454.

(8) S.I. 2001/400.

(9) 1985 c. 2.

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

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

- (g) any reference to a return in the context of a return to the writ of election and return to Parliament shall be construed as a reference to the declaration of result made by the returning officer under rule 50 of the elections rules;
- (h) in the heading of the forms in Schedule 3 to the 2001 Regulations which are applied by this Order, for the words “REPRESENTATION OF THE PEOPLE ACTS” substitute “NORTHERN IRELAND ASSEMBLY ELECTION”; and
- (i) 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.

(4) Section 35(2)(h) of the Judicature (Northern Ireland) Act 1978⁽¹²⁾ shall apply in relation to an Assembly election petition as it applies in relation to a parliamentary election petition and as though the references in that section to the 1983 Act were references to that Act as applied by Schedule 1 to this Order.

(5) The references to “parliamentary election” to which paragraph (3)(a) above does not apply are those in section 160(4)(a)(i) of the 1983 Act⁽¹³⁾ and section 173(1)(a)(i) of that Act⁽¹⁴⁾.

Franchise

4. A person is entitled to vote at an Assembly election in a constituency if on the day of the poll he would be entitled to vote as an elector at a local election in a district electoral area wholly or partly comprised in that constituency.

Returning officer and registration officer

5.—(1) The Chief Electoral Officer for Northern Ireland shall be the returning officer for each constituency.

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

(3) Section 14(5) and 14A(2) and (3) of the 1962 Act⁽¹⁵⁾ (appointment of temporary deputy and delegation to assistants) shall have effect in relation to the Chief Electoral Officer in his capacity as returning officer and electoral registration officer under this Order.

Substitutes

6.—(1) The Chief Electoral Officer (“the Officer”) shall act in accordance with this article where—

- (a) he has been notified by—
 - (i) an election court or the High Court under section 144 or 146 of the 1983 Act, as applied by article 3 of, and Schedule 1 to, this Order, or
 - (ii) the presiding officer of the Assembly under section 35(3) of the 1998 Act, that a vacancy exists in the seat of a member of the Assembly,
- (b) that member had given a notice under rule 8A of the elections rules (“the relevant notice”), and
- (c) the vacancy has arisen otherwise than as a result of the resignation of a person who has been returned as a member for more than one constituency.

⁽¹²⁾ 1978 c. 23; section 35(2)(h) was amended by Schedule 8 to the 1983 Act.

⁽¹³⁾ Section 160(4) was substituted by Schedule 17 to the Political Parties, Elections and Referendums Act 2000 (c. 41).

⁽¹⁴⁾ Section 173 was substituted by section 136 of the Political Parties, Elections and Referendums Act 2000.

⁽¹⁵⁾ Sections 14 and 14A were substituted by article 6 of the Electoral Law (Northern Ireland) Order 1972 (S.I. 1972/1264) (N.I. 13).

(2) The Officer shall take such steps as appear to him to be reasonable to contact the person whose name and address appear as the first choice in the relevant notice to ask that person whether he will state in writing that he is willing and able to be returned as a member of the Assembly.

(3) Where—

(a) within such period as the Officer considers reasonable—

(i) he decides that the steps he has taken to contact that person have been unsuccessful, or

(ii) he has not received from that person a statement in writing that he is willing and able to be returned as a member of the Assembly, or

(b) that person has stated in writing that he is not willing or able to be so returned,

the Officer shall repeat the procedure required by paragraph (2) above in respect of the person (if any) whose name and address appear as the second choice in the relevant notice or, where subparagraph (a) or (b) above applies in respect of that person, in respect of the person (if any) whose name and address appear as the third choice in that notice; and the Officer shall continue to repeat the procedure until the seat is filled or the names in the list exhausted.

(4) Where a person whose name and address appear in the relevant notice states in writing in response to the question from the Officer under paragraph (2) above (including that paragraph as applied by paragraph (3) above) that he is willing and able to be returned as a member of the Assembly, the Officer shall (subject to paragraph (5) below) declare that person to be so returned.

(5) Where under paragraph (3) above the Officer has asked the person whose name appears as the second or, as the case may be, other subsequent choice in the relevant notice the question set out in paragraph (2) above prior to the receipt of a statement from a person whose name appears as an earlier choice in that notice that he is willing and able to be returned as a member of the Assembly, that statement shall not have effect for the purposes of paragraph (4) above unless—

(a) the first-mentioned person has stated in writing that he is not willing and able to be so returned, or

(b) no statement in writing that he is willing and able to be so returned has been received from him by the Officer in response to the Officer's question within such period as the Officer considers reasonable.

(6) The Officer shall give public notice of a declaration under paragraph (4) above and send it to the presiding officer of the Assembly.

By-elections

7.—(1) This article applies where the Chief Electoral Officer has been notified by—

(a) an election court or the High Court under section 144 or 146 of the 1983 Act, as applied by article 3 of, and Schedule 1 to, this Order, or

(b) the presiding officer of the Assembly under section 35(3) of the 1998 Act,

that a vacancy exists in the seat of a member of the Assembly and either the conditions in article 6(1)(b) and (c) above are not satisfied or no person has been declared a member to fill the vacancy under article 6(4) above.

(2) Where this article applies, the Chief Electoral Officer shall set a date as the date of the poll for a by-election to fill the vacancy.

Northern Ireland Office
2001

One of Her Majesty's Principal Secretaries of
State

SCHEDULE 1

Article 3(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>Modifications</i>
THE REPRESENTATION OF THE PEOPLE ACT 1983	
In section 18 (polling districts and places at parliamentary elections), subsections (1), (7) and (9)(16)	
Section 23 (rules for parliamentary elections)	
Section 29 (payments by and to returning officer)(17)	Omit subsection (1) and (2). In subsection (5), for the words from “charged on” to “before”, substitute “paid by the Secretary of State on an account being submitted to him, but he may, if he thinks fit, before”. Omit subsection (6). Omit subsection (9).
Section 30 (taxation of returning officer’s account)	
Section 49 (effect of registers)(18)	In subsection (5)(b)(iv) for “a local government” substitute “an”.
Section 50 (effect of misdescription)	
In section 52 (discharge of registration duties), subsection (5)(19)	Omit the words from “Subsection” to “but”.
Section 54 (payment of registration expenses)(20)	
Section 60 (personation)	
Section 61 (other voting offences)(21)	In paragraphs (a) and (b) of subsection (1) omit the words “or at parliamentary or local government elections” and “or, as the case may be, at elections of that kind”.

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

(17) 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); amendments made by Schedule 21 to the Political Parties, Elections and Referendums Act 2000 are not yet in force.

(18) Subsections (1) and (2) of section 49 were repealed by Schedule 6 to the Representation of the People Act 2000 (“the 2000 Act”); subsection (3) was repealed by Schedule 5 to the 1985 Act; 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) and amended by Schedule 1 to the 2000 Act; subsection (6) was inserted by that Schedule.

(19) Section 52(5) was substituted by paragraph 12 of Schedule 4 to the Act of 1985.

(20) Section 54 was amended by Schedule 4 to the 1985 Act.

(21) Section 61 was amended by paragraph 2 of Schedule 2 to the Act of 1985 and subsection (6A) was inserted by section 2(5) of the Elections (Northern Ireland) Act 1985 (c. 2); other amendments made by the Greater London Authority Act 1999 (c. 29) are not relevant to this Order.

<i>Provision applied</i>	<i>Modifications</i>
Section 63 (breach of official duty)(22)	In subsection (3)— (a) omit paragraphs (a) and (c); (b) in paragraph (b) omit the words “sheriff clerk”; and (c) in paragraph (e) for the words “(a) to (d)” substitute “(b) and (d)”.
Section 65 (tampering with nomination papers, ballot papers etc.)(23)	
Section 65A (false statements in nomination papers etc.)(24)	
Section 66 (requirement of secrecy)(25)	
Section 66A (prohibition on publication of exit polls)(26)	
Section 67 (appointment of election agent)(27)	
Section 68 (nomination of sub-agent at parliamentary elections)(28)	
Section 69 (office of election agent and sub-agent)(29)	
Section 70 (effect of default in election agent’s appointment)(30)	
Section 71A (control of donations to candidates)(31)	
Section 73 (payment of expenses through election agent)(32)	
Section 74 (candidate’s personal expenses and petty expenses)(33)	
Section 74A (expenses incurred otherwise than for election purposes)(34)	
Section 75 (prohibition of expenses not authorised by election agent)(35)	Omit subsection (4).

- (22) Section 63 was substituted by paragraph 19 of Schedule 4 to the Act of 1985.
(23) Subsections (3) and (4) of section 65 were substituted by paragraph 2 of Schedule 3 to the Act of 1985.
(24) Section 65A was inserted by Schedule 6 to the 2000 Act.
(25) Section 66(6) was amended by paragraph 3 of Schedule 3 to the Act of 1985.
(26) Section 66A was inserted by Schedule 6 to the 2000 Act.
(27) Section 67(4) was amended by paragraph 20 of Schedule 4 to the Act of 1985.
(28) Section 68(3) was amended by paragraph 21 of Schedule 4 to the Act of 1985.
(29) Section 69 was amended by paragraph 22 of Schedule 4 to the Act of 1985 and Schedule 18 to the Political Parties, Elections and Referendums Act 2000.
(30) Subsection (3A) of section 70 was inserted by paragraph 23 of Schedule 4 to the Act of 1985.
(31) Section 71A was inserted by section 130(2) of the Political Parties, Elections and Referendums Act 2000.
(32) Section 73 was amended by section 14(1) of the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000.
(33) Section 74 was amended by section 14(2) of the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000.
(34) Section 74A was inserted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.
(35) So far as material, section 75 has been amended as follows: section 75(1)(i) was amended by Schedule 20 to the Broadcasting Act 1990 (c. 42) and Schedule 10 to the Broadcasting Act 1996 (c. 55); section 75(1)(ii) was amended, and

<i>Provision applied</i>	<i>Modifications</i>
Section 76 (limitation of election expenses)(36)	
Section 77 (expenses limit for joint candidates at local election)	In subsection (1), for the words “a local government” substitute “an Assembly”.
Section 78 (time for sending in and paying claims)(37)	
Section 79 (disputed claims)(38)	
Section 80 (election agent’s claim)	
Section 81 (return as to election expenses)(39)	
Section 82 (declarations as to election expenses)(40)	
Section 83 (where no return and declarations needed at parliamentary elections)	
Section 84 (penalty for failure as respects returns or declarations)	
Section 86 (authorised excuses for failures as to return and declarations)(41)	
Section 87 (court’s power to require information from election agent or sub-agent)(42)	
Section 87A (duty of appropriate officer to forward returns and declarations to Electoral Commission)(43)	Omit subsection (1) and in subsection (2) for the words from “any election” to “above” substitute “an Assembly election”.
Section 88 (publication of time and place for inspection of returns and declarations)(44)	

section 75(1ZA) was inserted, by section 131 of the Political Parties, Elections and Referendums Act 2000; and subsections (2), (4) and (5) were amended by Schedule 4 to the 1985 Act.

- (36) Subsections (1) and (2)(aa) of section 76 were substituted, and subsection (1B) was inserted, by section 132 of the Political Parties, Elections and Referendums Act 2000; subsection (2)(a) was amended by section 6 of the Representation of the People Act 1989 (c. 28) and the sums in that provision were substituted by S.I. 2001/535; words were omitted from subsection (2) by Schedule 1 to the Representation of the People Act 2000 and subsection (4) was substituted by that Schedule; and subsection (3) was repealed by Schedule 4 to the 1985 Act.
- (37) Subsections (1) and (4) of section 78 were amended by Schedule 4 to the 1985 Act; subsections (1) and (2) were amended by Schedule 18 to the Political Parties, Elections and Referendums Act 2000; subsection (6) was repealed, and subsection (7) was substituted, by that Schedule.
- (38) Subsections (1) and (4) of section 79 were amended by paragraph 26 of Schedule 4 to the Act of 1985 and subsection (3) was repealed by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.
- (39) Section 81 was amended, so far as material to this Order, by Schedule 4 to the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000.
- (40) Section 82 was amended by Schedule 4 to the 1985 Act and subsection (4) was repealed by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.
- (41) Subsection (1A) of section 86 was inserted by paragraph 30(a) of Schedule 4 to the Act of 1985 and subsection (2) amended by paragraph 30(b) of that Schedule; subsection (10) was substituted, and subsections (9) and (11) were repealed, by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.
- (42) Section 87(3) was amended by paragraph 31 of Schedule 4 to the Act of 1985.
- (43) Section 87A was inserted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.
- (44) Section 88 was amended, so far as material, by Schedule 4 to the 1985 Act.

<i>Provision applied</i>	<i>Modifications</i>
Section 89 (inspection of returns and declarations)(45)	In subsections (1) and (2), for the words “two years”, in each place where they occur, substitute “12 months”.
Section 90A (meaning of election expenses)(46)	
Section 90B (incurring of election expenses for the purpose of section 90A)	
Section 90C (property, goods and services etc. provided free of charge or at a discount)	
Section 91 (candidate’s right to send election address post free)(47)	
Section 92 (broadcasting from outside United Kingdom)(48)	
Section 93 (broadcasting of local items during election period)(49)	Omit any reference to Sianel Pedwar Cymru. For subsection (5), substitute the following subsection: “(5) For the purposes of subsection (1) “the election period” in relation to an Assembly election means the period beginning with the last date on which notice of election may be published in accordance with the elections rules and ending with the date of the poll.”.
Section 94 (imitation poll cards)(50)	
Section 97 (disturbances at election meetings)	For subsection (2), substitute the following subsection: “(2) This section applies to a political meeting held in any constituency in connection with an Assembly election on any date between the last date on which notice of an election may be published in accordance with the elections rules and the date of the poll.”.
Section 98 (premises not affected for rates)	
Section 99 (officials not to act for candidates)(51)	

(45) Subsections (1) and (1A) of section 89 were substituted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 and subsection (3) was amended by Schedule 4 to the 1985 Act.

(46) Sections 90A to 90C were inserted by section 134(1) of the Political Parties, Elections and Referendums Act 2000.

(47) Section 91(1) was substituted by Schedule 4 to the 1985 Act; subsections (1), (2) and (3) of section 91 were amended, and subsection (5) was inserted, by Schedule 8 to the Postal Services Act 2000 (c. 26); and subsection (4) was substituted by Schedule 4 to the 2000 Act.

(48) Section 92(1) was substituted by Schedule 20 to the Broadcasting Act 1990 (c. 42).

(49) Section 93 was substituted by section 144 of the Political Parties, Elections and Referendums Act 2000.

(50) Section 94 was amended by paragraph 36 of Schedule 4 to the Act of 1985 but the amendments are not relevant to this Order.

(51) Section 99(2) was substituted by Schedule 3 to the 1985 Act.

<i>Provision applied</i>	<i>Modifications</i>
Section 100 (illegal canvassing by police officers)(52)	
Section 106 (false statements as to candidates)(53)	
Section 107 (corrupt withdrawal from candidature)	
Section 109 (payments for exhibition of election notices)	
Section 110 (printer's name and address on election publications)(54)	
Section 111 (prohibition of paid canvassers)	
Section 112 (providing money for illegal purposes)	
Section 113 (bribery)	
Section 114 (treating)	
Section 115 (undue influence)	
Section 116 (rights of creditors)	
Section 117 (savings as to parliamentary elections)	
Section 118 (interpretation of Part II)(55)	
Section 118A (meaning of candidate)(56)	In subsection (2)— (a) for “Parliament” substitute “the Assembly” and (b) for the words “the writ for the election is issued” substitute “the election is held”.
Section 119 (computation of time for purposes of Part II)(57)	
Section 120 (method of questioning parliamentary election)	
Section 121 (presentation and service of parliamentary election petition)(58)	

(52) Section 100(2) was amended by Schedule 3 to the 1985 Act.

(53) Section 106(4) was repealed by Schedule 5 to the 1985 Act; section 106(8) was repealed, and section 106(9) was substituted, by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(54) Section 110 was substituted by Schedule 18 to the Political Parties, Elections and Referendums Act 2000 but the commencement of the new provision now rests on an order to be made under section 2(1) of the Election Publications Act 2001 (c. 5); the original section 110(3) which has returned into force was amended by Schedule 3 to the 1985 Act.

(55) Section 118 was amended by paragraph 43 of Schedule 4 to the 1985 Act, section 135(1) of the Political Parties, Elections and Referendums Act 2000 and Schedule 18 to that Act.

(56) Section 118A was inserted by section 135(2) of the Political Parties, Elections and Referendums Act 2000.

(57) Subsections (2) and (3) of section 119 were substituted by section 19(4) of the 1985 Act.

(58) Section 121(5) was amended by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

<i>Provision applied</i>	<i>Modifications</i>
Section 122 (time for presentation or amendment of parliamentary election petition)(59)	In subsection (1), for the words from “the return” to the end substitute “the day on which the relevant result was declared in accordance with rule 50 of the elections rules”. In subsection (2), for the words “that return” substitute “that declaration of the result of the election”.
Section 123 (constitution of election court and place of trial)	
Section 124 (judges' expenses and reception: England and Wales and Northern Ireland)(60)	For “the Treasury” substitute “the Secretary of State”.
Section 126 (attendance of the House of Commons shorthand writer)(61)	In subsection (1), for the words “The shorthand writer of the House of Commons or his deputy” substitute “A shorthand writer”. In subsection (2), for the word “Speaker” substitute “Chief Electoral Officer”. In subsection (3), omit the words “In Scotland” and for the words “section 125” substitute “section 124”.
Section 136 (security for costs)(62)	
Section 137 (petition at issue)(63)	
Section 138 (list of petitions)(64)	In subsection (3), omit the words from the beginning of the subsection to “local government Act”.
Section 139 (trial of petition)	In subsection (3) omit the words from “the acceptance” to “notwithstanding”, in the third place where it occurs.
Section 140 (witnesses)(65)	
Section 141 (duty to answer relevant questions)(66)	
Section 143 (expenses of witnesses)	
Section 144 (conclusion of trial of parliamentary election petition)	In subsections (2), (4) and (6), for the word “Speaker”, in each place where it occurs, substitute “Chief Electoral Officer”. Omit subsections (5) and (7).

(59) Section 122(4) was amended by Schedule 4 to the 1985 Act and section 122(8) was repealed by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(60) Section 124 was repealed in part by Schedule 5 to the 1985 Act.

(61) Section 126(3) was repealed in part by Schedule 5 to the 1985 Act and amended by Schedule 4 to that Act.

(62) Section 136 was amended by Schedule 4 to the 1985 Act and Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(63) Section 137 was substituted by Schedule 17 to the Political Parties, Elections and Referendums Act 2000.

(64) Section 138(1) was amended by Schedule 17 to the Political Parties, Elections and Referendums Act 2000.

(65) Section 140 was amended by paragraph 49 of Schedule 4 to the Act of 1985.

(66) Subsections (3) and (4) of section 141 were repealed by Schedule 5 to the Act of 1985.

<i>Provision applied</i>	<i>Modifications</i>
Section 146 (special case for determination of High Court)	In subsection (2), for the word “Speaker” substitute “Chief Electoral Officer”.
Section 147 (withdrawal of petition)	
Section 154 (costs of petition)	
Section 155 (neglect or refusal to pay costs)	
Section 156 (further provision as to costs)(67)	
Section 157 (appeals and jurisdiction)(68)	For subsection (2), substitute the following subsection: “(2) Subject to the provisions of this Act and the rules made under it, the principles, practice and rules on which election courts act in dealing with parliamentary election petitions shall be observed, so far as may be, by the High Court and election court in the case of election petitions relating to Assembly elections.”.
Section 158 (report as to candidate guilty of a corrupt or illegal practice)	
Section 159 (candidate reported guilty of corrupt or illegal practice)(69)	
Section 160 (persons reported personally guilty of corrupt or illegal practices)(70)	In subsection (4)— (a) after the word “Kingdom” insert “or local election”; and (b) after the word “Commons”, in each place where it occurs, insert “or the Assembly”.
Section 161 (justice of the peace)(71)	Omit subsection (6)
Section 162 (member of legal and certain other professions)	
Section 163 (holder of licence or certificate under the Licensing Acts)	
Section 164 (avoidance of election for general corruption etc.)	
Section 165 (avoidance of election for employing corrupt agent)	
In section 166 (votes to be struck off for corrupt or illegal practices) subsections (2) and (3)	

(67) Section 156 was amended by Schedule 4 to the 1985 Act.

(68) Section 157(5) was repealed by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.

(69) Section 159(2) was repealed by Schedule 17 to the Political Parties, Elections and Referendums Act 2000.

(70) Words were omitted from subsection (1) of section 160 and subsection (2) was repealed by Schedule 5 to the 1985 Act; subsection (3) was substituted by Schedule 4 to that Act; subsections (4) to (5A) were substituted by Schedule 17 to the Political Parties, Elections and Referendums Act 2000.

(71) Sections 161 to 163 were repealed in part by Schedule 5 to the 1985 Act and amended by Schedule 4 to that Act.

<i>Provision applied</i>	<i>Modifications</i>
Section 167 (application for relief)(72)	
Section 168 (prosecutions for corrupt practices)(73)	
Section 169 (prosecutions for illegal practices)(74)	
Section 170 (conviction of illegal practice on charge of corrupt practice etc.)	
Section 173 (incapacities on conviction of corrupt or illegal practice)(75)	In subsection (1)— (a) after the word “Kingdom” insert “or local election”; and (b) after the word “Commons”, in each place where it occurs, insert “or the Assembly”. In subsection (7)— (a) for the words from “House” to “elective office” substitute “Assembly”; and (b) for the words from “Parliament” to “that office” substitute “the Assembly”. Omit subsection (10).
Section 174 (mitigation and remission etc.)(76)	
Section 175 (illegal payments etc.)(77)	
Section 176 (time limit for prosecutions)(78)	
Section 178 (prosecution of offences committed outside United Kingdom)(79)	
Section 179 (offences by associations)	
Section 180 (evidence by certificate of holding of elections)	
Section 180A (evidence by certificate of electoral registration)(80)	
Section 181 (Director of Public Prosecutions)(81)	
Section 183 (costs)	

(72) Section 167(1A) was inserted by paragraph 56 of Schedule 4 to the 1985 Act and subsection (4) was omitted, and subsection (5) was substituted, by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

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

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

(75) Section 173 was substituted by section 136 of the Political Parties, Elections and Referendums Act 2000.

(76) Section 174(6) was repealed by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.

(77) Section 175(1) was amended by Schedule 21 to the Political Parties, Elections and Referendums Act 2000 and Schedule 3 to the 1985 Act.

(78) Section 176 was amended by Schedule 4 to the 1985 Act.

(79) Section 178 was substituted by Schedule 4 to the 1985 Act.

(80) Section 180A was inserted by Schedule 1 to the 2000 Act.

(81) Subsections (1), (2) and (3) of section 181 were amended by Schedule 4 to the 1985 Act; subsection (6) was repealed in part by Schedule 5 to that Act; and subsection (8) was repealed by Schedule 2 to the Prosecution of Offences Act 1985 (c. 23).

<i>Provision applied</i>	<i>Modifications</i>
Section 184 (service of notices)(82)	
Section 185 (interpretation of Part III)(83)	
Section 186 (computation of time for purposes of Part III)	
Section 200 (public notices, and declarations)(84)	
Section 200A (remuneration for free postal services provided under Act)(85)	In subsection (3), for the words from “charged” to the end substitute “paid by the Secretary of State”.
Section 202 (general provisions as to interpretation)(86)	
Section 205 (general application to Northern Ireland)(87)	

SCHEDULE 1

(PARLIAMENTARY ELECTIONS RULES)

Rule 1 (timetable).	For the Timetable substitute:	
	“TIMETABLE	
	<i>Proceeding</i>	<i>Time</i>
	Publication of notice of election.	Not later than the 25th day before the date of the poll.
	Delivery of nomination papers.	Between the hours of 10 a.m. and 4 p.m. on the 17th and 16th days before the date of the poll.
	Delivery of notices of withdrawals of candidature.	Within the time for the delivery of nomination papers at the election.
	The making of objections to nomination papers.	During the hours allowed for delivery of nomination papers and, on the 16th day before

(82) Section 184(1) was amended by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

(83) Section 185 was amended by Schedule 18 to the Political Parties, Elections and Referendums Act 2000.

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

(85) Section 200A was inserted by Schedule 8 to the Postal Services Act 2000 (c. 26).

(86) Section 202(1) was amended by section 4(5) of, and paragraph 3 of Schedule 2 to, the Act of 1985 and repealed in part by Schedule 5 to that Act; the definitions of “citizen of the Union” and “relevant citizen of the Union” were inserted by regulation 4(2) of the Local Government Elections (Changes to the Franchise and Qualification of Members) Regulations 1995 (S.I. 1995/1948); and the definition of “registered political party” was inserted by Schedule 3 to the Greater London Authority Act 1999 (c. 29) and amended by Schedule 21 to the Political Parties, Elections and Referendums Act 2000.

(87) Section 205(1) was amended by Schedule 4 to the 1985 Act.

	the date of the poll, the hour following: the foregoing provisions do not apply to objections made in pursuance of rule 15(2) below.
Publication of statement of persons nominated.	At the close of the time for making objections to nomination papers or as soon afterwards as any objections are disposed of.
Polling.	Between the hours of 7 a.m. and 10 p.m. on the day of the poll.”.
Rule 2 (computation of time)(88)	For paragraph (2) substitute: “(2) In this rule “bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(89) in Northern Ireland.”.
Rule 5 (notice of election)(90)	
Rule 6 (nomination of candidates)(91)	in paragraph (3)(b), omit the words from “or, where” to the end.
Rule 6A (nomination papers: name of registered political party)(92)	
Rule 7 (subscription of nomination paper)(93)	In paragraph (5), for the words from “than one nomination” to “delivered” substitute “nomination papers at the same election than there are vacancies to be filled and, if he does, his signature shall be inoperative on any paper other than the papers first delivered up to the number of vacancies”.
Rule 8 (consent to nomination)	In paragraph (3)(b), for the words “the House of Commons Disqualification” substitute “the Northern Ireland Assembly Disqualification” and for the words “House of Commons” substitute “Assembly”.

After rule 8 insert the following rule:

“Substitutes

8A. —

(88) Rule 2 was amended by section 19(5) of the Act of 1985.

(89) 1971 c. 80.

(90) Rule 5 was amended by Schedules 2 and 4 to the 1985 Act and Schedule 6 to the 2000 Act.

(91) Rule 6(3) was substituted by section 38(2) of the Political Parties, Elections and Referendums Act 2000.

(92) Rule 6A was inserted by Schedule 2 to the Registration of Political Parties Act 1998 (c. 48) and amended by section 38(3) of the Political Parties, Elections and Referendums Act 2000.

(93) Rule 7(6) was substituted by Schedule 1 to the 2000 Act.

(1) During the time for the delivery of nomination papers, a candidate may give to the returning officer a notice in accordance with paragraph (2) below.

(2) Such a notice shall—

(a) be signed by the candidate,

(b) set out the names and addresses of not more than six persons to act as a substitute for him and indicating, where more than one person is so named, his order of preference.

(3) A substitute is a person who, in the event of the candidate being returned at the election but the seat of that candidate falling vacant, is returned in place of that candidate as a member of the Assembly.

(4) Where a candidate submits more than one notice under this rule without cancelling any other notice, each notice shall be void.

(5) This rule does not apply at a by-election.”.

Rule 9 (deposit)(94)

In paragraph (1), for “£500” substitute “£150”.

In rule 10 (place for delivery of nomination papers), paragraph (1)

Rule 11 (right to attend nomination)

Rule 12 (decisions as to validity of nomination papers)(95)

Rule 13 (withdrawal of candidates)

Rule 14 (publication of statement of persons nominated)(96)

Rule 15 (disqualification by Representation of the People Act 1981)

Rule 16 (adjournment of nomination proceedings in case of riot)

Rule 17 (method of election)

In paragraph (1), for the words “than one person standing nominated” substitute “persons standing nominated than there are members to be elected”.

In paragraph (2), for the words “only one person standing nominated, that person” substitute “a number of persons

(94) Rule 9 was amended by section 13 of, and Schedule 4 to, the 1985 Act.

(95) Rule 12 was amended by Schedule 2 to the Registration of Political Parties Act 1998.

(96) Rule 14(5) was inserted by Schedule 21 to the Political Parties, Elections and Referendums Act 2000.

	standing nominated which is equal to, or less than, the number of members to be elected, those persons”.
Rule 18 (poll to be taken by ballot)	For the words from “result” to the end of the rule, substitute “votes given to each candidate shall be counted and the result of the poll determined in accordance with rules 44A to 44M of these rules”.
Rule 19 (the ballot papers)(97)	
Rule 20 (the official mark)	
Rule 21 (prohibition of disclosure of vote)	
Rule 22 (use of schools and public rooms)	In paragraphs (1) and (2) after the word “poll” insert “or counting the votes”.
Rule 23 (notice of poll)(98)	
Rule 24 (postal ballot papers)(99)	
Rule 25 (provision of polling stations)	
Rule 26 (appointment of presiding officers and clerks)(100)	
Rule 28 (issue of official poll cards)(101)	
Rule 29 (equipment of polling stations)(102)	In paragraph (5) for the words from “the notice” to the end substitute “the notice set out in the Appendix”.
Rule 30 (appointment of polling and counting agents)(103)	
Rule 31 (notification of requirement of secrecy)(104)	
Rule 32 (admission to polling station)(105)	
Rule 33 (keeping of order in station)	
Rule 34 (sealing of ballot boxes)	

(97) Rule 19(2)(d) was amended by Schedule 4 to the 1985 Act and paragraphs (2A) and (2B) were inserted by Schedule 2 to the Registration of Political Parties Act 1998.

(98) Rule 23 was amended by Schedule 4 to the 1985 Act.

(99) Rule 24 was substituted by Schedule 6 to the 2000 Act.

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

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

(102) Rule 29(3A) was inserted by section 13(2) of the 2000 Act and rule 29(5) was amended by Schedule 4 to the 1985 Act.

(103) Rule 30(5) was repealed in part by Schedule 22 to the Political Parties, Elections and Referendums Act 2000.

(104) Rule 31 was substituted by Schedule 4 to the 1985 Act.

(105) Rule 32(1)(e) was amended by section 13(4) of the 2000 Act.

Rule 35 (questions to be put to voters)

Rule 36 (challenge of voter)

Rule 37 (voting procedure)(106)

In paragraph (1E)(b) for the words from “the United” to the end substitute “a Member State of the European Community”.

Omit paragraph (1F).

For paragraph (2), substitute:

“(2) The voter, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there shall—

- (a) secretly record his vote by placing on the ballot paper “1” opposite the name of the candidate of his first choice and, if he wishes, by placing “2” opposite the name of the candidate of his second choice, “3” opposite the name of the candidate of his third choice and so on in the order of his preference;
- (b) fold the paper so that his vote is concealed;
- (c) show to the presiding officer the back of the paper so as to disclose the official mark; and
- (d) put the folded paper into the ballot box in the presence of the presiding officer.”.

Rule 38 (votes marked by presiding officer)(107)

In paragraph (1) for the words “vote to be marked on a ballot paper” substitute “ballot paper to be marked”.

Rule 39 (voting by persons with disabilities)(108)

Rule 40 (tendered ballot papers)(109)

Rule 40A (refusal to deliver ballot paper)(110)

Rule 41 (spoilt ballot papers)

Rule 42 (adjournment of poll in case of riot)

Rule 43 (procedure on close of poll)(111)

(106) Rule 37(1) was amended by section 2(3)(a) of the Elections (Northern Ireland) Act 1985 and Schedule 4 to the 1985 Act; paragraphs (1A) to (1G) were inserted by section 1(2) of the Elections (Northern Ireland) Act 1985; paragraph (1E) was amended by Schedule 3 to the Road Traffic (Consequential Provisions) Act 1986 (c. 54) and regulation 14 of S.I. 2001/400.

(107) 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.

(108) Rule 39 was substituted by section 13(3) of the 2000 Act.

(109) Paragraph (1)(b) of rule 40 was repealed in part by Schedule 5 to the Act of 1985; 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.

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

(111) Rule 43(1)(f) was amended by section 13(4) of the 2000 Act.

Rule 44 (attendance at counting of votes)

Omit paragraph (5).

After rule 44 insert the following rules:

“Interpretation of rules 44B to 44M

44A. In rules 44B to 44M below—

“continuing candidate” means any candidate not deemed to be elected and not excluded;

“count” means all the operations involved in the counting of the first preferences recorded for candidates, the transfer of the surpluses of elected candidates, and the transfer of the votes of excluded candidates;

“deemed to be elected” means deemed to be elected for the purposes of the counting of votes but without prejudice to the declaration of the result of the poll;

“mark” means a figure, a word written in the English language or a mark such as “X”;

“non-transferable vote” means a ballot paper—

- (a) on which no second or subsequent preference is recorded for a continuing candidate, or
- (b) which is excluded by the returning officer under rule 44G(4) below;

“preference” as used in the following contexts has the meaning assigned below—

- (a) “first preference” means the figure “1” or any mark or word which clearly indicates a first (or only) preference;
- (b) “next available preference” means a preference which is the second or, as the case may be, subsequent preference recorded in consecutive order for a continuing candidate (any candidate who is deemed to be elected or is excluded thereby being ignored), and
- (c) in this context, a “second preference” is shown by the figure “2” or any mark or word which clearly indicates a second preference, a third preference by the figure “3” or any mark or word which clearly indicates a third preference, and so on;

“quota” means the number calculated in accordance with rule 44E below;

“surplus” means the number of votes by which the total number of votes for any candidate (whether first preference or transferred votes, or a combination of both) exceeds the quota; but, references in these rules to the transfer of the surplus means the transfer (at a transfer value) of all transferable papers from the candidate who has the surplus;

“stage of the count” means—

- (a) the determination of the first preference vote for each candidate; or
- (b) the transfer of a surplus of a candidate deemed to be elected; or

- (c) the exclusion of one or more candidates at any given time;
- “transferable paper” means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate;
- “transferred vote” means a vote derived from a ballot paper on which a second or subsequent preference is recorded for the candidate to whom that paper has been transferred;
- “transfer value” means the value of a transferred vote calculated in accordance with paragraph (4) or (7) of rule 44F below.

Preliminary proceedings and conduct of the count

44B. —

- (1) The returning officer shall—
 - (a) in the presence of the counting agents open each ballot box and count and record the number of ballot papers in it;
 - (b) in the presence of the election agents verify each ballot paper account; and
 - (c) count such of the postal ballot papers as have been duly returned and record the number counted.
- (2) The returning officer shall not count the votes given on any ballot papers until—
 - (a) in the case of the postal ballot papers, they have been mixed with the ballot papers from at least one ballot box; and
 - (b) in the case of ballot papers from a ballot box, they have been mixed with the ballot papers from at least one other ballot box.
- (3) 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 returning officer before the close of the poll and is accompanied by the declaration of identity duly signed and authenticated.
- (4) The returning officer shall not count any tendered ballot paper.
- (5) The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.
- (6) The returning officer shall verify each ballot paper account by comparing it with the number of ballot papers recorded by him, and the unused and spoilt papers in his possession and the tendered votes list (opening and resealing the packets containing

the unused and spoiled ballot papers and the tendered votes list) and shall draw up a statement as to the result of the verification, which any election agent may copy.

(7) The returning officer shall so far as practicable proceed continuously with counting the votes, allowing only time for refreshment, except that he may, in so far as he and the agents agree, exclude the hours between 7 in the evening and 9 on the following morning.

For the purposes of this exception the agreement of a candidate or his election agent shall be as effective as the agreement of his counting agents.

(8) During the time so excluded the returning officer shall—

- (a) place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals; and
- (b) otherwise take proper precautions for the security of the papers and documents.

Rejected ballot papers

44C. —

(1) Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which the figure “1” standing alone is not placed so as to indicate a first preference for any candidate; or
- (c) on which the figure “1” standing alone indicating a first preference is set opposite the name of more than one candidate; or
- (d) on which anything (other than the printed number of the back) is written or marked by which the voter can be identified; or
- (e) which is unmarked or void for uncertainty,

shall be void and not counted, but the ballot paper shall not be void by reason only of carrying the words “one”, “two”, “three”, (and so on) or any other mark instead of a figure if, in the opinion of the returning officer, the word or mark clearly indicates a preference or preferences.

(2) The returning officer shall endorse “Rejected” on any ballot paper which under this rule is not to be counted and if an election agent objects to his decision shall add to the endorsement the words “rejection objected to”.

(3) The returning officer shall prepare a statement showing the number of ballot papers rejected by him under each of subparagraphs (a), (b), (c), (d) and (e) of paragraph (1) above and shall, on request, allow any candidate or agent to copy that statement.

(4) The decision of the returning officer on any question arising in respect of a ballot paper shall be final but shall be subject to review on an election petition.

First stage

44D. —

(1) The returning officer shall sort the ballot papers into parcels according to the candidates for whom first preference votes are given.

(2) The returning officer shall then count the number of first preference votes given on ballot papers for each candidate and shall record those numbers.

(3) The returning officer shall also ascertain and record the number of valid ballot papers.

The quota

44E. —

(1) The returning officer shall divide the number of valid ballot papers by a number exceeding by one the number of members to be elected.

(2) The result, increased by one, of the division under paragraph (1) above (any fraction being disregarded) shall be the number of votes sufficient to secure the election of a candidate (in these rules referred to as “the quota”).

(3) At any stage of the count a candidate whose total votes equals or exceeds the quota shall be deemed to be elected, except that at any election where there is only one vacancy a candidate shall not be deemed to be elected until the procedure set out in paragraphs (1) to (3) of rule 44H below has been complied.

Transfer of votes

44F. —

(1) Where the number of first preference votes for any candidate exceeds the quota, the returning officer shall sort all the ballot papers on which first preference votes are given for that candidate into sub-parcels so that they are grouped—

(a) according to next available preference given on those papers for any continuing candidate, or

(b) where no such preference is given, as the sub-parcel of non-transferable votes.

(2) The returning officer shall count the number of ballot papers in each parcel referred to in paragraph (1) above.

(3) The returning officer shall, in accordance with this rule and rule 44G below, transfer each sub-parcel of ballot papers referred to in paragraph (1)(a) above to the candidate for whom the next available preference is given on those papers.

(4) The vote on each ballot paper transferred under paragraph (3) above shall be at a value (“the transfer value”) which—

- (a) reduces the value of each vote transferred so that the total value of all such votes does not exceed the surplus; and
- (b) is calculated by dividing the surplus of the candidate from whom the votes are being transferred by the total number of the ballot papers on which those votes are given, the calculation being made to two decimal places (ignoring the remainder if any).

(5) Where at the end of any stage of the count involving the transfer of ballot papers, the number of votes for any candidate exceeds the quota, the returning officer shall sort the ballot papers in the sub-parcel of transferred votes which was last received by that candidate into separate sub-parcels so that they are grouped—

- (a) according to the next available preference given on those papers for any continuing candidate, or
- (b) where no such preference is given, as the sub-parcel of non-transferable votes.

(6) The returning officer shall, in accordance with this rule and rule 44G below, transfer each sub-parcel of ballot papers referred to in paragraph (5)(a) above to the candidate for whom the next available preference is given on those papers.

(7) The vote on each ballot paper transferred under paragraph (6) shall be at—

- (a) a transfer value calculated as set out in paragraph (4) (b) above, or
- (b) at the value at which that vote was received by the candidate from whom it is now being transferred,

whichever is the less.

(8) Each transfer of a surplus constitutes a stage in the count.

(9) Subject to paragraph (10) below, the returning officer shall proceed to transfer transferable papers until no candidate who is deemed to be elected has a surplus or all the vacancies have been filled.

(10) Transferable papers shall not be liable to be transferred where any surplus or surpluses which, at a particular stage of the count, have not already been transferred, are—

- (a) less than the difference between the total vote then credited to the continuing candidate with the lowest recorded vote and the vote of the candidate with the next lowest recorded vote, or
- (b) less than the difference between the total votes of the two or more continuing candidates, credited at that stage of the count with the lowest recorded total

numbers of votes and the candidate next above such candidates.

(11) This rule shall not apply at an election where there is only one vacancy.

Supplementary provisions on transfer

44G. —

(1) If, at any stage of the count, two or more candidates have surpluses, the transferable papers of the candidate with the highest surplus shall be transferred first, and if—

- (a) the surpluses determined in respect of two or more candidates are equal, the transferable papers of the candidate who had the highest recorded vote at the earliest preceding stage at which they had unequal votes, shall be transferred first, and
- (b) the votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between those candidates by lot and the transferable papers of the candidate on whom the lot fall shall be transferred first.

(2) The returning officer shall, on each transfer of transferable papers under rule 44F above—

- (a) record the total value of the votes transferred to each candidate;
- (b) add that value to the previous total of votes recorded for each candidate and record the new total;
- (c) record as non-transferable votes the difference between the surplus and the total transfer value of the transferred votes and add that difference to the previously recorded total of non-transferable votes, and
- (d) compare—
 - (i) the total number of votes then recorded for all of the candidates, together with the total number of non-transferable votes, with
 - (ii) the recorded total of valid first preference votes.

(3) All ballot papers transferred under rule 44F above or 44H below shall be clearly marked, either individually or as a sub-parcel, so as to indicate the transfer value recorded at that time to each vote on that paper or, as the case may be, all the papers in that sub-parcel.

(4) Where a ballot paper is so marked that it is unclear to the returning officer at any stage of the count under rule 44F or 44H for which candidate the next preference is recorded, the returning officer shall treat any vote on that ballot paper as a non-transferable vote; and votes on a ballot paper shall be so treated where, for example, the names of two or more candidates (whether continuing candidates or not) are so marked that, in the

opinion of the returning officer, the same order of preference is indicated or the numerical sequence is broken.

Exclusion of candidates

44H. —

(1) If—

- (a) all transferable papers which under the provisions of rule 44F above (including that rule as applied by paragraph (11) below) and this rule are required to be transferred, have been transferred, and
- (b) subject to rule 44J below, one or more vacancies remain to be filled,

the returning officer shall exclude from the election at that stage the candidate with the then lowest vote (or, where paragraph (12) below applies, the candidates with the then lowest votes).

(2) The returning officer shall sort all the ballot papers on which first preference votes are given for the candidate or candidates excluded under paragraph (1) above into two sub-parcels so that they are grouped as—

- (a) ballot papers on which a next available preference is given, and
- (b) ballot papers on which no such preference is given (thereby including ballot papers on which preferences are given only for candidates who are deemed to be elected or are excluded).

(3) The returning officer shall, in accordance with this rule and rule 44G above, transfer each sub-parcel of ballot papers referred to in paragraph (2)(a) above to the candidate for whom the next available preference is given on those papers.

(4) The exclusion of a candidate, or of two or more candidates together, constitutes a further stage of the count.

(5) If, subject to rule 44J below, one or more vacancies still remain to be filled, the returning officer shall then sort the transferable papers, if any, which had been transferred to any candidate excluded under paragraph (1) above into sub-parcels according to their transfer value.

(6) The returning officer shall transfer those papers in the sub-parcel of transferable papers with the highest transfer value to the continuing candidates in accordance with the next available preferences given on those papers (thereby passing over candidates who are deemed to be elected or are excluded).

(7) The vote on each transferable paper transferred under paragraph (6) above shall be at the value at which that vote was received by the candidate excluded under paragraph (1) above.

(8) Any papers on which no next available preferences have been expressed shall be set aside as non-transferable votes.

(9) After the returning officer has completed the transfer of the ballot papers in the sub-paragraph of ballot papers with the highest transfer value he shall proceed to transfer in the same way the sub-paragraph of ballot papers with the next highest value and so on until he has dealt with each sub-paragraph of a candidate excluded under paragraph (1) above.

(10) The returning officer shall after each stage of the count completed under this rule—

- (a) record—
 - (i) the total value of votes, or
 - (ii) the total transfer value of votes transferred to each candidate;
- (b) add that total to the previous total of votes recorded for each candidate and record the new total;
- (c) record the value of non-transferable votes and add that value to the previous non-transferable votes total; and
- (d) compare—
 - (i) the total number of votes then recorded for each candidate together with the total number of non-transferable votes, with
 - (ii) the recorded total of valid first preference votes.

(11) If after a transfer of votes under any provision of this rule, a candidate has a surplus, that surplus shall be dealt with in accordance with paragraphs (5) to (10) of rule 44F and rule 44G.

(12) Where the total of the votes of the two or more lowest candidates, together with any surpluses not transferred, is less than the number of votes credited to the next lowest candidate, the returning officer shall in one operation exclude such two or more candidates.

(13) If when a candidate has to be excluded under this rule, two or more candidates each have the same number of votes and are lowest—

- (a) regard shall be had to the total number of votes credited to those candidates at the earliest stage of the count at which they had an unequal number of votes and the candidate with the lowest number of votes at that stage shall be excluded; and
- (b) where the number of votes credited to those candidates was equal at all stages, the returning officer shall decide between the candidates by lot and the candidate on whom the lot falls shall be excluded.

Filling of last vacancies

44J. —

(1) Where the number of continuing candidates is equal to the number of vacancies remaining unfilled the continuing candidates shall thereupon be deemed to be elected.

(2) Where only one vacancy remains unfilled and the votes of any one continuing candidate are equal to or greater than the total of votes credited to other continuing candidates together with any surplus not transferred, the candidate shall thereupon be deemed to be elected.

(3) Where the last vacancies can be filled under this rule, no further transfer of votes shall be made.

Re-count

44K. —

(1) The returning officer on completion of each stage of the count shall, before proceeding with the next stage, inform all the candidates and their election agents then present of his intention, subject to a request for a re-count, to proceed to the next stage.

(2) The returning officer shall comply with a request from a candidate or his election agent for a re-count of the last completed stage made before the returning officer proceeds to the next stage, but nothing in this rule shall require the returning officer to re-count the same parcel or sub-parcel more than once.

(3) The returning officer may, if he thinks fit, re-count ballot papers either once or more often.

(4) Where as a result of a re-count an error is discovered, the returning officer shall, where necessary, amend any results previously announced by him.

Order of election of candidates

44L. —

(1) The order in which candidates whose votes equal or exceed the quota are deemed to be elected shall be the order in which their respective surpluses were transferred, or would have been transferred but for rule 44F(10) above.

(2) A candidate credited with a number of votes equal to, and not greater than, the quota shall, for the purposes of this rule, be regarded as having had the smallest surplus at the stage of the count at which he obtained the quota.

(3) Where the surpluses of two or more candidates are equal and are not required to be transferred, regard shall be had to the total number of votes credited to such candidates at the earliest stage of the count at which they had an unequal number of votes and the surplus of the candidate who had the greatest number of votes at that stage shall be deemed to be the largest.

(4) Where the number of votes credited to two or more candidates were equal at all stages of the count, the returning officer shall decide between them by lot and the candidate on whom the lot falls shall be deemed to have been elected first.

Decisions of returning officer

44M. The decision of the returning officer, whether expressed or implied, on any question which arises in relation to the exclusion of any candidate under rule 44H or to any ballot paper or transfer of votes shall be final, but may be reviewed on an election petition.”.

Rule 50 (declaration of result)

For paragraph (1) substitute the following paragraph:

“(1) In a contested election, when the result of the poll has been ascertained, the returning officer shall forthwith—

- (a) declare to be elected the candidates who are deemed to be elected under rules 44B to 44M above;
- (b) notify their names to the Secretary of State;
- (c) give public notice of—
 - (i) the names of those candidates;
 - (ii) the number of first preference votes for each candidate whether elected or not;
 - (iii) any transfer of votes;
 - (iv) the total number of votes for each candidate at each stage of the count at which such transfer took place; and
 - (v) the order in which the successful candidates were elected.”.

In paragraph (2), for the words from “person standing” to the end substitute “person or persons standing nominated, shall also declare that person or persons elected, and the returning officer shall forthwith notify his or their names to the Secretary of State”.

Rules 53 (return or forfeiture of candidate’s deposit)(**112**)

In paragraph (4), for the words from “after the counting” to the end of the paragraph substitute “if the number of votes credited to the candidate at any stage of the counting of the votes does not exceed one quarter of the quota”.

Omit paragraph (5).

Rule 54 (sealing up of ballot papers)

In rule 55 (delivery of documents to Clerk of the Crown), paragraph (1)(**113**)

For the words “then forward to the Clerk of the Crown” substitute “retain”.

Rule 56 (orders for production of documents)

In paragraph (1), for the words “Clerk of the Crown” substitute “returning officer” and omit sub-paragraph (i).

In paragraph (2), for the words “Clerk of the Crown's” substitute “returning officer's”.

(112) Rule 53 was amended by section 13(b) of, and paragraph 83 of Schedule 4 to, the 1985 Act.

(113) Rule 55(1)(c) was amended by section 13(4) of the 2000 Act.

	<p>In paragraph (3), omit the words “House of Commons or”.</p> <p>In paragraphs (6) and (8), for the words “Clerk of the Crown”, in each place where they occur, substitute “returning officer”.</p>
Rule 57 (retention and public inspection of documents)	<p>In paragraph (1)—</p> <p>(a) for the words “Clerk of the Crown” substitute “returning officer”;</p> <p>(b) for the words “forwarded to him in pursuance of these rules by a returning officer” substitute “to which rule 55(1) of these rules applies”; and</p> <p>(c) omit the words “House of Commons or”.</p> <p>In paragraph (2), for the words from “Clerk of the Crown” to the end substitute “returning officer”.</p> <p>In paragraph (3), for the words “Clerk of the Crown” substitute “returning officer” and for the words “the Treasury” substitute “the Secretary of State”.</p>
Rule 60 (countermand or abandonment of poll on death of candidate)	<p>In paragraph (1)—</p> <p>(a) for the words “as if the writ had been received 28 days” substitute “as if the day appointed for the poll was the first Thursday after the expiry of 30 days”,</p> <p>(b) omit sub-paragraph (b); and</p> <p>(c) at the end of the paragraph add the following words “and the period of 30 days shall be calculated in accordance with rule 2 of these rules”.</p>
APPENDIX OF FORMS	
Form of nomination paper(114)	For the word “Parliament” substitute “the Northern Ireland Assembly”.
Form of ballot paper	For the form of the front of the ballot paper substitute the form set out in the Annex to this Schedule.
Directions as to printing the ballot paper	For the form substitute the form set out in the Annex to this Schedule.
Form of directions for the guidance of the voters in voting(115)	<p>In paragraph 2 for the words from “Mark a cross” to the end of the paragraph substitute:</p> <p>“Number the candidates in order of preference, putting “1” against the candidate of your 1st preference, “2” against your 2nd preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish. Put no other mark on the ballot paper, or your vote may not be counted”.</p> <p>Omit paragraph 4 and re-number paragraph 5 accordingly.</p>

(114) The form of nomination paper has been amended by section 38(4) of the Political Parties, Elections and Referendums Act 2000 and the notes repealed in part by Schedule 1 to the Representation of the People Act 2000.

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

Form of declaration to be made by the companion of a voter with disabilities**(116)** After the form add the following form:
“Form of notice to be displayed in compartments of polling stations

REMEMBER

USE 1, 2, 3 ETC AT THIS ELECTION

This is an election by proportional representation. Number the candidates in order of your preference, putting “1” against the candidate of your 1st preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish.”.

SCHEDULE 2A (CONTROL OF DONATIONS TO CANDIDATES)**(117)**

SCHEDULE 3 (DECLARATIONS AS TO ELECTION EXPENSES)

Form of declarations**(118)**

THE ELECTIONS (NORTHERN IRELAND) ACT 1985

Section 3 (offences relating to specified documents)**(119)**

REPRESENTATION OF THE PEOPLE ACT 1985

Section 5 (manner of voting at parliamentary elections)**(120)**

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

In subsection (2)—

- (a) for the words “section 6 of this Act” substitute “paragraph 1 of Part I of Schedule 2 to the 1985 Order**(121)**”; and
- (b) for the words “parliamentary elections” substitute “local elections”.

In subsection (4)—

- (a) for the words “section 6 of this Act as voting by post at parliamentary elections” substitute “paragraph 1 of Part I of Schedule 2 to the 1985 Order as voting by post”;
- (b) for the words “that section” substitute “that paragraph”; and
- (c) for the words “section 6 of this Act as voting by proxy at parliamentary elections” substitute “paragraph 1 of Part I of Schedule 2 to the 1985 Order as voting by proxy”.

Section 8 (proxies at elections)**(122)**

In subsection (3)(b) for the words “the Republic of Ireland” substitute “a Member State of the European Communities”.

(116) The form of declaration to be made by the companion of a voter with disabilities was amended by section 13(5) of the 2000 Act.

(117) Schedule 2A was inserted by Schedule 16 to the Political Parties, Elections and Referendums Act 2000.

(118) The form of declaration was amended by paragraph 88 of Schedule 4 to the Act of 1985.

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

(120) Sections 5 to 9 were amended by Schedule 6 to the 2000 Act.

(121) Part I was substituted by Schedule 2 to the Local Elections (Northern Ireland) (Amendment) Order 1987 (S.I. 1987/168).

(122) 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).

	Omit subsection (6).
	Omit subsections (9) and (10).
Section 9 (voting as proxy)	Omit subsections (4) and (6).
	In subsection (8) for the words “subsection (6) above” substitute “paragraph 4(5) of Part I of Schedule 2 to the 1985 Order”.
	In subsection (9)—
	(a) for the words “subsection (6) above” substitute “paragraph 4(5) of Part I of Schedule 2 to the 1985 Order”; and
	(b) for the words “that subsection” substitute “that subparagraph”.
	Omit subsection (11).
In section 12 (offences as to declarations etc.), subsections (3) and (4)	
Section 27 (interpretation)(123)	In subsection (1), omit the definition of “European Parliamentary election”.
	In subsection (2), omit the words from “and sections 5 to 7A” to the end.






(123) Section 27(1) was repealed in part by the Schedule to the European Communities (Amendment) Act 1986 (c. 58) and subsection (2) was amended by Schedule 6 to the 2000 Act.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Northern Ireland Assembly (Elections) Order 2001 No. 2599

ANNEX

Form of front of ballot paper

Form of front of ballot paper

Counter-foil No.	Mark order of preference in space below	
<p><i>The counter-foil is to have a number to correspond with that on the back of the ballot paper</i></p>		 <p>BLACK (Joseph Black of 5 Down Street, Bangor, Co. Down. Democratic Unionist Party)</p>
		<p>BROWN (ROBERT BROWN of 9 Mourne View, Donaghadee, Co. Down. Independent)</p>
		 <p>BROWN (VERONICA BROWN of 8 Magilligan Drive, Portaferry, Co. Down. SDLP (Social Democratic and Labour Party))</p>
		 <p>GOLD (John Gold of 29 Gilford Place, Millisle, Co. Down. Sinn Féin)</p>
		<p>HAZEL (Horace Hazel of Glen Cottage, Banbridge, Co. Down. Independent)</p>
		 <p>LIME (Harry Lime of 7 Gortin Mansions, Dromara, Co. Down, Ulster Unionist Party)</p>
		<p>PLUM (Peter Plum of 3 Strangford Road, Killinchy, Co. Down. Independent)</p>
		 <p>ROSE (Ruth Ross of 41 Devenish Drive, Ballynahinch, Co. Down. United Kingdom Unionist Party)</p>
		<p>SILVER (Anthony Silver of 3 Mourne View, Bangor, Co. Down. Independent)</p>
		<p>WRIGHT (Frank Wright of 11 Moira Terrace, Newry, Co. Down. Independent)</p>

Directions as to printing the ballot paper

1. Nothing is to be printed on the ballot paper except in accordance with these directions.
2. The following arrangements shall be observed in the printing of the front of the ballot paper—

- (a) apart from the instructions “Mark order of preference in space below” in the top left-hand corner no other word or words shall be printed on the ballot paper except the particulars of the candidates and words forming part of emblems;
 - (b) no rules shall be printed on the face except the horizontal lines separating the headings from the particulars of the candidates and the particulars of the candidates from one another and the vertical rule separating those particulars and emblems from the spaces on the left side of the paper where the order of preference is to be marked;
 - (c) the whole space between the top and the bottom of the paper shall be equally divided between the candidates by the rules separating their particulars.
 - (a) (a) The front of the ballot paper shall contain the names, addresses and descriptions, if any, of the candidates standing nominated. The names shall be arranged alphabetically in the order of surnames, or if there are two or more candidates bearing the same surname, in alphabetical order of their other names, or if the names are the same, in the alphabetical order of their home addresses or descriptions;
 - (b) the surname of each candidate shall be printed by itself in large capitals, and his full name, address and description (as given on the statement of persons nominated) shall be printed underneath in ordinary type;
 - (c) where the surnames of two or more candidates are the same there shall be printed in small capitals the other names of such candidates and if those are the same so much of the descriptions or home addresses of such candidates as will enable the electors to distinguish between them;
 - (d) the list of candidates shall be arranged either in one continuous column or in two or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the returning officer, is best for marking and counting;
 - (e) the ballot papers shall be numbered consecutively on the back and the front of the counterfoil attached to each ballot paper shall bear the same number. The numbers on ballot papers shall be printed in the smallest type compatible with legibility and shall be printed on or about the centre of the paper.
4. Where an emblem is to be printed against a candidate’s particulars—
- (a) it shall be printed between the candidate’s particulars and the vertical rule separating the candidate’s particulars from the spaces where the vote is to be marked, and;
 - (b) its size as printed shall not exceed two centimetres square.

SCHEDULE 2

Article 3(2)

APPLICATION AND MODIFICATION OF PROVISIONS OF THE 2001 REGULATIONS,
THE ELECTION PETITIONS RULES 1964 AND THE PLANNING (CONTROL
OF ADVERTISEMENTS) REGULATIONS (NORTHERN IRELAND) 1992

<i>Provision applied</i>	<i>Modifications</i>
REPRESENTATION OF THE PEOPLE (NORTHERN IRELAND) REGULATIONS 2001 Regulation 3 (interpretation)(124)	In paragraph (1) for the definition of “candidate” substitute ““candidate” means a person having been nominated or declared

(124) Regulation 3 was amended by S.I. 2001/1877.

<i>Provision applied</i>	<i>Modifications</i>
	himself a candidate for election as a member of the Assembly;”.
Regulation 4 (forms)	Omit paragraph (1)(a).
Regulation 5 (communication of applications, notices, etc.)	
Regulation 6 (electronic signatures and related certificates)	
Regulation 7 (copies of documents)	
Regulation 8 (time)	
Regulation 9 (official poll card at parliamentary elections)	
Regulation 10 (return and declaration of election expenses)	
Regulation 11 (interference with notices etc.)	
Regulation 12 (device referred to in rule 29(3A)(b) of the parliamentary elections rules)	
Regulation 47(7)(b) (supply of register of electors to candidates)	
Regulation 50 (interpretation of Part IV)	
Regulation 51 (general requirements for an absent vote)	
Regulation 52 (additional requirements for the appointment of a proxy)	
Regulation 55 (additional requirements for applications in respect of a particular election)	<p>In paragraphs (4)(b) and (6)(d) for the words from “one” to the end of each of those subparagraphs, substitute—</p> <ul style="list-style-type: none"> “(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(125), or (iii) a Christian Science practitioner”.
	In paragraph (8)(b) omit the words from “or any other” to the end.
Regulation 56 (additional requirements for applications by proxies to vote by post at a particular election)	
Regulation 57 (closing date for applications)	In paragraph (1) for the words “section 6(1) or (5), 8(6) or 9(4) of the 1985 Act” substitute “under paragraph 1(1) or (5), 3(5) or 4(4) of

(125)1997 c. 24.

<i>Provision applied</i>	<i>Modifications</i>
	Part I of Schedule 2 to the 1985 Order, as those paragraphs have effect for the purposes of the compilation of the special lists under sections 7(4) and 9(9) of the 1985 Act at an Assembly election.”.
	In paragraph (4) for the words from the beginning of sub-paragraph (a) to “section 8(9) of that Act” substitute “under paragraph 1(4)(a) or 4(10)(a) of Part I of Schedule 2 to the 1985 Order and a notice under paragraph 3(8) of that Part, as those paragraphs have effect for the purposes of the compilation of the special lists under sections 7(4) and 9(9) of the 1985 Act at an Assembly election.”.
	In paragraph (6) from the beginning of sub-paragraph (a) to the end of the paragraph substitute “a day which is a bank holiday under the Banking and Financial Dealings Act 1971(126) in Northern Ireland”.
Regulation 58 (grant or refusal of applications)	Omit paragraph (3).
Regulation 62 (record and lists kept under sections 6, 7 and 9 of Act of 1985)	Omit paragraph (2).
Regulation 63 (marked register for polling stations)	
Regulation 64 (certificate of employment)	
Regulation 65 (interpretation of Part V)	
Regulation 66 (form of declaration of identity)	
Regulation 67 (persons entitled to be present at issue and receipt of postal ballot papers)	
Regulation 68 (agents of candidates who may attend proceedings on issue or receipt of postal ballot papers)	
Regulation 69 (notification of requirement of secrecy)	
Regulation 70 (notice of issue of postal ballot papers)	
Regulation 71 (procedure on issue of postal ballot paper)	
Regulation 72 (refusal to issue postal ballot paper)	
Regulation 73 (envelopes)	

<i>Provision applied</i>	<i>Modifications</i>
Regulation 74 (sealing up of counterfoils and security of special lists)	
Regulation 75 (delivery of postal ballot papers)	
Regulation 76 (spoilt postal ballot papers)	
Regulation 77 (notice of opening of postal ballot paper envelopes)	
Regulation 78 (postal ballot boxes and receptacles)	
Regulation 79 (receipt of covering envelopes)	
Regulation 80 (opening of postal voters' ballot box)	In paragraph (3) for the words “rule 45” substitute “rule 44B”.
Regulation 81 (opening of covering envelopes)	
Regulation 82 (procedure in relation to declarations of identity)	
Regulation 83 (opening of ballot paper envelopes)	
Regulation 84 (sealing of receptacles)	
Regulation 85 (abandoned poll)	
Regulation 86 (forwarding of documents)	For paragraph (1) substitute the following paragraph: “(1) The returning officer shall retain for the period of one year after the date of the poll any packets referred to in regulations 74, 76(5), and 84 above endorsing on each packet a description of its contents and the name of the constituency and, after the expiry of that period, cause those packets to be destroyed, unless otherwise directed by order of the High Court.”. In paragraph (2), for the words “forward it at a subsequent date in the manner described in paragraph (1) above” substitute “retain it and subsequently deal with it in the manner described in paragraph (1) above”. In paragraph (3) for the word “forwarded” substitute “retained”. In paragraph (4) for the words “A copy of the statement referred to in paragraph (1)(b) above” substitute “A completed statement in Form H of the number of postal ballot papers issued”.
SCHEDULE 3 (FORMS)	
Form A (elector’s official poll card)	In the back of the form, for the third paragraph substitute:

<i>Provision applied</i>	<i>Modifications</i>
	<p>“Go to one of the compartments. Number the candidates in order of your preference, putting “1” against the candidate of your 1st preference, “2” against your 2nd preference and so on. You should not put the same preference against more than one candidate. You may show your preference for as many or as few candidates as you wish. Put no other mark on the ballot paper, or your vote may not be counted.”.</p> <p>Omit the fifth paragraph.</p>
Form B (proxy’s official poll card)	
Form C (return of expenses required by section 75 of the 1983 Act)	
Form D (declaration as to expenses required by section 75 of the 1983 Act)	
Form F (certificate of employment)	
Form G (declaration of identity)	<p>In the instructions to voters on the back of the form, for paragraphs 2 and 3 substitute:</p> <p>“(2) Mark your vote by putting “1” against the candidate of your first choice, “2” against the candidate or your second choice and so on. Do this secretly; if you cannot vote without assistance, the person assisting you must not disclose how you have voted.</p> <p>(3) You may show your preference for as many or as few candidates as you wish but you should not show the same preference against more than one candidate. Put no other mark on the ballot paper, or your vote may not be counted.”.</p>
Form H (statement as to postal ballot papers)	
ELECTION PETITION RULES 1964(127)	
Rule 1 (citation, commencement and application)	
Rule 2 (interpretation)	
Rule 3 (form of petition)	<p>In paragraph (1)(b) omit the words from “and the” to the end of the sub-paragraph.</p>
Rule 4 (security for costs)	
Rule 5	
Rule 5A (notice of presentation of the petition)	
Rule 6 (notice of objection to recognisance)	

(127) The Rules have been amended by [S.R. & O. \(N.I.\) 1985 No. 347](#).

<i>Provision applied</i>	<i>Modifications</i>
Rule 7 (list of petitions)	
Rule 8 (time and place of trial)	
Rule 9 (evidence)	
Rule 10 (order to compel attendance of witness)	
Rule 12 (witnesses expenses)	
Rule 13 (case stated)	
Rule 14 (withdrawal of petition)	
Rule 15 (application to stay or dismiss petition)	
Rule 17 (notice of intention not to oppose petition)	
Rule 19 (duty to file copies)	
Rule 20 (cost of publication)	
Rule 21 (notice of appointment of respondent's solicitor)	
Rule 22 (service of notices)	
Rule 23 (forfeiture of recognisance)	
Rule 24 (payment from deposit on default)	
Rule 25 (recognisance and deposit)	
Rule 26 (discharge of recognisance and deposit)	
Rule 27 (time)	
Schedule A (form of petition)	In paragraph 2 omit the words "to the Clerk of the Crown".
Schedule B (form of order to compel attendance of witness)	
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 (128)	

(128) This provision has been amended but the amendment is not relevant to the subject matter of this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conduct of the election of members of the Northern Ireland Assembly. It replaces the New Northern Ireland Assembly (Elections) Order 1998.

Paragraphs (1) and (2) of article 3 of the Order apply with the modifications set out in the right-hand columns of Schedules 1 and 2 to the Order the provisions of the Representation of the People Acts 1983 and 1985 and the Representation of the People (Northern Ireland) Regulations 2001 which are listed in the left-hand columns of those Schedules. Section 3 (offences) of the Elections (Northern Ireland) Act 1985, the Election Petition Rules 1964 (as amended) and provisions of the Planning (Control of Advertisements) Regulations (Northern Ireland) 1992 relating to election notices have also been applied.

In addition to the specific modifications in Schedules 1 and 2, general modifications are made by article 3(3). The specific modifications include adaptations of the elections rules in Schedule 1 to the Representation of the People Act 1983 to take account of the single transferable vote system of election which section 34(2) of the Northern Ireland Act 1998 prescribes for Assembly elections.

Rule 6(3) of the elections rules, as substituted by section 38(2) of the Political Parties, Elections and Referendums Act 2000, has the effect that candidates at the election must use either a description authorised by a political party registered under Part II of that Act or the description “Independent”.

Article 4 of this Order sets out the franchise for Assembly elections; it is the same as the franchise for local elections.

Article 6 of this Order (together with rule 8A of the elections rules in Schedule 1 to the 1983 Act, as inserted by Schedule 1 to this Order) provides for a system of substitutes to avoid the need for a by-election where the seat of a member of the Assembly falls vacant. Article 7 provides for by-elections where a seat cannot be filled by these means.