

Status: Point in time view as at 31/10/2023.

Changes to legislation: Elections Act 2022, Part 2 is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

LOCAL ELECTIONS IN NORTHERN IRELAND AND ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

PART 2

ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY

Northern Ireland Assembly (Elections) Order 2001

- 35 Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 ([S.I. 2001/2599](#)) (application with modifications of provisions of the Representation of the People Act 1983 etc) is amended as follows.

Commencement Information

- I1** Sch. 6 para. 35 not in force at Royal Assent, see [s. 67\(1\)](#)
I2 [Sch. 6 para. 35](#) in force at 29.12.2022 for specified purposes by [S.I. 2022/1270](#), [reg. 2\(c\)\(vi\)](#) (with [reg. 3](#))
I3 [Sch. 6 para. 35](#) in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(f\)\(xi\)](#) (with [reg. 3\(1\)](#))
I4 [Sch. 6 para. 35](#) in force at 31.10.2023 for specified purposes by [S.I. 2023/1145](#), [reg. 2\(g\)\(vii\)](#)

- 36 In the table, in the right-hand column of the entry for section 61 of RPA 1983 (other voting offences), after the modifications relating to subsection (1) of that section insert—

“In subsection (1A)(a) and (b)(ii) omit the words “, or at parliamentary elections,”.

Omit subsection (1A)(e) and (f)”

Commencement Information

- I5** Sch. 6 para. 36 not in force at Royal Assent, see [s. 67\(1\)](#)
I6 [Sch. 6 para. 36](#) in force at 31.10.2023 by [S.I. 2023/1145](#), [reg. 2\(g\)\(viii\)](#)

- 37 In the table, after the entry for section 112 of RPA 1983 insert—

“Section 112A (handling of postal voting documents by political campaigners)

In subsection (8), in the definition of “postal voting document”, omit “postal voting statement,”.

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Commencement Information

I7 Sch. 6 para. 37 not in force at Royal Assent, see [s. 67\(1\)](#)

38 In the table, for the entry relating to section 115 of RPA 1983 substitute—

“Section 114A (undue influence)”

Commencement Information

I8 Sch. 6 para. 38 not in force at Royal Assent, see [s. 67\(1\)](#)

39 In the table, after the entry for rule 19A of Schedule 1 to RPA 1983 insert—

“Rule 19B (preparation of date of birth lists)	In paragraph (1A)(b), for the words “register of parliamentary electors in Great Britain” substitute “register of local government electors in Great Britain”.
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Commencement Information

I9 Sch. 6 para. 39 not in force at Royal Assent, see [s. 67\(1\)](#)

40 The entries in the right-hand column of the table in relation to Schedule 1 to RPA 1983 (Parliamentary elections rules) are amended in accordance with paragraphs 41 to 43.

Commencement Information

I10 Sch. 6 para. 40 not in force at Royal Assent, see [s. 67\(1\)](#)

I11 [Sch. 6 para. 40](#) in force at 16.1.2023 for specified purposes by [S.I. 2022/1401](#), [reg. 2\(f\)\(xi\)](#) (with [reg. 3\(1\)](#))

41 In the entry for rule 31 (notification of requirement of secrecy), omit the words in the right-hand column.

Commencement Information

I12 Sch. 6 para. 41 not in force at Royal Assent, see [s. 67\(1\)](#)

42 In the entry for rule 37 (voting procedure), before the paragraph beginning “In paragraph (1E)(b)” insert—

“In paragraph (1DC), for sub-paragraph (b) substitute—

“(b) where the voter is registered in a register of local government electors in Great

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Britain and does not also fall within sub-paragraph (a), paragraph 9(1) of Part 1 of Schedule 2 to the Local Elections (Northern Ireland) Order 1985 or section 8(7) of the Representation of the People Act 1985.”

Commencement Information

I13 Sch. 6 para. 42 not in force at Royal Assent, see [s. 67\(1\)](#)

43 Against the entry for rule 38 (votes marked by presiding officer), after the paragraph beginning “In paragraph (1)” insert—

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

Commencement Information

I14 Sch. 6 para. 43 not in force at Royal Assent, see [s. 67\(1\)](#)

I15 Sch. 6 para. 43 in force at 16.1.2023 by S.I. 2022/1401, [reg. 2\(f\)\(xii\)](#) (with [reg. 3\(1\)](#))

44 In the table, after the entry for rule 53A of Schedule 1 to RPA 1983 insert—

“Rule 53B (destruction of date of birth lists)”

Commencement Information

I16 Sch. 6 para. 44 not in force at Royal Assent, see [s. 67\(1\)](#)

45 In the entry for section 8 of the Representation of the People Act 1985 (proxies at elections), in the right-hand column—

(a) before the entry relating to subsection (3)(b) of that section insert—

“In subsection (2A), for “register of parliamentary electors in Great Britain or Northern Ireland” substitute “register of local government electors in Great Britain or a register of local electors in Northern Ireland”;

(b) after the entry relating to subsection (6) of that section insert—

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“In subsection (7A), for “subsections (6) and” substitute “subsection”.”

Commencement Information

I17 Sch. 6 para. 45 not in force at Royal Assent, see [s. 67\(1\)](#)

I18 Sch. 6 para. 45 in force at 31.10.2023 by [S.I. 2023/1145](#), [reg. 2\(g\)\(viii\)](#)

- 46 In the Annex, in the form of declaration to be made by the companion of a voter with disabilities—
- (a) in the section of the form beginning “I have been requested”, for the words from “I am entitled” to “*does not apply*” substitute “I am aged 18 or over”;
 - (b) in the section of the form beginning “NOTE”, after “any person” insert “except the elector to whom assistance is being provided”.

Commencement Information

I19 Sch. 6 para. 46 not in force at Royal Assent, see [s. 67\(1\)](#)

I20 Sch. 6 para. 46 in force at 29.12.2022 by [S.I. 2022/1270](#), [reg. 2\(c\)\(vii\)](#) (with [reg. 3](#))

Transitional provisions relating to proxy voting

- 47 (1) This paragraph applies where—
- (a) a proxy appointment is in force immediately before the day specified for the purposes of this paragraph (“the specified day”) as a result of an application made before the day on which the relevant provisions of [Schedule 4](#) come into force, and
 - (b) the appointment has effect immediately before the specified day in relation to Assembly elections or a particular Assembly election.
- (2) On the specified day, the proxy appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#).
- (3) The Chief Electoral Officer for Northern Ireland must, before the specified day, send the person who is entitled to vote by proxy by means of the proxy appointment—
- (a) a notice informing the person that the appointment ceases to have effect as mentioned in [sub-paragraph \(1\)\(b\)](#) on the specified day (naming that day), and
 - (b) information about how to make a fresh application to vote by proxy.
- (4) As soon as practicable after the specified day, the Chief Electoral Officer must alter the relevant absent voters’ records as necessary to reflect the change to the proxy appointment resulting from [sub-paragraph \(2\)](#).
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions of [Schedule 4](#) come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of [Schedule 4](#) are to be construed accordingly).
- (6) In this paragraph and paragraph 48—
- “Assembly election” means an election to the Northern Ireland Assembly;

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“proxy appointment” means an appointment of a person to vote as proxy for another person;

“relevant absent voters’ records” means any lists prepared under sections 7(4) and 9(9) of the Representation of the People Act 1985 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) which have not been published under regulation 66(3) of the Representation of the People (Northern Ireland) Regulations 2008 (S.I. 2008/1741) (as so applied);

“relevant provisions of Schedule 4” means paragraphs 2(2) and 6(2) of Schedule 4;

“specified” means specified by the Secretary of State in regulations made by statutory instrument.

Commencement Information

I21 Sch. 6 para. 47 not in force at Royal Assent, see **s. 67(1)**

I22 Sch. 6 para. 47 in force at 31.10.2023 by S.I. 2023/1145, **reg. 2(g)(ix)** (with Sch. para. 7)

- 48 (1) This paragraph applies to an application for a proxy appointment under section 7(1) or (2)(b) of the Representation of the People Act 1985 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) that is made before, but not determined by, the day specified for the purposes of [this paragraph](#) (“the specified day”).
- (2) The application is to be treated as not having been made.
- (3) The Chief Electoral Officer for Northern Ireland must, as soon as practicable, send each person whose application is affected by [sub-paragraph \(2\)](#) information about how to make a fresh application to vote by proxy.
- (4) [Sub-paragraph \(2\)](#) does not apply where the application was made on or after the day on which the relevant provisions of [Schedule 4](#) come into force.
- (5) More than one day may be specified for the purposes of this paragraph if the relevant provisions come into force on different days (and in such a case references in this paragraph to the specified day and to the relevant provisions of [Schedule 4](#) are to be construed accordingly).

Subordinate Legislation Made

P1 Sch. 6 para. 48: 31.10.2023 specified for the purposes of Sch. 6 para. 48 by S.I. 2023/1145, **reg. 6(5)(b)**

Commencement Information

I23 Sch. 6 para. 48 not in force at Royal Assent, see **s. 67(1)**

I24 Sch. 6 para. 48 in force at 31.10.2023 by S.I. 2023/1145, **reg. 2(g)(ix)**

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